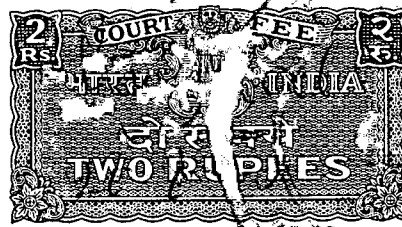


BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

T.A. NO. 850 OF 1987 (T)
WRIT PETITION NO. 4953 OF 1981

A-50



Brij Lal

.....

Petitioner

Versus

Union of India
and others

.....

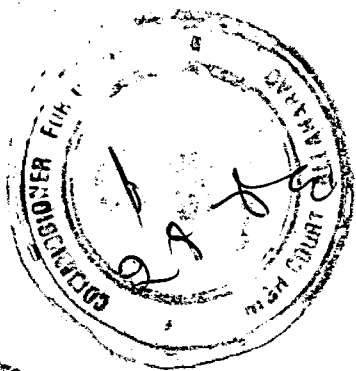
Opp. Parties.

REJOINDER AFFIDAVIT TO THE WRITTEN STATEMENT
OF OPPOSITE PARTIES

12/11/81

I, Brij Lal aged about 48 years, son of Shri Lakhai, resident of Pachperwa, Post - Fardhan, District - Kheri, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the aforesaid Writ Petition which has been transferred to this Hon'ble Tribunal. The deponent has been explained the contents of the Written Statement in a shape of affidavit filed by Keshav Dev, the Senior Mechanical Engineer and after being fully conversant with the facts, gives replies to those as under :-



Contd.....2/

25/11/81

2. That the contents of paragraph 1 of the written statement need no reply.

3. That ~~in reply to~~ the contents of paragraph 2 of the written statement are denied and the contents of paragraph 1 of the writ petition are reiterated. The deponent was appointed by the Senior Divisional Mechanical Engineer and the opposite parties may produce the relevant records before this Hon'ble Court.

4. That the contents of paragraph 3 of the written statement are denied and the contents of paragraph 2 of the writ petition are reiterated. The deponent was appointed as permanent Fire-man-II and he was not officiating as Fire Man-II as alleged in para under reply.

5. That the contents of paragraphs 4 & 5 of the written statement are denied. There was no existing circumstance to show that it was ~~not~~ practicable to hold any enquiry for the allegations made against the deponent. It is also relevant to mention that a F.I.R. was lodged by one Mahesh Chandra Sinha against the deponent for which the deponent was tried by Chief Judicial Magistrate, Lakhimpur Kheri vide case No. 369 of 1979 in which the witnesses appeared. After considering the evidence on record, the Court recorded its finding that the allegations made against the deponent were false, incorrect and he was falsely implicated in the case, as such the deponent was acquitted. A photocopy of the judgement passed by C.J.M., Kheri dated 4.8.1982 is being filed herewith as ANNEXURE NO. R-1 to this affidavit.

6. That the contents of paragraph 6 of the written statement are denied and the contents of paragraph 5 of the writ petition are reiterated. The story of assault to a Senior Officer is totally false and as stated above, the Court has already recorded its finding that the deponent was falsely implicated in that case.

1752

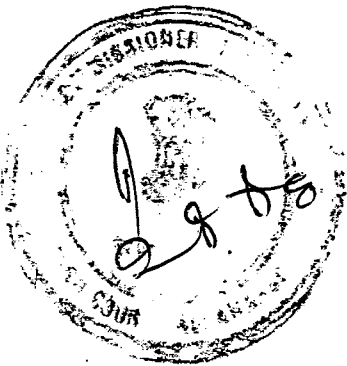
7. That in reply to the contents of paragraph 7 of the written statement, it is stated that in the case registered against the deponent, the Court has already recorded its finding that the deponent was falsely implicated in that case, as such that instance cannot be taken into consideration against the deponent.

8. That the contents of paragraph 8 of the written statement need no reply.

9. That the contents of paragraph 9 of the written statement are denied and the contents of paragraph 8 of the writ petition are reiterated.

10. That in reply to the contents of paragraph 10 of the written statement, it is stated that the order passed in the appeal is totally an un-speaking order and that does not show that the authority concerned has applied its mind.

11. That the contents of paragraph 11 of the written statement is absolutely incorrect, wrong and false. It is denied that the deponent was called in any enquiry said to be confidential fact finding enquiry and the deponent did not turn up in that. As a matter of fact, the deponent has no knowledge about any said enquiry and the deponent believes that no such enquiry took place but now the opposite parties are trying to make out a case against the deponent. The Divisional Superintendent has also not applied his mind and the copies served upon the deponent does not disclose ~~any reason~~ ^{counter} for not holding the enquiry. For the first time in the ~~rejoinder~~ ^{rejoinder} affidavit, the so-called reason has been annexed as Annexure No.C-1 with the written statement. The Annexure No.1 filed with the written statement was not the only paper which was served upon the deponent. However, the deponent states that the reasons disclosed in Annexure No.C-1 is itself unreasonable and unsatisfactory in proceeding under Rule 14(ii) of DAR 1968. As a matter of fact, the Court directed at the time of admission of the writ petition to produce the said reasons but the opposite parties filed before the Court to produce. It appears that now a forged document has been prepared and has filed as Annexure



1752

A-53

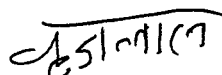
12. That the contents of paragraphs 12 & 13 of the written statement, as stated, are denied and the contents of paragraphs 11 & 12 of the writ petition are reiterated. The appeal has wrongly been dismissed. No reason has been assigned for the dismissal of the appeal, as such it is illegal.

13. That the contents of paragraph 14 of the written statement need no reply.

14. That the contents of paragraph 15 of the written statement are denied as absolutely incorrect, wrong and false. The order of dismissal is liable to be set aside and the deponent is entitled for all the consequential benefits, as if the dismissal order did never exist.

15. That the contents of paragraph 16 of the written statement are denied as absolutely incorrect, wrong and false. The Writ Petition is liable to be allowed with cost in favour of the deponent.

Lucknow : ✓
Dated : 20 Aug. 1990


[DEPONENT]

VERIFICATION

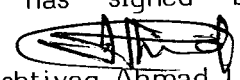
I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 15 of this affidavit are true to my own knowledge. Nothing is false and no material has been concealed by the deponent, so help me God.

Signed and verified this day of August 1990 in the High Court's Compound, Lucknow.

Lucknow : ✓
Dated : 20 Aug. 1990.

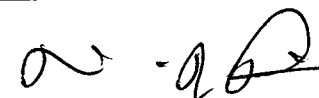
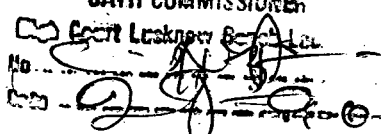

[DEPONENT]

I identify the deponent who has signed before me.


[Ishtiyag Ahmad] Clerk to
Shri I.B. Singh, Advocate

Solemnly affirmed before me
on the 20th day of August 1990 at Lucknow P.M.
by Shri Brij Lal,
the deponent, who is identified by
Mr. Ishtiyag Ahmad, Clerk to
Shri I.B. Singh, Advocate,
High Court, sitting at Lucknow.

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


O. B. ANJANA
OATH COMMISSIONER
High Court Lucknow


7375

4953

A-11

1995

INDEX

113814
(I. B. SINGH)
Advocate

Dated: 21.9.21

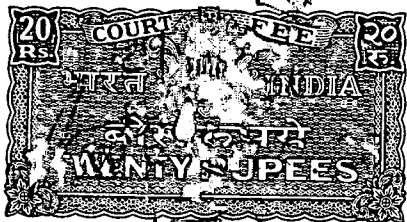
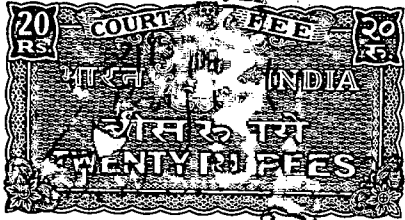
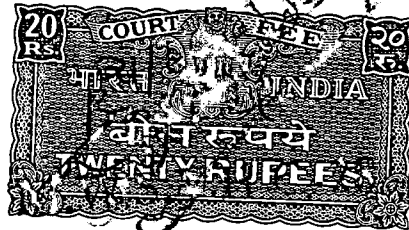
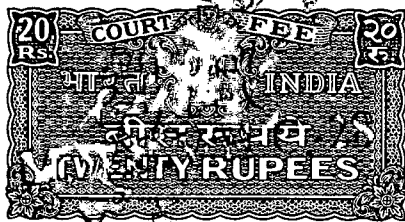
A-12

IN THE HON'BLE COURT OF JUDICATURE SITTING AT
LUCKNOW.

Writ Petition No.

4953

1981.



5422/100-20
21/10/81

Brij Lal son of Sri Lakhai, Resident of Village
Pachparwa, Post Furdhan, Distt. Kheri, ex-fireman ☐
Mailman ☒ shed.

Petitioner.

Vs.

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Sr. Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.

Opp. Parties.

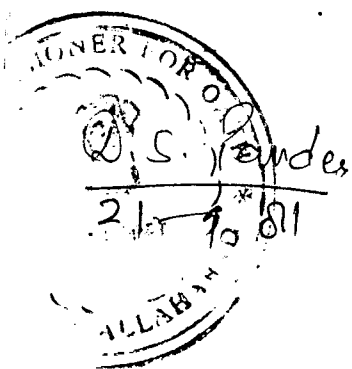
To,

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

The humble petition of the above named applicant
most respectfully shoeth as under :-

- 1) That the petitioner was appointed as fitter Khalasi by the opposite No. 3 on 21/1/65 and after due promotion was working as Fire-Man-II in the year 1978 when he met with the ill-fate of the order of dismissal from his service under Rule 14(2) of the

Cont'd....2/-



5422/100-20

Discipline & Appeal Rule 1964-68 (here and after called as D.A.R.) on 12/12/78 by the opposite party No.2 who was then designated as Divisional Superintendent. The said order of the dismissal from the service of the petitioner is annexed as Annexure No. 3 of this petition.

2) That the petitioner was a permanent on his post and at the time of his dismissal his Pay-scale was Rs. 200-250 and was posted as Fireman-II in Mailani Shed.

