

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Lucknow* BENCHOA/TA/RA/CP/MA/PT *115/88* of 20..........*K.N. Srivastava*.....Applicant(S)

Versus

.....*U.O.I. Board*.....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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Certified that the file is complete in all respects.

*File B/C prepared and destroyed*Signature of S.O. *[Signature]*Signature of Deal. Hand *[Signature]*

(15)

Annexure - A
CAT- 02
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE Registration OA-115 OF 1909 (L)

Name of the Parties K. N. Srivastava

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
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A3	Judgement dated 15-3-89	1
A4	Petition along with annexes dated 19-9-89	11
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A6	{ Affidavit of Keshi Nath } { Srivastava } - - - -	2
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B1	Vakalatnama - Power - - - -	1
B2	Notice - - - - -	1

(A2/L)

1/2

20-9-08.

Hon. Q. J. Miso, Am.

No body appears for
the ~~applicant~~ ^{applicant}. The
case is adjourned.

BL

Am.

Am.

21-9-08.

Hon. Q. J. Miso, Am.

Heard the learned
Counsel for the applicant.
Full papers regarding
pension payment order
has not been filed.

The learned Counsel for
the applicant is allowed
to file pension payment
order within two weeks.

Put up this case on
6-10-08 for admission.

BL

Am.

Am.

OTA No. 115 of 00 (L)

12/2

OR

4-X-00

No. Full papers regarding pension payment order have been filed ^{by the counsel} for the applicant as directed by the court's vide order dated 21.9.00.

Submitted

Insh
4-X-00

6/000

Hon. K.S. Pullaswamy, V.C.
Hon. A. John, A.M.

Applicant by Sri B. Kumar
Learned Counsel for the applicant files an affidavit along with documents. Admit.
Issue notice. One month C.A. 10 days thereafter for R.A. Call this case for 25-11-00 for hearing.

sd/-
V.C.

sd/-
A.M.

OR

Notices issued through Regd. Post. fixing 25-11-00 for hearing.

Insh
13/2

25-11-1988

Hon. D.S. Mishra, AM
Hon. G.S. Sharma, JM

No one is present for the applicant Sri Siddhartha Varma, learned counsel for the respondents requests for time to file reply. He is allowed to do so within a month. Reminder, if any, may be filed within 15 days. Advise it to hearing on or

24.2.1989

JM
25.11.88

Kur

AM

Registered

o/c

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

No. CAT/CB/LKO/

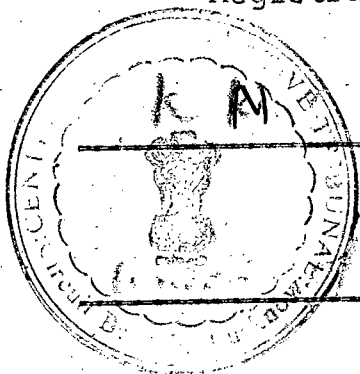
1017 to 1018

Dated :

16/3/09

OFFICE - MEMO

Registration No. O.A. 115 of 193
T.A.



Applicant's

Versus

Respondent's

A copy of the Tribunal's Order/Judgement dated 16/3/09 in the abovenoted case is forwarded for necessary action.

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 16/3/09

(K. K. Banerjee)
Private Secretary
Central Administrative Tribunal
ALLAHABAD

To.

①

Shri H. K. Singh, IAS, 1017

②

Shri S. K. Singh, IAS, 1018

dinesh/

Recd copy
B King
16.3.09

Received
Shri
23/3/09

(12)
8/4

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.
CIRCUIT BENCH, LUCKNOW.

Original Application No. 115 of 1988 (L).

K.N. Srivastava	...	Applicant
	Vs.	
Union of India & others	...	Respondents.

HON'BLE D.S. MISRA, A.M.
HON'BLE D.K. AGARWAL, J.M.

In this application under section 19 of the Administrative Tribunals Act XIII of 1985 the grievance of the applicant is that a sum of Rs.7,612.00 was deducted from the gratuity amount payable to him on his retirement from service on 31.1.1986. In the reply filed on behalf of the respondents, it is admitted that such a recovery was made but it is explained that it was done to recover shortage of stationary items as noted in the audit note dated 6.2.86. The respondents also admit that before making the recovery no opportunity was given to the applicant to show cause against the proposed recovery.

2. We have heard the learned counsel for the parties. In our opinion the failure of the respondents to give such an opportunity to the applicant is against the principles of natural justice. We accordingly allow the petition and direct the respondents to give an opportunity to the applicant in accordance with the prescribed procedure and pass suitable order within a period of three months from the date of receipt of a copy of this order. The petition is disposed of accordingly with costs on parties.

D.K. Agarwal
MEMBER (J)

Sharma
MEMBER (A).

Dt. 15.3.1989.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(ADDITIONAL BENCH LUCKNOW)

KASHI NATH SRIVASTAVA APPLICANT

Vs.

