

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE *OA-231/88* OF

NAME OF THE PARTIES..... *Ram Dalarey*

Applicant

Versus

U.O. I. Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Cheeksheet</i>	<i>A1 to A2</i>
2	<i>order sheets</i>	<i>A3 to A7</i>
3	<i>order sheet dated 18-9-92</i>	<i>A8 to A9</i>
4	<i>S.C. H.C. & L.R. (Nil)</i>	
5		
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12		
13		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided) *File B/c needed sub / destroyed*

Dated *5/6/12*

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

28.1.92

D. R.

Applicant is present. No appears for the O.P. Respondent to file counter

by 10/4/92

10.4.92

D. R.

Applicant is present. No appears for the respondent. Respondent did not file counter yet today. He is ordered to file it, by 26/8/92.

26.8.92

D. R.

Respondent failed for filing counter. and no appears for the respondent.

It is a original application of the year, 1988. Case is listed for final hearing on 18.9.92.

O. R.

No CA has been filed till today.

S. F. O.

8

17/9/92

$\frac{A}{u}$

Applicant(s)

Versus

Respondent(s)

Sr. No.	Date	Orders	Respondent(s)
12.1.89		<p><u>Hon. Jt. John, A.M.</u></p> <p>Issue notice to respondents to show cause as to why this petition be not admitted. Notice is returnable by 24.1.89. Put up on 24.1.89 for admission.</p> <p><u>A.M.</u></p>	
12.1.89		<p><u>OR</u></p> <p>Dasti Notices issued to the counsel for the petitioner for service as per order by the Court fixing 24.1.89 for admission.</p>	
19/1		<p>Counsel for applicant has not submit the acknowledgement as required under C.A.T. Procedure Rule 1906.</p> <p>Respondents have not filed any reply against the notice so far submitted.</p>	<p>12/1/89 h 14</p>
24.1.89		<p><u>Hon. D.S. Mishra, Jm.</u> <u>Hon. G.S. Sharma, Jm.</u></p> <p>Issue notice to the respondents to show cause as to why the petition be not admitted by 24.2.1989. Sri L.P. Shukla for respondents is present. and the respondents list it for admission on 24.2.89.</p> <p><u>Jm.</u></p>	<p>h 19/1/89</p> <p><u>Am</u></p>
21.1.89			

24.1.84

Witz

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

SN 231/88/4

REGISTRATION No. _____ of 198 .

APPELLANT
APPLICANT

Ram Dulaney

VERSUS

DEFENDANT
RESPONDENT

U.O. No. 22

Order No. and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
13/4/89	<p>Hon' Mr. Ajay Johri, A.M. Hon' Mr. D.K. Agrawal, J.M.</p> <p>Due to lawyers strike at Lucknow today, the case is adjourned to <u>20-4-89</u> for hearing on admission.</p> <p style="text-align: center;">J.M. A.M.</p> <p>(sns)</p> <p><i>Hon'ble Justice K. Nath, V.C.</i> <i>Hon'ble Mr. D. S. Mishra, J.M.</i></p> <p><i>For L.P. Shukla for applicant</i> <i>in present case is adjourned</i> <i>to 22.4.89 for hearing on admission.</i></p> <p style="text-align: center;">AM V.C.</p> <p><i>20.4.89</i></p>	<p>OR</p> <p>Notices to nearby employers party U.O. No. 22 has been issued under reg. 3 cover.</p> <p>Case is submitted for admission.</p> <p style="text-align: right;"><i>13/4</i></p> <p>OB</p> <p>In G.P. Agrawal, Hon. power filed today on behalf of O.T.N. 22.</p> <p style="text-align: right;"><i>19/4</i></p> <p>OR</p> <p>Case is submitted for admission.</p> <p style="text-align: right;"><i>20/4</i></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. OA 231 of 1988. (2)

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
11.9.89	<p>Hon. Justice K. Nair, V.C. Hon. K. J. Raman, A.M.</p> <p>No reply to show-cause notice has been filed, although appearance on behalf of the respondents has been made by M. K. C. Jadhav.</p> <p>The petition is admitted.</p> <p>List this case for final hearing on 31.10.89. It will, however, be open to the respondents to file a counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed within one week thereafter. In case no counter affidavit is filed, the case may be disposed of ex parte.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p>	
1.1.1989.	<p>Hon'ble Mr. D.K. Agarwal, J.M.</p> <p>None is present for the both parties List this case on <u>16.1.1990</u> for Hearing</p> <p><i>[Signature]</i> J.M.</p>	<p>OR</p> <p>No reply filed Submitted for ex parte hearing h 27/1</p> <p>No reply filed Case is submitted for ex parte hearing h 15/1/8</p>

231-002

P/H

8.3.91

Applicant's side
is present.

Respondent did
not file counter
yet. He did not
turn up today.

Put up on 5/4/91,
I again for Filip
counter. R

Inde.

5.4.91

D.R.

Both the counsel for the parties
are present today. Counter has
not been filed till today.

Respondent to file counter by
24.7.91.

24.7.91

D.R.

Both the parties are absent
today. Counter has not been
filed till today. Respondent
to file counter by 16/8/91.

List it for filing counter.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD.

O.A.NO. 231
T.A.NO.

OF 1988

Date of decision: 18/9/92

.....Mahadherei.....Petitioner

.....Sri L.P. S. L. W. K.Advocate for the Petitioner.

Versus

.....Dy. Chief Mechanical Eng.Respondent

.....Advocate for the Respondent (s).

CORAM:-

The Hon'ble Mr. Justice V. E. Srinivasa, J.C.

The Hon'ble Mr. K. Chayya, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

X/4

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

.....

Registration O.A. No. 231 of 1988

Mahadevi Applicant

Versus

Dy. Chief Mechanical Engineer,
and another Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Oba vya, Member (A)

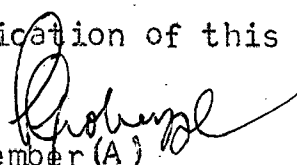
(By Hon. Mr. Justice U.C. Srivastava ,V.C)


The applicant, now represented by his heir and legal representative was removed from service after departmental enquiry and against this order, he filed the departmental appeal. He was working as Khallasi Jamadar when he was removed from service w.e.f. 12.6.1978 on the charge of alleged unauthorised absence from duty without intimation from 28.8.1977 till the issue of charge -sheet on 27.1.1978. The applicant filed the suit against the same. The suit was decreed declaring the enquiry proceedings and the order of his removal from service as illegal. According to the applicant he wanted production of the Muster Roll which has to prove that he has been sending information to the concerning authority regarding his presence and to show that as a matter of fact he did not absent himself without any cause or without any intimation. Against the removal order, the applicant filed an appeal. The appeal was dismissed on the ground that it is barred by time, and there was no satisfactory explanation for delay in filing the appeal. Though, the applicant prayed that in case, the ground put forth by the appellant for condoning the delay in preferring this appeal is not

Contd. ...2p/-

considered to be a valid ground, then this appeal may be treated as revision petition under rule-25 of the Railway Servants (Discipline & Appeal) Rules, 1963 but even that was not done. In departmental appeal, as far as possible, the law of limitation is not applicable and the departmental appeal should be entertained and disposed of on merits. In the instant case, according to the facts and circumstances referred to above, the appeal should have been heard and disposed of on merits.

2. Accordingly, this application is allowed in part and the appellate order date 23.8.1985 is quashed and the appellate authority is directed to dispose of the appeal of the applicant taking into consideration the pleas taken by the applicant in his appeal by a speaking order within a period of three months from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman

Dated: 18.9.1992

(n.u.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.

O.A. No. 231 of 1989 (L)

Ram Dularey

Applicant

Versus

Deputy C.M.E. and another

Opposite Parties.

WRITTEN STATEMENT ON BEHALF OF THE OPPOSITE PARTIES

Para 1 : Para 1 to 4 of the application needs no reply except the fact that the application being illegal is not maintainable.

Para 2 : In reply to para 5 it is submitted that application is barred by the limitation provided in the Act.

Para 3 : In reply to para 6 it is submitted that they are replied as under:-

Para (a) In reply to the contents of sub-para (a) of para 6 of the application, it is submitted that Sri Ram Dularey Ex T.No. 301/G while working as Khallasi Jamadar in Machine Shop of these works was served with a major penalty chargesheet on SP-5 dated 27.1.78 for his unauthorised absence from duty w.e.f. 28.8.77 as per report of the

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Works Manager
C & W Shops Amv Lucknow

Ch. Time Keeper. He acknowledged the Charge-Sheet on 1.2.78 through R.A.D. but did not attend the enquiry and as such the enquiry was conducted Ex-parte by the Enquiry Officer and on receipt of Enquiry report, he was served a show-cause notice on 12.5.78 and finally he was removed from service by the 'Competent Authority w.e.f. 12.6.78 (A.N.) who passed the order after considering the case and applying his mind. As such the contents are denied.

Para (b) That in reply to the contents of para under reply, it is submitted that the applicant on being aggrieved of the removal order filed a suit in the Court of Munsif Hawali, Lucknow which was registered as regular suit No.6 of 1982.

Para (c) That in reply to the contents of para under reply, it is stated that after hearing the parties in the case, the learned Court set aside the enquiry proceeding and removal order with the condition that the defendants are free to re-enquire the case by giving him reasonable opportunity.

In terms of the judgment of the learned VIIIth Addl. Munsif Lucknow passed on 23.4.83, the penalty of removal from service as imposed upon him by the Disciplinary Authority vide his notice No. 725-E/DCME/301G dated 12.6.78 was cancelled and he was reinstated in service in terms of Rule 5(4) of the Railway Servant Discipline and Appeal Rules 1968. The Competent Authority viz. Dy.C.M.E. ~~has~~ decided to hold a fresh enquiry against the applicant on the allegations of his

being unauthorised absent from duty. The ^{Suspen}~~compen~~
~~sation~~ order was passed and the applicant ^{was} informed
that he is deemed to have been placed under
suspension w.e.f. 12.6.78 (A.N.) and was further
informed to report in this office immediately to
know about his case vide letter No.725-E/DCME/301G
dated 19.5.84 at his home address.

Para (d) That the contents of para under reply are not
admitted as stated by the applicant. The action
taken by the disciplinary authority was correct
and legal and is covered under the rules as stated
in foregoing para.

Para (e) That the facts stated by the applicant in sub-
para 'E' itself verifiable from the staff order
as mentioned in this para. The case of grant
of subsistence allowance of the applicant was
reviewed by the Competent Authority under Rule
2013-RII as the same was reduced to 50% of what
he was getting here to fore for the reason that
he was not co-operating with the Enquiry Officer
and was not attending the DAR Enquiry and was also
delaying the enquiry proceeding in terms of P.S.
No. 7498. Thus the applicant's version is wrong
to the extent that his subsistence allowance had
been reduced without any reasonable cause. It is
also wrong to say that the rules are only to
enhance the subsistence allowance and not to
reduce the same. Actually all the steps which
have been taken by Disciplinary Authority were

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under the rules and legal. The contents of para under reply are denied.

Para (f)
and (g)

That in reply to the contents of these paras, it is submitted that after issuing the letter dated 19.5.84 for attending the office by the applicant, Shri Mukul Choudhury, S.S./Planning was nominated Enquiry Officer to enquiry into the charges framed against the applicant vide letter No. 725-E/DCME/301G dated 19.5.84 and a copy of the same was sent to applicant through R.A.D. at his home address and in response to this, he submitted his representation dated 5.6.84 requesting for cancellation of his suspension passed with restrospective effect and also for supplying Charge-Sheet alongwith all material to be relied upon against him in the enquiry. As such the SF-5 alongwith Annexures 1 to 4 and copy of report of Chief Time Keeper was sent to his home address through R.A.D. Post vide letter No. 725-E/DCME/301G dated 25.6.84. He submitted his acknowledgement on 7.7.84. The Enquiry Officer issued a letter on 16.7.84 for submitting the defence statement and name of the defence counsel by 28.7.84 to the applicant. Instead of submitting the defence statement and name of the defence helper, he submitted a representation dated 13.7.84 followed by its reminders dated 11.9.84 and 31.10.84. Thereafter, he was once again asked to submit his defence statement and the name of defence helper by 17.9.84 with the warning that failing which the

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Ex-parte action will be taken against him vide Enquiry Officer's R.A.D. letter dated 29.8.84/ 6.9.84 which was received by the applicant on 6.9.84 and again instead of submitting the defence reply or the name of the defence helper he submitted a representation dated 20-12-84. As such the contents of paras under reply are denied.

