

ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 698 OF 1987

NAME OF THE PARTIES..... Jagdishwar Prasad

.....Applicant

Versus

..... v. o. I. 8

.....Respondent

Part A,B & C

Sl. No.	Description of documents	Page
1	Index	A-2 ✓
2	Order Sheet High Court	A-6 ✓
3	Order Sheet, Lucknow Bench	A-7-10 ✓
4	Circuit Bench Lucknow	A-11 ✓
5	Judgement	A-12-20 ✓
6	Court fee Subitted	A-21 ✓
7	Petition copy	A-22-34 ✓
8	Annexures	A-35-44 ✓
9	Power	A-45-46 ✓
10		
11		
12		
13		

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 25/3/2011.....

File B/C destroyed on 09-5-12

Counter Signed.....

Section Officer / in charge


 Signature of the
Dealing Assistant

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Date and number of case.....3058-82.....

Name of parties.....T. Jageshwar Reddy v. Senior Divisional engineer

Date of institution.....24.1.80.....

Date of decision.....

Re. no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
A.		General Index	1			Rs. P.		
A2		Order sheet	1					
A3		Commands with Annexes A Affidavit	22	5	102/-			
			25	102	6/-			
4.		Power	1	2	05			
5.		Supply of affidavit	3-		2.00			
6.		Comd. 852(w) 0681	3-		7.00			
7.		Comd. 1929(w) 0681	3-		7.00			
8.		Comd. 1596(w) 0684	4-		7.00			
9.		order 82nd -	3-		-			
10.		Barber copy	1-		-			

I have this

day of

198

examined

I have record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps the aggregate value of Rs that all orders have been carried out, and that the record is complete and order up to the date of the certificate.

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. 3058 of 1980.

Jageshwar Prasad

... Petitioner

Vs.

Senior Divisional Mechanical
Engineer, Northern Railway
Lucknow and another

... Opp. Parties.

INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Memo of writ petition	1-7
2.	Ann.1- copy of suspension order	8
3.	Ann.2- copy of charges	9
4.	Ann.3- copy of Inquiry Report	10-12
5.	Ann.4- copy of show-cause notice	13
6.	Ann.5- copy of reply to show-cause notice.	14-15
7.	Ann.6- copy of removal orders	16-17
8.	Ann.7- Impugned order of reduction in rank. (In original)	18
9.	Ann.8- copy of appeal	19-20
10.	Affidavit	21-22
11.	Power	

G. Kalwani
(G. Kalwani)
Advocate

Lucknow, dated

Counsel for the Petitioner.

21/10/1980.

21/10/80

9
1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 3058 of 1980

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
26.10.80	<p>Hon. T.S. M.J.</p> <p>Hon. K.S. V.J.</p> <p>Let a Supplementary _____ ----- week.</p> <p>80. T.S. M.J.</p> <p>80. K.S. V.J.</p> <p>26-10-80</p>	
26.11.80	Final pos	B
27.11.80	Wrd for orders	
	<p>Hon. Gopal P</p> <p>Hon. M. A. P</p>	
3-12-80	<p>arist for order.</p> <p>Hon. M.S. J.</p> <p>Hon. K. N. G. J.</p>	<p>No time left Adjourned</p> <p>B. C. str</p>
	<p>As prayed for by the learned Counsel for the petitioner, the Case Ruled out today.</p>	

b. No.

3.12.80
✓

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 3002 of 1972

vs.

Date	Note of progress of proceedings and routine orders	Date to which cause is adjourned
1	2	3
25-3-81	<p>5-3-81. <u>Fixed for orders</u> <u>Hon'ble Sr. J.</u> <u>Hon'ble Miss J.</u> <u>Stand over</u> <u>Boyle</u> <u>8</u> <u>3/3/81</u></p>	<u>13/3/81</u>
11-3-81	<p><u>Wait for orders</u> <u>dr. K. S. V. J.</u> <u>dr. J. W. G. J.</u> <u>8</u></p>	
17-3-81	<p><u>Wait for orders</u> <u>Hon'ble Sr. J.</u> <u>Hon'ble H. G. J.</u> <u>8</u></p>	
25-3-81	<p><u>Wait for orders</u> <u>Hon'ble Sr. J.</u> <u>Hon'ble Goyal</u> <u>Hon'ble D. N. D. J.</u> <u>Hon'ble K. N. D. J.</u> <u>Put up tomorrow</u> <u>8</u></p>	

(5)

A-2
A/B

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

List No. 30581 of 1980

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
get 12/84	fixed in C.R. An. 1596 (W) 84 for orders	Tied Hon. S. J.
24/1/84	Hon. M. N. Shukla, A.C.J. list this application for orders after one month	
24/1/84		
30/4/84	fixed in C.R. An. 1596 (C) 84 for orders	Tied Hon. S. J.
4.5.84	fixed in C.R. An. No 1596 (C) su f. o.	
	Hon. Justice	
	The application is allowed. The case shall be treated as expedited	

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

~~D.A.T.A.~~ No. 698 1987(7)

Sageshwar Pd.

Applicant(s)

Versus

Union of India.

Respondent(s)

Sl. No.	Date	Orders
	<u>28.4.89</u>	<p>Notices issued to the both parties by Regd. party for the hearing of the matter on 26/5/89.</p> <p style="text-align: right;">✓ 28/4</p> <p><u>OR</u> This case has been received from C.A.T. All on.</p> <p>Case is admitted. Notices issued to the both parties on 28.4.89 through regd. post. dated 26.5.89.</p> <p>No counter & reform filed.</p> <p>No undelivered regd. cover have been returned.</p> <p>Case is submitted for order.</p>
	<u>26.5.89</u>	<p>Decision</p> <p><u>28/5/90</u></p> <p><u>K.K. Bhat</u></p> <p>No Sitting. Adjourned to 26.6.89.</p> <p style="text-align: right;"><u>B.O.C.</u></p> <p><u>OR</u> Notices were issued to the o.p.c. through regd. post dated 26.5.89. Neither any undelivered regd. cover have been returned back.</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 690 of 1987 (1)

9
8/5

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
22-1-90	<p>माननीय न्यायमूर्ति को. नाम्य०, ३पाइधा मान्य० एवं को. ज० राम०, ३पाइधा</p> <p>प्राप्ति आर पुलिवापी का अधिवक्ता जा द्या आजराध पर दवा-तरित रह पायिका 21-1-90 का सनवाद के लिए सुविधालय समित जाता है।</p> <p>h लप्त्य (क०)</p>	3पाइधा
11-1-90	<p>No sitting. Adj. to 11-1-90. Both the parties are present.</p> <p>21/1/90</p>	
11-1-90	No sitting. Adj. to 16-1-90	
14-2-90	<p>No sitting. Adj. to 14-2-90. J.Pd. Applicent is in person & Yc fa. Dr. A. Srivastava are present.</p> <p>11/1/90</p>	<p>ER No reply filed. Submitted to Ex-Parte hearing by directed by the Court on 14-2-90.</p> <p>15/1/90</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

CIRCUIT BENCH LUCKNOW

TA. NO. TA 698 1987.

