

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.A. 709 OF 1987

NAME OF THE PARTIES R. M. Khanna

.....Applicant

Versus

.....Union of India & others.....Respondent

Part A,B & C

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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 22/3/2011

File B/C destroyed on 09-5-72.

Counter Signed.....

  
Section Officer / In charge

  
Signature of the  
Dealing Assistant

CIVIL

SIDE

CRIMINAL

## GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

W.P. 3961-80

Name of parties.....

A.M. Hammer v. Union of India

Date of institution.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1	1	General Petition	1			Rs. P.		
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3	4	Petition	1	2	5 -			
A	5	C.M.A. 7230 D. 28	2	2	5 -			
B	6	C.B.P.A. 1270(4)-4- 81	1			7.00		
	7	Supplementary C.A.	2			2.00		
	8	C.M.A. 7455(w)-8 with C.A.	28			7.00		
	9	Contra affidavit	3					
	10	Supplementary affidavit	2			2.00		

I have this

day of

198

examined

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

Date.....

Munsarim

Clerk

15.9.89

No Sitting: Adj. to 1-11-89.  
No one is present.L  
15/9Case has been  
recd from CAT, 8/11/89  
on. 11-7-89.Case is admitted  
Stay is granted  
Supplementary c  
filed  
C.A. filed  
No R.A. filed  
Notices issued  
C.A.T. 18/11/89  
submitted to  
orderHon' Mr. D.K. Agrawale, J.M.

1/11/89

This case has been received on transfer  
from Allahabad. Let notices be issued  
to the counsel for the parties.List this case on 18-12-89 for orders.

J.M.

(sns)

S.P.S. have been  
on. 9-12-89. No  
notice have been  
on 11-12-89.No communication  
b/w C.R. and  
relief been to  
submitted toHon' Mr. Justice K. Nath, V.C.Hon' Mr. K. Obayya, A.M.

18/12/89

Shri V.K. Chaudhary counsel for the Op. Parties  
present. None appears on behalf of the applicant.  
Let notice be issued by name to the applicant as  
well as his counsel fixing the case for orders on  
29.1.90.

A.M.

V.C.

(sns)

GL  
Note cc  
Sof  
Notices were  
on 8/1/90.Notice of applica  
his counsel have  
relief been with  
remark "1. P.R.F.U.  
2. C.R.C. 31/12  
relief been to  
submitted to

submitted to

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**CIRCUIT BENCH LUCKNOW**

T.A. NO. 709 of 1987 (T)  
(W.P. NO. 3961 of 1980)

R. M. Khanna

• • • • •

Applicant.

## Verbus

Union of India & Ors

— 8 —

### Respondents.

29.1.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K. J. Raman, A.M.

The Writ Petition was filed on 24.12.1980 to direct the opposite parties not to withhold the payment of D.C.R.G. of the applicant. Notices were issued to the applicant as well as to his counsel. The registered cover addressed to the applicant was returned with the postal remark that the applicant had retired and had left the place. Notices addressed to the counsel have been returned with the report that despite repeated efforts the counsel could not be found. In this situation, no progress can be made in this case. No one is present. The petition is dismissed for non-prosecution.

१८

⑨ Received copy

Received Copy  
for v. K. C. ~~Chen~~ <sup>Chen</sup> ~~Chen~~ <sup>Chen</sup> <sup>SCA</sup>  
C/o Ganesh Name Index <sup>A.M.</sup>  
b. 2-90 checked 3/1/90.

8d/-

V<sub>2</sub>C<sub>6</sub>

True Copy

Mar 3/1/1980

Deputy Registrar - 1  
Central Ad. Tribunal

Lucky 3 24,

6987

13  
C.P. A.W. (16) 0  
XV

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

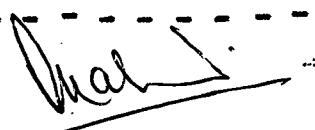
13032

Writ Petition No. 3961-86  
of 1980.

R.M. Khanna ... Petitioner  
Vs.  
Union of India & others ... Opp. Parties.

### I N D E X

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(G. Kalwani)

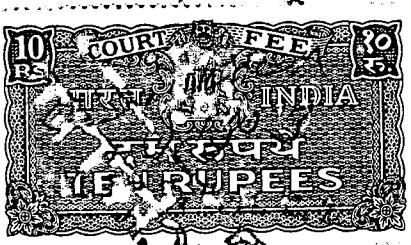
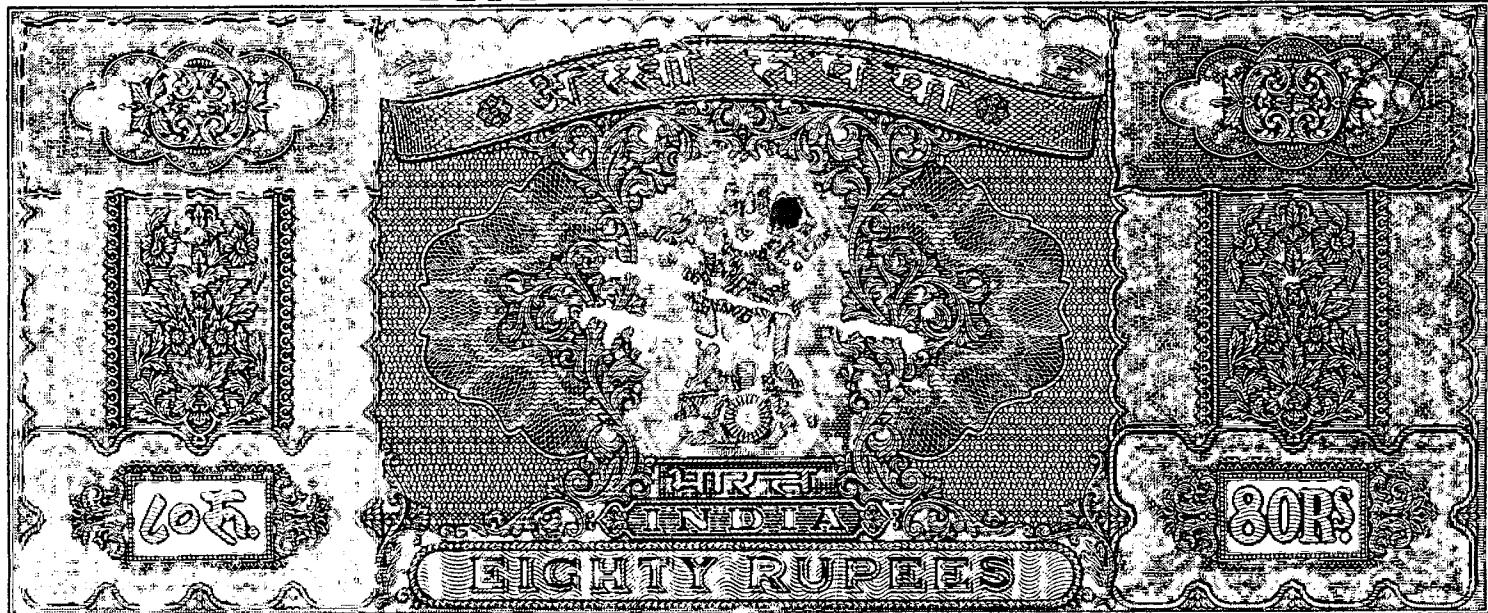
Advocate

Counsel for the Petitioner

Dt. 19.12.1980.

INDIA COURT FEE

80 R.S.



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

One draft Rs. 20/-  
Court fee Rs. 20/-  
for

Ms  
19.12.80

Writ Petition No. of 1980.

R.M. Khanna

... Petitioner

Vs.

Union of India & others

... Opp. Parties

COURT FEE PAID HEREWITH.

*Mal*  
(G. Kalwani)  
Advocate  
Counsel for the Petitioner.

1314  
100

In the Supreme Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Writ Petition No.

of 1980.

R.M. Khanna (Ram Lurti Khanna) aged about 53 years  
son of late L. Charanjit Lal Khanna, at present  
employed as Supdt E.M. Grade I in the office of  
Commander Works Engineers, Agra.

... Petitioner

Vs.

✓ 1. Union of India, through the Secretary, Ministry  
of Defence, New Delhi.

✓ 2. Engineer-in-Chief, Army Headquarters, Kashmir  
House, New Delhi-11.

✓ 3. Chief Engineer, HQ Central Command, Lucknow-2.

✓ 4. Chief Engineer, ~~Northern~~ <sup>West U.P.</sup> Zone, ~~Lucknow-2~~ Bareilly.

✓ 5. Commander Works Engineers, Agra.

✓ 6. Lt. Col. K.C. Sharma of C.A. West, U.P. Zone  
Bareilly, the Inquiry Officer.

... Opp. Parties.

W<sup>IT</sup> PETITION UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA

The humble petitioner of this petition most  
respectfully showeth:

1. That after having the Diploma in Electrical  
& Mechanical, the petitioner entered into the  
services of Military Engineering Service under

the Ministry of Defence, as Supdt E/M Gde II and subsequently the petitioner was promoted on the post of Superintendent Electricals/mechanicals Grade I. His conditions of service are regulated by the Central Civil Services (Conduct) Rules, 1964 and Central Civil Services (Classification Control and Appeal) Rules, 1965 and is being paid his salary from the Defence Service Estimate. The petitioner is not subject to the Army Act, 1950.

2. That the petitioner has been serving the department as Supdt E/M till to date in various assignments and at various places.

3. That in the year 1972 the petitioner was posted as Supdt E/M Gde I in the office of Garrison Engineer, Matura. A court of enquiry was convened in 1974 to enquire into the loss of some fars and meters in the year 1972. The petitioner was examined as a witness in the said Court of Inquiry, the outcome of which was not intimated to the petitioner.

4. That it was only in the year 1978 that the petitioner was intimated through a letter no. J-1b/B/181/11 dated 30 March 78 from the office of Garrison Engineer Factory Works Anna-pore Kanpur to deposit Rs.357.43 paise into treasury as part of the loss caused by the loss of fars and meters. A true copy of the said letter is annexed herewith as Annexure no. 1 along with this letter was annexed the opinion of the General Commanding in Chief, Central Command

152/465/517

Q/HM  
12/XII

QJ

which showed that he had agreed with the opinion of the General Officer Commanding, U.P. Area that 50% loss may be recovered from the petitioner. A true copy of appended opinion of G.O.C.in-C, Central Command is annexed herewith as Annexure no.2.

5. That the petitioner deposited the entire amount of Rs.3,307.48 paise mentioned in Annexure 2 into Treasury on 27.12.1979 without any objection and final order closing Enquiry was passed as the order contained in Annexure 2 was complied with.

6. That the petitioner is a Civilian employee of Class III and his disciplinary authority is the Chief Engineer Central Command, Lucknow.

7. That the petitioner can be awarded any of the minor or major penalties mentioned in Rule 11 of the Central Civil Services (Classification, Control & Appeal) Rules, 1960 which prescribe as under:-

"Rule 11. The following penalties may for good and sufficient reasons and as herein-after provided, be imposed on a Government servant namely:

Minor Penalties

- i. Censure
- ii. withholding of his promotion
- iii. Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of order.
- iv. \*\*\*

8. That the petitioner has already been punished for any negligence or other fault by effecting penal recovery from him as mentioned in letter

152A/125/17

Q/HM  
12/12/11

Annexure 2 and thereby the enquiry was dropped.

9. That despite the fact that the petitioner was punished by effecting penal recovery in compliance with the order contained in Annexure 2 and the enquiry was dropped, but for reasons best known to the respondents the petitioner is being prosecuted afresh jointly with two other persons.

10. That neither a y chargesheet has been issued to the petitioner nor any disciplinary proceedings were initiated against him. Whatever action by way of a minor punishment was inflicted has also been effectuated as the recovery of loss apportioned to the petitioner has already been made good from him.