THE UNION OF INDIA & OTHERS RESPONDENTS

I N D E X

S.No.	DESCRIPTION OF DOCUMENTS RELIED UPON	Page No.
1 -	Application	1 to 5
2 -	Annexure no 1	
	Letter dated 11-6-1987	6 to 8
3-	Annexure no 2	
	Notice dated 28.5.88	- 9
4-	Affidavit	10
5-	Power	11

BKumar
(B. Kumar) Advocate
Counsel for the Applicant

For use in Tribunal's office

Date of filing

or

Date of receipt by post

Registration No.

Signature of Registrar

Am
2

8/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(ADDITIONAL BENCH)

(Application U/s 19 of the Administrative
Tribunal Act, 1985).

KASHI NATH SRIVASTAVA

.....

Applicant.

Vs.

1. The Union of India through the
General Manager, Northern Railway,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Lucknow.
3. The Divisional Audit Officer,
Northern Railway, Lucknow.

.....

Respondents.

DETAILS OF APPLICATION

1. Particulars of applicant:

(i) Name of the applicant-

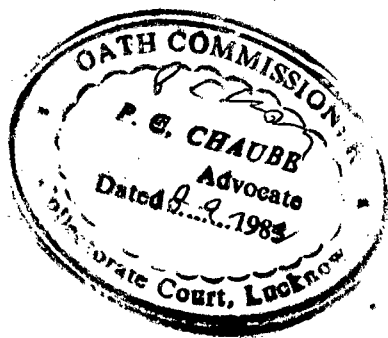
Kashi Nath Srivastava

(ii) Name of the Father-

Late Sri C. D. Lal

(iii) Designation and office
in which employed-

Ex. Superintendent
Store Section
D.R.M. office N.Rly.
Lucknow.



Kashi Nath Srivastava

...2....

Am/3

8/4

(2)

(iv) Office address

Since retired, hence no question arises to hold the office.

(v) Address of service
of all notices-

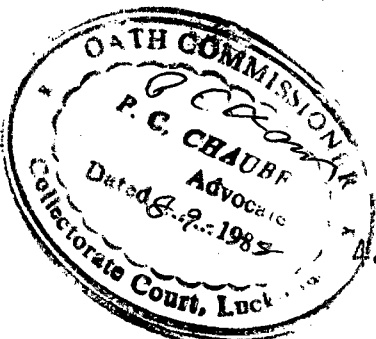
551-K-/100, Bhilwara
Chandar Nagar, A-lambagh,
Lucknow.

2. PARTICULARS OF THE RESPONDENTS:-

- (1) General Manager, N. Rly.
New Delhi.
- (2) D.R.M., N. Rly., Lucknow.
- (3) Divisional Audit Officer,
N.Rly., Lucknow.

3. PARTICULARS OF ORDERS AGAINST
WHICH APPLICATION IS MADE:-

No orders were issued.
The applicant retired on
31.1.86 and when payments
of gratuity and funds were
made, Rs. 7612/- were
recovered from the applicant.



JURISDICTION OF THE TRIBUNAL:-

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

Kashi Nath Srivastava

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:-

(1)

That the applicant retired on 31.1.86.

(2)

That when payment of gratuity was made, the respondent no.2 and 3 recovered as a sum of Rs. 7612/- from the gratuity of the applicant.

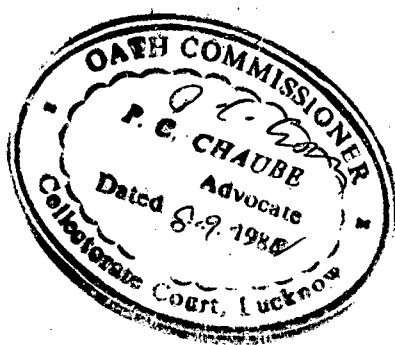
(3)

That the applicant made a representation on 11.6.87, but that representation could not be disposed ^{as yet}. The same is being filed as Annexure no.1 to this application.

(4)

That when the representation contained in Annexure no.1 of the application could not be disposed off, the applicant gave a notice U/s 80 C.P.C. on 28.5.88. A true copy of the said notice is being filed as Annexure no.2 to this application.

...4...



Kashi Nath Srivastava

6. RELIEFS SOUGHT:-

- (1) Representation made vide A-nnexure no.1 of the notice.
- (2) Notice U/s 80 C.P.C. was also sent, but the action was not taken either to dispose off the representation or the notice U/s 80 C.P.C.

8. INTERIM ORDER IF PRAYED FOR:-

No interim order prayed for.

9. DETAILS OF REMEDIES EXHAUSTED:-

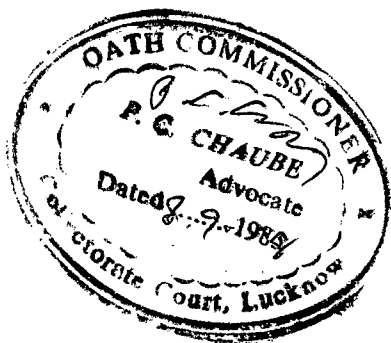
The applicant declares that he has availed all the remedies available to him under the relevant Rules.