~~Para (h)~~

Para (h) That in reply to the contents of sub-para (h), it is submitted that the applicant adopted the delaying tactics from the very beginning, hence the Enquiry Officer again issued a letter to the applicant on 18.1.85 informing that he has failed to appear in the enquiry, nor he has submitted his defence counsel's name, and regarding supplying him required information, he was advised that same will be given to him at the time of Enquiry as the duplicate can not be issued and fixed on 4.2.85 for Enquiry with the warning that in case, he fails to attend the Enquiry, the Ex-parte action will be taken and in response to this, the applicant further submitted a representation dated 25.1.85 disclosing the name of his defence counsel Viz. Shri R.P. Tewari without any consent of defence helper. The Enquiry Officer vide his letter dated 29.1.85, replied that the consent of defence helper should be submitted in his office. Then the applicant prayed for allowing him seven days time for giving the consent. Thus on 15.2.85 was fixed for enquiry and on 9.2.85 the defence helper gave his consent which was submitted by the applicant before the Enquiry Officer vide his application dated 11.2.1985. As such the contents

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of para under reply are denied in the light of averments made above.

Para (i) That in reply to the para under reply, it is submitted that the Enquiry was conducted and during the Enquiry, he again submitted a representation dated 25.3.85 for showing him original Muster Rolls, for this, the Chief Time Keeper had already been asked by the Enquiry Officer to attend the Enquiry with Negative Time Sheet for the month of August, September, October, November, December 1977 and January 1978, receiving no response from the Time Office, a reminder dated 10.5.85 was also issued and then the Enquiry Officer was replied by the CTK that the required documents were not traceable inspite of best efforts being very old record. The C.T.K. further stated that the report already submitted in the past may be treated as final. Thus the Enquiry was conducted by Enquiry Officer in the proper way as he examined the witness and replied all the questions raised either by the Defence Helper or by the applicant vide answer No.2, 3 and 4 wherein, it had been stated that Shri Ram Dular, a witness as shown in Annexure No.4 of Charge-sheet has expired and he was working as Chief Time Keeper. Now in place of him, Shri Jhabbar Ram will be produced as witness being C.T.K., who proved Ex. CTK's report in his reply to the questions raised by the Defence Helper and the attendance of the applicant as per paid vouchers was also verified in presence of the Defence-Helper, Enquiry Officer

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C & W Shops Amv Lucknow

applicant and also after showing and supplying all available documents, hence it is totally wrong to say that the Enquiry Officer started the proceedings of Enquiry in his own fashion. In regard to the then C.T.K., Shri Ram Dular, it is submitted that he was appointed on 10-7-1953 as clerk and while working in Time Office of these Works expired on 27.7.81, hence it was not at all possible for the management to produce him in the Enquiry proceedings. However, to prove the authenticity of the complaint of the then C.T.K., Shri Jhabbar Ram was produced as prosecution, witness as stated in foregoing paras.

Para (m) That the contents of sub-para under reply are not admitted as stated by the applicant. Actually, he was in full knowledge that Shri Ram Dular, the then C.T.K., had expired and this fact is verifiable from the record of the enquiry. The averments made in foregoing paras are reiterated.

Para (n) That the contents of sub para under reply are totally wrong, false and strongly denied in face of this fact that Shri Ram Dular, C.T.K. was working in these works and died on 27.7.1981 and during the course of enquiry, the applicant was properly informed several times by the Enquiry Officer that Shri Ram Dular, the then C.T.K. had expired and in place of him, Shri Jhabbar Ram, A.S./Time Office will be produced. This fact is verifiable from the records of enquiry proceedings. It is further stated that since Late Shri Ram Dular has expired before his retirement hence his son Shri Uday Raj Bharti was employed in these Works on compassionate

30/6/81

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Works Manager

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grounds and is now working as Sr. Clerk in Estt. Section. Thus it is totally wrong to say that Shri Ram Dular was a fictitious person.

Para (o) That in reply to the contents of sub-para under reply, it is submitted that on receipt of the CTK's report, this fact was verified whether any P.M.C. or R.M.C. had been received or not and after verifying the position, he was served with a major penalty Charge-Sheet dated 27.1.78 alongwith Annexures for unauthorised absence. As such the contents of para under reply are denied.

Para (p) The contents are denied. Since the applicant was on unauthorised absence continuously from 28.8.77, he was correctly and legally served with the S.F.-5 dated 27.1.78.

Para (q) That the contents of sub-para under reply are wrong, false and are denied. That the applicant and his defence helper were shown the paid vouchers from August 1977 to December 1977 and January 1978 and other documentary evidence. The same is verifiable from the record of Enquiry proceedings. For proving the applicant's allegations, the burden lies upon the applicant's himself. It is further stated that Shri Ram Dularey was initially appointed as Ty. Khallasi on 12.11.1957 on pay Rs. 30/= p.m. in Grade Rs. 30-35 (A.S.) in these Works and his date of birth was recorded as 12.1.35 and deemed to have been confirmed as Khallasi on completion of 3 years continuous service. The applicant's presence from the very beginning, was very poor and irregular in his attendance, hence

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G & W Shops Amv Lucknow

his annual increments were always deferred from the due date. In addition to above, it is submitted that the applicant was promoted as Ty. Khallasi Jamadar on pay Rs.214/- p.m. w.e.f. 18.5.76 vide S.O. No. 415 of 17.5.76. The applicant while working as Khallasi, submitted P.M.C.'s for the period from 19.4.66 to 25.5.66 and as per orders of Competent Authority, he was asked to resume duty or report to the nearest Railway Doctor for treatment with the condition that in case, he was not in a position to go to the Railway Doctor, he should send a guide to call the Rly. Doctor at his residence for Medical Examination vide this office R.A./D letter No. 725-E/WMC/159E dated 28.5.66. Since no response was received from the workman, hence a reminder letter dated 21.6.66 under R.A.D. was again issued, then he turned up on 28.6.66 and submitted P.M.C. for the period from 27.5.66 to 27.6.66 i.e. 32 days and he was allowed to resume duty from 29.6.66 and as per orders his period of absence from 19.4.66 to 28.6.66 as covered under the P.M.C. was regularised as leave due as well as L.W.P. Later on, he submitted an application for grant of leave for the period from 2.3.70 to 11.3.70 on the basis of his wife's sickness by enclosing a sick certificate which was sanctioned as a special case. He again submitted an application for grant of leave for the period from 12.3.70 to 18.3.70 on the basis of his wife's sickness which was also sanctioned as leave due. Thereafter, he again submitted an application for grant of leave on the same ground w.e.f. 19.3.70 to 9.4.70 wherein his supervisor

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recorded his remarks that the applicant is most irregular and is in the habit of availing leave prior sanction and as per order the duty was allowed w.e.f. 11.4.70 and charge-sheet for minor penalty was issued on 21.4.70 vide No.725-E/WMC/247E and on receipt of submission of the explanation dated 9.5.70, the same was considered by the competent authority, who passed the order for stoppage of one set of P.T.O. by treating him lightly. He again submitted his wife's sick certificate and requested for grant of leave w.e.f. 10.6.71 to 19.6.71 and keeping in view his supervisors remarks, this period was sanctioned as L.W.P. He again submitted an application for leave from 20.6.71 to 28.6.71 and thereafter from 29.6.71 to 5.7.71 and the period of his absence was regularised as leave without pay. In addition to this, it is stated that the Shop Superintendent/Machine made a complaint on 20.12.76 vide his letter No.M/S-E/13/76 to the Dy.C.M.E.(W) regarding his poor attendance and not performing his duties, which may kindly be seen with the annexed letter. His service verification is also enclosed for proving his poor and irregular attendance.

Para (r) That the contents of para under reply is totally wrong and false, hence are denied. That the enquiry officer conducted the enquiry in a proper manner and after giving adequate opportunity to the applicant to defend his case.

Para (s) Contents of para under reply are denied.

Golu Chandra
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Works Manager
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Para (t) That the contents of sub para (t) of para 6 of the application as stated are totally wrong, false and concocted, hence strongly denied. Only this much is admitted that the applicant was removed from service w.e.f. 23.8.85 (A.N.) by the Competent Authority and his name was struck off from the Rolls of Machine Shop w.e.f. 23.8.85 A.N. vide S.O. No.567 of 31.8.85 and his suspension period was decided by the Competent Authority as suspension. In terms of P.S. No. 6519 of the G.M.(P)/N.Rly.'s, the Dy.C.M.E. has full powers to appoint Class III and IV staff except in grade controlled by the Hd. Qrs. Office subject to terms and conditions prescribed from time to time, hence the Dy.C.M.E. was fully competent to remove the applicant who was working in Class IV category.

Para (u) That in reply to the contents of sub para (u) of para 6 of the application only this much is admitted that the applicant preferred an appeal dated 19.2.87 under R.A.D. post whereas he was removed from service w.e.f. 23.8.85 A.N. vide penalty Notice No.725-E/DCME/301G dated 23.8.85 wherein it was clearly mentioned that an appeal against these orders lies to C.W.E. and may be preferred within 45 days from the date of its receipt and he preferred the same after a lapse of about 18 months the same was considered by the C.W.E. who passed the following orders "appeal is time barred and there is no explanation for this inordinate delay in submission of the appeal. This delay can not be considered." and the same was communicated vide letter No. 725-E/DCME/301G dated 3.11.87 to the applicant at his home address as recorded in his

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Works Manager

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appeal, but the same was returned by the postal authorities vide their remarks dated 19.11.87, 2.12.87 that " निकट मेवा नर्सरी बीट न० 6 से बंटे अतः बीट न० 6 में बिना मकान नम्बर के पता नहीं चलता है अतः बीट न० 2 से दरियाफत होकर बंटे। " फिर लिखा कि " कुछ पता नहीं चल पा रहा है अतः म० न० हेतु वापस । "

Later on, another letter was written at his another home address vide letter No.725-E/DCME/310G dated 14.1.88 and thereafter on receipt of applicant's representation dated 5.9.88 with Hon'ble C.A.T./AID's order dated 7.4.88 in O.A. No.87 of 1988 - Ram Dularey Vs. The U.O.I. and Others, the applicant was once again intimated vide letter No.725-E/DCME/301G dated 17/21.10.88 at his home address as recorded in his appeal dated 19.2.87. However, it is surprising that the letter dated 3.11.87 could not be delivered by the postal authorities whereas another letter dated 17/21.10.88 which was sent to his same home address was delivered. The fact regarding his illness is denied for want of knowledge.

Para (v)
and (w)

That in reply to sub paras (v) and (w) of para 6 of the application, it is stated that no reminders of the applicant have been received in this office. However, it is submitted that the applicant's representation dated 5.9.88 was received with a photocopy of the Hon'ble C.A.T./AID's orders dated 7.4.88 and in compliance with the Court's order, he was once again informed as stated in foregoing para.

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28/X

Works Manager

C & W Shops Amv Lucknow

Para (x) Only this much is admitted that on receipt of the applicant's representation dated 5.9.88 with C.A.T.'s order dated 7.4.88, he was once again intimated with the decision of the C.W.E., N.Rly., New Delhi and it is totally wrong to say that the applicant gave several reminders to the respondents, actually no reminder was received in this office. The applicant is put to strick proof for the same.

Para (y) That the contents of sub para (y) of para 6 as stated are not admitted. It is submitted that the appeal was considered by the C.W.E. and his orders were communicated to the applicant, the C.W.E.'s orders are very clear as he recorded that the appeal is time barred and there is no explanation for this inordinate delay in submission of the appeal. The version for his ill health as mentioned in his appeal was not at all supported by any documentary evidence.

Para (z) That in reply to the contents of sub para (z) of the para 6, it is submitted that the provision of preferring an appeal against the orders of punishment is covered under Sub-Rule 2 of Rule 22 of D and A Rules, 1968 and provision for preferring a Revision Petition is covered under Rule 25, hence the appeal preferred by the applicant to the appellate authority could not be treated as Revision Petition. The grounds taken by the applicant are not tenable.