(W.P. No. 3050/80)

DATE OF DECISION _____

Japeshwar Prasad PETITIONER

G. Kalwani Advocate for the
Petitioner (s)

VERSUS

Sr. Divisional Mechanical
Engineer, M.R. & Co & 2 others RESPONDENT

Amil Srivastava Advocate for the
Respondent (s)

CORAM :

The Hon'ble Mr. Justice Kamleshwar Nath, V.C.

The Hon'ble Mr. K. J. Ramam, A.M.

1. Whether Reporters of local papers may be allowed Yes
to see the Judgement ?
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair No
copy of the Judgement ?
4. Whether to be circulated to other Benches ? M

On
5/4/80

(12)

~~RE~~

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH.

Registration T.A. No.698 of 1987

(Writ Petition No.3058 of 1980 of the High Court)
of Judicature at Allahabad, Lucknow Bench, LKO)

Jageshwar Prasad Applicant

Versus

Senior Divisional Mechanical Engineer,
Northern Railway, Lucknow & 2 Others... Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.J. Raman, Member (A)

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

The Writ Petition described above is before this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 for quashing an order dated 11/16.5.78 whereby the applicant was removed from service and the appellate order, Annexure-7 dated 19.9.78 whereby the punishment of removal was substituted by an order of reduction from the post of Driver grade 'B' to Driver grade 'C'.

2. The applicant, Jageshwar Prasad was working as a Driver grade 'B' in the Northern Railway when on 3.3.77 he was driving Railway Engine 24421 HPS to Loco Shed Lucknow. Ahead of him Shunter Usman Ali alongwith Fireman Ram Autar-I was driving his Engine No.8947 WG to the same Loco Shed. It was about 1.45 hours (i.e. shortly after mid night). The buffer lights of Usman Ali's engine were on but the applicant who was driving his engine with head lights on, collided with

Usman Ali's engine. The collision caused damage to both the engines and the Fireman Ram Autar-I of Usman Ali's engine also fell down. It was alleged that the cause of this damage and injury was the negligence of the applicant.

3. On this basis the applicant was chargesheeted, the statement of Articles of Charge is contained in Annexure-I. The enquiry was entrusted to one Harbans Lal who fixed 18.2.78. On that date the applicant as well as Shunter Usman Ali were present. The applicant was required to nominate his defence helper and on his request for 10 days time to arrange for defence helper; the proceedings were fixed for 1.3.78. On that date the applicant did not turn up on the ground that he was ill. The applicant did not turn up even later. The Inquiry Officer then proceeded ex parte, recorded the statement of Shunter Usman Ali. He also perused certain reports and found the charge proved vide enquiry report, Annexure-3.

4. The Disciplinary Authority considered the report of the Inquiry Officer, recorded his agreement with the findings of the Inquiry Officer and held the charge proved. He held that the applicant was not a fit person to be retained in service and proposed a punishment of his removal from service. He gave an opportunity to the applicant to make representation against the proposed penalty. The applicant filed a reply dated 29.3.78, Annexure-5. He complained that the Inquiry Officer had not given him full opportunity

to go through the relevant documents or to nominate his defence counsel. He added that Shunter Usman Ali was responsible for the accident because the tender buffer lights of Usman Ali's engine were not on. He also stated that he was on leave from 27.2.78 to 4.3.78 due to sudden illness of his wife.

5. The Disciplinary Authority then considered the applicant's representation and did not find it satisfactory. He held the applicant guilty and imposed the punishment of removal from service by order, Annexure-6 dated 11/16.5.78.

6. The applicant preferred an appeal to the Divisional Supdt. of the Railways. By an order dated 19.9.78, Annexure-7 the Divisional Supdt. held that correct procedure in enquiry had been followed, that the applicant should have ensured his attendance during the enquiry on the date which was fixed specially at his own request, that the charges were of a serious nature, that the applicant's record of service was very very bad and that only as an act of clemency he decided to reinstate the applicant by reducing him to the post of Driver 'C' for a period of three years with proforma fixation and without any effect on his future prospects after the expiry of the period of punishment. He also ordered that the period of time from removal to reinstatement should be regularised as leave due to him.

7. The applicant's case is that since he was on leave from 27.2.78 to 4.3.78 on account of the illness of his wife in his home town for which he had

(76) 8/15

himself. It is admitted that when the enquiry proceeding was taken up on 18.2.78, the applicant was present and on the applicant's request he had been given 10 days time to arrange for his defence helper and the case was fixed for 1.3.78. It is admitted in para 6 of the Writ Petition that before the Inquiry Officer the applicant had prayed for time for appointment of his defence helper and the Inquiry Officer fixed 1.3.78 as the date for his appearance. It was however added there, that on account of serious illness of his wife he was away on leave from 27.2.78 to 4.3.78 and that he had informed the Inquiry Officer as well as the opposite Party No.1 i.e. the Disciplinary Authority, to that effect. In para 7 it was stated that even after due information to the Inquiry Officer for non-availability of the applicant for participation in the enquiry proceedings, the Inquiry Officer proceeded with the enquiry on 1.3.78 ex parte and recorded the finding of guilt in Annexure-3. The learned counsel for the opposite parties refers to the observations of the Inquiry Officer in Annexure-3 that although the date was fixed for 1.3.78, the applicant did not submit the name of his defence helper upto the last minute nor turned up to attend the enquiry and that on "call book", he was not found at his quarter. The contention is that the applicant never informed the Inquiry Officer about his taking leave for the period from 27.2.78 to 4.3.78 while the enquiry ^{officer} nevertheless tried to find the applicant at his quarter " on call book". Paras 3 and 5 of the applicant's representatio