10. MATTER NOT PENDING IN ANY OTHER COURT:-

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

Kashi Nath Srivastava

...5....



14/6

14/10

(5)

11. Particulars of Bank
Draft/Postal Order
in respect of the
application.

Postal Order No. ^{PP 823905}

Dated 6.9.88

Amount: Rs. 50/-

for G.P.O. LUCKNOW

NAME OF ISSUING POST OFFICE
~~POSTO~~

12. Details of Index

At the First Page.

13. List of enclosures

Annexure no. 1 - Representation.

Annexure no. 2 Legal Notice
U/s 80 C.P.C.

VERIFICATION

I, Kashi Nath Srivastava (name of the applicant), S/o
P. Late Sri C. D. Lal age 60 yrs. working as Ex.
Superintendent, Store Section D.R.M. Office, N. Railway,
Lucknow, resident of 551-K-/100, Bhilwana Chandra Nagar
Alambagh, Lucknow, do hereby verify that the contents
from 1 to 13 are true to my personal knowledge and belief
and that I have not suppressed any material facts.

Place Lucknow

Date 8.9.88

Kashi Nath Srivastava
Signature of the applicant

I identify the deponent/applicant,
who has signed before me.

B. Kumar Adv.
(B. Kumar) ADVOCATE
COUNSEL FOR THE APPLICANT.



Annexure No - A-1

6

To,

Sri E. A. Khan,
Divl. Rly Manager,
N. Rly,
LUCKNOW.

Sir,

Re:- Recovery of the cost of stationary items
amounting to Rs. 7612/- from the gratuity
of the undersigned.

I was dealing with Guard's equipment, correspondence on supply of K.Oil to stations and revision of K.Oil scales to station and arrangement of store for Melas on the division. Sri Trilok Singh after working on stationery seat for more than 16 years became A.S. Store, Sri A.K. Rastogi Sr. Clerk was attached to him. The then Sr. D.S.O. Sri Baldev Singh asked me, that since Sri A. K. Rastogi, Sr. Clerk is already working on Stationery seat with Sri Trilok Singh, now became A.S. Store, to look after the stationery table in addition to my own work. As Sri Rastogi was already dealing with stationery and no additional work was envolved on me, I accepted it. Sri Rastogi was fully aware as to which items were kept where. As an old co-worker of Sri Trilok Singh I had made request to him to look after the seat as usual with Rastogi and he did so upto the date of his retirement i.e. 30-6-84. The keys of the Godown as well as almirahs were between these two persons and never with me and I was a nominal care taker of the seat.

So far taking the supply of the stationery items from Shakurbasti dept was concerned Sri Rastogi was bring from there. He was returning with stationery supply by 120 Dn. Gmti Express arriving Lucknow about 22/30 hrs in the night and was keeping the supply at his residence and charging T.A. by 30 Dn the next day. I never saw him when he brought the supply from his residence to office. Under rule it is very objectionable to keep Govt Store at the residence. He was maintaining account of receipts and issues, for example old ledger and issue statements from prior to June 1984, may kindly be perused in deep.

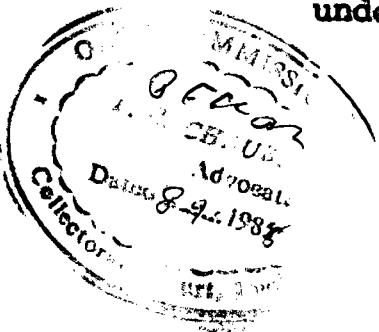
Sri Trilok Singh retired on 30-6-84, upto that date he was looking after the stationery seat and Sri Rastogi was the dealer as is evident from the note of Sri Baldev Singh the then Sr. D.S.O. dated 18-6-84 as under:-

" No. Sr.D.S.O/Misc/84.

It is understood that due to dual control of stationery there is too much confusion regarding withdrawal, issues, and storage of stationery items. In order to prevent any untowards incidence it is necessary that Sri A.K. Rastogi dealer take over charge independently and he will be wholly and solely responsible for receipt, issues and storage of Stationery.

Sd/- (Baldev Singh)
Sr.D.S.O. 18-6-84.

Contd. 2.



Kash Nath
SWS/m

(8)
A/B

-3-

for refund of Rs.7612/- baselessly recovered from my gratuity and inform me on the address given below:-

Thanking you in anticipation.

Yours Faithfully,

K N Srivastava
(KASHI NATH SRIVASTAVA)

Ex. Supdt. Store Section
D.R.M. Office,
N.Rly, Lucknow.

