

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. O A 62 OF 1988

NAME OF THE PARTIES T.N. Chautaekhali.....Applicant

Versus

4. o. I.....Respondent

Part A.

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CERTIFICATE

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

Dated 26/12/2011.

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A. 62 OF 1988

Name of the parties T.N. Chaturvedi

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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60
22/10
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. O.A. 62 of 1988

APPLICANT (s) T. N. Chaturvedi

RESPONDENT(s) Chairman Rly. Board, New Delhi
& G.M., N.E-Rly. Gorakhpur

Particulars to be examined

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
- (b) Is the application in paper book form ?
- (c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
- (b) If not, by how many days it is beyond time ?
- (c) Has sufficient cause for not making the application in time, been filed ?

4. Has the document of authorisation/Vakalat-nama been filed ?

5. Is the application accompanied by B. D./Postal Order for Rs. 50/-

6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

 (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Endorsement as to result of Examination

Ys

Ys

Ys

4 complete sets of the application have been filed

Ys

—

—

Ys

Ys, D.D. 829753 27-11-1988

Ys

Ys

Ys

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ?

yes

8. Has the index of documents been filed and paging done properly ?

yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?

yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?

no

11. Are the application/duplicate copy/spare copies signed ?

12. Are extra copies of the application with Annexures filed ?

(a) Identical with the original ?

and two ~~one~~ copies of the application

between ~~signed~~ but Annexures

are attached first copy

yes

yes

—

—

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ?

no

14. Are the given addresses, the registered addresses ?

Mr. A.

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

Mr. A.

17. Are the facts of the case mentioned in item No. 6 of the application ?

yes

(a) Concise ?

yes

(b) Under distinct heads ?

yes

(c) Numbered consecutively ?

yes

(d) Typed in double space on one side of the paper ?

yes

18. Have the particulars for interim order prayed for indicated with reasons ?

yes

19. Whether all the remedies have been exhausted.

yes

If agreed to, the case may be listed for 22-07-2020



22-7-88
D.O. 62/1988

Non officay doh. Mrs

On the request of the counsel
for the appearance the case
is adjourned to 22-8-88.

DR

DR

22-8-88 Fix for Admision

22-8-88

Mr. Ar. John. A.M.

Admit

Issue notices. one month for C.A. 15 days
hereafter for R.A.

1st A.M

1st

28.8.88

Notices issued to respondents Nos 1 & 2
through Regd. Post free by 25-10-88

25.8.88

Applied to his Ld
General Dr. K. M. Bhargava's
plea. Law Asstt Dr. N. V. Keswani
will be present + respondent.

Fix
29.8.88

AV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. _____ of 198

81 62/88L

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
3/5/89	<p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. D.S. Misra, A.M.</p> <p>Counter reply has been filed on behalf of opposite parties. The learned counsel for the applicant is present and requests for and is allowed one month time to file rejoinder. List this case for <u>final hearing</u> on <u>20-7-89</u>.</p> <p style="text-align: center;">A.M.  V.C.</p> <p>(sns)</p>	<p>OR No reply has so far been filed by the respondents. However, both the parties are ready for final hearing.</p> <p>Substituted for final hearing.</p> <p>OR Rejoinder filed today.</p>
20.7.89	<p>No Sitting. Adj. to 31.7.89 for hearing.</p> <p style="text-align: center;">V.C.</p>	<p>OR Counter & Rejoinder have been filed by the counsel. Case is ready for hearing submitted for hearing.</p> <p>19/7</p>

A5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A.NO. 62 1988 (4)
ORANGE

DATE OF DECISION

T. N. Chetwedi PETITIONER

K. M. Bhargav Advocate for the
Petitioner(s)

VERSUS

Chairman, Railway Board, RESPONDENT

New Delhi & others
Narendra Nath Advocate for the
Respondent(s)

CORAM :

The Hon'ble Mr. Justice Kamleshwar Nath, V.C.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? yes
2. To be referred to the Reporter or not? no
3. Whether their Lordships wish to see the fair copy of the Judgement? no
4. Whether to be circulated to other Benches? no

Dinesh/

3/17/89

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Lucknow Circuit Bench

Registration O.A. No.62 of 1988 (L)

T.N.Chaturvedi Applicant

versus

Chairman, Railway Board, New Delhi
and Others. Opposite PartiesHon. Justice Kamleshwar Nath, V.C.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for recovery of the commutation amount of the applicant's pension, said to be approximately Rs.36,000/-, and D.C.R.G. said to be about Rs.29,000/-. There was also a claim of Rs. 630/- on account of arrears of Dearness Allowance for the period from January to August, 1984; that amount has been paid to the applicant during the pendency of the present case.

2. The applicant retired as Deputy Chief Electrical Engineer of the North Eastern Railway on 31.12.84. His case is that he had applied for commutation of pension and had also made demand for payment of gratuity.

3. Counter Affidavit has been filed by the Deputy Chief Personnel Officer (Gazetted) of the North Eastern Railway, Gorakhpur stating that two departmental disciplinary proceedings under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968, instituted before the applicant's retirement, are still pending against the applicant and therefore it is not possible to make payment of the commutation amount of the pension or the amount of gratuity.

Q/H

4. It has been stated in the Rejoinder Affidavit that one of the departmental proceedings ended in an order dated 14.3.89 of the President of India holding that Articles I & II of the Charges stood proved while III of the charge was not proved and that in respect of the established Articles of Charge, a cut of 5% in gratuity ordinarily admissible to the applicant be imposed. The applicant has filed ^a ~~the~~ copy of the President's order alongwith the communication letter dated 30.3.1981 as an enclosure to the Rejoinder Affidavit. It is clear, therefore, that so far as one of the enquiry proceedings is concerned, the applicant is liable only to a cut of 5% in the gratuity amount; the balance of the gratuity or the commutation amount of the pension remains unaffected by that order.

5. In respect of the other disciplinary enquiry, the statement contained in the Rejoinder Affidavit is that the proceedings thereon have not yet started. The learned counsel for the applicant has mentioned that the applicant had filed his reply to the chargesheet but not even an Inquiry Officer has been appointed nor, indeed, any progress whatsoever has been made in that proceeding. As already mentioned, the applicant had ^{back} retired as far as 31.12.84, and although it is permissible for the Department to hold and conclude an enquiry which had been instituted before retirement, it does not mean that it can continue to remain pending for years together without any progress. It constitutes harassment of a retired employee.

6. It is also noticeable that on the basis of some of the charges proved in the finalised chargesheet referred to above, the President has chosen to impose

a penalty of not more than of 5% deduction from gratuity. In other words, there is *prima facie* no justification for withholding most of the amount which is payable to the applicant.

7. It is also noticeable that the nature of the charges have not been indicated in the Counter Affidavit. There is worth in the contention of the learned counsel for the applicant that the making of the Counter Affidavit by the Deputy Chief Personnel Officer is not free from impropriety because the only Opposite Parties in the case are Chairman, Railway Board and General Manager, North Eastern Railway, Gorakhpur and the Counter Affidavit does not even mention that it has been filed on the authority of any of them. Plainly, the opposite parties are taking the applicant's case very casually. Justice therefore seems to demand that despite the pendency of the disciplinary proceedings under the second chargesheet, the applicant should be paid the entire amount due to him. However, the applicant may be bound down to make payment of any amount of the penalty which may be imposed upon him in case charges are proved and finally upheld. It also appears to me that the applicant should be paid interest for wrongful detention of his amount.

8. The application is partly allowed, and it is directed that the opposite parties shall pay to the applicant, within a period of six weeks from the date of service of ^a _{the} copy of this order, the entire commutation amount of the commuted pension and the

AA

- 4 -

entire gratuity less 5% of the gratuity amount in the light of the President's order referred to above, The payment to the applicant, however, shall be made subject to the applicant executing a bond in favour of the President of India ~~and~~ giving an undertaking, ⁱⁿ delivered to opposite party No.2, to pay such amount as may be imposed upon him by way of penalty, if at all, as a result of the final orders in the pending disciplinary enquiry. It is also directed that the opposite parties shall pay 10% per annum simple as interest to the applicant on the amounts payable to him from the date on which the amounts fell due to be paid.

AM
Vice Chairman

Dated the 31st July, 1989.

RKM

(ATO)

Application Under section 19 of the Administrative Tribunal
Act 1985 .

Before the Central Administrative Tribunal, Lucknow
Bench Lucknow .

T.N. Chaturvedi aged 61 years son of Late Shri B.D. Chaturvedi
r/o H 2/32/D, I.D.A Colony, Kanpur Road Lucknow (Retired Dy.
Chief Electrical Engineer N.E. Rly Gorakhpur) ..Applicant

versus

1: Chairman, Railway Board : Rail Bhawan New Delhi
2: General Manager, Northern Eastern Railway, Gorakhpur

..Opp. Parties

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Lucknow.