(4) Relief(s) Sought :

In view of the detailed submission made above,

For M/M

28/11

Works Manager

& W Shops Amv Lucknow

the applicant is not entitled to any of the
reliefs prayed for and has even remotely no
legal, valid or moral case to seek any relief
and as such the application is liable to be
~~denied~~. *dismissed*

Lucknow :

Dated:

20 . *X.05*
31

Verification

Sh. Krishan Lal do hereby

*that the contents of para 1 to 3 are true to the
knowledge gathered from office record and know
of para 4 are believed to be true.
Signed verified to-day the 20th of
Oct 1909 in my official cap.*

Q.011 M/W
20/X

Works Manager
& W Shops Amv Lucknow

Q.011 M/W

Works Manager
& W Shops Amv Lucknow

Filed today
23/12/88

... In the Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow.

Ram Dularey ... Applicant.

Versus

Dy. C.M.E. & another ... Respondents.

Noted for
25/1/89
A.S. LPS

Form I
(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.

For use in Tribunal's Office.

Date of filing

or

Date of receipt by post

Registration No.

Steps filed
30/3/89
A.S.

In the Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow.

O.A. No. 231 of 1988. (C)

Mohaden
~~Ram Dularey~~

...

Applicant.

Versus

Deputy C.M.E. & another. ...

Respondents.

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Ram Dularey

Signature of the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

Registration No. 231 of 1988 (L)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

Mahadevi
Ram Dularey

...

Applicant.

Versus

Deputy Chief Mechanical Engineer,
(C&W Shops), Northern Railway,
Alambagh, Lucknow and another

...

Respondents.

DETAILS OF APPLICATION:

1. Particulars of the applicant:

- (i) Name of the applicant : Ram Dularey.
- (ii) Name of father : Late Sri Bheggan.
- (iii) Designation & office : Khallasi Jamadar,
in which employed Northern Railway,
Carriage & Wagon Shops,
Alambagh, Lucknow (UP)
under Ticket No. 301G.
- (iv) Office address : Since the applicant
has been removed from
service, there is no
office address.
- (v) Address for service of:
of all notices. C/O Sri Chotey Lal,
near Arya Kaniya Path-
Shala, behind Badshah -
nagar Park,
Lucknow.

Attested/True Copy

L. P. SHARMA
Advocate

...2.

Impleaded
as per order
dated 2-4-90

Impleaded
Adv
4.4.90

The names of the substitutes Petitioners as Petitioner No. 1
1, 2, 3, 4, 5, 6, 7, 8 and 9 is impleaded on the back of Page No. 1

2. PARTICULARS OF RESPONDENTS:

(i) Name and/or designation of the respondents.

1. Deputy Chief Mechanical Engineer (C&W Shops), Northern Railway, Alambagh, Lucknow.

(ii) Office address of the respondents.

2. Chief Workshop Engineer, Northern Railway, Baroda House, New Delhi.

(iii) Address for service of all notices.

3. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.

Amended as per
order dated 24-2-89
Vak... 30-3-89

3. PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION IS MADE.

1. Order No. 725-E/DCME/Ex. 301-G dated 17/21.10.1988 issued by the respondent no. 1 communicating the decision of respondent no. 2 on the appeal preferred by the applicant. (ANNEXURE NO. 11)

2. Staff order No. 379 dated 16.6.1984/issued by respondent no. 1 illegally placing the applicant under suspension with retrospective effect i.e. from 12.6.1978, and (ANNEXURE NO. 1)

3. Order No. 725-E/DCME/301G dated 23.8.85 passed by respondent no. 1 illegally removing the applicant from service with immediate effect. (ANNEXURE NO. 8)

SUBJECT IN BRIEF :

For reinstatement with all consequential benefits.

27/12/89
Attested Copy
L. P. ...
Advocate

4. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of the Tribunal.

5. LIMITATION:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal, Act, 1985.

6. FACTS OF THE CASE:

(a). That the applicant, while working as a Khallasi Jamadar with Ticket No. 301 G under the respondent no. 1, was removed from service with effect from 12.6.1978 on the charge of alleged unauthorised absence from duty without intimation from 28.8.1977 till the issue of chargesheet on 27.1.78. Appeal preferred against the order of removal from service was also rejected.

(b). Thereafter, the applicant, aggrieved, by the above orders, filed a Suit (Suit No. 6 of 1982) for declaration in the Court of Munsif Haveli, Lucknow challenging the order of his removal from service and order rejecting his appeal.

(c). That on 23.4.1983, the aforesaid suit was decreed by the VIII Additional Munsif, Lucknow

Attested/True Copy

[Signature]

L. K. ...

Advocate

[Signature]

declaring the enquiry proceedings and the order of his removal from service as illegal with a right to the defendant to hold the enquiry afresh by giving a reasonable opportunity of defence to the applicant.

(d). That despite the fact that the applicant, prior to his removal from service, was not under suspension, yet the respondent no. 1, by his office order No. 379 dated 16.6.1984, illegally placed the applicant under suspension with retrospective effect that is from 12.6.1978-the date when he was removed from service, which was illegal and in contravention of the law laid down by Hon'ble Supreme Court of India in Khem Chand Versus Union of India reported in AIR 1963 SC 637; A photo stat copy of the said suspension order dated 16.6.1984 is being filed herewith as ANNEXURE NO. 1 to this application.

Annexure-1.

(e). That in pursuance of the aforesaid order (Annexure no.1) the applicant was paid subsistence allowance at the half rate of pay from 12.6.1978 and thereafter by a subsequent order No. 82 dated 12.6.1985, the subsistence allowance of the applicant, instead of enhancing as required under the rules, was reduced from 50% to 25% without any reasonable cause or an opportunity to the applicant to show cause. A true copy of the said order no. 82 dated 12.6.1985 is being filed herewith as ANNEXURE NO. 2 to this application.

Annexure-2.

(f). That after placing the applicant under suspension, the applicant was served with a Chargesheet dated 27.1.1978 through a letter bearing No. 725-E/DCME/

on
J.H.C. with
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L. J. S. LA
e

301G dated 25.6.1984 containing a charge against him that he was on un-authorized absence without intimation. Alongwith the said Chargesheet, there was a list of documents (Annexure No. III) by which and list of witnesses (Annexure IV) by whom the charge levelled against the applicant was to be sustained in the enquiry proposed to be held under rule 9 of the Railway Servants Discipline & Appeal Rules, 1968. It may be mentioned that in the list of documents, there was only one document that is the Letter No. CTK/G II/77 dated 3.9.1977 of the Chief Time Keeper by which and in the list of witnesses, there was only one witness namely Sri Ram Dularey by whom the charge levelled against the applicant was to be proved in the enquiry proposed to be held. A true copy of the said Chargesheet alongwith the Letter dated 25.6.1984 and the said list of documents and witnesses are being filed herewith collectively as ANNEXURE NO. 3 to this application.

Annexure-3.

(g). That the applicant, in order to substantiate his defence that he was not on unauthorised absence from his duty without any intimation as alleged against him and ^{also} to rebut the charge levelled against him, moved a representation dated 13.7.1984 to the respondent no. 1, demanding full particulars about the prosecution witness namely Ram Dular, original report of the Chief Time Keeper which was a relied upon documents and the Muster Rolls for the months of August, 1977 to January, 1978 which were the relevant documents of the defence. It may be mentioned that by these Muster Rolls, the applicant wanted to establish that he had been sending information etc to the concerning authority and on that basis, he was being

True Copy

Signature

L. P. SHARMA

Adm. Secy

Annexure-4.

marked his attendance in the said Muster Rolls. A photo stat copy of the said representation dated 13.7.1984 is being filed herewith as ANNEXURE NO. 4 to this application.

ANNEXURE-5

(h). That despite reminders given by the applicant, the documents asked for were not shown and the information sought for about the prosecution witness furnished to the applicant. Ultimately on 25.1.1985, the applicant moved a representation, ^{which is ANNEXURE NO. 5,} to the Inquiry Officer, who was already appointed to inquire into the charge levelled against the applicant, requesting him to get the desired documents produced in the enquiry on the dates fixed for the inspection of the applicant so as to prepare his defence.

(i) That in response to the aforesaid representation, the applicant was shown a few paid vouchers which were neither demanded by him nor relevant in the case. The Muster Rolls, which were the relevant documents were neither shown to the applicant/ produced in the enquiry nor any reason there for was communicated to him. Except the aforesaid paid vouchers, nothing more as asked for were shown to the applicant. This caused serious prejudice to the defence case.

(j). That since the paid vouchers shown to the applicant in place of the Muster Rolls were no documents to decide the issue involved in the case, the Inquiry Officer, by means of an another

...7.

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Attested/True Copy

L. P. SHUKLA
Advocate

representation dated 25.3.1985, was again requested ^{by the} ~~applicat~~^{applicant} to get the Muster Rolls arranged and shown to the applicant to set up his defence. It may again be mentioned that the Muster Rolls demanded by the applicant were the best records to verify the attendance of the applicant being authorised. A true photostat copy of the said application dated 25.3.1985 is being filed herewith as ANNEXURE NO. 6 to this application.

Application
dt. 25.3.86/
Annexure-6

(k). That the Inquiry Officer neither got the aforesaid documents produced and shown to the applicant nor any reason for their non production communicated to him and in this way, the material evidence was deliberately withheld by the respondent, which caused serious prejudice to the defence case.

(l). That in total disregard of the departmental rules and in violation of the Principles of Natural Justice, the Inquiry Officer started the proceedings of the enquiry in his own fashion. The cited prosecution witness namely Sri Ram Dular was ^{also} not produced in the enquiry nor was got cross-examined by the defence though his alleged report was relied upon. This caused further prejudice to the defence case.

(m). That without any prior intimation to the applicant, the Inquiry Officer abruptly examined one Shri Chabbar Ram, AS/Time Office, who was not the cited witness of the chargesheet and in this way, a serious prejudice was further caused to the defence case.

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ANNEXURE/True Copy

L. P. Sharma
L. P. SHARMA
Advocate

(n). That Sri Ram Dular, who was cited as the only prosecution witness of the chargesheet, was a fictitious person and in order to prove the same, the applicant had demanded his full particulars both from the disciplinary authority and the Inquiry Officer but the said Shri Ram Dular was neither produced in the enquiry nor his full particulars were furnished by any authority to the applicant.

(o) That the very basis of the chargesheet issued to the applicant was wrong and the chargesheet was not tenable. In the chargesheet, it was said on the basis of the report of the Chief Time Keeper that the applicant was absent from his duty without intimation from 28.8.1977 till the date of issue of chargesheet on 27.1.1978. The said report of Chief Time Keeper is dated 3.9.1977 and has been filed by the applicant collectively as Annexure No. 3.

(p). That in the report dated 3.9.1977 of the Chief Time Keeper said above, which was a relied upon document of the Chargesheet, it was said that the applicant was absent from his duty without intimation from 28.8.1977 that is for the last 7 days and not as mentioned in the chargesheet. It was also said in the said report that the absence of the applicant as reported by the Chief Time Keeper was subject to verification of P.M.C./RMC. It was never reported or certified that the applicant was absent from his duty from 28.8.77 to 27.1.1978 as mentioned in the chargesheet. Thus the chargesheet issued to the applicant was without any

सिद्धांत
1. ... basis.7

L. P. S. ...
Advocate

(q). That no evidence oral or documentary has come on the record of the enquiry to prove the applicant's alleged absence from his duty without intimation from 28.8.1977 to 27.1.1978 as mentioned in the chargesheet.

(r). That the Inquiry Officer held the enquiry in an arbitrary manner contrary to the rules of the department as set forth in the Railway Servants Discipline & Appeal Rules, 1968 and in violation of the Principles of Natural Justice and submitted an illegal report/findings dated 27.7.1985 holding the applicant guilty of the charge of unauthorised absence without intimation from 28.8.1977 to 27.1.1978. A true photo stat copy of the said report/findings of the Inquiry Officer is being filed herewith as ANNEXURE NO. & 7 to this application.

Annexure-7.