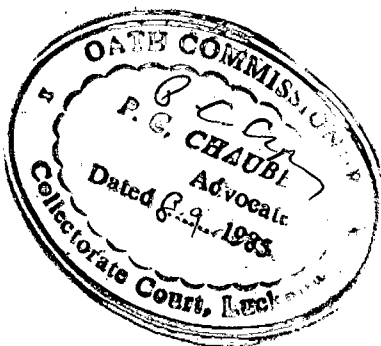
Home Address:-

551-K/100
Bhilawan,
Chander Nagar,
Alambagh, Lucknow.

Copy to :- Sri G.P. Agrawal,
Divl. Audit Officer,
N.Rly, Lucknow.

for information and necessary action at his level.

Kashi Nath Srivastava sd/-



From: B. Kumar Advocate,
C/o Sri A.P. Kapoor Advocate
414/108 Sarai Mali Khan, Chowk, Lucknow.

To,

1. The Secretary to Govt.
Rly. Department,
Government of India Central Secretariat,
New Delhi.
2. Sri E.A. Khan,
The Divisional Railway Manager,
Northern Railways,
Lucknow Region, Lucknow.
3. Divisional Audit Officer,
N.Rly. Lucknow.

Dear Sir,

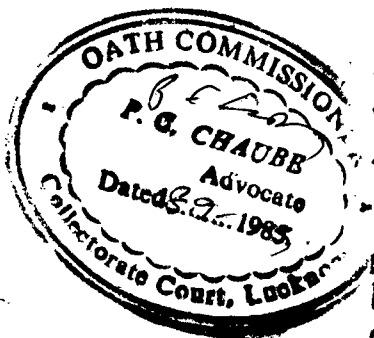
Under instructions and on behalf of my client Sri Ashi Nath Srivastava, Retd. Supdt. Store Section DRM office, N.Rly Lucknow Division Lucknow, R/o 551-K/100, Bhilawan-Chander Nagar Alambagh, Lucknow, I hereby serve upon you the following notice:-

1. That my client abovesaid retired from his above mentioned post on 31.1.1986.
2. That at the time of payment of his gratuity a sum of Rs. 7612/- (Rs. Seven thousand six hundred and twelve only) was illegally deducted from the amount payable to him but in spite of repeated request no reasons for the deduction have been disclosed to him but my client came to know through some other sources that the recovery of the said amount was done on amount of some shortages in the stocks of stationery then my client sent a letter to you dated 11.6.87 for refund of his recovered money of gratuity amount. But no reasons and/or details of the recovery have been yet communicated to him, nor refund his recovered money, so you have violated of his fundamental rights.
3. That the abovesaid recovery was illegally made from my client's gratuity without any notice to him and without resorting to the procedure prescribed under law and order.

You are, therefore, called upon through this notice to pay the above said amount of Rs. 7612/- which has been illegally deducted from my client's amount of gratuity, to him, within 60 days from the date of receipt of this notice, failing which my client shall be constrained to seek his redress through the courts of law entirely at your risk and responsibility as to expenses and costs, which please note.

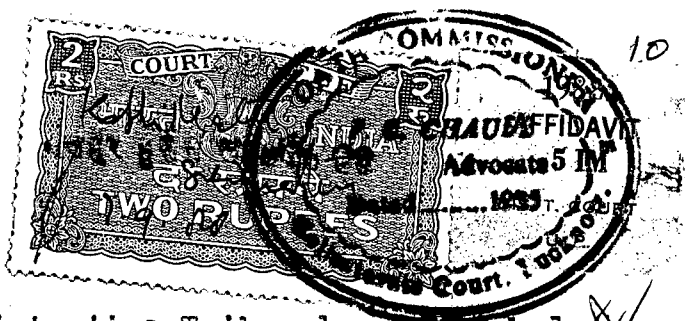
Yours faithfully,

Advocate.



Ashi Nath
Srivastava

22/1/88



In the Central Administrative Tribunal , Allahabad

Additional Bench , Lucknow

Application No. - - - - - /88

Kashi Nath Srivastava

... Applicant

Versus

The Union of India and others

... Respondents

Affidavit

- - - - -

I, Kashi Nath Srivastava , aged about 60 years son of Shri C.D. Lal resident of 551 -K-/100 Bhilawan Chandra Nagar P.S. Alambagh , Lucknow do hereby solemnly affirm and state on oath as under :-

- 1; That the deponent is the applicant in the above noted C.P. and as such is fully conversant with the facts of the case and with those deposed hereinafter .
- 2: That the contents of para 1 to 13 of the enclosed application are true to my personal knowledge .
- 3: That the Annexure No. 1 to 2 are the true Photo copies of the original ones and have been duly compared by me.

Lucknow
Dt. 8th Sep. 1988

Kashi Nath Srivastava
Deponent

Verification

= = = = =

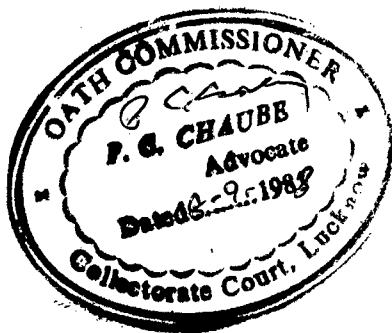
I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my knowledge. Signed and verified this 8th day of Sep. 1988 within court compound at Lucknow

Lucknow
Dt. 8th Sep, 1988

Deponent.