Dt. 15.7.88

Signature of the applicant

T.N. Chaturvedi
(T.N. Chaturvedi)

List this Case on 22.07.88

Noted above
T.N. Chaturvedi
18/7.

(S)
18/7

Munshafar
Signed for the Applicant

All

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

BETWEEN

T.N. Chaturvedi, aged 61 yrs, son of Late Sri B.D. Chaturvedi,
 No. H2/32/D, L.D.A. Colony, Kanpur Road, Lucknow. .. Applicant
 Versus

(1) Chairman Railway Board,
 New Delhi

(2) The General Manager, North-
 Eastern Railway, Gorakhpur .. Respondent.

Details of Application

1. Particulars of the Applicant

i. Name of Applicant T.N. Chaturvedi
 (ii) Name of Father Late Shri B.D. Chaturvedi
 (iii) Age of Applicant 61 Years 6 months
 (iv) Designation The applicant retired on
 31.12.84 from the post of
 Deputy Chief Electric Engineer,
 North-Eastern Railway, Gorakhpur.

2. Particulars of the

Respondent :

i) Name of respondents (i) Chairman, Railway Board,
 New Delhi

and

(ii) The General Manager,
 North-Eastern Railway,
 Gorakhpur.

ii) Name of father N/A

iii) Age of Respondent N/A

iv) Designation & Particulars As above.

v) Office address As above.

vi) Address for service of
 notices As above.

T.N. Chaturvedi

Contd.. 2..

-: 2 :-

3. Particulars of the order against which application is made

Not applicable

4. Jurisdiction of the
Tribunal

Since the applicant was working on a post of Senior Divisional Electric Engineer, North-Eastern Railway Lucknow. This bench of the Tribunal has jurisdiction to entertain and decide the application.

The applicant declares that inspite of several representations before the appropriate authorities no relief in the form of payment of dues of the applicant has been made. The application is within jurisdiction of this bench and within time as no reply has been received even of my representation sent to Chairman Railway Board, New Delhi and General Manager, North-Eastern Railway, Gorakhpur.

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 :

~~xx~~ The facts of the case are given below :-

(a) The applicant retired from railway service from the post of Deputy Chief Electric Engineer, North-Eastern Railway Gorakhpur on 31.12.1984. Before retirement the applicant worked as Senior Divisional Electric Engineer, North-Eastern Railway, Lucknow. However, consequent to his transfer he joined on a post of Deputy Chief Electric Engineer, Gorakhpur in the last week of December 1984 i.e. just prior to retirement. (Enclosure No. A/1.)

(b) The applicant requested the General Manager, North-

To be signed

-: 3 :-

Eastern Railway, Gorakhpur endorsing copies to higher authorities vide his letter dated 17.5.1986, requesting to arrange payment for outstanding bills like Commutation of Pension, Death-cum-Retirement Gratuity and D.A. Arrears.

(x)

(Ref. Enclosure No. A II)

(d) The General Manager, North-Eastern Railway, Gorakhpur vide his letter No. E/256/30-Elo(1) dated May 23, 1986 informed me that he had given instructions to arrange payment ^{within the} ~~by~~ next fortnight(Ref. Enclosure No. A III)

(e) The applicant continued to change up the matter and send representation Regd. ~~to~~ to Chairman Railway Board, New Delhi, and General Manager, North-Eastern Railway, vide his letter dated 15.7.87 to arrange payment but in vain.

(Ref. Enclo. A/III Photo Copy of Representation dt. 15.7.87)

7. Details of the remedies exhausted :

A/IV Acknowledgement

(As stated above)

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

8. The applicant declares that he has not filed any application earlier regarding the matter and in any Court/Tribunal.

9. In view of the facts stated above the petitioner prays the following reliefs :-

a) Payment of dues regarding Commutation of Pension amounting to Rs. 36,000/- Approximately, be ordered to be made to the applicant by the Opposite Parties.

b) ^{Payment of} D.C.R.G. (Death-cum-Retirement Gratuity), amounting to Rs. 29,000/- approx. be ordered to be made to the applicant by the Opposite Parties.

TnChkred
Contd. (4) ..

(ATM)

-: 4 :-

c) Payment of D.A. arrear Jan. 84 to August 84, amounting to Rs. 630/- Approx. be ordered to be made to the applicant by the Opposite Parties.

Total Rs. 71,630/- approx. with Interest.

10. Interim order if any prayed for :-

At least 75% payment be arranged by Railway Administration immediately in order to solemnise marriage of his son fixed in November/December 1988.

11. Not applicable as the application is presented personally.

12. Postal Order Details :

1. Number of Indian Postal Order(s) DD 829753
2. Name of the issuing Post Office ⁴ Alambagh, Lucknow
3. Date of Issue of Postal Order(s) 14-7-88
4. Post Office at which payable. Lucknow

13. List of Enclosures :

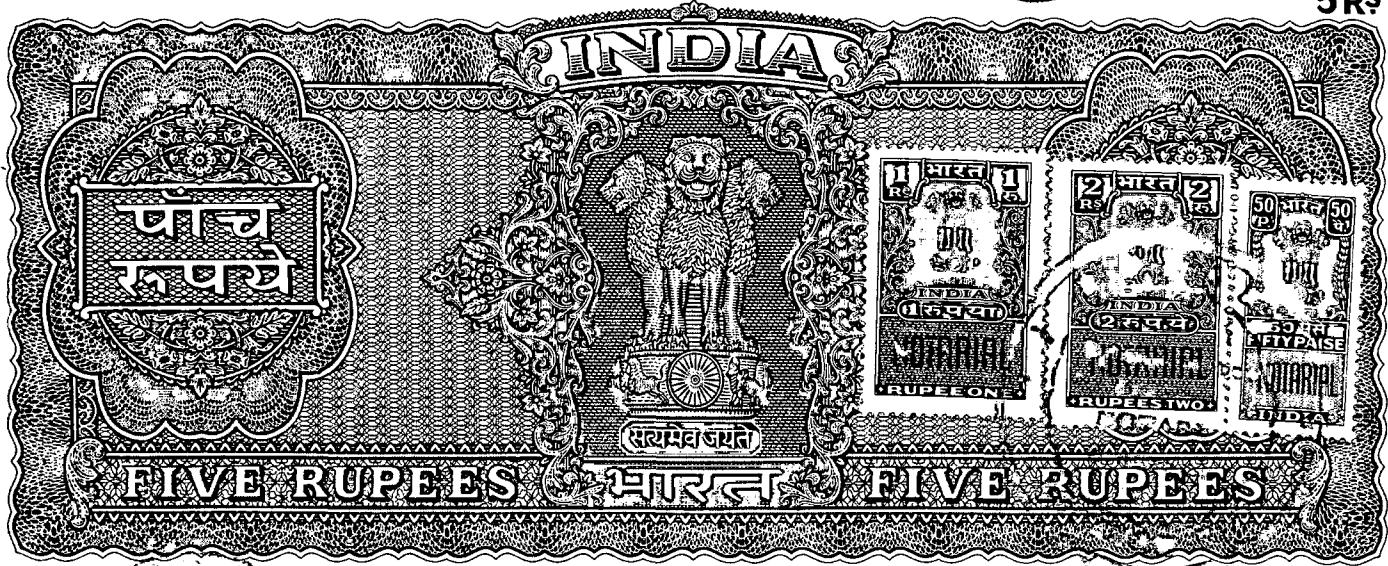
1. Copy of Office order showing Retirement on 31.12.1984.
2. Copy of applicant's representation dt. 17.5.86,
3. Copy of General Manager's letter date d May 23, 1984.
4. Copy of Regd. letter sent to Chairman, Railway Board, New Delhi and General Manager, Gorakhpur dt.15.7.87.
5. Copy of Acknowledgement.
6. Postal order for Rs. 50/- (only with original)
7. ~~Registration number~~ Vakalatnama. (only with original)

VERIFICATION

I, T.N. Chaturvedi son of Sri B.D. Chaturvedi having retired from the post of Deputy Chief Electric En-gineer, N.E. Railway Gorakhpur, under the General Manager, N.E.Railway, Gorakhpur, resident of H2/32/D, L.D.A. Colony, Kanpur Road, Lucknow, do hereby verify that the contents of paras 1 to 8 are true to my personal knowledge and paras 9 to 10 are believed to be true on legal advise and that I have not suppressed any material fact. Signed verified
This 14th day of July 1988 at Lucknow.

Date : 14-7-88
Place: Lucknow

T.N. Chaturvedi
Signature of the Applicant



Before the Central Administrative Tribunal, Lucknow Bench
Lucknow.

T.N. Chaturvedi

..Applicant

Versus

Chairman Railway Board
& others.

