

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

T.S. NO. 1065/83

CAUSE TITLE W.P. NO. 3542/82 OF

NAME OF THE PARTIES Yohd Sharif Khan, Applicant

Versus

001/83

Respondent

Part A.

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CERTIFICATE

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

This file received from record room without

recheck on Dated 30-9-11..... B.R.S.A.

Counter Signed.....

for M/s M/s

Signature of the
Dealing Assistant

Section Officer/In charge

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE T.A. 1065 of 1987 T

NAME OF THE PARTIES Mohd. Sherif Khan

AA Applicant

Versus

Union of India Respondent

Part A, B & C

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CIVIL

SIDE

CRIMINAL

GENERAL INDEX

A-1

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

W.P. B 542 82

Name of parties..... Mohd. Sharif Khan vs. Union of India

Date of institution..... 28.7.82.....

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 |
| | | | | | Rs. P. | | | |
| 1. | W.P. with affidavit | 36 | | - | 102.00 | | | |
| | and Annexes | | | | | | | X/2 |
| 2. | Power | 2 | | - | 10.00 | | | |
| 3. | Order Sheet | 1 | | - | - | | | |
| 4. | Bond Copy | 1 | | - | - | | | |

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

10/4/90

Hon. D. K. Agarwal, SC

Hon. P. S. Habit Mohammad

Mr. Mohan Chetel Adv. brief holder
of Mr. R. C. Saxena, KC for the applicant
is present. Mr. A. Srivastava files
counter affidavit. Keep it on record.
Clerk for the applicant request from
me to file rejoinder. Allowed.
List for hearing on 12/9/90.

AM

De

JR

OR

No RA filed

12.9.90

Hon. Mr. Justice K. N. Mukherjee S. P. H.
Hon. Mr. M. M. Singh D. M.

L
10/9/

On the request of both
parties Counsel for the
applicant is adjourned to 13.11.90

AM

Mr
VC

13.11.90

from Mr. Justice K. N. Mukherjee OR
for Mr. M. M. Singh, A. M. No RA filed

Shri D. C. Saxena S. P. H.
counsel for the applicant L 13/11/90
requests for last opportunity
to file rejoinder. The case
be listed for final
hearing on 18.12.90.

In the meantime the
applicant may file
rejoinder.

AM

De
VC

(AU)

T.A. 1065/870

KM

4-3-91

D.R.

Shri R. C. Saxena appears

for the applicant's
side. O.P. is absent

Counter has not
been filed yet.

Respondent is dire-
cted to file it, by
3/4/91.

✓
3-4-91

D.R.

Both the parties are

absent today. Respondent
did not file counter

til today. Respondent

is directed to file

it, by 6/5/91.

✓
6-5-91

D.R.

Both the parties are

absent today. Counter

has not been filed

so far. O.P. to file counter
by 4/7/91.

✓

Central Administrative Tribunal

Circuit Bench Lucknow,

T.A.NO. 1065 of 1987(T)

Mohd Sharif Khan

..... Applicant

Versus

Union of India & Othrs

..... Respondents

Dated: 9.5.1991.

Sri R.C.Saxena for applicant. Sri Anil

Srivastava for opposite parties. Learned counsel
for the applicant states that he does not want to
press the petition as he has got the relief cla-
imed in this petition.

Application/petition dismissed as not
pressed.

Sd/-

Sd/-

A.M.

V.C.

// True copy //

R.S.M.

RCS
Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Checked by
✓

Central Administrative Tribunal

(AB)

Circuit Bench Lucknow.

T.A.NO. 1065 of 1987(T)

Mohd Sharif Khan

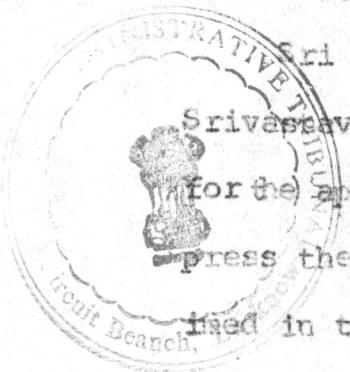
..... Applicant

Versus

Union of India &othrs

..... Respondents

Dated: 9.5.1991.



Sri R.C.Saxena for applicant. Sri Anil Srivastava for opposite parties. Learned counsel for the applicant states that he does not want to press the petition as he has got the relief claimed in this petition.

Application/petition dismissed as not pressed.

Sd/-

Sd/-

A.M.

V.C.

// True copy //

R.S.M.

Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Checked by

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :
WRIT PETITION NO. OF 1982

(A1)

MOHD. SHARIF KHAN

VERSUS

UNION OF INDIA AND OTHERS

... PETITIONER.

... OPPOSITE PARTIES.

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LUCKNOW:

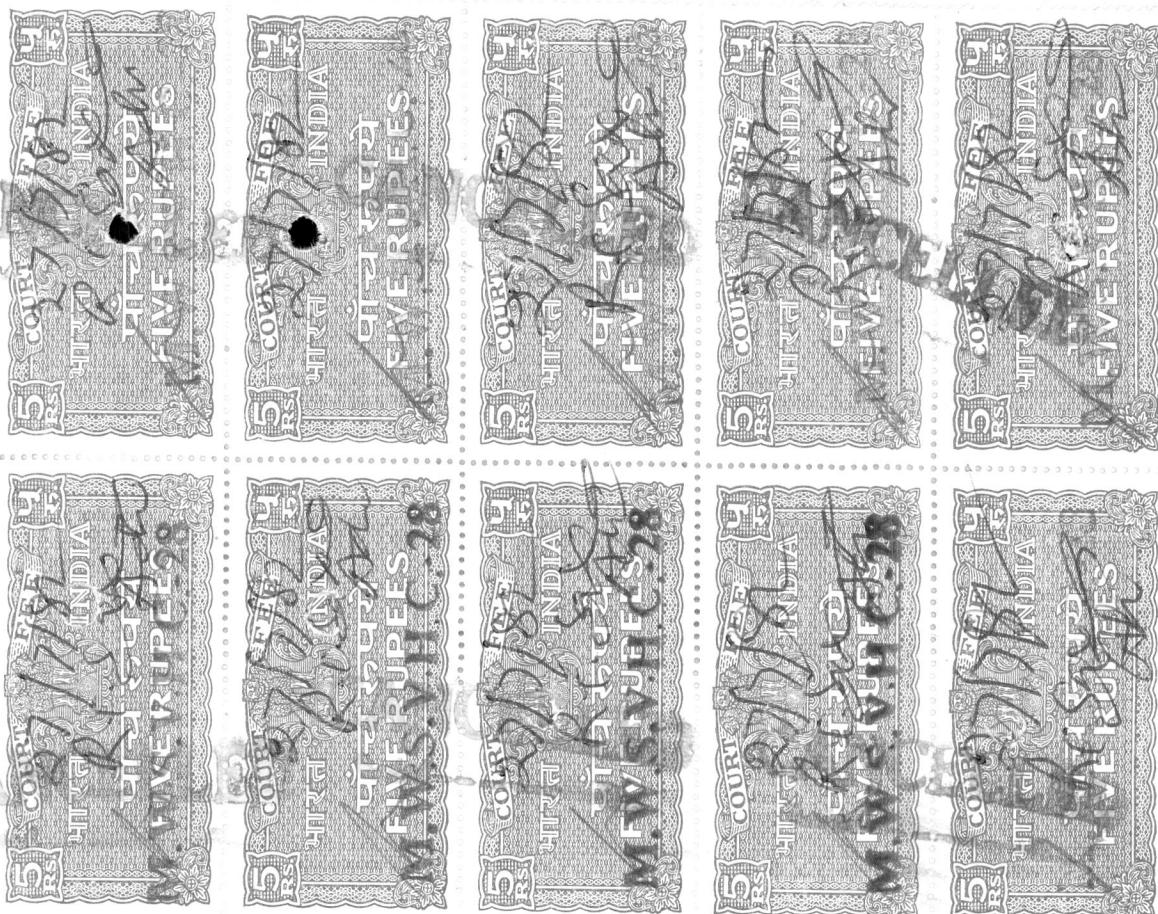
DATED: JULY 27, 1982.

R.C. SAXENA
(R.C. SAXENA)
ADVOCATE,
COUNSEL FOR THE PETITIONER

INDIA COURT FEE

50 RS.

RA



In the Hon'ble High Court of Judicature at Al.
(Delhi) New Bench), Lucknow

W.P. No 3542 of 1982

Mohd. Sharif Khan vs. Pethkar

Union of India & Ors - of 5

(Pa)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO.

OF 1982

3542

Mohd. Sharif Khan, aged about 40 years,
son of Late Sri Abdul Latif Khan, R/o
112, Kaber Mamu Bhanga, P.O. Aminabad,
Lucknow.

... Petitioner.

Versus

1. Union of India through the General Manager, N.E. Railway, Gorakhpur.
2. Assistant Personnel Officer II, N.E. Railway, D.R.M.'s Office, Ashok Marg, Lucknow.
3. Divisional Railway Manager (P), N.E. Railway, Ashok Marg, Lucknow.
4. Divisional Railway Manager, N.E. Railway, Ashok Marg, Lucknow.

...Opposite Parties.



