

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *72 No-1083/92* OF *10.6.10-4469*

NAME OF THE PARTIES *Tehal Singh* Applicant

Versus

10.6.10-4469 Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Under sheet</i>	<i>A1 to A2</i>
2	<i>order sheet order dt 9-11-91</i>	<i>A3 to A6</i>
3	<i>Writ Petitions with annexure</i>	<i>A7 to A50</i>
4	<i>Affidavit</i>	<i>A51 to A52</i>
5	<i>Power</i>	<i>A53</i>
6	<i>Consent Affidavit</i>	<i>A54 to A66</i>
7	<i>CM No 6991 / Rejaundes Affidavit</i>	<i>A67 to A70</i>
8	<i>CM No. 128/91</i>	<i>A71 to A74</i>
9	<i>CM No. 4485/84</i>	<i>A75 to A78</i>
10	<i>CM No. 4469/82</i>	<i>A79 to</i>
11	<i>Notice/High Court order sheet</i>	<i>A80 to A84</i>
12	<i>Power / any paper</i>	<i>A85 to A85</i>
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

albert Dated *30/9/11*

This file received from record room without Bstas

Counter Signed.....

11/10/11

Section Officer/In charge

Signature of the Dealing Assistant

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE T.A. 1083 of 1987

NAME OF THE PARTIES

Tekal Singh

Applicant

Versus

Union of India

Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	General Index — A1	
2	Order sheet — A2 TO A8	
3	Petition — A9 TO A19	
4	Annexure — A20 TO A53	
5	Affidavit — A54 TO A55	
6	Power — A56	
7	Counter — A57 TO A69	
8	Rejoinder — A70 TO A73	
9	File - B — B74 TO B125	
10	File - C — C126 TO C147	

(AI)

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 4469-82

Name of parties..... Tatal Singh vs. Union of India

Date of institution..... 15-9-82

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 Amr. p. and applicant	24	-	102.	00		
	2-	Power	1-	-	5.	00		
	3-	Comd. 9341(W) of 82, for sh.	1-	-	5.	00		
	4-	Comd. 4482(W) of 84.	1-	-	5.	00		
	5-	Appn dt. 6.8.81.	3-	-	7.	00		
	6-	Comd. 6291(W) of 84 with RA.	4-	-	7.	00		
	7-	Emm. 9911(W) of 84 with CA.	13-	-	7.	00		
	8-	orch. sheet.	2-	-	-	-		
	9-	Back copy of CA.	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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

(12)

13

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

T. No. 1003/07 NO. OF 100
Tahal Singh VS. Union of Jodha 2005. N. E. Rly

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office Notes as to action (if any) taken on order
------------------	---------------	----------------------	---

9.8.08

Office report

W.P. No. 4269/02
has been received on Transform
High Court Hko.
W.P. is admitted on
15.9.02.

CA and RA both have
been filed in this W.P.

Sri Anant Sthalikes
files his vakalatnama on
behalf of Union of Jodha
and takes his notices.

Notice of petitioner
has been sent by regd
post.

No undelivered
regd covers has been return
back.

Submitted for orders.

[Signature]

9.8.08

12.8.08

~~No~~ no one appears
for the applicant. Send fresh
notice again to the applicants
as well as counsel for it.

29.9.08

Office report

[Signature]

Notice send to applicant and
his counsel for 29.9.08 by regd post
for 12/10/08

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes to action (if any) taken on order
------------------	---------------	----------------------	--

24.10.88

Case has been
seen from Trash
from Hld CAT.

Applicant's Counsel
S. U. Shaukar Advocate
and S. Narsimha Naidu
Counsel for respondents
are present.

Let case be listed
for hearing on
22.12.88 before
Bench.

[Signature]

22/12/88

No sitting, Adjourned
to 23-2-1989, for
Hearing.

23.2.89

Hon. D.S. Misra, A.M.
Hon. G.S. Sharma, J.S.M.

On the request of the
learned counsel for the applicant,
case is adjourned to
09 for final hearing.

J.M.

A.M.

[Signature]
22/12

OR
Case was
adjourned for
final hearing on
27.4.89.

Case is submitted
for hearing.

[Signature]
20/11

(A4)

T.A. No.1083-87(T)

Hon' Mr. D.S. Misra, A.M.

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

27/4/89

On the request of both the parties, the case is adjourned to 13/7/89 for hearing.

OR
Case submitted for hearing.
12/5

[Signature]
J.M.
(sns)

[Signature]
A.M.

13.7.89

Hon. D.K. Agrawal - JM

No sitting of Division Bench. Fixed 20.9.89 for hearing.

has

[Signature]
Member (J)

20/9/89.

Hon. Justice K. Nath, re.
Hon. K. Obayya, Ans.

OR
Case is submitted for hearing.
L
27/9

On account of the reasons of illness of the learned counsel for the applicant the case is adjourned to 7/12/89 for hearing. Shri. Amit Asthalkar puts in appearance on behalf of opposite parties.

[Signature]
Am.

[Signature]
V.C.

[Signature]

OR
Case is submitted for hearing.
L
6/11/89

(A)

1083/07(1)

7/12/89

Hon. Justice K. Math, VC.
Hon. K. J. Ramani, AM.

On the request of the applicant's counsel for adjournment on the ground of illness, the case be relisted for hearing on 25/1/90. It is expected that no further adjournment will be requested for.

The learned counsel for the opposite parties Shri Amit Asthalakar is present.

VC

VC

AM.

VC

25/1/90

No sitting adj. to 22.2.90
VC for the applicant is present.

L

S. P. Hearni

25/1

22.2.90

Hon Justice K. Math. VC
Hon Mr. K. Obayya AM

On the request of Mr. A. Asthalakar Adv.
Counsel for the opp parties case is adjourn
to 28.3.90 for final hearing

VC

AM

VC

28/3/90

No sitting adj. to 27.8.90

VC

28/3.

27-8-90

Division Bench is not available
Adj to 27/11/90

4/5

27-11-90

Case not reached adjourn
to 3.12.90 for hearing,

Ⓢ

3.12.90

No sitting adj to 1.2.91 @ BOC.
h

1.2.91

No sitting adj to 14.2.91.

Ⓢ

14.2.91

No sitting adj to 2.5.91.

2.5.91

No sitting adj to 11.5.91
Ⓢ

Ⓢ

11.5.91

No sitting adj to 17.9.91
Ⓢ

Short CA filed
L
21/3/91

17.9.91

Case not reached adjourn to
7.11.91

Ⓢ
BOC

OR
Submitted for hearing
Ⓢ
13.9.91

OR
S.A. Sivaraman files
Short CA along with
MP 120-91 L for dismissal.
S.FO

L
4/11

7-11-91

(AT)

Hon Mr Justice U.C. Sinha, VC

Hon Mr. A.B. Golhi, AM.

Appearance has been made
by the respondents. The respondents
are directed to show cause.

Vide order dated 21-10-91, the
case was directed to be listed
on 29-11-91. Learned counsel for
the respondents states that he will
file counter affidavit on 29-11-91.
Rejoinder may be filed within
one week thereafter. List
for admission/hearing on 14-12-91

AM.

VC



AA

T.A 1083/87

9-11-91

How Mr Justice U.C. Sinha vs
How Mr A.B. Grover, AM.

2/10

MP 128/91 is an application
for dismissing the petition as
abated. Union of India has filed
affidavit stating that the
petitioner had already died
on 6.7.90 but no substitution
application has been moved.

Accordingly, this application
is dismissed as abated.

d
R.M.

W
MC

A

Group A13 (7) (A9)

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

Lucknow Bench, Lucknow.

Writ Petition No. 4469 of 1982.

2
1103
Tehal Singh

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

INDEX.

Sl.No.	Particulars	Regarding	Dating	Page no.
1.	Writ Petition	Articles of Charge	Annex-1	1 to 9
		Impulations	Annex. 2	
2.	Annexure no. 1	List of documents	" 3	10 to 14
		List of documents	" 4	
3.	Annexure no. 2	Defence statement		15
4.	Annexure no. 3	Statement of Sri S.		
		S.N. Pd	26-8-81	16
5.	Annexure no. 4	Statement of Sri		
		Mar Beg, TIE/CPA.		17
6.	Annexure no. 5	Answers to questions		
		put by Enquiry Officer	16-12-81	18
7.	Annexure no. 6	Statement of Party's		
		charges		19-20
8.	Annexure no. 7	Defence brief dis-		
		cussion	19-12-81	21 - 24.
9.	Annexure no. 8	Finding of Enquiry		
		officer	11-11-81	25 - 32
10.	Annexure no. 9	Order for imposition		
		of penalty	17-3-82	33 - 36
11.	Annexure no. 10	Appeal to DRM		37 - 41
12.	Annexure no. 11	Appellate order	28-8-82	42
13.	Affidavit			43 - 44
14.	Power			-45-
15.	stay Application.			

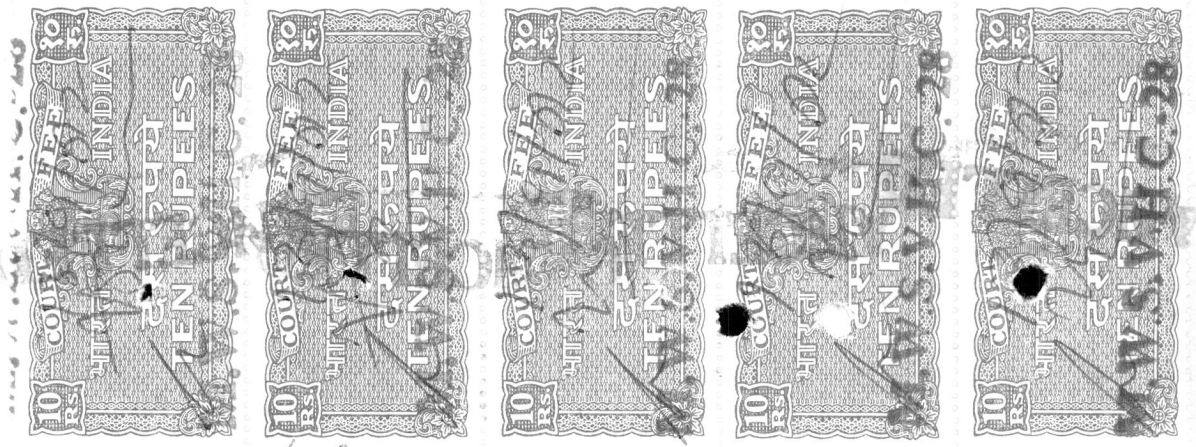
Lucknow, dated :

13/9, 1982.

(VINAY SHANKAR) Adv.
Advocate,

Counsel for the Petitioner.

110



In The ^{Honble} Court of Judicature @ Allahabad
 Lucknow Bench.
 W. O. No 4469 of 1902
 Tahal Singh ————— Petitioner
 U. O. No ————— of

Shankar
 13/9/02

A11

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

WRIT PETITION NO.

4469

OF 1982

Tahal Singh aged about 38 years S/o Shri Sardar Nand Singh
Travelling Ticket Examiner, N.E. Railway, Charbagh, Lucknow

.....Petitioner.

VERSUS

1. The Union of India, through the General Manager,
N.E. Railway, Gorakhpur.
2. The Divisional Railway Manager, N.E. Railway,
16, Ashok Marg, Lucknow.
3. The Divisional Commercial Supdt. N.E. Railway,
16, Ashok Marg, Lucknow.

..... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

.....

This humble petition on behalf of the petitioner above
named most respectfully showeth:-

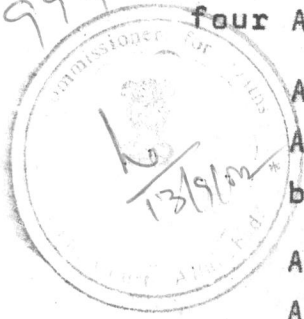
1. That the petitioner was appointed on or about 3.4.64
as Ticket Collector in the Northern Railway, Delhi Division
and at present he is working on the next higher post of
Travelling Ticket Examiner in the grade 330.560 (RS) in
the N.E. Railway.
2. That the petitioner while working as Travelling Ticket
Examiner (hereinafter to be referred to as TTE) at Lucknow
was served with a memorandum bearing no. LD/SS-C/Vig/41/80
dated 31.10.80 issued by the opposite party No.3. The said
memorandum was on Standard Form of Charge Sheet being
Standard form No.5 for purpose of proceedings under Rule 9
of the Railway servant (Discipline and Appeal) Rules 1968.
By the said memorandum the petitioner was informed of a
proposal to hold an enquiry against him under rule 9 of the
said D & A Rules 1968. Annexed to the said memorandum were
four Annexures containing the following:-

- Annexure 1 was a statement of Article of Charge.
- Annexure 2 was the statement of imputation on the
basis of which the Article of Charge have been framed.
- Annexure 3 was a list of documents by which the
Articles of charges framed against the Petitioner
was proposed to be sustained and

...2/-

Tahal Singh

99 of 02



One impressed Rs 50
 Fun Adhesive Rs 50
 Total Rs 100

Correct but final Court-fee stamp
 will be made on receipt of lower
 Court record.
 In time up to
 Papers filed. Copy of P. O.
 should also be filed.
 Magis - Benish.

Leak Dops over Dm 11
 27.08.02

Received
 18/9/02
 50
 1009

Recd duplicate for
 of no 1-3 for
 15.9.02

Phanda
 15.9.02 A.S.

(32)

Hon. Mr. Sivastava J.

Admit.

Issue notice

W
 15.9.02
 S

(A/2)

Annexure 4 was a list of witnesses by whom the Article of charges framed against the petitioner was proposed to be sustained. A true copy of the four Annexures is being annexed as Annexure No.1 to this petition.

3. That the petitioner by his representation dated 20.11.80 denied the said Article of charges and requested that the said charge sheet be withdrawn. A true copy of the same is filed as Annexure No.2.

4. That Shri Mahendra was appointed as Enquiry Officer to enquire into the allegations levelled against the petitioner. The enquiry proceedings against the petitioner were initiated in the following circumstances:-

That a FIR was lodged by the Vigilance Inspectors on 31.3.80 stating that a surprised check was arranged by them between Babhnan and Khalilabad stations of Sleeper Coach No.4616 of 10Dn. Express train on 30.3.80 while the petitioner was working in that Coach from Kanpur and the following irregularities were found by the Vigilance Inspectors:-

- (a) The petitioner carried one passenger namely Banwari Lal without ticket and reservation in his sleeper coach after realising Rs.31/- from him towards fare and reservation charge for a berth ex. Lucknow to Muzaffarpur but did not issue any ticket or reservation ticket in his favour before detected by the Vigilance Inspector at Babhnan. Sri Banwari Lal has also given a statement to the Vigilance Inspector.
- (b) The petitioner also carried 9 other passengers without ticket alongwith unbooked luggage of 14 bales of handloom cloth with intention to realise money from them subsequently for his personal gain.
- (c) (c) The petitioner also failed in his duty to charge luggage carried by five other passengers ex. Kanpur Anwarganj to Khalilabad against ticket nos.24594/ which were subsequently at the intance of vigilance Inspector charged by the another T.T.E. Shri M.A.R. Beg.

5. That during the course of enquiry the statement of Shri Banwari Lal was recorded by the enquiring Officer on 13.8.81 in the absence of Petitioner and his defence counsel as the petitioner was sick and was under the treatment of Additional Divisional Medical Officer, Aishbagh, N.E.Railway Lucknow and was declared fit on 13.8.81 afternoon. He has already reported about his sickness to his incharge on 8.8.81.

....3/-



A13

6. That the petitioner also was never given any opportunity to cross examine Shri Banwari Lal and thus the petitioner was deprived of his legal right to cross examine the prosecution witness and he was never supplied with a copy of statement of Shri Banwari Lal.

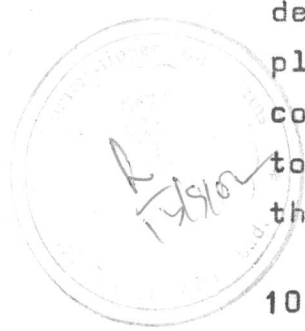
7. That during the course of regular enquiry the statement of Shri Satya Narain Pd. Yadav, Gangman the only witness of the charges levelled against the petitioner was recorded by the Enquiry Officer and he was also cross examined by the Defence Council of the petitioner. In this cross examination the witness has admitted that the statement of Shri Banwari Lal was recorded in the absence of the petitioner and he has also admitted that his pass was not returned by the Vigilance Inspector till he had made the endorsement on the statement, which clearly shows that there was an undue pressure on the witness by the Vigilance Inspector. The true copy of the statement of Shri Satya Narain Pd. Yadav is filed herewith as Annex.3.