dated 29.3.78, Annexure-5 reveal significant circumstances. In para 3 he said that the Inquiry Officer, who completed the enquiry in absence of the Presenting Officer as well as the defence helper, "could have found out the reason of absence rather than to rely upon the statement of G.D. Misra." In para 5 he said that G.D. Misra could have informed the Inquiry Officer about his absence on leave from 27.2.78 to 4.3.78. The significant feature is that neither in these paragraphs particularly nor in his representation, Annexure-5 as a whole, the applicant ever stated that he had informed the Inquiry Officer about his proceeding on leave as stated in paras 6 & 7 of the Writ Petition. Shri G.D. Misra is the person (vide Annexure-3) who informed the Inquiry Officer that the applicant was not found at his quarter. There is nothing on the record to show that the Inquiry Officer had any reason to believe that the applicant was out of station for good reasons. On the own showing, the applicant claims to have been away on account of the illness of his wife, not on account of his own illness. The Inquiry Officer therefo was perfectly justified in proceeding ex parte and the applicant cannot complain of not having got the adequate opportunity. It will be noticed that the subject matter of the charge was in a very narrow compass. Admittedly, the two engines were proceeding to the Loco Shed at that hour of the night, the applicant's engine following Shunter Usman Ali's engine. The grievance of the applicant, according to his representation, Annexure-5, is that the buffer lights of Usman Ali's engine were not

on and the Usman Ali took no action to "protect" the engine. The enquiry report clearly mentions that the statement of Usman was that the buffer lights of his engine were on. Usman Ali's statement further was that full head lights of the applicant's engine also were on and yet applicant's engine dashed against his engine. It is not stated by the applicant that the head lights of his own engine were not on; indeed, the presumption is that in driving the engine at that hour of the night the lights of the engines must have been on.

11. The enquiry report further mentions that Usman Ali had stated that he had tried to alert the applicant by sounding the Whistle of his engine but the applicant could not stop or control his engine as there was no power brake in that engine, the applicant having already closed the boiler Vac Steam Cock which he had checked personally. In his representation the applicant complained that although Usman Ali had stated the applicant to be responsible for closing the Vacuum Steam Cock, Usman Ali did not mention that the power brake of Usman Ali's own engine was defective. It is difficult to see how the defective brake system of Usman Ali's engine could be responsible for the collision of the applicant's engine with Usman Ali's engine; after all, the Usman Ali's engine was moving forward and ahead of the applicant's engine and if the former's brakes were defective it would have only sped away even as the applicant's engine could not be stopped by the applicant.

11. We must make it clear that we are not sitting

in appeal against the findings recorded; all that we are trying to do is to find whether there was material in support of the applicant's contentions or in support of the Inquiry Officer's findings. The matter which has been placed on this record contains only those relevant portions which we have already referred and we think that they negative the case of the applicant that he was prevented by bonafide cause, ^{or} for his inability to be present when the case was taken up on 1.3.78 or that the Inquiry Officer had any reason for believing so. The material also indicates that the Inquiry Officer had before him evidence on the basis of which he could arrive at the finding that the applicant was negligent.

12. It is unfortunate that the record of the enquiry file has been lost, but the absence of the record is not very material because the points raised by the applicant are not such as could not be decided in the absence of the record. It is a safe presumption that the enquiry was conducted by the Inquiry Officer in a regular manner. Such presumption is rebuttable; but in the absence of the material to rebut the same, the presumption must prevail. The rebuttal must be set out in the statement of the case of the party which challenges the validity of the proceedings. The grounds which have been taken by the applicant in the present case have been found to be unsustainable as discussed above.

13. The learned counsel for the applicant

urged that it was a pure case of accident and that the Disciplinary Authority had failed to prove that the accident was a deliberate act of the applicant. The contention is misconceived because there was no charge of the applicant's causing accident deliberately; the charge was that the applicant was not cautious and vigilant (vide Annexure-2).

14. We have considered the submissions of both the sides and the material available on the record carefully and we find no substance in the case.

15. The Writ Petition/Application is dismissed. Parties shall bear their costs.

Harish Chandra

Member (A)

Om

Vice Chairman

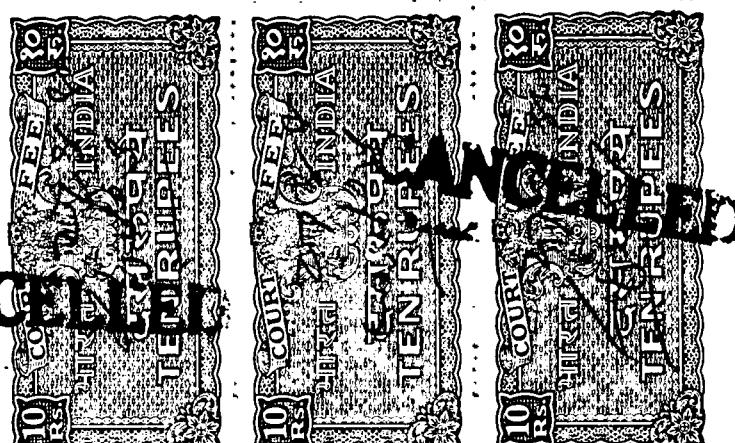
Dated the 5th April, 1990.

RKM

INDIA COURT FEE

(21)

70 RS.



In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

...
Petition No. of 1900.

Ja^geswar Prasad ... Petitioner
Vs.

Senior Divisional Mechanical
Engineer Northern Railway &
another ... Opposite parties

COURT FEE SUBMITTED.

[Signature]

(गोपनीय II)
Advocate

Lucknow, dated Counsel for the Petitioner.

9th October 1900

A/2
2/2

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad, aged about 52 years, son of
Shri Ram Phal, at present employed as Driver Gde C
Divisional Supdt's Office, Northern Railway
Lucknow.

... Petitioner

Vs.

1. Senior Divisional Mechanical Engineer,
Northern Railway, Lucknow.
2. Divisional Superintendent, Northern Railway
Lucknow.

3. Union of India, through the Secretary of
Railways Deptt. New Delhi ... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

The petitioner named above most respectfully
showeth:

75/477
Circular
22.10.80
L.H.B.P.

1. That the petitioner was initially appointed to the post of Cleaner in the year 1943. He was promoted to the post of Shunter in the year 1952. Having achieved good reports, he was again promoted to the post of Driver Grade 'C' in the year 1956.
2. That while working as Driver Gde 'C', the petitioner's work and conduct was found to be excellent and he was again promoted to the post of Driver Gde 'B' in the year 1974.