..Opposite Party

Affidavit
= = = =

I, T.N. Chaturvedi aged about 61 years son of Late Shri B.D. Chaturvedi r/o H 2/32/D, L.D.A. Colony Kampur Road, Lucknow (Retired Dy. Chief Electrical Engineer, N.E. Rly Gorakhpur do hereby solemnly affirm as under :-

- 1: That the deponent is applicant in the above noted application under section 9 Central Administrative Tribunal Act 1985 and is fully conversant with the facts of the case.
- 2: That contents of para 1 to 8 and 11 to 13 are true to my own knowledge and those of para 9 and 10 are believed by me to be true on legal advise.

Dt. 15.7.88
Lucknow.

T.N. Chaturvedi
Deponent

Verification

I, the above named deponent do hereby verify that the contents of para 1 and 2 are true to my own knowledge, signed and verified this 15th day of July 1988 at Lucknow.

15.7.88.

T.N. Chaturvedi
Deponent.

T.N. Chaturvedi.

Advocate : Notar
B.B. New Barry Rose
10th May, 1988.

Encls. 1/2

NORTH EASTERN RAILWAY

OFFICE OF THE
GENERAL MANAGER (PERSONNEL)
Gorakhpur.

No. E/256/Settlement(1)

Dated March 2, 1984.

All Heads of Department,
All Divl. Railway Managers,
All Personnel Officers,
Town Engineer, Gorakhpur.
DEE/Colony/Gorakhpur.

ACMO/GKP

ACME/Gorakhpur, Dy.CME/Shops/Izatnagar.
Secretary, NER Cooperative Bank Ltd., GKP.
Chief Engineer/Construction/GKP.
FA&CAO/Construction, GKP.
AAO/EGA, Pension, PF/Gorakhpur.
AAO/Inspection/Gorakhpur.
WAO/GKP, SPJ/IZN.

All extra divisional officers,

Sub : Payment of settlement dues to
retiring officers.

Ref : This office letter of even no.
dated 2.1.1984.

In addition to the list of officers circulated
vide letter of even number dated 2.1.84, the following
officers will also retire this year.

		DOR	DOR
May 1984	- Shri H.S.Uppal	1.6.26	31.5.84.
July 1984	- " B.P.Vidyarthi, APO	1.8.26	31.7.84.
December/84	- Sri R.S.Sharma, TCO	1.1.27	31.12.84.
"	Jaswant Lal, DCS/LJN	1.1.27	31.12.84.
"	T.N.Chaturvedi, Sr.DEE/LJN	1.1.27	31.12.84.

To expedite payment of settlement dues all P/cases of these
officers for Gaz portion which are with the accounts will be
required by the gazetted section of this office along with
their up-to-date leave account for 7 days for preparing
their service statements three months prior to their date
of retirement. The p/cases will be returned back to the
concerned accounts office after seven days and will be
brought again at the time of retirement.

2. All Personnel officers and extra divisional officers
are requested to send the non-gazetted portion of their
personal cases along with A&B card/service book, leave account
and other records to this office under DO cover to Dy.CPO/Gaz/
GKP.

3. This letter should be taken as a letter for issuing
clearance certificate in respect of the officers for their
outstanding dues to reach this office atleast one month before
their actual date of retirement.

4. Officers mentioned in the list are also requested to
communicate their place of posting outside this rly atleast
three months before their retirement to enable this office
to approach for no demand certificate.

(P.C.Maulik)

for General Manager/NER/GKP.

Copy to all officers concerned. They are also requested to
intimate this office whether they are governed by pension
rules or SRPF immediately. They are also requested to submit
all settlement papers duly completed in all respect atleast
three months prior to their date of retirement.

Shri T.N. Chaturvedi, Sr. DEE
N.E. Railway, Lucknow

To be dated
Time and date
Lucky 1/3/84
1/3/84
1/3/84

Enclo A/II

Shri Y.B.L. Mather,
G.M./NER/GKP.

Dt. 17.5.86

Respected Sir,

I have been writing to you time and again regarding my outstanding dues like increased D.A. arrears, increment arrears, insurance deposit, transfer allowance, commutation of pension & DCRG.

I had retired from the post of Dy. CEE(C)/GKP on 31.12.84 and since then I must have sent atleast 50 letters to Dy.CPO(L&Z) but not to say of payment not a single letter got response.

Even my previous Govt. service has not been included for pensionary benefit though all papers are available in branch.

May I request you again to call Dy. CPO(Raj.) in person and kindly instruct him to clear off my dues with interest without further delay with regards.

Copy to

T.N. Chaturvedi

(1) Member Staff.

Ex. Dy. CEE(C)/GKP

Rly Board, NDLS.

C-1411 Rajaji Puram

(2) Shri Madhu Rao Scindia

Lucknow

Minister of State for Rlys.

Rly Board

New Delhi

S/o

T. N. Chaturvedi

True photocopy
S/o T. N. Chaturvedi
15/7

(AIO)

Encls A/II 14/8

Y.B.L.MATHUR.

महा प्रवन्धक
प्रवीन्तर रेलवे

GENERAL MANAGER
NORTH EASTERN RAILWAY
GORAKHPUR



D.O. No. E/256/30-Elec(1)

Dated: May 22, 1986.

23

My dear Chaturvedi,

Sub: Payment of outstanding dues.

.....

I am sorry to learn from your letter dated 17.5.86 that some of your outstanding payments have not been made. Off hand I do not recall having received any letter from you in this connection earlier.

2. I have given instructions to arrange payment to the extent possible within the next fortnight.

With all good wishes,

Yours sincerely,


(Y.B.L.Mathur)

Shri T.N.Chaturvedi,
Ex Dy.CEE(C)/N.E.Rly.,
C-1411, Rajajipuram,
LUCKNOW.

True Photo Copy
Y.B.L.Mathur
15/5/86

T.N.Chaturvedi.

(AR)

Encl. A/W 14/19

From - T N Chaturvedi
Retd. Dy. C.E.E.
N.E. Rly, Ghp.

To - Shri R.K. Jain,
Chairman
Rly Bd, New Delhi. DT 15.7.87

Respected Sir,

Sub- Payment of my out
standing dues of Commutation
of Pension, DCRG and DA
arrears. (Jan. 84 to Aug. 84)

Though I had retired on 31-12-84
and in spite of my chasing the matter
with G.M./N.E.Rly from time to time I have
not been paid the same.

The G.M./N.E.Rly had intimated me
Vide his letter dt May 23, 1986 No. E/256/30-
Elec (1) that payment shall be arranged
within a fortnight.

Subsequently G.M. (P) vide his letter
No. E/256/30-Elec (1), dt 30.7.86 informed me
that payment of commutation of Pension and
DCRG was under consideration.

Besides having mental agony, I am
being harassed by the Administration.

May I request you to look into
my representation sympathetically

I shall be obliged

T. N. Chaturvedi

H2/32/1/D

L.D.A. Colony

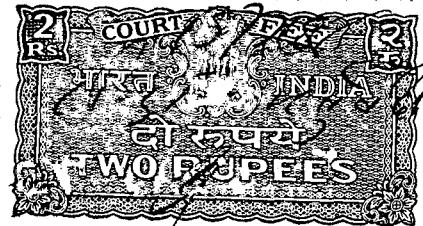
Kanpur Rd

Deekhow

Copy to General Manager (P)
N.E. Rly.
Gorakhpur

T N Chaturvedi

For further copy
L.D.A. Colony
Kanpur Rd
Deekhow
15/7/87



(721)

Central Administrative Tribunal

पंजाब लौगान

Letter Branch

प्राप्ति

[वार्दी] वपोलान्ट

श्री T. N. Chaturvedi दृक्षालतनामा
प्रदिवसी (प्रस्तावेण)



T. N. Chaturvedi प्राप्ति प्रतिपादी (प्रस्तावेण)
Chairman Railway Board, New Delhi

८० खुफ्टामा जम वप्ती जी जा० १० ६०

प्राप्ति खुफ्टामा क्षेत्र अधिकारी जोर से श्री K. M. BHARGAV A.
Advocate
24, New Berry Road बड़ी जगह
Kuchmoh 226001. महोदय
एडवोकेट

प्राप्ति

दो अपना घफील नियुक्त फरपे प्रतिक्षा (इजरार) फरता हूं और लिखे देता हूं एस खुफ्टामा में घफील महोदय स्वयं अथवा अन्य घफील हारा जो पुष्ट लैरपी घ घयाव ऐही घ शशनोत्तर फरें या पोई फारम लाज्जित फरें था लौटावें या हुमारी ओर से उिगरी दारी फराबे और दप्ता घसूल फरें या खुलहनामा घ इफवाल दावा सषा अषीट निवारानी हुमारी ओर से हुमारी या अपने हस्ताक्षर से दाज्जिल फरें और ससवीउ फरें खुफ्टामा उठावें था पोई दप्ता पता फरें या हुमारी दिपक्षी (फरीदसामी) फादादिल दिया गुआ दप्ता अपने या हुमारे हस्ताक्षर युक्त (एससती) रसीय से लेये था पंच नियुक्त फरें—घफील घटोदय हारा की गई घम्म लग घार्याही हुमफो सर्वंगा स्पीकार है और होनां में घम्म जी घीपार उरसा हूं कि क्षेत्र तुर पेसी पर स्वयं था दिसी अषीट बैरोदार जो भेजसा रहंगा अगर खुफ्टामा अदम पेरवी में एज तरहा मेरे दिलाफ फंसला हो पाता है उसपी दिल्मेदारी बैरे घफील पर घहों होगी इसलिए यह घफालसमामा लिय दिया छक्काज रहे और समय पर फार आये।