(s) That the report/findings of the Inquiry Officer (Annexure-7) is further illegal being contrary to the evidence on the record as would be seen from the facts mentioned bellw :-

- i). At page 1 under the heading of ' Brief History of the case' of the said report, the Inquiry Officer has mentioned that the applicant, as per replrt of the then C.T.K. Sri Ram Dularey, was absent from his duty for the period from 28.8.1977 to 27.1.1978.

Fact is that the fact mentioned above is ^{not} at all supported by the report of the CTK. The observation of the Inquiry Officer, therefore, is based on ^{no} evidence at all. It, there-

राम दुलारेय की कपी

L. P. SHUKLA
Advocate

fore, is arbitrary and without basis.

- ii). At page 2 of the aforesaid enquiry report, the Inquiry Officer has wrongly mentioned that the applicant was allowed to inspect all the documents as required by him. Fact is that the Muster Rolls, Time Sheets and other relevant information were neither produced in the enquiry nor shown to the applicant at any stage.
- iii). The report and findings of the Inquiry - Officer are no report and finding in the eyes of law and rules as the same have not been drawn in accordance with the provisions contained under rule 9(19)(i) of the Railway Servants (Discipline & Appeal) Rules, 1968.
- (t) That on the basis of the aforesaid illegal report and findings of the Inquiry Officer, the respondent no.1, ^{who is not the appointing authority of the applicant,} in an arbitrary manner, passed an order bearing No. 725-E/DCME/301G dated 23.8.1985 removing the applicant from service with immediate effect. A true photo stat copy of the said order dated 23.8.1985 alongwith findings of the respondent no. 1 dated 22.8.1985 is being filed herewith collectively as ANNEXURE NO. 8 to this application.

Annexure-8.

- (u). That thereafter, the applicant fell seriously ill and became physically handicapped totally confined to bed and unable to conduct his own affairs. Due to this reason, the applicant could ~~not~~ prefer a departmental

STH 2/11/85
L. P. SHUKLA
Advocate

not prefer a departmental appeal within the stipulated period of 45 days. However, on 19.2.1987, the applicant preferred an appeal to the respondent no. 2 with a specific prayer to condone the delay on the ground of self sickness of the applicant and due to ^{his} physical disability which had made him handicapped in preferring the appeal within the stipulated time. It was further prayed that the appellate authority, by affording an opportunity of personal hearing, may verify the ground on which basis the condonation of delay was prayed for. It was further prayed in the said appeal that in case the ground for condoning the delay was not considered to be a valid ground, then the said appeal may be treated as a ' Revision Petition ' under rule 25 of the Railway Servants (Discipline & Appeal) Rules, 1968. A true photo stat copy of the said appeal/revision dated 19.2.1987 is being filed herewith as ANNEXURE NO. 9 to this application.

Annexure-9.

(v). That when despite reminders issued by the applicant to the respondents, the aforesaid appeal/revision petition was not decided and the applicant was not informed ^{of} any thing about the same, he filed an application under Section 19 of the Administrative Tribunals Act, 1985 before this Hon'ble Tribunal on ~~10.11.1988~~ in the month of January, 1988 with the prayers to quash the orders of the applicants suspension and removal from service or in the alternative, the respondent no.2 be directed to ~~decide~~ decide the applicant's appeal dated 19.2.1987 (Annexure No. 9).

True Copy

P. SHUKLA
Advocate

(w).

That a Division Bench of this Hon'ble Tribunal, by their orders dated 7.4.1988, decided the afore-

said application (O.A. No. 89 of 1988) with the directions ~~xx~~ that the respondents may dispose of the appeal of the applicant in accordance with law within a period of two months from the date of receipt of a copy of the order. A true copy of ^{orders of} this Hon'ble Tribunal passed on 7.4.1988 in O.A. No. 89 of 1988 ~~xxx~~ is being filed herewith as ANNEXURE NO. 10 to this application.

Annexure-10.

(x). That thereafter, the respondent no. 1, by his letter No. 725-E/DCME/Ex.301G dated 17/21.10.1988, communicated the decision of the respondent no. 1 with the allegation that the same was already communicated to the applicant under his number mentioned above dated 3.11.1987. This communication was made to the applicant only when several reminders were given to the respondents to decide his appeal as per directions of this Hon'ble Tribunal. It may be mentioned that the communication dated 3.11.1987 alleged to have been ^{sent} ~~received~~ to ~~by~~ the applicant was never received by him. It may further be mentioned that the applicant, after preferring the appeal on 19.2.1987, had given several reminders even after 3.11.1987 for disposal of his appeal but in response he received nothing from the respondents which ultimately compelled him to file application under section 19 of the Act before this Hon'ble Tribunal in the month of January, 1988. A true photo stat copy of the order dated 17/21 st. October, 1988 is being filed herewith as ANNEXURE NO 11 to this application.

Annexure-11.

Attached True Copy

[Signature]

L. P. SHARMA

Advocate

[Signature]

(y). That despite sufficient explanation having been given by the applicant in his appeal for condoning the delay, the appellate authority ignored the same and gave wrong facts in his order that no explanation for delay was given by him. Under rule 20 of the Railway -

Servants (Discipline & Appeal) Rules, 1968, the appellate authority had to ^{apply} ~~exercise~~ its mind to decide the issue of condonation of delay on the grounds put forth by the applicant in his appeal, which he failed and rejected rather not entertained the appeal in an arbitrary manner.

(2) That under rule 25 of the said Railway Servants (Discipline & Appeal) Rules, 1968, the applicant had a right to prefer a revision petition against the orders by which he was aggrieved. Despite specific request made in the appeal to treat the said appeal as a revision petition in case the delay was not condoned, to be condoned, the appellate authority did take no notice of the same and failed to entertain the same as a revision petition in an arbitrary manner.

7. RELIEF (s) SOUGHT:

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :-

- (a) That this Hon'ble Tribunal be pleased to quash the orders of the applicant's suspension contained in Annexure no. 1 and removal from ^{and also the orders contained in Annexure No. 11} service contained in Annexure No. 8/being in contrvention of law, rules, principles of Natural Justice and principles laid down by the Hon'ble Supreme Court of India with all consequential benefits or ~~xx~~ the respondent no 2 may be directed to decide the appeal/ revision petition of the applicant (Annexure

True Copy
L. P. SINGH
Advocate
P. H. G. M. J.

No. 9) on merit within a reasonable time after giving him a reasonable opportunity as provided under the law and rules and as prayed by the applicant in his said appeal.

G R O U N D S.

- (i) That the orders of applicant's suspension being in contravention of law, rules and principles laid down by the Hon'ble Supreme Court of India is illegal and inoperative.
- (ii) That Chargesheet issued to the applicant is without any basis and charges levelled against the applicant also do not stand supported even by the evidence relied upon.
- (iii) That enquiry held in the case is in flagrant violation of the departmental rules and Principles of Natural Justice.
- (iv). That the report of the Inquiry Officer is against the evidence on the record and the same is contrary to the provisions contained under rule 9(19)(1) of D&A Rules, 1968.
- (v). That the order of applicant's removal from service having not been passed by his appointing authority namely the General Manager, the same is violative of Article 311 of the Constitution of India.

Verified/True Copy

P. SHUKLA
Advocate

11/11/11

(vi) That in any way, the order of applicant's removal from service has not been passed after due application of mind to the facts and circumstances of the case. The order is arbitrary and capricious.

(vii). That the order passed on the applicant's appeal is wholly illegal, arbitrary and prejudicial.

8. INTERIM ORDER. IF PRAYED FOR.

In the circumstances of the case, no interim order is prayed for.

9. DETAILS OF THE REMEDY EXHAUSTED:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc.

10. MATTER NOT PENDING WITH ANY OTHER COURT:

The applicant further declares that the matter regarding which application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. PARTICULARS OF THE POSTAL ORDERS IN RESPECT OF APPLICATION FEE.

1. Number of the Postal Order.

DD 065944
5

[Handwritten signature]
1/11/2017

[Handwritten signature]

A. SHUKLA
Advocate

2. Name of issuing post office: High Court Branch
3. Date of issue of postal order: 21/12/88
4. Post office at which payable at Altabat

12. DETAILS OF INDEX:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures:

1. Photo stat copy of Office Order No. 379 dt. 16.6.84.
2. Photo stat copy of Office Order No. 82 dt. 12.2.85.
3. Photo stat copy of chargesheet dt. 27.1.78 along with enclosures and letter dt. 25.6.84.
4. Photo stat copy of representation dt. 13.7.84.
5. Photo stat copy of representation dt. 25.1.85.
6. Photo stat copy of representation dt. 25.3.85.
7. Photo stat copy of report/findings of the Inquiry officer dated 27.7.85.
8. Photo stat copy of order dated 23.8.85 along with the findings of the respondent no. 1 removing the applicant from service.
9. Appeal/revision petition dated 19.2.1987.
10. Photo stat copy of orders dated 7.4.1988 passed by this Hon'ble Tribunal in O.A. No. 89 of 1988.
11. Photo stat copy of communication letter bearing No. 725-E/DCME/Ex. 301 G dated 17/21-10-1988 issued by the respondent no. 1 communicating the decision of respondent no. 2 taken on the appeal of the applicant.

Verification:

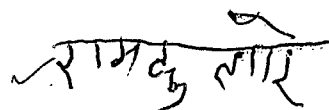
L. P. SHUKLA
Advocate

I, Ram Dularey, son of late Shri Bhaggen, aged

about 57 years , resident of near Arya Kaniya -
Pathshala, Badshahnagar Park, Nishatganj, Lucknow,
do hereby verify that the contents of paras from
1 to 13 are true to my personal knowledge and
belief and that I have not suppressed any material
fact.

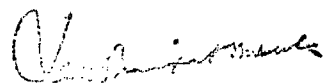
Place: Lucknow.

Dated: -12-1988.



Signature of the Applicant.

Attested Copy



L. P. SHARMA
Advocate

To,

The Registrar,

Central Administrative Tribunal,
Circuit Bench, Lucknow.

Office of the Dy. Ch. Mechl. Engr. (W), C&W Shops, Alambagh, Lucknow.

S.O. No.

373

Regd AD

Dated:

16.6.84

(10)

STAFF ORDER.

Shri

राम दुलारे एस. रि. नं. 30/अ. खलसी

(Name)

Designation

Pay Rs. 214/- P.M. in Gr. Rs. 210-230 (RS) of Shop मशीन

is placed under suspension w.e.f. 12.6.78.

During the period of suspension he will draw subsistence allowance at an amount equal to the leave salary which he would have drawn if he had been on leave on half average pay or half pay and in addition, the dearness allowance normally admissible to him during such leave.

He will draw compensatory allowance which he is in receipt of on the date of suspension. No payment will however be made unless he furnishes certificate that -

- 1) he continued to meet the expenditure for which compensatory allowance is granted and
- 2) he is not engaged in any other employment, business, profession or vocation and the competent authority is satisfied.

This certificate should be received in this office on 1st of each month and in the case of supervisory and clerical staff this certificate should be received in this office two days before the last date of the month to which the certificate pertain.

for Dy.Ch.Mechl.Engr. (W)/AMV.

RPC/17.11.83.

C/- to Shop Supdt. मशीन. CTK, HCB & WAO(W)/AMV., HC(Pass), AS (C II) (1), SEC 'G'/AMV for information and necessary action.

to Shri. राम दुलारे एस. रि. नं. 30/अ. खलसी मशीन. Information. He will please submit the required certificate to this office in time as asked above. He should also give in writing his present home address under his clear signatures and date.

मकाग के - ~~राम दुलारे एस. रि. नं. 30/अ. खलसी मशीन~~

5/6/88, फूलवाला पार्क, मिश्रा लॉज, प्रहलादपुर
लखनऊ

राम दुलारे

Attested True Copy

L. T. SHUKLA

Advocate

Office of the Dy.C.M.E.(W), C&W Shops, Alambagh, Lucknow.

S.O.No. 82

Dated 12-2-1985

In continuation of this office S.O.No.379 dated 16.6.84, the case of grant of Subsistence Allowance of Shri Ram Dularey, T.No.301G, Khallasi Jamadar Machine Shop, has been reviewed by the competent authority under Rule 2043-RII and the Subsistence Allowance has been reduced to 50% of what he was getting heretofore for the reason that he has not been co-operating with the Enquiry Officer and has not been attending the DEAR Enquiry and thus delaying the same. Accordingly with effect from the date of issue of this letter (12.2.'85), Shri Ram Dularey, will draw Subsistence Allowance at an amount equal to 50% of what he was getting heretofore and in addition the Dearness Allowance as admissible on such Leave Salary.