3) That no charges, on which the penalty was imposed, were disclosed nor the petitioner was given address of the materials to which any such charges were based and the evidence in the support thereof, nor he was given opportunity to defend himself.

4) That the petitioner acted in a disciplined manner and has performed his duties consciously and devotedly and never any occasion arose for his superiors to have any comment about his duties work and behaviour.

5) That the petitioner never participated in any General Strike and has never been arrested or detained and on the contrary, there are so many railway workers and their leaders who participated in the General Strike and were arrested and detained, have been taken back in their respective jobs.

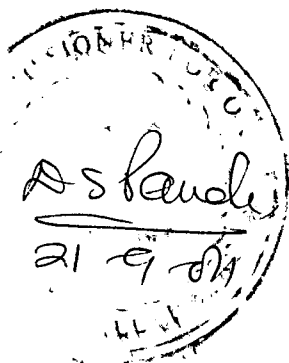
6) That there has been no F.I.R. or report or complained by any member of the staff for any illegal act, against the petitioner.

7) That before the impugned order contained in Annexure No. (1), the petitioner was never suspended, charge-sheet or no show-cause in any case, has been issued against him.

8) That there were no charges against petitioner and if there were any, these are not in the within the knowledge of the petitioner nor he was given any opportunity to meet any such charge.

9) That the petitioner preferred a review to the opposite party No. 1 on 21.1.79 and then also appeal to opposite party No. 2 & 3 through proper channel and reminders dated 2.4.80, 7.12.80 & 7.3.81 which was ultimately dismissed on 29.6.81/16.7.81 by the General Manager, M.E. Railway which the petitioner received on 7.8.81. The photo-copy of the said order dated 29.6.81/16.7.81 is being filed herewith as Annexure No.2 of this petition. The letter of which was conveyed to the petitioner was signed by some officer for Divisional Railway Manager (Personnel), Lucknow.

10) That there were no circumstance before Shri R.M. Bhasker, Divisional Superintendent, Lucknow (Divisional Railway Engineer) to invite special procedure for the removal of the petitioner from the service.



25/10/81

A-15

: 4 :

11) That General Manager, N.E. Railway has considered the case of the petitioner illegally, arbitrary and dismissed his appeal without applying his mind. Further, no opportunity was given to the petitioner by the General Manager for his personal hearing.

12) That the impugned order has been passed mechanically on cyclostyle paper only after filling the blanks in the name of the petitioner.

13) That the similar W.P. No. 1452/76, Juggal Dev and others Vs. Union of India and others, W.P. No. 1454/76, Keshav Prasad and another Vs. Union of India and others, W.P. No. 3438/76, Ram Shanker Vs. Union of India and others, W.P. No. 218/77, D.C. Tewari and others Vs. Union of India and others, W.P. No. 1155/78, Shiv Narain Lal and others Vs. Union of India and others on the similar facts, have been decided by this Hon'ble Court. The certified copy of ^{The Order on} W.P. No. 1158/78 is being filed as Annexure-3 of this petition.

14) That petitioner is entitled to enjoy the facilities of Railway Quarter, free passess, P.T.O's, and other facilities like educational facilities, medical facilities for his family which he was enjoying.

15) That the petitioner has no other alternative or speedy for efficacious remedy but to invoke the jurisdiction of this Hon'ble High Court on the following amongst other G R O U N D S :-

1) because the impugned orders contained in Annexure 1 & 2 are bad in law and without jurisdiction.

Contd. ...5/-

21.9.84

5101107

- ii) because the orders regarding satisfaction are mechanical and the authority has not applied his mind to the facts and these circumstances are liable to be struck down.
- iii) because the principle of natural justice has been violated in as much as that no right of personal hearing has been granted to the petitioner even on the quantum of sentence.
- iv) because the impugned orders are vitiated by illegal, arbitrary, mala fide, biased, vindictive mentality and bad exercises of jurisdiction.
- v) because the impugned orders are vague indefinite, false and without any basis.
- vi) because there was no no circumstance warranting the exercise of power under Rule 14(2) of the said rules.
- vii) because dismissal of appeal is unspeaking and has been passed without applying the mind.
- viii) because the impugned orders are ultravires, illegal, void, invalid, contrary to the provisions of Article 311(ii) of the Constitution of India and Rules 9 to 13 of the said rules.
- ix) because the impugned orders in fact and in effect purports to take away the constitutional rights and the constitutional safe guard of the petitioner.

D. S. Paul
21.9.04

20/11/04

- x) because the opposite parties have arbitrarily picked and chooses the petitioner for victimisation and have thereby arbitrarily, malafide irrationally and unjustly discriminated against him and denied him the equality of opportunity in matters relating to employment under the stage.

P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon^{ble} Court may be pleased to :-

1. To issue writ, order or directive in the nature of Certiorari quashing the impugned orders contained in Annexure 1 & 2.
2. To pass such order and further writ or directives as this Hon^{ble} Court may deem fit and proper in the circumstances of the case.
3. To award costs throughout to the petitioner.

D. S. Pandey
21-9-81

I.B. Singh
(I.B. SINGH)
ADVOCATE

LUCKNOW :
Dated : Sept. 21, 1981

COUNSEL FOR THE PETITIONER.

25/10/81

A-18

IN THE HON'BLE COURT OF JUDICATURE SITTING AT
LUCKNOW.

Writ Petition No.

1981.

Brij Lal son of Sri Lakhai
and others

.....Petitioner.

Vs.

Union of India and others

.....Opp. Parties.

ANNEXURE -I

N.E. Railway

Notice of imposition of Penalty

No. LD/55/Assault

Dated 12.12.78.

To,

Name - Sri Brij Lal

Father's

Name - Lekhai

Designation - Fireman-II Formerly Mailani Shed

Department - Mechanical

T.No. XX - Date of appointment 21-1-1965.

Station - Mailani - Scale of Pay Rs. 200-250

I, the undersigned being the authority empowered to dismiss or remove you from service as disciplinary authority, am fully satisfied that for the reason which have been recorded in writing, it is not reasonably practicable to hold an enquiry in the manner provided under the rules and exercise of Power vested in me as Disciplinary authority under Rule 14(ii) of the Discipline and Appeal Rules - 1968 read with proviso (g) to Article 311(2) of Indian Constitution and considering the circumstances of your case I have decided to dismiss you from service from the post of Fireman-II in the Scale of

Cont'd.....

D. S. Pandey
21-1-81

21-1-81

Rs. 200-250 with effect from 12.12.78 (Forenoon).

A-V

2. Under Rule 18 of the Railway Servant's (D&A) Rules, 1968 an appeal against these order lies to Chief of Suptt. N.E.Railway, Gorakhpur provided :-
- (i) the appeal is submitted through proper channel within 45 days from the date of you receive orders :- and
 - (ii) the appeal does not contain improper or disrespectfull language.

Please acknowledge receipt this letter.

Signature - L.M. Bhasker
Divisional Supt.
N.E.R., Lucknow
Designation of the Disciplinary Authority.

21/9/81

21-9-81

~~21/9/81~~

In the Honble High Court of Judicature
at Lucknow
7/1981

Brij Lal ... Petitioner
Versus
Union of India
and others ...
pp 100

AMNEUR-2

A-20

पूर्वाज्ञा पत्र

दिनांक 11/11/210/सु0वार0सु0र/80

कार्यालय
महोदय प्रमुख (वि०)
लखनऊ दिनांक 29-6-81

16-7-81

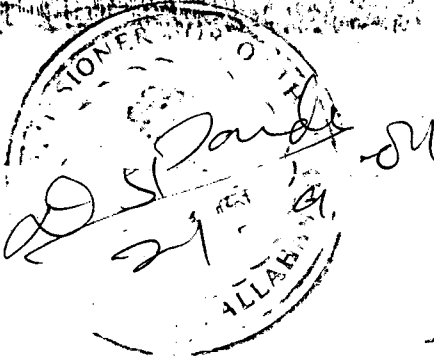
विषय :- श्री गुरुदास पुत्र लक्ष्मी
भूतपूर्व फायमैन II
द्वारा लोको फायमैन
पूर्वाज्ञा पत्र में

विषय - दिसमिस्त

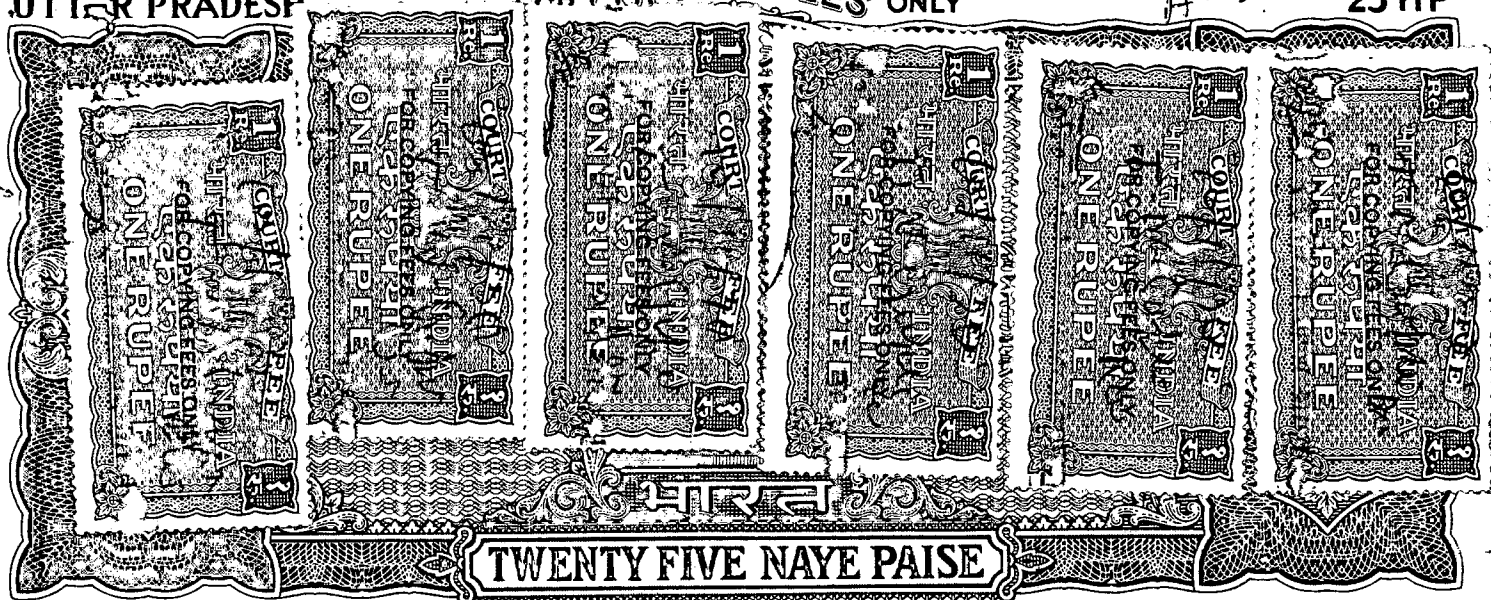
भरी प्रबन्ध लोको फायमैन में अपनी लोको फायमैन दिसमिस्त
सेवा में लोको फायमैन पुनः बिचार किया।
उन्होंने व्यक्तिगत रूप से लोको फायमैन सुनने के लिए लोको फायमैन में
लुप्त के कारण लावश्यकता नहीं समझी
10 सेंट के साथ उन्होंने लोको फायमैन में फेर लोको फायमैन में लोको फायमैन
लुप्त करते हुए लोको फायमैन दिया है कि लोको फायमैन दिया गया है, दिसमिस्त लोको फायमैन में