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

The petitioner named above most respectfully submits as under:-

1. That the present writ petition is directed against the order No. E/SS-Vig/78/6 dated 28.11.78 imposing the penalty of withholding of increments for a period of two years with non-cumulative effect under Rule 11 of the Railway servants (Discipline & Appeal) Rules 1968 passed by opposite party No. 2, order No. E/SS-Vig/78/6 dated 23.5.79 passed ⁱⁿ appeal preferred

ML law

(52)

Reed for open H to 4
with stay
~~crossed off~~ ~~Chand~~ ~~Dev~~
27-7-82
from
Chand Dev

Hon'ble K.S. Patnaik, J.

Hon'ble S.S. Sagar, J.

Notice on behalf
of opposite parties
I to 4 has been
taken by Sri Jinesh
Chandru. Put up
this petition after
two weeks to
enable him to obtain
instructions.

PF 287/82
RPE

18
S. J. Dev

MEMO.
One Impressed Re 50. - each
Ten Adhesives Re 50. - each
Total Re 100. - each

Correct but final Court fee ~~revised~~
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of ~~II~~ should also be filed.

Shri - Bench

Last unsigned order

(Am. 3) dt. 19-3-82.

R. Dev
27-7-82

ATO

by the petitioner against the order dated 28.11.78 imposing the aforesaid penalty rejecting the appeal by upholding the punishment and the order dated 19.3.82 passed on the review petition preferred by the petitioner. A true copy of order dated 28.11.78 passed by opposite party No. 2, order dated 23.5.79 passed by opposite party No. 3 and order dated 19.3.82 passed by opposite party No. 4 are filed herewith as Annexure Nos. 1, 2 and 3 respectively to this writ petition.

2. That the petitioner in the year 1978 was posted as Clerk in the pay scale of Rs.260-400 ~~in the under~~ of opposite party No. 2 and was entrusted the job of preparing the regular monthly pay bills, T.A. bills and overtime bills of the employees of the Electrical department of the N.E. Railway. Besides the above the petitioner was also required to prepare the supplementary bills in respect of cases of the employees of the ~~Electrical~~ ^{operator} department for the regularization of leave period after receiving necessary intimation in that regard from time to time.



3. That it is pertinent to point out here that the petitioner was posted in the bill Section in July 1978 and when he took over the charge from Sri G.B. Sharma another clerk holding the said post earlier there was a huge arrear of work.

4. That the petitioner always worked honestly and diligently and performed his duties to the entire satisfaction of his superiors and there was no complaint against him regarding the performance of his duties, nor there was any complaint from the concerning

Hon'ble K.S. Varma, I.
Hon'ble S.S. Ahmad, I.

Admit. Issue Notice

Slu. No

24.8.1982

8/

9-5-91

Hon Mr Justice V.C.S.V.C

Hon Mr. D.B. Grooth AM

Shri R.C. Saxena for Applicant

Shri Arvind Sharma for O.P.

Learned Counsel for the
Applicant states that he
does not want to press
this Petition, as he has
got the reliefs claimed in
this Petition.

Application / Petition
is dismissed as not
present.

W

VC

2
A.M.

2

All

staff for non-preparation of bills in respect of any matter concerning them.

5. That it so transpired that some official of the vigilance department of N.E. Railway in the month of September 1978 inspected the pending bills of the pay bill section of the Electrical department and reported about the pendency to opposite party No. 2 requesting him to take disciplinary action against the petitioner.

6. That on the basis of the vigilance report referred to in the preceding paragraph, the opposite party No. 2 without going into the details or verifying the genuineness of the said report issued the chargesheet dated 28.9.78 levelling the charge of neglect of duty against the petitioner. A true copy of the chargesheet dated 28.9.78 is filed herewith as Annexure No. 4 to this writ petition.



7. That after the service of the chargesheet, in order to give effective reply to the charge levelled against the petitioner, he requested the opposite party No. 3 for the supply of requisite papers in respect of the charge levelled against the petitioners and specifically mentioned in his application dated 7.10.78 that unless the requisite documents are made available to him, he would not be in a position to submit his defence statement. A true copy of the application dated 7.10.78 is filed herewith as Annexure No. 5 to this writ petition.

8. That the documents requested for by the petitioner vide his application dated 7.10.78 vide

Annexure No. 5 were very much relevant and necessary in order to verify the allegations levelled against the petitioner.

9. That the opposite party No. 2 vide his order dated 17.10.78 not only ~~refused~~ refused to supply the requisite document but also forced the petitioner to submit his defence statement within 3 days from the date of receipt of his order failing which exparty decision would be taken against the petitioner. A true copy of the order dated 17.10.78 refusing to supply the requisite documents is filed herewith as Annexure No. 6 to this writ petition.

10. That the petitioner having been left with no other option submitted the defence statement dated 24.10.78, denying the charge ~~explaining~~ explaining the position in detail. The petitioner on 27.2.79 further clarified the position in respect of the charge levelled against the petitioner and clearly mentioned that there was no delay on his part in preparation of the supplementary bills. The petitioner specifically mentioned that the bills in question either pertained to the period when Sri G.B. Sharma was working on the post of bill Clerk who did not prepare the bills in question and whatever portion of work pertained to the petitioner was cleared off in time on receipt of the leave intimations without any delay on the part of the petitioner. He requested to drop the disciplinary action against the petitioner on the basis of memorandum of charge. A true copy of the defence statement dated 24.10.78 and 27.2.79 are filed herewith as Annexure Nos. 7 and 8 respectively to this writ petition.

W.M. Khan



A13

11. That the opposite party No. 2 without considering the defence statement submitted by the petitioner explaining the whole position mechanically in an arbitrary manner on a preconceived notion passed the impugned order dated 28.11.78 imposing the penalty of with holding the increment for two years without cumulative effect. The order dated 28.11.78 already forms part as Annexure No. 1 to this writ petition.

12. That feeling aggrieved with the impugned order dated 28.11.78 contained in Annexure No. 1 the petitioner submitted his appeal dated 22.12.78 to the opposite party No. 3 challenging the validity of the punishment order on various grounds. A true copy of petitioner's appeal dated 22.12.78 is filed herewith as Annexure No. 9 to this writ petition.

13. That the opposite party No. 3 also did not consider the facts and circumstances stated by the petitioner in his appeal dated 22.12.78 contained in Annexure No. 9 and rejected the same upholding the punishment vide his order dated 23.5.79. A true copy of which already forms part as Annexure No. 2 to this writ petition.

14. That feeling aggrieved with the punishment order dated 28.11.78 (Annexure No. 1) and appellate order dated 23.5.79 (Annexure No. 2) the petitioner preferred review petition dated 20.6.79 before opposite party No. 4 on various facts and grounds. A true copy of Review Petition dated 20.6.79 is filed herewith as Annexure No. 10 to this writ petition.



Mullan

AIU

15. That unfortunately the opposite party No. 3 vide his order dated 19.3.82 informed the petitioner that there is no provision to submit review petition against the appellate order and it is only for the authority concerned to exercise the powers of review on his own motion. A true copy of order dated 19.3.82 passed on petitioner's review petition already forms part as Annexure No. 3 to this writ petition.

16. That the petitioner on 16.4.1982 quoting the provisions of Rule 25 of the Railway servants (Discipline & Appeal) Rules 1968 and certain circulars issued by the Railway Board on the subject again requested him to review the case of the petitioner and set-aside the punishment order which was passed without giving reasonable opportunity and even without considering the defence statements of the petitioner. A true copy of petitioner's representation dated 16.4.82 is filed herewith as Annexure No. 11 to this writ petition.



17. That thereafter the petitioner met the opposite party No. 4 in the month of May 1982 and explained him verbally that the punishment order dated 28.11.78 and appellate order dated 23.5.79 are wholly illegal and the review petition of the petitioner under Rule 25 of the Railway servants (Discipline & Appeal) Rules is very well maintainable and the same was wrongfully withheld by the opposite party No. 3 but the opposite party No. 4 informed him that the punishment awarded to him would stand and he would not do anything in his case. He also refused to communicate any orders in writing to the petitioner.

18. That under the circumstances stated in the foregoing paragraphs the review petition of the petitioner would be deemed to have been rejected.

19. That the petitioner respectfully submits that Rule 6 of the Railway Servants (Discipline & Appeal) Rules 1968 deals with the penalties which can be imposed for good and sufficient reasons after adopting the procedure prescribed under the Rules.

20. That from the perusal of the punishment order dated 28.11.78 (Annexure No. 1) it is quite clear that no reasons at all have been assigned while imposing the penalty of with holding of petitioner's increment for a period of two years and the impugned order is wholly non-speaking, cripitic.

21. That it is further respectfully submitted that the punishing authority did not apply his mind at all to the facts and circumstances of the case relating to the charge stated by the petitioner in his defence statements dated 24.10.78 and 27.2.79 (Annexure Nos. 7 and 8) and passed the impugned order mechanically.

22. That the impugned orders dated 23.5.79 and 19.3.82 contained in Annexure Nos. 2 and 3 passed on appeal and review petition of the petitioner are also the result of non-application of mind by the authorities concerned. The appellate authority, Opposite party No. 3 did not consider the appeal of the petitioner at all and the review petition of the petitioner has also been wrongly held to be not maintainable despite petitioner's representation dated 16.4.1982 contained in Annexure No. 11 to the writ petition.