He will draw Compensatory Allowance ~~xxx~~ which he was in receipt of on the date of suspension. No payment will, however, be made unless he furnishes certificate that:-

- 1).he continued to meet the expenditure for which Compensatory Allowance is granted and;
- 2).he is not engaged in any other employment, business, profession or vocation and the competent authority is satisfied.

This certificate should be received in this office on 1st of each month and in the case of supervisory and Clerical Staff this certificate should be received in this office two days before the last date of the month to which the certificate pertains.

For Dy.C.M.E.(W)
C&W Shops, Alambagh, LKO.

Case No.

Dated 12-2-1985

Copy to:-

S.S./Machine, O.S.(TIME OFFICE), A.S.(P.B.), H.C.(Pass), A.S.(Sstt.III), SGO 'G' and CAO(V) Alambagh, LKO for inf. and necessary action.

Shri Ram Dularey, T.No.301G, Khallasi Jamadar, House No.510/88, Phoolwali Park, Misnatganj, Lucknow for information. He will please submit the required certificate to this office in time as asked above. He should also give in writing his Present Home Address under his clear signature and date. He may prefer an appeal to the C.C.E./N.Rly. New Delhi within 45 days from the date of receipt of this letter.

H/12/

राम दुलारे

RAD 19/11/84 (3)

ANNEXURE NO 3

20

101/82-2,00,000-Pds.

जी० एल० 19-ए/G.L. 19-A
अनरल 99 छोटा Genl. 99 Small

उत्तर रेलवे NORTHERN RAILWAY
कार्यालय उप मुख्य यांत्रिक अभियंता(कर्म०) सवारी एवं माल डिब्बा
कारखाना, आत्मबाग, लखनऊ।

पत्रांक : 725-ई/डी०सी०एम०ई०/३०।जी दिनांक 25.11.84.

श्री राम दुलारे टिब० ३०।जी

पुत्र श्री मन्मथ

मकान नं० 510/88, फूल वाला पार्क

बिनातगंज, न्यू हैदराबाद, लखनऊ।

विषय :- श्री राम दुलारे टिब० नं० ३०।जी के विरुद्ध विभागीय
अनुशासनिक कार्यवाही।

संदर्भ :- आपका प्रार्थना पत्र दिनांक 5.6.84 का।

आपके अधुरोध को स्वीकार करते हुए आपका तत्संबन्धित एस०एफ०
5 के अनुबन्ध। से 4 तक तथा मुख्य समय पाल की रिपोर्ट मेजी जा
रही है। अपना लिखित रायटीकरण प्रस्तुत कर दें।
आपके कस की जाँच करने के लिए श्री मुख्तार चौधरी, शाप अधीक्षक,
मालीव शाप जो पहले एस० एस० (मालीव) के पहले से ही नियुक्त किया
जा चुका है, उसके द्वारा जिवित किये गये तिथि एवं समय एवं
स्थान पर उपस्थित होकर अपनी जाँच कार्यवाही में भाग लें।

संतोष/उपरोक्त

उप मुख्य यांत्रिक अभियंता(कर्म०)

सवारी एवं माल डिब्बा कारखाना, आत्मबाग
लखनऊ।

विगन/22

राम दुलारे

Copy
Advocate

STANDARD FORM OF CHARGESHEET

Genl. 188

रेल सेवक (अनुशासन और अपील) नियम, 1968 का नियम 9
Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968

मानक फार्म सं० 5
Standard Form No. 5

नं०/No. 7255/50वीं एम० 30/30।जी

कार्यालय 30 मु० 30 अतिरिक्त (कर्म०) (रेल प्रशासन का नाम)
सी० एड० डब्लू० शाह (Railway Administration)

(निर्गम स्थान) ... 27.1.78
(Place of issue) ... dated

जापन MEMORANDUM

राष्ट्रपति/रेलवे बोर्ड निम्नहस्ताक्षरी द्वारा रे०से० (अन० और अन०) नियम, 1968 के नियम 9 के अंतर्गत श्री ... राम दुलारे 30।जी बलसी जमादार ... को प्रशासनाधीन करने की प्रस्तावना की गई है। प्रवचन या कदाचार के लक्षणों का सार, जिनके संबंध में जांच करने की प्रस्तावना है, आरोप के अनुच्छेदों के विवरण (अनुच्छेद I) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में प्रवचन या कदाचार के लक्षणों का विवरण संलग्न है (अनुच्छेद II)। जिन प्रलेखों और साक्षियों द्वारा आरोप के अनुच्छेद संवृत किए जा चुके हैं, उनकी भी एक सूची संलग्न है (अनुच्छेद III और IV)।

The President/Railway Board/Undersigned propose(s) to hold an inquiry against Shri ... under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents and a list of witnesses by whom the article of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. श्री ... राम दुलारे 30।जी बलसी जमादार ... को सूचित किया जाता है कि यदि वह चाहे तो इस ... की प्रतिलिपि के पांच दिन के भीतर कार्यालय समय में किसी भी समय प्रलेख-पुची (अनुच्छेद 3) में वर्णित प्रलेखों का निरीक्षण कर सकता है और इसके उद्धरण ले सकता है। यदि प्रलेखों के पांच दिनों के भीतर कार्यालय समय में किसी भी समय प्रशासन के पास हो लेकिन जिनका संलग्न प्रलेखों की पुची (अनुच्छेद 3) में उल्लेख न किया हो, तो निरीक्षण के लिए प्रलेखों को उपलब्ध करवाना चाहता है, तो प्रलेखों के इस दिनों के भीतर उसे निम्नहस्ताक्षरी ... रेलवे के महाप्रबंधक को इसकी सूचना देनी चाहिए। प्रलेखों की सुसंगति बताते हुए इस जापन प्रलेखों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो उसकी राय में, मामले के सुसंगत न हों या जिन तक पहुंच की अनुमति देना जलाने शायिकारी उन सभी या किसी ऐसे को। उसे चाहिए कि प्रतिरिक्त प्रलेख उपलब्ध किये जाने के पांच दिनों के भीतर उनका निरीक्षण पूरा कर ले। जिन प्रतिरिक्त प्रलेखों के निरीक्षण के लिए राज्य की सुरक्षा के विरुद्ध उद्धरण देने की उसे अनुमति होगी।

2. Shri ... is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of the railway administration but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned/General Manager ... Railway within ten days of the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The disciplinary authority may refuse permission to inspect all or any such documents as are, in its opinion, not relevant to the case or it would be against the public interest or security of the State to allow access thereto. He should complete inspection of additional documents within five days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.

3. श्री ... राम दुलारे 30।जी बलसी जमादार ... को सूचित किया जाता है कि यदि वह चाहे तो मीषिक जांच होने की स्थिति में प्रलेखों का निरीक्षण करने तथा जांच की प्रतिलिपि के समक्ष अपना मामला प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कर्मचारी, रेल व्यवसाय संघ के किसी पदाधिकारी जो रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम 9 (9) और यथा-स्थिति उनके टिप्पण 1 और/अथवा टिप्पण 2 की अपेक्षाओं को पूरा करते हों) की सहायता ले सकता है। इस प्रयोजन के लिए प्रत्येक अनुच्छेद इससे पहले के प्रक्रम में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद प्रतिरिक्त प्रलेख प्राप्त करने के संबंध में कोई महारोध तब तक स्वीकार नहीं किया जाएगा, जब तक जांच पूरी होने से पहले अनुरोध न कर सकने का पर्याप्त कारण न बताया गया हो।

3. Shri ... is informed that request for access to documents made at later stages of the inquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances shown clearly that the request could not have been made at an earlier stage. No request for access to additional documents will be entertained after the completion of the inquiry unless sufficient cause is shown for not making the request before the completion of the inquiry.

4. श्री ... राम दुलारे 30।जी बलसी जमादार ... को सूचित किया जाता है कि यदि वह चाहे तो मीषिक जांच होने की स्थिति में प्रलेखों का निरीक्षण करने तथा जांच की प्रतिलिपि के समक्ष अपना मामला प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कर्मचारी, रेल व्यवसाय संघ के किसी पदाधिकारी जो रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम 9 (9) और यथा-स्थिति उनके टिप्पण 1 और/अथवा टिप्पण 2 की अपेक्षाओं को पूरा करते हों) की सहायता ले सकता है। इस प्रयोजन के लिए प्रत्येक अनुच्छेद इससे पहले के प्रक्रम में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद प्रतिरिक्त प्रलेख प्राप्त करने के संबंध में कोई महारोध तब तक स्वीकार नहीं किया जाएगा, जब तक जांच पूरी होने से पहले अनुरोध न कर सकने का पर्याप्त कारण न बताया गया हो।

4. Shri ... is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of a Railway Trade Union (who satisfies the requirements of Rule 9 (9) of the Railway Servants (Discipline and Appeal) Rules 1968 and Note 1 and/or Note 2 thereunder as the case may be for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting railway servant(s) or Rly. servant (s) or Railway Trade Union, Official (s), Shri ... should obtain an undertaking from the nominee(s) that he (they) is/are willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case(s), if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned/General Manager ... along with the nomination.

Advocate

59
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अनुबन्ध I
श्री राम दुलारे 301 जी खलासी जमादार मशीन शाप के विरुद्ध विरचित

अनुच्छेद सं० 1.

श्री राम दुलारे टि० नं० 301 जी खलासी जमादार के पद पर मशीन शाप में करते हुए दिनांक 28.8.77 से अवैध तथा अनधिकृत रूप से कार्य से अब तक अनुपस्थित हैं तथा उन्होंने किसी प्रकार की भी सूचना नहीं दी है। अतएव यह रेल सेवा आचरण नियम 1966 के पैरा 3(i)(ii)(iii) के उलंघन करने के जिम्मेदार हैं तथा इनके प्रति मंत्रीर कदाचार का आरोप है।

ह०/-

प्रोडकान इंजीनियर
कैरिज शाप आलमबाग
लखनऊ।

अनुबन्ध II

श्री दुलारे 301 जी खलासी जमादार मशीन शाप के विरुद्ध विरचित आरोपों के अनुच्छेदों के समर्थन में अवधार के लॉड नों का विवरण

मुख्य समय पाल के अपने पत्र सं० सी में के/जी 11/8/77 दिनांक 5.9.77 के द्वारा सूचित किया है कि श्री राम दुलारे 301 जी खलासी जमादार दिनांक 28.8.77 से लगातार अनुपस्थित रूप से कार्य पर से अनुपस्थित हैं।

ह०/-

प्रोडकान इंजीनियर
कैरिज शाप आलमबाग
लखनऊ 2

सहायक कार्मिक अधिकारी
सबारी एवं माल डिब्बा कार्यपालना
आलमबाग, लखनऊ

प्रलेखों की सूची जिसके द्वारा श्री राम दुलारे टि० नं० 301 जी खलासी जमादार के विरुद्ध विरचित आरोप के अनुबन्ध संघृत करने का प्रस्ताव है।

मुख्य समय पाल का पत्र सं० पी टी के/जी 11/8/77 दिनांक 3.9.77

ह०/-

प्रोडकान इंजीनियर कैरिज शाप आलमबाग लखनऊ।

साक्षियों की सूची जिसके द्वारा श्री राम दुलारे 301 जी खलासी जमादार के विरुद्ध विरचित आरोप के अनुच्छेद संघृत का प्रस्ताव है।
अनुबन्ध IV
श्री राम दुलारे

ह०/-

प्रोडकान इंजीनियर

RAM DULARE
L. P. SHUKLA
Advocate

उत्तर रेलवे/NORTHERN RAILWAY

From Chief Time Keeper
C&W Shops, AMV-LKO.

Nb. CTK/G II/8/77, dt. 3.9.77

To Dy. C. M. E. (W),
C&W Shops, Amv., LKO.

Reg :- Un-authorise absence of G. II for Aug. 77.

The following men are absent without information from the date noted against each. Please verify PMC, PMC etcc at your end.