11. That no further action against the petitioner under law was possible in respect of the charges for which he was awarded minor punishment and recovery was made and the law does not permit to put him in double jeopardy but for reasons best known to the respondents a fresh inquiry has been ordered to be conducted.

12. That the petitioner has now completed his age of superannuation and is due for retirement with effect from 31st January 1981. In order to expedite the oral inquiry and finalization of the same and that the petitioner be released from the further inquiry in the case, he has represented to Chief Engineer Central Command, Incarrow, a true copy of the said representation dated 17 Sept 1980 is annexed herewith as Annexure no.3.

13. That the Chief Engineer Central Command vide his letter no. 900613/25/352/41(Com) dated 20 Sep 80 has intimated that the petitioner shall

152/R/25/517

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12/12

Q

or paid 100% pension which is otherwise admissible to him as provisional pension. Death-cum-retirement gratuity will, however, not be released till the conclusion of the disciplinary proceedings already instituted against him. A true copy of the letter dated 14.10.1980 issued by C.E. Agra Cantt forwarding the extract of the letter of Chief Engineer Central Command Lucknow is annexed herewith as Annexure no.4 to this writ petition.

14. That from Annexure no.2 it is clear that the losses found were amounting to Rs.9449.79 paise and the responsibility for the same was placed upon three persons, namely Bhupendra Singh, A.N. Agarwal and the petitioner and the responsibility fixed upon the petitioner was of Rs.3307.43 paise which he deposited in pursuance of the order contained in Annexure no.1 and the rest of the two persons also deposited the said amount found due against each of them.

15. That the law as it stands is that one cannot be doubly punished, but the respondents illegally and without jurisdiction issued order dated 26.12.1979 to the effect that the respondent no.6 has been appointed as Enquiry Officer and the same shall proceed against the petitioner and the three persons and along with the same submitted memorandum containing Annexure 1 along with the same as charges and in which the petitioner was charged for losses due to his negligence in respect of the entire amount of Rs.9449.79 paise about which the three persons stated above were found responsible and responsibility against each of them was fixed separately and they paid the said amount.

A true copy of the order dated 26th December, 1979

152/12/85(S)

Q/HM  
12/12/81

appointing Enquiry Officer, the memorandum of charge and Annexure-1 containing articles of charge and Annexure-2 statement of imputations of misconduct or misbehaviour are reproduced as Annexures no. 5, 6, 7 and 8 respectively to this writ petition.

16. That the petitioner submitted his representation requesting to withdraw the charge-sheet in view of the fact that in respect of the same charges a minor punishment was awarded and in pursuance of the order passed the petitioner deposited the amount found due against him for his negligence and law does not provide to punish him doubly. A true copy of the reply of the petitioner is reproduced as Annexure no. 9 to this writ petition.

17. That as stated in the earlier paragraphs, the disciplinary authority of the petitioner is Chief Engineer Central Command Lucknow but the present charge-sheet and the Inquiry is ordered to be conducted by the President of India who as a matter fact has no right or title to institute such an inquiry along with others jointly.

*Q1K/M  
12/XI/*

18. That despite this either without rejecting or allowing the request made by the petitioner for withdrawing of the charge-sheet, the Inquiry Officer is proceeding with the enquiry, hence this writ petition.

19. That on account of this illegal enquiry the petitioner will be put to serious financial losses as he will be prevented to get his death-cum-reirement gratuity which is the only saving.

*Q2*

in his old age. It is virtually the only reward of Government Service who have put in entire life. Denial to pay the same at the fag end of service will meant frustration and dejection for the petitioner. The petitioner had many of the liabilities to which he can only meet out of the funds he will receive from death-cum-retirement gratuity.

20. That in case, an ad-interim order staying the impugned enquiry and non-payment of death-cum-retirement gratuity is not passed the petitioner shall suffer irreparable loss and injury. A writ petition No. 2029/80 filed by Sh. A.N. Agarwal has been admitted by this Court & stay orders were passed.

21. That there is no other effective and expeditious remedy except to invoke the jurisdiction of this Hon'ble Court under article 22 of the Constitution of India.

22. That the impugned inquiry and the memorandum and article of charges are illegal, ab initio void, without jurisdiction, malafide, arbitrary and bad in law inter alia on the following

#### Reasons

1. Because the petitioner and two others having been found guilty for losses due to negligence amounting to Rs. 9449.79 paise and the responsibility of the amount having been fixed separately on each of them and they including the petitioner having deposited the entire amount, they cannot be doubly punished and the memorandum and the article of charges issued are without jurisdiction, arbitrary and malafide.

2. Because one the three persons having been found responsible for the losses due to their negligi-

Once and they having deposited the entire amount, the memorandum and article of charges having been issued against the petitioner alleging him to be responsible for the loss of entire amount is manifest on the face of it and is beyond jurisdiction.

3. Because under law one having been punished for some charges cannot be punished for the same charges again. The inquiry vitiates in law and is liable to be quashed.

4. Because the disciplinary authority of the petitioner is Chief Engineer Central Command and therefore the President of India had no authority to draw out disciplinary proceedings along with others.

5. Because under law no further enquiry on the charges on which the petitioner stands punished is possible.

6. Because the Chief Engineer Central Command had no right or title to withhold the payment of death-cum-retirement gratuity in the garb of the present enquiry.

#### Prayer

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

- a) issue a writ, order or direction in the nature of CIRCUM. to call for the record of the case and quash the enquiry against the petitioner in respect of the amount of Rs. 949.79 paise as detailed in the article of charges i.e. Article 6;
- b) issue a writ, order or direction in the nature of CIRCUM. commanding respondents not to inquire into and punish the petitioner for the amount found due against him due to loss on account of negligence as shown in

*Mahesh*  
Adv.

Annexure 1 and as added vide Annexure 2 and  
admittedly deposited thereafter by the petitioner.

c) issue writ order or direction in the nature  
of mandamus commanding the opp. parties not  
to withhold the payment of death-com-reirement  
gratuity on account of the alleged inquiry (Annexure 6).

d) an other writ order or direction may be  
issued to which the petitioner is found  
entitled;

e) award costs throughout.

And as is duty bound the petitioner shall ever pray.

(G. K. M. I.)

Advocate

Lucknow, dated

JULY 21 FOR THE PETITIONER.

17th December, 1980.

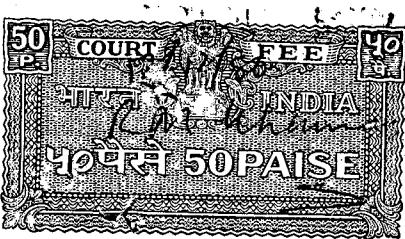
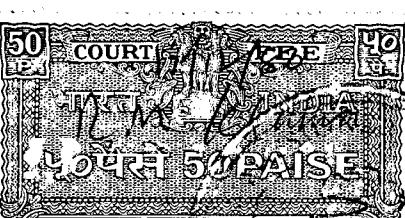
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105

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

Writ Petition No.

of 1980.



R.M. Khanna

... Petitioner

Union of India & others

... Opp. Parties.

AFFIDAVIT

I, R.M. Khanna, aged about 58 years, son of late L. Charanjit Lal Khanna, at present employed as Supdt E/M Gde I in the office of Commander Works Engineers, Agra, the deponent, do hereby solemnly affirm and state as under:

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 paragraphs 1 to 21 of the accompanying writ petition are true to my own knowledge.

3. That Annexure no. 1 to 9 are true copies which the deponent had compared from their originals.

Lucknow, dated

12 December, 1980.

Deponent

Verification:- I, the abovenamed deponent, do 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  
December, 1980.

Deponent

I identify the deponent who has signed before me.

Deponent

Advocate.

Solemnly affirmed before me on 12/XII/80  
at 3.30 PM by Sri R.M.Khanna, 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.

(R.K.M)

Qazi Ghulam Ali  
High Court, Allahabad  
I do solemnly declare

152(A) 25(5)  
12/XII/80

12

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

Writ Petition No. of 1980.

R.M.Khanna ... Petitioner  
Vs.  
Union of India & others ... Opp. Parties

ANNEXURE NO. I

CONFIDENTIAL

Telephone 43076

Office of Garrison Engineer  
Factory Works  
Armapore  
Kanpur  
30 Mar 78.

No.C-116/B/181/El

Shri RM Khanna  
Supdt E/M Gde I  
Through: SDO E/M Fy.

COURT OF INQUIRY: LOSS OF ELECTRIC STORES  
FANS & METERS IN GARRISON ENGINEER MATHURA

*M/2/XII*  
Opinion of the General Officer Commanding in  
Chief Central Command on the Court of Inquiry Proce-  
dings for the loss of electrical stores (fans and  
meters) of Garrison Engineer Mathura during Feb 1972  
is enclosed herewith for your acceptance or otherwise  
and depositing the amount in the Govt treasury. Please  
forward the treasury receipt in case the amount is  
deposited in the treasury.

Sd.PV Atre  
EE  
Garrison Engineer (Fy Works)

Encl:One

CONFIDENTIAL

True copy

*Q2*

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

Writ Petition No. of 1980.

R.M.Khanna ... Petitioner  
Vs.  
Union of India & others .... Opp. Parties.

ANNEXURE NO.2

OPINION OF THE GENERAL COMMANDING OFFICER -  
COMMANDING IN CHIEF, CENTRAL COMMAND ON THE  
COURT OF INQUIRY PROCEEDINGS FOR THE LOSS  
OF ELECTRICAL STORES (FANS AND METERS) OF  
GARRISON ENGINEER MATHURA DURING FEBRUARY 1972

1. The General Officer Commanding-in-Chief agrees with the opinion of General Officer Commanding Uttar Pradesh Area and recommends that the following be called upon to make good the entire amount of loss as shown against each:-

(a) Shri Bhupendra Singh, Supdt E/M Gde I	- 45% - Rs.4252.41
(b) Shri RM Khanna, Supdt E/M Gde I	- 35% - Rs.3307.043
(c) Shri AN Aggarwal, AGE E/M	- 20% - Rs.1889.95
	<hr/> <hr/> -Rs. 9449.79

Sd. BHS Grewal  
Brig IC Adm  
General Officer Commandant  
in Chief

Station: Lucknow:  
Dated: 09 May 77.

True copy

14  
15

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

Writ Petition No. of 1980.

R.M.Khanna ... Petitioner  
Vs.  
Union of India & others ... Opp.Parties.

ANNEXURE NO.3

From: MES/8459796 R.M. KHANNA  
SUPDT E/M Gde I  
Office of the Commander Works Engineers  
112 Taj Road, Agra Cantt.

To  
The Chief Engineer  
HEADQUARTERS CENTRAL COMMAND  
LUCKNOW-226002

Through: Proper Channel

Sub: GRANT OF PENSION/DCR GRATUITY ON RETIREMENT  
FROM SERVICE

Sir,

Respectfully I beg to submit the following for your kind consideration and favourable action please.

2. That your headquarters letter bearing No. 909512/21/Pen Gp dated 08 Aug 1980 addressed to CCE Agra stating therein that gratuity will not be released by CDA (Pension) Allahabad till finalisation of the departmental enquiries has amazed and shocked me and my family. From the face of your headquarters letter it appears that no natural justice has been weighed in my case, or it may be that the full facts of the case is unknown to your headquarters. The facts of the case are therefore enumerated in brief below:

(a) Vide opinion of the GOC-in-C, Headquarters Central Command Lucknow, on the court of inquiry proceedings held on 05 Aug 1972, the loss of Electrical Fans and Meters of GE Mathura during Feb 1972, has called upon to make good the entire amount of loss against three individuals officers viz. two Supdt E/M Gde I/II and one AE E/M. The total loss accrued to Rs.9449.79. Of this, I have been charged 35% i.e. Rs.3307.43 paise.