M. M. I. A. M.



23. That feeling aggrieved with the impugned orders contained in Annexure Nos. 1, 2 and 3 respectively and having been left with no other alternative afficacious remedy, the petitioner prefers the present writ petition on the following amongst the other:

: G R O U N D S :

- (i) Because the impugned order contained in Annexure No. 1 imposing the penalty of withholding of increment for a period of two years has been passed in clear violation of the mandatory provisions of Rule 11 of the Railway Servants (Discipline & Appeal) Rules 1968.
- (ii) Because the petitioner has not been given the reasonable opportunity of defence as provided in Rule 11(a) of the Railway servants (Discipline & Appeal) Rules 1968 in as much as the petitioner was not given the requisite documents/papers which were necessary for the purpose of making proper representation and his request was turned down without any ~~benifit~~ lawful excuse.
- (iii) Because the punishing authority has not recorded any finding of guilt based on any evidence of legal value as required under Rule 11(d) of the Railway servants (Discipline & Appeal) Rules 1968 and has imposed the penalty vide impugned order contained in Annexure No. 1.
- (iv) Because the impugned order contained in Annexure No. 1 is a non-speaking and cripitic order and

does not contain the reasons as required under Rule 11(4) (VII) of the Rules.

(v) Because the punishing authority did not consider the defence statements of the petitioner submitted in reply to the charge and passed the impugned order contained in Annexure No. 1 mechanically which shows the non-application of mind to the facts and circumstances of the case on his part.

(vi) Because the order contained in Annexure No. 2 passed in appeal is also non-speaking, cripitic and does not show any application of mind by the opposite party No. 3 while deciding petitioner's appeal.

(vii) Because the order contained in Annexure No. 3 is wholly illegal looking to the provisions of Rule 25 of the Railway Servants (Discipline and Appeal) Rules 1968.

(vii) Because in any case there was no delay in preparation of supplementary bills on the part of the petitioner which is evident from the defence statement submitted by the petitioner and no reasonable prudent person could have punished the petitioner only the basis of mere allegations without any evidence of legal/probative value.

: P_R_A_Y_E_R :
Deesha Advocate

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to:-

(a) issue a writ, direction or order in the nature

AID

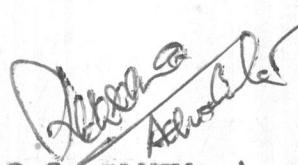
- 10 -

of certiorari quashing the impugned orders dated 28.11.78, 23.5.79 and 19.3.82 contained in Annexure Nos. 1, 2 and 3 respectively passed by opposite parties Nos. 2, 3 and 4.

(b) issue a writ direction or order in the nature of mandamus commanding the opposite parties to pay the petitioner the entire arrears on account of imposition of the punishment order contained in Annexure No. 1.

LUCKNOW:

DATED: JULY 27, 1982.


(R.C. SAXENA)
Advocate,
Counsel for the Petitioner.

27.

(A14)

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982.



Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others.

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

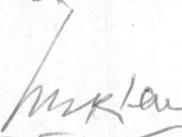
A F F I D A V I T

I, Mohd. Sharif Khan, aged about 40 years, son of Late Sri Abdul Latif Khan, Resident of 112, Kaber Mamu Bhanja, P.O. Aminabad, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Petitioner in the above noted Writ Petition and he is fully conversant with the facts of the case deposed to hereunder.
2. That the contents of paras 1 to 22 of the writ petition, are true to my own knowledge.
3. That Annexure Nos. 1 to 11 of the writ petition are true copies of the originals and the deponent has compared them with their originals.

LUCKNOW:

DATED: July 27, 1982.


DEPONENT.

(A20)

VERIFICATION

I the deponent named above do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my own knowledge.

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

LUCKNOW:

DATED: JULY 27, 1982.

Milan
DEPONENT.

I identify the deponent who has signed before me.

R. C. Saxena
ADVOCATE.

Solemnly affirmed before me on July 27, 1982, at 1.30 a.m./p.m. by Sri Mohd. Sharif Khan, the deponent, who is identified by Sri R.C. Saxena, Advocate, High Court, Allahabad, Lucknow Bench, Lucknow.

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



Sharif
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No. 81 379
Date 27/7/82

(A2)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others.

... Opp. Parties.

ANNEXURE NO. 1

NORTH EASTERN RAILWAY

NOTICE OF IMPOSITION OF PENALTIES UNDER RULE 11 OF DAR
1968 FOR DISMISSAL/REMOVAL/COMPULSORY RETIREMENT AND
REDUCTION.

.....

No. E/SS-Vig./78/6

Dt: 28.11.78

From:

Asstt. Personnel Officer,
N.E. Railway/Lucknow.

To:

Shri M.S. Khan,
Clerk, Tfc. (Bill)
D.S.(P)'s Office/LJN.



With reference to your explanation to the
memorandum No. E/SS-Vig./78/6 dated 28.9.78 issued by
APO you are hereby informed that the undersigned has
passed the following orders:-

" I have carefully considered the case.
The explanation is not acceptable as it is
not to the point. Delay in preparing bills of
arrears stands unrefuted. Hence his increment
is withheld for 2 years (NC)."

Sd/- N.G. Pandalai
(N.G. Pandalai)
Asstt. Personnel Officer/II
N.E.Rly./Lucknow.

Copy to:

HC/Estt. for n/action.

INSTRUCTIONS

1. An appeal against these orders lies to DPO/LJN (Next immediate superior to the authority passing orders).
 2. The appeal may be withheld by the authority not lower than the authority from whose orders it is preferred ~~as~~ if:
 - i) it is a case in which no appeal lies under rules.
 - ii) it is not preferred within 45 days of the date on which the appellant was informed of the orders appealed against and no reasonable cause is shown for the delay.
 - iii) it does not comply with the provisions of rule 20 & 21 of DAR/68.
-

From: SHRI M.S. KHAN,
CLERK 'E'/Tfc.Bill/LJN.

To: The A.P.O./II/LJN.

I hereby acknowledge receipt of your Notice No. E/SS-Vig./78/6 dated 28.11.78 conveying the orders passed on my explanation to the memorandum of even no. dated 28.9.78.

Signature or thumb impression/Designation.

This portion must be detached signed and returned to office.

TRUE COPY

M.S. Khan



#23

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO.

OF 1982

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others.

... Opp. Parties.

ANNEXURE NO. 2

NORTH EASTERN RAILWAY

No. E/SS-Vig/78/6

Office of the D.R.M.(P),

Lucknow: Dt. 23.5.1979.

Shri M.S. Khan,
Bill Clerk/DRM(P)'s Office,
Lucknow.

Sub: Charge Memorandum No. E/SS-Vig/78/6,
dated 28.9.78.

Ref: Your appeal dated 22.12.78 against the
orders of APO/II vide NIP No. E/SS-Vig/78/6
dated 28.11.78.

.....

Your appeal has been considered by the appellate
authority (DPO/LJN), who has passed the following orders:-

"...the appeal is not sustainable by facts. The
order of penalty, therefore, needs no intervention."

Sd/- Tej Bahadur Singh
for Divl. Rly. Manager(P),
Lucknow.

TRUE COPY

M. Khan



इन दि बानरेबुल हाई कोर्ट आफ जूडी केचर सेट इलाहाबाद
(लानज बेच) : लानज

रिट प्रिटीशन नं० आफ/1982

| | | | |
|---|-----|--------------|-------------|
| मौ० शरीफ जान | ••• | ••• | प्रिटीशनर |
| | | | |
| बनाम | ••• | | |
| यूनियन आफ इण्डिया स्प्ल अदर्स | ••• | ••• | बणो०पार्टीज |
| | ••• | | |
| बुनेग्जर. नं०३ | | | |
| पूर्वीर रेलवे | | | |
| संब्या ई०/मु०श०/लिपिक/82 | | दिनांक १९३८२ | |
| प्रेषक, | | | |
| मंडल रेल प्रबन्धक(का), लानज। | | | |
| सेवा में, | | | |
| | | | |
| श्री मोहम्मद शरीफ जाँ, लिपिक(का), कायालय। | | | |

विषय:- सन०आई०षी०सं०ई०/स०स०स०/विज/78/6, दिनांक 28. 11.78 द्वारा
2वर्ष अनावर्तक वेतन वृद्धि अवरोधक दण्ड के संबंध में अभिवादन।

•••••

उषरोक्त दण्ड के संबंध में म०र००४० को दिये गये आपके अभिवादन
/प्रार्थनाभूत दिनांक १०३८२ के संदर्भ में आपको सूचित किया जाता है कि उषरोक्त
दण्ड के विरुद्ध आपकी अपील पर अपीली अधिकारी द्वारा अनुशास्त्र अधिकारी के
दण्ड को यथावत अपरिवर्तित रखे जाने का निर्णय है जो आपको इस कार्यालय के
पत्र सं०ई०/स०स०स०विज/78/6/दिनांक 23. 5. 79, द्वारा सूचित किया जा चुका है
अपीली अधिकारी के निर्णय के विरुद्ध ढी०स०आर०नियमान्तर्गत कोई अपील नहीं
होती है।

[Signature]
डी०स०आर०नियमों के अन्तर्गत रिव्यू के लिए प्रार्थना करने का कोई
प्राविजन नहीं है, रिव्यूइंग अधिकारी या उससे उच्च कोई प्राधिकारी अपने नो॒शन
पर किसी केस को रिव्यू के लिए तलब कर सकता है।