9/2/29

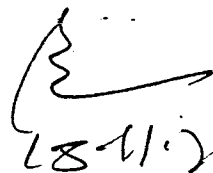
होते प्रमुख (वि०)
लखनऊ

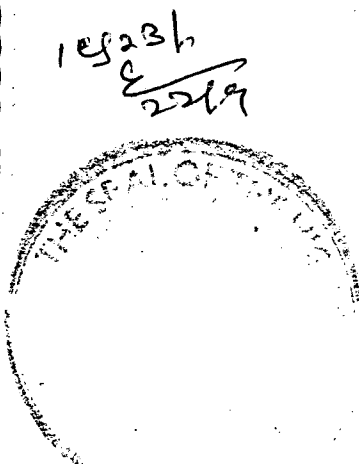
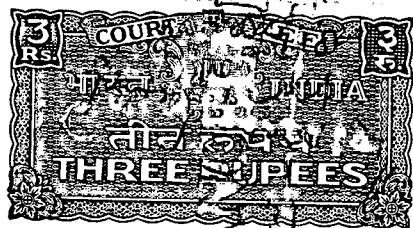


हज्जाल



केवल नक़ल की फीस के लिए

Date on which application is made for copy accompanied by the requisite stamps. आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख	Date of posting notice on notice board. नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख	Date of delivery of copy. नक़ल वापिस दिए जाने की तारीख	Signature of official delivering copy. नक़ल वापिस देने वाले अधिकारी का हस्ताक्षर
13.11.78	16.11.78	18.11.78	 18.11.78



A-22

Writ Petition No. 1155 of 1978

Shri Karan Lal & others

... Petitioners.

Versus

Union of India & others

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

LUCKNOW DATED: 26-10-1978

Hon'ble U.C. Srivastava, J.

Hon'ble K.N. Goyal, J.

(Delivered by Hon'ble K.N. Goyal, J.)

The petitioners are railway servants who have been dismissed without being afforded an opportunity of showing cause against their proposed dismissal. The orders purport to have been made under rule 14(ii) of the Discipline and Appeal Rules, 1938, read with proviso(b) of Article 311 (2) of the Indian Constitution.

The only ground on which it has been held by the Senior Divisional Mechanical Engineer that it was not practicable to hold an inquiry is that the witnesses who would be produced against the petitioners were under fear and danger to their persons and as such they would not be in a position to depose freely. It is well settled that this is not a ground which can be validly treated to be a ground on which the authority can arrive at a conclusion that it is not reasonably practicable to hold an inquiry. Learned counsel for the opposite parties does not contest this legal position.

The writ petition is accordingly ~~dismissed~~ allowed and the orders Annexures 1, 2 and 3 to the writ petition are hereby quashed. There will be no order as to costs.

Sd/- U.C. Srivastava.

Sd/- K.N. Goyal.

26-10-1978

1 of 3
16/11/78
[Signature]

25/10/78
21/9/81

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

WRIT PETITION No. 1155 of 1978

Shree Narain Lal & others

....Petitioners.

Versus

Union of India & others

...Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

LUCKNOW DATED: 26-10-1978

Hon'ble U.C. Srivastava J.
Hon'ble K.N. Goyal, J.

(Delivered by Hon'ble K.N. Goyal, J.)

The petitioners are railway servants who have been dismissed without being afforded an opportunity of showing cause against their proposed dismissal.

The orders purport to have been made under Rule 14(ii) of the Discipline and Appeal Rules, 1968, read with proviso(h) of Article 311 (2) of the Indian Constitution.

The only ground on which it has been held by the Senior Divisional Mechanical Engineer that it was not practicable to hold an enquiry is that the witnesses who would be produced against the petitioners were under fear and danger to their persons and as such they would not be in a position to depose freely. It is well settled that this is not a ground which can be validly treated ~~that this is not a~~ to be ground on which authority can arrive at a conclusion that it is not reasonably practicable to hold an inquiry. Learned counsel for the opposite parties does not contest this legal position.

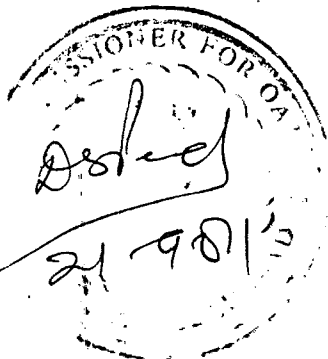
The writ petition is accordingly allowed and the orders Annexures 1, 2 and 3 to the writ petition are hereby quashed. There will be no order as to costs.

Sd/- U.C. Srivastava.

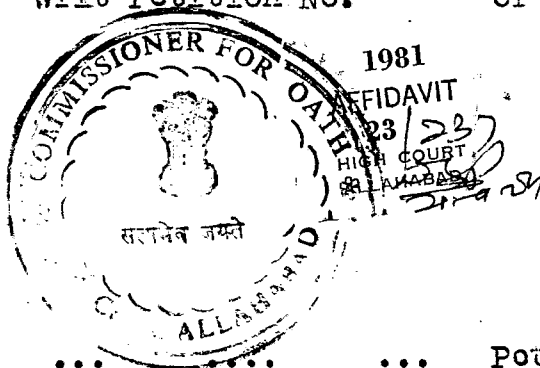
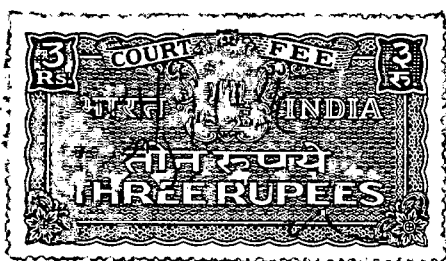
Sd/- K.N. Goyal.

26-10-1978

26/10/78
(K.N. Goyal)



IN THE HON'BLE HIGH COURT OF JUDICATURE, SITTING AT LUCKNOW
Writ Petition No. of 1981



Brij Lal ... Petitioner
... Versus ...
Union Of India, and others ... Opp. Parties

AFFIDAVIT

I, Brij Lal aged about 36 years son Sri Lakhai resident of Village Pachperwa, Post Fardhan, district Kheri, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner of the abovenoted petition as such is fully conversant with the facts deposed herein under:-

2. That the contents of para 1 to 15 of the writ petition are true to the own knowledge of the deponent.

3. That nothing material has been concealed by the deponent So help him God.

Lucknow:

(Signature)
(Deponent)

Dated: 21-9-81

Verification

I the abovenamed deponent do hereby verify that the contents of para 1 to 3 of the this petition are true to his own knowledge, and nothing material has been concealed by him. So, help him God.

Signed and verified on this 21 day of Sep. 1981 in the Court Compound.

Lucknow:

(Signature)
(Deponent)

Dated: 21-9-81
I identify the deponent who has signed before me. Solemnly affirm before me on this day of Sep. 1981 at 11 a.m./p.m. by Sri Brij Lal who has been identified by Sri I.B. SINGH, Advocate High Court Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read over and explained by me.

(Signature)
Advocate
Lucknow

23/28
21-9-81

(Signature)

व अदालत श्रीमान

Honble High Court of Judicial
Sitting at Lucknow महोदय

वादी (मुद्दई)

प्रतिवादी (मुद्दालेह)

का वकालतनामा

C.P. No. 1981

1925
१२/११

Brij Lal

वादी (मुद्दई)

BY 11

Union of India
and others बनाम

प्रतिवादी (मुद्दालेह)

C.P. No.

1981
१६/१०

नं० मुकद्दमा

सन् १६

पेशी की ता०

१६/१०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

I. B. Singh Adv.

एडवोकेट

I. B. Singh Adv.

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

I. B. Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

21

महीना

9

१६/१०

accepted
I. B. Singh Adv.

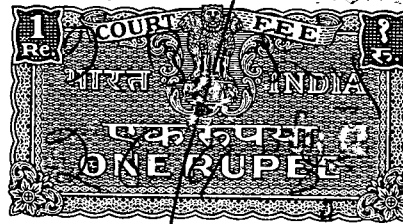
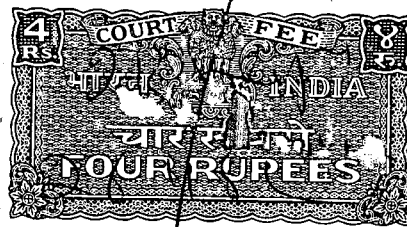
अदालत
नां० मुकद्दमा
नाम फरीकसानी

A-27
5/1

CM No 4299/5/02

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

Writ Petition No. 4953 of 1981.



Brijlal son of Lakhai,
Resident of Village-
Packparwa, Post-Furdhan,
Distt. Kheri, Ex-fireman II,
Mailani-Shed, Mailani, Kheri,

..... Petitioner.

Versus

- 5-285
1. Union of India through General Manager, N.E. Railway, Gorakhpur.
 2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
 3. Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.
- Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs to state as under :-

B/e-

That for the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the opposite parties to pay the salary of the petitioner during pendency of the writ petition or any other relief which this Hon'ble Court may think proper.