YPR

3. That the petitioner was placed under suspension under the orders of opposite party no.1 dated 14.3.1977 on the pretext that a disciplinary enquiry is contemplated against the petitioner. This suspension was given effect from 3.3.1977 while the suspension orders were issued on 14.3.77. A true copy of suspension order is annexed herewith as Annexure no.1 to this writ petition.

4. That charge-sheet was issued on 22.3.77 containing only one charge to the effect that the petitioner while bringing Engine No.24421 HPS to Locoshed Lucknow on 3.3.77 was not cautious and vigilant while driving the above engine as a result of which his Engine No.24421 HPS collided with Engine No.8947 IG at about 1.45 hrs on 3.3.1977 near Mawaiya Bridge in Locoyard causing damage to both the engines and falling down of Sri Ram Autar I Fireman of Engine No.8947 IG. A true copy of statement of Article of Charge framed is annexed herewith as Annexure no.2 to this writ petition.

5. That Sri Harbans Lal, J.L.I.(Diesel) Lucknow was appointed as Inquiry Officer to enquire into the charges framed against the petitioner. This order was passed by opp. party no.1 on 22.10.1977.

6. That before the Inquiry Officer, the petitioner prayed for time for appointment of his defence helper. The Inquiry Officer however fixed 1.3.1978 as a date for appearance of the petitioner but on that date the petitioner was away on leave with effect from 27.2.1978 to 4.3.1978 as the

for

23

3

wife of the petitioner has fell seriously ill at his home town. The petitioner accordingly informed to the Inquiry Officer as well as opposite party no.1 to this effect and proceeded on leave after duly sanctioned the same.

7. That even after due information to the Inquiry Officer for non-availability of the petitioner for participation in the Inquiry Proceedings, the Inquiry Officer proceeded with the inquiry on 1.3.1978 ex-parte, and recorded the findings that the petitioner was responsible in the case of accident. A true copy of his report is annexed herewith as Annexure no. 3 to this writ petition.

8. That before the Inquiry Officer, the petitioner was not afforded full opportunity to defend himself and the Inquiry Officer proceeded with the inquiry even after he came to know about the leave granted to the petitioner. The Inquiry Officer ought to have fixed some other date for the inquiry in order to afford an opportunity to the petitioner.

9. That on the basis of the findings of the Inquiry Officer, a show cause notice was issued by the opp. party no. 1 proposing a punishment of removal from service. A true copy of the show-cause notice dated March, 1978 is annexed herewith as Annexure no. 4 to this writ petition.

10. That the petitioner submitted his reply to the show cause notice bringing out therein that there was no deliberate or intentional act

3102

(K) 

on the part of the petitioner and as such he cannot be held responsible for the alleged accident. It was also pleaded that no substantial loss has been caused to both the engines. It was also pleaded that the Inquiry Officer has not afforded any opportunity to the petitioner but has relied on the sole testimony of Sri Usman Ali, Shunter as correct. A true copy of the explanation submitted by the petitioner in reply to show-cause notice is annexed herewith as Annexure no.5 to this writ petition.

CL

11. That the opposite party no.1 without considering the show-cause reply has held that there is no substance in the reply of the petitioner and accordingly he has passed the orders of removal by way of punishment. A true copy of the orders of removal is annexed herewith as Annexure no.6 to this writ petition.

12. That against his removal from service, the petitioner preferred an appeal before opposite party no.2 who considered the appeal and reduced the punishment from removal to that of reduction in rank as Driver (C) for a period of 3 years with proforma fixation and without any effect on his future prospects after expiry of the period of punishment. The original of the said order is annexed herewith as Annexure no.7 to this writ petition.

13. That the opposite party no.2 had wrongly held that the petitioners' work and conduct was previously bad and that correct procedure has been followed by the Inquiry Officer. As stated in

J.P.C

the preceding paragraphs, the opposite party did not consider that the petitioner had not been accorded any opportunity to defend himself before the Inquiry Officer who had came to know that the petitioner has proceeded on leave with effect from 27.2.1978 to 4.3.1978, and therefore his absence was not deliberate or intentional but was beyond his control.

14. That the opposite party no. 2 has also failed to appreciate that the Inquiry Officer had not recorded as to what loss has been caused to the Government in the alleged accident for which the petitioner was to suffer the punishment. As a matter of fact the petitioner has been punished on the basis of surmises and conjectures.

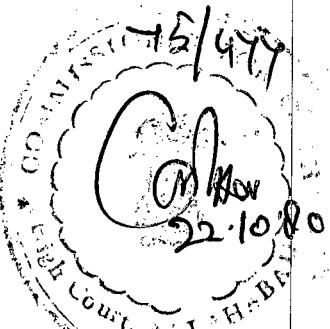
15. That being aggrieved by the aforesaid orders of reversion, the petitioner preferred yet another ^{review petition} appeal for reconsideration of the decision taken by opposite party no. 2. A true copy of ^{review petition} appeal dated 19.9.78 is annexed herewith as Annexure No. 8 to this writ petition. No decision has yet been communicated to the petitioner although the petitioner has sent several verbal and written reminders to the authorities concerned.

16. That the cumulative effect of the reversion of the petitioner was that the petitioner being senior-most Gde 'B' Driver was due for promotion to Gde 'A' Driver but for the alleged inquiry and punishment, he has been deprived his valuable right of promotion.

16-A. That no decision has yet been communicated to the petitioner upon his review petition even

Amended
vide order
dt. 26.3.81.

✓
Ans.



Amendment
allowed on
26.3.81.

J. P. O. —
✓
Ans.

18
10

after sending reminders. The last reminder
was however sent on 23.10.1979."

6

17. That being aggrieved and there being no other alternative and speedy remedy to the petitioner, he prefers this writ petition amongst other on the following

GROUND S

- (1) Because the suspension of the petitioner was illegal as it has been given retrospective effect.
- (2) Because the Inquiry Officer had came to know about the absence of petitioner on leave yet he proceeded ex-parte which has caused denial of opportunity to the petitioner to participate in the inquiry to defend himself. The Inquiry Officer has virtually acted in hurry to prevent the petitioner from taking part in the enquiry held by him.
- (3) Because the petitioner has not been afforded any reasonable opportunity and thus the inquiry held against him is against the principles of natural justice.
- (4) Because the Inquiry Officer has not recorded his finding for the punishment to be awarded for the alleged charge nor it was disclosed to the petitioner when the show-cause notice was given to him by opposite party no.1. Failure to record any proposed punishment by the Inquiry Officer vitiate his findings.
- (5) Because the opposite party no.1 was not justified in coming to the conclusion for imposing the punishment for removal from service of the petitioner.

zpar

(6) Because the Inquiry Officer did not record as to what losses has been caused to the Engines for the alleged collusion. His findings are thus based on surmises and conjectures.