8. That during the course of enquiry the statement of Shri M.A.R. Beg TTE, Anwarganj, Kanpur who has charged the passengers brought by the Vigilance Inspectors and the so called unbooked luggage. He has stated in his cross examination that the luggage was not brought before him and it was also not known to him that where the luggage was and he charged the luggage on the instruction of Vigilance Inspector. The true copy of the statement of witness is filed herewith as Annex.4 to this writ Petition.

9. That after the prosecution evidence was closed the statement of the petitioner was recorded and questions were also put by the enquiry Officer, and the petitioner denied from all charges levelled against him and has pleaded not guilty before the enquiry officer. The true copy of the answer to questions put by the enquiry officer to the petitioner is filed herewith as Annex. No.5 to this writ petition.

10. That the petitioner has also submitted his written statement under rule 9 of the D & A Rules 1968, denying all the charges levelled against him to the Enquiry Officer stating that there was no documentary evidence to substantiate the charges and thus the whole story is mere concoction and he has been involved by twisting the facts.

Tahals ph



A14

The true copy of the same is filed herewith as Annexure 6 to this writ petition.

11. That at the conclusion of the enquiry the petitioner has submitted his defence brief to the Enquiry Officer on 16.12.81 denying from all article of charges by discussing the evidence on record of the enquiry proceeding. The true copy of the same is filed herewith as Annexure 7 to this writ petition.

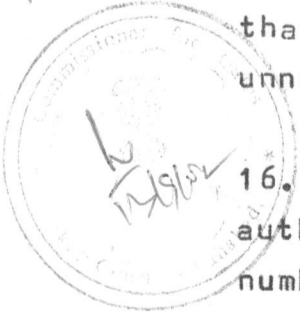
12. That after enquiry was conducted in a very arbitrary and prejudicial manner, without complying the principles of natural justice.

13. That the Enquiry Officer without considering the evidence on record has given his finding holding the petitioner guilty of charges levelled against him vide his report dt. 31.11.81. A true copy of the same is filed herewith as Annexure No.8.

14. That on the basis of the report & finding of enquiry Officer the opp. party No.3 i.e. Divisional Commercial Supdt. vide his order dated 17.3.82 held the petitioner guilty of charges by imposing the penalty of reduction in rank from the post of T.T.E. at Rs.380/- in scale of Rs.330-560 to the post of Ticket Collector in grade to Rs.260-400 for a period of 3 years with cumulative effect and with loss of seniority with reduction of pay from Rs.380/- to Rs.326/- per month. A true copy of the said order is filed herewith as Annexure No. 9 to this writ petition.

15. That by looking the order of the penalty it is clear that the said order is not normal but the same is very unnatural.

16. It is evident from the order of the punishing authority himself that he himself found that there were number of contradiction in the statement of witnesses recorded during the course of preliminary enquiry and regular enquiry & conducted by the Enquiry Officer, but despite that instead of discarding that evidence the punishing authority relied upon the same evidence against the petitioner, which is illegal.



A15

17. That the punishing authority (opp. party no.3) has committed an error of law apparent on the face of record in as much as he punished the petitioner even without recording any finding of guilt on the basis of evidence laid before the enquiry Officer.

18. That the punishing authority (opp. party no.3) without recording any finding of guilt has imposed penalty upon the petitioner which is wholly untenable and illegal.

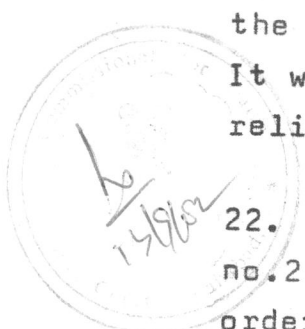
19. That the punishing authority has acted in excess of jurisdiction ^{and} as much as he himself admitted that the petitioner was deprived with his valuable right of cross examination of Shri Banwari Lal and instead of sending the case back to enquiry Officer for the purpose of affording the petitioner an opportunity of cross-examination of the witness, the punishing authority illegally imposed the penalty in question by over minding such a great irregularity committed during the course of enquiry.

20. That the denial of right to cross examination with the witness means that the petitioner was not afforded proper opportunity to defend his case and thus the order of punishment based on the enquiry report is against the principles of natural justice and is also against the provisions of article 311(2) of the constitution of India.

21. That against the order of reduction dated 17.3.82 the petitioner had filed writ petition in this hon'ble court but the same was dismissed by Hon'ble justice R.C. Deo Sharma and Hon'ble justice S. Sagir Ahmad on 10.5.82 on the point of alternative remedy of departmental appeal. It was also observed that if the petitioner does not get relief, claimed by him, can ~~be~~ take legal course.

22. That the petitioner filed an appeal to opp. party no.2 i.e. Divisional Railway Manager against the reduction order issued by opp. party no.3 dated 17.3.82. A true copy of the said appeal is filed herewith as Annexure No.10 to this writ petition.

Tahals



116

A/14

23. That in his appeal the petitioner stated that he was neither given proper opportunity to defend his case nor was supplied with the material documents and thus he was deprived-off from his legal rights during the enquiry and thus finding of enquiry Officer and order of punishing authority on the basis of that report is illegal & unjust.

24. That the opp. party no.2 without giving any cogent reason wrongly rejected the appeal of the petitioner vide his order dt. 28.8.82. A true copy of the same is filed herewith as Annexure No.11 to this writ petition.

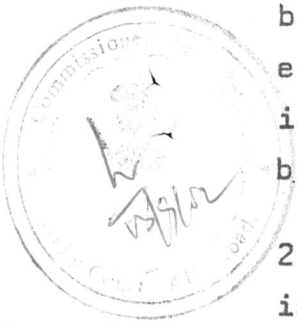
25. That the appellate authority has rejected the appeal without discussing the evidence on record and has committed illegality is not giving reasons for rejecting the defence of the petitioner, which is wholly illegal & unjust.

26. That the appellate authority has committed illegality in passing orders mechanically without discussing the evidence on record and thus the same can't be said to be a speaking order.

27. That the petitioner is advised to state that as the enquiry proceeding was wholly illegal and consequently the order of punishment of reduction by opp. party no.3 on the basis of the said enquiry report is wholly illegal and in excess of jurisdiction and the order of opp. party no. 2 dt 28/8/82 is also bad in law as no cogent reason or finding is given by him.

28. That the petitioner is in sick leave since 9.4.82 and is still under the treatment of Railway Doctor Mr E.R. Aishbagh, Lucknow and during his sick leave received the impugned order of reduction contained in Annexure No. 9 on 11.5.82. ^{Neither} the petitioner has been given any posting order for the reverted post of T.C. nor the impugned order has given effect too till date and the petitioner continues to hold the charge of the post of T.T.E., but there is every apprehension that it shall be given effect to any date hereafter.

29. That the petitioner will suffer irreparable loss and injury which cannot be made good in the event of success in writ petition if the impugned order is permitted to be given effect.



Tahals ph

A17

30. That on the same facts and against the similar order, writ petition no.3249 of 1980, writ petition No. 576 of 1979, writ petition No.3212 of 1981 and one writ petition of Shri Mohan Srivastava Vs. Union of India, are pending in this Hon'ble High Court and the interim order of stay of the impugned order have been granted.

31. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition to impugned the order of punishment dated 17.3.82 contained in Annexure B dt. 28.8.82 contained in Annexure No.10 on the following amongst other

G R O U N D S

(A) Because in the enquiry proceedings the petitioner was not afforded proper opportunity to defend his case and in depriving the petitioners from his valuable right of cross examination with the prosecution witness and thus the enquiry was illegal and also against the principle of natural justice and fair play and was in utter violation of the provisions of Article 311(2) of the Constitution of India.

(B) Because neither any finding of guilt based on any evidence of legal value has been recorded by the enquiry officer, nor by the punishing authority i.e. the opp. party no.3 and in absence of the same the penalty imposed upon the petitioner is wholly untenable and unsustainable.

(C) Because the punishing authority has acted in excess of jurisdiction in as much as he himself admitted that the petitioner was deprived with his valuable right or cross-examination with Shri Banwari Lal, but instead of sending the case back to the enquiring officer for the purpose of affording the petitioner an opportunity of cross-examination, he illegally imposed the penalty in question by over minding such a great irregularity and illegality committed in the enquiry proceedings.

(D) Because the punishing authority has committed the illegality in ordering the punishment against the petitioner, after coming to the conclusion on the basis of the evidence of the enquiry report that inspite of fact that more independent witnesses could be taken but in not doing so the

Talal's ph



Shankar
Adv

A/B

prosecution has committed mistake and for which the benefit goes to the petitioner, he could not have issued the petitioner with the penalty.

A
16

(E) Because the punishing authority has committed an error apparent on the face of the record as it is evident from his own order that he himself found that there were number of contradiction in the statement of witnesses recorded in preliminary enquiry and regular enquiry conducted by Shri Mahendra, Enquiry Officer but inspite that instead of discording that evidence, he relied upon the same evidence against the Petitioner.

(F) Because there is no evidence of provative value against the petitioner on the basis of which charges levelled can be said to have been proved and that being so the impugned order of opposite party No.3, becomes wholly illegal & unsustainable in the eye of law.

(G) Because the punishing authority has committed an error of Law in punishing the Petitioner even without recording any finding of guilt, thus the same is contrary to the Rule 10 Sub-rule 5 of D & A Rules 1968.

(H) Because as per rule 6 of D & A Rules the punishment may be awarded to any employee only for good and sufficient reasons but not on near surmises and conjuctures, but in the petitioner case the opposite party No.3 has punished him without any foundation and basis.

(I) Because the appellate authority has passed order mechanically without discussion order and hence the same is bad in law.

(J) Because the order of appellate authority is against the provisions of rule 22 Sub-rule (3) of the Discipline & Appeal Rules 1968 as he failed to consider the evidence on record of the enquiry officer.

Therefore, it is respectfully prayd that this Hon'ble court be pleased:-

Shankar
Adv

...9/-

A19

1. to issue a writ ~~of corcorari, of a writ,~~ order or direction in the nature of corcorari to quash the finding of enquiry officer dated 31/11/81, Annexure No. 8 and impugned order of penalty passed by opposite party No.3 dated 17.3.1982 contained in Annexure No.9 & ~~in Annexure No.10~~ appellate order passed by opp. No.2 dated 28.8.82 contained ^{in Annexure No.11.} to this writ petition, after summoning its original from the opposite party.

2. to issue such other writ, direction or order, including another to costs which in the circumstances of the case this Hon'ble court may deem just and proper.

Vinay Shanker

(VINAY SHANKER)
ADVOCATE
Counsel for the Petitioner

Lucknow

Dated 13.9.1982.

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

Writ Petition No. of 1982.

Tahal Singh v/s Union of India and Others.

ANNEXURE NO. 1 :

(ANNEXURE NO.1)

Article of charges framed against Shri Tahal Singh
LR TTE/LJN

Shri Tahal Singh, LR TTE/CPA while manning sleeper Coach No. 4616 of 10 Dn dated 30.3.1980 ex CPA to GKP failed to maintain absolute integrity and devotion to duty in as much as :-

- i) He carried one passenger names Shri Banwari Lal without ticket and reservation in his sleeper coach after realising Rs. 31.00 from him towards fare and reservation charges for a bert ex LJN to HFP but did not issue any ticket or LT in his favour before detected by the V.I. at Babhnan Station.
- ii) He also carried 9 other passengers without ticket alongwith unbooked luggage of 14 bales of HI cloth (7 quintals) with intention to realise money from them subsequently for his personal gain but for the detention by the V.I.
- iii) He also failed in his duty to charge luggage carried by 8 other passengers CPA to KLD against ticket No. 24594 which were charged subsequently at the instance of V.I.s.

Thus Shri Tahal Singh by his above act committed serious misconduct and exhibited lack of integrity and devotion to duty thereby contravening Rule 3(I) (i) and (ii) of the Railway Services Conduct Rule 1968.

(M.SIDDIQUE)
DIVISIONAL MANAGER
LUCKNOW.



Tahal Singh

- 11 - A21

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW A/A

Writ Petition No.

of 1982

Tahal Singh

Vs

Union of India and Others.

ANNEXURE NO.1

(Annexure No.2)

Statement of imputations by which Article of charge framed against Shri Tahal Singh, L.R.(T.T.T/LJN are proposed to be sustained.

1. F.I.R. Dated 31.3.80 will prove that sleeper Coach No. 4616 dt. of 10Dn. of 30.3.80 manned by Shri Tahal Singh, TTE was subjected to a surprise check between Babhnan and Khalilabad. The check resulted in detection of Shri Tahal Singh's carrying one Shri Banwari Lal after realising Rs. 31/- as railway dues but with ulterior motive as no ticket/reservation ticket were granted as the said passenger Shri Banwari Lal, it will further prove that the party of 9 passengers with 14 unbooked bales of H.L. cloth were also allowed by the charged employee without ticket with ulterior motive. It will also prove that an other 5 passengers holding IInd class PCT No. 24594/98 ex. CPA to KLD had more luggage than permissible under rule which was charged vide EFT No. 476725 dated 30.3.80 by another TTE Shri M.A.R. Beg as EFT Book of Shri Tahal Singh had exhausted as per verbal version of Shri Tahal Singh but for the Vigilance check this amount of Rs. 5.20 could have been lost to the Railway.

2. Statement dt. 30.3.80 of Shri Banwari Lal passenger corroborates the allegation in the article of charges in that Shri Banwari Lal has unambiguously deposed in presence of Shri Tahal Singh that he had given Rs. 31/- to him at Lucknow but his ticket was not given until he was detected by the Vigilance party at Babhnan. It is further confirmed by Shri Satya Narain Prasad Yadav, a passenger travelling in the same sleeper coach on the authority of IInd class pass No. 508769 that Rs. 31/- was given by Shri Banwari Lal to the charged employee in his presence. An endorsement dt. 30.3.80 made by Shri Tahal Singh himself on the passenger statement to the effect that the passenger was charged vide EFT No. 475849 for Rs. 36.30 at Basti is an admission by the charged employee that he was carrying the passenger without ticket and that he was charged at Basti after vigilance check and passenger's written allegation.

3. EFT No. 476530 dt. 30.3.80 for Rs. 5.25 prepared by Shri Tahal Singh proves that prior to the vigilance check Shri Banwari Lal passenger had no reservation as such it was prepared after check.



Tahal Singh

(AR2)

1/20

4. Reservation chart of sleeper coach No. 4616 of 10 Dn of 30.3.80 siezed from the charged employee shown vide item 10 the name of Shri Banwari Lal with LJN/BST/MPP-475849/476550 as such this further proves that the charged employee had no intention to remit the railway dues and/or to enter Shri Banwari Lal's name in the chart with the obivious motive of pocketing the Govt. dues for his personal gains. He did charged the passenger and enter his name in the chart only after he was detected by the Vigilance party after the check of the coach.

5. Replies to Q.No. 1,4,7 and 8 of the statement dt. 19.6.80 of the charged employee recorded in Vigilance Office, will confirm that his sleeper coach was subjected to a surprise check by the Vigilance party and the passenger Shri Banwari Lal was detected in his coach without ticket by them and that the above said passenger was charged and his name was entered in the chart subsequently to the Vigilance check.

6. Record foil of Eft No. 475849 prepared on 30.3.80 by the charged employee confirms passenger having been charged after Vigilance check as EFT No. 475848 was signed blank at Bahnan by Shri P.N.Gupta, V.I. on 30.3.80.

7. Record foil of EFT No. 475850 dt. 30.3.80 for Rs. 166.05 prepared by the charged employee after his EFT No. 475848 signed blank proves that these 9 passenger were without ticket and were charged at the instance of Vigilance Inspectors. These were the passengers who were also travelling with un-booked luggage (referred 8 below).

8. Statement dt. 31.3.80 of Shri M.A.R. Beg TTE/CPA vide replies to question no. 1 & 3 proves that he prepared EFT No. 476724/25 dt. 30.3.80 for Rs. 80.60 and Rs. 5.20 respectively for unbooked luggage of 14 bales (7 qtls) with 9 passengers and excess luggage (25 Kg) with 5 passengers who were detected by the Vigilance Inspectors in the sleeper coach of Shri Tahal Singh and they were brought for charging by the V.Is as the EFT Book of Shri Tahal Singh had finished.