Accept
M. Chaturvedi
M. Chaturvedi

हस्ताक्षर

T. N. Chaturvedi

सालो (प्राप्ति)

सालो (जघात)

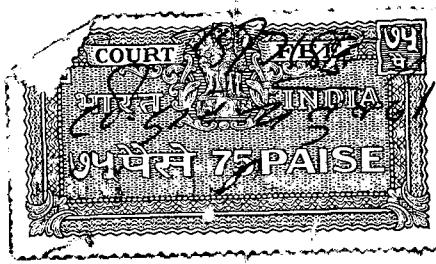
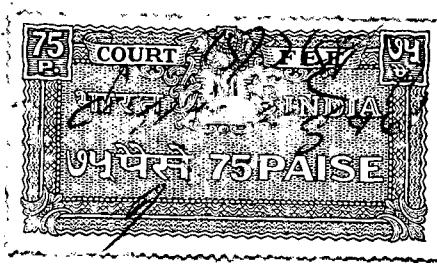
दिनांक

१५

घफील

७

ला० १०/८८



T. N. Chaturvedi

(A27)

Before the Central Administrative Tribunal, Allahabad
CIRCUIT BENCH, L U C K N O W

Regn. No. 62 of 1988(T)

Shri T.N.Chaturvedi Petitioner
versus

The Chairman, Railway Board and another. Respondents.

1. That in reply to contents of para 1 of the claim petition, it is not disputed that the petitioner retired as Dy.Chief Electrical Engineer.
2. That the contents of paras 2 and 3 of the petition do not call for a reply.
3. That the contents of para 4 are not denied. It is, however, submitted that the petitioner before his retirement was posted at Gorakhpur from where he retired as Dy.Chief Electrical Engineer. The Bench at Allahabad had the jurisdiction to entertain the claim.
4. That the contents of para 5 do not call for a reply.
5. That the contents of para 6(a) and 6(b) are not disputed.
6. That in reply to contents of paras 6(d) and 6(e), it is submitted that the petitioner was replied by the General Manager vide letter No.E/256/30-Elec(I) dated 22/23.5.1986, indicating therein the instructions for arranging the dues to the extant possible. Thus the arrears c. "increment, insurance deposit, transfer allowance and arrears of dearness allowance from January, 1984 to August, 1984

(Gazetted) (Dated)

(Contd...)

(A23)

(2)

amounting to Rs. 630.00 stands paid to the petitioner. Regarding the payment of D.C.R.G. (Death-cum-retirement Gratuity) and pension commutation value, it is submitted that the two departmental disciplinary proceedings Under Rule 9 of the Railway Servants Discipline and Appeal Rules, 1968 are pending against the petitioner. These proceedings had already been instituted against the petitioner while in service. Unless the said proceedings come to an end the payment as alleged and prayed for by the petitioner can not be made.

7. That the claim petition is, therefore, totally devoid on merits and as such liable to be dismissed with cost.


DEPONENT
y. C.P.O. (Gazetted)
N.E.Railway Gorakhpur

Verification: I, A.Tete, Dy.Chief Personnel Officer, North Eastern Railway, Gorakhpur, resident of Gorakhpur, do hereby verify that the contents of paragraphs No.1 to 7 of this objection are true on the basis of records and legal advice and nothing material has been suppressed.

Verified this 30th the day of March, 1989 at Gorakhpur.


(A. Tete)
Dy.Chief Personnel Officer,
North Eastern Railway,
Gorakhpur,
y. C.P.O. (Gazetted),
N.E.Railway: Gorakhpur

vsl/

A24

ХУДОЖНИКИ ИЗОБРАЗИТЕЛЬНОЙ ХУДОЖЕСТВЕННОЙ АРХИТЕКТУРЫ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
BENCH, LUCKNOW.

~~Chanson~~
~~plus~~

Case no. 62 of 1988 (L)

Pl put up
with file on
next date
marking

T.N. Chaturvedi, aged 61 years, Son of Late Shri B.D. Chaturvedi R/o H 2/32/D, LDA Colony, Kanpur ^{Road}, Lucknow
(Retired Dy. Chief Electrical Engineer N.E.Rly.Gorakhpur)

Shri Sardigh Kumar

..... Applicant

Versus

1. Chairman, Railway Board, Rail Bhawan, New Delhi
2. General Manager, Northern Eastern Railway, Gorakhpur

... Opp. Parties

REJOINDER

Para - 1 : No remarks.

Para - 2 : No remarks.

Para - 3 : The petitioner lastly worked in Lucknow on the post of Sr.Divisional Electrical Engineer and to harrass the petitioner he was transferred just prior to retirement post to Gorakhpur on an equivalent/of Dy.Chief Electrical Engineer on which he had retired. Normally an Officer is not transferred just on the eve of retirement. The Bench of Lucknow alone, hence has jurisdiction to entertain the claim.

Para - 4 : No remarks.

Para - 5 : No remarks.

Para - 6 : The petitioner was falsely implicated and only to harass and humiliate the petitioner was served with two Charge-Sheets. On this pretext the administration withheld all retirement benefits. The petitioner made fervent appeals from time to time (as mentioned in A/III) to release his outstanding dues. The petitioner's requests fell on deaf ears and only after two years, the General Manager vide A/III replied that he had given instructions to arrange payment to the extant possible vide his letter dated May 22, 1986.

Para - 7 : That from the table given below, it would be evident as to what limit the administration has harassed the petitioner and subjected to mental agony.

<u>Dues pertaining to</u>	<u>Due on</u>	<u>Paid on</u>
Provident Fund	31.12.84	Feb, '86
Leave Encashment	31.12.84	14.2.86
Transfer Allowance	"	15.7.86
D. A. Arrears	"	22.12.88
Increment Arrears	"	July '86
Commutation of Pension	"	Not yet paid
Gratuity	"	"

Para - 8 : That it is submitted by the administration that two departmental proceedings are pending against the petitioner and unless they come to an end payment cannot be made

: 3 :

That this is a glaring case of harassment. That it is submitted that proceedings for second Charge-Sheet have not yet been started and should not be considered at all.

That one Charge-Sheet has been finalised and 5% gratuity has been ordered for deduction. This order has been communicated to me vide letter No. E/74/230/Con. (1) dated 30/3/89.

I have been requesting administration that as per Govt. policy speedier justice should be given to the retired persons but almost 4½ years have passed, justice has been eluded from the petitioner.

Para - 9 : That due to continued mental agony my petitioner's health is deteriorating fast and it is requested that the Court may arrange to get the petitioner's dues paid with interest from the date they become due at an early date.

Para - 10 : That it is illegal to withhold pension commutation amount as it is the amount of the petitioner, had he not got the commutation done the full pension would have been paid to him.

: 4 :

Para - 11 : That the Opposite Parties Chairman Railway Board and General Manager, N.E.Railway have not filed any reply. The reply has been filed by Dy.C.P.O. (Gazetted) N.E.Rly.Gorakhpur, who is not a party and not signed by Chairman, N.E. Railway Board or General Manager, /Railway hence should not be read and the petition decided ignoring the reply by the Dy.C.P.O who is not a party.

Lucknow:

Dated: 10.6.89

T.N. Chaturvedi

PETITIONER

VERIFICATION

I, the abovenamed petitioner do hereby verify that the contents of paras 1 to 11 are true to my own knowledge and belief.

Signed and verified on this 10th day of June, 1989 at Lucknow.

Lucknow:

Dated: 10.6.89

T.N. Chaturvedi

(T.N. Chaturvedi)
PETITIONER

T.C.



CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE CM. Contempt OF 8.9
in. OA 62/88

NAME OF THE PARTIES ... T. N. Chatu Kedi Applicant

Versus

..... vs. Sh. M. N. Prasad, Railway Board Respondent

Part A.

Sl.No.	Description of documents	Page
1	order sheet (dispensed of)	A-1
2	contempt application	A 2-3
3	Annexure	A 4 to 5
4	Judgment of OA 62 of 88	A 6 - 9
5	Annexure	A 10
6		
7		
8		
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13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Dated ... 26/12/2011

Counter Signed.....

Signature of the
Dealing Assistant

Section Officer/In charge

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE Cont. II of 1988(4)

in
O.A. 62 of 88

Name of the parties

T. N. Chalovedi

Applicant.

Versus.

M. N. Iqasad and Gauri Shankar Respondents.

Part A.B.C.