Sl. No.	T/No.	Name	Desig.	From	To	On date
1.	220/G	Sri Megha Singh	Skd. Mech.	23.8.77	3.9.77	PL
2.	230/G	"	"	5.8.77		-
3.	241/G	"	"	1.4.77		R.M.C.
4.	255/G	"	"	1.8.77		R.M.C.
5.	284/G	"	"	16.5.77		L.W.P.
6.	301/G	"	"	28.8.77		-
7.	341/G	"	"	5.8.77		-

sdh
CTK/AMV/LKO.

C/- to : Supdt. (Mech.) for information and necessary action please.

Prasad, 23.6.1984

सहायक कार्मिक अधिकारी
सवारी एवं माल डिब्बा कार्यशाखा
आलमबाग, लखनऊ

your goodness to please allow me an inspection of the

The Deputy Chief Mechanical Engineer (W),
Northern Railway, (C & W Shops),
Alambagh, Lucknow.

Ref: Your Letter No. 725E/DCME/30/G dated
25.6.1984.

Sir,

With reference to above, I beg to submit as
under:-

1). That in pursuance of my application dated
5.6.1984, I have been given a copy of Chargesheet dated
dated 27.1.1988 alongwith a list of documents and list
of witnesses relied upon and except these documents no
further instructions have been given to me.

2). That ^{from} a perusal of the ~~list of documents~~
(Annexure II), it appears that the report of C.T.K.
dated 5.9.1977 has been relied upon but no copy of it
has been supplied to me alongwith the alleged true copy
of the Chargesheet. The true copy of the report of the
C.T.K. which has been supplied to me alongwith the said
Chargesheet is dated 3.9.1977, which is not a relied
upon document of the chargesheet.

You are, therefore, requested to please
look into the above and arrange to furnish a true copy
of the C.T.K's report dated 5.9.1977, which is a relied
upon document, so as to prepare my defence.

3). That a persusal of the list of witnesses
(Annexure III) of the aforesaid Chargesheet, it is
evident that one Shri Ram Dular has been cited as a
prosecution witnesses to be examined in the enquiry
in support of the charge and against me, but I regret
to write you that no full particulars of the said Shri
Ram Dular has been given against his name; so as to
enable ~~him~~ to call for the relevant records for his
effective cross examination in the enquiry.

You are, therefore, requested to please look
into the above and let me know the full particulars of
the aforesaid Shri Ram Dular-prosecution witness, such
as his Ticket number and his relevancy in the case), so
that I may be able to call for the relevant records for
his effective cross examination in the enquiry and to
set up my defence.

4). That in addition to above ~~also request~~
your goodself to please allow me an inspection of the

...2.

[Handwritten signature]
Advocate

under-mentioned documents so as to enable me to prepare my defence to prove my innocence in the enquiry and to rebut the charges levelled against me:-

- (i) all informations sent by me during the period of absence requesting for grant of leave.
- (ii). Muster Rolls for the months of August, 1978, September, 1977, October, 1977, ~~October, 1977~~, November, 1977, December, 1977 and January, 1978.

5). That it is also expedient and necessary in the interest of justice that I may also be given an opportunity to cross-examine the C.T.K., who reported against me and whose report has been relied upon. It is, therefore, accordingly prayed that the name of C.T.K. may be added in the list of Witnesses (Annexure IV) of the Chargesheet.

It is, therefore, requested that your goodself may be pleased to look into the matter with a view of justice and to follow the rules of Natural Justice, the opportunity of defence as prayed above may be given to me at an early date.

Thanking You.

Yours faithfully,

Ram Dularey

Dated 13.7.1984.

(Ram Dularey) T.no. 301G
(Under Suspension),
H. No. 510/88, Phool Wali Park,
New Hyderabad, Nishatganj,
Lucknow.

Ram Dularey

For the purpose of the chargesheet
Advocate

Registered A/D.

Dated 1-1-1985.

26

The Enquiry Officer,
(Shop Supdt./ Machine),
Northern Railway, C&W Shops,
Alambagh, Lucknow.

ANNEXURE NO. 5

Ref: Your Letter No. 725-E/DCME/30/9
dated 18.1.1985 (served on me
on 23.1.1985).

Sir,

With reference to your letter cited above, I
beg to submit as under:-

/ dt. 13.7.77

1. That on receipt of memorandum of chargesheet,
a representation was moved by me demanding the follow-
ing facilities of defence for submitting written state-
ment and effective cross-examination of prosecution
witnesses:-

- i. for furnishing a true copy of
report of C.T.F. dated 5.9.1977
which is a relied upon document
of the chargesheet.
- ii. Full particulars such as Ticket
No. and relevancy in the case
of Shri Ram Dular, who has been
cited as a prosecution witness
in the chargesheet.
- iii. for allowing inspection of all
informations sent by me during
the period of my absence requesting
for grant of leave.
- iv. for allowing inspection of Muster
Rolls for the months of August,
1977, September, 1977, October, 1977,
November, 1977, December, 1977 and
January, 1978.

2. That despite reminders dated 31.8.1984,
11.9.1984, 31.10.1984 and 20.12.1984, neither the
aforementioned facilities of defence have been
afforded to me as yet nor I was ever informed of
the action taken on the said representation followed
by various reminders. Consequently, no written
statement could be filed by me as yet, which amounts
to clear denial of reasonable opportunity of defence
from the very initial stage of the case.

Advocate

...2.

21/12/77
Advocate
L. S. S. A

3. That now I have received your only letter referred to above fixing the date of enquiry on 4.2.1985 and directing me to attend the same along-with my defence helper. It may be mentioned that your goodself has assued in your letter under reply that all the demanded facilities of defence would be given at the time of enquiry i.e. on 4.2.1985.

4. That it has been pointed out in your letter under reply that duplicates of Muster Rolls cannot be given to me. In this connection, I would like to invite your kind attention towards my ~~letter~~ representation dated 13.7.1984 whereby the inspection of such documents was demanded by me and not the duplicates as mentioned in your letter.

5. That on account of non receipt of the facilities of defence as mentioned above, I could not engage a defence helper of my choice till to-day. However, without prejudice to my right to challenge the action, I hereby nominate Shri R.P. Tripathi, TTE under Divisional C.I.T., Northern Railway, Charbagh, Lucknow, who will work as my defence helper. The consent of Shri Tripathi shall be submitted to your goodself very shortly.

6. That it is important to mention here that holding the enquiry without giving me a reasonable opportunity to set up my defence and considering my written statement, which was to be submitted after the inspection of the documents asked for, is highly prejudicial, against the rules of the department itself and also violative of the Principles of Natural Justice.

It is, therefore, respectfully prayed that your goodself may be pleased to look into the matter and be pleased further to make available the aforementioned documents on the date fixed for my inspection alongwith my defence helper. The attendance of my defence helper may be got arranged on the date fixed.

Thanking You.

Yours faithfully,

Ram Dularey

(Ram Dularey)

T.NO. 301G(Under Suspension
r/o 510/88, Phool Wali Park,
New Hyderabad, Lucknow.

Dated 25.1.1985.

Ram Dularey True Copy

L. S. Advoca e

Conducting

ANNEXURE NO 6

The Enquiry Officer,
(Shop Supdt/Machine),
Northern Railway, C&W Shops,
Alambagh, Lucknow.

- Ref: 1) My representation dated 13.7.84
followed by reminders.
- 2) My representation dated 25.1.1985.

Sir,

I regret to write you that despite my repeated requests, reminders and representations, the documents and the informations asked for vide my representations referred to above have yet not been made available to me for preparing my defence nor I have received any definite reply therefor.

1). In response to above, I have simply been asked that Shri Ram Dular has died, which was not my requirement. I had requested the administartion to furnish the full particulars of Shri Ram Dular such as his designation, ticket number and his relevancy in the case, which are still awaited.

Therefore, in the above matter, you are requested to kindly furnish the required particulars together with the date of alleged death of the said Shri Ram Dular. It is made clear that on receipt of the above information, the undersigned shall be able to prove the falsification of the case made out against him.

2). With regard to inspections of documents by means of which the undersigned had requested the administartion to grant leave, it is stated that neither the documents have been shown to me nor any information therefor has been given.

Therefore, in the above, you are requested to kindly arrange inspection of the said documents today, so as to enable me to set up my defence.

3). With regard to inspection of Muster Rolls for the months of August, 1977, September, 1977, October, 1977, December, 1977 and January, 1978, I have to state that I have been shown a few paid vouchers which are not Muster Rolls as demanded.

It is made clear that the muster rolls were

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required for verification of attendance of the under-signed, also to verify the remarks given therein on the basis of informations sent by the under-signed during the period in question.

Therefore, in the above matter, you are further requested to arrange the original Muster Rolls as mentioned above for my inspection and crossexamination of the prosecution witness in the enquiry.

It is, therefore, respectfully prayed that your goodself may be pleased to look into the matter with a most judicious view to meet the ends of justice necessary actions as prayed above may be taken in the light of my latest representation dated 25.1.1985.

It is made clear that in the absence of the above, the defence case will suffer serious prejudice and there shall be a failure of justice.

Thanking You.

Yours faithfully,

(Ram Dularey) T.No.301G
(Under Suspension)
Present in the enquiry.

Dated 25.3.1985.

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L. P. SHUKLA
Advocate

NORTH EASTERN RAILWAY

Findings of Enquiry on Case of Shri Ram Dularay T.
301/G.

This case was previously ~~dealt~~^{dealt} by SWLI/AMU and Shri Ram Dularay 301/G. Khalsi Jamadar was removed from service vide 725/E/DCME/301/G. dt 12.5.1978. Further his reply dt 30.5.78 to show cause notice was rejected by Dy CME/W Shri O.P. Gupta on 5.6.78 and Shri Ram Dularay Kh. Jamadar 301/G. was finally removed from service vide S.F.-9 No. 725 E/DCME/301/G. dt 12.6.78. by Dy CME/W. Further on per judgement passed by the Hon'ble Court in suite no. 6 of 1982 (Ram Dularay versus Union of India) Shri Ram Dularay again given duty and serve with SF-5 and my self deputed as Enquiry officer by Dy CME/W, C&W Shops. Alambagh. N.R.

Brief history of the Case.—

Shri Ram Dularay 301/G remained unauthorised absent from his duty for the period from 28.8.1977 to 27.1.1978 as per written report of-

Contd. Pg. 2

Shri Ram Dularey 301/8. Kh. Janadar denied the charges and hence enquiry started.

1) He (Sh. Ram Dularay) was allowed to inspect all the document- as required.

iii. Enquiry was conducted in Hindi and given sufficient time for argument and when he was nothing to say, the case has been considered to be finalised taking into consideration all the points raised during the enquiry.

Main changes are! -

iii) He did not care to attend duty regularly.

Contd. p. 3

Enquiry started on 15.2.85 and further ~~at~~ held on 25.3.85, 20.5.85 & 30.5.85. and defence note submitted by Shri Dularay's, Defence helper Shri R. P. Tewari (Conductor, Div. Chief Inspector of tickets. N. Ry. LKO) on 7.6.1985.

As the prosecution witness Shri Ram Dularay Ex. CTK expired, The present CTK Shri Jhabar Ram (A.S.T.O) was called as prosecution witness as this is a case of unauthorised absence and written document or record to be produce.

The attendance of Shri Ram Dularay 301/g was verified by his defence helper on 13.3.85 from the paid voucher (in S.A.O's. Office Alambagh Lucknow) that he was absent from 28.8.77 to

27.1.1978. (Signature)

In reply to Enquiry Officer's Question (No. 2) to Shri Jhabar Ram present CTK, he replied that he used to work as time sheet clerk in Paint Shop when ~~Shri~~ Shri Ram Dularay was C.T.K/Chief Line Keeper.

contd. Page 4

THC (MIS)

Page - 4

In reply to Eng. Officer's Question No. 1 (PP-276) Shri Ram Dularey 301/8 replied that he has eight (8) sons and three (3) daughters, and in reply to Question no. 4, he replied that (PP-276, 275) at that time those sons who are more than 18 years old were very irresponsible.

In the defence note of defence helper Shri R. P. Tewari at the end of para 5 (PP-284) he had said that Shri Ram Dularey Prosecution witness was a fictitious witness, but that is not true, as Shri Thabax Ram present CTK admitted (PP-273) that he worked under Shri Ram Dularey CTK and necessary certificate was shown to the defence helper during the inspection of the documents by him.