9. Record foil of EFT No. 475794 dt. 30.3.80 will prove that 9 passengers having unbooked luggage of 14 bales (7 qtls) were charged Rs. 60.60 on their ticket (EFT) NO. 475850 dt. 30.3.80 (issued by Shri Tahal Singh as detailed under imputation No. 7).

10. Record foil of EFT.No. 475725 will prove that 5 passengers having excess luggage then permission under rules were charged Rs. 5.20 showing detection in coach No. 4616.

11. Record foil of E.T.(EFT) No. 476811 dt. 30.3.80 will show that it was issued of 2 passengers holding ticket Nos. 1142/43 ex. BST to SPP travelling in coach No. 4616 by Shri MAR.BEG TTE/CPA.



Tahal Singh

(M.Siddique)
Divl. Comml. Supdt./LJN

A23

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

12/3/82

Writ Petition No.

of 1982

Tahal Singh

Vs Union of India & Others

ANNEXURE -1

(Annexure No. 3)

by which the article of charge framed
Tahal Singh, T.T.E/LJN are proposed to be

31.3.80 submitted by the V.I.

30.3.80 of Shri Banwari Lal Passenger and
made thereon by Shri Tahal Singh and Shri
Yadav.

EFT No. 475848/60 dt 30.5.80.

EFT No. 476550 dt. 30.3.80.

EFT No. 476724/26 dt. 30.3.80.

ber coach No.4616 of 10Dn dt. 30,3.80.

19.6.80 of Shri Tahal Singh, TTE/CPA

31.3.80 of Shri M.A.R.Beg, TTE/CPA.

EFT No. 476811 dt. 30.3.80.

(M.Siddique)
Divl. Comml.Suptd/LJN



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

WRIT PETITION NO.

OF 1982

Tahal Singh

Vs Union of India & others

ANNEXURE NO.1

(Annexure-IV)

List of witnesses by whom the article of charge framed against Shri Tahal Singh, TTE/LJN is proposed to be sustained.

1. Shri Banwari Lal 2. Shri Satya Narain Pd. Yadav
3. Shri V.L.SRivastava, VI 4. Shri P.N.Gupta, V.I.
5. Shri I.C.Srivastava, 6. Shri M.A.R. Beg, TTE/CPA
C.V.I.

(M.Siddique)
Divl. Comml. Supdt./LJN



- 15 - A25
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Writ Petition No.

of 1982

Tahal Singh

Vs

Union of India & others

ANNEXURE NO.2

To:

The D.C.S.,
N.E. Railway,
Lucknow.

Sub: Defence Statement.

Reg: Charge Memo. No. LD/C/41/8 dt. 31.10.80

Respected Sir,

In reference to aforesaid charge memo, I deny the charges levelled against me. I have already given my statement in Vigilance office, Gorakhpur on 19.6.80 for the charges, as supplied a uncertified copy at serial no. 7 in annexure No. 3 to me alongwith the aforesaid memo.

I further avail the opportunity to keep my right reserve to give my defence in this connection when and where necessary during the course of D. & A.R. enquiry.

Submitted please.

Yours faithfully,

Sd/- Tahal Singh

20.11.80



-16-

A26

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

Writ Petition No.

of 1982

Tahal Singh

Vs Union of India & others.

GORAKHPUR

26.9.81.

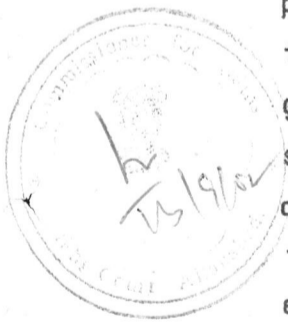
ANNEXURE NO.3

Statement of Shri Satya Narayan Yadav, Gangman, under
P.W.I./MFP(P.W.)

On 30.3.80, I boarded 10Dn from Barabanki for Muzaffarpur. I was travelling on chock pass issued by A.E.N./NFP. I am working under P.W.I./Muzaffarpur with Timekeeper in the capacity of gangman from 1st May 1979. There was a Vigilance raid, the station where the train was raided has been forgotten. During the raid statement of the passenger sitting before me was recorded. I had also made an endorsement which is Ex. P-3. The contents of the statement were correct, therefore, I made the endorsement on the statement. I was made to write by the V.I. My pass was with the V.I.

CROSS EXAMINATION BY THE d.o.

After I made the endorsement the pass was returned by the V.I. The pass was not returned to me till I had made the endorsement on the statement. I do not know from where the passenger boarded and where he was going. He was in the train before I had boarded at Barabanki. The money was not given by the passenger to the TTE before me but he had stated before me that he had given the money to the TTE-3 or 4 hours my boarding the train, the train was raided by the V.Is. I mentioned the name of the passenger in my endorsement by reading his signature. I did not know him earlier. T.T.E.(SPS) had not written anything on that statement in my presence. The cabin in which this statement was recorded, the S.SP.S. was not in that cabin but was in some other cabin. I cannot say whether S.T.S was in a position to see the statement being recorded. I had gone to Malhaur track depot on duty.



Tahal Singh

A27

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

12/5

WRIT PETITION NO. OF 1982

Tahal Singh VS Union of India & others

ANNEXURE NO. 4

STATEMENT OF SHRI M.A.R. BEG, TTE/CPA (P.W.-2)

I was on duty on 30.3.80 in 10 Dn. on sleeper coach No. 4523. I was in my coach when some passengers were brought by the V.Is. On their instructions I charged those passengers. Next day i.e. 31.3.80, I was called in Vigilance office where my statement was recorded, which is ex.P-2. The answer to question on ex. P-2 in my writing. It was voluntary without any force. I do not remember anything about EFT No. 476811 dated 30.3.80 unless the counter foil is produced. I will not be in apposition to state anything.

CROSS EXAMINATION BY THE D.C.

As a matter of fact, whenever on duty, I never leave my coach and never enter the coach of other TTEs and on 30.3.80 also I did not leave my coach. I do not know whether the luggage was weighed or not. The luggage was not brought before me. Therefore, I cannot say what the luggage was. The V.I. told me the weight of the luggage and asked me to charge and I charged. The remarks of unbooked luggage on the EFT No. 476724/25 were given at the direction of the V.I. I cannot name any particular V.I. because I was surrounded by all the V.Is. and their watchers.

Tahal Singh



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

WRIT PETITION NO.

OF 1982

8/20

Tahal Singh

V/s

Union of India & others

ANNEXURE NO. 5

Gorakhpur 16.12.1981.

ANSWER TO QUESTIONS PUT BY THE E.O. TO THE SPS AS PER RULES.

I was on duty in sleeper coach No. 4616 of 10 Dn. of 30.3.80 Sri Banwari Lal, passenger boarded at Deliganj, where the train had stopped for crossing. He was ~~xxxxxx~~ without ticket and assured that he would be giving guard's certificate, Sri Banwari Lal could not bring guard's certificate, I issued the EFT at Basti treating him as without ticket. Sri Banwari Lal was charged by me of my own and not at the instance of V.Is. EFT book was blocked at Bahnan. Sri Satya Narain Yadav had made the endorsement on E-P-3 under pressure of V.Is. One man out of the 9 approached me at Basti platform and wanted me a ticket to be issued for Khalilabad which I issued charging Rs. 76.05 and Rs. 10/- as penalty treating him without ticket from Gonda which is the last checking station. Although the passenger had stated that he was coming from Katra. I do not know whether there was any train TTE that day in the train or not. I am entitled to issue EFTs to the passengers approaching me although not travelling in the sleeper coach. 14 unbooked bales with the 9 passengers were not found in my sleeper coach. It is wrong to say that I had requested Mr. Beg to book the 14 bales said to have found in sleeper coach. 5 passengers who are said to be carrying excess luggage, were in my coach. I had inquired from them about the weight of luggage at CPA. Weight declared was one and half quintals. I believe their statements and did not exercise my discretion to get it weighted at CPA. The charging was done of this excess luggage at Khalilabad in my absence. I do not know what weight was declared by them. Luggage was not weighed in my presence. Sri Banwari Lal passenger had gave me the fare at Basti and not at the starting Station. I did not collect the fare at the starting station because as per rules we collect the fare only when the EFT is being issued. Since he had not produced the GC EFT was not issued and fare was not collected at the starting station. EFT issued to Sri Banwari Lal was last but one and last EFT was issued to group of 9 passengers at Basti. I had no information that the group had luggage also, therefore there was no occasion of my charging for the luggage also. The passengers were not in my sleeper.



Tahal Singh

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

WRIT PETITION NO. OF 1982

Tahal Singh V/s Union of India & others.

24

ANNEXURE NO. 6

The Enquiry Officer,
N.E.Railway,
Gorakhpur.

Dear Sir,

Sub: Statement under Rule 9(-) of QS (DYA) Rules 1968.

I beg to deny the allegations levelled against me in the memorandum of charges.

That Banwari Lal, passenger, boarded my sl-eeper coach at Daliganj. On demand he told to produce G.C., therefore he was not regularised immediately. Meanwhile I became busy there being great rush on that date, also there was no ob-sensible ground to disbelieve. Banwari Lal and so he was neither refused entry in the coach, no charged immediatly as without ticket. Both the steps, to my reckoning would have been outrageous. This is all about his presence in the coach. In vigilance check I told this of the Vigilance In-spetor. When ultimately Banwari lal failed to produce G.C. he was charged under normal rules as without ticket and Rs.36.30 as fare and penalty was realised from him which he willingly paid; Ex P-4-B is a proof to it.

That under rules; particulars of G.C. is required to be quoted in the EFT. As G.C. was not available with Banwari Lal he could not be regularised immediately. As he promised to pro-duce G.C. the veraeity of this assertion could not be challenged or disbelieved immediately, so he could not be treated as with-out ticket then and there. To my reckoning it was better to allow him time to produce G.C. Attributing any untoward in-tention to this bonafide act of mine, which I reasonably believed at that time to be the corect one in the given circumstances, is malicious. During my interrogation in Vigilance Office, 15 question were put to me dealing with this aspect. Answers to these are self explanatory, which will help your honour to remove any doubt in regard to my intention. (Ex P-1).

-That Ex P-3 was not recorded in my presence. The way it was recorded has been explained by Satya Narain Pd. Yadav, prosecution witness in his evidence on 26.9.81. It confirms the malicious approach of vigilance.

-That Banwari Lal did not turn up and vouch his alleged state-ment/complaint (Ex P-3) in my presence in the enquiry so it remains (Ex P-3) improved.

-That Ex P3 will prove that there was no excess in my coach. The vigilance check completed before Basti. When the train was stabled at Basti, one person wanted me to prepare ticket for a group of 9 persons. I did it treating them as without ticket vide Ex P-46C. I declare that these persons were not in mycoach. The story of uncarrying unbooked luggage is a concoction.



Tahal Singh

A30

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14/9

-That I had already got one blank EFT book No..... with me which could have been used for charging luggage. Vigilance version otherwise is not correct. My version is supported by a certificate issued by the CBC/CPA to this effect which will be submitted by me alongwith the Defence Brief.

-That Item No. (iii) of the Articles of charges is also a concoction.

-That there is no documentary evidence for item (ii) and (iii) of the Articles of charges and the document purported to substantiate article of charge No. (i) remain-s unvouched.

-That I declare that I am innocent and have done nothing to merit issue of the charge memorandum against me. I have been involved by twisting facts.

I conclude my statement.

Tahal Singh

Yours faithfully,

(TAHAL SINGH)
TTE/LJW



21 (A21)

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

WRIT PETITION NO. OF 1982.

Tahal Singh. V/s Petitioner

Union of India and others. Other parties.

ANNEXURE NO. 7

The Enquiry Officer,
N.E. Railway,
Gorakhpur.

Dear Sir,

Sub: Defence brief in terms of rule 9(22) of D&A Rules 1968.

Respectfully following is submitted:

That Ex P-3 has got no evidentiary value because Banwari Lal has not vouched it in the enquiry. It was got written in my absence. This is confirmed by the prosecution witness whom he says "The cabin in which this statement was recorded, the SPS was not in that cabin but in some other cabin". So its vouching before me in the enquiry was a must before it could be read in evidence against me.

Endorsement of Satya Narain Pd. Yadav on it pales into insignificance when in the enquiry, he states unequivocally that:

"I was made to write by the V.I. My pass was with the V.I. After I made the endorsement the Pass was returned by the V.I. The pass was not returned to me till I had made the endorsement on the statement".
(ROP-7)

The above quoted witness is a railway employee of CI.IV cadre. The vigilance took hold of his pass and dictated to him. He succumbed to their dictates. When in the enquiry he got free air and opportunity, he came out with the truth. So it is not the endorsement on Ex.P-3 which is truth but his deposition in the enquiry in your honour's presence.

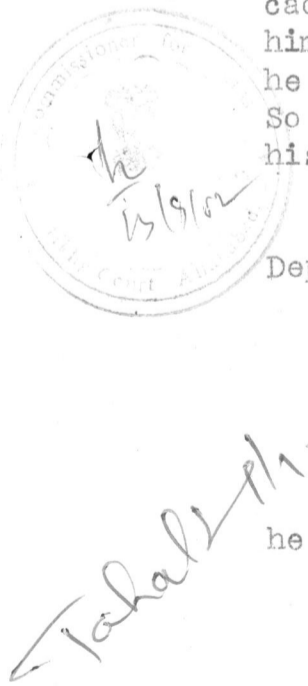
Endorsement indicates that Rs. 31/- was paid to the SPS. Deposition in the enquiry indicates that-

"The money was not given by the passenger to the TTE before me but he had stated before me that he had given the money to the TTE". (ROP-7)

He does not say how much money was given, simply because he had not seen the money transaction.

Further he says:-

" I mentioned the name of the passenger in my endorsement by reading his signature" (ROP-7).



A32

This indicates that even the state of the passenger was not written before him.

All these go to prove that the endorsement of Satya Narain Pd. Yadav was obtained by pressuring him.

Conclusion is that Ex.P-3 does not prove anything against me.

That under rules guard's certificate could be obtained and passenger regularised upto destination. The passenger's destination was MFP so it was open to him to obtain G.C. upto M/FP and it was also open to the TTE to await upto destination provided the TTE could ensure himself that the passenger would not run away mid way. This he could do by exercising his discretion and professional acumen.

In the instant case G.C. was awaited till Basti. When G.C. could not be obtained till Basti, the passenger was treated as without ticket. The fact that he acceded to it and paid the penalty gladly indicated that he was trying to bluff the TTE and when he failed to do he willingly paid the penalty.

So far as the SPS was concerned, his duty was to terminate at Gorakhpur, so his regularising the passenger at Basti is quite understandable and there is nothing wrong in it.

Thus it is proved that it is not on the vigilance instance that the passenger was regularised.

Article of charge No. 1 fails.

REGARDING ARTICLE OF CHARGE NO. 2.

That the charge is without any basis.

CVII/HQ and PW-3 says that luggage was not weighed (ROP-5). Realising that his lapse is damaging the case he qualified his statement by saying that because:-

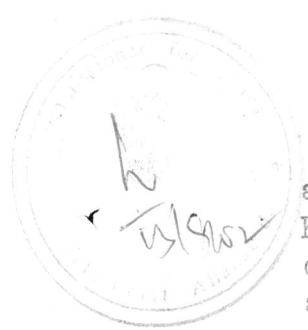
"facility of weighment was not readily available at Khalilabad" (ROP-5).

This can not be accepted because the luggage was unloaded at Khalilabad and so he should have served a Memo. to the SM/KLD to check the weighment of the luggage and to realise charges if there is any under charge after weighment. He admit that:-

"No memo was served on the SM Khalilabad to check the statement of the passenger regarding the weight of bales carried by them" (ROP-5).

That the TTE by whom the vigilance got the luggage charged states-

"I do not know whether the luggage was weighed or not. The luggage was not brought before me. The V.Is. told me the weight of the luggage and asked me to charge and I charged. (ROP-4)



Tabal Singh

A33

Therefore, charging does not establish the weight of the luggage. Charging was got done under pressurisation.

That there is no evidence that the luggage was found in my sleeper coach. Shri Beg, who made out the EFT No. 476724 Exp 8A was all along sitting in the sleeper coach No.4523. He admits.