Sl. No.	Description of documents	Page
	<u>A file</u>	
1.	Order Sheet (Dishosed of)	A1 -
2.	Content of application	A2 - A3
3.	Annexures	A4 - A5
4.	Judgment of O.A. 62 of 88 (1/4)	A6 - A9
5.	Annexures	A10
	<u>B file</u>	1 - 9
	<u>C file</u>	1 - 9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

en (A1)

ORDER SHEET

C M (Content) An. No. 11107/5

REGISTRATION NO. 62 ^{on} of 1980/6

APPELLANT
APPLICANT

T. N. Chaturvedi

DEFENDANT
RESPONDENT

VERSUS

Mr. M. P.

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

Hon. Justice K. Nath, re.

The applicant Shri T. N. Chaturvedi is
present in person. The implementation
of this Court's judgement and order
in C.A. No. 62/80 is under consideration.
One of the conditions imposed by the
order for the purposes of payment of the
due amount to the applicant is
for the applicant to execute a
bond in favour of the President of
India. The copy of the personal
bond which the applicant has filed
alongwith this application does not
satisfy the requirements of a
valid bond in terms of the orders
of the Tribunal. The applicant
may furnish a proper bond
to the appropriate authority and
thereafter make another proper
application to this Tribunal for
implementation of its judgement.
This application is disposed of
in these terms.

ER
This content An.
no. has been re-
filed by one Sh. T. N.
Chaturvedi against
2 for wilfully avoiding
the compliance of the
Tribunal's judgment
on 31 July 1980 passed
by the Hon'ble
Justice K. Nath in
case no. C.A. 62/80/

This content
application is placed
before Hon'ble court
for initiating of
proceedings under
rule 7 of C.A.T (Conse-
nt) of court Rule
1926 as amended -
submitted for
order.

24/2.

Dr

VC.

Re: C.M.
T. N. Chaturvedi
3/11/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW BENCH

C.M. Contempt Case No. 11 of 1989 (U)

T.N. CHATURVEDI

... Petitioner

V/s.

1. Sri M.N. Prasad
Chairman, Railway Board,
New Delhi
2. Sri Gauri Shanker
General Manager,
N.E. Railway, Gorakhpur. ... Opposite Party

Regn. No. O.A. No. 62 of 1988 (L)

Decided on 31.7.1989

Application for execution u/ s 27 of
Administrative Tribunal Act, 1985 on
behalf of the Petitioner.

....

Sir,

It is submitted as under :-

1. That in compliance of the order of the Hon. Administrative Tribunal in the above matter passed on 31.7.1989, the applicant submitted the personal bond as directed, to the General Manager, N.E. Railway, Gorakhpur, on 4.8.1989 by Registered post (photo copy enclosed) along with a copy of judgment of the Hon'ble Tribunal.
2. That the applicant again reminded the General Manager, N.E. Railway, Gorakhpur, on 6.9.1989 again submitting another personal bond by Registered post A.D. (A.D. photo copy filed duly received).
3. That the Hon'ble Tribunal had ordered the payment as per directions in the order within six weeks of receipt of the order.
4. That the order was received by the counsel for N.E. Railway on 4.8.1989.

Pukup on
25-10-89
order
recd
24-10-89

Note
T.N. Chaturvedi
24/10

AB

5. That the time of six weeks from receipt of order allowed to the General Manager, N.E. Railway, has passed but payment has not been made though the applicant has filed his personal bond as directed.
6. That it is in the interest of justice that execution of the order be kindly done through the Court to realise the payment due.

It is, therefore, prayed that the Hon'ble Tribunal be pleased to direct the General Manager, N.E. Railway, to make payment of the dues by Bank Draft in name of the applicant to the Hon'ble Tribunal and the Hon'ble Tribunal may further be pleased to take such action as deemed fit for disobedience of the order of the Hon'ble Tribunal dated 31.7.1989.

T.N. Chakraborty
(Applicant)

Lucknow:

Dated 3-10-89

Encl: 1) Photo copy of Judgment
2) Copy of letter and personal bond filed and registration receipt
3) Photo copy of reminder registration receipt

NR 52 | Stamps affixed except in case of unregistered V. P. red letters of not more than the initial three Stamps as per the Guide on which no acknowledgment is due.

(A4)

Lucknow

Dated: 04.08.1989

Received a V. P. registered*

addressed to.....

..... *Write here 'letter' 'post card' or 'rarely a telegram'.
Sig. of Receiving Officer with the word "insured" before it when necessary.

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) (in words) weight | rates

Insurance fee Rs. P (in w.)

VS. Chairman, Rly. Board, New Delhi & General Manager, N.E.R. GKP.

Dear Sir,

It is informed as under:-

1. That the Hon'ble Judge of the Central Administrative Tribunal, Allahabad, Lucknow Benoh, Lucknow vide its order dated 31.7.89 in the above case has ordered that entire amount of commutation of Pension & Gratuity be paid to the petitioner (TN Chaturvedi) within six weeks of Service of the order alongwith 10% simple interest. (Copy of the order is enclosed).
2. 5% amount of the gratuity should be deducted in penalty ordered by President under one charge sheet. As regards second charge sheet the enquiry under which has not yet started the petitioner has been directed to file a personal bond that if at any time a penalty is imposed under the second charge sheet he would pay the same.
3. As per discretion for personal bond now I am submitting the same.

It is requested that compliance of the order of the Hon'ble Central Administrative Tribunal be made and payment made at an early date.

Thanking you,

Yours faithfully,

T.N. Chaturvedi
(T. N. CHATURVEDI)

Dy. CCE (Retd.)

142/32/1

i.D.A.L. 100
Kapru RD

Encl; as above.

C (Copy of order judgment
D.L.A.T.
(Personal Bond).

(A5)

PERSONAL BOND

I, T. N. Chaturvedi aged 63 years son of Shri BD Chaturvedi
r/o H-2/32/D, L.D.A. Colony, Kanpur Road, Lucknow (Retired
Dy. Chief Electrical Engineer) N.E. Railway Gorakhpur
do hereby bind myself as per orders of Hon'ble Central
Administrative Tribunals, Lucknow that I shall pay the
penalty if any imposed by the President of India under
Charsheet No. E(0)I-84/PU-2/83 New Delhi dated 03.12.1984.

Lucknow.

Dated: 04.08.1989.

T.N. Chaturvedi
(T. N. CHATURVEDI)

Executant

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Lucknow Circuit Bench

Registration O.A. No.62 of 1988 (L)

T.N.Chaturvedi Applicant

versus

Chairman, Railway Board, New Delhi
and Others. Opposite Parties

Hon.Justice Kamleshwar Nath, V.C.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for recovery of the commutation amount of the applicant's pension, said to be approximately Rs.36,000/-, and D.C.R.G. said to be about Rs.29,000/-. There was also a claim of Rs. 630/- on account of arrears of Dearness Allowance for the period from January to August, 1984; that amount has been paid to the applicant during the pendency of the present case.

2. The applicant retired as Deputy Chief Electrical Engineer of the North Eastern Railway on 31.12.84. His case is that he had applied for commutation of pension and had also made demand for payment of gratuity.

3. Counter Affidavit has been filed by the Deputy Chief Personnel Officer (Gazetted) of the North Eastern Railway, Gorakhpur stating that two departmental disciplinary proceedings under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968, instituted before the applicant's retirement, are still pending against the applicant and therefore it is not possible to make payment of the commutation amount of the pension or the amount of gratuity.

4. It has been stated in the Rejoinder Affidavit that one of the departmental proceedings ended in an order dated 14.3.89 of the President of India holding that Articles I & II of the Charges stood proved while III of the charge was not proved and that in respect of the established Articles of Charge, a cut of 5% in gratuity ordinarily admissible to the applicant be imposed. The applicant has filed ~~a~~ copy of the President's order alongwith the communication letter dated 30.3.1981 as an enclosure to the Rejoinder Affidavit. It is clear, therefore, that so far as one of the enquiry proceedings is concerned, the applicant is liable only to a cut of 5% in the gratuity amount; the balance of the gratuity or the commutation amount of the pension remains unaffected by that order.

5. In respect of the other disciplinary enquiry, the statement contained in the Rejoinder Affidavit is that the proceedings thereon have not yet started. The learned counsel for the applicant has mentioned that the applicant had filed his reply to the chargesheet but not even an Inquiry Officer has been appointed nor, indeed, any progress whatsoever has been made in that proceeding. As already mentioned, the applicant had ^{been} required as far as 31.12.84, and although it is permissible for the Department to hold and conclude an enquiry which had been instituted before retirement, it does not mean that it can continue to remain pending for years together without any progress. It constitutes harassment of a retired employee.

6. It is also noticeable that on the basis of some of the charges proved in the finalised chargesheet referred to above, the President has chosen to impose

QV

(AO)

- 3 -

a penalty of not more than of 5% deduction from gratuity. In other words, there is *prima facie* no justification for withholding most of the amount which is payable to the applicant.