(7) Because the opposite party no.2 has passed the orders of reversion/reduction on the basis of previous record and thus committed a departure from the charge levelled against him. He also failed to appreciate that the absence of the petitioner was due to the circumstances mentioned in his application for leave which was granted to him.

P R A Y E R

It is, therefore, most respectfully prayed that -

(a) by means of a writ, order or direction in the nature of CERTIORARI the orders of removal from service contained in Annexure 6 dated 11/16 May 1978 and Annexure 7 dated 19.9.1978 may kindly be quashed;

(b) by means of writ, order or direction in the nature of MANDAMUS, the opposite parties be commanded to treat the petitioner on the post of Driver Gde 'B' from the date of his removal and to pay his all salary dues etc;

(c) Any other writ, order or direction be passed to which the petitioner is found entitled.

(d) And cost of this writ petition be awarded to the petitioner.

Amendment allowed vide order - (e) A writ, order or direction in the nature of Mandamus be issued commanding the opp. parties to decide the review petition contained in Ann. No. 8 to the writ petition.

(G. Kalwani)
Advocate

Lucknow, dated Counsel for the Petitioner.
October, 1980.

30
8
18

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad ... Petitioner
Vrs.

Senior Divisional Mechanical
Engineer, N.R.Lucknow & ors ... Opp. Parties.

ANNEXURE NO.1

STANDARD FORM NO.1

THE RAILWAY SERVANTS DISCIPLINE & APPEAL RULES, 1968

NORTHERN RAILWAY NO. TG.8/A-5/1/77

Divisional Supdt's Office,
Lucknow: Dated 14.3.77

O R D E R

Whereas a disciplinary proceeding against Shri Jageshwar Prasad, Driver Gr. 'B' Locoshed/LKO is pending.

Now, therefore, the under signed the authority competent to place the Railway Servant under suspension in terms of Schedule I, II & III appended to the Railway servants Discipline & Appeal Rules, 1968 or any lower authority in exercise of the powers conformed by Rule 4 of the Railway Servants Discipline & Appeal Rules, 1968 provision to Rule 5(1) of the Railway Servants Discipline and Appeal Rules, 1968, hereby places the said Shri Jageshwar Pd. Driver Gr. 'B' Locoshed/LKO under suspension with effect from 3.3.77.

He will draw half pay & ~~ISSUE~~ usual allowances thereon during suspension period.

Sd. G.K. MALHOTRA
S r.D.M.E./LKO

To

Sri Jageshwar Prasad,
Driver Gr. 'B'
Locoshed, Lucknow

through: LF/LKO

Copy - E Section for n/a please.

31
✓✓✓

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Grit Petition No. of 1980.

Jageshwar Prasad ... Petitioner
Vs.

Sr. Divisional Mech. Engineer ... Opp. Parties.
Northern Railway & ors

ANNEXURE NO.2

ANNEXURE NO.1

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST
SRI JAGESHWAR PRASAD DRIVER GR. 'B' / LKO

Shri Jageshwar Prasad Driver Grade 'B' / LKO while bringing Engine No. 24421 HPS to Loco shed / LKO on 3.3.77 is charged for not being cautious and vigilant while driving the above engine as a result of which his Engine No. 24421 HPS collided with Engine No. 8947 WG at about 1/45 hrs on 3.3.1977 near Mawaiya Bridge in LKO Yard causing damages to both the engines and falling down of Shri Ram Autar I, Fireman of Engine No. 8947 WG.

Sd. G. K. MALHOTRA
Sr. DME / Lucknow

True copy

zpa

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad ... Petitioner

Vs.

Sr.Divl.Mechanical Engineer
Northern Railway, Lucknow & ors ... Opp. Parties.

ANNEXURE NO.3

Copy of Inquiry Report

HISTORY OF THE CASE.

On 3.3.77 when Shri Usman Ali, Shunter with his Fireman Shri Ram Autar I was taking Engine No.8947 WG to Loco shed Lucknow with his both buffers of his engine burning when he was near Mawaiya Bridge and just near of Loco gate signal in Lucknow Yard, He saw engine no.24421 HPS in the charge of Shri Jageshwar Prasad Driver Gr.'B' following behind his Engine with its full head light burning. Shri Jageshwar Pd.driver did not stop and control his engine and collided with Engine no.8974 WG at 1.45 hrs on 3.3.77 near Mawaiya Bridge, as a result of which both the engines damaged badly and Shri Usman Ali Shunter of 8947 WG fell down on foot plate and his F/Man Shri Ram Autar I got severe jerk. Driver Shri Jageshwar Prasad of Lucknow has thus been held responsible for working in a negligent and careless manner constituting serious misconduct as per AIE/Loco report.

PREAMBLE

The said enquiry was fixed on 18.2.78 in LF/LKO Office and Sri Jageshwar Prasad Driver & Shri Usman Ali Shunter were intimated well in time through LF/LKO. Driver Shri Jageshwar Prasad was also asked to submit the name of his defence helper to undersigned with his written consent. Shri Jageshwar Prasad failed and also did not turn up in time and on several calls he turned up in Loco shed LKO and gave his written request attached on Sl.No.23 to give 10 days more chance to arrange his defence helper. In case he could not arrange his helper he will defend his case himself otherwise he will accept ex parte action against him.

JPDR

Ann. 3 (contd)

2

His request was accepted and was given clear 10 days chance and was fixed on 1.3.78 in LF/IKO Office but even then Shri Jageshwar Prasad did not submit the names of his defence helper upto the last minute neither he turned up to attend the said Inquiry and on call book he was not found at his quarter as confirmed by SNC Shri G.D.Misra.

It is a clear indication that Shri Jageshwar Pd. deliberately avoided the Enquiry and lingering the case by absenting him from duty since 27.2.78 as per written memo of SNC as his statement attached on S.No.25.

Therefore under above mentioned circumstances, undersigned had to take ex parte action in this case to avoid further delay of this case because he was given two chances but he avaded the Enquiry without any concrete reason.