ह०स्यष्ट
म० र० प्र०(का)
आ लानज।



इन दि आनरेबुल हाई कोर्ट आफ जूडीकेसर एट इलाहाबाद
(लजनजु बैच) : लजनजु

रिट पिटीशन नं । आफ/1982

मो०शरी० ज्ञान

• • •

पिटीशन

बनाम

यूनियन आफ इण्डिया स्प्ह अदास • • •

• • • अपो० पार्टीज

बुनेंग्जर नं० 4

पूर्वोत्तर रेलवे

बोटी शास्त्रीयों अधिरोपित करने के लिए आरोप के ज्ञापन का
रेल सेवक(अनुशासन और अधील नियम, 1968 का नियम-॥)

संघा ई/सब०स०विज/78/6

पूर्वोत्तर रेलके • रेल प्रशासन का नाम
निर्गम स्थल • • मंडल कार्यालय लजनजु
दिनांक • • 28.9.78

ज्ञापन

श्री सम०स०ज्ञान पद नाम लिखिक(का)(कार्यालय जिस्में काम करता
हो)मंडल अधीक्षक(का)लजनजु को स्तद द्वारा सूचित किया जाता है कि निम्न
हस्ताक्षरी द्वारा उसके विस्त्र रेल सेवक(अनुशासन और अधील नियम, 1968 के
तीनियम-॥ के अन्तर्गत कार्यवाही करने की प्रस्थापना की गई है। कार्य की अवहेलना
या दुर्व्यवहार या अवचार के लाभ का स्क विवरण संलग्न है जिस पर उपर्युक्त
कार्यवाही करने की प्रस्थापना है।

2- श्री सम०स०ज्ञान को स्तद द्वारा यह अवसार दिया जाता है, कि इस
प्रस्थापना के विस्त्र वह जो भी अभ्यावेदन चाहें, वे दें। अभ्यावेदन यदि देना हो,
निम्न हस्ताक्षरी को(कार्यालय अधीक्षक(बिल) द्वारा) इस तरह प्रस्तुत किया जाना
चाहिए ताकि वह ज्ञापन की प्राप्ति के दस दिन के भीतर निम्न हस्ताक्षरी के पास
पहुँच जाये।

3- यदि श्री सम०स०ज्ञान पैरा-2 में विनिर्दिष्ट अवधि के भीतर अभ्यावेदन
प्रस्तुत नहीं करते तो वह मान लिया जायेगा कि उन्हें कोई अभ्यावेदन नहीं देना है।
और श्री सम०स०ज्ञान के विस्त्र एक पक्षीय आदेश पारित किया जा सकेगा।

4- श्री सम०स०ज्ञान इस ज्ञापन की पावती है।

संलग्नक/एक
श्री एम०स०ज्ञान, लिखिक(का)बिल,
कार्यालय मंडल अधीक्षक(का)/लजनजु।

ह०/सहायक कार्मिक अधिकारी/
लजनजु

मंडल अधीक्षक(का)लजनजु
आपका ज्ञापन स०ई/स०स०विज/78-6, दिनांक 28.9.78 प्राप्त हुआ।



1/1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW:

W.P. NO.

OF 1982

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India & Others.

... Opp. Parties.

Annexure No.4 Contd.

Article of charges framed against Shri M.S. Khan, Bill Clerk DS(P)'s office/LJN.

...

Sri M.S. Khan while working as a Bill Clerk in the office of DS(P)/LJN is charged for neglect of duty as mentioned in the statement of imputation enclosed.

Sd/-

Asstt. Personnel Officer
Lucknow.

Statement of imputation

Shri M.S. Khan while working as a Bill Clerk of Bahraich section failed to maintain absolute integrity and devotion to duty in as much as that he failed to prepare the Bills in respect of arrear claims of staff promptly and the cases were delayed ranging from 3 months to 38 months as mentioned in the statement enclosed as Annexure-I.

This amounts to neglect of duty.

Sd/-

Asstt. Personnel Officer
Lucknow.



M.M.A.

Annexure No. 4 Contd.

R27
ANNEXURE-I

| Sl. No. | Name of Employee | Designation | Particulars of Claim | Particulars of Suppl. Bills | Months taken. |
|---------|------------------|------------------|--|---|---------------|
| 1. | G.C.Srivastava | TC/BRK | Dual Allowance sanctioned vide letter No.E/GMLC/TC/ 76 dt. 6/23.3.76 | 41/2393/7/R dt. 31.8.77 | 17 |
| 2. | Lalloo | | S/Wala Leave salary w.e.f. Matera 19.10.76 to 3.12.76 | 41/2571/9/R dt. 19.9.77 | 9 |
| 3. | Birdhari Lal | S/Wala MUH | Leave salary w.e.f. 1.4.77 to 6.4.77 | 41/2683/9/R dt. 14.10.77 | 6 |
| 4. | R.N. Pathak | G.Man/BRK | " 2.6.77 to 7.6.77 | 41/2843/11/R dt. 28.11.77 | 9 |
| 5. | S.P. Gupta | Signaller PDR | " 2.8.76 to 29.12.76 | 41/2597/9/R dated 24.9.77 | 9 |
| 6. | Baboo Lal | P.Man/BRK | " 1.8.76 to 15.8.76 Disallowed vide DL No.3755 dt.13.10.76 | 41/2983/12/R dt.30.12.77 | 14 |
| 7. | C.P.Pandey | ASM/BEU | Leqve salary w.e.f. 18.10.77 to 28.10.77 | 41/3092/1/R dt. 25.1.78 | 3 |
| 8. | Azia Ahmad Khan | ASM/BRK | " 3.6.77 to 14.6.77 | 41/3102/1/R dt.26.1.78 | 7 |
| 9. | K.N.Singh | ASM/RS | " 9.7.77 to 16.7.77 | 41/3101/1/R dt.26.1.78 | 3 |
| 10. | K.C.Srivastava | ASM/BRK | " 23.6.77 to 26.6.77 | 41/3102/1/R dt.26.1.78 | 7 |
| 11. | Gerakh Singh | P.Man/MT | " 2.1.77 to 15.2.77 | 41/3126/2/R dt.1.2.78 | 12 |
| 13. | H.N.Roy | SM/MIN | " 16.1.77 to 18.1.77 | 31/3128/e/R | |
| 14. | Mohd.Nasir | SM/MUH | " 16.11.76 to 15.4.77 | 31/3215/2/R dt.10.2.78 | 10 |
| 15. | Lallan | Subs;S/ Wala/PDR | Difference of pay from 1.1.73 to 31.5.74 | E/41/SSN/3224//2/R dt. 21.2.78 | 38 |
| 16. | Mohd.Ayub Khan 2 | ASM/MIN | Ofcg.Pay for the period 1.12.73 to 16.1.75 | 41/3125/2/R/ dt. 1.2.78 (intimation received by the Dealer on 6.7.77) | 7 |
| 17. | Hari Kant Singh | ASM/BRK | For period Feb/76 to June/76 | 41/3262/2/R dt. 24.2.78 | 30 |
| 18. | M.A.Qureshi | SM/HPR | Leave salary for the period 26.5.77 to 4.6.77 | 41/3269/2/R dated 26.2.78 | 8 |
| 19. | Maikoo | S/Wala Kakraha | Pay 16.8.77 to 15.2.78 | 41/3271/2/R dt. 27.3.78 | - |
| 20. | Surya Narain | P.Man/PDR | Leave salary 25.2.76 to 11.3.76 | 41/310/5/R dt. 13.5.78 | 26 |
| 21. | Ram Bihari | G-Man/ BRK | Leave salary from 6.12.77 to 17.12.77 | 41/240/4/R dated 15.4.78 | 5 |



M. K. L.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) : LUCKNOW:

WRIT PETITION NO. OF 1982.

Mohd. Sharif Khan Petitioner.
Versus
Union of India and others. Opp. Parties.

ANNEXURE NO. 5

From: M.S. Khan, To: DS (P)
Clerk (DS/P/LJN) N.E. Rly.
----- LJN through OS(P)

Sub: Ref: Memorandum No. E/SS/Bill/78/6
dated 28.9.78.

sir,

With reference to your Memorandum noted above, it is requested to kindly arrange to produce original leave intimations sanctioned and issued by the cadre section time to time in connection with the supply bills referred in the Memorandum.

After checking the date and my initial, I will be able to ~~submit~~ submit the explanation. Before checking the initials and date of issue of leave intimations I ~~can~~ can't give any reply.

It is requested to kindly produce leave intimations as early date after which I will be able to submit my explanation.

Thanks,

Yours faithfully,

Sd/- M.S. Khan
Clerk
(DS(P)/LJN)

...

TRUE COPY

M.S. Khan



7.10.78

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others.

... Opp. Parties.

ANNEXURE NO. 6

NORTH EASTERN RAILWAY

Office of the
Divisional Supdt.(P)..,
Lucknow: dt. 17.10.78.

No. E/SS-Vig/78/6

Shri M.S. Khan,
Clerk (Bill)
in office.

Sub:- Memorandum No. E/SS-Vig/78/6 dated
28.9.78.

Ref:- Your application dated 7.10.78.

....

Your contention that unless the leave intimations sanctioning the leave are shown to you, you cannot submit your defence is not convincing because the suppl. bills must have been prepared by you only on the authority of leave intimation etc.

You are, therefore, advised to submit your defence within three days of receipt of this letter failing which it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

Sd/- Illegible
Asstt. Personnel Officer,
Lucknow.

.....

TRUE COPY

[Signature]



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) : LUCKNOW :

W.P. NO. OF 1982

Mohd. Sharif Khan

... Petitioners

Versus

Union of India and others

... Opp. Parties.