"The remark of unbooked luggage on the EFT No. 476724/25 was given at the direction of the VI" (ROP-4).

That if vigilance story that this luggage belonged to 9 passengers whose ticket was made out by me Exp 4-C is taken as correct for argument sake only (it is definitely NOT an admission). It is a point for consideration that the said 9 passengers were ~~xxx~~ treated by me as without ticket and Rs. 90/- was realised by me as penalty from them Exp 4-C and again they paid luggage charges amounting to Rs. 80.60 Exp 8A, i.e. in all they paid Rs.170.60 as charge and yet they refused to own the bales and write a line or two in complaint against me. Such an act, is simply an impossibility and against human psychology vigilance version is absolutely wrong.

The 9 passengers charged by me did not own these bales. These bales were not in my coach nor the passengers. The chart is a proof to it Exp-6.

That the fact that the EFT Ex. P4C was made out after the blocking of the EFT by the vigilance is meaningless. It does not prove that it was made at Vigilance instance because vigilance inspectors have admitted in their deposition that they do not left the blocking of the EFT book indicating that the TTE is now authorised to use. They block it and thereafter completing the check they go away. They even do not indicate that the check has been completed. So whenever the TTE has to use the EFT, he has to use it of his own ~~it~~ without any authorisation from the vigilance. So when one person came to me to get tickets for 9 passengers I did it using Exp.4-C. I charged them as without ticket indicates that this EFT(Ex. P4C) has nothing to do with vigilance check.

If it was so, vigilance inspectors should have put their signatures on it or should have asked me to indicate on Ex. P4C that it was made on vigilance instance. No ~~xxx~~ such remark is there on Exp 4C. Therefore, vigilance version is incorrect.

Conclusion is that article of charge No.II does not get substantiation in the enquiry.

Regarding Article of charge No. III:

That 5 passengers holding ticket No.24594 to 24598 were in my coach Exp 6 indicates that I have made out their reservation ticket No. 195766 to 70. They had no luggage

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13/9/02
Tahals

434

1/32

beyond the permissible limit and the marginal concession vigilance inspectors had not got weighed this luggage also. They pressurised M.A.R. Beg TTE of sleeper coach No. 4523 while he was sitting in his coach to make out EFT No. 476725 (Ex.P-8 B) for 25 Kg. excess luggage. Beg has admitted in his deposition that he did it at vigilance's dictation and not of his own. So Exp8B is not an evidence against me.

That it is a point for consideration that this luggage belonged to 5 persons and the charging has been done only for 25 Kg. can a vigilance inspector only by visual inspection tell that the weight of luggage consisting of several items of boxes and small bundles is 200 Kg. and not 175 Kg. This is simply an impossibility. It is concoction of an evidence with malicious intention.

This charge is the refore without legs to stand.

CONCLUSION

None of the charges levelled against me could be proved beyond reasonable doubt during the course of enquiry. Actually the whole case is a concoction.

I pray for justice from your honour. I deserve exoneration.

With regards,

Yours faithfully,

sd/-
(TAHAL SINGH)
TTE/LJN

Dt. 19.12.1981.

Tahal Singh



A 35

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

Writ Petition No. of 1982.

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35

Tahal Singh

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Annexure no. 8



Tahal Singh

REPORT OF ENQUIRY AND FINDINGS

UNDER R.S. (D&A) RULES, 1968

Case No. LD/SS-C/Vig./41/81	-Lucknow Divn. N.E. Railway
Suspect Public Servant	-Shri Tehal Singh, TTE/LJN.
Memorandum of charges No. 2	-LD/SS-C/Vig/41/81/dt. 31.10.80.
Disciplinary Authority	-D.C.S./N.E.Rly./Lucknow.

* * * * *

1. The article of charge framed against Shri Tehal Singh, SPS reads as under:-

Shri Tahal Singh, LRTTE/CPA while manning sleeper Coach No. 4616 of 10 Dn. dated 30.3.80 ex. CPA to GKP failed to maintain ~~in~~ absolute integrity and devotion to duty in as much as:-

- i) He carried one passenger named Shri Banwari Lal without ticket and reservation in his sleeper coach after realising Rs. 31.00 from him towards fare and reservation charge for a berth ex LJN to MFP but did not issue any ticket or LT in his favour before detected by the V.I. at Babhan Station.
- ii) He also carried 9 other passengers without ticket alongwith unbooked luggage of 14 bales of H.L. cloth (7 quintals) with intention to realise money from them subsequently for his personal gain but for the detention by the V.Is.
- iii) He also failed in his duty to charge luggage carried by 5 other passengers ex. CPA to KLD against ticket No. 24594 to 24598 which were charged subsequently at the instance of the V.Is.

Thus Shri Tahal Singh by his above act committed serious misconduct and exhibited lack of integrity and devotion to duty thereby contravening Rule 3(1) (i) and (ii) of the Railway Services Conduct Rule 1968.

Statement of imputations in support of the article of charge is reproduced below:

1. F.I.R. dated 31.3.80 will prove that Sleeper Coach No. 4616 of 10Dn. of 30.3.80 manned by Shri Tahal Singh, T.T.E. was subjected to a surprise check between Babhanan and Khalilabad. The check resulted in detection of Shri Tahal Singh's carrying one Shri Banwari Lal after realising Rs. 31.00 as Railway dues but with ulterior motive as no ticket/reservation ticket were granted to the said passenger Shri Banwari Lal. It will further prove that a party of 9 passengers with 14 unbooked bales of R.L. cloth were also allowed by the charged employee to travel without tickets with ulterior motive. It will also prove that an other 5 passengers holding IInd Class PCT No.24594/98.ex. CPA to KLD had more luggage than permissible under rules which was charged vide EFT No.476725 dt.30.3.80 by an other TTE Shri M.R.A. Beg as EFT book of Shri

Tahal Singh

437

Tahal Singh had ~~xxxx~~ exhausted as per verbal version of Shri Tahal Singh but for the vigilance check this amount of Rs.50 would have been lost to the Railway.

2. Statement dt. 30.5.80 of Shri Banwari Lal passenger corroborates the allegations in the article of charges in that Shri Banwari Lal has un-ambiguously deposed in presence of Shri Tahal Singh that he had given Rs.31.00 to him at Lucknow but his ticket was not given until he was detected by the Vigilance party at Babhnan. It is further confirmed by Shri Satya Narain Pd. Yadav a passenger travelling in the same sleeper coach on the authority of IInd class Pass No.508769 that Rs.31000 was given by Shri Banwari Lal to the charged employee in his presence. An endorsement dated 30.3.80 made by Shri Tahal Singh himself on the passengers statement to the effect that the passenger was charged vide EFT No.475849 for Rs.36.30 at Basti is an admission by the charged employee that he was carrying the passenger without ticket and that he was charged at Basti after Vigilance check and passengers written allegation.

3. EFT No. 476550 dt. 30.3.80 for Rs. 5.25 prepared by Shri Tahal Singh proves that prior to the Vigilance check Shri Banwari Lal passenger had no reservation ticket as such it was prepared after check.

4. Reservation chart of sleeper coach No. 4616 of 10Dn of 30.3.80 seized from the charged employee shows vide item 10 the name of Shri B Lal with LJN/MFP475849/476550 as such this further proves BST that the charged employee had no intention to remit the Rly. dues and/or to enter Shri Banwari Lal's name in the chart with the obvious motives of pocketing the Govt. dues for his personal gain. He did charge the passenger and enter his name in the chart only after he was detected by the Vig. party after the check of the coach.

5. Replis to question No1,4,7 and 8 of the statement dt. 196.80 of the charged employee recorded in Vigilance office, will confirm that his sleeper coach was subjected to a surprise check by the Vigilance party and the passenger Shri Banwari Lal was detected in his coach without ticket by them and that the above said passenger was charged and his name was entered in the chart subsequently to the vigilance check.

6. Record foil of EFT No.475849 prepared on 30.3.80 by the charged employee confirms passenger having been charged after vigilance check as EFT No. 475848 wa-s signed blank at Babhnan by Shri PN Gupta, V.I. on 30.3.80.

7. Record foil of EFT No. 475850 dated 30.3.80 for Rs.166.05 prepared by the charged employee after his EFT No.475848 signed blank proves that those 9 passengers were without tickets and were charged at the instance of the vigilance Inspectors. These were the passengers who were also travelling without unbooked luggage (Ref. 8 below).

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8. Statement dated 31.3.80 of Shri M.A.R. Beg TTE/CPA vide replies to question No.1 and 3 proves that he prepared EFT No. 476724/25 dt. 30.3.80 for Rs.80.60 and Rs.5.20 respectively for unbooked luggage of 14 bales (7qutls) with 9 passengers and excess luggage (25kg.) with 5 passengers who were detected by the vigilance Inspector in the sleeper coach of Shri Tahal Singh and they were brought for charging by the V.Is. as the EFT Book of Shri Tahal Singh had finished.

9. Record foil of EFT No476724 dt. 30.3.80 will prove that the 9 passengers having unbooked luggage of 14 bales (7qutls.) were charged Rs.80.60 on their ticket (EFT) No. 475850 dt.30.3.80 (issued by Shri Tahal Singh as detailed under imputation No.7)

10. Record foil of EFT No476725 dt.30.3.80 will prove that 5 passengers having excess luggage than the permissible under rules were charged Rs.5.20 showing deduction in coach No.4618.

11. Record foil of (RT9EFT) No.476811 dt.30.3.80 will show that it was issued for the passengers holding ticket No.1142/43 ex. BST to SPP travelling in coach No.4616 by Shri M.A.R. Beg TTE/CPA.

II. Orders to the hold enquiry:

Disciplinary authority vide his order No.LD/SS-c/Vig/41/80 dt.11.6.81(35/C of the case file) appointed me to inquire into the charges framed against the SPS, a copy of which was also endorsed to the SPS.

III. Witnesses-prosecution and defence:

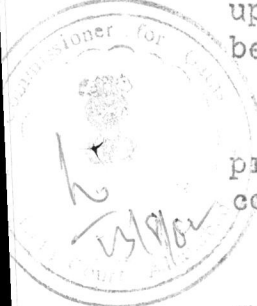
Six witnesses have been cited by the prosecution to prove the charges levelled against the SPS. Shri Banwari Lal, passenger, P.W.41 had given the statement in chief on 13.8.81 but was not cross examined because neither the SPS nor his defence counsel were present. Thereafter he was summoned for his evidence on 19.8.81, 14.9.81, 25th and 26th Sept.'81, 30.10.81, 27.11.81 and lastly for 11.12.81 but on none of these dates the passenger turned up nor any intimation was received. Therefore, his evidence has been dispensed with.

All the remaining witnesses have been produced by the prosecution and fully cross examined by the SPS through his defence counsel.

The SPS did not produce any witness in his defence nor submitted any document.

IV. Defence:

The SPS submitted defence statement to the charge memorandum to his disciplinary authority on 20.11.80 vide folio 32 of the file. He has also submitted written defence statement under Rule 9 (ii) on 16.12.81 after close of the prosecution case. Thereafter, he was examined by me on all the circumstances appearing against me. Written brief was also submitted by the SPS on 19.12.81.



Tahal Singh

V. Assessment of evidence & reasons for findings:

5.1. Shri Tahal Singh, SPS has been charged for carrying one passenger named Shri Banwari Lal without ticket and reservation in his sleeper coach No. 4616 of 100Dn. of 30.3.80 from Daliganj after realising 31/- from him towards fare and reservation charges for a berth ex. Lucknow to Muzaffarpur but did not issue any ticket or R.T. in his favour till he was detected by the V.Is.

5.2. In this connection Shri Banwari Lal, passenger, P.W.-1 had presented himself on 13.8.81 and certified that the statement appearing on Ex. P.3 was his statement of facts. Since he was not cross examined by the SPS and his defence counsel therefore, that portion of statement has no evidentiary value against SPS. Shri Satya Narain Pd. Yadav P.W.4 is another signatory of Ex. P-3. In this statement dated 26.9.81 before me, he stated that he had made endorsement on the statement of PW-1 at the instance of the V.I. His pass was with the V.I. which was not returned to him till he had made the endorsement on the statement. He has also stated that Rs. 31.00 was not given by the passenger to the TTE in his presence but the passenger had stated before him (PW-4) that he (PW-1) had given the money to the TTE (SPS). He has further stated that when Ex. P3 was being executed in in the train, the SPS was not present in that cabin.

5.3. SPS in his statement of 16.12.81 has admitted that the passenger had boarded the train at Daliganj where the train had stopped for crossing. The passenger (PW-1) was without ticket and had assured the SPS that he would be giving the guard's certificate. The SPS issued the EFT No.475849 (Ex.P4-B) for Rs. 36.30 at Basti and also 476550 (Ex.P-5) for Rs.5.25, when the passenger had failed to produce guard's certificate.

5.4. In this connection it may be noted that the Vigilance had raided his coach at Bahnan and the EFT exhibited as P4-A was blocked by the V.I., as such both the EFTs Ex. P4-B and P4-C were issued after the Vigilance raid and the blocking of the EFT. There are no signatures of V.Is on the EFTs but these must have been issued at their instance because the Vigilance raid had continued upto Khalilabad. The passenger (PW-4) might have assured the SPS at Daliganj that he would be producing the guard's certificate. The SPS believing PW-1 should have waited and given the opportunity to produce guard's certificate for one of two stoppages only. The stoppage at Gonda is more than enough for this purpose. If the passenger had failed to produce the guard's certificate even upto Gonda, then the SPS should have taken for granted that the passenger will not be able to produce the G.C. and he should have charged the passenger immediately after Gonda. His failure to charge PW-1 upto Basti only shows his malafide intention. This read with the statement of PW-4 that PW-1 had stated in his (PW-4) presence that money was given to the SPS, speaks about the integrity of the SPS which establishes the charge.

5.5. The SPS has also been charged for carrying a group of 9 other passengers without ticket alongwith unbooked luggage of 14 bales of handloom cloth (approximately 7 quintals) with intention to realise money from them for his personal gain. The Vigilance raid had started at Bahnan and continued upto Khalilabad. EFT No. 475848 Ex. P4-A was blocked by the Vigilance Inspector



Tahal Singh

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EFT No. 475850 Ex. P4-C dated 30.3.80 was issued after blocking of the EFT. SPS has stated that Ex P4-C was issued by him because one man out of the 9 passengers had approached him at Basti and wanted him to issue a ticket for Khalilabad which he did since he has powers to do it. SPS charged Rs. 76.05 and Rs.90/- as penalty treating them without ticket from Gonda which is the last checking station & though the passengers are stated to have been coming from Katra and werenot travelling in the coach of the SPS. The contention of the prosecution is that the passengers were travelling in the coach of the SPS and were charged by the SPS at the instance of the V.Is.

5.6. The lacuna in the system of blocking the EFT is that after the Vigilance raid is over there is no system of endorsing on the EFT book that the block has been lifted and now the TTE can issue the EFT in the normal manner. There is also no system of signing the EFTs by the V.Is which have been issued at the instance of the V.Is as such it becomes difficult to say that which of the EFT has been issued at the instance of the V.I. as result of Vigilance raid and which of the EFT has been issued by the TTE of his own after the raid is over. It will be advisable in future if care is taken to endorse on the EFT book that "block lifted" or in the alternative. V.Is should sign the EFTs which have been issued at the instance of the V.Is as a result of raid.

5.7. In absence of this formality only the help of circumstantial evidence has to be taken to infer whether EFT Ex. P4-C was issued by the SPS of his own, on the request of the passengers or was issued at the instance of V. Is Ex. P4-C was issued at Basti and Vigilance raid had started from Bahnan and had continued upto Khalilabad. Therefore, this EFT was issued during the raid. There is enough evidence on record to show that the raid had continued upto Khalilabad and during the raid the TTE cannot issue an EFT of his own.

5.8. Shri Beg, PW-2 certifies that he had issued EFT No. 476811 Ex.P7 at Basti because the SPS had gone to him and had requested PW-2 to issue the EFT in favour of passengers because his own EFT book had exhausted and he didnot want to use fresh EFT book. If the SPS goes to request at Basti to one of his colleague TTE to make a ticket in one case, how it can be believed that he issued the EFT to the other group of passengers at the same station during the Vigilance raid and than too when the group of passenger were allegedly not form his own coach and as such I do not believe statement of the SPS and I am of the opinion that these 9 passengers were in the coach of the SPS and were charged by the SPS at the instance of the V.Is.