The statement of Shunter Shri Usman Ali was recorded who stated that near Mawaiya Bridge when his Engine was tender fore-most and he was just near the loco gate signal and was busy to confirm the signal aspects which was on danger and he could not move ahead.

In the meantime driver Jageshwar Pd. incharge of Engine no. 24421 HPS following behind his engine with full head light dashed against his engine 8947 WG which caused heavy damage in both the Engines. He also stated in reply of Q.No.2 that he also sounded whistle of his Engine no. 8947 WG to alert the driver but he could not stop and control his Engine as there was no brake power of his Engine 24421 HPS because driver Jageshwar Pd had already close boiler vac steam cock. Again he confirmed it in the reply of Q.No.3 he checked it personally. He also stated in the reply of Q.No.6 that the buffer lamps of his Engines 8947 WG were burning as it was personally checked by driver after dashing by heat.

The report of A&E/LOCO/IKO attached on S.No.3 has also indicated and confirmed the facts and he held Sri Jageshwar Pd driver responsible in this case.

JPM

Ann. 3 (contd.)

FINDINGS

After thorough examination of all recorded witness statements and cross examination and relevant records come to the conclusion that Shri Jageshwar Prasad Driver Gr. 'B' of Lucknow is held responsible in this case for violating GR 76, GR 83 and SR 83/1 and charges framed against him as per SF 5 No. TG/8/A-5/1/77 dated 22.3.77 are correct.

Sd. x x x
ENQUIRY OFFICER
JLI/DSL/PBH.

True copy



gpa

B/S 35

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad ... Petitioner

Vs.

Senior Divisional Mechanical Engineer
Northern Railway and others ... Opp. Parties.

ANNEXURE NO.4

S.F.NO.9(c0)

NORTHERN RAILWAY

MEMORANDUM

No.TGS/A-5/1/77

Divl. Supdt's Office
Lucknow, dated March, 1978

Shri Jageshwar Prasad, Driver is informed that the Officer appointed to enquire into the charge(s) against him has submitted the report. A copy of the report of the report of the Enquiry Officer is enclosed.

2. On careful consideration of the Enquiry Report aforesaid, the undersigned agrees with the findings of the Enquiry Officer and holds that the article of charge(s) is proved. The undersigned has, therefore, provisionally come to the conclusion that:-

Shri Jageshwar Prasad is not a fit person to be retained in service and so the undersigned proposes to impose upon him the penalty of removal from service.

3. Shri Jageshwar Prasad is hereby given an opportunity of making representation on the penalty proposed but only on the basis of the evidence adduced during the enquiry. Any representation which he may wish to make on the penalty proposed will be considered by the undersigned. Such representation, if any, should be made in writing and submitted to the undersigned not later than 15 days from the date of receipt of this by Shri Jageshwar Prasad.

4. The receipt of this Memorandum should be acknowledged by Shri Jageshwar Prasad.

Encl: As above. Sd. Praveen Moudgil
Sr. Divl. Mech. Eng. IKO

To : Sri Jageshwar Pd.
Dr. Grade 'B' Lucknow, through Locd Foreman, IKO.

True copy

(35)

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad ... Petitioner
Vs.

Sr.Divl.Mech.Engr. Northern
Railway and others ... Opp.Parties.

ANNEXURE NO.5

To The Sr.Divl.Mechl.Engineer
Northern Railway, Hazratganj, Lucknow.

Through Proper Channel

Subject: Issue of SF No.9(c) dated 13.3.78.

Reference: DS/Notice No.TG8/A5/1/77 dated March, 78.

Sir,

In reference to above, I protest against the findings submitted by Enquiry Officer (JLI/Diesel-PBH) as it is not correct and is dealt with malafide intention and also the D.A.Rules have not been followed by him. The grounds are under for your perusal and justice in the case.

That the Enquiry Officer has not given full opportunity to go through relevant documents and also not gave opportunity to nominate Defence counsel. He has covered himself by giving a letter through Loco Foreman, Lucknow.

That the Enquiry Officer has completed the enquiry in absence of presenting officer as well as mine. He could have find out the reason of absence rather to rely on the statement of Shri G.D.Misra, B/C. Further he failed to check the attendance in which I was on leave due to sudden casualties of my wife.

That the Enquiry Officer has accepted the statement of Defence Witness Shri Usman Ali, Shunter as correct without doing confrontation of his statement with mine about the said accident, in which he is fully responsible for not burning the tender buffer lamps and as well as for not protecting the Engine No.8947 ~~W.G.~~.

That the Enquiry Officer has hold me responsible

Ann. 5 (contd.)

by treating the case ex-parte, on the said nominated date whereas I was on leave from 27.2.78 to 4.3.78 due to sudden sickness of my wife. Shri G.D.Misra, SMC could have informed about this.

That the Enquiry Officer has hold me responsible for serious accident at Mavaiya Gate without checking the relevant records i.e. the Mechl. Records of Engine No.24421 HPS2 & 8947 MG for the involved period.

That shunter Shri Usman Ali has alleged me responsible for closing the Vacuum Steam Cock, but he did not mention about the brake power of his Engine No.8947 MG which was defective with brake gearing and steam brake body inside fittings.

That the Enquiry Officer has not mentioned about the damages of Locos (Engine no.24421 HPS2 & 8947 MG) involved in accident and for which I am subjected with issue of SF-9(c) dated 13.3.78.

That the Enquiry Officer has also not recorded any statement in connection with accident of mine nor taken my statement in consideration which was submitted on the demand of the then Sr.DME/Lucknow for regularizing the period of my suspension on the false report of DME/Loco, Lucknow.

The above reasonable points will visualise you how far correct is the enquiry findings which has been submitted by JLI(Diesel)/Partapgarh to hold me responsible in the case.

Having the above narration I will request you that the concerning records i.e. Mechanical & Operating may be seized prior to taking any action.

Further more I would request your honour for justice in the case because there was no such mishaps which may amount Removal of my Service.

This is for your information please.

Yours faithfully,

Sd. J. Prasad
Dr. Gr. (B) Locoshed/
Lucknow

Dated: 29.3.78.

True copy

38

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980.

Jageshwar Prasad ... Petitioner

Vs.

Senior Div. Mech. Engineer
Northern Railway & ors ... Opp. Parties.

ANNEXURE NO.6

NORTHERN RAILWAY Form No. 9

Orders of imposition of penalty under Rules 6(vii) to (ix) of Railway Servants (Discipline & Appeal Rules, 1968).