ANNEXURE NO. 7

To

The Asstt. Personal Officer,
N.E. Railway,
Lucknow.

Sir,

v.g

Sub: Your Memorandum No. E/35 Vig/78/6 dated
28.9.78.

Ref: My application dated 7.10.78 for supply
of documents on which the imputations
are based,

2. Your reply rejecting my request to supply
the documents vide your No. E/55-Vig/78/6
dated 17.10.78

Most respectfully I beg to state that the
original leave intimation which should contain the
acknowledgement of the Bills Clerks are required to
verify when the leave of the various employees were
regularised and communicated to the Bill Section.. The
delay in the preparation of supply Bills, you will kindly
agree, should be completed only when the intimation
regarding regularisation of leave is acknowledged in the
Bills Section. This has not been indicated in the
statement of imputations at Annexure I of the Memorandum
and the delay in regularising the leave by the Cadre are
sought to be thrust of the Bills Section.



W.M. Har

That, however, from the records your honour may
kindly find out that I was posted in the Bills Section in
July, 197 therefore, I am not accountable for the delay,
if any, prior to my posting. There were a lot of arrears

when posted in the Bills Section and alongwith Regular Bills had also to clear the arrears. Arrears also accrued my posting due to delay in regularisation of leave because the source for drawing leave-salary the suppl. bills and not through Regular Bills. The preparing Regular Bills, T.A. Bills, O.T. Bills etc. job, leaving no time to prepare the Supple. Bills. Therefore Supple. Bills had to be prepared by working extra hours without extra remuneration which is in the knowledge of all concerned.

That from the list of Annexure I of the Memorandum it may please be noticed that items 1,2,3,4,5, 6,8,10,11,12,13,14,15,16,17 and 19 i.e. 16 cases out of a total of 20 cases accrued prior to my taking over as Bill Clerk in July 1977. In respect item No. 18 Sri Maikoo when the period from 18.10.77 to 22 27.10.77 was regularised and intimated to Bills. It is however certain that it was not regularised in Oct. 77 itself. Therefore the delay of 3 months as stated in the imputations is not correct. Similarly in S.No. 9, where the period from 9.7.77 to 16.7.77 of Sri K.N. Singh ASM was regularised and intimated to the Bills is not known. But it is definite that it was not regularised in July, 77 as if it was regularised in the same month the leave-salary would have been drawn through Regular Salary Bills and not through Supple. Bill dated 26.1.78. Thus the delay of 6 months as alleged is not correct. So is the case with Sr. No. 20 i.e. Ram Behari, G.Man. His period from 6.12.77 to 17.12.77 was not obviously regularised in December 77 which would have ruled out preparation of Supple-Bills. The Supple. Bill was submitted on 15.4.78 which is less than 4 months and not 5 months from the period of L/Salary. But, ~~even~~ even 4 months delay was also not there as the leave must have been regularised much later.



M.K.Law

A32

From the above, it may kindly be observed by your honour that not only did I prepare the Supple. Bills pertaining to the period after I took charge of the seat, but I also prepared many Supple. Bills which were accumulated in arrears before my posting to that seat. Thus, it appears that I am being charged only because I took pains to clear the arrears in addition to the regular work which itself is overloading.

I, therefore, most humbly pray to your honour to look into the matter without bias and arrange to cancel the Memorandum as there was no wilful neglect on my part in the discharge of my duties. Hoping that your honour will do equitable justice.

Thanking you,

Yours faithfully,

W Sd/-

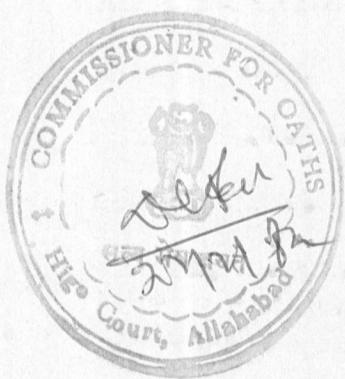
Lucknow:

Dated: 24.10.78

(M.S. Khan)
Clerk (P.Bills)

TRUE COPY

M. Khan



Ran

IN THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) : LUCKNOW :
W.P. No. of 1982.

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others

... Opp. Parties.

To

ANNEXURE NO. 8

The Divisional Personnel Officer,
N.E. Railway, Lucknow.

Sub: Your query against NIP issued by APO/II
No. E/53-Vig/78/6 dated 28.11.78.

Ref: My reply dated 22.12.78.

Sir,

With reference to my appeal dated 22.12.78
against NIP No. E/55-vig/78/6 dated 28.11.78, on your
enquiry on dated 23.2.79 the following information is
submitted for kind consideration:-

| Sl. No. | Period | Date when leave re- regularised | Date when Bill Prepared | Remarks |
|---------|---------------------------------|------------------------------------|----------------------------|-------------------------------------|
| 1. | Dwell Allowance date 23.3.76 | 3.8.77 | 31.8.77 | have late sanctioned by Cadre |
| 2. | 19.10.76 to 3.12.76 | 23.8.77 | 19.9.77 | No delay |
| 3. | 1.4.77 to 6.4.77 | 1.9.77 | 14.10.77 | -do- |
| 4. | 2.6.77 to 4.6.77 | - | 28.11.77 | Not received by me. |
| 5. | 2.8.76 to 19.12.76 | - | 24.9.77 | Received=by Sharma Ji. |
| 6. | 1.8.76 to 15.8.76 | - | 30.12.77 | Late sanc- tioned by Cadre. |
| 7. | 1.10.77 to 27.10.77 | 12.1.78 | 25.1.78 | No delay |
| 8. | 3.6.77 to 14.6.77 | 29.10.77 | 26.1.78 | Late sanc- tioned by cadre. |
| 9. | 9.7.77 to 16.7.77 | 26.8.77 | 26.1.78 | No delay. |
| 10. | 23.6.77 to 29.6.77 | 29.10.77 | 26.1.78 | Late sanction by Cadre. |
| 11. | 2.1.77 to 15.2.77 | 31.8.77 | 1.2.78 | -do- |
| 12. | 16.1.77 to 18.1.77 | 21.1.78 | 1.2.78 | -do- |
| 13. | 16.11.76 to 5.4.77 | 20.1.78 | 18.2.78 | -do- |



Mr. Khan

| | | | | | |
|-----|---------|-------------|---------|---------|---------------------------|
| 14. | 1.1.73 | to 15.4.77 | 21.2.78 | 21.2.78 | No delay. |
| 15. | 1.12.73 | to 16.1.74 | 6.7.77 | 1.2.78 | Received by Sharma Ji, |
| 16. | Feb.76 | to June 76 | 15.7.77 | 24.2.78 | No delay. |
| 17. | 26.5.77 | to 4.6.77 | 28.1.78 | 26.2.78 | -do- |
| 18. | 16.9.77 | to 15.2.78 | 6.3.78 | 6.3.78 | -do- |
| 19. | 25.2.76 | to 11.3.76 | 2.5.78 | 3.5.78 | -do- |
| 20. | 6.12.77 | to 17.12.77 | 6.3.78 | 15.4.78 | -do- |

No see the position of preparing bills at a glance:-

- (i) Bills prepared on the same day - Item No. 14,18,19 after sanction of leave.
- (ii) Bills prepared on the same month after sanction of leave. - Item No. 1,7,14
- (iii) Late sanctioned by Cadre - Item No. 1,6,8,10, 11,12,13.
- (iv) Received by Sharma Ji, Ex-Deallow (who is responsible for delay). - 5,11,15,16.
- (v) Bills prepared within one month - Item No. 2,3,4, 7,9,17,20.

In view of the above there has never been any complaint against me from the staff about the delay. That is only an harassment to me by the vigilance Inspector and I would request that your kind honour not to punish me and I request that the stoppage of 2 years increment by A.P.O.II may kindly be set aside in order that justice fair deal may prevail.

Thanking you,

Yours faithfully,

Sd/-

(M.S. Khan)
Clerk (P)
C.R.D. Sec.

Dated: 27.2.79.



TRUE COPY

M.S. Khan

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982

Mohd. Sharif Khan

... Petitioner.

versus

Union of India and others.

... Opp. Parties.

ANNEXURE NO. 9

To

The Divisional Personnel Officer,
N.E. Railway,
Lucknow.

Sub:- DS(P)LJN Memorandum No. E/M.S.Khan/78/6
dt. 28.9.78.

Ref:- My explanation against above memorandum
dt. 24.10.78 and APO/II/2346 NIP No.
E/SS-Vig/78/6 dt. 28.11.78.

....

Sir,

Most humbly and respectfully I beg to appeal
against the orders of APO/II/LJN through NIP No. E/SS-Vig/
78/6 dt. 28.11.78, the facts are as under:-



(1) That I am working as bill clerk in the
seat of BRK Section from July 1977, that from the list
of Annexure I of the above memorandum it may please be
noticed that items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 19 i.e. 16 cases out of a total of
20 cases occurred prior to my taking over charge as bill
clerk in July 1977.

(2) In respect of item 18, the leave regulari-
sed by cadre in Feb. 1978 and the bill submitted on
27.2.78 i.e. in the same month and there was no delay.

Thus leave only 3 cases viz. Sr.No.7, 9 and 20.

M. Khan

- 28 -

(3) Regarding item No. 7, the leave regularised by cadre on 12/1/78 and the bill was prepared on 25.1.78 that it in the same month and there was no delay.