(b) Without going through pros and cons of rules and regulations, myself and the other two individuals involved were directed to deposit the amount

in treasury on the authority of staff court of inquiry proceedings. The GE, Mathura, being ignorant of the rules on the subject had not processed the case as required under Rule 10 of CCS (CC&A) Rules, 1965.

(c) It would be seen that the staff court of inquiry which was held during FEB 1972 was forwarded to me by GE Factory Works, Kanpur vide his letter no. C-116/B/181/E1 dated 30 Mar 1978 directing me for acceptance and depositing the amount in Govt Treasury which is against the spirit of CCS(CC&A)Rules, 1965. The case thereafter remained silent for years together without progressing the same.

(d) After 1½ years, I have received a charge memorandum from the Ministry of Defence stating that the President shall function as the Disciplinary Authority for the purpose of common proceedings and shall be competent to impose any penalties specified in Rule 11(i) to (ix) of CCS(CC&A) Rules, 1965 through CWE AGRA vide his letter No. C-144/RM/2/EICON dated 19 Oct 1979, also directing me to submit my defence statement within the stipulated period which I have already submitted on 05 NOV 1979.

(e) Simultaneously, the panel recovery against the deficiency of electrical stores (Fans & Meters) in GE Mathura amounting to Rs. 3307.43 as directed by CWE AGRA and GE Mathura has been deposited in the Treasury vide SBI TR No.G/16 dated 28 DEC 1979, the same has also been communicated to the Ministry of Defence and E-in-C Army Headquarters, New Delhi vide my application dated 16 JAN 1980.

(f) Lt Col KC SHARMA of CE West UP Zone Bareilly has been detailed as Inquiry Officer. Accordingly, the inquiry was in process, the date 18 Aug 1980 was also fixed for hearing. In the meantime it has been intimated by CWE AGRA vide his letter dated 16 Aug 1980 that the proceedings of oral inquiry be suspended till further orders in view of a court stay order.

(g) I have not taken any action to obtain a court stay order nor I have been consulted in this case. The process of the oral inquiry has been held

up in view of the court stay order and it is not known as to when it will reprocess again.

3. The only process of disciplinary action now to be established is to assess whether I should be awarded any further punishment vide Rule 11 (i to ix) of CCS(C&A)Rules, 1965 in addition to the panel recovery ordered in the proceedings of staff court of Inquiry.

4. I will be transferred to pension establishment with effect from 01 FEB 1981. Your headquarters has intimated that the DCR gratuity will not be released by CDA (P) Allahabad till finalization of Departmental Enquiries under Rule 65 and 74 CCS(Pension)Rules, 1972. Since the Government dues which have been ascertained and assessed by the competent authorities i.e. Rs. 3307.43 (35%) has already been deposited in the Treasury as stated above, the question of now withholding my DCR gratuity should not arise. I should be disbursed with three fourths of the gratuity, withholding one-fourth or ten per cent of the gratuity. In this connection may I please be permitted to draw your kind attention of Rule 71(c)(ii) of CCS(Pension) Rules, 1972.

5. Sir, it may not be out of the way to state that the abnormal delay i.e. approximately 8 years in finalising the Disciplinary case has taken place due to procedural lacune by the concerned office in which I was then serving. Due to administrative procedure in dealing the case, I have to now suffer the consequences for no fault of mine.

6. Sir, at the end I again state since the penal recovery of Rs.3307.43 has already been deposited by me, hence my DCR gratuity amounting to three-fourths as per Rule 71(c)(ii) of CDS (Pension)Rules, 1972 may kindly be released and CDA (Pension) Allahaba communicated with an intimation to CWE AGRA for my information.

7. After having served the department for 36 years the only attracted amount which I expect from the Government on my retirement is the DCR gratuity. If this gratuity is held up due to administrative fault, then I stand no where and will be on 'Hand to mouth'. Sir, this is the only amount through which a pensioner can think to re-settle himself. I hope, Sir, your honour will agree. In case, justice is still not bestowed upon me, I shall be compelled to knock the door of the law for justice.

8. For the above act of kindness, I shall ever pray for your long life and prosperity.

9. Hoping to be favoured with an early order.

10. Thanking you, Sir,

Yours faithfully,

Sd. R.M. Khanna  
Supdt E/M I

Dated 17 Sep 1980.

True copy

On

R.M.

Each Cr. Pensioner

High Court of Hyderabad

4-9-1980

No. 152 (R.S) / 25 (57)

12 / XII / 80

(A/23)

(A/23)

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

Writ Petition No. of 1980.

R.M. Khanna ... Petitioner  
Vs.  
Union of India & others ... Opp. Parties.

ANNEXURE NO. 4

CONFIDENTIAL

Agra Military Exchange 112 Headquarters  
Commander Works Engineer  
112 Taj Road  
Agra Cantt.

C-144/RMK/74/El(Con)

14 Oct 80

MES/8459796 SHRI RM KHANNA  
Supdt E/M Gde I.

Through: DCWE E/M E4.

ORAL INQUIRY: UNDER RULE 14 OF CCS(C&A) RULES, 1965

Reference further to this HQ letter No. C-144/RMK/68/El(Con) dated 16 Aug 80.

2. An extract of CE CC Lucknow letter No. 900613/26/352/El(Con) dated 20 Sep 80 addressed to CE West UP Zone Bareilly, is reproduced below for your information:-

"2. The disciplinary action initiated against Shri R M Khanna, Supdt E/M Gde I is being proceeded with under common proceedings alongwith other delinquent officials involved in the subject case vide Govt of India, Min of Def order No. 78650/250/77/ElD/1281/S/D (lab) dated 04 Sep 79.

3. Shri A N Agarwal, EE, who is one of the delinquent officials involved in the subject case, has filed a writ petition in the Allahabad High Court (Lucknow Bench) on 25 Jul 80 against the disciplinary proceedings instituted against him. The writ petition has been admitted and stay order passed by the Court.

4. In view of the stay order passed by the Court further action to conduct the oral inquiry against all the delinquent officials i.e. Shri AN Agarwal, EE, RM Khanna, Supdt E/M Gde I and Bhupendra Singh, Supdt E/M Gde II has been suspended till vacation of the stay order or decision on the writ petition by the Hon'ble High Court. However, a counter-affidavit has been filed in the court for vacation of the stay order.

12/XI

29

with a further request that in case the Hon'ble High Court deems it fit to grant further extension to the stay order to Shri AN Agarwal, we may be permitted to proceed further in the disciplinary case in respect of S/Shri RM Khanna, Supdt E/M Gde I and Bhupendra Singh, Supdt E/M Gde II. The case is likely to come up before the Hon'ble High Court in due course of time. Further action will be taken as per the decision of the court.

5. Shri RM Khanna, Supdt E/M Gde I is due to retire from service on 31 Jan 81. In case the disciplinary proceedings instituted against him are not finalised by the date he retires from service on 31 Jan 81 he will be granted 100% pension which is otherwise admissible to him as provisional pension. Death-cum-retirement gratuity will, however, not be released till the conclusion of the disciplinary proceedings already instituted against him. Rule 74 (2) CCS (Pension) Rules, 1972 refers."

Sd. B R Azad  
AO II  
FOR COMMANDER WORKS ENGINEER

CONFIDENTIAL

True copy

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12/41

25

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

Writ Petition No. — of 1980.

R.M. Khanna ... Petitioner  
Vs.  
Union of India & others ... Opp. Parties.

ANNEXURE NO.5

No. 78650/250/77EID/3283/S/79/D(Lab)  
Government of India  
Ministry of Defence  
New Delhi the 28 Dec 79.

ORDER

WHEREAS, a Common inquiry under Rule 18 of the CCS(C&A) Rules, 1965, is being held against S/ Shri AN Agarwal, AEE(now EE), RM Khanna, Supdt E/M Gde I and Bhupinder Singh, Supdt E/M Gde II.

AND WHEREAS, the President considers that an Inquiring authority should be appointed to inquire into the charges framed against them.

NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (2) of Rule 14 of the Rules ibid hereby appoints Lt Col KC Sharma of CE West UP Zone Bareilly as Inquiry Officer to inquire into the charges framed against them.

By order and in the name of the President.

Sd. N. N. Mohanta  
Under Secretary to the Govt of India

Shri AN Agarwal, AEE (now EE)  
o RM Khanna, Supdt E/M Gde I  
o Bhupinder Singh, Supdt E/M Gde II  
Lt Col KC Sharma (Inquiry Officer)  
through E-in-C's Branch (EID)

True copy

12/7/11

8/26 21

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

Writ Petition No. of 1980.

R.M. Khanna ...Petitioner  
Vs.  
Union of India & ors ...Opp. Parties.

ANNEXURE NO.6

No. 78650/250/77/ELD/1281/S/D(Lab)  
Government of India  
(Bharat Sarkar)  
Ministry of Defence  
(Raksha Mantralya)  
New Delhi, the 4th Sept. 1979.

MEMORANDUM

The President proposes to hold an inquiry against Shri R.M. Khanna, Supdt E/M Gde I under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III & IV).

*22/IX/79*

2. Shri R.M. Khanna, Supdt E/M Gde I is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge which are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri R.M. Khanna, Supdt E/M Gde I is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or other-

wise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rules, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Shri R.M.Khanna Supdt E/M Gde I is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri R.M.Khanna Supdt E/M Gde I is aware of such a representation and that it has been made at his instance and action will be taken against him violation of Rule 20 of the Central Civil Services (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

7. By order and in the name of the President.

Sd. N.N. Mohanta  
Under Secretary to the Government of India

To  
Shri R.M.Khanna, Supdt E/M Gde I  
Through: E-in-C's Branch.

True copy

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(V.G.J)

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

Writ Petition No. of 1980.

R.M.Khanna ...Petitioner  
Vs.  
Union of India & ors ...Opp.Particles.

#### ANNEXURE NO.7

CONFIDENTIAL Annexure I  
STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST  
MES-8459796 SHRI RM KHANNA, SUPDT E/M I

#### ARTICLE I

That the said MES-8459796 Shri R.M.Khanna while functioning as Supdt E/M Gde I in Garrison Engineer Mathura during the period from Nov 71 to May 72 failed to maintain devotion to duty in the performance of his duties resulting in the following lapses which caused loss to the State to the extent of Rs.9,449.79 :-

(a) Not checking that maintenance of proper records of Receipt/Issue of E/M stores was done by E/M Gde II Shri BHUPENDRA SINGH.

(b) Failed to prevent the keys of the stores room being taken over by Shri ANIL PARMAR, Supdt E/M Gde II from Shri BHUPENDRA SINGH, Supdt E/M Gde II without proper handing/taking over of the stores.

(c) Failed to prevent the issue of stores by Shri ANIL PARMAR without proper handing/taking over from Shri BHUPENDRA SINGH, Supdt E/M Gde II or even checking ground balance by the former.

M/2/XI

#### ARTICLE-II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri R.M.Khanna, Supdt E/M Gde I, is charged for GROSS NEGLECT OF DUTY for not maintaining proper record for overhauling/repairing of 1500 fans against CA No. GE/MTR/26/71-72. He also failed to upto date

✓/20

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Ann. 7 (contd.)

2

the fans and meter register, as a result of which the expenditure of Rs.15,926.58 incurred on overhauling/ repairing of fans could not be linked and verified.

That the said MES-8459796 Shri R.M. Khanna, Supdt E/M Gde I by his above acts has exhibited lack of devotion to duty and conduct unbecoming of a Government servant thereby violating rule 3 of CCS (Conduct) Rules, 1964.

CONFIDENTIAL

True copy

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(160) 23

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

Writ Petition No. of 1980.

R. M. Khanna ... Petitioner  
Vs. ... Opp. Parties.  
Union of India & ors

ANNEXURE NO. 8

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MIS-BEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST MES/8459796 SHRI RM KHANNA, Supdt E/M Gde I.