Commissioner for
13/4/82
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5.9. Charge is that unbooked 14 bales (approximately 7 quintals) were also detected in the coach of the SPS after Basti. PW-6 has stated that during the raid they had given priority to check the passengers first to avoid the passengers from moving out of the coach at any of the stoppages, hence the luggage was checked subsequently. 14 unbooked bales weighing about 7 quintals were got charged through PW-2 at Khalilabad through EFT No. 476724 marked Ex-P8-A. A question has been raised if the 14 bales belonged to the group of 9 passengers who were travelling on Ex.P4-B, who were not charged for the luggage also at the same time when there is a provision that the luggage and the fare can be charged together; there was no necessity of issuing a separate EFT for luggage in this case Ex.P8-A.

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5.10. As stated earlier firstly the luggage was detected after Basti and the passengers were charged at Basti. Therefore, the question of charging them together on the same EFT does not arise. It has also been stated that no declaration from the group of 9 passengers was obtained to show that the 14 bales belonged to them. There is no system of obtaining declaration from the passengers. It is the conduct of the passengers which shows that luggage charged belong to them. In the instance case the charge of the luggage shown on Ex. P8A has across reference of Ex. P4-C. The passenger holding Ex-P4-C must have paid the charge shown in Ex.P8-A and this establishes the ownership of the passengers on the luggage. Ex-P4-C was being held by the group of 9 passengers. Therefore, it is beyond doubt that the luggage belonged to these 9 passengers. Since the 9 passengers as already held were in the coach of the SPS therefore, luggage was also in the coach of the SPS.

5.11. Ex. P8-A was issued by the PW-2 without entering into coach of the SPS and without seeing the luggage which he was charging. PW-2 did not know where actually the luggage was. The whole charging was done at the instance of the V.I.s. Even the luggage was charged without weighment. It is necessary that luggage should be charged only after weighment and not on the verbal declaration of the passengers to avoid any injustice to the travelling public and also to avoid any possible loss of revenue to the Railways. Seeing to the circumstances under which the luggage was detected and could not be weighed, it can only be an irregularity but this will not prove that luggage was not there at all.

5.12. It is said that the SPS failed in his duty to charge the luggage carried by 5 other passengers ex CPA to KLD against ticket No. 24594 to 24598. SPS in his statement dated 16.12.81 stated that the 5 passengers were in his coach. He admits that he had inquired from them about the weight of the luggage at CPA, weight declared, according to him, was 12 quintal and has believed their statement, therefore, did not exercise his discretion to get it weighed at CPA. It is certain that the TTE will not inquire about the weight of luggage from each and every passenger boarding the train. He would inquire only when he has suspicion that the passengers had excess luggage and in this case also the SPS must have inquired only after having a reasonable doubt about the weight of the luggage. According to declaration of the passengers the weight of the luggage was just on the margin of permissible free luggage allowance. The case being of marginal weight the SPS like a prudent man ~~should~~ should have got the luggage weighed at CPA from where the train was originating and there was every facility for the weighing of luggage. Shri P.N. Gupta ex. V.I. P.W.5 has stated that luggage of the 5 passengers was charged on the verbal declaration of the weight of their luggage. The passengers are stated to have declared the weight of their luggage at CPA as one and half quintal but the same passengers are said to have declared the weight of the same luggage at Basti to be 1.75 quintals. There is no reason for the passengers to declare different weight at different times.



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The weight of the luggage was neither taken at CPA nor at Khalilabad. The luggage should have been charged only after weighing. Difference of 25kg. is so small that it cannot be detected off hand with naked eyes. Therefore, it is difficult to say that charging done at Basti was correct. The V.Is were also negligent in not getting the luggage weighed at Basti or serving a memo to the SM/Khalilabad to weigh the luggage and charge accordingly. In my opinion the SPS was negligent in believing the statement of the passengers at CPA in regard to the weight of their luggage. He negligently failed to exercise his discretion of getting the luggage weighed at CPA.

VI Findings .

For the reasons stated above, the charges under Rule 3 (i) and (ii) stand proved against the SPS.

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Sd/- 31.11.81

(Mahendra)
Enquiry Officer/Da



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

writ Petition No. of 1982.

Tahal Singh .. Petitioner.

Versus

Union of India and others. .. Opposite parties.

Annexure no. 9.



Tahal Singh

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NORTH EASTERN RAILWAY

ORDERS OF IMPOSITION OF PENALTY OF REDUCTION TO LOWER
POST/GRADE/SERVICE UNDER RULE 6 (vi) OF PART III OF
THE RAILWAY SERVANTS (DISCIPLINE AND APPEAL) RULE 1968

No.LD/SS-C/Vig/41/80
Datd: 17.3.1982

Divisional Office/Lucknow

Name : Sri Tahal Singh
Father's Name : Sardar Nand Singh
Designation : T.T.E.
Department : Commercial
Date of apptt. : 03.04.1964
Station : Lucknow Jn.
Scale of pay : Rs.330-560/-

Sri Mahadra, who had been appointed as Enquiry Officer in connection with the charge memorandum of even no. dated 31.10.80 issued to you, has submitted his report of the DAR inquiry. A copy of the same is enclosed herewith.

2. I have gone through the case along with the defence and the findings of the Enquiry Officer. Detailed evaluation of the report is given in annexure to this order.

3. Keeping all the points as detailed in annexure, I feel that the ends of justice would be met by reducing Sri Tahal Singh, TTE from the post of TTE in grade Rs.330-560/RS to the post of Ticket Collector in grade Rs. 260-400/RS for a period of three (3) years with cumulative effect and with loss of seniority. His pay is also reduced from Rs.380/- to Rs.326/-p.m.

4. Under Rule 18 of the Rly. Servants (D & A) Rules, 1968, an appeal against these orders lies to Divl. Rly. Manager/Lucknow provided:-

- i. the appeal is submitted through proper channel within 45 days from the date you receive the orders;
- ii. the appeal does not contain improper or disrespectful language.

5. Please acknowledge receipt of this order.

Encl.: As above.

1. EO's report
2. Annexure

(JASWANT BAL)
DIVISIONAL COMMERCIAL SUPDT.
NORTH EASTERN RLY.
LUCKNOW

Copy of the following for information and necessary followup action

1. Sr.DPO/LJN in duplicate to ensure implementation of these orders
2. GM/Vig/Gorakhpur in ref.to his case No80/138/vig for informatio
3. GM/comml/Gorakhpur for information.
4. Chief TTE/LJN for information.

Divl. Comml. Supdt./Lucknow

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I have gone through the case alongwith the defence and findings of the Enquiry Officer. The vigilance Inspectors made a surprise check of Sleeper coach No. 4616 of 10Dn. on 30.3.80 and boarded the train from Babnan. During the course of raid, the undernoted irregularities are alleged to have detected:-

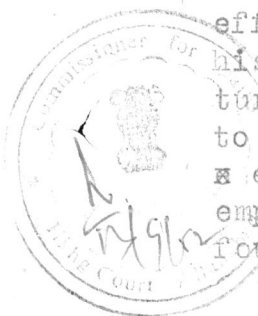
- i) Sri Tahal Singh carried one passenger named Sri Banwari Lal without ticket and reservation in his sleeper coach after realising Rs.31/- from him towards fare and reservation charge for a berth ex LJN to MFP but did not issue any ticket or RT in his favour before detected by the V.I. at Babnan station.
- ii) He also carried 9 other passengers without ticket alongwith unbooked luggage of 14 bales of H.L.cloth (7qutls.) with intention to realise money from them subsequently for his personal gain.
- iii) He also failed in his duty to charge luggage carried by 5 others passengers ex CPA to KLD against ticket No.24594 to 24598 which were subsequently at the instance of the VIs.

The Enquiry Officer while giving his findings made the charged employee respon sible.

2. I have also gone through the defence submitted by the charged employee. The charged employee has stated that the statement of Shri Banwari Lal wastaken in his absence and as such it could not be taken as an evidence against him. In fact Shri Banwari Lal appeared before the Enquiry Officer on 13/8 to give his statement when the charged employee reported sick on 9/8 though he was served with a memo by his Incharge on 25/7 to attend the enquiry (47/C). But it has not been brought on record whether his sickness was supported by RMC or PMC. It can be possible that he might have fallen sick specially when he was informed much in advance of the date of enquiry.

Another dates were fixed by the Enquiry Officer when the witness did not turn up for cross-examination. This shows that efforts were made to give opportunity to the charged employee and his defence counsel for cross examination but the witness did not turn up. This may be due to unwillingness on the part of the witness to re-appear. Therefore, it is agreed that witness was not cross-examined yet it would not give much privilege to the charged employee as for as facts are concerned, i.e. Shri Banwari Lal was found travelling without ticket in the compartment.

Shri Banwari Lal while giving the statement on 13/8 has confirmed his earlier statement. This statement was taken by the prosecution during the course of raid and was witnessed by one Shri Satya Narain. The witness has adduced that the money was paid to the incharge T.T.E. of the coach, whereas during the course of enquiry he stated that the money was not given by the passenger to the T.T.E. before him. This is a controversial point in the findings. Shri Banwari Lal boarded the train from Daliganj whereas Shri Satya Narain has boarded from Barabanki and as such there is nothing on record to prove that he is a witness to the transaction



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of payment. This remains a disputed point. There are also various contradictions in the statement which was recorded during the course of enquiry and during the course of cross examination by defence of Shri Satya Narain. In this connection it was open to the Vigilance to take statement from a literate and independent public witnesses travelling in the same coach which would have revealed the actual fact.

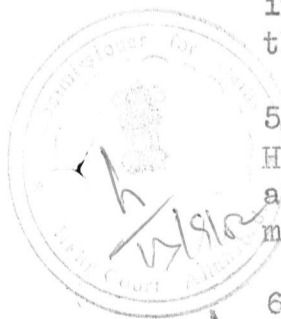
3.7 As far second charge is concerned, the charged employee has totally denied to have carried the passengers and luggage whereas the Enquiry Officer while giving the findings has accepted the version of the prosecution with the help of circumstantial evidence (5.7.). Vigilance has stated that exact weight of the bales was not taken as the facility for weightment was not available at KLD. I do not agree with the prosecution on this score. Khalilabad is dealing with a number of bales and facility do exist. I, however, agree with the Enquiry Officer that circumstantial evidence proves that these luggage being to 9 passengers detected travelling without ticket.

6 In this case also several witnesses could have been available in the coach itself and efforts could have been made to get the statement of an independent passenger recorded to confirm the place of travelling and the loading of the luggage. As for charging of the bales is concerned, Shri Beg has stated that he charged as per instructions of the V.Is without knowing the bales and place where lying unbooked.

4. As for item 3 i.e. the charged employee failed to charge luggage carried by 5 passengers ex CPA to KLD is concerned, the charged employe has accepted that these passengers were allowed by him and he prepared reservation tickets. He has also accepted that luggage was detected but he has taken the plea that he did not weight the luggage actually as did not doubt the excess weight. As stated by the prosecution 25 Kg. was excess on 5 tickets i.e. 5kg. per ticket. This weight was not got verified at any stage even at Khalilabad also. The Enquiry Officer has pointed out that V.Is were also negligent in not getting the bales weighed at Basti or KLD and charge them accordingly. This definitely gives benefit to the employee.

5. I have also been the service record of the employee. His last punishment is of 1976. He was also awarded a cash award of Rs.25/- in recognition of good performance during the months May,75 to July,75 as recorded in the service book.

6. Keeping all the points in view, I feel that the end of justice will be met by reducing him from the post of TTE in grade 330-560 to the post of T.C. in grade Rs.260-400 for a period of three years with cumulative effect and loss of seniority. His pay is also reduced from Rs.380/- to Rs.326/-.



Takals

sd/-
Divl Comm. Supdt./Lucknow.
24.2.82.

(A47)

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

Writ petition No. of 1982.

A/W

Tahal Singh

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Annexure no. 10.



Tahal Singh.

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To,

The Divisional Railway Manager
N.E. Railway,
Lucknow

A/MB

Through - Proper Channel

Sir,

Subject: Appeal against the penalty of reduction from the post of T.T.E. (330560) to the post of a period of 3 years with cumulative effect and loss of seniority reduced pay Rs.326/-.

Reference: Divl. Commercial superintendant, N.E. Railway, Lucknow's No. LD/SS-C/Vig/41/80 dated 17-3-1982 delivered to me on 11.5.82

1. Aggrieved by the unjust and harsh penalty of reduction from the post of T.T.E. (330-560) to the post of Ticket Collector (260-400) for a period of 3 years with cumulative effect and loss of seniority imposed by the learned Divisional Commercial Superintendent, N.E. Railway, Lucknow, I beg most humbly and respectfully to prefer an appeal to your honour as provided in the N.I.P. on the following grounds:-
2. That a memorandum No.LD/SS-C/Vig/41/81 dated 31.10.1980 was issued against me by the learned Divl. Commercial Superintendent, N.E. Railway, Lucknow on the charges contained therein. I denied all the charges categorically and in toto. Following this Shri Mahandra, Enquiry Officer D A Gorakhpur under the control of General Manager/Vigilance/Gorakhpur was appointed to conduct the D.A.R. Enquiry. Upon his report the aforementioned penalty has been imposed upon me against which I submit the appeal.
3. That I have been denied reasonable opportunity to defend myself at each and every stage of defence. The charges against me were framed on the basis of vigilance Raid and Vigilance report but I have never been furnished the following material documents although the persons concerned were cited as witnesses against me and they also appeared against me in the D.A.R. Enquiry:-
 - i) Investigation report on the F.I.R. dated 31.3.80 filed by Vigilance Inspectors following their raid, upon which the charges have been framed.
 - ii) Statement of Shri V.L.Srivastava, V.I. cited as witness in annexure IV to the memorandum.
 - iii) Statement of Shri I.C. Srivastava, C.V.I. cited as witness in Annexure IV to the memorandum.



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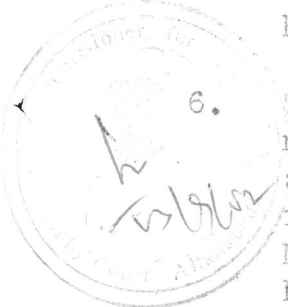
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- iv) Statement of Shri P.N. Gupta, V.I. cited as witness in annexure NoIV to the memorandum.
- v) Statement of Shri Satya Narain Yadav, Gangman appearing at item No.2 of AnnexureIII to the memorandum.
- vi) Statement of Guard, 10Dn. of 303.80.
- vii) Statement of 9 passengers travelling without ticket with unbooked luggage as mentioned in Item 22 of Article of charges as contained in Annexure I to the Memorandum.
- viii) Statements of 3 other passengers as mentioned in item 99 of Article of charges as contained in Annexure No.I to the memorandum.
- ix) Statements of independent witnesses from among the bonafide passengers travelling in sleeper Coach no4616 of 10Dn. of 3033.80 which was manned by me.

4. That in the absence of the above material documents which were sine-qua-non for the purpose of my defence, the domestic enquiry was reduced to a ritual and a mere empty formality and the reasonable opportunity of defence was rendered totally ineffective and illusory.

5. That it is well settled under the principles of natural justice and criminal jurisprudence that those who detect crimes, shall not be those who try such cases. The Vigilance wing conducted the raid in my coach, initial investigation was also made by the Vigilance Branch and finally the D.A.R. domestic enquiry was also conducted by an officer of that Vigilance Branch. It is, therefore, evident that no impartial and untraumelled justice could be administered by the learned enquiry Officer whose bias obviously was heavily on the side of his Branch and against me, as pronouncing guilty would bring credit and non-guilty discredit to the Branch he serves and earns his livelihood. This is established beyond doubt from the Report submitted by him holding me guilty of all charges even without sufficient evidence in support in the sham Enquiry held by him.