Lucknow:
Dated : Apr. 26, 1981

1/384
(I.B. Singh)
Advocate
Counsel for the applicant.

A29 5/2

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

Writ Petition No. 4953 of 1981.



Brij Lal I -----

Petitioner.

Versus

Union of India & others -----

Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 36 years son of Shri Lakhai, Resident of village - Pachparwa, Post - Furdhan Distt. Kheri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite Party No.2.

3. That the deponent is not getting his salary and is not employed anywhere and has got no source of income as such the whole family of the deponent is on the verge of starvation.

4. That the deponent was dismissed under Rule 140 of Discipline and Appeal Rules 1964-68 which has been challenged in several writ petitions and the writ petitions have been allowed.

5. That the opposite parties are doing their best to oust the deponent from his quarters No. 195-1 Loco Colony Mainani, Kheri which is allotted in his name.

Cont'd.....

of 5/10/82

A 29
5/3

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

de signa

Lucknow:
Dated : *h* Apr. 26, 1982.

Petitioner.

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to *h* of this affidavit are true to my personal knowledge.

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

de signa
Petitioner.

Lucknow:
Dated : *h* Apr. 26, 1982.

I identify the petitioner who has signed before me.

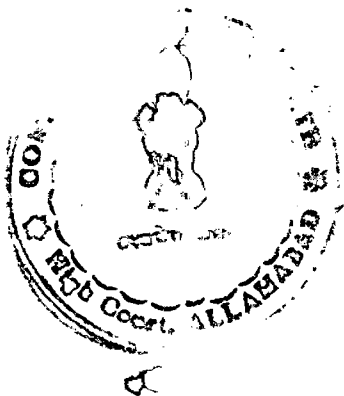
I B Singh
(I.B. Singh)
Advocate

Solemnly affirmed before me on *26.4.82* at *9.30* A.M./P.M. by Sri *Brij Lal* the deponent who is identified by Sri *D. B. Singh* Advocate, High Court, sitting at Lucknow.

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

V. N. SINGH
(V. N. SINGH)

<p>Cath Commissioner, High Court Allahabad, Lucknow Bench.</p> <p>No <i>115/15/329</i> Date <i>26/4/82</i></p>
--



A-30

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

Writ Petition No. 4953 of 1981.

Bench copy

Brij Lal son of Lakhai,
Resident of Village-
Pachparwa, Post-Furdhan,
Distt. Kheri, Ex-fireman II,
Mailani-Shed, Mailani, Kheri.

..... Petitioner

Versus

1. Union of India through General
Manager, N.E. Railway, Gorakhpur
2. Divisional Railway Manager, N.E.
Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical
Engineer, N.E. Railway, Lucknow
Division, Lucknow.

.....Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs
to state as under :-

That for the facts and reasons stated in the
accompanying affidavit it is most respectfully prayed
that this Hon'ble Court may kindly be pleased to direct
the opposite parties to pay the salary of the petitioner
during pendency of the writ petition or anyother relief
which this Hon'ble Court may think p-roper.

I.B. Singh
(I.B. Singh)
Advocate

Counsel for the applicant.

Lucknow:
Dated : Apr. 26, 1982

IN THE HON'BLE HIGH COURT OF JUDICATURE SITTING AT
LUCINOH.

Writ Petition B.4953 of 1981.

Drig La 1

Petitioner.

Veritas

Union of India & others

Opp. Parties.

APPRAVAL

I, Drig Lal, aged about 36 years son of Shri
Lakshmi, Resident of village - Bachpura, Post - Barchan
Distt. Bhadrachalam, do hereby solemnly affirmed and state on
oath as under :-

1. That the deponent is the petitioner of the petition
and is fully conversant with the facts deposed herein
under :-

2. That the deponent became victim of illegal dismissal
from his service on 12.12.1978 by the orders of opp-
osite Party B.2.

3. That the deponent is not getting his salary and
is not employed anywhere and has got no source of income
as such the whole family of the deponent is on the verge
of starvation.

4. That the deponent was dismissed under Rule 14(2)
of Discipline and Appeal Rules 1963-68 which has been chal-
lenged in several writ petitions and the writ petitions
have been allowed.

5. That the opp. parties are doing their best
to evict the deponent from his quarters
no. 195-F Loco Colony Marlam, Kheer
allotted in his name.

A32

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

Enkhow:

Petitioner.

Dated 1 Apr. 26, 1981.

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my personal knowledge.

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

Petitioner.

Enkhow:

Dated 1 Apr. 26, 1981.

I identify the petitioner who has signed before

me.

(I.B. Singh)
Advocate

Solemnly affirmed before me on

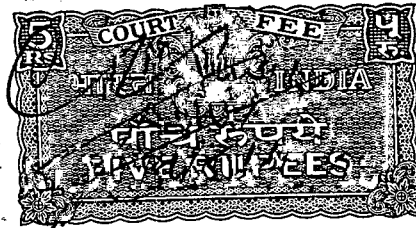
at A.M./P.M. by Sri
the deponent who is identified by
Sri

Advocate, High Court, sitting at Lucknow.

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

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

Misc. Application No. 3769 (w) of 1983.
In Re
Writ Petition No. 4953 of 1981.



Brij Lal, son of Kakhai, Resident of
Village Pachparwa, Post-Furdha, Distt.
Kheiri, Ex-fireman-II, Mailani-Shed,
Mailani, Kheiri.

..... Petitioner.

Versus

1. Union of India, through General
Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E.
Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer,
N.E. Railway, Lucknow Division, Lucknow.

..... Opp. Parties.

SECOND APPLICATION FOR INTERIM RELIEF :

The above named petitioner- applicant most
humbly begs to state as under :-

1. That for the facts and reasons disclosed
in the accompanying affidavit, it is most respectfully
prayed that this Hon'ble Court may kindly be pleased
to stay the operation of order dated 12.12.1988 and
dated 7.8.1981, passed by the Opposite parties No. 3 &
2 respectively, contained in Annexure No. 1 & 2 to the
Writ Petition. In alternative the opposite parties may
be directed to pay the salary of the petitioner during
the pendency of the Writ Petition, or anyother relief
which this Hon'ble Court may think proper, may be gran-
ted in favour of the petitioner.

Lucknow :
Dated : March , 1983

1381/1
Counsel for the Applicant

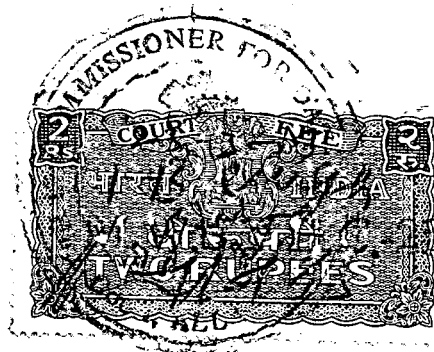
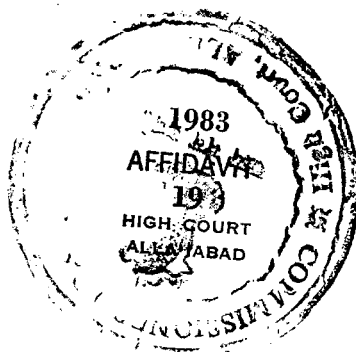
A-34 6/2

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

Misc. Appl. No. of 1983.

In Re

Writ Petition No. 4953 of 1981.



Brij Lal

.....

.....

Petitioner

Versus

Union of India
& others

.....

.....

Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 37 years, son of Shri Lakhal, Resident of Village - Pachparwa, Post Furdhan, District Kheiri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite party No. 2.

3. That the deponent is not getting his salary and is not employed anywhere ^{where} and has got no source of income as such the whole family of the deponent is on the verge of starvation.

.....2.....

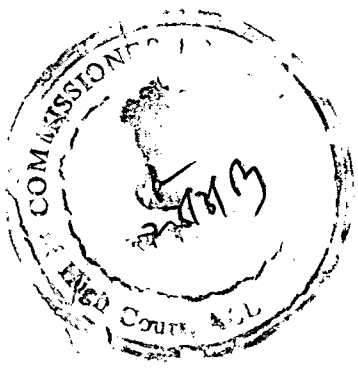


08/01/83

A-35 6/3

4. That the deponent was dismissed under Rule 14(2) of Discipline and Appeal Rules Rules 1964-68 which has been challenged in several Writ petitions ~~and the~~ and the Writ Petitions have been allowed.

5. That the petitioner is in possession over the quarter No. 195-F, in the Loco Colony, Mailani, District ~~Bheiri~~ which is allotted to the petitioner, the opposite parties are trying their level best to oust the petitioner from the said colony.



6. 8 That in Writ Petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

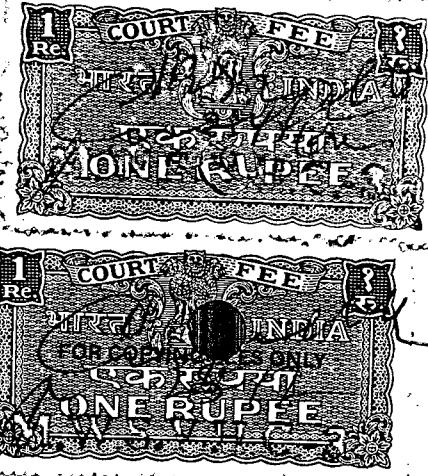
7. That similar Writ Petitions, filed by the Railway Servants in Supreme Court, ~~against~~ against the similar orders, the petitioners have been allowed to draw their salary which were lastly

20/10/15

urgent
24/10/03
25/10/04

A-37

APPLICATION FOR INSPECTION



To,
 The Deputy Registrar,
 High Court of Judicature at Allahabad,
 Lucknow Bench, Lucknow.

Please allow inspection of the paper passed below. The application is urgent/
 ordinary. The applicant is not a party to the case.