No. TGB/A-5/1/77

Divl. Supdt's Office
Lucknow. Dt 11.5.78
16

Shri Jageshwar Prasad
S/o Shri Ram Phal
Driver Grade 'B' Lucknow.

Through: Loco Foreman, N.Railway, Lucknow.

I have carefully considered your representation dated 29.3.78 in reply to the Memorandum of Show Cause Notice No. TGB/A-5/1/77 dated March 16, 1978. I do not find your representation to be satisfactory due to the following reasons:

"JAB MEN KOI AISI BAAT KAR JAI JISKE ADHAR
PER YAHAN NAJA SAKE KI ACCIDENT ENKI GALATI
SE NAHI HUA".

I, therefore, hold you guilty of the charges viz:

"Shri Jageshwar Pd. Driver Gr. 'B' /IKO while bringing Engine No. 24421 HPS to Loco Shed/LKO on 3.3.77 is charged for not being cautious and vigilant while driving the above engine as a result of which his Engine No. 24421 HPS collided with Engine No. 8947 NG at about 1/45 hrs on 3.3.1977 near Mawaiya Bridge in LKO Yard causing damages to both the engines and falling down of Shri Ram A utar I, Firemen of Engine No. 8947 NG levelled against you and have decided to impose upon you the penalty of removal from service. You are, therefore, removed from service with immediate effect.

2. Under Rule 18 of the Railway Servants (Discipline and Appeal) Rules, 1968 an appeal against these orders lies to D.S. Lucknow provided:

- i) the appeal is submitted through proper channel within 45 days from the date you receive the orders, and

RG/10/2

2

Ann. 6 (contd.)

ii) the appeal does not contain improper or disrespectful language.

3. Please acknowledge receipt of this letter.

Sd.

16/5

Sr. Divisional Mechanical Engineer
Lucknow

True copy



JPW

ਉਤਤਰ ਰੇਲਵੇ

ਮਹਲ ਅਧੀਕਨ ਨਾਈਤਿਧ

लखनऊ दिनांक 19-9-78

पत्रांकु.इ/अपील/ ६६८६

द्वारा ~~DE/IN.Rly/~~ द्वारा द्वारा

विषय:- दंक नोटिस संख्या T6-81A-5/11/22 dt. 11/16-3-18.

द्वारा Removal के विरद्ध अपील
from Service =

ਸੰਖੇ:- ਆਪਣੀ ਫਿਲਮ 14-7-28 ਦੀ ਅਪੀਲ

रेल फर्म्यारी अब्दुशासन एवं अपील नियम 1968 के नियम २२० के अनुसार अपील अधिकारी नडले डेवाक्षन लखनऊ ने २०५०/०१०६० द्वारा उपरोक्त आदेश के विरद्ध आपके द्वारा की गई अपील पर व्याब्पूर्वक विचार परने दिम्बलिखित विष्फर्ष व्यक्त किया है।

७) अनुशासन प्राधिकारी के निष्कर्ष अभिलेखों के साथ के अनुसार प्रमाणित है। तथा ~~Correct for concurrence~~ has been followed.
किंतु है। He should have ensured that he attends the enquiry on the date fixed especially at his own request. Charges are of a serious nature against him. His record of service is very, very bad. It is only as an act of clemency that I have decided to re-instate him in service. His punishment is therefore reduced from Removal to that of Reduction as driver (e) for a period of 3 years with ~~pro forma~~ fixation and without any effect on his future prospects after expiry of the period of punishment. Period from Removal to re-instatement to be reckoned from 2-
सहायता अधिकारी/तथा निवास
(वीओफोमलहोत्रा)
प्रतिलिपि सूचनार्थ तथा आवश्यक कार्यवाही
१- संविधान लिपिक अधिकारी विभाग
२-

बोस/18-7

75/477

22.10.80

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No. of 1980

Jageshwar Prasad Vs. ... Petitioner
Sr. Div. Mech. Engineer Northern Railway and others ... Opp. Parties.

ANNEXURE NO. 7

इन दि आनरेबुला हाई कोर्ट अफ जुडीकेचर एट इलाहाबाद ,
लखनऊ बैच लखनऊ

रिट पिटीशन नं०

1980

जागेश्वर प्रसाद

पिटीशनर

बनाम

सीनियर डिवीजुनल मेकिनेकल इंजीनियर

म= नार्दन रैलवे लखनऊ आदि

अपो० पार्टीजि

अनेक्षर नं० ४

सेवा में ,

माल अधीक्षक ,
उत्तर रेलवे , लखनऊ ।

किया :- अपोल रिवर्सन और रिमूवल फ्राम सर्विस 11/16-5-1-78 दिनांक
16-5-78 दिनांक अपील 18-1-9-78

1- प्रार्थी का कहना है कि मेरी 35 साल की रेल सेवा है जिसे प्रार्थी ने अपनी वफादारी और अधिक से अधिक रेल के हित में सेवा की है।

2- यह कि प्रार्थी को 1-3-78 की जांच नामेजूदगी छुट्टी पर होते हुये जांच समाप्त कर नौकरी से निकाले के अदेश प्रशासन द्वारा जारी किये गये दिनांक 27-2-78 से 4-3-78 तक

3- यह कि प्रार्थी को प्रशासन द्वारा नौकरी से निकलने का जाने अदेश 16-5-78 को जिस समय प्रार्थी को 136 डाइन 15-5-78 में बुक किया गया था जिसका छूटने का समय लखनऊ से 30-40 था लेकिन गाड़ी लेट होने के कारण प्रार्थी उक्त दिनांक 0-40 मिनट पर लखनऊ से चला जब प्रार्थी को नौकरी से निकाले के अदेश हो चुके उस समय प्रशासन तुरन्त चारबाग रेलवे स्टेशन लखनऊ से उक्त अदेश देकर नौकरी से कार्य मुक्त कर देना चाहिये यह एक अशोभनीय और गैर कानूनी तौर पर नौकरी से हटाये व्यक्ति को प्रशासन के कार्य पर लगा कर लखनऊ से पैजाबाद भेजा गया ।

4- प्रार्थी का कहना है कि प्रार्थी का परमेश्वन 22-9-74 को और 16-5-78 तक कार्य किया इस परमेश्वन तीन वर्ष के बाद कर्मफर्म हो जाने का कोई भी कर्मचारी नीचे रिवर्ड नहीं कीया जा सकता है यह एक गैर कानूनी कार्य है ।