7. It is also noticeable that the nature of the charges have not been indicated in the Counter Affidavit. There is worth in the contention of the learned counsel for the applicant that the making of the Counter Affidavit by the Deputy Chief Personnel Officer is not free from impropriety because the only Opposite Parties in the case are Chairman, Railway Board and General Manager, North Eastern Railway, Gorakhpur and the Counter Affidavit does not even mention that it has been filed on the authority of any of them. Plainly, the opposite parties are taking the applicant's case very casually. Justice therefore seems to demand that despite the pendency of the disciplinary proceedings under the second chargesheet, the applicant should be paid the entire amount due to him. However, the applicant may be bound down to make payment of any amount of the penalty which may be imposed upon him in case charges are proved and finally upheld. It also appears to me that the applicant should be paid interest for wrongful detention of his amount.

8. The application is partly allowed, and it is directed that the opposite parties shall pay to the applicant, within a period of six weeks from the date of service of ^a copy of this order the entire commutation amount of the commuted pension and the

8

- 4 -

entire gratuity less 5% of the gratuity amount in the light of the President's order referred to above. The payment to the applicant, however, shall be made subject to the applicant executing a bond in favour of the President of India ~~and~~ giving an undertaking, ^{delivered} to opposite party No.2 to pay such amount as may be imposed upon him by way of penalty, if at all, as a result of the final orders in the pending disciplinary enquiry. It is also directed that the opposite parties shall pay 10% per annum simple as interest to the applicant on the amounts payable to him from the date on which the amounts fell due to be paid.

Vice Chairman

Dated the 31st July, 1969.

RGM

*R. D. Singh
Vice Chairman*

AFT

AIO
Regd A/D

From - T.N. Chaturvedi
Dy. C.E.E (Retd.)

dt 6-7-89

To - The General Manager,
N.E.Rly., G.K.P.

Ref TN. Chaturvedi Vs. Chairman Rly. & General Manager, N.E. Rly

Q/Sir,

My Regd A/D letter dt 4-8-89 may kindly be referred where-in I had enclosed a copy of judgement of the Hon'ble judge dt 31.7.89 along with a personal bond.

Since I have not heard anything on the subject so far, I am again enclosing a copy of the order and a personal Bond.

Once again I have to request that Compliance of the order of the Hon'ble Central Administrative Tribunal be made and payment made to me at the earliest.

Also my letter dt 3/8/89 addressed to C.P.O. (948) may be perused where-in I had requested to take into account my previous Central Govt service for pensionary benefits.

I shall feel obliged for an early action and a line in reply

T.N. Chaturvedi
Dy. C.E.E (Retd.)
H2/32/D

L.D.A. Colony
Kanpur Rd.,
Lucknow
226005

6/9/89

~~Encl. 1 copy of my P.W.D. & P.M.W. application~~

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE ...Contempt of..... OF9.8.....

in OA 62/88

NAME OF THE PARTIEST. H. Chatterjee.....Applicant

Versus

Gopi Singh.....M. N. Rehadi.....Respondent

Part A.

Sl.No.	Description of documents	Page
1	order sheet	A-1
2	Judgment	A-2
3	Petition: contempt app	A 3 to 5
4	Power	A 7 to 5
5	c.m. app.	
6	Photo copy of Judgment of OA 62/88	A 9 - 12
7	Annexure	A 13 to 14
8	Photo copy of order of contempt nof 88 # 15	
9	C-A	A 16-18
10		
11		
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16		
17		
18		

CERTIFICATE

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

Dated 26.11.2011.

Counter Signed.....


Section Officer/In charge


Signature of the
Dealing Assistant

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE Contempt 5 of 1990
O.A. 62/88

Name of the parties

T. N. Chaturvedi

Applicant.

Versus.

Gowri Shankar

Respondents.

Part A.B.C.

S1 No.	Description of documents	Page
1.	Order Sheet	A1
2.	Judgment	A2 -
3.	Petition (Contempt-application)	A3 + A5
4.	Procra	A6
5.	C. M. Application	A7 + A8
6.	Photocopy of Judgment of O.A 62/88	A9 - A12
7.	Annexures	A13 - A14
8.	Photocopy of orders of contempt 11 of 88 (b)	A15
9.	C. A.	A16 - A18

B - file

B1 - B11

C file

C1 - C2

NOTICES

21/2/90

Hon. Justice K. Rath, C.
Hon. K. Obayya, A.M.

OR

Applicant has filed contentable claim.

S. for order

21/2

Issue notice to opposite parties to show cause why the commutation amount of the commuted portion of the applicant's pension along with interest and the appropriate amount of interest on the applicant's D.C.R.G. has not yet been paid despite the judgement of this Tribunal in O.T. No. 62/88. It would not be necessary for the OPs to appear ^{for the time being} in person before this Tribunal but they must arrange to file an affidavit in reply to the applicant's case and also show cause why they may not be found liable for contempt of this Tribunal in so far as they have disobeyed the judgement as indicated above. dist for orders

on 10/4/90.

R

A.M.

V.C.

R

Notices were issued on 9.3.90

Neither reply nor any unopened reply cover has been return back.

L P.O.

1/2/90

L
2/5

Put up before the Vice chairman on 3/5/90.

Dinesh

J.M.

P.S.H. J

A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

Cont. Appl. No. 5 of 90(L)
O. In
O.A.NO. 62/88(L)

Date of Decision 24.5.19

T.N. Chaturvedi	Applicant.
	Versus	
M.N. Prasad & Others.	Respondents

PRESENT:

The applicant in person.

Shri. A.N. Verma, learned counsel for the respondents.

CORAM:

Hon. Mr. B.C. Mathur, V.C.
Hon. Mr. D.K. Agrawal, J.M.

(Judgement of the Bench delivered by Hon. B.C. Mathur, V.C.)

The learned counsel for the opposite parties filed a counter reply stating that as per direction of the Tribunal payment amounting to Rs. 24,316/- as D.C.R.G. along-with the interest has been made to the petitioner in the first week of January, 1990. Ten per cent interest has been calculated on D.C.R.G. on the date the same fell due. It was also stated that the commutation of pension amounting to Rs. 28,619/- has been sent to the petitioner by registered post on 9.3.1990 through State Bank of India. The applicant admitted, having been received the D.C.R.G., as well as, the intimation about the commutation of pension although, he has not received money from the Bank. We find that the respondents have complied with the order of the Tribunal substantially. In case the applicant is not satisfied with the amount received by him, he may take up the matter ^{with} _{to} the authorities concerned and if, he still feel aggrieved he will be at ~~xx~~ liberty to file a fresh application under section 19. The contempt petition is rejected and the notice discharged.

D.K. Agrawal

JUDL. MEMBER.

B.C. Mathur
24.5.91
VICE CHAIRMAN.

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(AB)

In the Central Administrative Tribunal Allahabad

Circuit Bench Lucknow.

PLSC. App. No. 338190 (L)
C.M. Contempt Appln. No. 5 of 90 (L)

In O.A. No. 62 of 1988 (L)

T. N. Chaturvedi Petitioner

Versus

Chairman Railway Board, New Delhi and
another Opp. Parties

Application for stay/leave or Personnel
Appearance of O.P. No. 2

It is submitted on behalf of the opposite party No. 2
as under:-

1. That the above noted case was listed for 10.4.'90 before the Hon'ble Mr. P.S. Habib A.M. and Mr. J.P. Sharma J.M. who were pleased to order listing of the case before the Hon'ble Vice Chairman on 3.5.'90.
2. That Shri A.N. Verma counsel for O.P. No. 2 was on leave in the Hon'ble High Court on 3.5.'90. Consequently a letter of request was sent to the Hon'ble Tribunal through his clerk praying therein for adjournment of the case to some other date.
3. That the clerk became late in reaching the Hon'ble Tribunal and before he could present the aforesaid letter of request, the Hon'ble Tribunal was pleased to pass an order directing O.P. No. 2 to present himself before the Hon'ble Tribunal fixing 24.5.'90 for hearing.

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4. That Shri Gauri Shanker General Manager, N.E. Rly. has retired from service ~~from~~ on 30.4.1990 and has settled at Delhi.
5. That in compliance to the orders dated 31.7.'89, a sum of Rs. 24,316/- has been paid to the petitioner in the first week of January 1990 towards D.C.R.G. alongwith interest after deducting 5%.
6. That in further compliance a sum of Rs. 28,619/- has been sent to the petitioner vide PM/HQ/90/NER/COM/ 1137 dated 7.3.'90 through State Bank of India Ashok Marg Branch Lucknow towards commutation value of pension.
7. That as per order of the Hon'ble Tribunal 10% interest was to be calculated on the DCRG on the date the same fell due. It is stated that the said amount of DCRG fell due on 15.3.1989, the date of issuance of the Presidential Order.
8. That a detailed reply to the petition/filed on the date fixed i.e. 24.5.1990. will be
9. That on the facts and circumstances stated above, the personal appearance of shri Gauri Shanker Ex. General Manager N.E.Railway Gorakhpur may kindly be exempted.