Conclusion —

Shri Ram Dularey Khalsi Janadi T.M. 301/8 remain unauthorised absent from 28.8.1977 to 27.1.1978. The P.M.C. for his wife's illness does not cover the entire period of his absence.

(contd. Page 5)

Witnessed by

[Signature]

L. J. SHUKLA
Advocate

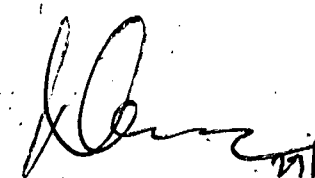
[Signature]

उत्तर रेलवे/NORTHERN RAILWAY

Page 5

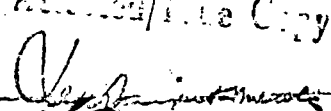
At time of his wife's illness he had ~~elderly~~
 several sons and very helpful neighbour like
 Shri Issar Sahab (PA-277) Shri Ran Dularey
 301/8 used to ^{live} ~~live~~ in Nishatganj in Lucknow
 city and not too far from his working place.

After considering all the points it is clear
 that Shri Ran Dularey 301/8 failed to send
 necessary information for his unauthorised absence
 to the administration and I therefore find him
 guilty of the charges for remain unauthorised
 absent from 28.8.77 to 27.1.1978.


 (M. CHOUDHARY)
 S. S. Medical Sup.
 C.A. Sup. AMU

रतन कुमार

Attested/True Copy


 L. P. SHUKLA
 Advocate

N.R.

23.8.85 BY REGISTERED A/D POST

Genl. 230

Form No. 9.

Orders of imposition of penalty under Rule 6(VII) to (IX) of Railway Servants(Discipline and Appeal) Rules - 1968.

No. 725-E/DME/3010

Place of issue: Dy.C.M.R.'s Office
G&W Shops, MV-LKO.

Dated : 23-8-1985.

To,

✓ Shri Ram Dularey T.No.301/G
House No. 510/88, Phoolwali Park
New Hyderabad, Nishatganj, Lucknow.

Ref :- DAR enquiry in SF-5 Memo No.725-E/DME/3010 dated
27/12/78 issued to you.

(THROUGH)

I have gone through the facts and findings documents of the case. I have also gone through the enquiry proceedings and am convinced that the findings are based on proper facts and incidence. I am also satisfied that reasonable opportunity has been given to Shri Ram Dularey to defend his case.

I, therefore, hold you guilty of the charge(s) viz. U/Absence from 28/8/77 to 27/1/78 levelled against you and have decided to impose upon you the penalty of removal from service. You are, therefore, removed from service with effect from

23.8.1985.AN

2. Under Rule-18 of the Railway Servants (Discipline and Appeal) Rules, 1968 an appeal against these orders lies to C.W.B./NDLS provided :-

- (1) the appeal is submitted within 45 days from the date you receive the orders; and
- (ii) the appeal does not contain improper or disrespectful language.

3. Please acknowledge receipt of this letter.

DA (6).

- (1) Findings of the Enquiry Officer in 5 sheets.
- (2) Orders of the Disciplinary authority in one page.

Signature

Name N.P. Singh

Designation Dy. C.M.R. (1)
the Disciplinary Authority
G&W Shops
MV-LKO,
Lucknow.

C/- to O.S. (PB), Time Office, Spl. Cell, Settlement, SDO (W) &
SS/MC, A.S. (PASS)/Alambagh for information and necessary
action.

All 2/1/85 Copy

रामदुलारे
L. P. SINGH
Advocate

298 293

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Copy of order dt. 22.8.85 given by Sh. N. P. Singh
By. CME(W), C&N Shops, Amv. LKO on PP No. 46 of
File No. 725 E/ECME/3016.

I have gone through the facts & the documents
of the case. I have also gone through the
enquiry proceedings and am convinced that the
findings are based on proper facts & evidence.
I am also satisfied that reasonable opportunity
has been given to Sh. Ram Bularay to defend
his case.

Shri Ram Bularay should be removed from service.

Sd/- N. P. Singh
By. CME(W)/Amv.
22/8/85

निम्नलिखित कर्मचारी,
जिसका नाम (राम बलरय) है, को
हटा दिया जायेगा।

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33 FY
Advocate

ANNEXURE NO. 8

Registered A/D.

Dt. 19-2-1987.

The C.W.E.,
Northern Railway,
Baroda House,
New Delhi.

Through : The Deputy Chief Mechanical -
Engineer(C&W Shops), Northern
Railway, Alambagh, Lucknow.

APPEAL under rule 18 of the Railway -
Servants Discipline & Appeal Rules,
1968 against Order No. 725E/DCME/3018
dated 23.8.1985 passed by the learned
Deputy Chief Mechanical Engineer (C&W
Shops), Northern Railway, Alambagh/LKO
removing the appellant from service.-
with effect from 23.8.1985 (A.N.).

Respected Sir,

Aggrieved by the afore-mentioned order of removal from service on the charge of un-authorized absence, the appellant most humbly and respectfully prefers this appeal under rule 18 of the Railway Servants Discipline and Appeal Rules, 1968 with a specific request for condonation of delay, which occurred due to his ill health and physical disabilities which still exist and can be seen if a personal hearing is granted to him. In case the ground put forth by the appellant for condoning the delay in preferring this appeal is not considered to be a valid ground, then this appeal may be treated as a revision petition under rule 25 of the Railway Servants Discipline & Appeal Rules, 1968 and decided accordingly.

The facts giving rise to this appeal are as

under :-

Attested/True Copy.

L. P. SHUKLA
Advocate

..2.

1. That the appellant, while working/Khallasi Jamadar with T.No. 301 G under the Deputy Chief Mechanical Engineer (C&W Shops) Northern Railway, Alambagh, Lucknow, was removed from service with effect from 12.6.1978 on the charge of alleged un-authorised absence without intimation from 28.8.1977 till the issue of chargesheet on 27.1.1978. His appeal was also rejected and as such he filed a suit (Suit No.6 of 82) (Ram Dularey Versus Union of India) in the Court of Munsif Havali, Lucknow which was decreed in his favour on 23.4.1983 and the order of his removal from service was quashed. This caused serious prejudice in that the authorities decided to cut down his existence from the Railway Services by completing mere formalities of the rules.

2. That consequently, the appellant by an illegal order of suspension dated 16.6.1984 was placed under suspension with retrospective ^{effect} i.e. from 12.6.78- the date when he was removed from service which was illegal and in total disregard of the departmental rules and principles laid down by the Supreme Court of India in Khem Chand Versus Union of India, AIR 1963 SC 637 : (1963) 2SCJ 312 : (1963 1 Lab LJ 665 as the appellant, prior to his removal from service, was not already under suspension.

3. That the prejudice of the departmental authority was so high that by a subsequent order (S.O. No. 82 dated 12.2.1985) the subsistence allowance of the appellant was reduced from 50% to 25 % without any reasonable cause or justification and without any ^{delay} directly attributable on the part of the appellant.

At Lucknow

[Signature]

L. S. S. K. I. A.
Advocate

[Handwritten signature]

4. That after placing the appellant under suspension, a chargesheet dated 27.1.1978 was served upon him through a letter bearing No. 725-E/DCME/3010 dated 25.6.1984 and Shri M. Choudry, SS Machine Shop was nominated as an Inquiry Officer into the charge.

5. That the appellant, in order to substantiate his defence that he was never absent from his duty without intimation as alleged against him, moved a representation dated 25.1.1985 followed by a number of reminders for furnishing various informations and producing various documents as mentioned below :-

- (a) certain informations with regard to Sri - Ram Dular, who was cited as the only prosecution witness to substantiate the charge.
- (b) the original report of the aforesaid Sri - Ram Dular.
- (c) Muster Rolls for the months of August, 1977 to January, 1978.

6. That on not being shown the afore-mentioned documents, the appellant again moved a representation dated 25.3.1985 and demanded the desired documents and information but they were again not made available nor any intimation for their not being shown to him was given. Thus the appellant was made handicapped in defending his case properly which ultimately resulted in the failure of justice..

7. That in the enquiry, the prosecution, instead

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[Signature]

L. N. HICKLA
Advocate

of producing Shri Ram Dular, who was the cited witness of the chargesheet and on the basis of whose report it was alleged that the appellant was absent from his duty without intimation from 28.8.1977, examined one Shri Chabar Ram, AS/Time Office, who was not the cited witness of the case; and, therefore, non production of the said Sri Ram Dular and non production of his full particulars as desired by the appellant vide his application 25.3.1985 lend support to the defence case that he was a fictitious person and his report was unworthy of reliance.

8. That it was the charge against the appellant that as per report No. CTK/G II/77 dated 3.9.1977 of Chief Time Keeper, the appellant was absent from his duty without intimation from 28.8.1977 till the date of issue of Chargesheet on 27.1.1978. A perusal of the said report of C.T.K. will reveal that he had intimated that the appellant was absent from his duty without intimation from 28.8.1977 till the date of issue of that report on 3.9.1977 i.e. for the last 7 days and not ^{from} so many months as alleged in the chargesheet. The C.T.K., vide his said report, had also asked to verify P.M.C. R.M.C. etc. Thus the very basis of the chargesheet is wrong as the C.T.K. never certified that the appellant was absent from his duty without intimation from 28.8.77 till 27.1.1978.

9. That the prosecution failed to produce any document in the enquiry in support of its contention that the appellant was absent from his duty without intimation from 28.8.1977 to 27.1.1978. Thus the findings of the learned Inquiry Officer on that issue is without

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Advocate

any basis and evidence on the record.

10. That ^{at} page 1 under the heading of ' Brief History of the case', the learned Inquiry Officer, in his report, has mentioned that the appellant, as per written report of the then C.T.K. Shri Ram Dularey, remained unauthorised absent from his duty for the period from 28.8.1977 to 27.1.1978.

On the other hand, a perusal of the report of C.T.K., which is a relied upon document, it will be seen that no such certificate of absence as observed by the learned Inquiry Officer, was given by the C.T.K. The C.T.K., in his written report, has this much certified that the appellant was absent from his duty without intimation from 28.8.1977 to 3.9.1977 when he made the report and not upto 27.1.1978 as held by the Inquiry - Officer. The said written report of the C.T.K. further shows that the appellant's absence was subject to verification. Thus the position of evidence on the record being so, it is quite clear that the report of the Learned Inquiry Officer holding the appellant absent from duty without intimation on the basis of written complaint of the C.T.K. is without any basis and evidence on the record; and as such the order of appellant's removal from service is based on no evidence and, therefore, is liable to be quashed.

11. That at page 2 of the enquiry report, the learned Inquiry Officer has wrongly mentioned that the appellant was allowed to inspect all the documents as required. The proceedings of the enquiry will evidently show that despite various requests made by the appellant, the relevant documents of the case viz the Time Sheets of the relevant period and muster rolls

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L. S. K. R. S.
Advocate

for the period in question and certain other informations with regard to Shri Ram Dular-the cited witness of the prosecution were neither shown to the appellant nor produced in the enquiry to enable him to defend his case properly and, therefore, the appellant was denied reasonable opportunity of defence at all stages. The observation of the learned Inquiry Officer, on this issue, therefore, is totally wrong and against the facts on the records.

12). That the report and findings of the learned Inquiry Officer is no report and finding in the eyes of law and as the same have not been drawn in accordance with the provisions contained under rule 9(19(i) of DCA Rules, 1968.

13). That the paid vouchers showing the absence of the appellant maintained in the office of the Sr.-Accounts Officer, Alambagh, Lucknow and said to have been inspected by the defence helper of the appellant were the not the relevant documents to verify the absence with or without intimation. The relevant documents to this effect were the Time Sheets and Muster Rolls of the relevant period, which were neither shown nor produced in the enquiry. Apart from this, the said paid vouchers of Accounts Office were neither produced in the enquiry nor subjected to cross-examination. No person to prove that paid vouchers was produced in the enquiry nor the appellant was afforded an opportunity of cross-examination. Therefore, no reliance can be placed on that documents.

14.