YPS

प्रार्थी के ऊपर प्रशासन ब्वारा यह आरोप लगाया गया है कि आपकी सेवा चरित्र भराब है लेकिन प्रार्थी का कहना कि सेवा चरित्र भराब इसलिये है क्योंकि प्रार्थी सेवा के दौरान जाने या अजाने में अन्न गलतीयाँ जिस पर प्रार्थी के जो भी दङ्गउ अधिकारियों ने दिया प्रार्थी ने खीक्कार किया लेकिन प्रार्थी ने ऊपर सेवा चरित्र भराब होने तक का रिवर्स फ्रेंड में किया यह तब सत्य जब प्रशासन ब्वारा नौकरी में शुरू अब तक जितने दस्त प्रशासन दिये उन्हें तुरन्त माफ कर प्रार्थी एक लिखित पत्र भी जिसमें अंकित हो कि आपके नौकरी शुरू अब तक सारे दस्त माफ कर दिये गये या फिर प्रार्थी को द्वार्द्धवर से सी द्वार्द्धवर रिवर्ड करने प्रशासन कोई अधिकार नहीं है यह प्रार्थी के ओर अन्यथा व फ्रेंटवार है प्रार्थी को सही प्रशासन नहीं दिया कोर्ट में भी दखा करने के प्रार्थी मजबूर होना पड़ेगा प्रार्थी को अपील का सही अन्यथा यथार्थीय देने की कृपा करें।

आपका आङ्गाकारी
जगेश्वर प्रसाद चालक फ्रेंड से
लोको फोरमैन, लखनऊ।

७६/५०७

(सत्य प्रतिलिपि)

Color
22.10.80

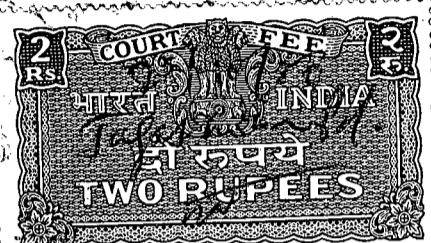
100

(43)

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No.

of 1980.



Jageshwar Prasad

... Petitioner

Vs.

Sr. Div. Mechanical Engineer
Northern Railway, Lucknow & ors

... Opp. Parties.

AFFIDAVIT

I, Jageshwar Prasad, aged about 52 years, son of Shri Ram Phal, at present employed as Driver Grade 'C' in Divisional Supdt Office, Northern Railway, Lucknow, do hereby solemnly affirm and state as under:

15/477
Contra
22.10.80

1. That the deponent is sole petitioner in the abovenoted writ petition and as such he is fully conversant with the facts deposed to in the accompanying writ petition.
2. That the contents of paras 1 to 16 of the writ petition are true to my own knowledge.
3. That Annexure no.1 to 6 and 8 are true copies which the deponent had compared from their originals.

Lucknow, dated
29 October, 1980.

J. G. Prasad
Deponent

Verification:- I, the abovenamed deponent, do

44

8/5

hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge.

No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated
on
22 October, 1980.

*Jageshwar
Prasad*
Deponent

I identify the deponent who has signed before me.

Malik
Advocate.

Solemnly affirmed before me on 22/10/80
at 10.25 AM/PM by Sri Jageshwar Prasad
the deponent who is identified by
Sri G.Kalwani, Advocate, High Court.
I have satisfied myself by examining
the deponent that he understands the
contents of this affidavit which has
been read over and explained by me.

G.Kalwani
OATH COMMISSIONER

High Court, Allahabad

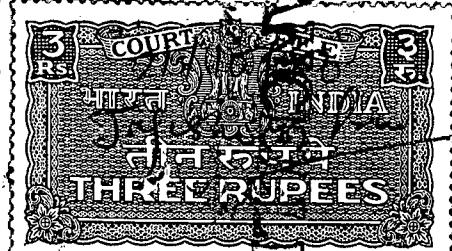
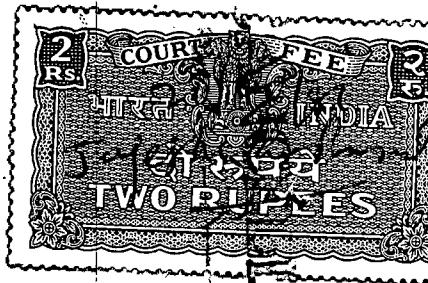
Lucknow Branch

No. TS/477.....
Date.... 22/10/80.....

वादी (मुद्दई) अपीलान्ट

प्रतिवादी (मुद्दालेह) रेस्पाइंट का for Pethikar.

वकालत



Two
Rs 3
Rs 2

Jageshwar Dasad

वादी (मुद्दई)

(अपीलान्ट)

Senior. Civil. Mechanical Engineer, Northern
Railway, Lucknow & another.

प्रतिवादी मुद्दालेह

(रेस्पाइंट)

u.p. No.

न० मुकदमा/अपील/रिवीजन/रिट्रिटिशन

सं० १६४० पेशी

को तारीख माह सन १६ ई० ऊपर जिखे मुकदमा में अपनी
ओर से श्री

KALWANI, Advocate

High Court Lucknow.

एडवोकेट
वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी में जवाबदेही प्रश्नोत्तर को या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सूलहनामा या इकवाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करें या मुकदमा उठावे या कोई रूपया जमा करे या हमारी विष्कौ (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद में लेवे या पंच नियुक्त करें। वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको जुम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *J. J. Munro*

स्वीकृत

ACW.

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 3rd

माह

10

सन १६४०

५०

VAKALATNAMA

C1

before Central Administrative Tribunal, Allahabad, ^{Circuit Bench,}
in the Court of ^{Chidambaram}

Plaintiff
Defendant

Claimant
Appellant
Petitioner

fixed today
Sageshwar Prasad

VERSUS

Sr. Divisional Mechanical Engineer & others

Defendant

Respondent

C.A. No. 698 of 1987 (T) Plaintiff
(W.P. No. 3058 of 1980)

The President of India do hereby appoint and authorise Shri. Anil Srivastava
Rly. Advocate

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

The President hereby agrees to ratify all acts done by the aforesaid Shri.
ANIL SRIVASTAVA

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the day of 197 ..

Accepted
Anil Srivastava
26/6/81

Dated 197 ..

N.R.—120/2—April 1974—2/1/81—11,000 F.

Union of India through
Sr. Divl. Mechanical Engineer,
Rly. Advocate
(Designation of the Executing Officer)