Kashi Nath Srivastava

I identify the deponent who has signed before me.
P. G. Chaube
8.9.88 Adl.



(AS)

1/16

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

O. A. No. 126 of 1988.

Sri K.N. Srivastava.

-----Petitioner

Versus

Union of India and others.

-----Respondents.

Written Reply on behalf of Respondents.

I, *I N Srivastava*

aged about 52 yrs

years, son of Sri

presently working as

Assist Personnel officer

in the Office of the Divisional Railway Manager,
Northern Railway, Lucknow, do hereby solemnly
state as under :-

1. That I am presently working as
in the Office of the Divisional Railway Manager,
Northern Railway, Lucknow, and is looking after
the above mentioned case on behalf of the
answering opposite parties and am duly authorised
and competent to file this reply on behalf of
the opposite parties. I have read and understood
the contents of the above mentioned claim petition.
2. That the contents of paragraphs 1 to 5 of
the claim petition need no comments from the
answering opposite parties.

AS
2

24
12

3. That the contents of paragraph 6(1) of the claim petition are admitted with a clarification that the applicant retired from service on 31.1.1986 on completion of age of superannuation.

4. That the contents of paragraph 6(2) of the claim petition are admitted to the extent that Rs. 7,612/- was deducted from the Gratuity amount of the applicant on account of shortage of stationary items by the Controlling Officer of the applicant in pursuance of the relevant orders, true photostat copies of which are annexed herewith as Annexures No.1 & 2.

5. That the contents of paragraphs 6(3) of the claim petition are denied. It is most respectfully submitted that the applicant did not make any representation to the Competent Authority for redressal of his alleged grievances and as such this claim petition is premature.

6. That the contents of paragraph 6(4) are denied. It is specifically stated that no notice under Section 80 of the Code of Civil Procedure was served on any of the answering respondents/ opposite parties.

7. That the contents of paragraphs 7 to 13 of the claim petition do not need any comment from the answering respondents/opposite parties.

8. That the undersigned, on the basis of legal

[Handwritten signature]
24/12/86
X
[Illegible stamp]

AS
3

18

advise respectfully submits that the present claim petition filed by the applicant is devoid of merit and the applicant is not entitled to the reliefs claimed by him and this claim petition is liable to be dismissed with costs.

Lucknow, dated,
15.2.89

[Signature]
x _____
15.2.89

Verification.

I, *J. N. Srivastava* do hereby verify that the contents of paragraph 1 are true to my own knowledge and those of paragraphs to 7 are based on office records and the same are believed to be true. The contents of paragraph 8 are believed to be true.

Lucknow, dated,
15.2.89

[Signature]
x _____
15.2.89

AS
4

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

19

O.A.No.126 of 1988.

Sri K.N. Srivastava.

-----Petitioner

Vs.

Union of India and others.

-----Respondents.

Annexure No. 1

Annexure

N.Rly LKO P 7386

No. 3964/AU/LKO/2-3/ANPES/403/86-86

22

Suppl (By Bill)

Disl office LKO

N.Rly LKO

Dt 17.3.86

Subj - Shortage of Stationary at the time
of Handing over the Charges

Req: Audit Note PES/403/05-86 Dt 6.2.86

Your attention is invited to the above
cited audit objection copy enclosed
for ready reference and it is desired
that shortage of stationary at the time
of Handing over the Charge amounting
Rs 7612/04 may be recovered
intimate to 'E' Audit & enable to
reply to Audit officer/LKO

This may please be treated as
most urgent.

Copy to Settlement section
for information &
necessary action
plz.

for DPO

जय
मुख्य कार्यालय
दिल्ली 110001

15/5

17/20

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

O.A.No.126 of 1983.

Sri K.N. Srivastava.

-----Petitioner

Vs.

Union of India and others.

-----Respondents.

Annexure No. 2

Pd 17386 Annexure No. 2

(AUDIT NOTE PART I)

Sub:- Shortage of Stationery at the time of Handing over the Charge.

....

Stationery items were in the charge of Sri Kashi Nath Srivastava/Head Clerk (Stores) As per order of Sr.DSO/N.Rly./LKO Sri Srivastava handed over the charge to Sri A.K. Hastogi on 19/6/84. The charge of stationery was taken in the presence of AS (Stores) Sri Tirlok Singh and the shortage difference between book balance and ground balance of stationery as per enclosed list amounting to Rs.7,612/04 appox. was noticed. More than 1½ Yrs. have passed but no action appears to have been taken to recover the cost of stationery found short from Sri Kashi Nath Srivastava Since Sri Kashi Nath Srivastava is due to retire in near future immediate action may please be taken to recover the cost of stationery under advice to audit.