Full Description of case	Whether case pending or decided	Full particulars papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection.	Office report and order
<i>Brigade vs Union of India</i> <i>W.P. No 4953/01</i> <i>Justice - Khosla</i>	<i>Pending</i>	<i>Inspection of Paper Book</i>	<i>I.B. Singh Adv.</i>		<i>Please Vindhy</i> Office Report <i>25/10/04</i> Order for Inspection <i>25/10/04</i> Deputy Registrar <i>25/10/04</i> Date 25/10/04 <i>IB Singh Adv.</i>

Date 25/10/04

Signature of applicant or his Advocate

Inspection commenced at 1.25 PM on 25/10/04

Inspection concluded at 1.43 PM

Inspection fee paid by the applicant

Additional fee if any

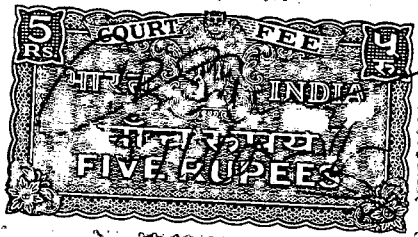
Inspected
25/10/04
[Signature]

IN THE HON'BLE HIGH COURT OF JUDICATURE, SITING AT
LUCKNOW.

Civil Cr. Misc. Application No. 3081 (W) of '84

in re

Writ Petition No 4953 of 1981



14-11-84
27/12/84

Brij Lal, son of Lakhai, Resident of
Village Pachperwa, Post Phardhan,
District Kheiri, ex-Fireman-II, Mailani
Shed, Mailani, District Kheiri.

.....

Petitioner-
Applicant.

Versus

1. Union of India through General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Manager, N.E. Railway, Lucknow
Division, Lucknow.
3. Senior Divisional Mechanical Engineer, N.E.
Railway, Lucknow Division, Lucknow.

.....

Opposite
Parties.

APPLICATION FOR INTERIM RELIEF

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

1. That for the facts and reasons disclosed in
the accompanying affidavit, it is most respectfully
prayed that this Hon'ble Court may kindly be pleased to
stay the operation of the order dated 12.12.1978 and

.....2.....

A-39 7/2

: 2 :

dated 7.8.1981, passed by the opposite parties No. 5 & 2 respectively, contained in Annexure No. 1 and 2 to the Writ Petition. It is further prayed that in alternative the opposite parties may be directed to pay the salary of the petitioner, during the pendency of the Writ Petition or may be pleased to grant any other relief which this Hon'ble Court may deem fit and proper in the circumstances.

Lucknow :

Dated : March 27, 1984.

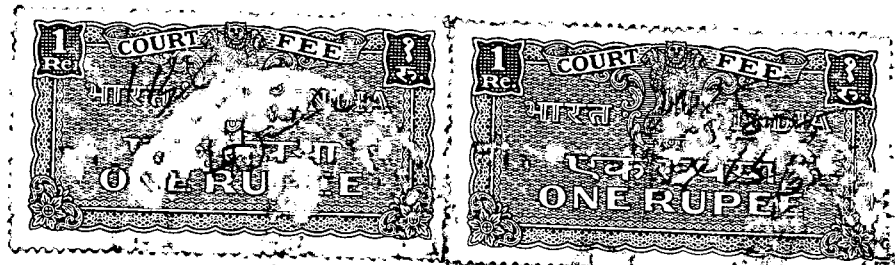
I.B. Singh
(I.B. Singh) Adv.
Counsel for the Applicant.

A-40

23

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

Orig. Misc. Application No. (W) of 198



1984

AFFIDAVIT

HIGH COURT
ALLAHABAD

Brij Lal Petitioner-
Applicant.

Versus

Union of India and
others Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 38 years, son
of Shri Lakhai, Resident of Village Pachporwa, Post
Phardham, District Kheiri, do hereby solemnly affirm
and stato as under :-

1. That the deponent is the petitioner in
the above mentioned Writ Petition and is fully con-
versant with the facts of the case, deposed here-
in under :-

2. That the deponent became victim of illegal
order of dismissal from his services of Fire-Man II

Handwritten signature and date 29/4/84

on 12.12.1978 by the orders of the opposite party No. 2. The ~~stay~~ order was passed without giving any opportunity to the deponent.

2. That the deponent is out of job and is not getting his salary and is not employed anywhere, having no source of income as such the whole family of the deponent is on the verge of starvation.

3. That the deponent was dismissed under order 14(2) of the Discipline and Appeal Rules which has been challenged in several petitions and most of the Writ Petitions have already been allowed. A certified copy of the judgement and order of this Hon'ble Court has already been filed alongwith the Writ Petition.

4. That in the Writ Petition No. 4882 of 1981 and in the Writ Petition No. 5874 of 1981 in which the petitioners services of those petitions were dismissed on the similar grounds, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary to the petitioners in those petitions, and stay orders have been granted accordingly. A true copy of the stay passed in Writ Petition No. 5874 of 1981 is being filed as ANNEXURE NO. 1 to this affidavit.

5. That several Writ Petitions pending in same Court the same question is involved which is involved in this petition and in those petitions too, Hon'ble Supreme Court has directed the employers pay the salaries to the employees although the are still pending in the Hon'ble Supreme Court

deponent

[Signature]
27/3/84

A-42

7/5

6. That the first application was rejected by the Hon'ble Mr. Justice U.C. Srivastava and the application was dismissed in non-appearance and this is the third stay application in this Hon'ble Court.

7. That the Writ Petition itself was listed for hearing on 1.12.1983 and the Hon'ble Court was pleased to direct the office to repeat the case for hearing but till today the Writ Petition has not been listed for hearing.

8. That it will be in the interest of justice that this Hon'ble Court may be pleased to stay the operation of the order of dismissal of the deponent till the pendency of the Writ Petition.

LUCKNOW :

(DEPONENT)

Dated : March 27, 1984.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 7 of this affidavit, are true to my own knowledge and the contents of paragraph 8 are believed by me to be true.

Signed and verified this 27th day of March, 1984, in the Courts Compound, Lucknow.

Lucknow :

Dated : March 27, 1984.

(DEPONENT)

I identify the deponent who has signed before me.

Solemnly affirmed before me on 27-3-84 at 4.30 A.M./P.M. by Shri. I.B. Singh, Advocate, High Court, sitting at Lucknow.

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

22/3/84

371351
27-3-84

A-43
26

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

Civil Misc. Application No. of 1984.

Brij Lal Petitioner-
Applicant
Vorsus
Union of India and others Opp. Parties.

ANNEXURE NO. 1

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

C.M.An. No. 8460(W)-82 in re: Writ Petition No. 5874 of 1981

Ramesh Lal. Petitioner.

Vs.

Union of India and others. Respondants.

Application for Interim Relief.

Lucknow dated : 24.2.1983.

Hon. U.C.Srivastava, J.

It appears that three other persons have been dismissed alongwith the petitioner and three of them have filed writ petition at Allahabad and the said matter is pending before the Supreme Court, which has directed for payment of salary to the said three petitioners. The grievance of the petitioner is that his case is identical to the cases of those three petitioners and he may be paid his salary. Learned counsel for the Railway administration again prays for time today. There is no justification to grant time again, If other petitioners are getting their salaries, there is no reason why the petitioner of this case should not get his salary. The opposite parties are directed to pay salary to the petitioner from March 1983. However, it will be open to the Railway Administration to move application for modification of this order as and when an affidavit is filed pointing out the difference between these cases.

Sd. U.C. Srivastava.
24.2.1983.

27/3/84

A-111

In the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow

M.P. No. 426/90 (2)

Misc. Application No. of 1990

in re:

T.A. No. 850 of 1987(T)

(Writ Petition no. 4253 of 1981)

Brij Lal

..... Applicant

Versus

Union of India & others.


..... Opp-parties.

Application for condonation of delay

The respondents most respectfully submit as under :

- Filed today
588
12/7/90*
1. That due to unavoidable and unforeseen reasons and also because of inadvertence, the counter affidavit in the writ petition could not be filed.
 2. That the respondents have a good case in their defence and if they are not permitted to file the counter affidavit they would suffer irreparable loss.
 3. That the delay is liable to be condoned.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased to condone the delay and permit the respondents to file the counter affidavit which may be brought as part of the record in the interest of justice.


(...N. Verma)

Advocate
Counsel for the respondents.

Lucknow 18. 6. 1990

A-45

C. A. Aggarwal

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

.....

T.A. no. 850 of 87(I)
Writ Petition no. 4953 of 1981

Brij Lal Petitioner.

Versus

Union of India & others. Opp-parties.

Written statement on behalf of opposite parties.

I, Keshava Deo, working as Sr. Divisional Mechanical Engineer in the office of Divisional Railway Manager, Northern Eastern Railway, Lucknow, do hereby state as under:

1. That the deponent has read the petition filed by the petitioner and has understood the contents thereof. He has been authorised to file and verify the written statement on behalf of the respondents.

2. That the averments of para---graph 1 of the writ petition are not admitted and are denied. It is submitted that the petitioner was appointed as Fitter and Khalasi by Asstt. Mechanical Engineer, not by senior

हरीनियर (लोको)
अखनऊ

.....

Divisional Mechanical Engineer as stated by the petitioner vide copy of AME's office order no. 201 as well as no. E/227/2/M/Pt.III dated 20.1.1965.

3. That the contents of paragraph no. 2 of the writ petition are not admitted. The petitioner was not a permanent fireman II as alleged by him. He was officiating as Fireman II in the scale Rs. 210-270 and not in the scale of Rs. 200-250 .

4. That in reply to the contents of paragraph no. 3 of the writ petition, it is stated that it was not practicable to hold any enquiry. There was apprehension of threat to the life and property of the witnesses who might have deposed against the petitioner.

5. That the contents of paragraph no, 4 of the writ petition are not admitted. The petitioner had assaulted Sri M.C.Sinha, Senior Divisional Mechanical Engineer, North Eastern Railway, Lucknow on duty on 17.10.72 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. He also used abusive and unparliamentary language against the aforesaid officer with dire consequences.

6. That in reply to the contents of paragraph no. 5 of the writ petition, it is stated that reference of General strikes and arrest are irrelevant for the purposes of the present writ petition. It is ~~ix~~ respectfully submitted that the petitioner had

श्रवर मण्डल यांत्रिक इंजीनियर (लोको)
पूर्वोत्तर रेलवे, लखनऊ

assaulted to a senior officer as has been stated above.