6. That regarding the 1st charge that I carried one passenger named Shri Banwari Lal without ticket and reservation in my sleeper coach after realising Rs-31.00 from him towards fare and reservation charges for a berth Ex. Lucknow Junction to Muzzaffarpur but did not issue any ticket, I beg to submit that this charge was not established in the D.A.R. inquiry. Two witnesses were cited in its support namely, Shri Banwari Lal himself and Shri Satya Narain Yadav, Gangman under P.W.I./M.F.P., holding II class pass No. 508769. Shri Banwari Lal did not turn up in the D.A.R. inquiry for cross-examination despite repeated dates fixed by the Enquiry Officer and therefore, his evidence was discarded. Since he was supposed to be the complainant of the case, discarding his evidence established that the statement given by him before the vigilance Inspectors on 30.3.80 was neither voluntary nor bonafide. His absence in the D.A.R. enquiry also establishes that his statement dated 30.3.80 was extorted from him by the team of Vigilance Inspectors under coercion, pressure and duress to create evidence



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against me. They (the Vigilance Inspectors) even unlawfully impounded the IInd class pass No. 508769 of Shri Satya Narain Yadav, Gangman under PWI/MFP and returned the said pass to him only after Shri Satya Narain Yadav was forced to make endorsement on the statement of Shri Banwari Lal on 30.3.80, as established from the statement of Mr. Satya Narain dt. 26.9.1981 and his cross examination in the D.A.R. inquiry. This goes to prove that the vigilance Inspectors acted malafide and in colourable exercise of powers with the motive to victimise one. The malafide intention of the Vigilance Inspectors can be seen from the F.I.R. of the case lodged by them on 31.3.80, in which their motive to implicate me is clear enough. They carried raid of my coach in a pre-determined manner and I was only target of their raid on that date as evidence from their F.I.R. itself. Therefore, even though there was no irregularity in my coach, they fabricated case against me by cooked up evidence. And except for the team of Vigilance Inspectors themselves they could marshal no evidence worth the name among the numerous passengers travelling in my coach who could have been independent eye witnesses.

7. Regarding the second charge of carrying 9 other passengers without ticket and unbooked luggage of 14 bales in my coach, I submitted that these passengers were not travelling in my coach nor were detected in my coach. One of them approached me at Basti asking me to prepared ticket for a party of 9 passengers including himself stating that they were coming from Katra Mela. I charged as without ticket as per rules and realised fare and penalty and issued EFT. Since they were not travelling in my coach nor did they mentioned about any unbooked luggage, I had no information about their luggage. Had they travelled in my coach, the the vigilance Inspectors must have extorted statements from them under threats, pressure and duress as done by them in the case of Sarvshri Banwari Lal and Satya Narain Yadav, Gangman. None of these 9 passengers have been cited as witness nor produced in the D.A.R. inquiry in support of the charge. Absence of any complaint and independent witnesses in sustaining the allegations cannot be replaced by motivated evidence of the interested vigilance Inspector.

8. That regarding charge no.3 that I failed to charge luggage carried by 5 passengers Ex.CPA to KHD against ticket no. 245498, I beg to state that their luggage was within the permissible free allowance and was not chargeable. Their luggage was however, charged at Kauldabad at the instance of the Vigilance Inspectors without weighment. The Enquiry Officer himself in his report has admitted this and has observed as under:-

"Therefore, it is difficult to say that charging done at BST was correct. The Vigilance Inspectors were negligent is not getting the luggage weighed at Basti or serving a memo to the S.M./Khuldibad to weigh the luggage and charge accordingly.."



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Since the allegation is in respect of charging the luggage and since the charging was done at the instance of the vigilance Inspectors without weighments, it cannot be established that the charging was correct. In the absence of any proof that the charging of luggage of 5 passengers at the instance of the vigilance Inspectors were correct and proper, this charge against me is totally unfounded, unwarranted and not established. The learned Divl. Commercial Supperintendant, N.E. Railway, Lucknow has also given benefit to me in respect of this charge in para 4 of page 2 of the Annexure to the N.I.P.

9. That I am a conscientious worker and have given good performance of my work on the whole. I was also given cash Award in recognition of my meritorious services.
10. That the penalty imposed upon me is very severe and too harsh and would effect my morale and hit me hard financially, mentally and physically.
11. That the charges have not been proved at all.

In view of the above, I must humbly pray to your august chair of justice to bestow your kindness and do justice and arrange to rescind, cancel or withdraw the penalty for which I shall always remain gratefull. I also request your goodself to grant me a personal hearing alongwith my defence counsel before disposal of my appeal.

Thanking you,

Yours faithfully,

Sd/-

(TAHAL SINGH)
T.T.E. Lucknow/T.C.

Lucknow
dt. 51982.



A52

IN THE HON'BLE HIGH COURT OF JUDICATURE
 AT ALLAHABAD, LUCKNOW BENCH. LUCKNOW
 W/P No OP 1982
 TAHAL SINGH VS UNION OF INDIA + OTHERS
ANNEXURE No 11

No. LD/SS-C/Vig./41/80
 Dated : 28.8.82.

North Eastern Railway
 Divisional Office
 Lucknow.

Sri Tahal Singh,
 TTE/Lucknow.

Thro: TTI/Sec./LJN.

Sub: Your appeal to DRM.

In reference to the above appeal, you are hereby informed that the DRM has passed the following orders:-

I have carefully considered the appeal of Sri Tahal Singh, I also gave him a personal hearing on the 20th of August, 1982 in the course of which he and his defence counsel repeated the points already mentioned in the appeal.

I have gone through the Enquiry report submitted by the Enquiry Officer as well as the orders passed by the disciplinary authority (DCS) on the Enquiry Report. I am convinced that Sri Tahal Singh is responsible in this case. The punishment meted out to him results in a total loss of Rs. 10,506/- and the loss of seniority does not affect him in any way, since he is very low in the seniority list.

The appeal is rejected.

Sd/-
 for Divl. Rly. Manager
 Lucknow.

Tahal Singh



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In The Hon'ble High Court of Judicature @ Allahabad,
 Lucknow Bench.

Writ Petition No

of 1902 F/S

Tahal Singh ————— Petitioner
 Vs.
 Union of India & others ————— of

Affidavit

Tahal Singh



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

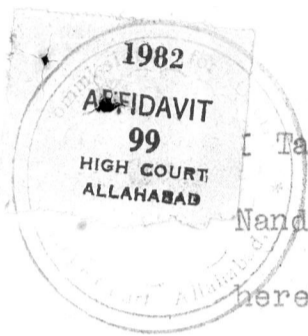
WRIT PETITION NO. OF 1982.

Tahal Singh.....Pettioner.

Verses

Union of India and Others.....Opposit Party.

A F F I D A V I T



I Tahal Singh, aged about 38 years son of Shri Sardar Nand Singh, T.T.E. N.E. Railway, Charbag Lucknow, do hereby solemnly affirm as under:-

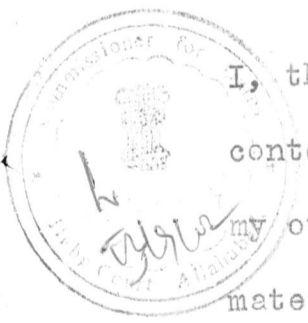
1. That the deponent is himself a petitioner in the above noted writ petition and is fully acquainted with the facts of the case.
2. That the contents of paras 1 to 23 of the accompanying writ petition are true to my own knowledge and those of paras 24 & 25 to be true on legal advice.

Lucknow

Tahal Singh
Deponent

Dated 13.9. 1982.

V E R I F I C A T I O N



I, the above named deponent, do hereby verify that the contents of Paras 1 to 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me god.

Lucknow

Tahal Singh
Deponent

Dated 13.9. 1982

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: : 26: :

I identify the deponent who has signed before me.

Vinay Shanker
(VINAY SHANKER) A-cv.
ADVOCATE

DATED: 13.9.1982.

Solemnly affirmed before me on..... 13-9-82

at... 9:15... am/pm by Shri... *Tahol Singh*.....

the deponent who is identified by Shri Vinay Shanker Advocate High Court Lucknow Bench Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.



he
OFFICE COMMISSIONER
High Court Allahabad,
No. 99 of 82
Date 13-9-82

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ब अदालत श्रीमान

Hon'ble High Court of Judicature @ Allah.
Lucknow Bench, Lucknow

महोदय

लखनऊ

वादी अपीलान्त

Petition का

वकालतनामा

प्रतिवादी रेः



Tahal Singh

वादी (मुद्दई)

Union of India

बनाम

प्रतिवादी (मुद्दाअलेह)

Writ Petition

नं० मुकद्दमा

सन १९०२

पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर एडवोकेट

टी-४१/बी, हैदर कैनल कालोनी, चारबाग, लखनऊ

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं 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 बसूल करें या सुलहनामा व 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 विपक्ष (फरीकतानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखत) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

स्वीकार किया

Accepted
Shanker

13.9.02

हस्ताक्षर

Tahal Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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(A57)

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C. Misc Application 9941 (W) 1984;



Asst
V. J. (A57)

Union of India through General Manager N. Rly.

.... Applicant

Writ petition No. 4469 of 1982.

54

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Tehal Singh

..Petitioner.

Versus

Union of India & others.

.. Opp. Parties.

APPLICATION FOR CONDONATION DELAY IN

FILING COUNTER AFFIDAVIT

Applicant respectfully state as under:-

1. That the above mentioned case Counter Affidavit could not be filed on behalf of the Opp. Parties within time in this Hon'ble Court.
2. That the counter affidavit could not be prepared in time as information were being collected from different office of the Railway Administration situated as different places.
3. That the filing of Counter affidavit is necessary and is being file herewith.
4. That the delay in filing counter affidavits is bonafide and not deliberate.

WHEREFORE, it is respectfully prayed that the delay in filing Counter affidavit may kindly be condoned and the Counter affidavit may be brought on record.

LUCKNOW:

Dated:- May 1984

Sept. 19

[Signature]
Advocate

Counsel for the Applicant
Opp. Parties.

17/9/84

Honible D. N. Jha, J.

Delay is condoned.
Let counter affidavit be
taken on record.

#h.

19-9-84

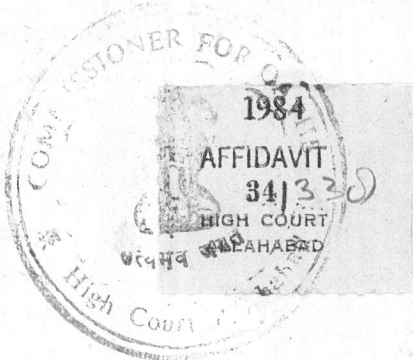
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH . LUCKNOW

WRIT PETITION NO. 4469 OF 1982



Tehal Singh Petitioner

versus

The Union of India and others.

. Opp. Parties.

COUNTER AFFIDAVIT ON BEHALF OF

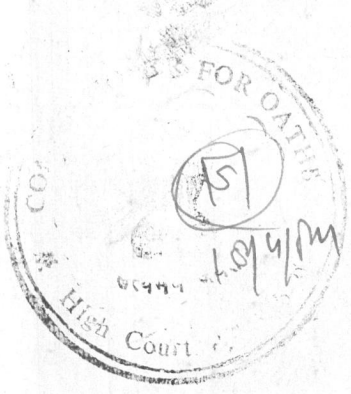
OPPOSITE PARTIES

I, ^wSheo Murti ^w aged about 49 years ^w
son of ^wSri ^wAvadh Behari ^w resident of 15/3 ^w
^wMalviya Nagar, ^wRish leagh, Lucknow ^w
do hereby solemnly affirm and state on oath as
under. -

1. That the deponent is working as Assistant Personnel Officer, North Eastern Railway, Lucknow and is well conversant with the facts of the case.

2. That the deponent has read the contents of the writ petition and has understood the same.

3. That the contents of paragraphs 1, 2 and 4 of the writ petition are not denied. As regards contents of para 3 of the writ petition it is only admitted that the petitioner submitted representation dated 20/11/80 which is Annexure 2 to the



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writ petition.

4. That in reply to the contents of paragraphs 5 and 6 of the writ petition, it is stated that Sri Banwari Lal Passenger (P.W. 1) was examined by the Enquiry Officer on 13.8.1981 but as the petitioner and his defence counsel were absent on that date, the passenger Sri Banwari Lal could not be cross-examined by the petitioner or his defence counsel. The petitioner had not sent any application for the postponement of the date of enquiry fixed on 13.8.81 for taking evidence of P.W. 1 Sri Banwari Lal. However, with a view to afford opportunity to the petitioner to cross examine the witnesses Sri Banwari Lal, he was again called by the Enquiry Officer on 19.8.81, 3.9.81, 14.9.81, 25.9.81, 26.9.81, 30.10.81, 27.11.81 and lastly on 11.12.1981 but on none of these dates, the passenger Sri Banwari Lal turned up nor any intimation was received from him by the Enquiry Officer. The Enquiry Officer as such dispensed with the evidence of Sri Banwari Lal and the statement recorded on 13.8.81 was not taken into consideration for arriving out of the proceedings of the enquiry. Thus reasonable opportunity was afforded to the petitioner and statement contrary to is denied.

5. That in reply to the contents of paragraph 7 of the writ petition, it is stated that the statement of Sri Satya Narain Prasad Yadav, gangman (witness) was recorded before the Enquiry Officer independently and without any pressure or undue influence as



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alleged by the petitioner. Sri Yadav deposed that the contents of the statement were correct, therefore, he made the endorsement on the statement and the same denotes that no undue pressure was exercised by the vigilance Inspector. Thus the allegations of the petitioner that pressure was exercised by the Vigilance Inspector as his ~~post~~ ^{with} was ~~under~~ the vigilance Inspector are denied being incorrect.

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6. That ⁹ the contents of paragraphs 8 to 11 of the writ petition it is stated that recording of statement of Sri M.A.R. Beg, TTE, ^{Petitioner} filing of written statement and defence brief by the petitioner are admitted and the copies of the same are annexures No. ⁴ 4 to 7 of the writ petition. The inference drawn by the petitioner therefrom are denied being devoid of any substance.

7. That the contents of paragraph 12 of the writ petition are denied being of general nature and without any substance. It is ^{however} further submitted that the inquiry was held by the Enquiry Officer under the law and provision of the Discipline and Appeal Rules 1968. The petitioner was afforded opportunity to submit his defence to disprove the charges levelled against him.

8. That in reply to the contents of paragraph 13 of the writ petition, it is stated that the petitioner was found guilty of the charges ^{by} the Enquiry officer and in arriving at the conclusion the Enquiry officer recorded his findings after evaluating the evidence on the records and the same is final and this Hon'ble Court cannot sit in appeal against the findings of the Enquiry Officer. The



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statements contrary to it are denied.

9. That the contents of paragraph 14 of the writ Petition are admitted.

10. That in reply to the contents of paragraph 15 of the writ petition, it is stated that the impugned order contained in Annexure-9 to the writ petition has been passed by the competent authority in a natural manner under the provisions of the rules. The statements contrary to it are denied.

11. That the contents of paragraphs 16, 17 and 18 are denied and it is stated that the Disciplinary Authority has passed the impugned order after considering the report submitted by the Enquiry Officer. The Disciplinary Authority also recorded his reasons of findings in arriving at the decision for improving the punishment. The reasons of findings of the disciplinary authority was annexed with the notice of imposition of penalty (Annexure 9 to the writ petition). The statements contrary to it are denied.

12. That the contents of paragraphs 19 and 20 of the writ petition are not admitted as alleged by the petitioner. It is however, submitted that the Disciplinary Authority (Opposite party No. 3) passed the impugned order, imposing the penalty on the petitioner after considering and evaluating the report submitted by the Enquiry Officer as contained in para 2 of Annexure 9 to the writ petition. The Enquiry Officer since dispensed with the statements of Shri Banwari Lal recorded in absence of the petitioner while giving his findings and the Disciplinary Authority has thus not considered the statement



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dated 13.8.81 of Sri Banwari Lal (P.W. 1) The ^{1/9} petitioner as such has not been denied the opportunity. The order of punishment and enquiry report [✓] are in order and are not against principles of natural justice and Article 311(2) of the Constitution. The statements contrary to it are denied.

13. That of the contents of paragraph [✓] 21, 22, 23, 24, 25 and 26 of the writ petition it is admitted that the petitioner filed writ petition before this Hon'ble Court without filing appeal to higher authorities against the order of punishment and the same was dismissed on 10.5.82. The petitioner thereafter submitted an appeal against the orders of the punishment to the appellate authority, opposite party No.2. who after giving personal hearing and after careful consideration of the records of the case of the petitioner consisting of enquiry report, orders passed by the disciplinary authority, appeal submitted by the petitioner and [✓] punishment imposed upon the petitioner etc. and having been satisfied rejected the appeal submitted by the petitioner. The petitioner has not been deprived of the rights and the orders passed by the appellate authority ([✓] opposite party No. 2) are valid, legal and in accordance with the rules. [✓] No separate reasons of findings are required to be recorded by the appellate authority if he is in agreement with the findings of the Enquiry Officer and disciplinary authority. The orders passed by the appellate authority as contained

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in Annexure 11 to the writ petition are speaking orders. The statements contrary to it are denied.