1. Register ruled 1 Qrs.	28 Nos. @ 2/- each.	56/-
2. Register ruled 2 "	33 " @ 3/75 "	123/75
3. Register ruled 3 "	05 " @ 9/50 "	47/50
4. Shorthand Note Book.	02 " @ 3/- "	06/-
5. Eraser (Rubber)	29 " @ -/45 "	13/05
6. Ink B/B Registration.	10 Bottle @ 19/- "	190/-
7. Ink Agents for R/S	71 Nos. @ 4/-	284/-
8. Ink F/Ben B/Block (Chelpark)	01 " @ 4/00	4/-
9. Tags of Cotton.	9941 Nos. @ 2/25 per 100	223/-
10. Ball Pen Officer & Staff.	164 Nos. @ 1/50 each	246/-
11. Rubber Stamp.	35 " @ 2/50 each.	87/-
12. Scissor Stationery.	01 " @ 19/-	19/-
13. Tape cotton white.	59 Rolls. @ 24/62 p.Rolls.	1452/58
14. Paper carbon pencil DFC.	7 R 1½ Qrs. 308/68	2171/29
15. Refill for Ball Pen.	599 nos. @ -/23 paise.	137/77
16. Ink duplicating Black	117 " @ 21/80 per tube.	2550/60
		<u>7,612/04.</u>

No.LKO/2-3/AN-Pt. I/403/85-86/2080

Dated: Lucknow 6/2/1986.

Forwarded to the Sr.DAO/ Sr.D.P.O./ D.R.M.(Stores)

Settlement Section/N.Rly./LKO for information and necessary action.

Sd/- G.P. Agrawal
Divisional Audit Officer,
N.Rly.Lucknow.

KP/

2

Final Pension

PENSION PAYMENT AUTHORITY LETTER

Genl-245

Sanction of Final Pension

The employee ^{REGISTERED} ~~is~~ sanctioned Provisional Pension under PPO of Genl no of 2/06

No. PP0713/07061933/SDM/NR/LKO

Dated 4/87

Treasury Officer/Dy. Director/Manager

State Bank of India

Genl. Post. Off. Branch
H 2 E, Lucknow

Sub. — Payment of Pension to Shri/Smt.

Ex.

X. Srivastawa

Kashi Nath Srivastawa

Northern Railway, Lucknow

In terms of Railway Board's letter No. 75 AG 11/21/1 dated 19-7-1976 superannuation/Retiring pension papers of Shri ~~XXXX~~ ^{XXXX} for payment of pension @ Rs. 7419/- + PP 11/11/ plus relief Rs. 63/- Total Rs. 756/- per month w.e.f. 01.02.86 are enclosed. The pension is required to be disbursed through State Bank of India, Chandigarh Nagar

The debit on this account may be raised against the FA & CAO/Books, Northern Railway, Baroda House, New Delhi.

No pension has been commuted.

In the event of death of the pensioner family pension @ Rs. 252/- plus relief Rs. 341/- (135/-) Total Rs. 593/- per month is payable to Smt. Kashi Nath Srivastawa upto 1.1.1983 and after that 1-1-83 @ Rs. 126/- plus relief Rs. 171/- Total Rs. 297/- w.e.f. 2-1-1983 till her death or remarriage which ever is earlier.

- Enclosures :-
1. Pension Payment Order.
 2. Specimen Signatures.
 3. Joint Photograph.
 4. Annexure I

सिस्टम मैनेजर

FA & CAO/Sr. DAO/DAO/WAO
Northern Railway

The payment of DCRG of Rs. has been arranged vide AB No. dated and CO 7 No. dated

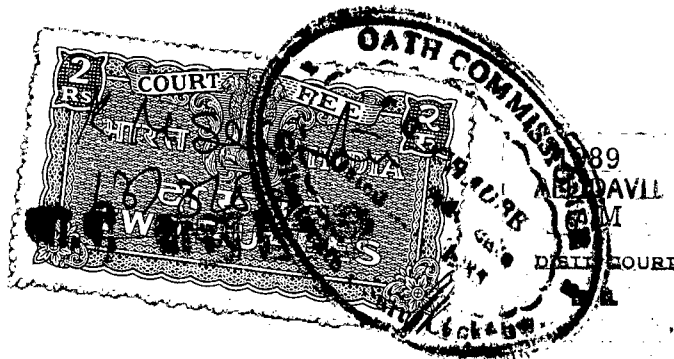
The payment of DCRG will be arranged on receipt of NO. DEMAND CERTIFICATE. The payment of this amount will be made in cash/by cheque (in presence of Gazetted Officer) at