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Wherefore, it is most respectfully prayed that ⁱⁿ the
interest of justice, the personal appearance of shri
Gauri Shanker Ex. General Manager N.E.Railway may kindly
be exempted.

Lucknow

dated: 17 . 5. 1990

1
(A. N. Verma) Advocate)

Counsel for O.P. No. 2

वकालतनामा

गीर स्टाक/मुदाष्टी
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केन्द्रीय प्रशासनिक न्यायधिकारण, सर्किट ऑफिस, लखनऊ के समर्थन

कन्टेम्प्ट सं. 5 वर्ष १९९०

... ਸ਼੍ਰੀ ਈਓਨਾਂਤਰਵੰਦੀ, ਮੁਤਪਕੰ ਉਧ ਬੁਖ ਵਿਦਵੁਤ ਇੰਜੀਨੀਅਰ/ਏਨਾਂਤਰਿਕਾਵੇ/ਗੋਰਾਂ ਬੁਨੂਰ... ਵੰਦੀ

वनाम

... श्री गौरी शक्ति, महाश्रवन्धक, पूर्वतिर लेलवि/गोरखयुर स्वं अन्यं ... - ग्रन्तिवांदीग्राम
ये/हर्य... गौरी शक्ति, महाश्रवन्धक, पूर्वतिर लेलवि, गोरखयुरं ...

श्रीस०स्न०वर्ष; रे०अधि०/लखनऊ... को रेलवे अधिवक्ता के रूप में उपर्युक्त न्यायिक कार्यवाही में मेरा /हमारा सामान्य प्रतिनिवित्त करने तथा उर्ध्वकृति रिट/सिविल पुनरीक्षण/मामला/वाद/आवदन/अपिल में मेरे/हमारे बदले में उपसंजात होने,कार्य करने, आवदन करने एवं अभियोजन की कार्यवाही करने, अभिलेखों को दाखिल करने,उन्हें वापस लेने, न्यायालय की आदेशिकायाओं को स्वीकार करने, धन जमा करने तथा इससे संबंधित अन्य प्रकार की न्यायालय में उपस्थिति संबंधी कार्य करने, आवेदन करने, अभिवचन करने एवं अभियोजन की आनुवंशिक कार्यवाही करने के लिए एतद् द्वारा नियुक्त एवं प्राधिकृत करता हूं /करते हैं।

इस शास्त्रिकार के अनुक्रम में शोध संस्करण, रोजगारी/लखनऊ वारा रेलवे अभिवक्ता के रूप में किये गये सभी कार्यों का मैट्रिक्स अनुसर्थन करने हेतु सहमत हैं।

इसके साथ स्वरूप इस अधिलेख को मेरे/हमारे द्वारा आज तारीख मार्च/१०/०० को सम्यक हृप लेनिष्पूर्दित किया जाता है।

गौरी शक्ति
(गौरी शक्ति)

महा वृक्षक, पूर्वतार रेलवे, गोरखपुर ।

Acceptable
Advocacy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW BENCH

T.N. CHATURVEDI

....

Petitioner

V/s.

M.N. PRASAD

1. Chairman, Railway Board, New Delhi Opposite Party
2. ^{GAURI SHANKER} General Manager, N.E. Railway, Gorakhpur -do-
 C.M. App. No. 90 (L) in
 Regn. No. O.A- No.62 of 1988 (L)

Decided on 31.7.1989.

Application for execution u/s. 27 of
Administrative Tribunal Act, 1985 on
behalf of the petitioner

Sir,

It is submitted as under :-

- 1) That in compliance of the order of the Hon'ble Administrative Tribunal in the above matter passed on 31.7.1989, the applicant had submitted the indemnity bond (pro forma sent by Railways).
- 2) That the Hon'ble Tribunal had ordered the payment as per directions in the order within six weeks of the receipt of the order along with 10% interest from the date the amount became due.
- 3) That D.C.R.G. amounting to Rs 24,316/- has been paid in the 1st week of January 1990 after deducting 5%; but it is submitted that the interest paid to the petitioner is only from 15.3.89 and not from 31.12.84 the date of retirement of the petitioner, XXX from which date it had become due.
- 4) It is also learnt that the period of the petitioner's previous Central Government service in the Ministry of Communications, from 1-9-58 to 25-12-62 has not been included for pensionary benefit which should have been included.
- 5) That commutation of pension amount has not yet been paid though personal contacts were made a number of

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times and also requested through letters.

6) That in view of the facts stated above, the petitioner prays for the following relief:-

a) Commutation of pension and the amount thereof be paid to the petitioner with interest from 30.12.84 after including the previous central Govt. service.

~~b)~~ b) That interest on D.C.R.G. be calculated from the date of retirement of the petitioner and paid to him after counting previous government service.

7) That it is ~~in the~~ interest of justice that execution of the order may kindly be done through the Court to realise the due payments.

It is, therefore, prayed that the Hon'ble Tribunal be pleased to direct the General Manager, N.E. Railway, Gorakhpur to make payments of the dues by Bank Draft, payable at Lucknow, in favour of the applicant through the Hon'ble Tribunal and the Hon'ble Tribunal may further be pleased to take such action as deemed fit for disobedience of the Hon'ble Tribunal's order dated 31.7.1989.

T.N. Chaturvedi

Lucknow:

PETITIONER

Dated 16 February, 1990

Encl: 1) Copy of judgment of 31.7.89

(2) " " Indemnity Bond (Prescribed by Rlys.)

(3) " " ^{rejecting} _{order} dt. 25-10-89 of contempt notice

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Lucknow Circuit Bench

Registration O.A. No.62 of 1988 (L)

T.N.Chaturvedi Applicant

versus

Chairman, Railway Board, New Delhi
and Others. Opposite Parties

Hon. Justice Kamleshwar Nath, V.C.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for recovery of the commutation amount of the applicant's pension, said to be approximately Rs.36,000/-, and D.C.R.G. said to be about Rs.29,000/-. There was also a claim of Rs. 630/- on account of arrears of Dearness Allowance for the period from January to August, 1984; that amount has been paid to the applicant during the pendency of the present case.

2. The applicant retired as Deputy Chief Electrical Engineer of the North Eastern Railway on 31.12.84. His case is that he had applied for commutation of pension and had also made demand for payment of gratuity.

3. Counter Affidavit has been filed by the Deputy Chief Personnel Officer (Gazetted) of the North Eastern Railway, Gorakhpur stating that two departmental disciplinary proceedings under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968, instituted before the applicant's retirement, are still pending against the applicant and therefore it is not possible to make payment of the commutation amount of the pension or the amount of gratuity.

4. It has been stated in the Rejoinder Affidavit that one of the departmental proceedings ended in an order dated 14.3.89 of the President of India holding that Articles I & II of the Charges stood proved while III of the charge was not proved and that in respect of the established Articles of Charge, a cut of 5% in gratuity ordinarily admissible to the applicant be imposed. The applicant has filed ^a copy of the President's order alongwith the communication letter dated 30.3.1981 as an enclosure to the Rejoinder Affidavit. It is clear, therefore, that so far as one of the enquiry proceedings is concerned, the applicant is liable only to a cut of 5% in the gratuity amount; the balance of the gratuity or the commutation amount of the pension remains unaffected by that order.

5. In respect of the other disciplinary enquiry, the statement contained in the Rejoinder Affidavit is that the proceedings thereon have not yet started. The learned counsel for the applicant has mentioned that the applicant had filed his reply to the chargesheet but not even an Inquiry Officer has been appointed nor, indeed, any progress whatsoever has been made in that proceeding. As already mentioned, the applicant had ^{back} retired as far as 31.12.84, and although it is permissible for the Department to hold and conclude an enquiry which had been instituted before retirement, it does not mean that it can continue to remain pending for years together without any progress. It constitutes harassment of a retired employee.

6. It is also noticeable that on the basis of some of the charges proved in the finalised chargesheet referred to above, the President has chosen to impose

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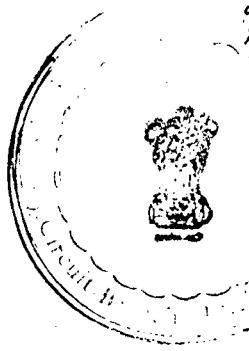
a penalty of not more than of 5% deduction from gratuity. In other words, there is *prima facie* no justification for withholding most of the amount which is payable to the applicant.

7. It is also noticeable that the nature of the charges have not been indicated in the Counter Affidavit. There is worth in the contention of the learned counsel for the applicant that the making of the Counter Affidavit by the Deputy Chief Personnel Officer is not free from impropriety because the only Opposite Parties in the case are Chairman, Railway Board and General Manager, North Eastern Railway, Gorakhpur and the Counter Affidavit does not even mention that it has been filed on the authority of any of them. Plainly, the opposite parties are taking the applicant's case very casually. Justice therefore seems to demand that despite the pendency of the disciplinary proceedings under the second chargesheet, the applicant should be paid the entire amount due to him. However, the applicant may be bound down to make payment of any amount of the penalty which may be imposed upon him in case charges are proved and finally upheld. It also appears to me that the applicant should be paid interest for wrongful detention of his amount.