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14. That the contents of paragraph 27 of the writ petition are not admitted and it is submitted that the enquiry proceedings conducted by the Enquiry Officer was legal and the impubned order imposing punishment on the petitioner was also rightly passed by the Disciplinary Authority opposite party No. 3 a competent authority after considering the Enquiry Report and after analysing the same and recording his reasons in arrising at the decision. The statement contrary to it are denied.

15. That in reply to the contents of paragraph 28 of the writ petition, it is stated that the notice of imposition of penalty was served on the petitioner on 12.5.1982 and the reversion order had also been given effect to from 6.4.1982. The salary of the petitioner has been drawn in the reverted post and scale of Rs. 260-400 from 6.4.1982 and the vacancy caused due to reversion of the petitioner has also been filled by sri R.S. srivastava. The petitioner joined at sitapur in the reverted grade of Rs. 260-400 and on the request of the petitioner to the Railway administration that he may be transferred from Sitapur to Kanpur Anwarganj as Ticket collector i.e. on the reverted post, the request of the petitioner has been accepted by the Railway Administration and he has been transferred from sitapur to Kanpur Anwarganj as Ticket Collector in the grade of Rs. 260-400. A ^{true} ~~photostate~~ copy of



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order dated 5.5.1982 for posting Sri R.S. Srivastava in place of the petitioner is annexed with this counter affidavit and is marked as Annexure-A1.

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16. That the contents of para 29 of the writ petition are not admitted. The orders of reversion have already been given effect to. The petitioner will not suffer any irreparable loss.

17. That the contents of paragraph 30 of the writ petition need no reply being matter of records.

However, it is stated that complete particulars of the writ petition have not been given. It is submitted that each case has its own merit and the orders passed by the Hon'ble Court in various writ cannot be made applicable in the case of the petitioner.

18. That the contents of para 31 read with grounds thereunder are not admitted. The grounds taken by the petitioner are not maintainable and the petitioner is not entitled to the direction prayed from this Hon'ble Court.

19. That in all the circumstances the writ petition is not maintainable and liable to be dismissed.

Dated Lucknow
18th April 1984

Deponent.



VERIFICATION

I, the above named deponent do hereby

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Signature

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verify that the contents of paragraphs 1 to 2 are true to my knowledge, paragraphs 3 to 16 are based on the informations derived from the official record and true to my belief and that of paragraphs 18 to 19 are true and based on legal advice. Nothing material has been concealed and no part of it is false.
 so help me God.

MO

Deponent.

Lucknow . Lucknow
 10th April 1984



I identify the deponent who has signed before me

Shri J. K. Singh et al.
 Advocate.

Solemnly affirmed before me on 10-4-84 at 4:05 P.M. am/pm by the deponent who is identified by Shri J. K. Singh, Clerk to Shri Umesh Chandra Advocate, High Court, Lucknow.

I have satisfied by examining the deponent who understands its contents which have been readout and explained by me.

MO

Shri J. K. Singh
 Adv.

OATH COMMISSIONER
 Allahabad High Court
 Lucknow Bench

No. 34/338
 Date 10-4-84

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1/10/82

इन दि आनरेबिल हाई कोर्ट आफ जुडीकेचर एट इलाहाबाद

लखनऊ बेंच लखनऊ ।

अनेक्जर

संदर्भ में

रिट पिटीशन नम्बर 4469 आफ 1982

टहल सिंह

----- पिटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य

--- -- अपो० पाटीज

अनेक्जर नम्बर-1-- ए/।

पूर्वोत्तर रेलवे

कार्यालय आदेशा

निम्नलिखित पदोन्नति, स्थानान्तरण एवं पोस्टिंग आदेशा

तत्काल प्रभावी हेतु जारी किए जाते हैं:-

क/ निम्नलिखित चल टिकट परीक्षक/ 330-560/ गोण्डा का स्थानान्तरण उनकी निजी प्रार्थना पर उसी पद एवं वेतनमान में लखनऊ जं० उपलब्ध रिक्तियों के विरुद्ध किया जाता है। चूंकि यह स्थानान्तरण उनकी निजी प्रार्थना पर आदेशित है इसलिए उन्हें कोई भी स्थानान्तरण भत्ता एवं अन्य लाभ देय नहीं है।

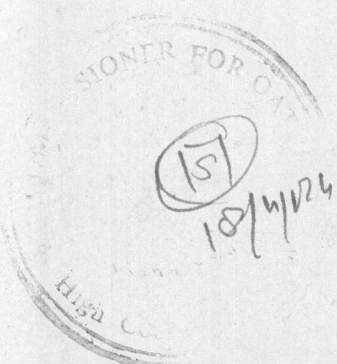
सर्वश्रो

रिक्तियों का विवरण जिस पर लखनऊ जं० पर पोस्ट किया गया।

- 1- एस०सी०शर्मा
- 2- वो०पो० वर्मा
- 3- जगदीश लाल
- 4- जगदीश शर्मा

- श्री एम०एच०बेग के स्थान पर
- श्री एच०एस०श्रीवास्तव के स्थान पर
- " जगजोत सिंह के स्थान पर
- " श्री आर०एन० पाण्डेय के स्थान पर

MO



AG7

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1/2/24

उ- निम्नलिखित एल0आर0 टिकट संग्राहक/ 260-400/ को एल0आर0 चल टिकट परीक्षक/ 330-560/ के पद पर पदोन्नति करके प्रत्येक के सम्मुख अंकित स्टेशनों पर पद स्थापित किया जाता है। कार्यभार ग्रहण करने की तिथि से देय वेतन भी हर एक के सामने अंकित कर दिया गया है:-

क्रमांक	नाम	वर्तमान स्टेशन	स्टेशन जहां कार्यभार ग्रहण करने की तिथि से पोस्ट किया गया।	रिक्तियों
			एल0आर0 टो0टी0ई0 के पद पर पोस्ट किया गया।	330-560 वेतनमान में देय वेतन ।

सर्वश्री

- 1- राम लता प्रसाद गोरखपुर गोण्डा 350/- क/1/ के स्थान पर
- 2- एस0सी0त्रिपाठी " " 350/- क/2/ के स्थान पर
- 3- लईक आलम गोण्डा " 360/- क/3/ " "
- 4- आर0पो0 पाण्डेय " " 360/- क/4/के स्थान पर
- 5- आर0एस0श्रीवास्तव ल0जं0 ल0जं0 370/- श्री टवल सिंह के स्थान पर

ग- सर्वश्री एस0एन0 यादव एवं धीरेन्द्र सिंह टिकट संग्राहक /260-400/ गोरखपुर जिन्हें इस कार्यालय के आदेशा संख्या ई/11/210/टी0टी0ई/सी/ 78/दि0 4/6-3-82 के अंतर्गत एल0 आर0टी0सी0/260-400/ के पद पर क्रमशः लखनऊ जं0 एवं गोण्डा पोस्ट किया गया था, को अब एल0आर0 टी0सी0 260-400 के पद पर गोरखपुर में क्रमांक उ/1/ एवं 2 के पदोन्नत के फलस्वरूप रिक्त पदों पर पोस्ट किया जाता है।

घ- निम्नलिखित टिकट संग्राहक /260-400/ जो टी0टी0 ई0 ग्रुप में आप्टी हैं को उनकी विकल्प के आधार पर एल0आर0टी0सी0/260-400/के पद पर उनके वर्तमान वेतन एवं वेतनमान में प्रत्येक के सम्मुख अंकित स्टेशनों



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स्टेशनों पर पोस्ट किया जाता है:-

क्रमांक	नाम	वर्तमान कार्यरत स्टेशन।	स्टेशन जहाँ पोस्ट किया गया।	रिक्तियों का विवरण।
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सर्वश्री

- 1- रमा शंकर लाल बस्ती गोण्डा /ग/ के स्थान पर
- 2- मनोसंजन सिनहा गोरखपुर "" /ख/ 3 के स्थान पर
- 3- के०के०श्रीवास्तव गोरखपुर लखनऊ जं० /ग/के स्थान पर
- 4- ए०के०सिंह गोरखपुर गोण्डा /क/ 4 के स्थान पर
- 5- प्रेम स्वरूप उपाध्याय लखनऊ सिटी लखनऊ जं० /ख/ 5 के स्थान पर

च- निम्नलिखित रि०टि०संग्राहक /260-400/ को उनकी प्रार्थना पर उनके वर्तमान पद एवं वेतनमान में गोरखपुर स्थानान्तरण किया जाता है परन्तु यह उसी समय कार्यमुक्त होंगे जब उनके स्थान पर रिक्त कर लेगा और इस आदेश का कड़ाई से पालन किया जावे। रिक्त का प्रबन्ध अलग से किया जावेगा। चूँकि यह स्थानान्तरण उनकी निजी प्रार्थना पर आदेशित है इसलिए उन्हें कोई भी स्थानान्तरण भत्ता एवं अन्य लाभ देय नहीं है:-

क्रमांक	नाम	वर्तमान स्टेशन	रिक्तियों का विवरण
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सर्वश्री

- 1- रामेश्वर प्रसाद आनंदनगर | च/2/ /3/ एवं /4/ के स्थान पर
- 2- अरविंद कुमार यादव "" |
- 3- राम प्रकाश बलरामपुर |
- 4- नगेन्द्र नाथ मिश्र बस्ती ग- के स्थान पर

इस पर मण्डल वाणिज्य अधीक्षक का आदेश एवं /ग/ के मूल संशोधित आदेश पर प्रमवाधी का अनुमोदन प्राप्त है।
ह० कृते मण्डल रेलवे प्रबंधक /का/, लखनऊ।

MC

A69

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सं ई/ 11/ 210/ टोटोई/सी/78 दिनांक 5-5-82

X/66

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाई हेतु निम्न

को प्रेषित :-

- 1- स्टेशन अधीक्षक/ गोरखपुर, गोण्डा एवं लखनऊ जं० ।
 - 2- स्टेशन मास्टर, आनंद नगर, लखनऊ सिटी, बलरामपुर एवं बस्तो।
 - 3- टोटोई ग्रेड , "ए" इंचार्ज/ आरक्षण/, गोरखपुर गोण्डा एवं लखनऊ जं० ।
 - 4- " " " /शिलीबर/ गोरखपुर एवं लखनऊ ।
 - 5- " " " / रेड/ गोरखपुर गोण्डा एवं लखनऊ जं० ।
 - 6- सोटोटीआई गोरखपुर एवं लखनऊ जं० ।
 - 7- डी. टी. टी. अधिकारी - गोण्डा
 - 8- मण्डल लेखाधिकारी/ लखनऊ
 - 9- प्रधान लिपिक बिस्त, फोल्डर, पास एवं भण्डार।
 - 10- कार्यालय अधी०/ वा०/ कार्यालय में । 11-
- संबंधित कर्मचारोगण।

6-5-82

ह० /-

कृते मण्डल रेलवे प्रबन्धक/का/,

लखनऊ ।

6-1-83

सत्य प्रतिलिपि



(A70)

C. Misc Appln No 8991(w)-84

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

Writ Petition No. No. 4469 of 1982.



17/7/84
17/7/84

Tahal Singh

..Applicant/Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Application for condonation of delay in filing
Rejoinder Affidavit.

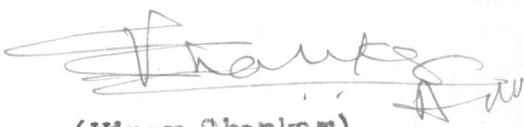
—

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

That due to inadvertance the rejoinder affidavit could not be filed in time and the same is being filed now.

It is therefore prayed that this Hon'ble Court may kindly be pleased to condone the delay in filing the rejoinder affidavit and the same which is being filed herewith be taken on record.

Lucknow, dated :
17-7-1984.


(Vinay Shankar)
Advocate,

Counsel for the applicant/
petitioner.

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(ATI)

In the Hon^{ble} High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 4469 of 1982.



A
6/82

1984
AFFIDAVIT
87
HIGH COURT
ALLAHABAD

Tahal Singh

----- Petitioner.

Versus

The Union of India,
& others.

----- Opposite Parties.

Rejoinder Affidavit on behalf of the Petitioner.

I, Tahal Singh, aged about 40 years, son of
Shri Sardar Nand Singh, resident of ^{69/1 Labour Colony}
^{Govind Nagar, Kanpur} do hereby solemnly affirm and state as
under :-

1. That the deponent is himself the petitioner
in the above noted writ petition and thus is fully
conversant with the facts and circumstances of the
case.

2. That the deponent has read the contents of the
Writ Petition and understood the same.

3. That the contents of para 3 to the counter
affidavit under reply need no comments.

4. That the contents of para 4 to the counter
affidavit are wrong hence denied. It is further
stated that statement of Shri Banwari Lal, P.W.1, was
taken into consideration by the Enquiry officer and

Contd.-----2



Tahal Singh

(2)

his finding was based on his statement.

5. That the contents of para 5 to the counter Affidavit are denied and contents of para 7 of the Writ Petition are reiterated.
6. That the contents of paras 6,7 and 8 to the Counter Affidavit are not admitted and the contents of paras 8 to 13 of the Writ Petition are reiterated.
7. That the contents of para 9 to the counter affidavit need no comments.
8. That the contents of para 10 to the counter affidavit are denied and those the contents of para 15 of the Writ Petition are reiterated.
9. That the contents of para 11 to the counter affidavit are denied and those of the contents of paras 16 to 18 of the Writ Petition are reiterated.
10. That the contents of para 12 to the counter affidavit are denied. The petitioner was not afforded proper opportunity to defend his case and the punishing authority has acted in excess of jurisdiction.
11. That the contents of para 13 to the counter affidavit are wrong hence denied and the contents of paras 21 to 26 of the Writ Petition are reiterated. It is further submitted that as per rule 22-sub rule (3) of the Discipline and Appeal Rules 1968 the appellate authority is bound to give detailed order, but in the instant case of the deponent the appellate authority has passed an mechanical order of punishment without giving its own finding.



Takel Singh

(3)

12. That the contents of para 14 to the Counter Affidavit are not admitted and those of the contents of para 27 of the Writ Petition are reiterated.
13. That the contents of paras 15 and 26 to the Counter Affidavit need no comments.
14. That the contents of paras 17 to 19 to the Counter Affidavit are denied and those of the contents of paras 28 to 31 of the Writ Petition are reiterated. It is further submitted that the Writ Petition is liable to be allowed with cost.

Lucknow, Dt. 12.7.84.

Tabal Singh
Deponent.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 14 of this Rejoinder Affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed by me.

So help me God.

Lucknow, Dated: 12.7.84

Tabal Singh
Deponent.

I identify the deponent who has signed before me.

Shankar Adv.
Advocate. 12.7.84

Solemnly affirmed before me on 12/4 day of July, 1984 at about 9.45 P.M./A.M. by the deponent who is identified by Shri Vinay Shankar Advocate, High Court, Lucknow Bench,

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



Ayodhya Prasad
AYODHYA PRASAD
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 87 of 12-7-84
Date 12-7-84

C127

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW

T.A. No. 1083/1987

Tehal Singh Petitioner

versus

Union of India & others Respondents.

SHORT COUNTER REPLY

.....

I, *KL Pandey* working
as *Sr. Divl. Comml. Suptt* in the
office Divisional Railway Manager, North
Eastern Railway, Ashok Marg, Lucknow do hereby
solemnly affirm and state as under:

2. That the official above named is working
as *Sr. Divl. Comml. Suptt.* in the
office Divisional Railway Manager, North Eastern
Railway, Ashok Marg, Lucknow, as such he is
fully conversant with the facts and circumstances
of the case stated hereinbelow. He has been
authorised to reply on behalf of the opposite
parties.

...2

KL Pandey
प्रवर मण्डल वाणिज्य अधीक्षक
पूर्वोत्तर रेलवे, लखनऊ 30/3

2128

3. That the instant Writ petition was filed in the year 1982 by the sole petitioner namely Shri Tahel Singh in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

4. That the counter affidavit on behalf of the opposite parties was also filed in the present case before the Hon'ble High Court in the year 1984.

5. That no rejoinder affidavit has been filed in the present case till date.

6. That the sole petitioner, namely Shri Tahel Singh in the present case has already died on 6.7.90 but no substitution application on behalf of his legal heirs has been moved till date.