In respect of item No. 9, the leave regularised by cadre on 25.8.77 and the bill submitted by me on 26.1.78, the delay caused due to heavy rush of work on bill section. The suppl. bills can only be prepared after regular salary bill are submitted in each month. On the other hand TA, OT etc. are also to be checked by the bill clerk in the same period, so such delay is necessary.

Regarding item No. 20, the leave regularised by cadre on 6.3.78 and the bill submitted by me on 15.4.78.

From the above para 1 specially, it may kindly be observed by your honour that not only did I prepare the supplementary bills pertaining to the period after I took charge of the seat, but I also prepared suppl. bills which were accumulated in arrears before my posting to that seat. Thus it appears ~~therex~~ that I am being charged only because I took pains to clear the arrears in addition to the regular work which itself is over pending.

I therefore, most humbly pray to your honour to look into the matter without bias and arrange to cancel the above NIP No. E/SS-Vig/78/6 dt. 28.11.78 issued by APO/II, who has given a wrong decision without seeing the facts mentioned in my explanation dt. 24.10.78.

Thanking you,

Yours faithfully,

Sd/- M.S. Khan

(M.S. Khan)

...

TRUE COPY

M.S. Khan



22.12.78.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRI T PETITION NO.

OF 1982.

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others.

... Opp. Parties.

ANNEXURE NO. 10

To

The Divisional Railway Manager,
N.E. Railway, Lucknow.

Through Proper Channel.

Sir,

Sub:-Review petition against Appellate order of
APO/LJN with-holding of penalty of
increment for 2 years (N.C.)

Ref:-Appellate orders communicated under DRM(P)/
LJN's No. E/SS-Vig/78/6 Dt. 23.5.79.

.....

With reference to the above I beg to bring the
following facts for your kind consideration and judicious
orders:-

1. That a memorandum under Rule of DAR, 68 as for
minor penalty was issued against me under APO/LJN's No.
E/SS-Vig/78/8/ Dt. 28.9.78 on the allegation of failure
of preparing the bills in respect of arrear claims of
staff and the cases were delayed ranging from 3 months
to 38 months.

2. That the documents on the basis of which the
allegations were based particularly the Vigilance
Inspector's report, the leave intimations sanctioning
the leave which created the cause of complaint and
the arrears for preparation of supplementary bills were
not furnished to me legally even on being asked, on



Mohd. Sharif Khan

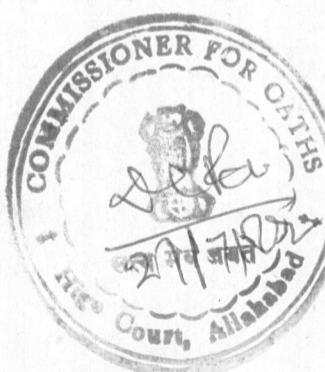
A33

the other hand the same was denied to me vide APO/LJN&s letter No. E/SS-Vig/78/6 dated 17.10.78.

3. That on going through the vigilance report not supplied to me, it might be evident that for delay of these Suppl. bills, there would be no report against me personally. It would be evident from the report that there is no report of Vigilance against me personally but it would be to take up the concerning Bill clerk who could not prepare Suppl. bills in question. It was the foremost point to find out the then Bill preparing clerk before launching any action to be taken under DAR against me. In this connection I may add for your information that Sri G.B. Sharma, Sr. Clerk was the Bill preparing clerk of these suppl. bills in question. He would ought to have been taken up for such lapses.

4. That non-preparation of Suppl. bills, which arose the cause of complaint to the year 1974, 1977 and 1978 at the time when I was not the dealing clerk. As a matter of fact during the year 1974 to July 77 Sri G.B. Sharma was the bill clerk who better ought to have explained the reason for non-preparation of these Suppl. bills. I took the charge as Bill clerk on July, 1977 with all accumulated arrears. In this connection I may add that my predecessor Bill Clerk can better tell the facts as to when he received the leave intimation from the cadre section and what were the hindrances due to which these suppl. bills in question could not be drawn by him during his stay as bill clerk.

5. That I being a new entrant as bill clerk posted in July, 1977 have not the least knowledge about these suppl. bills in question and nor my predecessor informed me about these bills while handing over the charge of the portion.



M. A. Khan

I came to know about the suppl. bills only when the complaint came to my knowledge.

6. That on going through the leave intimations sanctioned by the cadre section, your kind honour would be convinced that in addition to my regular salary bills, I tried my level best to liquidate the arrears i.e. the suppl. bills, O.T., T.A. etc. accumulated by the then bill clerk.

That the learned APO/LJN has not been kind enough to go through the facts in issue and punished me for stopping of increment for 2 years (NC) which is void, illegal and against the law of equity and natural justice. That on being aggrieved by the order of APO/LJN, I preferred an appeal to the DPO/LJN who also could not go to the facts and passed the following orders, "The appeal is not sustainable by facts, the orders of penalty, therefore, needs no intervention".

I sought an opportunity to bring the facts into his kind knowledge vide my application Dt. 22.12.78 and requested him for personal hearing with a defence counsel. DPO/LJN agreed to arrange for an enquiry, but he has not given any chance of enquiry and without affording me their opportunity passed the above order which is too against the nature of justice and impartially.

I, therefore, request your honour to kindly review the case and arrange to set aside the penalty and for this act of your kindness and justice I shall ever remain grateful.

Thanking you,

Yours faithfully,

Sd/- Mohd. Sharif Khan
Clerk-P,

Dated: 20.6.1979. CENTRAL RECEIPTS & DESPATCH SECTION

TRUE COPY

M. Sharif

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982

Mohd. Sharif Khan

... Petitioner.

Versus

Union of India and others

... Opp. Parties.

ANNEXURE NO. 11

To

The Divl. Railway Manager,
N.E. Railway,
Lucknow.

(For the kind attention of
Shri S.M. Bhargava, DRM).

Through Proper Channel.

Sir,

Sub:- My review petition dated 20.6.79 against the penalty of with-holding of my increment for 2 years (NC).

Ref:- APO/LJN's NIP No. E/SS-Vig/78/6 dated 28.11.78

2. My appeal dated 22.12.78 to DPO/LJN.
3. Appealate order upholding the penalty communicated under DRM(P)/LJN's No. E/SS-Vig/78/6 Dt. 23.5.79.
4. My review petitions dated 20.6.79 addressed to your honour.
5. DRM(P)/LJN's letter No. E/MSK/Lipik/79 Dt. 12.10.79 with-holding my review petition.
6. My further review petition dated 22.10.79 with interview with DRM followed by reminders dated 3.6.80, 16.4.81, 15.6.81, 19.11.81, 14.12.81, 1.3.82.
7. DRM(P)/LJN's letter No. E/MSK/Lipik/82 Dt. 19.3.82.



M. Khan

All

Aggrieved by the totally unwarranted and harsh penalty of stoppage of my increment for two years (NC) and upholding of the said penalty by the learned appellate authority, I submitted a representation dated 20.6.79 to your honour for a review of the penalty. Unfortunately, my representation for review has been withheld by the office of DRM(P)/LJN on the ground that an aggrieved employee has no right to make a representation to a higher authority for review.

That I was granted an interview by the then DRM on 22.10.79 and by your goodself on 1.3.82 wherein the case was called for review. But to my utter misfortune my representation for review has again been withheld and I have been informed once again under DRM(P)/LJN's letter dated 19.3.82, that an aggrieved employee has no right to seek remedy from the reviewing authority and that there is no provision in the Discipline & Appeal Rules for such review on the representation of an employee.

That in this connection I beg to invite your kind attention to rule 25 of the Rly. servants (Discipline & Appeal Rules, 1968) which envisages that a reviewing authority may at any time, either on his or its own motion or otherwise, call for the records of any enquiry and review any order made under these rules and continue, reduce, set aside, enhance any penalty imposed by the order.



The expression "Or otherwise" is significant in this respect which provides that a review can be carried out not only on the motion of review authority but otherwise also. Therefore, the term otherwise includes the employee's right of representation to the reviewing authority for review. But this is being denied to me.

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That, a check sheet for dealing with disciplinary cases including appeal, review has been circulated by GM(P)/GKP in annexure II of which, it has been desired that a certificate is to be recorded by the Personnel Officers dealing with the disciplinary cases at various stages. Accordingly a certificate is required to be recorded under para 7 of the said annexure while putting up appeals/review applications. This also indicates that an employee can take the opportunity of making review applications against the penalty/appealate order.

That Rly. Board's letter No.E(D&A) 73 RG 6-32 Dt. 2.11.73 also provides for representation for review. In accordance with Railway Board's letter mentioned above, representations addressed by Railway servants to the competent reviewing authority for review of his case (submitted through proper channel) will be forwarded by the appellate authority with the required information without comments.

That in view of the above with-holding my representation for review in this case by this office is totally untenable, erroneous and irregular and contrary to rules and instructions on the subject.

That by ASP/LJN memorandum No. E/SS-Vig/78/6 Dt. 28.9.78. I was charged with negligence of duty in that I allegedly delayed in preparation of supplementary bills regarding arrears claims of about 6 staff pertaining to the period ranging between 1974 and 1978. In my representation against the memorandum I pleaded that I was newly posted as a bills clerk in July/77 and my predecessor left a lot of arrears and almost all the cases occurred during my predecessor's time. I also pleaded that along-with the current work of preparation of regular salary bills, overtime allowance, TA etc., I cleared most of the arrears left by my predecessor and also arrears



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M. T. Iyer

Aug 3

- 35 -

that occurred due to delayed regularisation of leave, sick, absence of staff by cadre. To be brief, I beg to invited your kind attention to my representation dated 24.10.78 to APO/LJN, appeals dated 22.12.78 and 27.2.79 to DPO/LJN and my review petitions dated 20.6.79 to your goodself. That, unfortunately, the facts given in my representation and appeals were not considered in a judicious manner and in an open mind by the learned Disciplinary and appellate authorities and they casually rejected my representations to the memorandum and my subsequent appeal against the penalty, without indicating the reasons for imposing the penalty by disciplinary authority for upholding the penalty by the appellate authority.

That, your kind attention is invited to Railway Board's letter No. E(D&A) 78RG-6-11 Dt. 3.3.78 which states that the disciplinary authority should invariably pass 'Speaking orders' indicating the reasons for the conclusion arrived at and that the same procedure should be adopted by the appellate authority while passing orders on the appeal of the Railway servants.

That, neither the disciplinary authority who impose the penalty nor the appellate authority who upheld the same passed "Speaking orders" contrary to the instructions of the Railway Board.

That, I have been penalised for the faults of the others and the penalty is very harsh. Moreover, I cleared all arrears left by my predecessors and all the supplementary bills viz in question were prepared by me before the check was made.

In view of the above, I beg to submit intervention from your august chair of justice with the humble prayer to bestow your mercy and compassion to set aside the



W.M. C. 78

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penalty for which act of year kindness and good conscience, I shall always remain grateful.

In the end, I request for a personal hearing along with another employee to assist me in order to explain my once before your goodself.

Thanking you,

Yours faithfully,

Sd/- M.S. Khan

15.4.82
(M.S. Khan)

Clerk/DRM(P)/LJN

Dt. 15.4.82
16.4.82



TRUE COPY

Mr. Khan

Seban
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No. 81379
Date 27/7/82

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Registration (T.A.) No. 1065 of 1987(T)

Writ Petition No. 3549 of 1982

BETWEEN

Mohd. Sharif Khan ... Petitioner/

Applicant.

versus

Union of India & others ... Opp. Parties/

Respondents.

Fixed For : 18.4.1990.

COUNTER REPLY ON BEHALF

OF ALL RESPONDENTS.

I, S.R. Mishra working as Asstt. Personnel
Officer (IV) in the office of Divisional
Railway Manager, North Eastern Railway, Ashok
Marg, Lucknow do hereby solemnly affirm and state

as under :-

सहायक कामकारी अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

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1. That the official abovenamed is working under the respondents and is fully conversant with the facts and circumstances of the applicant's case and has been authorised by the respondents to file this counter reply on their behalf ;
2. That the contents of the para 1 of the writ petition are admitted.
3. That the contents of the paras 2 & 3 of the writ petition are admitted to the extent that the petitioner ~~was~~ posted in bill section vice Sri G.B. Sharma and he was deputed to work in the traffic bill section to deal with the preparation of bills of the ~~station~~ staff. Rest of the contents ^{under} para are denied.
4. That the contents of the para 4 of the writ petition are not admitted as stated. The petitioner was served with a memorandum No. E/ SS/Vic/78/4 dated 2.9.78, in which a ^{number} ~~matter~~ of irregularities and lapses found in the work of

J. Milne
धरायक कार्यालय आवास
पूर्वोत्तर रेलवे, लखनऊ

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the petitioner were communicated to him.

5. That the contents of the para 5 of the writ petition are admitted.
6. That the contents of the para 6 of the writ petition are denied. The charged were ~~found~~ framed after duly verifying the irregularities found in the work of the petitioner and thereafter the charge memorandum as contained in annexure No.4 to the writ petition was issued to him.
7. That the contents of the paras 7,8 & 9 of the writ petition are not admitted as alleged. The petitioner being dealing assistant, was himself the custodian of all relevant documents and had access to the material document and infact he checked, explained and verified the same before submitting his reply to the charge memorandum. The petitioner was never denied/ refused access, examination and verification of the material documents,

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which were in his own custody and the petitioner fully knew it. The ~~xxxxxx~~ representation, as contained in annexure Nos. 5 to the writ petition was moved only to avoid the submission of reply in time. Since the petitioner was deliberately avoiding to submit his reply to the charge memorandum, the order as contained in annexure No. 6 to the writ petition was issued to the writ petition to submit reply to the charge memorandum.

H It is further clarified that in terms of Rly. Board's letter No. E(D&A)77 RG6-20 dated 21st June, 1978, in cases of minor penalty the request for inspection of documents etc. before submitting the representation, should not be accepted as a matter of routine unless specifically considered by the Disciplinary Authority as essential for the charged employee to make representation against the action proposed to be taken against him. H

भारतीय कार्यकार्ता,
पूर्वोत्तर रेलवे, लखनऊ

(Contd..5)

Aug

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8. That in reply to the contents of the para 10 of the writ petition so far it is a matter of records is admitted but rest of the contents of the para are denied. The petitioner did not bring to the notice of the controlling authority, when he assumed the charge of the post that he had so much arrears and he was facing difficulty in dealing with the cases. interested to him.

9. That the contents of the para 11 of the writ petition are categorically denied. The disciplinary authority after carefully considering all the aspects of the reply submitted by the petitioner, and after finding the petitioner guilty of charges, which stood proved against the petitioner, imposed upon the petitioner the ~~maximum~~ penalty of with-holding of increments for two years, (Annexure No. 1 to the writ petition) strictly as per rules.

10. That the contents of the para 12 of the writ petition are admitted.

મહાયુદ્દ્ધ કાર્યક્રમ આયુદ્ધાની
પૂર્વોત્તર રેલવે, લાખનऊ

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Abc

11. That the contents of the para 13 of the writ petition are categorically denied. The appeal of the petitioner was rejected by the appellate authority after applying his mind and after considering all the facts and circumstances of the case of the petitioner.
12. That in reply to the contents of the para 14 of the writ petition are admitted.
13. That in reply to the contents of the paras 15 to 18 of the writ petition so far it is a matter of records is admitted, but rest of the contents are denied. The petitioner has himself admitted that he was given an opportunity of personal hearing by the reviewing authority to whom he explained his entire case and after considering all facts disclosed and narrated by the petitioners, the said authority found no merit in the case of the petitioner. It is ~~xxxxxx~~ further clarified that as per rules, there is no provision for submission of review by an employee rather it is a sole discretion of


the reviewing authority or an authority higher
व्यायक कानूनिक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

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then that to review a matter. Thus the opposite parties No. 3 correctly withheld the petitioner's review application and a reply was sent to him vide annexure No. 3 to the writ petition. In this connection a copy of General Manager letter dated 7.3.78 is being filed herewith as Annexure

Annexure No. C-1

No. C-1 to this reply.

14. That in reply to the contents of the para 19 of the writ petition, it is submitted that it being a matter of interpretation of rules do not call for reply.
15. That the contents of the paras 20 and 21 of the writ petition are denied. The punishing authority after applying his mind and after considering all the relevant facts of the case passed the speaking order strictly as per x rules and there has been no violation of any rules whatsoever and any allegation made contrary to it are denied.
16. That the contents of the para 22 of the writ petition are denied. The appellate authority

after considering all relevant facts and
मानविकीकरण आधारां/
प्रबोधन रेलवे, लखनऊ

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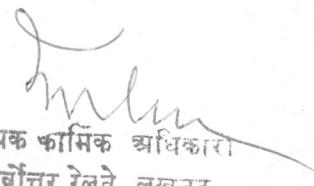
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circumstances of the case duly rejected the appeal of the petitioner as there were no merit in the case of the petitioner.

17. That the contents of the para 23 of the writ petition as well as the grounds taken by the petitioner are not admitted. The grounds are baseless, irrelevant, vague and not applicable to the instant case as such the writ petition itself is devoid of merit and deserves to be dismissed with cost in favour of the answering respondents.

Lucknow.

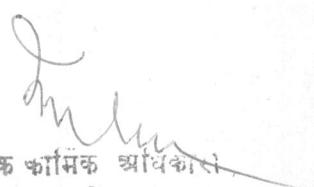
Dated : 17.4.90


भद्रायक कामिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

VERIFICATION
I, the official abovenamed do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and those of paras 2 to 17 of this reply is believed by me to be true on the basis of records and legal advice.

Lucknow.

Dated : 17.4.90


भद्रायक कामिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH - LUCKNOW
T.A. No. 1065/87 (T)

Mo. Hd. Sharif Khan v/s. Union of India & Others.

Annexure No. C-1

पूर्वांतर रेलवे

ई0पी.07-110
क्रम सं0-138
संई/74/2 चार०

महाप्रबन्धाकार्मिक/व
गोरखापुर

दिनांक: 7-3-1978

सभी किमागाध्यक्ष/सभी अधीक्षक/सभी कार्मिक अधिकारी/सभी अधिकारी/सभी अधीक्षक अधिकारी।

विषय:- रेल सेवा अनुशासन स्व अपील नियम-1968
नियम 25 के अन्तर्गत पुनरीक्षा।

मुख्य कार्मिक अधिकारी का दिनांक 9-12-77 का नोट सुचना मार्ग-दर्शन व आवश्यक कार्यवाही के लिए अधिकृत नोटिफ़िकेशन किया जा रहा है।

The following points have to be mentioned in regard to rule 25 of Discipline and Appeal Rules, 1968. This rule provides for review ~~कर~~ by any of the authorities mentioned either on his or its own motion or otherwise. Rule 25 is an over-riding rule and is self contained. Review should not be mixed up with revision petition which is dealt with in a separate provision i.e. Rule 24. The limitations of power of review are contained in rule 25 itself. These limitations relate to the bar of time, the status of the appeal, the designation of the authority etc. One important aspect is that review has to be done either *Suo-moto* or otherwise. Review *suo-moto* is easily understandable. The phrase 'or otherwise' requires to be explained a little in detail. One type of case which may arise is when there is direction from a court or from any other authority, any one authority higher than the reviewing authority requires a case to be reviewed. One example would be the type of reviews done in respect of 14 (11) according to Board's directive. But review under the Rule 25 requires initiative to be taken by the reviewing authority to call for the records of the inquiry. The cause for review does not arise by a lower authority making a request to the higher authority for a review. The rules provide for no such reverse processing of papers. This inverse transmission of papers ~~कर~~ of papers is not contemplated under rule 25. The reviewing authority alone is competent to evoke this rule. In this way the review is different from both the appeal and revision petition. This understanding must be clear to all concerned.

सहायक कार्मिक अधिकारी
पूर्वांतर रेलवे, गोरखपुर

Durga D
G.

VAKALATNAMA

(A54)

Before
In the Court of

The Central Administrative Tribunal
Circuit Bench, Lucknow

TA No. 1065 of 1988 (D)

Mohd. Sharif Khan

Versus

Union of India and others

I/We K. P. Singh, Dl. Rly. Manager, NERly, Lucknow
S. R. Mishra, Asstt. Personnel Officer, NERly, Lucknow

do hereby appoint and authorise Shri Anil Srivastava

Lucknow Railway Advocate to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri Anil Srivastava
Railway Advocate, Lucknow
in pursuance of this authority.

10/4/88 IN WITNESS WHERE OF these presents are duly executed by me/us this.....

..... day of 1988.
(S. R. Mishra)

सहायक कामक अधिकारी/
पूर्वोत्तर रेलवे, लखनऊ

17/4
(K. P. Singh)
Divisional Railway Manager
N.E. Railway, Lucknow

Accepted
Anil Srivastava

वकालतनामा

A 55

कोन्ट्रैक्ट प्रशासनिक अधिवक्ता

सामिक बैच भवन नं०

TANo. 1065/87 (C)

के समक्ष

के न्यायालय में

वादी मो. अशोक राव

प्रतिवादी

दावेदार

श्रीमती नार्मदा

प्रतिवादी

अर्जीदार

वादी

बनाम

भारत सरकार ईव अम

प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

अधिवक्ता अधिवक्ता

राम अधिवक्ता, ल०२१८८३

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होते, कार्य करने, आवेदन करने, अभिववन 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, रूपग्राम पत्र लेने और उसका निम्नेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिववन करने और आगे कार्यवाही करने की अनुवांशिक 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/प्रधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/प्रधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/श्रीमती/वादी/विरोधी धक्कार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न एसा 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/प्रधिवक्ता/काउन्सेल एसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/प्रधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तक्ताल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुकूल में श्री

अधिवक्ता अधिवक्ता

राम अधिवक्ता, ल०२१८८३

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

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

तारीख 19

NER-84850400-8000- 4784

(के.वा. श्रीमद्भास्कर)

निषादन करने वाले अधिकारी का पदनाम

प्रधिवक्ता अधिवक्ता

प्रधिवक्ता अधिवक्ता

भारत सरकार



VAK ALATNAMA

Before IN THE HIGH COURT OF JUDICATURE AT ALIAHABAD.
IN the Court of LUCKNOW BENCH: LUCKNOW.

WRIT PETITION No 3542 of 1982.

Mohd. Sharif Khan Petitioner

Versus

Union of India & others Opp. Parties.

¶/We , Divisional Railway Manager, North Eastern Railway, Lucknow, who is ex-officio authorised to act for and on behalf of Union of India, Sr.(Divisional Railway Manager (P)) / Senior Divisional Personnel Officer, North Eastern Railway, Lucknow & Asstt. Personnel Officer, II, North Eastern Railway, Lucknow. do hereby appoint and authorise Shri C.A. Basir, Railway Advocate Lucknow - to appear, act, apply and prosecute the above described Suit/Application/ Case / Appeal/Writ /Civil Revision on my/our behalf of Union of India, Divisional Railway Manager, Sr. Divisional Personnel Officer(Divisional Railway Manager (P) and Asstt. Personnel Officer, II. to file and take back documents, to accept processes of the court, to deposit moneys and generally to represent myself/ourselves for and on behalf of Union of India, Divisional Railway Manager, Sr. Divisional Personnel Officer(Divisional Railway Manager/P) & Asstt. Personnel Officer.II. in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves and on behalf of Union of India, Divisional Railway Manager, Sr. Divisional Personnel Officer(Divisional Railway Manager/P) & Asstt. Personnel Officer II. ¶/We hereby agree to ratify all acts done by the aforesaid Shri C.A. Basir, - - - - - Railway Advocate Lucknow. in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed by me/us this - - - - - day of September 1982.

Accepted
C. A. Basir
Rly. Advocate

(A. RAMARAO)
Divisional Railway Manager,
North Eastern Railway, Lucknow.

(M. S. Akhtar)
Senior Divisional Personnel Officer,
North Eastern Railway, Lucknow.

(Meena Shah)
Assistant Personnel Officer, II,
North Eastern Railway, Lucknow.

A 51

In the Movable High Court of Judicature at Allahabad
व अदालत श्रीमान (Lucknow Bench): महोदय
नं 127/7/82

(वादी) अपीलान्ट
प्रतिवादी (रेस्पान्डेन्ट)

Mohd Shauif Khan का वकालतनामा



Ch.
27/7/82

Mohd Shauif Khan

वादी (अपीलान्ट)

Union of India and others बनाम

प्रतिवादी (रेस्पान्डेन्ट)

WB No

नं० मुकद्दमा

सन् १९

८७९८२

वेशी की तारीख

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इ०

ऊपर मुकद्दमा में अपनी ओर से श्री

Advocate, High Court

एडवोकेट वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहानामा 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 विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

Advocate
27/7/82

हस्ताक्षर.....

साक्षी गवाह..... साक्षी (गवाह)

दिनांक..... २७..... महीना..... सन् १९८२ इ०

In the Central Adm. Tribunal
Circuit Bench,
Lucknow

(C105)

SS

Sub. T.A. No. 1065/87 (7)

M. S. Khan

v/s U.O.G. and others

— X —

To
The Vice Chairman,

The humble applicant respectfully
submits as under:-

(1) That the above petition was filed against
the order no. B/55-VC/78/6 dated 28-11-78
imposing the penalty of withholding of increment
for a period of two years with non-cumulative
effect passed by - of no. 2. and also against
the appellate orders as contained in Annex. no.
1, 2 & 3 to this writ petition.

(2) That the applicant does not want to press
the case as he has got all the benefits.

It is therefore prayed that the petition may
be dismissed as not pressed.

Lucknow

Dated 9.4.91.

Should DR

File is required
by Should DR Barak

DMS

— 9/4/91
(M. S. Khan)
Petitioner
in person.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 3542 of 1982.

vs.

C.M.

3

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| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|-----------|---|----------------------------------|
| 1 | 2 | 3 |
| 28-7-82 | Hon K S Varma, J Jan SSaqib & Ahmad, J | |
| | Notice on behalf of opposite parties i to 4 has been taken by Sri Umesh Chandra — — — — | |
| | Two weeks to enable him to obtain instructions. | |
| | Sd K S Varma Sd SSaqib Ahmad | |
| | 28-7-82 | |
| | 18. 8. - M | F.O. Bea |
| | | Tun |
| 18. 8. 82 | Writ of H. order | |
| | Hn. K. S. V. J. | |
| | Dn. 8. 8. A. J. | |
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| 24/8/82 | Recd for order | |
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| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|------------|---|---|
| 1 | 2 | 3 |
| 21.1.83 | Report- | |
| CP 1 to 4. | Notice Served to Sri Umesh Chandra, Advocate. Note received 24.1.82. | 21/1 |
| | W.M. | |
| | 21/1/83 | |
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Before the Hon'ble Central Administrative
Tribunal, Lucknow.

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(17)

C142

V.O.P. — — — — applicant
In re: —

T.A. no. 1065 of 1987

No. CAT/Alld./Jud/ 424/87

Mohd Sharif Khan — — — — Petitioner

vs

V.O.T. — — — — opp. parties

The above named applicant most respectfully begs to submit as under: —

(1) That, the aforesaid case was transferred to the Hon'ble Tribunal from High Court and Hon'ble Tribunal was pleased to fix 22.12.89 as first date.

(2) That, the notice of the aforesaid case has been received by the Counsel for opp. parties on 18.12.89.

(3) That, it is in the interest of justice that Hon'ble Tribunal may allow short time for counter affidavit to opp. parties.

PRAYER

Wherefore, it is most respectfully prayed that the Hon'ble Tribunal be pleased to allow 6 weeks time for filing the counter affidavit to the opp. parties.

Lucknow

Dated)

22.12.89.


(Counsel for Opp. parties)