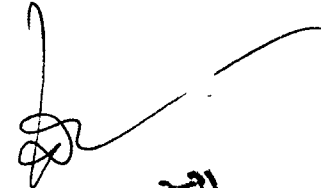
7. That the contents of the paragraph 6 of the writ petition are not admitted. It is stated that the FIR was lodged with G.R.P. Lakhimpur Kheri on 17.10.78 that is on the very date of incidence. A criminal case was filed by GRP in the court of Chief Judicial Magistrate, Lakhimpur Kheri.

8. That the contents of paragraph No. 7 of the writ petition do not call for any reply.

9. That in reply to the paragraph No. 8 of the writ petition, it is stated that the position has already been explained in the preceding paragraphs of this reply.

10. That in reply to the contents of paragraphs No. 9 of the writ petition it is submitted that appeal preferred by the petitioner was considered and decided by the General Manager, N.E. Railway, Gorakhpur which was communicated to the petitioner by the Divisional Railway Manager, N.E. Rly., Lucknow vide order dated 20.6. 1981/ 16.7. 89 (A/2 to WP).

11. That in reply to the contents of paragraph No. 10 of the writ petition it is stated that prior to disciplinary authority regarding its satisfaction for holding the enquiry and proceeding under Rule 14 (11) (DAR) a confidential fact finding enquiry was gone into to which the petitioner was called to attend the enquiry but the petitioner did not turn up. The Divisional Superintendent, N.E. Railway, Lucknow after going through the report of the enquiry officer and considering the facts of the case recorded his satisfaction that in the circumstances it was not reasonable and practicable to hold the enquiry in the manner provided under DAR/ 1968. A copy of reasons recorded by the Disciplinary Authority is filed herewith as Annexure C-I to this reply.


प्रवर मण्डल यांत्रिक इंजीनियर (लोको)
पूर्वोत्तर रेलवे, लखनऊ

A-401

12. That the allegations of paragraph no. 11 of the writ petition are denied. The appeal was considered by the General Manager who had rejected the same.

13. That the paragraph no. 12 of the writ petition are denied.

14. That the paragraph no. 13 of the writ petition needs no reply.

15. That in reply to the paragraph 14 of the writ petition, it is stated that the petitioner has since been dismissed from service, he is not entitled to the benefits as claimed in the paragraph under reply. He is occupying the Railway quarter at Mainlani unauthorisedly to which he is liable to vacate and pay the rent under rule.

16. That in reply to the contents of paragraph no. 15 of the writ petition, the deponent is advised to state that grounds set out in this para of the petition are not tenable in law, the writ petition has no merits and the same is liable to be dismissed.

Indiaw, dated,
8.6.1980

Keshava Deo
पुर्वोत्तर रेलवे, लखनऊ

I, the above-named deponent do hereby verify that the contents of paras are true to my own knowledge, those of paras are true to my knowledge based on record, which I believe to be true, and those of paras are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Keshava Deo

Indiaw, dated,
8.6.1980.

पुर्वोत्तर रेलवे, लखनऊ

पुर्वोत्तर रेलवे, लखनऊ

A-UG

Annexure No 11

I have carefully gone through the Fact Finding Enquiry Report of Shri R.C.Bhandari, Sr.D.E.N./LJN nominated by me under my no.LD/SS/Assault dated 29.11.78 which is from page 1 to 8 of this file and accept the same. I am satisfied

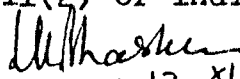
(1) That Sri Brij Lal, Fireman (II) (formerly of Mailani Shed spared for transfer to Gonda Shed) assaulted Shri M.C.Sinha, Sr.Divl.Mechl.Engineer,LJN on duty on 17.10.78 in the office of LOCO FOREMAN, Mailani and thereby committed serious misconduct of the highest order;

(ii) That the said Sri Brij Lal used abusive and unparliamentary language against Sri M.C.Sinha, Sr.DME/LJN on duty on 17.10.78 in the office of Loco Foreman,Mailani and thereby committed gross insubordination and serious misconduct;

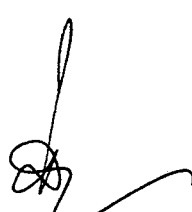
(iii) That the said Sri Brij Lal threatened Sri M.C. Sinha, Sr.DME/LJN on duty with dire consequences on 17.10.78 in the office of Loco Foreman, Mailani and thereby committed serious misconduct.

2. I am also satisfied that there is a reasonable apprehension, beyond doubt, of the threat to the life and property of the witnesses who might depose against the aforesaid Shri Brij Lal in the event of an enquiry and further that there is also an apprehension, beyond reasonable doubt, of the obstruction in the smooth conduct of Railway work in the Mailani shed area and an apprehension of breach of peace in the event of any disciplinary enquiry being initiated against the said Sri Brij Lal.

3. I, L.M.Bhasker, undersigned disciplinary authority in this case, am therefore fully satisfied that it is not reasonably practicable to hold any further enquiry in the manner provided under DAR and in after considering all the facts, circumstances and evidence of this case consider it fit to dismiss the aforesaid Sri Brij Lal, Fireman II, formerly Mailani Shed spared for transfer to Gonda Shed, from service under rule 14(ii) of DAR, 1968 of the N.E.Railway read with proviso(b) of the Article 311(2) of Indian Constitution.


(L.M.Bhasker) 12.XII.78
Divisional Superintendent
N.E.Rly., Lucknow

(DISCIPLINARY AUTHORITY)


प्रवर मण्डल यांत्रिक इंजीनियर (लोको)
पूर्वोत्तर रेलवे, लखनऊ

754

ANNEXURE NO. R-1

[illegible]

मिश्रित मिश्र उपादान का ब्यापकता १५ से २० तक का वसा
विना जलवायु नजरी बदलाव पर प्रतीति के पत्र वगैरह के द्वारा
सही जानकारी को विज्ञान आधारित करने के लिए प्रयोग-प्रदर्शन
के प्रमाण मिले।

डॉ. वि. व. मजलूम के सहायक के उद्देश्य से
उपरोक्त अध्यापक का स्वयंसेवक के रूप में कार्य करने के लिए नियुक्त
है और इसी के कारण उन्हें अपने माता के पास रहने दिया गया है।

[illegible]

161 / 212 / 43

पी० डब्ल्यू०। कारी केशव चन्द्र सिंह, पी० डब्ल्यू० २
 रमेश चन्द्र श्रीवास्तव पी० डब्ल्यू० ३ केशव चन्द्र नन्दा पी० डब्ल्यू० ४
 गोविन्द सिंह धरना के प्रत्यक्ष दर्शी गवाहन- ई ३२ एम। गनधन
 के प्रीत्यक्ष पसेआ। के भी कर्मचारी दफ्तर के कचन का प्रत्यक्ष
 किया है। कहा कि दिनांक १७-१०-७८ को कारी केशव चन्द्र नन्दा
 का प्रीत्यक्ष पसेआ। कोने काम का उल्लेख दफ्तर लोका लउत का—
 / ११.१०

உதாரணம்

निरीक्षण किया करीब 11:30 बजे दिन लोको, केलेन के दफ्तर (क्या
 उक्त आदि के कागजों और कर्मचारियों के रिप्रेजेंटेशन (अननलगा)
 करीब 1 बजे दिन आदि के दफ्तरों में जिसका लेना देना गेटों के लिए
 हो चुका था आभा उक्त वारी ले कहा कि गेट आने का रद्द मार
 ता वारी ने आदि के से कहा कि लिखित नोट दे दूँगे
 (सद्युक्त उन्हें उक्त मिया नगों आदि के लिए निरीक्षण
 पावती था उन लिए गेटों को वारी को गाली-गलौज
 देने लगा कि नोट दौप ले वाला पकड़ का मोहन के लिए
 आदिना दौप उठाया, उनके से पी. 58 यू. 4 जो जेन्टल सिद्ध ने
 वारी को बताया, उनके बाद भी आदि के नोट गालियों दे दी
 12:41 बजे यह कहता है कि यदि उसको स्थानान्तरण रद्द
 नहीं किया गया तो उसके परिवार के मुक्तों के लिए वारी का
 तैयारी रहना होगा वह प्रकाश आदि के ने सरकारों का तै
 बाधा उत्पन्न की। पी. 58 यू. 4 जेन्टल सिद्ध ने कहा
 कि उनके बस में उस घर का भी लिखित रिपोर्ट उनके रहने
 को. बोला का लिखित जो प्रदर्शनी का है। इन सभी गेटों ने
 गेट के इस बात को कहा कि आदि के दफ्तरों को एक
 लोक घर का है पहले से नहीं जमाने के घर का स्थान पर
 आदि के अकेले ही कम था वह (समय) उनके हाथ में बारी
 दबिआ नहीं था उन गेटों ने उस बात से उन्पु किया
 के मां उस प्रकाश का बारी घर का नहीं हुई और उनकी बारी
 रजिस्ट्रार आदि के से है जिस का नाम उन्होंने आदि के को 9/1
 / 12/10-5

वडावा

22 നവം. 2019

A 59

प्री० ज्यू-5 एका ही पत्रात निदर्शित झाल्या तसेच वी० ज्यू० १
विषयी २३-३३ (मि०) कार्यालयात प्रकाशित केले जाईल हे निदर्शित असा
विषयक प्रथम सूचना दिवशी प्रदर्शित केले गेले. जी० जी० प्रदर्शित केले तसेच
१०० जी० जी० प्रदर्शित केले आहे.