7. That more than three months have already passed since the death of the sole petitioner and since no substitution application has been moved in the said case till date, hence the petitioners stood abated.

8. That in view of the aforesaid facts, this petition is liable to be dismissed as abated.

Lucknow

Dated: 20.3.81

Handwritten signature

प्रवर मण्डल वाणिज्य अधीक्षक
पूर्वांचल रेलवे, लखनऊ

20/3/81

C129

-3-

VERIFICATION

I, the official named above do hereby verify that the contents of para 1 of this counter reply is true to my personal knowledge and those of paras 2 to 8 are believed to be true by me based on record and legal advice. That no part of it is false and nothing material has been concealed. So help me God.

Lucknow

Dated: 20.3.91

UCCN *[Signature]* 20/3/91

प्रवर सपडल वारिण्डय अमरुत
पुर्वोत्तर रेलवे, लखनऊ

C/31

A/22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW

T.A. No. 1083/1987

Tehal Singh Petitioner

versus

Union of India & others Respondents.

SHORT COUNTER REPLY

.....

I. *K. L. Pandey* working as *Sr. Divl. Commr. Suptd.* in the office Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow do hereby solemnly affirm and state as under:

2. That the official above named is working as *Sr. Divl. Commr. Suptd.* in the office Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow, as such he is fully conversant with the facts and circumstances of the case stated hereinbelow. He has been authorised to reply on behalf of the opposite parties.

...2

K. L. Pandey
प्रवर मण्डल वाणिज्य अधिकारी
पूर्वोत्तर रेलवे, लखनऊ 20/3/91

C 132

1/3

3. That the instant Writ petition was filed in the year 1982 by the sole petitioner namely Shri Tahel Singh in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

4. That the counter affidavit on behalf of the opposite parties was also filed in the present case before the Hon'ble High Court in the year 1984.

5. That no rejoinder affidavit has been filed in the present case till date.

6. That the sole petitioner, namely Shri Tahel Singh in the present case has already died on 6.7.90 but no substitution application on behalf of his legal heirs has been moved till date.

7. That more than three months have already passed since the death of the sole petitioner and since no substitution application has been moved in the said case till date, hence the petition~~er~~ stood abated.

8. That in view of the aforesaid facts, this petition is liable to be dismissed as abated.

Lucknow

Dated: 20.3.91

Handwritten signature
20/3/91
प्रवर मण्डल वाणिज्य अधीक्षक
पूर्वोत्तर रेलवे, लखनऊ

C/133

-3-

A/34

VERIFICATION

I, the official named above do hereby verify that the contents of para 1 of this counter reply is true to my personal knowledge and those of paras 2 to 8 are believed to be true by me based on record and legal advice. That no part of it is false and nothing material has been concealed. So help me God.

Lucknow

Dated: 20.3.91

U. N. A. 20/3/91
प्रवर मण्डल वाणिज्य अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

Central Administrative Tribunal (CBT)
Allahabad.

Before

The Deputy Registrar

Date. 14.4.88

Central Administrative Tribunal
Allahabad

Ref.: Registration No. 1083 of 1987 (T)
(Writ Petition No. 4469 of 1982)

Tahal Singh v/s Union of India

Dear Sir,

The above writ petition has been filed by the petitioner challenging an order of reduction in rank dated 17.3.82 passed by the disciplinary authority, and the order of the appellate authority dt 28.8.82.

That the writ petition is of ~~1982~~ 1982 and as such it is in the interest of justice that the hearing of the petition may be expedited.

(OCT) ~~that~~ I have filed my Vakalatnama on behalf of the respondents and as such the service of notice on respondents is sufficient.

13/4/88 It is, ~~also~~ therefore, requested that the present petition may be listed in Court for early hearing.

Thanking You,

yours faithfully

H. N. S. Thalekar
(railway advocate)

Date. 14.4.88

C136

Central Administrative Tribunal
Allahabad,
Registration No. 1083 of 1987 (T)
Tahal Singh v/s, Union of India

NS/CCS.
64

वकालतनामा

A
85

केन्द्रीय प्रशासनिक न्यायाधिकरण के समक्ष
 इलाहाबाद में के न्यायालय में
 रीट पेटिशन नं० 4469/82 उच्च न्यायालय इलाहाबाद लखनऊ में
 वादी श्री टहल सिंह दावेदार अपीलार्थी
 प्रतिवादी बनाम अर्जोदार प्रत्यार्थी
 तिवादी वादी भारत संघ एवं अन्य

भारत के राष्ट्रपति इसके द्वारा श्री आनित स्यालका रेल अधिवक्ता

इलाहाबाद
 को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात 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, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बात 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 प्रतिवादी/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/बावा/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/अधिवक्ता/ 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/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री आनित स्यालका रेल अधिवक्ता

इलाहाबाद 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 Accepted
 Anit Sihalakar
 Counsel for Respondent

निष्पादन करने वाले अधिकारी का
 मण्डल वदनीय अधिकारी
 पूर्वाचार रेलवे, लखनऊ

C.137

T.A. 1083/87

सेवा के

श्रीमान आयायन अधिकारी महोदय
(राजमहाराज)

केंद्रीय प्रशासनिक आयोग
इलाहाबाद परबल

A/86

Dati 24/9/87

Case No. 4469 (T.A. No. 1083/87)

टहल सिंह
नराम
प्रशासनिक अधिकारी

निवेदन है कि प्रार्थी परबल में टहल सिंह
कीस कारखाने प्रार्थी को इलाहाबाद और न
काफी कारखाने का सामान करना पडा है

अतः प्रार्थी प्रबल है कि टहल सिंह
परबल शक्ति प्रबल के समानांतर करने की
कृपा करें।
प्रार्थी महान कृपा करें।

14.9.87

Handwritten signature and notes in Hindi, including '10/10' and '25/10'.

निवेदन मिला
टहल सिंह
Case 4469

Address Tahal Singh
JTE / NER / Lucknow

C138

97
/E

Registered
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD
Post Bag No. 013
23-A, Thornhill Road, Allahabad -211 001

A
83

No. CAT/Alld/Jud/32369 to 65 Dated the 23/01

Registration T.A.No. 1083 of 1987 (T)

Tehal Singh Applicant's

Versus

Union of India & others Respondent's

To
① Tehal Singh, S/o Shri S.N. Singh,
Travelling Ticket Examiner N.E.
Railway Charbagh Lucknow.

② Sri Vinay Shankar, Advocate R/o T-41/B
Haidar Canal colony Charbagh Lucknow.

Whereas the marginally noted cases has been
Transferred by High Court Lucknow under the provision
of the Administrative Tribunal Act 13 of 1985 and registered
in this Tribunal as above.

Writ Petition No. 4469
of 1982 .
of the _____
Court at High Court Lko.
of _____
arising out of order dated _____
passed by _____
in _____

The Tribunal has fixed date
of 29/9/1988.
For the hearing of the matter.
If no appearance is made
on your behalf by you or some
one duly authorised ~~to~~ Act

on your behalf, the matter will be heard and decided in
your absence.

Given under my hand and seal of the Tribunal
this August day of 17/8/1988.

[Signature]
DEPUTY REGISTRAR (J)

dinesh/

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Post Bag No. 013

23-A, Thornhill Road, Allahabad - 211 001

Gandhi Bhawan ***** Lucknow.

No. CAT/Alld/Jud/33455 to 5) Dated the 13/10

Registration T.A.No. 1083 of 198 (T)

Tehal Singh Applicant's

Versus

Union of India & others Respondent's

- To ① Tehal Singh, T.T.E., N.E.R. Lucknow.
- ② Vinay Shankar, Advocate, High Court Lko.
- ③ Sri Amit Sthlekar, Govt Advocate
CAT, Allahabad. 32 Naya Marg.

Whereas the marginally noted cases has been Transferred by High Court Lucknow under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 4469 of 1982 of the Court at High Court Lko. arising out of order dated _____ passed by _____ in _____

The Tribunal has fixed date of 25.10. 1988. For the hearing of the matter. If no appearance is made on your behalf by you or some one duly authorised ~~to~~ Act

on your behalf, the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal is _____ day of 29/9/ 1988.

J. K. S.
10.10
DEPUTY REGISTRAR (J)

sh/

C139

07c

A/84

Vinay Shankar
Advocate

C/140

164, Aminabad Road,
Ganesh Ganj,
LUCKNOW.

Phones [Off. : 43941
[Resi. : 32038

Date 28-9-89

Before The Central Administrative
Tribunal, Lucknow
T-A. No 1083 of 87. 1/89

Tahel Singh — petitioner
vs.
Union of India & others
of.
FF. 28-9-89.
Sir,

Due to my ill health, I am
not in position to conduct the
above case today for the
petitioner.

Wherefore it is respectfully
prayed that the above
Case listed at Sd. no. 22
may kindly be adjourned
for some other date

Sd. 22

Shankar
Advocate
for petitioner

C142

E. M. ... 44269/82

(3)

To

The Additional Registrar,
Hon'ble High Court,
Lucknow Bench,
Lucknow.

1/25

Sir,

Ref: Writ petition No. 4469 of 1982 in re :
Tahal Singh Vs. Union of India & others.



The above noted petition has been filed in this Hon'ble Court on 15-9-1982 challenging the reversion order dated 17-8-1982 in which petitioner was reverted for a period of 3 years, which period will expire on 16-3-1985. Till date the writ petition has not been listed for hearing and it seems that it will take a long time before it comes in regular course of hearing and ^{very} thus the purpose of filing the writ petition will be defeated.

In the circumstances it is prayed that in the ends of justice the above noted writ petition may kindly be listed for an early hearing out of turn for final disposal of the writ petition itself.

*So (cont) 12/4/84
Please put up your report with file by tomorrow for filing.
Addl. Reg.
12/4/84*

*Received by
Hon. Mr. ...
For Mr. ...
12.4.84*

Lucknow, dated :
12-4-1984.

Shankar
(Vinay Shankar) Adv.
Advocate,

Before Counsel for the petitioner.

The above noted writ is ready for hearing. There is no order of early listing case.

(S)

I inform the applicant. In case he so desires he may move an application for fixing an early date before Hon. Senior Judge.
13/4/84
18.4.84

C 143
L 714

To

The Hon'ble Senior Judge,
Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench,
Lucknow.



Chf 5/-

(1)

8/76

Reference: Writ Petition No. 4469 of 1982
In re :
Tahal Singh .. Petitioner.
Versus
Union of India & others. .. Opp. Parties.

Application for early hearing of the Writ Petition.

My Lord,

The above named petitioner/applicant begs to submit as under :-

1. That the above noted writ petition has been filed in this Hon'ble Court on 15-9-1982 challenging the reversion order dated 17-3-1982 by which the applicant was reverted to his substantive post for a period of 3 years.
2. That the counter affidavit and rejoinder affidavits have been exchanged between the parties and now the writ petition itself is ready for final hearing.
3. That the upgrading of the cadre in which the applicant is at present working is in progress and due to the pendency of the above noted writ petition, and the reversion order under challenge, the applicant's claim for upgradation is not being touched at by the respondents and thus the applicant is being put to a great financial loss besides mental agony.
4. That as per routine, the writ petition is not expected to be listed for final hearing in the near



Tahal Singh

80 (with)
Please in when
his handwriting
see sign
6/9/82

C 144

5/2

A/H

future and it seems that it will take a long time before it comes in the regular course of hearing and the very purpose of filing the writ petition will be defeated.

Tahal Singh.



5. That in the circumstances stated above the ends of justice shall be met if your Lordship is pleased to order for early listing of the above noted writ petition for final hearing.

It is, therefore, most respectfully prayed that the above noted writ petition may kindly be ordered to be listed for an early hearing out of turn for the final disposal of the writ petition itself.

Lucknow, dated :
6-8-1984.

Tahal Singh
(Tahal Singh)
Applicant/petitioner

Through

Shankar
(Vinay Shankar) Adv.
Advocate,

Counsel for the applicant/
petitioner.

e 145
5/2/84

To

The Hon'ble Senior Judge,
Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Reference : Writ Petition No. 4469 of 1982.

In re :

Tahal Singh .. Petitioner
Versus ..
Union of India & others .. Opp. Parties.



Affidavit in support of application for early hearing.

1984
AFFIDAVIT
50/368
HIGH COURT
ALLAHABAD

I, Tahal Singh, aged about 40 years, son of Shri Sardar Nand Singh, resident of 61/1 Labour Colony, Govind Nagar, Kanpur, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the applicant/petitioner in the above noted case and as such he is fully acquainted with the facts of the case.
2. That the contents of paras 1 to & 4 of the accompanying application for early hearing are true to my knowledge and the contents of para 5 thereof are believed by me to be true.

Lucknow, dated :
6-8-1984.

Tahal Singh
Deponent.

I identify the deponent who has signed before me.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 and 2 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.

(Signature)
(Vinay Shankar)
Advocate.

Lucknow, dated :
6-8-84.

Tahal Singh
Deponent.

Solemnly affirmed before me on 6/8/84 at 2.20 p.m. by Sri Tahal Singh the deponent who is identified by Sri Vinay Shankar, Advocate, High Court, Lucknow.

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

(Signature)
Commissioner
Court
Lucknow
No. 50/368
6/8/84

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

C141

Civil Misc. Application No. 9341(C) of 1982

Tahal Singh aged about 38 years son of Shri Sardar
Nand Singh, Travelling Ticket Examiner, N.E. Railway
Charbag, Lucknow.

A
79

.....APPLICANT

IN RE;
WRIT PETITION NO. 4469 OF 1982
VERSES


Union of India and others.....Opposit Party.

APPLICATION FOR STAY

This application on behalf of applicant above
named most respectfully showeth:-

That on the basis of facts and circumstances
stated and ground raised in the accompanying petition
and affidavit the applicant prays that this Hon'ble
Court be pleased

1. to pass an interim order staying the operation
of order dated 17.3.82 passed by opposite party No. 3
contained in Annexure No. 9th to the writ petition till
the disposal of the writ petition.
2. to pass such order or direction as in the
circumstances of the case deems fit and proper.

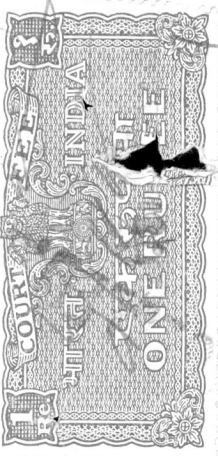

(VINAY SHANKER)
ADVOCATE
Council for the Petitioner

Lucknow

Dated: 13.9.1982.

15

2 CF = 105/-
2 15/9/82



33/

Hon. U. S. Swastana J.

Issue notice.

Learned counsel for the

Railway administration prays for
and is allowed two weeks time
to file counter affidavit. List
this application immediately
after expiry of two weeks.

15.9.02

Hon. U. S. Swastana J.

In case the order
dated 19.3.1902 passed by
the opposite party no. 3 notwithstanding
the petitioners has not actually
been given effect the same
shall not be done till further
orders of this case.

5.10.1902

C 146

8

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 4469

of 198 2

vs.

A/80

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
15-9-82	<p><u>Hon V. C. Sinha</u>, J</p> <p>Admit Admit, Issue notice.</p> <p>SI V. C. Sinha 15-9-82</p> <p>C.M. No 9341 (1982)</p>	
15-9-82	<p><u>Hon V. C. Sinha</u>, J</p> <p>Issue notice learned counsel for the railway -</p> <p>this appn immediately expiry of two weeks.</p> <p>SI V. C. Sinha 15-9-82</p> <p><u>Office report</u></p> <p>O.P. No 1 to 3 are represented by C.S.E.</p> <p>May office to proceed.</p>	2/15/82
5-10-82	<p>J. I. A. Perin cu</p> <p>9341/82</p>	2/12

Hon V. C. S.

Order on back of appen

13/9/82

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<i>J. B. C.</i>	
	am. Amn 448200 by For fixing early date.	
	17/9/84	
	17/9/84	
	C.M. Am. no 4482100 by for fixing early date.	
	Hon'ble H. N. Seth, J.	
	18-9-85 18-9-85	
	Cm 4482100	H. N. Seth, J.
	Hon'ble H. N. Seth, J.	
	This application shall be listed after one month so that the position with respect to services Tribunal may emerge out clearly and pendency of the cases in this Court may be possible to be assessed.	
		<i>H. N. Seth</i>
	MHS/	18-9-85