That on the facts and grounds mentioned

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below, the order of appellant's suspension and removal are from service ~~is~~ illegal and against the rules of Natural Justice and, therefore, are liable to be quashed in this appeal :-

- a). Because no evidence has come on the record to prove that the appellant was absent from his duty without intimation from 28.8.1978 to 27.1.1978.
- b). Because the report of C.T.K. which is the only evidence of the prosecution in support of aforesaid absence, does not certify that ~~that~~ the appellant was absent from his duty without intimation from 28.8.1977 to 27.1.78. It simply speaks for 7 days which too was subject to verification.
- c). Because the appellant, at all stages, was denied reasonable opportunity of defence in that the relevant documents and informations asked for were neither shown to him nor produced in the enquiry. Thus the proceedings of the enquiry are against the rules of Natural Justice.
- d). Because the Paid Vouchers maintained in the office of the Sr. Accounts Officer having not been produced in the enquiry and the appellant having not been given an opportunity of cross-examination thereon, the report of the Inquiry Officer is based on extraneous matter and inadmissible evidence.
- e). Because the prosecution witness-Shri Chauber

21/12/78

By _____

Advocate

Advocate

Ram stated in the enquiry that no document regarding the attendance of the appellant is available except the report dated 3.9.77 of Shri Ram Dular, the then C.T.K. Since the report of C.T.K. does not support the whole case as mentioned in the chargesheet, the order of removal from service is without any basis and evidence on the record.

- f). Because Shri Chabbar Ram (prosecution witness) in answer to question no.1, stated that no material is available on the record to show that Sri Ram - Dular was then working as C.T.K. and as such the case of the prosecution does not stand supported even by the evidence of its ^{own} witness.
- g). Because the report and finding of the Inquiry Officer having not been drawn in accordance with the provisions of Rule 9 (19)(1) of D&A Rules, 1968, the order of removal from service passed on that basis is illegal.
- h). Because the disciplinary authority has passed the order of appellant's removal from service without application of a just and judicious mind to the facts and circumstances of the case.
- i). Because the order of appellant ^{removal} has been passed by an authority subordinate to his appointing authority. The appointing authority of the appellant, under the extant rules, was the General - Manager which he had also challenged in his suit.

15. That the appellant is a very poor man and has

STH/MIR

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[Signature]

L. S. UKLA
Advocate

committed no misconduct warranting his removal from service. Official records will evidently show that many persons bearing the similar circumstances are still in service whereas the appellant, despite being at no fault, has been removed from service. Thus he has been given a differential treatment in violation of Articles 14 and 16 of the Constitution of India.

16. That the appellant, because of no means of livelihood and due to loss of his service has become physically handicapped and as such he deserves for mercy even on humanitarian ground.

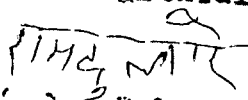
Prayer :

It is, therefore, most respectfully prayed that the order of appellant's suspension and removal from service may be quashed and he may be reinstated in service to meet the ends of justice.

It is further prayed that the appellant be also granted a personal hearing alongwith his defence helper to represent his case personally.

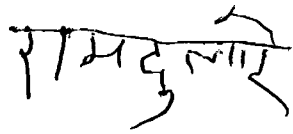
Thanking You.

Yours faithfully,


(Ram Dularey) Ex. T.No.301G
under Dy. C.M.E. (C&W Shops),
N. Railway, Alambagh, Lucknow.
C/O Shri Chottey Lal,
Near Arya Kaniya Pathshala,
Behind Badshah Nagar Park,

Dated 17-2-1987.

Lucknow.



ANNEXURE NO

10

46

48

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
23-A, Thompson Road, Allahabad

No. CAT/A111/

Dated Allahabad the 8/4/88

CERTIFICATE MEMO

Registration No. O.A./T.A. 89 of 1988

Ram Dularay Applicant's

Versus

Union of India Respondent's

A copy of the Tribunal's Judgement dated 7/4/88
in the above noted case is forwarded for necessary
action.



[Signature]
Deputy Registrar (J)

Enclosure : Copy of the Judgement dated 7/4/88

To

(1) Sh. J. P. S. P. Kesharmoni
Ad. CAT Allahabad

dk

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO. 87 OF 1988

Ram Dularey

.....

Applicant

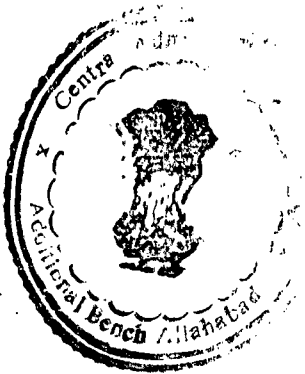
Versus.

The Union of India & others.....

Respondents.

Hon. Ajay Johri - AM
Hon. G. S. Sharma - JM

Heard Shri S. P. Keswerwani, learned
counsel for the applicant. This application has been
filed against the order of removal dated 23.8.1985
And which is evidently time barred. However, the
learned counsel for the applicant is not pressing
for other reliefs except for the relief that the
respondents be directed to decide the appeal
which was alleged to have been submitted on 19-2-1987
which is still pending with the respondents. This
application ~~be~~ disposed of with the direction
that the respondents may dispose of the appeal of
the applicant in accordance with law within a period
of two months from the date of receipt of a copy of
this order.



Self
MEMBER (J)

TRUE
COPY

Self
MEMBER (A)

SHAHID
Dt/7-4-1988/
Shahid.

(R. N. PANDEY) 8/4/88
Section Officer
Central Administrative Tribunal
Allahabad.

Copy

Advocate

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24/11
Page 1/AD
ANNEXURE NO.....

Northern Railway
Office of the Dy.C.M.E.'W' C&W Shops, Alambagh, Lucknow.
No. 725-E/DCME/Ex. 301-G
Dated: 17/10/1988.
21-

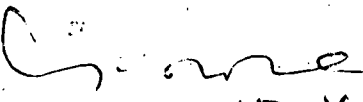
✓ Shri Ram Dularey
Ex.T.No. 301-G
C/o, Shri Chhotey Lal
Near Arya Kaniya Pathshala
behind Badshahnagar Park,
Nishatganj, Lucknow.

Sub:- Your representation dt. 5-9-88 regarding
appeal dt. 19-2-87 against the order of
removal from Service.

In reference to your above-noted representation
and appeal, it is informed that a letter has been sent
to you vide this office letter of even no. dated 3.11.87,
wherein it has been stated that "your above appeal has
been considered by the Chief Workshop Engineer, Northern
Railway, New Delhi, who has passed the following orders :-

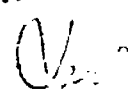
"Appeal is time barred and there is no explanation
for this inordinate delay in submission of the
appeal. The delay can not be considered."

From the above, it is clear that your statement
regarding non-consideration of your appeal by the com-
petent authority is not correct.


17-X-188
for Dy.C.M.E.'W'
C&W Shops, Alambagh, Lucknow

SWA/12.X.1988

21/12/88


Advocate

In the Central Administrative Tribunal
Allahabad, Circuit Bench Lucknow

49

ब अदालत भीमान्

[गरी] वपीमान्

इतिवारी [रंभादेण्ड]

महोदय

वकालतनामा

41988

C.A. No.

दिकर

Ram Dularey

By C.M.E. & others



नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से थी

For L.P. Shukla, Advocate.

वकील

महोदय

एडवोकेट

नाम अदाकर	नाम
मुकद्दमा नं०	
नाम फरीकस	

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 पेशी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज बाखिल करें या लौटावें या हमारी ओर से बिनारी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से बाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का बाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुस्थिती) रसीद से लेवे या बैंक नियुक्त करें—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेशी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

बिनांक

महीना

सन् १६

ई०

स्वीकृत

VAKALATNAMA

G.V.3

N.R.

filed to by
2/4

Before
In the Court of

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow

Registration No. 231 of 1988(4) Plaintiff Ram Dularey
Fixed for 20-7-89 Defendant

Claimant
Appellant
Petitioner

Versus

Defendant The Dy.C.M.E and Respondent
Plaintiff another

The President of India do hereby appoint and authorise Shri K. C. Jauhari, Presenting
Officer, Lucknow.

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

The President hereby agrees to ratify all acts done by the aforesaid Shri K. C. Jauhari, Presenting
Officer, Lucknow.
in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed for and on behalf of the President of Indian this the..... 19 ..

Dated..... 2/8/1989

Designation of the Executive Officer
(SHAKEEL AHMAD)

N.R.P/R.Rd. (Pb. Bg.), Delhi-35 -11,110/11-8-1986--1,000 F.

एव मुख्य यान्त्रिक अभियन्ता (कर्मो)
सवारी एवं माल डिब्बा कर्मशाला,
सं० २०, आलमबाग, लखनऊ

N.R.

VAKALATNAMA

G.V.3

Before *the Hon'ble Central Administrative Tribunal at Allahabad*
In the Court of *Circuit Bench, Lucknow*

Registration No. 231 of 1988 (L)
Fixed for 24-2-89

Plaintiff
Defendant

Ram Dularey

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

~~*The U.O. 7.*~~
The Dy. C.M.E (w) and
another

Respondent

The President of India do hereby appoint and authorise Shri *G. P. Agarwal, Presenting*

Officer, Allahabad

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

The President hereby agrees to ratify all acts done by the aforesaid Shri *G. P. Agarwal, Presenting*

Officer, Allahabad
in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed for and on behalf of the President of Indian this the.....19..

Dated.....198..

Designation of the Executive Officer
(SHAKEEL AHMAD)

Filed today
19/9

SPECIAL POWER OF ATTORNEY

In the Court of Central Administrative Tribunal

Circuit Bench Lucknow

No. 231 of 1988(L)

Ram Dularey

Plaintiff
Appellant
Petitioner

VERSUS

Dy. Chief Mechanical Engineer
(C&W)

Defendant
Respondent
Opposite Party

KNOW ALL MEN by these presents that I,
Shashi Bhushan Verma Chief Workshop Engineer, Northern Railway
New Delhi do hereby appoint and authorise Sarvashri G.P. Agarwal
Presenting Officer, Allahabad to appear, plead, and act for me
jointly or severally in the above noted case and to take
such steps and proceedings as may be necessary for the
prosecution or defence of the said matter as the case may
be and for the purpose to make sign verify and present
all necessary plaints, petitions, written statements
and other documents to compromise the suit, admit the
claims and to lodge and deposit money in court and to
receive payment from the court of money deposited and to file
and withdraw documents from court and GENERALLY to act in
the premises and in all proceeding arising thereof whether
by way of execution appeal or otherwise or in any manner
connected therewith as effectually to all intents and
purposes as I could act if personally present. I hereby
agree to ratify and confirm whatever shall be lawfully
done by virtue of these presents.

IN WITNESS whereof I hereunto set my hand this
day of _____ 1989.

Accepted
7/9/89

Shashi Bhushan Verma
Chief Workshop Engineer,
Northern Railway,
New Delhi.

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 61

Dated : 13/11/88

Registration No. 221 of 1988 (1)

Ram Dulai Applicant

Versus

State of U.P. & others Respondent's

To

- ① Deputy Chief Mechanical Engineer (LW 1/8)
N. P. Singh, Alambagh, Lucknow
- ② Chief Workshop Engineer
N. P. Singh, Banoda House
Lucknow

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 24 day of 1 1988 for to show cause as to why the petition be not admitted.

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal
this 13 day of 1 1988.

For DEPUTY REGISTRAR

dinesh/

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/1102

Dated: 4/4/89
17.3.1989

Registration No. 231 of 1988(1)

Ram Dulany Applicant

Versus

By C.M. 408 Respondent's

To

Union of India, through the General Manager
Northern Railway, Baroda House,
New Delhi

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 13 day of 4 1989 for adm

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 17th day of 4 1989.

dinesh/

For DEPUTY REGISTRAR
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow.

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

669 + 1070 7-2-89
No. CAT/CB/LKO/642-8413 Dated: 10/11/89

Registration No. 231 of 1988 (C)

Ram Dalarey Applicant

Versus

Dy. C. M. U. & Co. Respondent's

To

- ① Dy. C. M. U. (C & W shops)
N. Reg. Alambefh, Lko.
- ② Chief Workshop Engineer.
N. Reg. Baredy House
N. Delhi

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 24 day of 2 1989 for show cause as to why this petition be not admitted.

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 13.7 day of 8.2 1989.

h
For DEPUTY REGISTRAR

dinesh/