Copy for information to :-

1. Sh. Kashi Nath Srivastawa
C/O Smt. Kashi Nath Srivastawa (Teacher)
Post Vidya Mandir, CB, Lucknow
2. DRM/SCM NR/LKO

सिस्टम मैनेजर

FA & CAO/Sr. DAO/DAO/WAO
Northern Railway



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT
BENCH LUCKNOW

APPLICATION NO. 115/ 1988

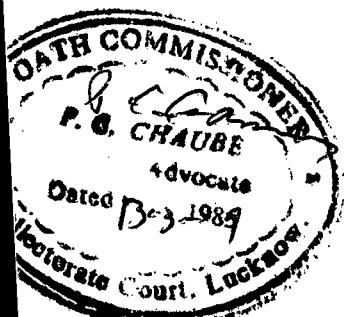
K.N. Srivastava Petitioner

Vs

The Union of India and others..... Respondents

Rejoinder affidavit of Sri Kashi Nath
Srivastava aged about 60 years S/O
Late Sri C.B. Lal R/O 551-K/100 Bhilwan
Chandra Nagar P.O. Alambagh Lucknow

1. I, the above named deponent do hereby swear and solemnly affirm on oath as under.
2. That the deponent is the petitioner in the above noted case and has gone carefully through the counter affidavit submitted by the opposite parties and have to lay down the reply of each and every paragraph as under.
3. That paragraph 1 of the counter affidavit needs no comments.
4. That paragraph 2 of the counter affidavit also does not need reply.
5. That paragraph 3 of the counter affidavit needs no comments.
6. That in reply to paragraph 4 of the counter affidavit, it is to state that the orders contained in Annexure NO.1 & 2 of the counter affidavit were never given to the deponent / petitioner and that was ~~issued~~ issued after the retirement of the petitioner and the same is not in the knowledge of the petitioner. Besides that the order contained in Annexure NO.1 of the counter affidavit has not been issued by the competent authority. The order contained in Annexure NO.1 of the counter affidavit is against law and is



A6
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(2)

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without jurisdiction.

7. That paragraph 5 of the counter affidavit is totally denied. The petitioner made a representation after the deduction of the amount from 'gratuity' which would be evident from Annexure NO.1 of the application.

8. That in reply to paragraph 6 of the counter affidavit, it is to state that the notice U/S 80 CPC was given to the opposite parties. The acknowledgement receipt is being filed as Annexure NO.R-1 & R-2 to this affidavit. The contention of the opposite parties are totally false and is against the facts.

9. That paragraph 7 of the counter affidavit needs no comments.

10. That paragraph 8 of the counter affidavit is false and misconceived.

11. That annexures which are enclosed with this affidavit are true and verified copies of the originals.

Dated 13.3.89
Place:- Lucknow

Kashi Nath Sinhasani
Deponent

Verification.

I, the above named deponent do hereby verify that the contents of this affidavit from paragraph 1 to 11 are true to my personal knowledge and belief and no facts have been concealed so help me GOD.

Dated 13.3.89
Place:- Lucknow

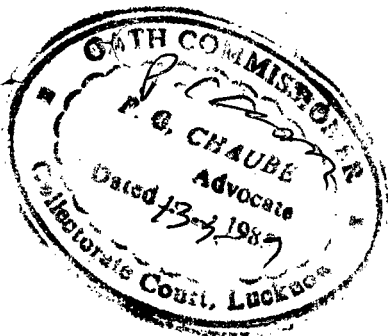
Kashi Nath Sinhasani
Deponent

I, identify the deponent who has signed before me.

B. Kumar
Advocate

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and related to him for Rs. 1/- 1.50

P. C. CHAUBE
Advocate
13-3-89



A6
3

K. N. Srinivasan vs Union of India

ANNEXURE No - R-1

No. 0865 Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. R.P.-51(a) 6/10

Received a V.P. registered* Date-stamp addressed to To Shri. E. H. Khan

Signature of receiving officer. Write here 'letter' 'parcel' or 'railway receipt' 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) 10000 (in words) weight rates Grams

No. 0866 Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. R.P.-51(a) 6/10

Received a V.P. registered* Date-stamp addressed to To The Secretary

Signature of receiving officer. Write here 'letter' 'parcel' or 'railway receipt' 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.

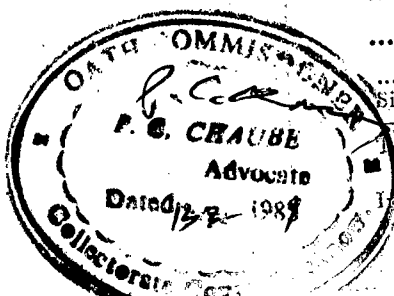
Insured for Rs. (in figures) 10000 (in words) weight rates Grams

No. 0867 Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. R.P.-51(a) 6/10

Received a V.P. registered* Date-stamp addressed to To Shri. E. H. Khan

Signature of receiving officer. Write here 'letter' 'parcel' or 'railway receipt' 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) 10000 (in words) weight rates Grams



Kashi Ram Srinivasan

AB
4

AB

K. N. Srinivasan

vs

Union of India

Annexure No - R - 2

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

*एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक/No.