ARTICLE - I

MES/8459796 Shri RM KHANNA was serving as Supdt E/M Gde I in GE Mathura from Nov 71 to May 72. As Supdt E/M Gde I, it was his responsibility to ensure proper maintenance of records of receipt/issue of E/M Stores in the Sub Division by his subordinates particularly Shri BHUPENDRA SINGH, Supdt E/M Gde II who was the custodian of the stores but Shri RM KHANNA failed in his duties as a result of which loss to the extent of Rs. 9,449.79 was caused to the State.

Shri RM KHANNA, Supdt E/M Gde I also failed to advise Shri ANIL PARMAR not to take over the keys of stores from Shri BHUPENDRA SINGH, Supdt E/M Gde II without proper handing/taking over of the stores.

He also failed to prevent issue of stores by Shri ANIL PARMAR, Supdt E/M Gde II without proper handing/taking over from Shri B HUPENDRA SINGH or even checking the ground balance by the former.

ARTICLE - II

The said MES/8459796 Shri RM KHANNA, Supdt E/M Gde I while serving in GE MATHURA got 1500 ceiling fans repaired/overhauled under contract No. GE/MTR/26 of 71-72 and recorded the measurement in bulk only in the measurement book and also failed to complete the fan and meter register. As a result of this lapse, the expenditure of Rs. 15926.58 spent on repair/overhauling of fans

1/1

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Ann.8 (contd.)

2

could not be linked and verified in audit.

By his above acts the said MES/8459796 Shri RM KHANNA, Supdt E/M Gde I has violated Rule 3 of CCS(Conduct)Rules, 1964.

True copy

1/1

3/12/2011

22

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

Writ Petition No.

of 1980.

R.M. Khanna

Vs.

... Petitioner

Union of India & ors

... Opp. Parties.

ANNEXURE NO. 9

No. RMK/CON/2

Agra Cantt

dated 6.1.1980.

The Honourable  
UnderSecretary to Govt of India  
Ministry of Defence, New Delhi.

(Through: Proper Channel)

Honourable Sir,

Sub: DEFICIENCY OF ELECTRICAL STORES (FANS AND  
METERS) IN GE MATHURA PENAL RECOVERY - REGU-  
LARISATION OF LOSS STATEMENT NO. GE/MTR/67  
OF 12-11-78 FOR Rs. 9449.79

Ref: Govt of India Min of Def order bearing  
no. 78650/250/77/ELD/1281/S/D (Lab) New Delhi dated  
4th Sep 1979 alongwith charge sheet issued to me  
under CME Agra Confidential letter No. C-144/RM/2/  
El(Con) dt 19 Oct 79 and further CME Agra No. 3009/  
6/259/E3 dated 22 Dec 79 (copy enclosed).

2. In continuation of my reply to the above charge  
sheet dt 5 Nov 79 I have to bring the following true  
facts to your honourable kind notice in connection  
with recovery of Rs.3307.43 from my side.

- a) I have deposited a sum of Rs.3307.43 against  
GE Mathura Loss Statement No. GE/MTR/67 dt  
12-11-78 through MRO in SBI Agra vide T.R.  
No. G/16 of 28th Dec 79.
- b) The above TR has since been given by me to  
CME Agra for further necessary action. A copy  
of acknowledgement receipt of CME Agra is  
hereby enclosed.
- c) I have come to know through reliable source  
that a pannel list of Supdt E/M Gde I for  
promotions to AEs is under finalisation. I  
considered that my name must be there by  
virtue of my 34 years long service.

d) The amount of loss which I did not consider due to my own fault has only been deposited by me to obey your orders and to close the chapter and to get the opportunity of promotion availed for the sake of the future career of my children.

e) In this connection it will not be out of place to be mentioned that I am due for retirement by January 1981.

In view of the facts I request your honour to look into the matter sympathetically and the case may kindly be considered now closed and my name may also please be considered for promotion.

For this kind act of generosity I shall ever remain grateful to your honour.

Thanking you,

Yours faithfully,

Sdm R.M. Khanna  
Supdt E/M Gde I  
MES-8459796  
C/o CME Agra.

Copy in advance to:

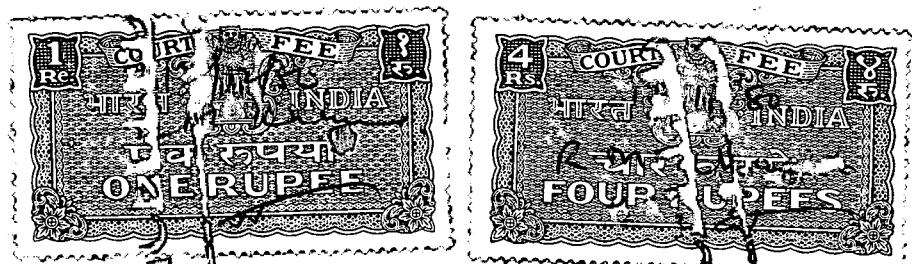
1. The Honourable Under Secretary to G of India Ministry of Defence, New Delhi.
2. Engineer-in-Chief DHQ PO New Delhi.

True copy

12/XI

22/34

व अदालत श्रीमान् *High Court of Judicature at Allahabad*  
 वादी (मुद्दई) अपीलान्ट  
 प्राप्तवादी (मुद्दालेह) रेस्पाइन्ट का *for Petitioner.* — वकालतनामा



*R. M. KHANNA*

24-5  
19. 11.

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वादी (मुद्दई)

(अपीलान्ट)

*Union of India & others.*

वनाम

प्रतिवादी युद्दालेह

(रेस्पाइन्ट)

नं० युक्तदमा/अपील/रिवीजन/रिट्रिटिशन सं० १६ पेशी  
 को तारीख माह सन् १६ ई० ऊपर लिखे युक्तदमा में अपनी  
 ओर से श्री *G. KALWANI, Advocate*

*High Court, Lucknow Bench, 210.* एडवोकेट  
 & C. *Sriram J. A.* वकील महोदय  
 को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है इस युक्तदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी में जबाबदेही प्रश्नोत्तर को या कोई कागज दाखिल करें या लौटावें या हस्तारी और से डिगरी जारी करावें और रूपया बसूल करें या सूलहनामा या इकवाल दावा तथा अपील व निगरानी हस्तारी और से हस्तारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करें या युक्तदमा उठावे या कोई रूपया जमा करे या हस्तारी विपक्षी (फरीकसानी) को दाखिल दिया हुआ रूपयां अपने या हस्तारे हस्ताक्षर युक्त (दस्तखती) रसीद में लेवे या पंच नियुक्त छरें। वकील यहौदय द्वारा की गई वह सब कार्यवाही हस्तक्षेप सर्वथा स्वीकार है और होगी जैं यह भी स्वीकार करता है कि जैं हर पेशी पर स्वयं या किसी अपने पैरोकार जो भेजता रहूँगा अगर युक्तदमा अद्य पैरवी ले एक तरफा लेरे खिलाफ फैसला हो जाता है उसकी जुम्खेदारी लेरे छानील पर नहीं होगी। हसलिए यह वकालतनामा दिया कि प्रमाण रहे और सब्यं पर काल आवे।

हस्ताक्षर १. *(R. M. Khanne)* २.

स्वीकृत

हस्ताक्षर

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

दिनांक १२ माह सन् १६ ई० ६०

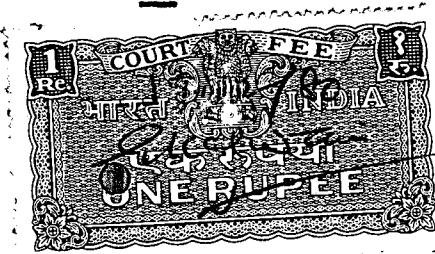
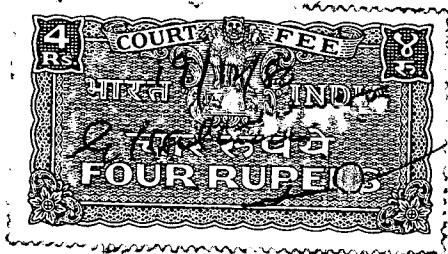
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~~Att~~

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

Civil Misc. An. No. 7230 &c (W) of 1980  
In re:  
Writ Petition No. 3961 &c of 1980.



2-5/2  
R. M. Khanna, son of late L. Charanjit Lal Khanna,  
at present employed as Supdt E/M Grade I in the  
office of Commander Works Engineers, Agra.

23/12/80  
... Applicant/  
Petitioner

Vs

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, New Delhi-11
3. Chief Engineer, HQ Central Command, Lucknow-2
4. Chief Engineer West U.P. Zone, Bareilly.
5. Commander Works Engineers, Agra.
6. Lt Col K.C. Sharma of C.E. West U.P. Zone Bareilly, the Enquiry Officer.

... Respondents/  
Opp. Parties

#### APPLICATION FOR STAY

The humble petitioner begs to state as under:

That for the facts and circumstances stated in the accompanying writ petition duly supported by an affidavit, it will be expedient in the interest of justice to stay further proceedings of Inquiry being conducted in pursuance of Annexures 5, 6 and 7 to the writ petition and that of withholding of the payment of the death-cum-retirement gratuity pension to the applicant after his retirement on 31.1.1981 in pursuance of the said inquiry.

Mal  
Adv.

P R A Y E R

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X

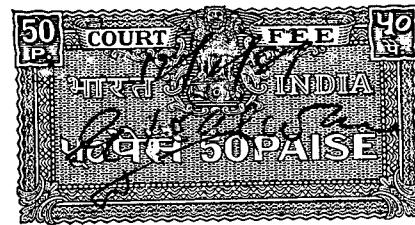
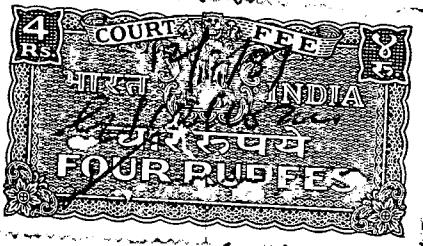
It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay further proceedings of the Inquiry being conducted in pursuance of Annexures 5 to 7 of the writ petition and that of with-holding of the payment of the death-cum-retirement gratuity pension after the retirement of the petitioner on 31.1.1981 in pursuance of the said inquiry.

Lucknow, dated  
19.12.1980.

  
(G. Kalwani)  
Advocate  
Counsel for the Applicant/  
Petitioner.

21  
In the Hon'ble High Court of Judicature at Allahabad,  
Sitting at Lucknow.

1633  
1633  
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Civ. Misc. An. No. 127<sup>c</sup> (W) of 1981  
In re:  
Writ Petition No. 3961 of 1980.



R.M. Khanna

... Applicant/Petitioner

Vs.

Union of India and others

... Opposite-parties.

APPLICATION U/s 151 CPC

The petitioner named above begs to submit as under:

1. That the petitioner had filed the abovenoted court writ petition in this Hon'ble Court which was admitted on 24.12.1980 by a Division Bench of this Court. Along with the writ petition, an application for stay was also moved.

2. That this Hon'ble Court had been pleased to pass the following orders on the stay application:-

"Issue notice. Meanwhile opp. party no. 3 shall complete all the formalities with regard to the payment of death-cum-retirement gratuity to the petitioner but shall not pay the same to the petitioner until further orders.

Sd.T.S.Misra, J  
Sd.K.S.Varma, J  
24.12.1980"

3. That further inquiry proceedings have also been stayed in a writ petition no. 2029 of 1980 filed by Sri A.N. Agarwal Vs. Union of India.

4. That in pursuance of the orders passed by this Hon'ble Court, no further inquiry proceedings are being conducted. As far as the petitioner know, all the formalities have been completed for payment

~~Y.H.A.~~

retirement  
of the death-cum-gratuity and necessary orders for  
payment have been obtained from CDA (Pension) Allahabad  
but payment of which has been withheld by the opp.  
party no.3.

5. That the petitioner has since retired from  
service on 31.1.1981.

6. That the petitioner has already deposited  
the amount as directed in Annexure no.2 to the writ  
petitioner. The other persons have also deposited  
the amount and thus the alleged losses have been  
made good in pursuance of the inquiry held. There  
was no question of instituting second inquiry for the  
same charges by the President of India.

7. That the petitioner had no other savings at  
his disposal. He has many of the liabilities on his  
head and the amount of death-cum-retirement gratuity  
is the only financial assistance to him in his old  
age from which he can meet the financial contingencies  
of his family members.

8. That the opp. party no.3 has withheld the  
payment in the garb of inquiry which infact has  
long been conducted and punishments have already  
been awarded to the persons concerned. There was  
no justification for the opp. party no.1 to have  
ordered inquiry afresh. No counter-affidavit has  
since been filed by the opp. parties.

P R A Y E R

Under the aforesaid circumstances, it is most  
respectfully prayed that this Hon'ble Court may be  
pleased to direct the opp. party no.3 to release  
the payment of death-cum-retirement gratuity to the  
petitioner.

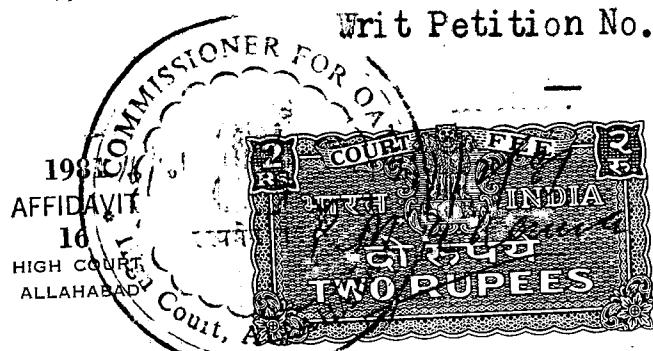
(39)

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

Civ. Misc. A. No. (W) of 1981

In re:

Writ Petition No. 3961 of 1980.



R.M.Khanna

... Petitioner

Vs.

Union of India and others

... Opp. Parties.

**AFFIDAVIT**  
In re:  
APPLICATION U/s 151 CPC

I, R.M.Khanna, aged about 58 years, son of late L.Charanjit Lal Khanna, at present resident of 44, Dholipiau, Mathura (U.P.), the deponent, do hereby solemnly affirm and state as under:

1. That the deponent is sole petitioner in the abovenoted writ petition and as such he is fully conversant with the facts deposed to hereunder.
2. That the deponent had filed the abovenoted writ petition in this Hon'ble Court which was admitted on 24.12.1980 by a Division Bench of this Court. Alongwith the writ petition, an application for stay was also moved.
3. That this Hon'ble Court had been pleased to pass the following orders on the stay application:-

"I issue notice. Meanwhile opp. party no. 3 shall complete all the formalities with regard to the payment of death-cum-retirement gratuity to the petitioner but shall not pay the same to the petitioner until further orders.

Sd. T. S. Misra, J  
Sd. K. S. Varma, J  
24.12.1980"

40

4. That further inquiry proceedings have also been stayed in a writ petition no.2029 of 1980 filed by Sri A.N.Agarwal Vs. Union of India.

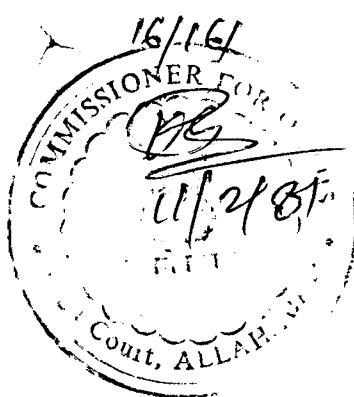
5. That in pursuance of the orders passed by this Hon'ble Court, no further inquiry proceedings are being conducted. As far as the deponent know, all the formalities have been completed for payment of the death-cum-retirement gratuity and necessary orders for payment have been obtained from CDA(Pension) Allahabad but payment of which has been with-held by the opp.party no.3.

6. That the deponent has since retired from service on 31.1.1981.

7. That the deponent has already deposited the amount as directed in Annexure no.2 to the writ petition. The other persons have also deposited the amount and thus the alleged losses have been made good in pursuance of the inquiry held. There was no question of instituting second inquiry for the same charges by the President of India.

8. That the deponent had no other savings at his disposal. He has many of the liabilities on his head and the amount of death-cum-retirement gratuity is the only financial assistance to him in his old age from which he can meet the financial contingencies of his family members.

9. That the opp.party no.3 has with-held the payment in the garb of inquiry which infact has long been conducted and punishments have already been awarded to the persons concerned. There was no justification for the opp.party no.1 to have



ordered inquiry afresh. No counter-affidavit has since been filed by the opposite parties.

Lucknow, dated  
11.2.1981.

Deponent

Verification:- I, the abovnamed deponent, do hereby verify that the contents of paras 1 to 9 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  
11.2.1981.

Deponent

I identify the deponent who has signed before me.

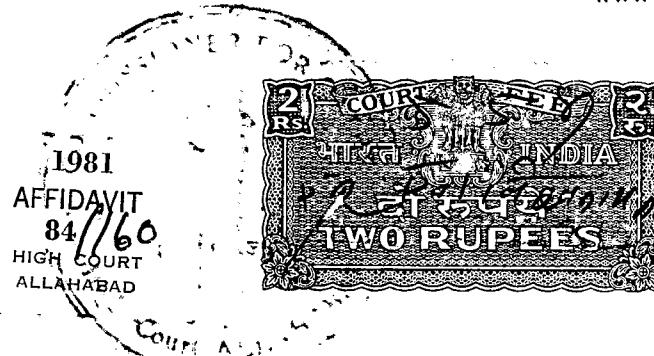
Advocate.

Solemnly affirmed before me on 11/2/81  
at 2.00 AM/PM by Sri R.M.Khanna,  
the deponent who has been 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.

  
K. K. MISRA, Advocate  
OATH COMMISSIONER  
High Court, Allahabad,  
Lucknow Bench  
S. No. 116/161 Date 11.2.1981

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

\*\*\*



92  
S/9

C.M. Appln. No. (w) of 1981

Inre:

Writ Petition No. 3961 of 1980

R.M. Khanna. --- --- Petitioner.

Versus

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

Supplementary counter affidavit to  
the supplementary affidavit dt. 18.3.81.

I, N.N. Vishwanathan aged about 57 years, son  
of Sri N.A. Narayanan, working as Senior Administrative  
Officer in the Office of the Chief Engineer, Central  
Command, do hereby solemnly affirm and state as under:-

1. That the deponent is Senior Administrative  
Officer Office of the Chief Engineer, Central Command,  
Lucknow and is conversant with the facts deposed  
to hereunder:-

2. That para 1 of the supplementary affidavit  
is not denied.

3. That para 2 of the affidavit is denied.

Nishanath  
S/9

43

Disciplinary proceedings have been initiated against the petitioner vide Govt. of India, Ministry of Defence Memo No. 78650/250/77/EID/128/S/D (Lab) dated September 4, 1979. These proceedings are still pending. This is also clear from the assertions made in para 15 of the writ petition.

46

4. That para 3 of the affidavit is denied.

There are charges against the petitioner and charge sheet has also been served upon him.

5. That para 4 of the ~~different~~ affidavit is denied as incorrect. Under rule 74(1)(c) of the C.C.S. (Pension) Rules, 1972 death-cum-retirement gratuity cannot be paid unless disciplinary proceedings pending against an officer are finalised.

Lucknow Dated:

May 5, 1981.

*on 5/5/81*

Deponent.

I, the abovenamed deponent, do hereby verify that the contents of paragraph 1 of this counter affidavit are true to my own knowledge, those of paras 2, 3, 4, are true to my information derived from the records and those of para 5 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated  
May 5, 1981.

*on 5/5/81*  
Deponent.

I identify the deponent who has signed before me.

*Rakesh Kumar*  
(Ahu)

~~Clerk of Sri Brijesh Kumar~~

44

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

\*\*\*

~~Ex-Off~~

C.M. Appln. No. (w) of 1981

Inre:

Writ Petition No. 3961 of 1980

R.M. Khanna. --- --- Petitioner.

Versus

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

Supplementary counter affidavit to  
the supplementary affidavit dt. 18.3.81.

I, H.N. Vishwanathan aged about 51 years, son  
of Sri N.A. Narayanan, working as Senior Administrative  
Officer in the Office of the Chief Engineer, Central  
Command, do hereby solemnly affirm and state as under:-

1. That the deponent is Senior Administrative  
Officer Office of the Chief Engineer, Central Command,  
Lucknow and is conversant with the facts deposed  
to hereunder:-
2. That para 1 of the supplementary affidavit  
is not denied.
3. That para 2 of the affidavit is denied.

Disciplinary proceedings have been initiated against the petitioner vide Govt. of India, Ministry of Defence Memo No. 78650/250/77/EID/128/S/D (Lab) dated September 4, 1979. These proceedings are still pending. This is also clear from the assertions made in para 15 of the writ petition.

4. That para 3 of the affidavit is denied.

There are charges against the petitioner and charge sheet has also been served upon him.

5. That para 4 of the ~~different~~ affidavit is denied as incorrect. Under rule 74(1)(c) of the C.C.S.(Pension) Rules, 1972 death-cum-retirement gratuity cannot be paid unless disciplinary proceedings pending against an officer are finalised.

Lucknow Dated:

May 5, 1981.

Deponent,

I, the abovenamed deponent, do hereby verify that the contents of paragraph 1 of this counter affidavit are true to my own knowledge, those of paras 2, 3, 4, are true to my information derived from the records and those of para 5 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated  
May 5, 1981.

**Deponent.**

I identify the deponent who has signed before me.

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

46

दीवानी विभाग

प्रखीर्णांष ( मुतकिर्क ) प्रार्थना-पत्र सं० सन् १९ ई०

W. P. सं० ३९६१ सन् १९ ४० ई० में

R. M. I. Khanam

प्रार्थी

Union of India & others प्रति

प्रत्यार्थी

Dr. Col. K. C. Sharma

90 E.P. Head-Sub-Zone (mes)

Bareilly

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

के लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि

आप दिनांक १२ माह सन् १९४७ को या उससे

पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उबल प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुमार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा विसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिये कानून अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २३ माह ६

सन् १९४७ को जारी किया गया।

I. K. I. Khanam  
Adv.



तिथि

23

माह

६

R. M. I. Khanam

डिप्टी रजिस्टरार  
इलाहाबाद / लखनऊ

सूचना — इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के आधीन प्राप्त तलबाना मिल गया।

तलबाना पाने वाले कलर्क के एस्टाक्षर



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

7455

C.M. appln. No. (W) of 1982.

Union of India and others. ... ... Applicants.

Inre.

Writ Petition No. 3961 of 1982

Ram Murti Khanna ... ... Petitioner.

Versus.

Union of India and others. ... ... Opposite Parties.

Application for Condonation of delay  
in filing Counter Affidavit.

The applicants beg to state as follows:

1. That counter affidavit could not be filed in time at draft of the counter affidavit was to be vetted by the law ministry of the Central Govt. and it took some time.
2. That the counter affidavit is ready and is being filed herewith.
3. That the delay is genuine and bonafide.

Wherefore it is respectfully prayed that the delay in filing counter affidavit may be condoned and same may be accepted and brought on the record.

Lucknow: Dated

May 27, 1982.

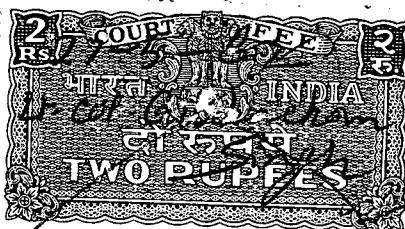
Counsel for the applicants.

Mr. Standing Counsel  
(Central Govt.)  
High Court, Lucknow.

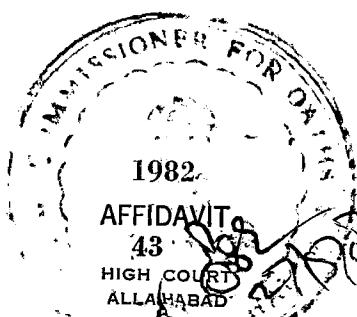
*Bijesh Kumar*

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



XPD



Writ Petition No. 3961 of 1980

Ram Murti Khanna. . . . . Petitioner.

Versus.

Union of India and others. . . . Opposite Parties.

Counter Affidavit on Behalf  
of Opposite Parties 1 to 5.

I, Lt. Col. Gurbachan Singh aged about 49 years son of S. Bhagat Singh, Staff Officer I (Personnel) in the office of Chief Engineer Central Command Lucknow do hereby solemnly affirm and state as under:-

*Sub. Lee*

1. That the deponent is Staff Officer I (Personnel) in the office of Chief Engineer, Central Command, Lucknow and is well acquainted with the facts deposed to hereunder.
2. That para 1 of the writ petition is not denied.

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3. That para 2 of the writ petition is not denied. However, it may be stated that the petitioner has retired in January, 1981.

4. That 3 of the writ petition is admitted. However it may be stated that it was only a fact finding enquiry and not an enquiry in any disciplinary proceeding. Hence there was no occasion to inform the petitioner about the outcome of the enquiry. The charge sheet now served upon the petitioner is to be sustained amongst other things by the proceedings of Board of Officers and Court of Enquiry. A mention of which is clearly made in Annexure-3 to the charge sheet dated 4th September, 1979.

5. That para 4 of the writ petition is not denied. It may further be stated that G.O.C., U.P. Area, had also recommended disciplinary action against the petitioner.

6. That in reply to para 5 it is not denied that the amount of loss was deposited by the petitioner but it was deposited on 28.12.78 and not on 27.12.79 as alleged thus the matter regarding making good the loss was closed. It is denied that any order closing the disciplinary proceeding was passed. As

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a matter of fact the disciplinary proceeding started in September, 1979 when charge-sheet was served.

The competent disciplinary authority is in the present common proceedings. ~~the~~ President of India. The President of India passed no order closing the disciplinary proceeding.

7. That para 6 of the writ petition is not denied.

But it may be stated here that in the disciplinary proceeding the petitioner has been proceeded against along with Sri A.N. Agarwal, Executive Engineer, who is a Group-A officer and Sri Bhopend ~~as~~ Singh, Superintendent, E/M, Grade-II. (The disciplinary authority of Group-a officer is the President of India and it being a joint enquiry it has been initiated by the highest disciplinary authority of the officers involved in the proceedings in terms of Rule-18 of C.C.S. (CCA) Rules, 1965.)



8. That para 7 of the writ petition relates to a rule which can very well be seen from the rule itself. The petitioner has omitted the major penalty provided under the rules.

*See Res*

9. That para 8 of the writ petition is not admitted as stated. By order Annexure-2 only ~~actual~~ financial loss was ordered to be made good by the three officers.

4.

It is not an order of punishment and it is also denied that disciplinary proceeding was dropped as intended to be alleged in para under reply.

10. That para 9 of the writ petition is denied as incorrect. The petitioner has not been punished as alleged. The disciplinary proceedings have only now been started by means of charge sheet dated September, 4, 1979. There was no occasion of dropping any enquiry. It is also denied that the petitioner is being prosecuted ~~afresh~~ as stated.

11. That para 10 of the writ petition is denied. A charge-sheet dated September, 4, 1979 has been served upon the petitioner on 24.10.79 which clearly emumerates the charges of misconduct for which the petitioner has also submitted his reply to the charge-sheet by his defence statement dated 5.11.79. A true copy of the charge-sheet is being filed herewith as Annexure-A-1. A true copy of the statement of defence is being filed herewith as Annexure-A-2.

12. (That para 11 of the writ petition is denied as incorrect.) No punishment has been awarded to the

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petitioner as alleged.

13. That in reply to para 12 of the writ petition is stated that the petitioner had retired on 31.1.81, it is further stated that orders have already been passed on the question of release of the gratuity cum death benefit etc. by this Hon'ble Court (It may further be stated that matters relating to disciplinary proceeding can be decided only in the said enquiry and not on the separate representations made by the petitioner)

14. That para 13 of the writ petition is admitted.

15. That para 14 of the writ petition is not denied except that Bhupendra Singh has deposited the amount of loss which had to be made good by him.

16. That para 15 of the writ petition is not admitted as framed. There is no question of double punishment as alleged by the petitioner. No punishment had been awarded earlier. The disciplinary proceedings have started by means of charge-sheet dated 4.9.79 which is a valid and legal proceeding.

17. That in reply to para 16 it is stated that no punishment was awarded to the petitioner earlier reply submitted to other paragraphs to the writ

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petition may also be perused.

18. That para 17 of the writ petition is denied as incorrect. The enquiry in question has ~~not~~ been validly ordered by the President of India in terms of Rule of C.C.S.(CCA) Rules, 1965. In this connection para 7 of this Counter Affidavit may also be perused.

19. That in reply to para 18 it is stated that the objections raised by the petitioner could only be decided in the enquiry proceedings and not by any other separate order on the representation of the petitioner.

20. That in reply to para 19 it is stated that under Rule 74(1)(C) of Central Civil Services (Pension) Rules, 1972, the death-cum retirement gratuity could only be released on finalization of proceeding pending against the petitioner. However, orders in that regards have already been passed by this Hon'ble Court.

21. That in reply to para 20 it is stated that the disciplinary proceedings are already stayed in writ petition 2029 of 1980, filed by Sri A.N. Agarwal, so far payment of death cum-gratuity amount is concerned orders have already been passed earlier

J. S. Patel

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on that matter.

22. That para 21 of writ petition is denied and it is stated that the petitioner should have raised and pressed his objections in the disciplinary proceedings itself (The petition under Article-226 of the Constitution of India is premature and is liable to be dismissed.)

23. That in reply to ground no.1 the deponent is advised to state that there is no double punishment as alleged. The petitioner was asked to make good a part of the loss, caused to the government. The disciplinary proceedings have now been started under the provisions of C.C.S.(C.C.A) Rules, 1965. <sup>8</sup>

24. That in reply to ground no.2 it is stated that the charges are x regarding the negligence and misconduct of the petitioner, any particular amount has no relevance.

25. That ground no.3 is denied. The proceedings for punishment have now been started.

26. That ground no.4 is denied and it is stated that President of India is competent to initiate the proceedings under rule-18 of the C.C.S.(C.C.A)

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Rules, 1965.

27. That ground no.5 is denied as no punishment has earlier been inflicted upon the petitioner as alleged. Asking the petitioner to make good a part of the loss, suffered by the government, was not by way of punishment.

28. That ground no.6 is denied. Under rule 74(1) (C) of Central Civil Services(Pension) Rule, 1972, no gratuity shall be paid to the government servant until the conclusion of departmental enquiry or judicial proceedings.

29. That the deponent is advised to state that the writ petition is liable to be dismissed with costs.

Lucknow: dated

May 27, 1982.

Deponent.

Verification.

I, the abovenamed deponent do hereby verify that contents of para 1 of this affidavit are true to my own knowledge and those of paragraphs 2,3,4,5,6,9,10,11,14,15,16,17,21 and except bracketed portion of paragraphs 7,12,13 and 22 are believed

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by ~~me~~ me to be ~~not~~ true on the information derived from the records and those of paragraphs 8,18,19, 20,23,24,25,26,27,28,29 and bracketted portion of paragraphs 7,12,13,22 are true on legal advice. No part of it is false and nothing material has been concealed. So help me God.



Lucknow:Dated

May 27, 1982.

*Debend*  
Deponent.

I identify the deponent who has signed before me.

*Abinaya*  
Clerk of (Advocate) Sri B.Kumar, Advocate.

Solemnly affirmed before me ~~on~~ this day of May 27, 1982 at 6.50 a.m./p.m. by Smt. Col. Gurbadra Singh who has duly identified by Sri Abinaya Kumar Singh, Advocate.

~~clerk to~~

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.

*Subrat Shukla*  
Subrat Shukla  
OATH COMMISSIONED

High Court, Allahabad

Lucknow Bench

63(330)1/82  
27-5-82

53

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

Writ Petition No. 3961 of 1980

Ram Murti Khanna. . . . . Petitioner.

Versus.

Union of India and others. . . . . Opposite Parties.

Annexure-A-1

CONFIDENTIAL

No. 78650/250/77/SLD/1281/S/

D/(Les),

Govt. of India,

Ministry of Defence (Bharat  
Sarkar)

New Delhi

The 4th Sept, 1979.

MEMORANDUM

The President proposes to hold an inquiry against  
Shri R.M.Khanna, Supt.E/M Gde. under rule 14 of the  
Central Civil Services (Classification, Control and  
Appeal) Rules, 1965. The substance of the imputations  
of misconduct or misbehaviour in respect of which  
the inquiry is proposed to be held is set out in the  
enclosed statement of articles of charge (Annexure-1),

2.

A statement of the imputations of ~~mishandlement~~ mis-conduct or misbehaviour in support of each article of charge is enclosed(Annexure II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed(Annexure III & IV).

2. Shri R.M.Khanna, Supdt.E/M Gde.I is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri R.M.Khanna Supdt.E/M Gde.I is further informed that if he does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of CCS(CC&A) Rules, 1965 or the orders/directions issued in pursuance of the said Rules. the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri R.M.Khanna Sudt.E/M Gde.I is invited to Rule 20 of the Central Civil Service (Conduct) Rules, 1964 under which no Govt.servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to

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further his interests in respect of matters pertaining to his service under the Govt. If any representation is received by on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri R.M.Khanna, Supdt.E/M Gde.I is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of the CCS(Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged

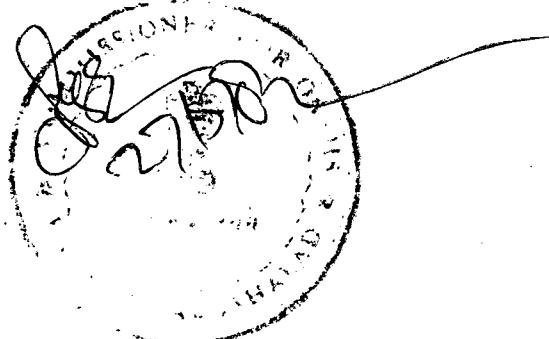
7. By order and in the name of the President.

Sd.(R.N.Mohanty)

Under Secretary to the Govt.of India

To

Shri R.M.Khanna, Supdt.E/M Gde.I



(C)  
X  
X

CONFIDENTIAL

Annexure I

Statement of articles of charge framed against  
MES-8459796 Shri R.M.Khanna, Suptdt E/M Gde.I

Article I

That the said MES-8459796 Shri R.M.Khanna, while functioning as Supdt.E/M Gde.I in Garrison Engineer Mathura during the period from Nov.71 to May 72 failed to maintain devotion to duty in the performance of his duties resulting in the following lapses which caused loss to the State to the extent of Rs 9,449.79 :-

(a) Not checking that maintenance of proper records of Receipt/Issue of E/M Stores was done by E/M Gde.II Shri Bhupendra Singh.

(b) Failed to prevent the keys of the stores room being taken over by Shri Anil Parmar, Supdt.E/M Gde.II from Shri Bhupendra Singh Supdt.E/M Gde.II without proper handing/taking over of the stores.

(c) Failed to prevent the issue of stores by Shri Anil Parmar without proper handing/taking over from Shri Bhupendra Singh, Supdt.E/M Gde.II or even checking ground balance by the former.