8. The application is partly allowed, and it is directed that the opposite parties shall pay to the applicant, within a period of six weeks from the date of service of ~~the~~ copy of this order the entire commutation amount of the commuted pension and the

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entire gratuity less 5% of the gratuity amount in the light of the President's order referred to above. The payment to the applicant, however, shall be made subject to the applicant executing a bond in favour of the President of India ~~as~~ giving an undertaking, delivered to opposite party No.2, to pay such amount as may be imposed upon him by way of penalty, if at all, as a result of the final orders in the pending disciplinary enquiry. It is also directed that the opposite parties shall pay 10% per annum simple as interest to the applicant on the amounts payable to him from the date on which the amounts fell due to be paid.



Vice Chairman

Dated the 31st July, 1989.

RKM

R. B. Singh
Deputy Chairman

Central Administrative Tribunal
LUCKNOW - 226 004
E-mail: CATC@vsnl.com

(A13)

INDEMNITY BOND

To,

The Dy President of India,
Acting through the General Manager,
North Eastern Railway,
Gorakhpur.

This deed of indemnity made on the day of
1989 between N.Chaturvedi, aged 63 years s/o Shri
B.D.Chaturvedi resident of H2/32/D-L DA Colony, Kanpur Road,
Lucknow (retired Dy.Chief Electrical Engineer/ N.E.Railway,
Gorakhpur) (hereinafter called the indemnifier) which expression
shall be deemed to include his heirs, successors of legal
representative on the one part and the President of India
acting through the General Manager, N.E.Railway, Gorakhpur
(hereinafter called the Government) which expression shall
unless excluded by or repugnant to the context be deemed to
include his successors or assigns) on the other part.

That the indemnifier filed a case having Registration
No.0A62 of 1988(L) before the Central Administrative Tribunal,
Circuit Bench, Lucknow for payment of his settlement dues
viz. Commutation of pension and DCRG and it was decided vide
31st July, 1989 with the direction that the entire commutation
amount of commuted pension and entire Gratuity less 5% of the
gratuity amount in light of the President's order referred to
above, with 10% interest he paid subject to the applicant
(indemnifier) executing a bond in favour of President of India
giving an undertaking, delivered to the Opposit party No.2
(General Manager, N.E.Railway, Gorakhpur) to pay such amount
as may be imposed upon him by way of penalty, if at all, as a
result of final order in the pending disciplinary enquiry
against him.

And whereas in compliance with the judgement of
Hon'ble Central Adminstrative Tribunal/Lucknow in G.A.No.62
of 1988(L), the Government is paying Rs..... as commutation
of pension and Rs..... as DCRG and Rs..... as interest
i.e. in all Rs..... to the indemnifier.

And whereas on the basis of the aforesaid judgement
the indemnifier is submitting this indemnity bond with underta-
king to pay such amount of gratuity and commuted pension

.....2/-

including interest to the President of India, through the General Manager, N.E.Railway, Gorakhpur as may be imposed upon him by way of penalty, if at all, as a result of final orders or delay. That in case the indemnifier fails to return the aforesaid money for which he is held responsible by way of disposal of the pending disciplinary enquiry, the President of India acting through General Manager, N.E.Railway, Gorakhpur will be entitled to get the aforesaid amount from the indemnifier from a moveable or immoveable properties found in the name of the indemnifier and/or his heirs, successors or other legal representatives which will be legal and binding on the indemnifier and/or his other family members.

In witness whereof the party here to have set and subscribe their respective hands hereinto on the day and year first above written.

T.N. Chaturvedi

Signed by the said Indemnifier
in the presence of Witness
No. 1 and 2.

Signed for and on behalf
of the President of India viz.

Shri

Designation.

In the presence of the Witnesses

No. 1, and 2.

*Signed by Mr. Mehta H2/31/D, L D A Colony
& by Mr. Rathore H2/33/D*

• • • • • • • • • • • • • • •

*feed the original on stamp paper
of value Rs. 60/-*

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11/12/09*

(A15)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

C.M. An. NO.11 of 1989 -(L)

In

O.A. NO.62 of 1988 (L)

T.N. Chaturvedi

Applicant.

Versus

Shri M.N.Prasad

Respondents.

25.10.1989

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

The applicant Shri T.N. Chaturvedi is present in person. The implementation of this Court's judgement and order in O.A. NO.62 of 1988 is under consideration. One of the conditions imposed by the order for the purposes of payment of the due amount to the applicant is for the applicant to execute a bond in favour of the President of India. The copy of the personal bond which the applicant has filed alongwith this application does not satisfy the requirements of a valid bond in terms of the orders of the Tribunal. The applicant may furnish a proper bond to the appropriate authority and thereafter make another proper application to this Tribunal for implementation of its judgement. This application is disposed of in these terms.

Sd/-

Sd/-

V.C.

// True Copy //

rrm/

✓ Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW

Contempt Application No.5 of 1990 (L)

In

O.A.No.62 of 1988 (L)

Sri T.N.Chaturvedi Petitioner

versus

Sri M.N.Prasad & Ors. Respondents

COUNTER REPLY ON BEHALF
OF THE OPP. PARTIES

*21
JMK*
I, Gauri Shanker s/o Sri Har Sumiran Lal aged about 58 years Ex-General Manager, North Eastern Railway, Gorakhpur solemnly affirm and state as under :-

1. That the contents of para 1 of the Contempt Application are not disputed.

2. That in reply to contents of para 2 & 3 of the Contempt Application, it is submitted that as per direction of Hon'ble Tribunal payment amounting to Rs.24,316/- as D.C.R.G. alongwith the interest after deducting 5% has already been made to the petitioner in the 1st week of January, 1990 and receipt of the same has also been acknowledged by the petitioner.

*Reed duplicate
T.N.Chaturvedi
24/5/90
Applicant.*
3. It is further submitted that as per orders of the Hon'ble Tribunal 10% interest was to be calculated on the D.C.R.G. on the date the same fell due. As the said amount fell due on 15.3.1989 i.e. the date of issuance of the Presidential orders. Thus the calculation

(2)

made by the Railway Administration is in consonance with the orders passed by this Hon'ble Tribunal and there is no discrepancies what-so-ever. The claim of the petitioner for interest with effect from 31.12.84 is totally unjustified and misconcieved.

3. That in reply to contents of para 4 of the Content Petition, it is submitted that a letter has been sent to the Secretary, Ministry of ~~Communications~~ Transport and Communication so as to ascertain correctly regarding the past services of the petitioner with effect from 1.9.58 to 25.12.62. So far the Railway Administration has not received any information from the Ministry of Transport and Communication. As soon as the information to the same effect is received, a decision would be taken in accordance with the rules.

4. That the contents of para 5 of the Contempt Petition are not admitted and are denied. It is submitted that the commutation of pension amounting to Rs.28,619/- has been sent to the petitioner vide PN/HQ/90/NER/Coml/1134 dt.7.3.90 by Regd.No.822 dt.9.3.90 through The State Bank of India, Ashok Marg, Lucknow.

~~XXXX~~ It is further submitted that -

- (i) D.C.R.G. has been paid alongwith the interest due as ordered by this Hon'ble Tribunal.
- (ii) Commutation has also been paid as directed by Hon'ble Tribunal as due to the petitioner. No interest is due to the petitioner on the commutation because he has been drawing 100% Pension from the date of retirement. In fact since commutation is effective from March, 1985



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The amount paid to the petitioner is full pension less commuted pension will have to be recovered from the petitioner.

5. That in view of the circumstances narrated above, the petitioner is not entitled for any relief has claimed in the instant petition. There has been absolutely no disobedience by the opp. parties of any orders passed by this Hon'ble Tribunal.

6. That the answering /opp. parties hold the orders passed by the Hon'ble Tribunal as well as passed by other courts in the highest esteem. The opp. parties have never disobeyed or dis-regarded any order passed by this Hon'ble Tribunal.

7. That no case of any disobedience or contempt is made out against the answering opp. parties at any rate and even then if this Hon'ble Tribunal comes to the slightest conclusion that any disobedience has been made out, ^{the deponent and the opp. parties} ~~they~~ tender unqualified oppology.

8. That in view of the circumstances narrated above that the notice ~~notice~~ of contempt is liable to be discharged.

VERIFICATION

Amrit
O.P.M.2

I, the above named, do hereby verify that the contents of para 1 to 8 are ~~true~~ based on the records and legal advice which I believe to be true. Nothing material has been concealed. So help me God.

Verified
at New Delhi

Amrit
(Gauri Shanker)

Dated 22-5-90

OPP. PARTY NO.2