*Received a ~~Registered~~ ~~Insured~~ Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (name)

Divisional Audit Officer
Northern Railway
Lucknow

बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Date of delivery.....198

*अनावश्यक को काट दिया जाए।
*Score out the matter not required.

केवल बीमा वस्तुओं के लिए
For Insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee

Deo Nain

21/6/88

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

*एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक/No.

*Received a ~~Registered~~ ~~Insured~~ Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (name)

Secretary of Ministry
of Department of Central Secretariat
New Delhi

बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Date of delivery.....198

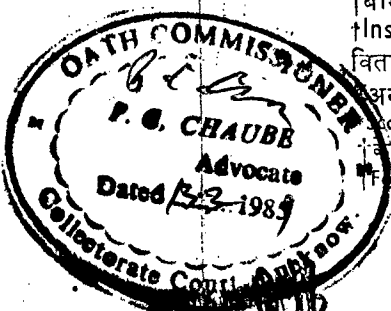
*अनावश्यक को काट दिया जाए।
*Score out the matter not required.

केवल बीमा वस्तुओं के लिए
For Insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee

एले गायब, रिले कोड

Sec. Secretary, Railway



Nashin Nashin Envaslani

Filed on
19/9

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit **ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Gandhi Bhawan, U.P.

Registration No. 115 of 1980 (C)

APPLICANT (s) R. N. Srivastava

RESPONDENT (s) D. D. & Sons

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent? yes.
2. (a) Is the application in the prescribed form? yes.
(b) Is the application in paper book form? yes.
(c) Have six complete sets of the application been filed? 2 Timeset only.
3. (a) Is the appeal in time? yes.
(b) If not, by how many days it is beyond time? -
(c) Has sufficient case for not making the application in time, been filed? -
4. Has the document of authorisation/Vakalat-nama been filed? yes. PO NO $\frac{DD}{4}$ 023905 dt 6-9-80.
5. Is the application accompanied by B. D./Postal Order for Rs. 50/- yes PO NO $\frac{DD}{4}$ 023905 dt 6-9-80.
6. Has the certified copy/copies of the order (s) against which the application is made been filed? NO.
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? yes.
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? yes (By advocate)

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? *yes.*
12. Are extra copies of the application with Annexures filed? *No*
- (a) Identical with the original?
- (b) Defective?
- (c) Wanting in Annexures
- 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? *yes.*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *NA.*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *NA.*
17. Are the facts of the case mentioned in item No. 6 of the application? *yes.*
- (a) Concise?
- (b) Under distinct heads?
- (c) Numbered consecutively?
- (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons? *No*
19. Whether all the remedies have been exhausted. *yes.*

Let case be listed on 20.9.88

Richard
19.9.88

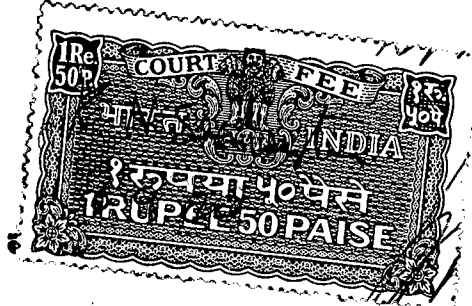
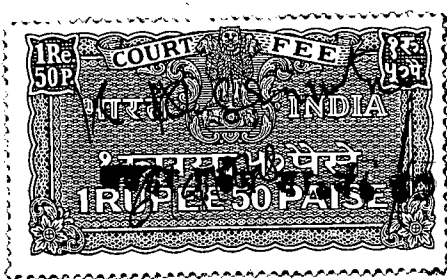
ब अदालत श्रीमान् *with Central Administrative Tribunal Allahabad*
Branch Lucknow महोदय

[वादी अपीलान्त]

श्री *Kashi Nath Sainstantani* का

वकालतनामा

(B1)



Kashi Nath Sainstantani — Applicant

बनाम

प्रतिवादी (रेस्पाडेन्ट)

The Union of India & others — Respondent

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *Sri A. P. Sainstantani Advocate*

Sri A. P. Kalwar Advocate

वकील

Sri B. Kumar Advocate

महोदय

114/108 Sarai Mali Khan Chowk, Lucknow-3

एडवोकेट

नाम अदालत	मुकद्दमा नं०	बनाम
नाम फरीकन		

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

Kashi Nath Sainstantani

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १६८८ ई०

स्वीकृत

Accepted
Advocate
Accepted
B. Kumar

Registered

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

No. CAT/CB/LKO/ 304 to 306 Dated : 11 / 7 / 1938

Registration No. 126 of 1938 (1)

~~RA Bhatnagar~~ K N S Applicant

Versus

~~D C J & Co~~ Respondent's

To

- ① ~~D C J & Co~~
- ① ~~General Manager, Railway~~
- ② ~~D C J & Co~~
- ③ ~~General Manager, Railway~~

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 25 day of 11 1938 for

~~To file the answer~~

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 11 day of X 1938.

For DEPUTY REGISTRAR

dinesh/