पौ० ३३ बू० ६ श्री० लक्ष्मी वेंग / उत्तरी सहयोग धरणा की
 निर्माण आधिकारी हैं जिन्होंने कहा कि इस धरणा की निर्माण-
 रकम सिमा धरकर ही का निर्माण किया जा रहा है।
 १६ दिसंबर का समय लाना नजारा नजारी धरणा पर ही
 कर दिया। उक्त धरणा नहीं पाया जा रहा है कि बिना
 २५-१२-२० को उक्त आधिकारी धरणा की ३५-० मालिका की प्रतिक्रिया
 जिन्होंने उक्त धरणा के उक्त धरणा की उक्त धरणा की उक्त
 प्रकाश की धरणा धरणा धरणा धरणा धरणा धरणा धरणा
 सारांश का प्रकाश धरणा धरणा धरणा धरणा धरणा धरणा

161/212/03

वसोनात पो. ३०७० / केशव-चन्द्र गिरा, पो. ३०७०
 केशव-चन्द्र गिरा, पो. ३०७० उ केशव-चन्द्र गिरा तथा पो.
 ३०७० ५ गोगोत्र गिरा गोत्रि चला के प्रत्यक्ष दर्शनी गगन हैं
 सुपुत्र विर विरिन्त पुष्पा पुष्पा विपरीत प्रदर्श क। चित्त पुष्पा
 सुपुत्र विपरीत प्रदर्श क२ तथा वसोनात पो. ३०७० ६ एवं पुष्पा
 विरिन्त-पुष्पा विरिन्त विपरीत उर गगन के अंतर्गत हैं कि
 वसोनात दिनांक १७-१०-७८ को केशव / चित्त विरिन्त लोको ६३
 के कोशों के उर के केशव पुष्पा विरिन्त के वशी जो कि
 पुष्पा लोको ६३ हैं को विरिन्त सरकारी सुपुत्र पुष्पा
 गगन के वी तथा उर गगन पुष्पा का दावे को माते
 / ११/००

02/11/20

0 कि प्रमाण निम्न/ जहाँ तक उस चरण की कोटि का प्रश्न
 है उत भी के निम्न से आभियोग पक्ष के आभियुक्त
 के विरुद्ध सिद्ध किया है जहाँ के उपरोक्त प्रत्यक्ष दशो गिनाए
 जी० ५०७०१ केशव चन्द्र जी० ५०७०२ (केशव चन्द्र श्री कालव,
 जी० ५०७०३ केशव चन्द्र गन्धी तथा जी० ५०७०४ गोविन्द प्रसाद
 ने उस तथ्य को कारिसर-टेरिनी कहा कि चूँकि आभियुक्त
 का एकाग्रता न लानी लोको संदेहों जाड़ा के लिए बरिदा
 गमा था उहाँ आभियुक्त एकाग्रता रद थागा चारदा था उहाँ लिए
 उहने उस प्रमाण को चरण की।

आभियुक्त की ओर से इस सम्बन्ध में यह
 भी लो गयी कि वह निर्दोष है तथा वंजित के कारण भूदे
 भक्ति के कोला दिया गया है। आभियुक्त के विज्ञान-आधिकारों
 की प्रकाश उस उपाय की वंदन किया कि चरण होने के
 बाद बहुत अधिक देरी के आभियुक्त के विरुद्ध नवी जी० ५०७०७
 केशव चन्द्र गिन्दा ने कोला या रिपोर्ट दर्ज करवा उहाँ देरी से
 रिपोर्ट दर्ज कोला के सम्बन्ध में आभियोग पक्ष ने कोडे भी
 स्वयं कोला देरा नहीं किया कता। उही कोला या आभियुक्त
 कोला प्रिड मिने लाने का अधिकारी है। उस उदम में आभियुक्त
 के विज्ञान आधिकारों ने कोला दशाग माननपि उद्य-नमानन लखेनडा
 केन्द के निरुद्ध 1981 देरी वर्गा दशाग राजन भूतम्
 ५०७ ५) की ओर दिलाया गे निम्न से आभियुक्त के
 विज्ञान आधिकारों कोला की गयी उह प्रमाण की वंदन के
 बहुत अधिक वन है उहाँ उह भक्ति नमान नमान
 (could-)

५०७ ५)
 केशव चन्द्र

करी 11-12 लोगों के प्रती सफ ले लायु होता है कभीकभिय प्रका
 24 वन रिपोर्ट 1430 42 के डालवागन से विदित होता है कि
 17-10-78 को दिन के 1 बजे धरौ धरान हवल ल
 400 की डरौ सुनिश्चित है 1 मील है उनके विपरीत वारी के दिनांक
 19-10-78 को 3-45 बजे दिन उस धरान की रिपोर्ट कोने में डरौ
 काडि। उतनी अधिक डरौ कोने रिपोर्ट डरौ कोने की काउकी
 दिगहनोरि हवनरुथ डालिभोजन दकनको डाले देश भी नही
 को गभीर है। अतः इस करी 11-12 के के अ निष्कर्ष यह है
 है कि वास्तव में वारी ने प्रका प्रका रिपोर्ट 17-10-78 को के
 वहुत अधिक डरौ लड-तवा सिवाइ कशवा नाले के नड
 डरौ काडि को प्रका प्रका रिपोर्ट डाले कशवा डरौ
 को को लो डरौ है।

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21/2/73

अभिप्रेत के दिहान कदिरकीने डाले अ
 आकाश की गोडाल शक्यो के वरुत विधा कि आगमोजन दकन
 प्रका डरौ आकाश-अभिप्रेत प्रकाश को वरुत ले आने वरुत
 गडी भी डरुकिर उनके डाल-आकाश के लकन दिगहनोरि कशन
 निरवक है उन तक कि उरु प्रविट कल कालिवाडी शिंहन
 ले गडी कालि गयी है। अतः इस डाले का लकन भी अभिप्रेत को
 निरवक कदिर। के विवाले अभिप्रेत के दिहान-कदिरकीने डाले
 भी गयी। उरु प्रका की वरुत के भी वरुत कदिर नव है अ
 उनके डरौ प्रविटि माननरि डलाडाल उरु आकाश आकाश
 वरुत भी उरुके लकन वरुत कड-2 4 भी लायु डरौ
 है गडन की माननरि सदीच कालिवा के निरवक-डरौ



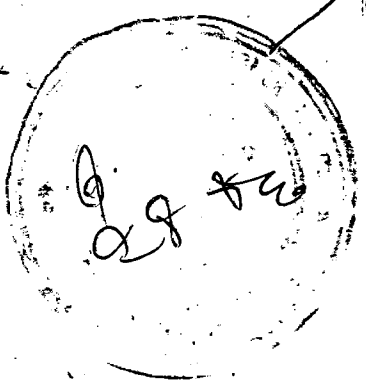
21/2/73

संयुक्त बंगाल की सी. प्रो. बोर्ड का अधिनियम 1920
अनुसार कोई प्रारंभ 1922 का उद्देश्य दिया गया, जिससे कि
माननीय सनोअर न्यायालय के भी नहीं गए बल्कि सिवाय कि
यदि कमिशनर वरु के प्रत्यक्ष दखलाने अथवा अतिरिक्त
परदे के नहीं आने पर मान्य है तो उनके न्यायालय में यदि
जोय बंगाल का विशेष काल कार्यवाही विभागात् से किया जाना
चाहिए। वर्तमान प्रकरण में भी प्रत्यक्ष दखलाने अथवा अतिरिक्त
लोगन की सी. प्रो. बोर्ड के अपने जिम्मे उक्त लक्ष्य को (नियम सिद्ध
है कि वह अतिरिक्त प्रमाणों को बदले से दृष्टिगत माने पर मान्य
नहीं है उक्त विषय उक्त माननीय सनोअर न्यायालय के निर्णय
के माननीय इलाहाबाद उच्च न्यायालय लखनऊ बेंच के निर्णय की
दृष्टि में कमिशनर वरु के। उक्त प्रत्यक्ष दखलाने अथवा
अतिरिक्त की कार्यवाही विभागात् से नहीं चाहिए या जो बेंच लक्ष्य
से कार्यवाही दिनांक 1924 के लक्ष्य में मानी जाती, यदि कमिशनर
वरु को उक्त नहीं किया गया है तो उक्त दखलाने लक्षण
वास्तव में अतिरिक्त को दिया जाना चाहिए।

आगे अतिरिक्त के विभाग अधिनियम ने उक्त
कारण भी बंद किया कि अतिरिक्त प्रमाणों के
लक्षण वरु तथा कमिशनर वरु के कार्य प्रत्यक्ष दखलाने
विभागात् के लक्षण को केवल निरक्षर परदे या उक्त
कमिशनर वरु के कथनानुसार उक्त उद्देश्य कमिशनर
अथवा का दिया तो कौन नहीं कमिशनर वरु के उद्देश्य
प्रत्यक्ष दखलाने अथवा अतिरिक्त को वही पर पकड़ लिया

Contd-9

वदनाम



और उसे पकड़ने के बाद भी नहीं छोड़ा जा रहा।
 यह परिस्थिति भी उक्त तथ्यों की ओर इंगित करती है कि
 वास्तव में अभियुक्त निरदोष है। नई दिल्ली से अभियुक्त के विमान
 अधिनस्थ हुआ। जो अभी उक्त प्रमाणों के दखल में बहुत अधिक देर
 व देर है क्योंकि प्रत्यक्ष दूरी गवाहों की संख्या में दोषियों में
 सिद्धांत की संख्या 2 दोषियों में भी शामिल की संख्या 3 दोषियों में
 गयी है। जो संख्या 4 जो गवाहों में से अपने अपने निरदोष तथ्यों
 को लेकर किताबें कि उनके द्वारा अभियुक्त के नाम के साथ पढ़ें
 की उक्त संख्या उक्त दायरे में कोई हथियार नहीं है। अभियुक्त को
 दंड या तो उक्त संख्या अभियुक्त का दंड। जो कि उक्त संख्या की वजह
 से यह है कि जो अभियुक्त दंड के साथ वार्डन की
 उक्त संख्या प्रत्यक्ष दूरी गवाहों के द्वारा उनके नाम (निर्दोष)
 पढ़ें या तो जो कि उक्त संख्या में अभियुक्त को वही
 पढ़ाया गया है। पढ़ा किताबें और उसे पकड़ने के बाद
 दंडित किया गया। यदि ऐसा नहीं किया गया तो यह परिस्थिति
 वास्तव में उक्त तथ्यों की ओर इंगित करती है कि अभियुक्त
 निरदोष है।

अतः तथ्यों एवं परिस्थितियों के अवलोकन के
 बाद भी उक्त निष्कर्ष पर पहुँचा है कि अभियुक्त निरदोष है
 और उसे कुछ भी नहीं करना चाहिए।

“आदेश”

अभियुक्त दंडित नहीं हो। उक्त संख्या के उक्त संख्या

और किताबें पढ़ें, वह जमानत पर है उक्त जमानत नाम निरदोष

P.T.O.