Article II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri R.M.Khanna, Supdt. E/M Gde.I, is charged for GLOSS

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✓

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NEGLECT OF Duty for not ~~xx~~ maintaining proper record for overhauling/repairing of 1500 fans against CA NO GE/MTR/26/71-72. He also failed to upto date the fan and meter register,as a result of which the expenditure of ₹ 15,926.58 incurred on overhauling/repairing/of fans could not be linked and verified.

That the said MTS-8459796 Shri R.M.Khanna, Suptdt. E/M Gde.I by his above ~~x~~ acts has exhibited lack of devotion to duty and conduct ~~xx~~ unbecoming of a Government servant thereby ~~x~~ violating rule 3 of CCS(Conduct) Rules,1964.

*See Recd*

CONFIDENTIAL

*For  
27/5/78*

62  
8/6

## Annexure II

Statement of imputations of misconduct of misbehaviour in support of articles of charges framed against MES/8459796 Shri R.M.Khanna, Supdt.E/M Gde.I.

### Article I

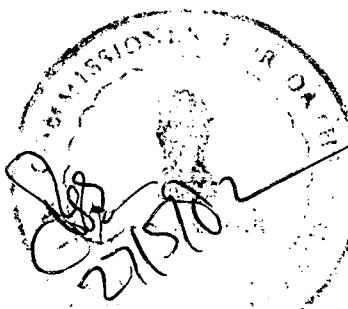
MES/ 8459796 Shri R.M.Khanna was serving as Supdt.E/M Gde.I in GE Mathura from Nov.71 to May 72. As Supdt. E/M Gde.I, it was his responsibility to ensure proper maintenance of records of receipt/issue of E/M Stores in the Sub Division by his subordinate particularly Shri Bhupendra Singh, Supdt.E/M Gde.II who was the custodian of the stores, but Shri R.M.Khanna failed in his duties as a result of which loss to the extent of Rs 9,449.79 was caused to the State.

Shri R.M.Khanna, Supdt.E/M Gde.I also failed to advise Shri Anil K. Parmar not to take over the keys of stores room from Shri Bhupendra Singh, Supdt. E/M Gde.II without proper handing/taking over of the stores.

He also failed to prevent issue of stores by Shri Anil Parmar, Supdt.E/M Gde.II without proper handing/taking over from Shri Bhupendra Singh or even checking the ground balance by the former.

### Article II

The said MES/8459796 Shri R.M.Khanna, Supdt. E/M Gde.I while serving in GE Mathura got 1500 ceiling fans repaired/overhauled under control No GE/STR/26 of 71-72 and recorded the measurement in bulk only



*See Page*

87

2.

in the measurement book and also failed to complete the fan and meter register. As a result of this lapse, the expenditure of ₹ 15,926.58 spent on repair/over hauling of fans could not be linked and verified in audit.

By his above acts the said MES/8459796 Shri R.M. Khanna, Supdt.E/M Gde.I has violated Rule 3 of CCS (Conduct) Rules, 1964.

64  
8/18

Annexure III

List of documents by which articles of charges framed against IES-845/796 Shri R.M.Khanna, Supdt. E/M Gde.I are proposed to be sustained

1. Proceedings of the Board of Officers held on 05 Aug 72 by the order of GE Mathura vide his part I order no.74 dated 31 Jul 72 regarding finalisation of handing/taking over between Shri Bhupendra Singh and Shri Anil Parmar, Supdt.E/M Gde.II.
2. Court of Inquiry Proceedings (old) held on 07 Dec.72 order of Station HQ Mathura vide his convening order no.2042/A dated 15 Nov.72.
3. Additional court of Inquiry Proceedings held on 14 Feb.74 by order of Station HQ Mathura vide convening order no.2042/A dated 27 Oct.72 for the purpose of bringing out correct deficiency/discrepancy of electrical stores (fans and meters)
4. Loan Vouchers.
5. Inventories of Fans and Meters.
6. Ledgers on which stock taking report endorsed by AGE E/M on 30.5.72.
7. Handing/taking over notes between Shri Bhupendra Singh and Shri Anil Parmar, Supdt.E/M Gde.II.
8. Objection on bill for overhauling/repair of fans under CA NO GF/MTR/26 of 71-72.

65  
8/19

Annexure IV

1 List of Witnesses by whom the articles of charge framed against MES/8459796 Shri R.M.Khanna, Supdt. E/M Gde.I are proposed to be sustained

(1) Shri Anil Parmar, Supdt. E/M Gde.II  
(2) Shri V.P.Goel, AEE E/M

*Sanjeev*

*Sanjeev  
27/5/82*

8/20  
6

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

Writ Petition No.3961 of 1980.

Ram Murti Khanna ... ... ... Petitioner.

Versus.

Union of India and others. ... ... Opposite Parties

Annexure No.A-2

CONFIDENTIAL

NO RJK/CON/2  
AGRA CANTT  
DATED 5 NOV. 1979

To

The Honourable,  
Under Secretary to Govt. of India,  
Ministry of Defence,  
New Delhi.

(Through Proper Channel)

DISCIPLINE

  
Honourable Sir,

I am in receipt of G of 1 Min of Def order bearing No.78650/250/77/E1D/1281/S/D/(Lab) dated 04 Sep 79 alongwith charge sheet framed under Rule 14 of the CCS(CCI) Rules 1965 bearing Govt. of India Min of Defence memorandum No.78550/250/77/E1D/1281/S/D (Lab) dated 05 Sep 79 with its enclosures Annexure 1,II,III,IV delivered to me

62  
11

2.

on 24.10.79 under CSE Agra Confidential letter  
no.C-144/EM/2/E1C on dated 19 Oct.79.

2. I am very much shocked as well as disappointed to receive the same, which has much added to my agony, frustration and caused mental tension.

3. In this connection I have to make the following humble submission to your gracious honour to consider my case with a cool mind with foresight, in order to grant me natural justice before any further steps are taken in the aforesaid matter, sympathetically as early as possible:-

4. (a) As a subordinate as duty bound, I never disobeyed the orders of my the then GE/AGEE/E/M Mathura, nor so far I have been ever served with any "WARNING LETTER" from GE or AGE E/M Mathura during my entire stay there.

*See bed*  
(b) AGE E/M, who is over all incharge of E/M Sub Divn. and is the controlling officer of E/M Section and conducts every duty in E/M Sub Divn on behalf of the GE. He is to exercise direct over all control over Supdt. E/M Gde. I's and E/M Gde. II's so these blemishing remarks now casted against me give me a smell of malice and are malafide unfounded and prejudicial in order to trap me, when I was not real physical custodian of E/M Electric stores of the

68  
8/22

3.

GE Mathura.

(c) It is a patent fact in MES working that all day to day works in E/M Sub Divn are conducted on verbal orders of AGE E/M. No officer ever cares to give the order in writing and as such I always obeyed the order of my the then AGE E/M Mathura to best of my ability and through out my stay with MES the performance was commendable, as nothing has been so far given to me in writing so that I could improve and adjust myself to the aspirations of my worthy superiors.

(d) I do remember now that I brought to the notice my the then A.E E/M Mathura (Shri AK Agarwal) about taken over the keys of stores deliberately by Shri Anil Kumar, Supdt. E/M Gde II from Shri Bhupendra Singh, Supdt. E/M Gde II without conducting handing/taking over on proper orders from GL/AGL E/M Mathura, both dept num and took no action in the matter for the reasons best known to him.

*Jan Chaudhary*  
(e) This is purely a case of "PROCEDURAL LAPSES" for which no responsibility can be casted upon any one individual nor I may be now called upon to bear the burnt on account of the loss purely attributed to the lapse/short comings of the then physical custodian in Fan Meter stores. of E/M Sub Divn. that too after a lapse of 7½ years since first initiation of Board of Officers by GE Mathura during 2/72 is

(69)

8/23

4.

(X/23)

not justified and untenable.

2. All along during ~~every~~ course of entire service in MES, I have always discharged my assigned duties cautiously, loyally, honestly, diligently, without giving any chance to my working officers for dissatisfaction, grouse, which will be quite evident from the following facts:-

(a) I was not the physical custodian of Electrical stores, Fan meters of E/M Sub Divn of GE Mathura.

(b) Stock taking reports of those years will also bear a testimony, who the real physical custodian of electrical stores of AGE E/M sub divn of GE Mathura was then.

(c) No written warning letters were ever issued in the concerned issue by GE/AGE E/M Mathura then.

(d) No advance nor any 'Remedial Remarks' were even endorsed in my ACRs by the then GE/AGE E/M Mathura to justify and prove that I was responsible for these procedural lapses and I should improve myself in future.

(e) No order in the form of GE Mathura Part I order is now also available on records to prove that I was the real custodian of Electrical Fan/Meter stores in AGE Sub Divn Mathura and no exploit separate orders are also now on record with GE Mathura to prove that Shri Bhupendra Singh, Supdt. E/M Gde II

Re heel

5.

is to work under me.

Article-II

3. As far as I remember, I got linked and verified all the 1500 Fans by the UA GE Mathura and to which "NO objection or warning" etc., was raised nor conveyed to me by the then GE/AGE E/M Mathura. He was signed by GE as well as AGE E/M after full satisfaction. ~~XXXXXXXXXXXXXXXXXXXXXX~~ It is astonishing as well as surprising to note at this belated stage, over a lapse of  $7\frac{1}{2}$  years matter is referred back to me how could GE/AGE E/M signed the M.B. then and bills in question was passed.

4. I am now also enclosing a copy of GE ~~MFY~~ works Armapur Kanpur confidential letter No.C-116/B/181/E1D (Con) dated 30th Mar 78 communicating me the opinion of GOC in C, Central Command Lucknow on the Court of Inquiry proceedings held for the loss of electrical stores Fan and Meters in GE Math during Feb. 1972 for your necessary information and record please.

*Rehber*  
(ii) In accordance with the above award, I was asked to give my willingness be pay 35% of the entire loss of Rs.9449.79 i.e. Rs.3307.93 only as my share towards loss of Rs.9449.79.

(iii) Due to my disturbed mind and domestic troubles which I had to face during all those yea

6.

I was not in a good financial position then to make good the above loss of Rs.3307.45 by cash payment at one and the same time.

(iv) I have come to know through a reliable source that Shri A.N Agarwal, the then AGE E/M Mathura has already paid 20% towards his share i.e. Rs.1889.95 out of a total Govt.loss of Rs.9449.79 imposed as penalty on three of us. So far I do not know, whether Shri Bhupendra Singh Supdt.E/M Gde.II was to pay 45% i.e. Rs.4252.41 has deposited the above amount into the Govt.Treasury or not as yet. It is now entirely left to your honour to press the above name individual so that this case can be expeditiously finalized.

(V) On perusal of Annexure 1 attached to your above memorandum, it also transpires that the amount of loss of to Govt. has not been contemplated to be of Rs.9449.79. It is significant to mention here that the total amount also corresponds with that of the award given by GOC-in-G Central Command Lucknow, which is very likely to be recovered from the follo

(a) Sri Bhupendra Singh, Supdt.E/M Gde II		
45%		Rs.4252.91
(b) Sri R.M Khanna, Supdt.E/M Gde I		
35%		Rs.3307.93
(c) Sri A.N. Agarwal, AGE E/M		
20%		Rs.1889.95
	Total	Rs.9449.79

(32)

XO

7/11

7.

(vi) It will not be out of place to mention here that I am on the verge of retirement and due to infirmities and afflictions of old age, mental agony plus mounting domestic troubles have upset my mind thereby could not extend my willingness to pay Rs.3507.93 earlier for which I may seek your pardon.

5. Now I give my individual willingness for payment of Rs.3307.93 in cash, in order to abide by the award of GOC in C Central Command @ Lucknow with a view to settle the above case amicably finally from my side, though I am not at all responsible.

~~Please advice me so that I can deposit the same in CBI Agra and send TR to CE Mathura for necessary adjustment.~~

6. In the event my above willingness turned down then I have no alternative left, except that I may please be given ample opportunity to defend my case for which your honour's permission is required to allow me to submit the name of my "Defence Counsel" who will argue the case on my behalf in a Common proceedings is to be conducted now, in order to grant me natural justice and equity and who will furnish to a proper defence reply to above charge sheet on examining the documents in your Headquarters.

*See back*

7. In order to meet the ends of justice and equity

8.

equity I, now look forward on your honour to very kindly obsole me of the above charge and above charge sheet withdraws, under your noble benign hands and favour me with your early prompt decision as prayed for in para 5 ibid so that I can make ~~xxx~~ spot cash payment of Rs.3307.93 in SBI AGRA and send the relevant TE to GE Mathura, for necessary early adjustment ~~if~~ at there end, in token of final settlement on my part after that there will not arise any necessity to conduct the present common proceeding s. I have no any bad intention at any time to give loss to Govt. and hence forth I am also not prepared /inclined to appear before the common proeceedings as I am ~~xxxxxxxxxxxxxxxxxxxxxx~~ ready to deposit Rs.3307.93 at one and the same time on re- -ceiving your final decision.

Thanking you in anticipation for an amicable & judicious early award.

Enclo : One (As above)

STATION : AGRA CANTT

DATED: 05 NOV 1979

Sd-

Yours faithfullu,  
(K.M.KHANNA)  
Supdt.E/M Gde I  
MES/8459796 C/O  
CWE (MES) AGRA

CONFIDENTIAL

COPY

GE Factory works Aremapore Kanpur letter No.C-116/b/  
/181/EI(Con) dated 30th March 78 to Shri RM Khanna.

Sub : COURT OF INQUIRY LOSS OF ELECTRIC STORES FANS  
& METERS IN GE MATHURA

Opinion of the GOC-in-C Central Command Lucknow  
on the court of inquiry proceedings for the loss of  
above electrical stores of GE Mathura during Feb.72  
is enclosed herewith for your acceptance or otherwise  
and depositing the amount in the Govt Treasury please  
forward the TR in case the amount is deposited in  
the treasury.

Sd/- (PV ATRE)

GOC-in-C agrees with the opinion of GOC Uttar  
Pradesh Area and recommends that the following be  
called upon to make good the entire amount of loss  
as shown against each.

a) Shri Bhupendra Singh, Supdt.E/M Gde II 45%  
Rs. 4252.41

b) Shri RM Khanna, Supdt.E/M Gde I 35%  
Rs. 3307.43

c) Shri AN Agarwal, AGE E/M 20%  
Rs. 1889.96

Total Rs. 9449.79

STATION : LUCKNOW

DATED : 09 May 77

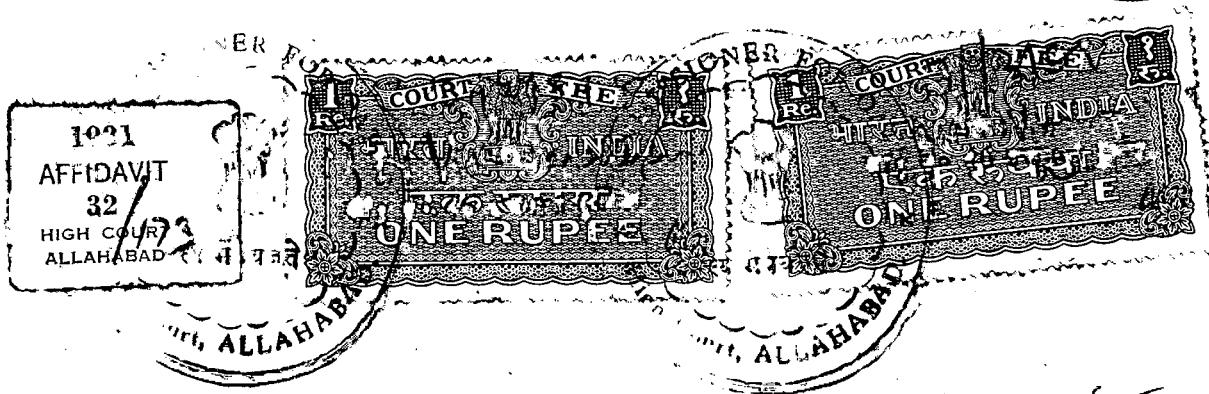
Sd/-  
(BHS Grewal)  
Brig IC Adem  
GOC-in-C

*See Recd*

John K Srinivas  
Place of filing  
23.4.1981  
kg  
75

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

Lucknow Bench, Lucknow.  
\*\*\*



Writ Petition No. 1980.

R.M. Khanna.

---

Petitioner.

Versus

Union of India and others.

--- Opp. Parties.

32/173  
Counter Affidavit to the  
Stay application.

I, N. N. Viswanathan aged about 57 years, son  
of Sri N.A. Narayanan, working as Senior Administrative  
Officer in the Office of the Chief Engineer, Central  
Command, Lucknow, do hereby solemnly affirm and state  
as under:-

1. That the deponent is working as Senior Administrative  
Officer in the Office of the Chief Engineer, Central  
Command, Lucknow, and is well conversant with the facts  
of the case deposed heretounder:-

2. That the aforesaid writ petition has been filed  
by Sri R.M. Khanna, Superintendent, Electrical and

2.

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Mechanical Grade I seeking issue of writ of Mandamus demanding the opposite parties not to withhold his death-cum-retirement gratuity on account of the disciplinary action being taken against him.

3. That as per the Statutory provision under rule 74(1)(c) of C.C.S.(Pension)Rules, 1972 no gratuity can ~~shall~~ be paid to the Government servant until a conclusion of the departmental or judicial proceeding and issue of final orders thereon. In view of this death-cum-retirement gratuity can only be paid to Sri Khanna after the disciplinary proceedings initiated against him vide Govt. of India Ministry of Defence Memo No. 78650/250/77/ELD/1281/S/D(Lab) dated 4th September 1979 are finalised.

32/173  
4. That the inquiry proceedings being conducted against ~~xx~~ the petitioner, Superintendent E/M Grade I, under rule 14 of the C.C.S. (C.C. & A) Rules, 1965 along with Sarvasri A.N. Agarwal, Executive Engineer and Bhupendra Singh, Superintendent E/M Grade II have already been stayed by this Hon'ble Court on the writ petition filed by Sri A.N. Agarwal, Executive Engineer.

5. That as per directions of this Hon'ble Court the papers regarding payment of death-cum-retirement ~~pk~~ gratuity have already been prepared but the



*R. M. Srivastava*

3.

*can only*  
payment ~~XXXX~~ be made after the conclusion of the  
disciplinary proceedings initiated against the petitioner.

6. That in view of the circumstances as enumerated  
above and as per provision of law, the petitioner is not  
entitled for payment of death-cum-retirement gratuity  
till the final disposal of the disciplinary case against  
him.

Lucknow Dated:

March 31, 1981

*M. M. Khan*  
SDR

Deponent.

I, the abovenamed deponent, do hereby verify  
that the contents of paragraph 1 of the counter affidavit  
are true to my own knowledge, those of paras 2, 4, 5  
are true to my information derived from the records and  
those of paras 3 and 6 are based on legal advice. No part  
of it is false and nothing material has been concealed, so  
help me God.

Lucknow Dated:  
March 31, 1981.

*M. M. Khan*  
SDR  
Deponent.

I identify the deponent who has signed  
before me.

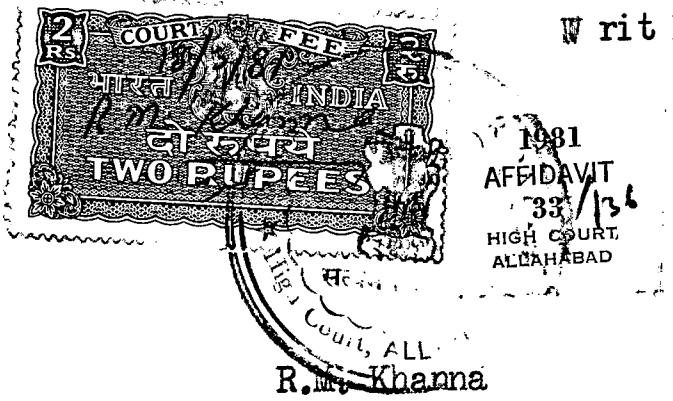
*Rakesh Kumar*  
(Ade)  
Clerk of Sri Brijesh Kumar

John Sine (78)  
Please record

23-4-1981

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

Civ.Misc.An.No. (W) of 1981  
In re:  
Writ Petition no.3961 of 1980.



... Petitioner

vs.

Union of India & others

... Opp. Parties.

SUPPLEMENTARY AFFIDAVIT

I, R.M.Khanna, aged about 58 years, son of late L.Charanjit Lal Khanna, at present resident of 44, Dholipiau Mathura U.P., the deponent, do hereby solemnly affirm and state as under:

1. That the deponent is sole petitioner in the abovenoted writ petition and as such he is fully conversant with the facts deposed to herein.
2. That the inquiry proceedings instituted against the deponent earlier have since been completed on the same charges and there remains no inquiry proceedings pending. In that inquiry the petitioner has been awarded minor punishment of depositing the amount to the tune of Rs.3307.43 P which the deponent had already deposited.
3. That the deponent had nothing to do with the present inquiry which has been ordered to be conducted by the President of India.

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4. That the opposite party no.3 has withheld the payment of death-cum-retirement gratuity in the garb of inquiry which infact has long been conducted and punishments have already been awarded to the deponent and others.

Lucknow, dated

18.3.1981.

Deponent

Verification:- I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1 to 4 of this affidavit ~~are~~ are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated

18.3.1981.

Deponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 18.3.81 at 12.00 AM/PM by Sri R.M.Khanna, 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.

AK

Ashok Kumar Srivastava  
Oath Commissioner

No. 33/136

Date 18.3.81

## **ORDER SHEET**

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

12-3

-No.

39 61 -

-of 198 9

- vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
24.12.80	Hon. T.S. Misra - J. Hon. K.S. Parmar - J. Admit. Issue notice. Sd/- T.S.M Sd/- K.S.P.	
24.12.80	C.M. 7230 - & You Say Hon. T.S.M. J Hon. K.S. V. - J. Issue notice.	
	further orders.	
	Sd/- T.S.M. Sd/- K.S.V.	
24.12.80	C.M. 1270 (22/8/81) With a S Push up with detail Sd/- D.R. 369.	N.W.
24.12.81	24-2-81 R.D. Ad. 278 1270 (22/8/81) for P	12-3-27
		Hon. K.S. J.

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

vs.

11/2  
82  
W/10  
11/2

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	3	2
23/4/81	Calis Appeal filed Joribson Please do not	23/4/81
23/4/81	Supplementary Appeal filed Joribson Please do not	23/4/81
5/5/81	5-5-81 Joribson 270 6/8/81 26/8/81	
	After. Goyal J It is not clear from answers 1 and 2 as to whether any disciplinary proceedings under the rules were taken against Mr. Joribson and secondly whether the G.O.C.-in-C's order dated 9.5.77 is an order imposing minor penalty passed by a Competent Authority in India behalf. The petitioner's contention	

89

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 3961 of 1980.

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
12.10.82	<p><u>Report</u></p> <p>Oppn's 1 to 5 served through Addl. C. C. Counsel Govt. Commr. of Revenue filed on behalf of oppn's 1 to 5 is on file record.</p> <p>ws 6. Notice not received back since 23.6.81</p>	
13.10.82.	<p>Addl. Regr.</p> <p>Seen Service report dated 12.10.82 of nos 1 to 5 are represented by the Addl. Standing Counsel Central Govt. Service on of no 6 is deemed sufficient under Chapter VIII R.12 of the Rules of Court. Counter affidavit has also been filed on behalf of of nos 1 to 5. Proced.</p>	
2		Addl. Regr.
	<p>M 13.10.82.</p>	
		<p>Ak</p>