05/11/10

28/10

वेदों, शास्त्रों तथा आदिमान की निम्नलिखित

Ar-63

दिनांक-५.८.८२

हस्ताक्षर (आपका)
५/८/८२

(२५०२००००)
श्रीम. गुरुदेव-कर्मदेव
ला. गुरुदेव-कर्मदेव
५-८-८२

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21/2/13

आदिमान शास्त्र (आदिमान) के द्वारा दिनांक
२१/२/८२ को ३३ दिनों की अवधि में

दिनांक-५.८.८२

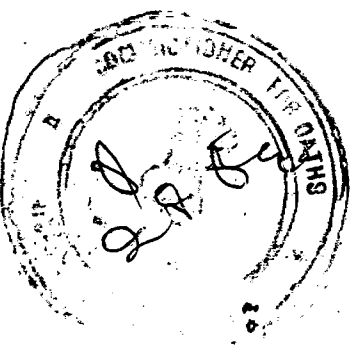
हस्ताक्षर (आपका)
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(२५०२००००)
श्रीम. गुरुदेव-कर्मदेव
ला. गुरुदेव-कर्मदेव
५-८-८२

सत्य प्रमाण
MS
अभिलेखपाल (आदिमान)
कलकत्ता-कलकत्ता

COPIED BY-
COMPIRED BY-

अभिलेखपाल के द्वारा प्रमाणित का दिनांक 21/2/13
अभिलेखपाल के द्वारा प्रमाणित का दिनांक 21/2/13
अभिलेखपाल के द्वारा प्रमाणित का दिनांक 21/2/13
1960



अभिलेखपाल

वकालतनामा

2nd Central Administrative Tribunal
Circuit Bench, Lucknow.
TA No. 380 of 87 (T)
Brig Lal

वादी
प्रतिवादीप्रतिवादी
वादीदावेदार
अपीलार्थीअर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

Union of India and others
AN Verma, Rly. Advocate,
Lucknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, कृपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण त्रिनिधिस्त्र करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादो/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

AN Verma, Railway Advocate,
Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख को सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

NER-84850400-8000

Accepted
Advocate

निष्पादन करने वाले अधिकारी का पदनाम

Sr. Dir. Personnel Officer
NER, Lucknow.
for Union of India
(O.P. No 1)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

.....

INDEX SHEETCause Title 74-NST of 1987 (T)
to P. No. LAS 3/81

Name of the parties

Applicant.

Versus

Union of India

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page.
(1) Case sheet	<u>A file</u>	A-1 to A-6
(2) Complaint		A-7 to A-9
(3) Work Petition		A-10 to A-17
(4) Affidavit		A-18 to A-24
(5) Affidavit		A-25
(6) Application for		A-26
(7) Affidavit		A-27 to A-33
(8) Response/affidavit to the written statement		A-34 to A-49
		A-50 to A-63
(9) Work Petition	<u>B file</u>	B-1 to B-7
(10) Affidavit		B-8 to B-11
(11) Written statement filed by all opp. Parties		B-12 to B-13
(12) Response/affidavit to the written statement of		B-14 to B-15
		B-20 B-28
	<u>C file</u>	
(13) Affidavit		C-1 to C-10
(14) Response/affidavit to the written statement of		C-11 to C-14

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1953

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
1-10-81	<p>Hon. J. S. Misra J.</p> <p>Hon. S. Zohar Hasan J.</p> <p>Notice has been accepted on behalf of the opposite parties 1, 2 and 3. The opp. parties are directed to produce complete order contained in Annexure 1 on 15.10.81 before that date.</p> <p>Sd. J. S. M.</p> <p>Sd. S. Z. H.</p> <p>1-10-81</p>	
15-10-81	<p>Annexure 1</p> <p>15-10-81</p> <p>Sd. S. Z. H.</p> <p>Sd. J. S. M.</p>	<p>For</p> <p>B</p> <p>15/10/81</p>
21-10-81	<p>Hon. Gopi Nath J.</p> <p>Hon. S. Z. Hasan J.</p> <p>Sd. J. S. M.</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4953

of 1984

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	C.M. An. No. 03831 of 84 For <u>Interim Relief</u>	
27-3-84.	Hon R.C. D.S., Put up along with the record next week.	
	Sd. R.C. D.S. 27-3-84.	
5-4-84	S. G. D. G. Jha Cm. 3831 of 84 Copy of Horseman &	
	23.4.84. Acc. Jha	
	Cm 3831 of 84 BLC	
24.4.84	Fixed writ in CM An-3831 of 84 for Hon KNGP Hon KNMS	

BC

21/3

6 is parties
examined

Order Sheet

TA 850/87

2

①

A-5

Boij Lal

vs.

W/O

Serial
number
of
order
and dateBrief Order, Mentioning Reference
if necessaryHow complied
with and
date of
compliance

21.3.1990

Hon. Mr. D.K. Agrawal, J.M.,
Hon. Mr. K. Obayya, A.M.

Shri. I. B. Singh, for the petitioner
and Shri. S. Verma, for the respondents are
present. This is writ petition filed in year.
1981. No counter affidavit has been filed,
so far. We presume that Railway Administration
is not interested in filing counter affidavit.

List it for hearing / ex-parte hearing
on 23.7.1990.

Mean while, the respondent, if they so
desire, may file counter affidavit within
4 weeks, hereof. In case, counter affidavit is
~~have been~~ filed, the rejoinder affidavit, if any,
be filed within 2 weeks, thereafter. The
original records in any event must be produced
by the respondent on the date of hearing fixed
above, failing which an adverse ^{inference} effect will be
drawn against them.

A.M.

J.M.

sd.

23-7-90:

Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. K. Obayya, AM

Sri Anil Srivastava, Advocate, informs
that Sri AN Verma, Advocate, would be
appearing in this case and has sought for
adjournment for the reason that he is ~~away~~
Listed for final hearing on 28-8-1990.

ES

(A.M.)

(V.C.)

OR
This W/P no 4953/8
received on transfer
from Lucknow High
Court in May 87
along with other W/Ps.

In the date of
transfer the case
was admitted. CA/R
not filed.

Transfer notices
issued by Add office
(of not received from
Add) but neither
any reply nor any
undelivered cover
received back.

Submitted by
3/1/88

OR
note of Justice
21/2/90

OR
Notices were
mailed on 21/2/90

No answer
replied cover has
been returned
back.

S.F.O.

2013

In Unsub classed
receipts notice on
behalf of O.P. but
no verification has
been filed as 11.2.92
in H-42 court
S. P.

CA filed
L-107

CA filed with An. for
condonation of delay
duly served on the
applicant

No RA filed
S. P. H.

Dinesh

(8)

T 850/87, J

A-6

9.1.91

Honbl. Mr. D.K. Agrawal Jm
Honbl. Mr. K. Obayya AM

On the request of both
parties Counsel case is adjourned
to 25-4-91 for hearing

2

AM

Jm

CA/RA have been
disputed
S. KM

25/4

25.4.1991

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

Sri K.K. Singh brief holder of Sri I.B. Singh
for the applicant. Sri Sanjiv Kumar, brief holder
of Sri D.N. Verma for the respondents. The case
is adjourned to 19.8.1991 for hearing.

AM.

Jm.

(n.u.)

19.8.91

No sitting adj to 23.9.91
J

23.9.91

No sitting adj to 14.11.91
J

14.11.91

No sitting adj to 13.12.91
J

A-7

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

T.A. No. 850 of 1987

(W.P. No. 4953 of 1981)

Brij Lal Applicant.

Versus

Union of India and others ... Respondents.

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

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Fitter Khalasi on 21.1.1965 and was gradually promoted to the post of Fireman-II. In the year 1978, he was dismissed from service under Rule 14(2) of the Discipline & Appeal Rules, 1968 vide order dated 12.12.1978. According to the applicant, no enquiry took place and the reasons of the said order was not disclosed and he was abruptly faced ^{w/c} the such ¹ dismissal order, even though, he never participated in any strike or arrested or detained. Those who were arrested or detained were let off and no action against them was taken. Against his dismissal order, the applicant filed a review application before the General Manager, N.E. Railway, and appeal before the Divisional Railway Manager and Senior Divisional Mechanical Engineer which ¹ were dismissed.

2. The applicant has challenged the order on the ground that it has been passed in the Mechanical manner which is in violation of the ~~rules of~~ principles of natural justice ¹ and without giving any opportunity to the applicant and without holding any enquiry by a non-speaking order.

3. The respondents have defended their action by stating that the applicant had assaulted one Sri M.C. Sinha, Senior Divisional Mechanical Engineer, N.E. Railway on 17.10.1978 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. An F.I.R. was lodged with G.R.P. Lakhimpur Kheri on 17.10.1978 against the applicant. It is stated that prior to disciplinary authority recording its satisfaction for holding the enquiry and proceeding under rule 14(ii) of the (D & R) a confidential fact finding enquiry was gone into to which the applicant was called to attend the enquiry but the applicant did not turn up, and after going through the report of the enquiry officer, and considering the facts of the case, the disciplinary authority recorded its satisfaction that it was not practicable before the enquiry in the manner provided to the rules.

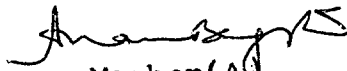
4. The averments made by the respondents are wholly insufficient to bring the action within the ambit of rule 14(II) of the (D & R) Rules. The ^{no} ~~show~~ called reasons are no reasons and can not be said to be ^{genuine} ~~genuine~~ to the matter in issue. In the charge of beating official, enquiry is quite possible and it can always be held and accordingly, the ^{from with} ~~dispense having been towards~~ the enquiry was an arbitrary action and can not be justified.


5. Accordingly, the application deserves to be allowed and the dismissal order ^{dated} 12.12.1978 and the order are quashed. The applicant shall be deemed to be continued in service and is entitled to all consequential benefits. The period from the date of dismissal to ^{this period}, will be dealt with by the respondents.

A-9

- 3 -

accordance with law. However, it will ^{be} open for the respondents to take disciplinary proceedings against the applicant as per rules. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 13.12.1991
(n.u.)

CIVIL

SIDE

GENERAL INDEX

A 10

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties.....

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
A-1	1	General Index	1		Rs. P.			
A-2	2	Order sheet	1					
A-3	3	Court fee certificate	10	6	103			
B-4	4	Process	1	1	5			
B-5	5	Emd. 4299(W)-82 for 8th	3		5.00			
B-6	6	Emd. 3769(W)	4		7.00			
B-7	7	Emd. 3831(W) of 8th	6		7.00			

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 orders have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk