

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCHOA/TA/RA/CP/MA/PP 79/88 of 20..........Krishan Swarup Dixit.....Applicant(S)

Versus

.....Union of India.....Respondent(S)

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Certified that the file is complete in all respects.

B.C. Filed under 8 of 196819/6/2012

Signature of S.O.

Signature of Deal. Hand

## CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Case Title CA 791/88 (C) 19

Name of Parties.

Kristan Swaroop Dixit Applicant

U.O.2 &amp; 028 versus Respondents.

PART-A

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PART -B

B73 - B134

Case ready to be sent to record room. Please sign and stamp for confirmation.

Part -C

C135 - C140

Certified that no further action is required. The case is fit for consignment to record room.

Section OfficerCourt OfficerIncharge

f. n. 28/1/94

Signature of Dealing Assistant.

(RN)

P. Narayan  
24/01/94

Filed on 22.3.88  
O. 1  
278/88

# CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 29 of 1988

APPLICANT (s) ..... Krishna Sastri Dutt

RESPONDENT(s) ..... C. A. & H. R. I. F. M. N. S. C. (A.L.)

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 ?	Only 2 sets filed Premature
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 ?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes (2 P.O. N. DD 067225 D- 21.3.88 f. Regd.)
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
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)  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 ? N. A.

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

(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 ? N. A.

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 ? Yes

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

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 ? Yes

19. Whether all the remedies have been exhausted.

Pre. Matter

Check List is prepared  
only after the file is  
released from Court  
Date 22/8/88

A.D.  
22/8/88

Let the case be  
listed on 22/8/88  
Date 22/8/88

Lucknow Bench

①

Order sheet

OA No. 79/88

AR

22.8.88 Hon. A. John, A.M.

The application appears  
to be premature. List this case  
before the Division Bench on 25.8.88.

3/2  
A.M.

25.8.88

Hon'ble A. John, A.M.  
Hon'ble G-S Sharma, J.M.

Admit. Issue notices one month for C.A.  
15 days thereafter for R.P. fixed on 22.11.88  
to hear

Set-  
A.M.

Set-  
G.M.

3/3

OR

16.9.88

Notices issued to the respondents  
through Regd. Post.

3/3

22.11.88

Sri Ashok Nigam files his vanlatnama  
on behalf of respondents No 1, 2 & 3. On  
the request of counsel for respondents,  
he is allowed to file reply. 27.1.89.

27/1/89

No sitting, Adjourned to  
for Reply.

22/3/89  
22/11

27/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 79/88(L)  
REGISTRATION NO. \_\_\_\_\_ of 198

93

3

APPELLANT  
APPLICANT

K.S. Dixit

DEFENDANT  
RESPONDENT

VERSUS

Union of India & ors

Number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
11/5/89	<u>Hon' Mr. K.J. Raman, A.M.</u>	<p>The brief holder of the learned counsel for the applicant is present. None is present for the respondents. The learned counsel for the applicant points out that, no reply has been filed by the respondents, even though the application was admitted in August, 88 and sufficient time have been given to file counter reply. One more opportunity is being given to the respondents to file their reply. The reply may be filed within one month. In case the counter reply is filed, the applicant may file rejoinder, if any, within 2 weeks thereafter. Put up this case for orders/hearing on 10/8/89.</p>
10/8/89	<u>Hon' Mr. D.K. Agrawal, J.M.</u>	<p>Shri D.P. Srivastava, brief holder of Shri O.P. Srivastava learned counsel for the applicant and Shri Kailash Chand Saxena, briefholder of Shri Ashok Nigam, Learned counsel for respondents are present.</p> <p>No reply has been filed on behalf of respondents. Instead a preliminary objection has been made, that the application is pre-matured, because the applicant after imposition of the punishment order did not file an appeal. The contention of the applicant is that the</p> <p>9/0</p> <p>9/0</p>

A.M.

(sns)

9/0  
In spite of one  
more opportunity given  
to respondents for filing  
a reply they have failed  
to file the same  
submitted for order

....contd...

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
412-94	No Sitting - Adj. to 21-2-90 Both the parties are present	1/12
21/2/90.	Hon. Justice K. Prath, VC. Hon. K. Obayya, A.M.	OR No CA filed S. F. hearing 20/2
	Shri O.P. Srivastava appearing for the applicant requests for and is allowed two weeks time to file rejoinder. The case be listed for final hearing on 14/3/90.	CR No RA S. F. H
	A. M. Hon.	VC.
14.3.1990	Hon. Mr. D.K. Agrawal, J.M., Hon. Mr. K. Obayya, A.M.	
	<p>Shri. O.P. Srivastava, for the applicant is present. No one for the respondents is present. The learned counsel for the applicant wants 3 weeks time to file rejoinder affidavit. Allowed. Let, the rejoinder affidavit be filed within 3 weeks, here of.</p> <p>List it for hearing on 31.7.1990.</p> <p>A. M. J. M.</p>	

Dinesh

sd.

81-790

No sitting. Adj. to 4-7-90

A.M.

4.10.90

No sitting Adj. to

19.12.90

W

29.5.91

AS

D.R.

None is present  
from the applicant  
side. Rejoinder has  
not been filed today.  
Sri B.K. Shukla is  
present. List for filing  
Rejoinder by 5.8.91

5.8.91D.R. ✓

Sri B.K. Shukla is  
present for the O.P.  
Sri D.P. Srivastava  
Ad. counsel for the  
applicant desires  
to file Rejoinder  
by 11/9/91. ✓

11.9.91D.R. ✓

Both the parties  
are present today.

Applicant to file  
Rejoinder by 14/11/91. ✓

20.1.93

No. 31119 G.D. B-adj  
to 4.2.93

A6

4.2.93

21001. Mr. Justice U.C. Srivastava  
21002. Mr. K. Obayya A.M.

OR

And filed  
Deft. filed  
02/2/93

OR

AM

✓

✓

On the request of learned

Counsel for appellants on  
adjourned to 5.3.93 for  
hearing

✓

✓

OR

5.3.93

RA notified  
SAF withdrawn  
Open though the  
Counsel for appellants  
have been admitted

OR  
04/3/93

Due to Counsel. Boys call of  
lawyers Court adjourned to  
10.3.93

POE

10/3/93. Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, A.M.

After hearing the counsels for the  
parties, the case is disposed of.  
Judgement has been dictated in  
the open Court.

AM

V.C.

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LONDON BENCH  
LAW DIVISION

Ms. 7/30

1. N

199 1 (L)

2. N

199 1 (TL)

Dated 2<sup>nd</sup> December 10/3/3

1. Mr. J. G. L.

Petitioner.

2. Mr. G. B. M.

Advocate for the  
Petitioner(s)

3. Mr. J. G. L.

4. Mr. G. B. M.

Respondent.

5. Mr. G. B. M.

Advocate for the  
Respondents

6. Mr. G. B. M.

Hon'ble Mr. Justice W. J. Davies M.A.,

Hon'ble Mr. K. C.

1. Whether Reporter of legal papers may be allowed to see the document ?
2. To be referred to the reporter or not ?
3. Whether their Lord Ships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to other Benches ?

1/1  
Vice-Chairman / Member

A7

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH  
LUCKNOW.

O.A.No.79/88.

K.S. Dixit ::::::: Applicant.  
Vs.

Union of India &  
Others. ::::::: Respondents.

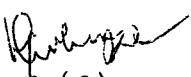
Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, A.M.

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

The applicant was performing his duty as Station Master in Gola Gokarannath Railway Station. A charge-Sheet was issued to him on 7/12/87. The main charge was that a derailment of Train took place and damage was caused due to his negligence when he was on duty. The applicant submitted his reply and denied the charges stating that there was no negligence of duty on his part. The enquiry proceedings went ahead and the witnesses were examined and punishment of stoppage of 3 years' increment was awarded temporarily for a period of 3 years.

2. According to the applicant he has filed his representation/appeal against the same before the Divisional Manager. But the respondents have denied the receipt of any such appeal. It appears that the appeal of the applicant was not properly placed on record. It is difficult to accept that the applicant has not filed any appeal. Accordingly the respondents are directed to dispose of the appeal filed by the applicant taking into account the grievances raised by the applicant. They shall pass a speaking order and the applicant shall be given a hearing. The applicant shall supply another copy of the application along with a copy of this order to the respondents within a period of three weeks from the date of communication of this order. The respondents shall

dispose of the application within a period of two months from the date of receipt of the copy of the application along with a copy of this order. The application stands disposed of in the above terms. No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 10th March, 1993, Lucknow.

(tgk)

22/6/88  
Ag

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

79/00165

Krishna Swarup Dixit ..... Applicant  
Versus  
Union of India and others ..... Respondents.

I N D E X

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*Copy received  
July  
16/8/88*

Lucknow Dated.  
July 22, 1988.

*Prakash*  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE APPLICANT.

A/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

CA 79/0064  
BETWEEN

Krishna Swarup Dixit ... ... Applicant

AND

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

DETAILS OF APPLICATION.-

1. Particulars of the applicant .

i) Name of the applicant	• Krishna Swarup Dixit
ii) Name of Father	• Sri R.P. Dixit
iii) Age of the Applicant	• About 50 years
iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service.	• Working as Station Master, North Eastern Railway, Gola Gokarannath.
v) Office address	• As above
vi) Address for service of notice	• Railway Quarter No.T8/B, Railway Colony, Gola Gokarannath, N.E. Railway, district Kheri.

2. Particulars of the Respondents

i) Name of the Respondent	• 1. Union of India through the General Manager, NER Gorakhpur.
ii) Name of the Father	)
iii) Age of the Respondents	)
iv) Designation and particulars of office (Name and station) in which employed.	)
v) Office address.	)
vi) Address of service of Notice.	)

1. Union of India through the General Manager, NER Gorakhpur.

2. Additional Divisional Rly. Manager, N.E.R., Divl. Manager's Office, Ashok Marg, Lucknow.

3. Sr. Divi. Safety Officer (Also known as D.R.M. Safety), N.E.R., Divisional Rly. Manager's Office, Ashok Marg, Lucknow.

4. Enquiry Officer (Divl. Traffic Inspector Sri Bhagwan Misra), NER, Divl. Rly. Manager's Office, Ashok Marg, Lucknow.

*K.S.S.P.*

3. Particulars of the order against which application is made.

The application is against the following orders.-

i) Order No. with reference to Annexure.	. T/537/NVA/Lucknow/31/87 Annexure No. 1.
ii) Date	. 15.3.1988
iii) Passed by	. Mr. Divl. Safety Officer, N.E.R., Lucknow.

iv) Subject in brief

A memorandum of chargesheet imposing a major punishment under the Railway Servants (Discipline and Appeal) Rules 1968 was issued against the applicant for the alleged misconduct pertaining to non-compliance of the general Rule No. 3.69(2)(III). The applicant submitted his reply and while the witnesses were being examined, the enquiry proceedings were abruptly closed by serving the impugned order of punishment imposing the punishment of stoppage of three years' increments temporarily for the period of 3 years. The applicant preferred a departmental appeal on 21.3.1988 before the Respondent No. 2 which has not yet been disposed of, but the Respondent Nos. 2 and 3 are going to implement the impugned order of punishment by depriving the applicant from the increments due to him in the month of August 1988 and the request of the applicant for staying the implementation of the impugned order has been kept aloof. Hence the instant application.

4. Jurisdiction of the Tribunal .

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

*K.S. 10*

5. Limitation .

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal's Act 1985.

6. Facts of the case :

The facts of the case are given below:-

6.1 That by way of the instant application the applicant seeks to challenge the most illegal and arbitrary order imposing punishment of stoppage of three increments of the applicant temporarily for a period of three years. This punishment ~~has been~~ has been imposed in the mid of the disciplinary proceedings without any rhyme or reason while indeed the applicant is not responsible at all for the alleged misconduct. A true copy of the aforesaid order dated 15.3.1988 is being filed herewith as ANNEXURE-1 Annexure-1 to this application.

6.2 That while the applicant was performing his duties as Rest Giver station Master, N.E.R. station Pardhan, he was issued with a chargesheet dated 7.12.1987 under the seal and signature of senior Divisional Safety Officer, Lucknow Junction under Rule 9 of Railway Servants (Discipline and Appeal) Rules 1968 (hereinafter referred to as 1968 Rules). Along with the memorandum of the chargesheet the applicant was also supplied the statements of imputation of charges and the list of the witnesses

relied upon for the purpose to prove the charges.

A true copy of the aforesaid chargesheet dated 7th

ANNEXURE-2 December, 1987 is being filed herewith as Annexure-2  
to this Application.

6.3 That vide the aforesaid chargesheet the applicant was required to submit his written statement of defence within a period of 10 days of the receipt of the aforesaid memorandum of chargesheet and as such the applicant submitted his reply to the charges on 12.12.1987. In his written statement the applicant while denying the charges levelled against him the applicant also demanded that the site of the occurrence be inspected in presence of the applicant and the applicant be shown the Sleepers which have been damaged owing to the said occurrence and were replaced over night without any enquiry or inspection. The applicant also stated that wrong information has been passed on to the higher authorities intentionally for the purpose to shift the responsibility on the shoulder of the applicant. A true copy of the aforesaid written statement dated 12.12.1987, filed by the

ANNEXURE-3 applicant, is being filed herewith as Annexure-3  
to this Application.

6.4 That on the same day i.e. 12.12.1987 the applicant also moved an application indicating the names of

the witnesses required to be cross examined for the purpose to assail the charges. The applicant also requested that the sleepers which were replaced after the accident immediately over night without any inspection or enquiry be also shown to him as the applicant was interested to know the reasons for. A true copy of the aforesaid letter dated 12.12.1987 is being filed herewith as Annexure-4 to this application.

6.5 That thereafter an Enquiry Officer was appointed vide the aforesaid chargesheet contained in Annexure-2 to this application to conduct the departmental enquiry into the matter. On 9th January 1988 the Enquiry Officer made a sketch plan of the site in presence of the Permanent Way Inspector, Gola Gokarannath (Sri Baldev Singh) and Traffic Inspector, Lakhimpur Kheri (Sri C.B. Singh) along with the Assistant Station Master on duty. The copy of the said site plan was not supplied to the applicant inspite of repeated requests/demands. The applicant lastly demanded the copy of the said site plan on 5th of March 1988, but this too remained unyielded.

6.6 That 9th January 1988 was also fixed as first date of enquiry proceedings and on that date Sri C.P. Singh, Permanent Way Inspector, Lakhimpur Kheri

was to be cross examined, but as Sri Singh did not turn up hence the proceedings were adjourned to next date i.e. 15th January 1988.

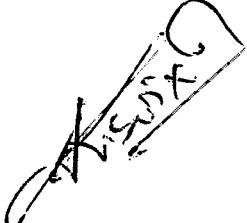
6.7 That on 15th January 1988 again Sri C.P. Singh, Permanent Way Inspector, Lakhimpur Kheri did not turn up. However, Sarvashri C.P. Verma, Signal Inspector, Lakhimpur Kheri, Madan Lal Sharma, Mechanical Signal Maintainer Mailani, Mukti Nath Verma, Mechanical Signal Maintainer Khalasi, Naseem-ul Haq, Electrical Signal Maintainer (III) Gola and Ram Priti Sharma Khalasi to Electrical Signal Maintainer (III) Gola ~~was~~ were produced. The statements of the aforesaid persons were recorded and the applicant was given opportunity to cross examine the witnesses. All the witnesses unanimously stated that the derailment took place much away from the Point No. 1 X at line No. 2 and the point No. 1X as well as the point no. 1 were found properly set and locked. As the Station Master or the points man is responsible for setting and locking of the points hence the applicant cannot be said to be responsible ~~for~~ in any manner whatsoever in the instant derailment as it was neither on the point No. 1-X nor because of the ~~failure~~ in setting and locking of the point No. 1X as in case the point no. 1X could not have been properly set and locked the engine would have been derailed

on the point itself as the wheels of the Engine cannot cross an incorrectly set point. But in the instant case only the front wheels of the ~~at a far distance from point 1.X.~~ Engine were derailed, while back wheels of the Engine along with the wheels of the Break Van attached with the Engine were found on track and therefore the derailment cannot be attributed to the functioning of the station Master or the Point-man or with the point in any manner whatsoever. A true copy of the Examination-in-Chief and cross examination recorded during the enquiry proceedings are being filed herewith as Annexure-5 to this Application.

ANNEXURE-5

6.8 That thereafter the applicant was sent to Muzaffarpur for station Masters' Refreshers course on 23.1.1988 from where he could come back on 15th February 1988 after completing the course successfully.

6.9 That thereafter the applicant received the letter dated 11.3.1988 from the Enquiry Officer. By this letter the applicant was informed regarding the next date of departmental enquiry proceedings as 19.3.1988. By the same letter the Assistant Engineer, Sitapur was also requested to spare Sri C.P. Singh, Permanent Way Inspector to attend the enquiry on 19.3.1988. A true copy of the aforesaid

A handwritten signature in black ink, appearing to read "K. S. Singh".

letter dated 11.3.1988 is being filed herewith

ANNEXURE-6 as Annexure-6 to this application.

6.10 That when the applicant reached to attend the enquiry proceedings on 19.3.1988 he was informed by the Traffic Inspector, Lakhimpur Kheri that the disciplinary proceedings have been postponed under the orders of the competent authority and the copy of the order has already been despatched to the applicant at his address.

6.11 That thereafter the applicant came back and found a letter lying on his office table dated 15.3.1988 by dint of which the impugned punishment was imposed on the applicant. A true copy of the impugned order dated 15.3.1988 has already been filed as Annexure-1 to this Application.

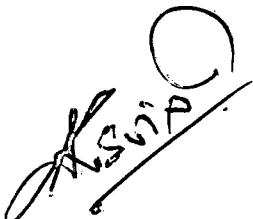
6.12 That thereafter the applicant filed an appeal against the impugned order of punishment on 21st March, 1988 to the Uppar Mandal Rail Prabandhak requesting that the punishment be not imposed during pendency of the enquiry proceedings which have been postponed on 19.3.1988. The applicant further requested that the statements recorded during the enquiry proceedings clearly indicate that the applicant cannot be held responsible for the incident as it was either on account of defect in the Engine or the Railway line and

therefore the responsibility for the accident comes on the head of some other staff. A true copy of the aforesaid appeal dated 21.3.1988 is being filed herewith as Annexure-7 to this application.

ANNEXURE-7

6.13 That thereafter the applicant has been replied nothing, although he made repeated requests for the disposal of his appeal contained in Annexure-7 to this Application. No date of enquiry has yet been informed after 19th of March 1988.

6.14 That the increment of the applicant has fallen due with effect from 1st of August 1988 and the Respondents are going to deprive the applicant from it by implementing the impugned order of punishment as contained in Annexure-1 to this Application without disposing of the applicant's appeal/representation dated 21.3.1988 contained in Annexure-7 to this application. No date of enquiry proceedings has been informed to the applicant. In case the impugned order of punishment is implemented the applicant will suffer irreparable loss for his no fault. The applicant will be deprived of from the financial benefits arbitrarily and illegally for the accident for which actually the other staff is responsible. Once the impugned order is implemented it would be difficult for the applicant to get its operation stayed and thus the occasion arose for the



applicant to proceed further to take the shelter of the Law.

6.15 That so far as the facts of the case are concerned the Diesel Engine alongwith a Break Van was to go from the line No. 2 to line no. 1 at Pardhan Railway station. A sketch plan of the Pardhan Railway station showing the passage of the aforesaid diesel Engine is being filed herewith as

ANNEXURE-8 to this application.

6.15 That a perusal of the aforesaid site plan contained in Annexure-8 obviously reveals that for going from line no. 2 to line no. 1 the said Diesel Engine was to cross point No. 1X shown at 'B' in the site plan and then from there the said Engine was to cross the point no. 1 shown at 'F1' of the site plan. The applicant being the station Master of the Railway station Pardhan was responsible for setting and locking the point no. 1 and point no. 1-X making a route as 'A', 'B', 'C', 'F' and 'G' indicating in the site plan.

6.16 That the said Diesel Engine crossed the facing point No. 1-X shown as 'B' in the site plan without any difficulty and proceeded further. All the wheels of the Engine alongwith the Break Van attached therewith have crossed the point No. 1-X at 'B' of the site plan successfully. When the

*MSF*

Engine reached at 'C' of the site plan only two front wheels of the Engine got derailed while rest of the back wheels of the Engine alongwith its attachment remained intact on the track.

6.17 That it would not be difficult out of place to mention that the point no.1-X was neither damaged nor anyway disturbed and all the wheels have successfully crossed this point without any difficulty. As the point shown as 'B' in the site Plan was properly set and locked and clamped the wheels successfully crossed it. If the point could not have been properly set and locked the wheels could not have crossed it and the derailment could have taken place at this very juncture on the point No. 1-X shown as 'B' in the site plan. Simultaneously the point shown as 'B' in the site Plan would have been damaged, but in the instant case neither the point shown as 'B' was damaged nor any of the wheels derailed at this point and therefore it cannot be said that the point No. 1-X shown as 'B' in the site plan was not properly set, locked and clamped.

6.18 That the derailment took place on the line which palpably indicates that the cause of derailment may be owing to some defect in the Engine itself or in the track for which the staff maintaining

*Ansari*

the track is responsible. If the point would have been damaged and the derailment could have been taken place on it then certainly the operating staff, like the applicant could have been said to be responsible for it.

6.19 That the point No. 1 and point No. 1-X are the couple points. The point No. 1 is fitted with motor and is therefore known as motor-point. By operating this motor-point, point no. 1.X at 'B' is set and locked first and then the point no. 1 is automatically locked. There is no separate provisions for operating the point No.1.X. The line no. 2 goes straight after point no. 1.X and comes to an end at point No. 'D'. No load is allowed to go beyond the point 'D'. The distance of the track between 'B1' and ~~and~~ 'D' is known as stock rail. It is pertinent to point out that in case the route 'A', 'B', 'F' 'G' is set the load cannot go on the stock rail and therefore the stock rail cannot give any indication of passing of the said load unless it is alleged that the said route A,B,F,G was not properly set.

6.20 That it has not been disputed that the <sup>Wheels</sup> set and the track route ABF, but front wheels of the Engine derailed at point 'C' after crossing point 'B' and therefore any mark or indication taken from the stock rail for supporting the cause of

derailment is irrelevant and inadmissible in the eye of Law in as much as it has got no connection with the incident.

6.21 That the facts stated in the joint note on the basis of which the impugned punishment has been imposed upon the applicant is irrelevant and perverse to the material available on the record. A true copy of the joint note has been filed along with the chargesheet as Annexure-2 to this Application. A perusal of this joint note reveals that it has been alleged that all the six wheels of the front bogie of the Engine derailed because of being two roads at point No.1X because the point no. 1.X was neither correctly set nor clamped and pad-locked. It has further been stated in the joint note that the mounting marks were found at switch Rail. It is relevant to state that when the point No. 'B' is open the route available is ABD and in those circumstances the point No. 'B' is known as switch Rail which functions as derailing switch for preventing the passage of the route from 'B' to 'D'. It has further been stated in the said joint note as under.-

"There is clear wheel marks available on the stock rail of derailing switch upto 8.00 Meter (Eight Meter) length from the toe of the switch".

It is very much evident from the aforesaid facts

*W.S.F.*

stated in the joint note that according to the joint note the point no. 'B' was indicating two routes at a time and therefore the derailment took place. It is entirely arbitrary and against the provisions of the Law as in case the point 'B' was giving two routes the derailment ought to have been <sup>occurred</sup> found at Point No. 'B' and in case the wheels are dragged further towards 'B' to 'D' then only the mounting marks will be available on the stock rail. But in the instant case it is well admitted that the derailment took place at point no. 'C' after crossing the point no. 'B' on the route ABFG meaning thereby the only route ABFG was set and therefore the load did not go on ABD Road. Thus there cannot be any mounting mark on the stock rail 'B', 'D' which can be connected with the cause of the incident.

6.22 That all the witnesses have clearly stated that only two front wheels of the Engine were derailed and none else. This derailment took place much away from the point No. 'B'. Once the wheels have been allowed to go on the track from 'B' to 'F' it is very much evident that the route ABFG was correctly set and locked otherwise the wheels could not have been allowed to cross the point No. 'B'. It appears that the joint note has been

*K. S. S. S.*

prepared without inspecting the site arbitrarily on the basis of some wrong information or purposely for ~~sacrificing~~ sacrificing the applicant on the altar of wrong facts.

6.23 That it is also worthwhile to mention that the point No. 1X shown as 'B' in the site plan is the notable point for the purpose to arrive at a conclusion. It is also relevant to point out that the operation of this point 1X is coupled with the operation of point no. 1 which is the motor-point. When the point No. 1 is operated, the point No. 1X being the couple point automatically comes into operation and functions according to the operation. Once the point No. 1X is allowed to remain open the load cannot travel on the route ABFG and in those circumstances the incident of derailment must have taken place at point no. 'B'. The joint note gives a different picture of the incident as according to this note the incident took place at some place between 'B' and 'D', while as a matter of fact the incident took place on the passage marked as B & F. The incident at point no. 'C' itself indicates the correct setting of route at ABFG.

6.24 That it is further stated that the point No. 'B' was properly set, locked and clamped according to Rules and there was no defect in it. This gave

*AKSST*

passage to the route ABFG and consequently the Diesel Engine travel on this route after crossing the facing point at 'B'.

6.25 That it would not be out of place to mention that prior to it similar incident has also taken place because of the defect ~~of~~ in the system. The Pardhan Railway station contains the inter locking panel system for the purposes of operation of the points and signals. There was no disconnection memo issued by the C.I.s. Lakhimpur Kheri before the incident took place and the system was declared to be fully inter-locked and in proper order. Any way when the applicant found the motor inoperative from the electrical switch he operated it mechanically in accordance with the provisions contained in paragraph 9.5 of the Station Working Rules and thereby the applicant inserted Crankhandle into the socket provided for and moved it to the extent it automatically came to stop. According to the Rules at this juncture the point no. 1X and 1 are treated to have been properly set and locked. Thereafter the applicant got both the points properly checked and pad/clamped locked. Even after the incident the route was found properly set and locked.

6.26 That the sleepers available on the passage B to C could have been able to tell the story of the

wheels as to whether the sheels themselves went out of order, but as the sleepers were got replaced over night without any inspection dr the enquiry, the important evidence was washed off.

6.27 That the impugned punishment order dated 15.3.1988 contained in Annexure-1 to this application has been passed without issuing any show cause notice to the applicant as required under 1968 Rules and without following the procedure contemplated therein. Hence the order is wholly illegal and arbitrary.

6.28 That a perusal of the chargesheet issued to the applicant obviously reveals that the applicant has been held responsible for violation of the General Rules No. 3.69(2)(III) read with the provisions of Rule 3(I), (II) and (III) of the Railway Service Conduct Rules 1966 (hereinafter referred to as 1966 Rules). It is pointed out that the general rule no. 3.69 bears to the caption as .-

Duties of Station Master when an approach stop signal is defective".

This does not contain the Rule No. 3.69(2)(III). Rule 3.69(2) of the general rule (samanaya Niyam) has not been framed so far and it appears that some other provisions might have been quoted in the Article of charges and as such obviously the

*Ans/*

applicant has not violated any such general rule as alleged.

6.29 That the general rules have been framed under section 47 of the Indian Railways Act 1890 for the purpose to provide a Rule for working of the Railways and regulating the mode in which, and the speed at which the rolling stock used on the railway is to be moved or propelled and according to the provisions of sub-section (a) of section 101 of the aforesaid Act a railway servant is responsible for the punishment for disobeying any general rule made, sanctioned, published and notified under this Act in accordance with the provisions subsequently referred under section 101 of the Indian Railways Act 1890 read with the provisions contained in Chapter IX of the aforesaid Act 1890 and thus the applicant has not committed any misconduct even if it is found that some general Rule has been disobeyed by him and therefore no action under Rule 9 of the 1968 Rules could be taken against the applicant.

6.30 That similarly the applicant has not violated any provisions of 1966 Rules. He has always devoted and dedicated to the work entrusted to him and has always functioned according to law.

6.31 That a further perusal of the chargesheet reveals

that the same has been issued by the Divisional Safety Office, N.E.R., Lucknow. It is most respectfully submitted that the Divisional Safety Office has neither any administrative control on the applicant nor is a disciplinary or punishing authority in case of the applicant under rules and hence the Divisional Safety Officer can neither institute any disciplinary proceedings against the applicant nor impose any punishment under 1968 Rules and thus the impugned punishment order contained in Annexure-1 to this application is wholly without jurisdiction, null and void in the eye of Law. The proceedings are void ab initio and cannot be taken to be a foundation to punish the applicant.

6.32 That the enquiry proceedings have been abruptly stopped while the statements and cross examination of the witnesses were going on. If the entire enquiry proceedings could have been completed the applicant would have been exonerated as there is no material/evidence is available on record on the basis of which the applicant may be held responsible for the incident.

6.33 That the increment of the applicant is due to fall on 1<sup>st</sup> of August, 1988 and in case the operation of the impugned order is not stayed the applicant will have to suffer irreparable

*15/8/88*

loss and will have to face difficulties in these hard days without any rhyme or reason.

7. Details of the remedies exhausted.

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

8. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such applications, writ petition or suit is pending before any of them.

9. Relief(s) sought .

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

a) That this Hon'ble Tribunal may kindly be pleased to set aside the impugned order dated 15.3.1988 contained in Annexure-1 to this application imposing the punishment of stoppage of three years' increments temporarily.

b) That this Hon'ble <sup>1</sup> Tribunal may further be pleased to direct the Respondents to pay the increments to the applicant and when they fall due ignoring the impugned order of punishment dated 15.3.1988 contained

in Annexure-1 to this application.

- c) to issue any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case.
- d) to award the cost to the applicant.

G R O U N D S

- i) Because the impugned order is without jurisdiction.
- ii) Because the impugned has been passed stopping the enquiry proceedings abruptly.
- iii) Because there is no material available on record on the basis of which the ~~impugned~~ punishment can be imposed upon the applicant.
- iv) Because the joint note prepared by the authorities concerned is wholly irrelevant and perverse to the matter available on record.
- v) Because the applicant has not committed any misconduct and he has properly locked, clamped and pad-locked the point after crank handling.
- vi) Because the points were found properly set and locked even after the accident.
- vii) Because the applicant has not violated any general rule as alleged.  
not
- viii) Because the applicant is not responsible for the derailment which occurred owing to the mistake of other staff.

ix) Because no incident took place on the point set by the applicant.

x) Because the impugned order has been passed arbitrarily and illegally without properly affording the opportunity to the applicant to assail the charges to establish his innocence.

xi) Because the impugned order has been passed without affording the applicant any opportunity as available under 1968 Rules.

xii) Because no opportunity has been afforded to the applicant before imposing the punishment vide impugned order contained in Annexure-1 to this application.

xiii) Because the impugned action ~~was~~ is wholly unwarranted against the provisions of Law and natural justice and in grave transgression of the principles of fair play and equity Besides infringing the provisions of Part III of the Constitution of India.

xiv) Because the applicant has taken all the care which is expected from an ordinary prudent man for passing the trains and setting the points.

10. Interim Order, if any prayed for .

Pending final decision on the application, the applicant seeks issue of the following interim order:-

1. The Hon'ble Tribunal may kindly be pleased to stay the operation of the impugned order dated 15.3.1988 contained in Annexure-1 to this Application and direct the Respondents to not to stop paying the increment falling due from 1st of August 1988
2. to issue any other order which this Hon'ble Tribunal deems just and proper in favour of the applicant.

GROUND S.

same as has been given in para above.

11. In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.
12. Particulars of Bank Draft/Postal Order in respect of the applicant fee.

1. No. of Indian Postal Order : 5067825
2. Name of the issuing Post Office : HIGH COURT BENCH LUCKNOW
3. Date of issue of Postal Order : 21-7-88
4. Post Office at which payable: LUCKNOW

13. List of enclosures. Same as given in Index.

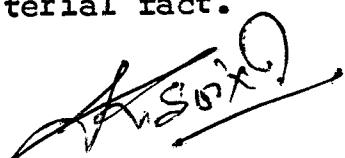
...

VERIFICATION

I, Krishna Swarup Dixit, son of Sri R.P. Dixit  
aged about 50 years, working as Station Master,  
Northern Eastern Railway, Gola Gokarannath, do hereby  
verify that the contents of paras to  
are true to my personal knowledge and paras  
to believed to be true on legal advise and that  
I have not suppressed any material fact.

Dated. July , 1988

Place: Lucknow.



signature of the Applicant.

पूर्वोत्तर रेलवे

अनुशासन इवं अपील निःप्रम । 1958 के नियम ।। के अधीन बर्खास्तार्थी सेवा पृथक्ता तथा अनिवार्य सेवा निवृत्त एव (डिग्रान) प्रदावनति के मामलोंको छेड़कर) दृष्टि अधिरोपण सुचना ।

ली 537) अदीपलखन्द 31/87 दिनं 15-3-88

प्रेषक माछल रेलवे प्रबन्धक,  
पूर्वोत्तर रेलवे,  
लखनऊ।

सेवा में श्री के इस दीक्षित वर्षोंमें प्रभावित

इस कार्यालय ज्ञापन संदिग्धा दिनांक १५ अगस्त १९५५  
उत्तर में आपके स्पष्टीकरण के संदर्भ में आपनो रत्न द्वारा सूचित किया जाता है कि अधीक्षक  
कर्त ने निम्न आदेश प्रसिद्धि किये हैं ।

करते ने निम्न आदेश प्राप्ति किये हैं।

अनुशासन इति अर्पित निष्पाता १८९६ वै विषय ॥ १ ॥ के अधीन अनुशासन  
संस्कृत विद्यार्थी संस्कृत विद्यालय पुस्तक (कालान) प्रदानपत्र के नामों से दिल्ली) द्वारा अभिरुद्ध  
प्रतिलिपि प्रमाणाधि/लखनऊ अनुशासन विद्यालय/लखनऊ

अनुद्देशः हो सकता है (आदेश पारित करने

1. इन आदेशों के विस्तृदध्य अपील उम्मीदपूर्ति हो सकता है (आदेश पारित करने
2. याते अधिकारी रो आत्मन् (इसीहेतु जब अधिकारी)
3. पहुँच अपील उस प्राप्तिकार द्वारा रोका जा सकता है जो आदेश देने वाले प्राप्तिकारी से भिन्न न हो पद्धि

(ब) यह मामला ऐसा हो गिसमें नियमाधीन कोई अपील न ढौती हो।  
 आदेश गिसके विरुद्ध अपील की जा रही है, की अपील कर्ता द्वारा प्राप्ति के तारीख से 45 दिन के अंदर न प्रस्तुत किया गया हो और देशी के लिये समुदित कारण न बताया गया हो।  
 (स) मनुजातन स्व अपील नियम 1968 के नियम 21 के प्राविधिक कानूनपालन न किया गया हो।

कृष्ण मुद्रा संख्या अधिकारी, लखनऊ द्वारा सुनिश्चित किया जाता है। अपनी दृष्टि अधिकारी पर्याप्त सुनिश्चित संख्या ८८५३। इटीए/लखनऊ/३४८/८८५३-८८५३।

## आदरा

सभी नियमित प्राप्ति अध्ययन PSM/ PD व  
प्रमाण/ PD का अधिकार पर्याप्त नहीं को लाला

ਪਾਹਿ ਲਾਗਿ ਪਿੰਡ ਬਿਖਾਰੀ,  
ਪਾਵੀ ਚੁਪੈ ਪੇਲਾਗੇ ਤਲੁਨਾਡੀ

अनुबन्ध :-

जी के०सस०दीष्ठित स्टेपा/फरदहन के वित्त विवित आरोप के  
अनुच्छेद का विवरण

अनुच्छेद ।

दिनांक 23-10-87 को जब श्री के०सस०दीष्ठित फरदहन स्टेशन पर स्टेशन मास्टर के पद पर कार्यरत थे तो उस समय 22/10/87 को 12/45 बजे से इन्टरलाक्रिंग फेलोर चल रहा था । आप कवर्ड लूप्टो के इन्जन नॉ 6609 वार्ह ढी सम-4 को फरदहन देवकली ब्लाक सेक्शन लाइन करने के लिए भेजते समय यह सुनिश्चित नहीं किया कि कॉटा नॉ । लूप्टो की क्लेप्प बर्सेके करके ताला लगा दिया गया है जिसके परिणाम स्थान स्थान उक्त इन्जन काटी नॉ । लूप्टो पटरी से ढक्का गया । श्री के०सस०दीष्ठित ने सामान्य नियम 3-69(2) (111) S.R. page no 63

का उत्थन किया असैद्धि = जो कि अवचार का आरोप है । इस प्रकार की श्री दीष्ठित ने रेल सेवा आचार नियम 1966 के नियम 3(1)(11)व (111) का पालन नहीं किया ।

(श्री के०सस०दीष्ठित वारी)  
प्रमसधि/लम्बनज्ञ

अनुबन्ध - ॥

श्री के०सस०दीष्ठित स्टेपा/फरदहन के वित्त विवित आरोप के अनुच्छेद के समर्थन मध्य में अवचार के आरोप का विवरण

दिनांक 23-10-87 को फरदहन तथा देवकली के बीच हाउन मैलानी स्थेशल का इन्जन नॉ 6452 वार्ह ढी सम-4 फेल

कैप्टन श्री के०सस०दीष्ठित

अनुबन्ध - ॥

—2—

फेल हो गया था अतस्व ब्लाक सेशन साफ करने के लिए  
 परदहन स्टेशन सेक्यूरिटी एप्टी ब्रेशल के इन्जन न 06609 को  
 जाना था। परदहन स्टेशन पर 22-10-67 को 12/45 बजे से  
 इन्टरलाकिंग पेलोर बल रहा था तथा 23-10-67 को 8 बजे  
 से श्री कै०स्य० दीक्षित स्टेमा हियूटी पर थे। उन्होंने इन्जन न 0  
 6609 को भेजने के लिए यह सुनिश्चित नहीं किया कि कौवा  
 न 0।५ को क्लॉक्डिंग करके उस पर ताला लगा दिया गया है।  
 जिसके परिणाम स्वरूप उक्त इन्जन न 6609 काटो न 0।५  
पर दो राज्यों होने के कारण पटारी से उत्तर गया।

श्री कै०स्य० दीक्षित ने सामान्य नियम 3०६९(2)(III)  
 का उल्लंघन किया अतः जो कि अववार का आरोप है।  
 इस प्रकार श्री कै० दीक्षित ने रेल सेवा अध्यार नियम  
 1966 के नियम 3(1) (II)व(III) का पालन नहीं  
 किया।

विकृतिवारी  
(बौ०क०तिवारी)

प्रमसधि/लब्धनक 7/12/८८

R.C. ११२३-१२४

ल/ब०

कै०

अनुबन्ध 111

प्रलेखी की सूची जिनके द्वारा श्री कै०स०स०दीश्वित स्टेमा/फरदहन  
के विस्तृधा विरचित आरोप के अनुच्छेद संकृत करने का प्रस्ताव है

- (1) संयुक्त बौद्धिका निष्कर्ष
- (2) संयुक्त नोट जो दुर्दृष्टि अल पर बनाया गया
- (3) श्री कै०स०स०दीश्वित स्टेमा का बयान
- (4) श्री मुना लाल अधिक बाय वाला का बयान
- (5) श्री लाल बहादुर वालका का बयान
- (6) श्री बी०क० ससेना भाई का बयान
- (7) श्री नसीमुल हक ई०स०स०स० का बयान

विक्रमिवारी  
(वी०क० तिवारी)  
प्रमसधि 2/12/०८

अनुबन्ध 112

सांश्लियो की सूची जिनके द्वारा श्री कै०स०स०दीश्वित स्टेमा  
फरदहन के विस्तृधा विरचित आरोप के अनुच्छेद संकृत करने का  
प्रस्ताव है।

- (1) श्री लाल बहादुर वालक
- (2) श्री बी०क० ससेना गाँव
- क्षेत्र

विक्रमिवारी  
(वी०क० तिवारी)  
प्रमसधि 2/12/०८

T.C. Attached

AS/112/22

(5)

53

- : निष्ठा:-

दिनांक 23. 10. 87 के परधान स्केन पर 10/57 द्वारे होने वाली कुर्टना श्रेणी बी/5 के कुर्टना के जांच का निष्ठा:-

कुर्टना-स्थान के निरीक्षण करने तथा गवाहियों पर विचार के पास त स्पष्ट होता है कि:-

- 1- श्री के० स० दीक्षित विठ्ठा० स्केन मास्टर/परधान दिनांक 23. 10. 87 के नं० १५ पर कैम्प तथा ताला लगा होना अनिश्चित नहीं क्लैप जिसके लिए श्री० के० स० दीक्षित विठ्ठा० स्केन मास्टर/परधान इस कुर्टना के लिए जिम्मेदार है।
- 2- श्री मुन्ना लाल नं० १५ पर कैम्प तथा ताला न लगा न होना के बारण जिम्मेदार है।
- 3- श्री लाल बहादुर द्वादश 6609 वाई० डी० सम०/१४। अधिक गति से हैंजिन चला कर "निना" श्रृङ्खला आगे बढ़ने के संकेत मिले आगे चलते गये और प्लाफ्ट नं० १५ पर कैम्प तथा ताला न लगा होने से बदले लाहौरे बन गई जिससे हैंजिन अपनी अगली दूली के समस्त छः परिवर्त्यों से कुर्टना ग्रस्त हो गया जिसके लिए श्री० लाल बहादुर द्वादश बाद पूरा उत्तरदायित्व न पूणा करने के बारण जिम्मेदार है।

टिप्पणी

श्री कम्पौड़ुगलहाल द्वारा स० स० एम/परधान द्वारे अपने गार्थ एवं उत्तरदायित्व की जानकारी नहीं है। जिस से 35 घान्टे तक परधान स्केन पर इन्टर लाइंग प्रैत्योर बना रहा जो कुर्टना का सही बारण है।

WMP

R/

33

A42

JOINT NOTE

(6)

54

We the undersigned have inspected the site of derailment of Engine no. 6609 YDM 4 at Pharsian on point no. 1X (derailing switch) derailed at 10/57 hours on 23.10.1987, while going to pickup the loads of iron nail. SPL failed in the block section between PD - DEO at km 147/8.

The Engine no. 6609 YDM 4 derailed with all its six wheels of front bogie due to leaving two roads, ~~at~~ the point no. 1X (facing point for the Engine) was neither correctly set nor clamped and padlocked. There is no mounting mark on switch rail, whereas there is clear wheel mark, available on the stock rail of derailing switch upto 8.00 meter (Eight meter) length from the toe of the switch. San Manning Loco. Pointman or duty at Pharsian is responsible for this before and derailment.

1. S.M.PD = Sh. K.S. Dixit
2. Guard = Sh. B.K. Saxena
3. Driver = Sh. Lal Bahadur

23/10/87  
T1/LMS  
at PD.

23/10/87  
T1/LMS  
at PD.

LF/maur  
act PD

15/10/87  
at PD

f.c. Affected  
Afford

K. K. K.

No:- KS 4/87

એવી જગતની જીવનાની વિધાની વિશ્વાસી બાળ બાળની જીવનાની વિધાની  
જગતની જીવનાની વિધાની વિશ્વાસી બાળ બાળની જીવનાની વિધાની

1880-1881

परिणाम :- गुलाबी और लाल लाली के द्रव्यमाण ने 0.6609 YDM-1  
लोड ने  $1 \times 40$  पॉर्टरी के उत्तर गया तभी लोड ने  
 $1 \times 40$  से रोकता हुआ ने लाल लाली पॉर्टरी से उत्तर  
गया;

ਮੁੜੀ:— 31 ਨੂੰ 31 ਤੀਨ ਵੇਛੀ ਮਿਠੀ ਨੰ T/537/NTA/LJN/31/07  
ਪੁਸ਼ਟ 7-12-87

ફોર્માર ને નાની વાર્ષિક પોતી વાર્ક નં 1 નો 2થી અને વાર્ષિક વાર્ક  
Forthcoming Mark અને આગે કર્યો એ ફોર્માર અને પાઠ વાર્કનું કર્યું જિશે  
અને આગે વાર્ક નં 1 અને વાર્ક નં 2 અને પાઠ 3થી ફોર્માર અને  
વાર્ક નં 1 x અનુભૂતિ હૈ.

નાની । આંદોલન પ્રાયના હેઠળ હાતરણ ની બેગાં કોણે દુનિયાની નોંધ નાની સુધીની લોન દુનિયાની ગલત આંદોલન ને તથો બાબી વળા હો ન શકીએ । નાની તોણી આંદોલન ને સાથે ગાંધીજી નો રોણે તથી ન આંદોલન હોય Position નિર્ણય કરીએ, નાની ને તેણે કાંઈકારી ન હોય, આંદોલન નાની ને હાતરણ ની કાંઈકારી ન હોય ।

~~C. C. CAPT~~  
~~18 Jul 2004~~

आपका प्राप्ति  
होरा तो सो बोलते  
ज्ञान योग सुनो गोपी

Aug

୭୮

NO. KS 5103

મોન મંડળ રાજ્યાંગ રાજ્યાંગ  
નાનાં ૧૯૦-૧૨-૧૨-૮૭

Part :- Defence against air attacks

स्टेट:- असाम असम नं 6107/537/NTA/LJ/1/31/07  
मुद्रण 7-12-07

સોંગ નું :- સર્વિસ પાર્ટીની વાતો હૈ કે હાની સંલગ્ન પત્રી આવ્યો  
નો. K.S.U. 07 160.12-12-87 ની જાહેર રજોની મોજતા રદી માટી  
વાતો ની અનુભૂતિ ની જાહેર Case ની એકે હી Defence -  
કોરિય રહ્યો આંદો આંદો DAR Engineering ની નારોજા  
ફરજાત નીચે નુહું સુધીની વાતો ની હુલ્લી ની તથા  
બાબત ની વાતો ની એકે હી એકે એકે એકે એકે એકે એકે એકે

⑪ Pwi | LMP आ. हि ने Pic (कैलिफोर्निया अमेरिका जैसे नाम) का नाम दिया है।

Q) ASI / LMP तथा cis LMP  
 ③ cis / GK नम्बर स्ट्राइप तथा ट्रायप  
 ① क्षी मंडेग लाले MSM  
 ② क्षी गुरुजन्दा लाले लामी  
 ③ " गोबरत लिहे वरनारो  
 ④ " राम प्रात  
 ⑤ " लाली गुलाब लाले ESM

~~T.C. After Tax~~  
~~ATM~~  
Ad

Mr. S. Dixit  
Raj S. Master  
Phardham

वयान श्री रामानन्द पात्र अप्पलैंड एसआर्टी लर्निंग्स  
 रामानन्द पात्र एसआर्टी लर्निंग्स ।  
 दिनांक २३-१०-८७ ऑफिस नं० ६६०९ यूपी-४ के अनुच्छान।

मैं इस प्रैथमिक स्टेशन पर दिले रखा मे 23-10-87 को Lock Light की किमलतो को दीक वर्तने के लिए उपस्थित पा Diagram बना कर रखा हो लगाना 11.00 बजे stu. Master on duty ने बताया कि कोरा लगाया 15 पर Diesel engine of Parliament की गई है 8.00

उन्होंने - दूरी के साथ उसके लाभ उत्तम रूप से दर्शाया था।

प्र२-२. अब आपको दुष्टता की दृश्या लानी नहीं हो सकती जाय  
दुष्टता लाने वा पुढ़े ?

प्र०-३. दिल्ली के साथ कोई आपके लिए ले जाए जा नहीं वहाँ दिल्ली स्थान पर लाजूद था ?

३८८-३ अल आप दुखटेना चाह न पुकुर न आपने कराना  
५२७-४ देखा १

उत्तर- यह में आपने उपरोक्त प्रभाव में विशेष त्रैत्री त्रैत्री है। प्रभाव आपने १६० लगातार में अंतर समाप्ति के द्वारा क्षमता बढ़ावा दिया है इसके द्वारा आपने अंतर समाप्ति में लगातार १५० त्रैत्री त्रैत्री का द्वारा दिया गया है। इसके द्वारा आपने अंतर समाप्ति में लगातार १५० त्रैत्री त्रैत्री का द्वारा दिया गया है।

प्र० 6. आपके अनुसार दुष्टों द्वारा का है अन्तर्गत  
क्ता - लोगों द्वारा । इनके आसे में नहीं जाना जा सकता । इनके द्वारा का है अन्तर्गत

~~21 May 1911~~ ~~22 May 1911~~  
~~23 May 1911~~

Avsnitt  
21e SM 15/10/00

Boone  
157188  
D 71/lyn

Promise  
15/1/88  
D. T. / D. M.

प्रश्न - 7 क्या एवं पर कैसे बोला एवं ताले लगाके ?  
 आर - बायंट नं० १२ पर बोला एवं ताले तभी लगाके बिना बायंट नं० १ पर बोला एवं ताले लगाद्य था

प्रश्न 8 कौन है निजि ते बायंट बलाने पर पहले तोन ला बायंट लाक दोगा । ऐ था । ।

आर - पहले १२ लाक दोगा किए ।

प्रश्न ९ दुष्टिक कुप्तिकाद आपने निजि बारे के राजौ जो बिन्दू देखे रेखे पर बोले हैं पर बायंट देखे पर पाया था ?  
 आर - लगागांग ३ मीटर दूरी के बाद दृश्य देखे पर निजिके बच्चे की रुकाव जो बिन्दू था ।

प्रश्न - १० निजिक और ब्रेकभास की बिन्दूति दुष्टिक के उर्ते बाद निजि बिन्दूति में था ।  
 आर - निजिके अंगूल तिन बारे के पटरी के बीच एवं बीचे के लिए बच्चे और ब्रेकभास के बीच बांधक ही पटरी पर था ।

मासीभुजदान  
 हृ. यस. मम. ११

उमीदवार आरामदान के लिए लाली वारामदान है

*Arvind*  
 ८ म  
 १५/१५/८८

B. 15/1/88  
 D.T/1/88

रामपूर्ण लाली  
 १५/१५/८८

T.C. Arrested  
 १५/१५/८८

15.1.08

1. 15.1.08 की अवधि फैसले द्वारा दिया गया विवरण  
कि श. 5.1004 ने अपने द्वारा दिया गया विवरण फैसले  
द्वारा अनुमति नहीं मिली।

2. 15.1.08 की 159 अवधि द्वारा दिया गया विवरण  
कि श. 5.1004 ने अपने 13.05 द्वारा दिया गया विवरण को  
अनुमति दिया गया था लेकिन फैसले द्वारा यह विवरण  
कि अपने द्वारा दिया गया विवरण द्वारा दिया गया विवरण  
को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण  
को अनुमति नहीं मिली।

लिखा गया

1-प्र०: यह अवधि की अनुमति द्वारा दिया गया विवरण  
को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण  
को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण  
को अनुमति नहीं मिली।

2-प्र०: यह अवधि की अनुमति द्वारा दिया गया विवरण

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को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

को अनुमति दिया गया था लेकिन फैसले द्वारा दिया गया विवरण

अनुमति

F.C. अनुमति संख्या 5.1004

नाम

15/1/08 द्वारा

DTI/Gen.

लिखा गया

39

AB

6. 520: Passenger train & 2nd class & 3rd class in 1992  
5000 passengers in 1991

6. 3TR: Passenger train in 1991 in class 4000  
5000 passengers in 1992 & 1993 2nd class 5000  
5000 passengers in 1994 3rd class 5000

7. 430: Passenger train (4000)  
5000 passengers in 1992 & 5000 3rd class  
5000 passengers in 1993 5000 3rd class  
5000 passengers in 1994 5000 3rd class  
5000 passengers in 1995 5000 3rd class

7. 371: Passenger train

8. 520: Passenger train 5000 3rd class 5000  
5000 passengers in 1992

8. 371: Passenger train 5000 3rd class  
5000 passengers in 1992

9. 520: Passenger train 5000 3rd class  
5000 passengers in 1992 5000 3rd class  
5000 passengers in 1993 5000 3rd class

9. 371: Passenger train 5000 3rd class  
5000 passengers in 1992 5000 3rd class  
5000 passengers in 1993 5000 3rd class

Approved  
DR SM  
15/1/08

Approved  
SMT/2008

Boards  
15/1/08  
DR/2008

RC Approved

ABD

Approved

Gillan - 15.11.88

प्रदान 23-10-87 के फरंदान द्वेष पर दिया गया।  
6609 लक्ष. 57. पा. 1 के पत्र से अनुसार के  
सारांश अधीक्षित गांधीजी की दृष्टि-प्रकृति-विवरण  
में अन्य गांधीजी विवरण की दृष्टि-प्रकृति-विवरण  
में अन्य गांधीजी विवरण की दृष्टि-प्रकृति-विवरण

16 गोप. 23.10.87 के सुनह 9.00 बजे राजा गोप के तरफ  
आगुरकाण नाम वारे रह पुराने उत्तरां वा इस लारे के  
पाद वे तथा भरा रनलासी श्री मुकुता गोप नमां रह शर पर पहुंच  
तो पता चला कि कोटि नं० 1 X पर विजय इन्होंने गिर जाया है।  
जोटि वा विभुलता पहले से चल रहा था, वे रिंगो No 1 X पर जपा  
ना। दसवं कोटि नं० 1 X पुणितया सट वा इन्होंने वा आगला दी  
क्षरा फाइलिंग भाकि के बजावाने गिरा जा कोटि के उपर गाड़ि बैठ  
गोपा वाल वारों पटिया सही लड़िया पर, वा वे उन्होंने को पूर्व  
म सभा पटिया हाई लोड़िया पर था। उन्होंने वा गोपा जो च  
गता गदापना जाग।

ग्रामीण विकास एवं ~~Mr. Farman~~ M.S.M./MLN at P.D  
ग्रामीण विकास एवं M.S.M./ग्रामीण विकास

प्र२-:- आप फर्दान स्टेशन पर लब से और फिल अद्येत्य

उत्तर - कालानि स्टेटर्स पर २०३ अप्रैल १९८२ कालानि अनुरक्षण केन्द्र का नियंत्रण देने के कारण अनुरक्षण केन्द्र के नियंत्रण नहीं है।

2 प्र० - अनुराधा अभि के लिये बिंदु  
नियम वा विधि -

उत्तर - अप लाभ द्विगुणल दिवीकार के उत्तराधिकार करने  
पर विरक्तम् तु तो लाभ अधान न कर था ।  
अधान दिवान पर विकार द्विगुणीकरण द्विगुण  
न कर तो चल रहा था ॥

4. प्रयोग :- यह एक योग्य उपकरण है जो आपकी संवेदन को बढ़ावा देता है। यह उपकरण आपकी संवेदन को बढ़ावा देता है।

(2)

आर- अब हम नहीं पहुँच तो क्या हो। तो प्रांतिक विकास की रक्षणीयता भी नहीं थी जिसका विकास के लिए ESM गोला गोकरण नाम के द्वारा विकास किया गा रहा था। इलाहिदुर्कल विकल्प के समर्थन में मुझे कोई ~~आनंदकारी~~ नहीं है,

5. प्रश्न - दुष्यिटना के समर्थन के रूप में क्या किया था या बना?

आर- उस घटना में रवांगड़ साहब के वापिस पूछा था और अनुरक्षण और रक्षणीयता के बारे में क्या किया था।

6. प्रश्न - अब आप दुष्यिटना घटना पर पहुँचे क्या कहते हो?

आर- नहीं,

7. प्रश्न - नहीं इधर-उधर कोई हो सुर नी क्षमिता दिलायी गई थी?

आर- मुझे नहीं दिलायी गई थी।

8. प्रश्न - आपके द्वितीय कानून हो दुष्यिटना और क्षमिता का दिलाया गया है।

आर- लाइन में रक्षणीयता हो सकती है या नियमित रक्षणीयता हो सकती है।

9. प्रश्न - इधर-उधर के समान के सम्बन्ध में आप कोई प्रकाश दाल सकते हैं?

आर- नहीं।

10. प्रश्न - दुष्यिटना के बाद कोई कोई रक्षणीयता दिलायी गई थी?

आर- नहीं।

11. प्रश्न - इस अद समिति होके अगले तीन द्वितीय दिन इंजिन वा दो लाइन द्वारा किया जाना जीवन का दिन होके कोई विषय पर पहुँच आया।

12. आर - इस दो द्वितीय दिन होके बचोंकी कांशन। ऐसे 1 और 2 अब क्रम के हैं जिन से व्यापिंट वेट आया उपरा तो यह व्यापिंट लाइन हो जाना है या की रह जाना।

13. आर - ऐसे 1 और 2 द्वितीय दिन होके बचोंकी कांशन। ऐसे 1 और 2 द्वितीय दिन होके जानी है। जीवन की व्यापिंट की Economical होने के बारे में अनलाइन होके लाइन की पहुँच विवरण दिया जानी है।

MSM/MLW  
15:11:00

अप्रैल/प्रैग्ना

SM 15/100

DTI/4th E/0  
15/100

(3)

13. प्रश्न - जब रायांडे क्रैंक हैंडिल से ली लाई हो जाता है तो किसे कानूनन् वस्त्रें यह लाने की व्यवस्था क्यों नहीं है?

उत्तर - 1 अक्षय किंविकलता के सभी उच्च अधिकारियों द्वारा गद्दी नियम बनाया जाता है ताकि तंत्रज्ञ सुनिश्चित रहे।

13. प्रश्न - आपके अनुसार जानी कोई आवश्यकता नहीं है?

उत्तर - रायांडे के लाई हो जाने के बाद- गद्दी को अस्त्रपक्षता प्रदूषित नहीं होती है ताकि नहीं गद्दी या रायांडे को चलाके अनुसार चलाया जाता है ताकि लाना हो।

14. प्रश्न - अगर किंविकल चलाने वाला दूसी चाल चलाने वाला न हो चलाये और रायांडे दूसी नहीं हो तो तो आपके अनुसार उस चलाया के लाइना नहीं हो सकता या रायांडे दूसी नहीं है।

उत्तर - रायांडे कोई हो जायगा।

15. प्रश्न - रायांडे नं० १ से क्रैंक हैंडिल चलाने पर पहले कोने सा रायांडे लाई होता है?

उत्तर - १ अं पहले लाई होता है नं० १।

16. प्रश्न - जब रायांडे क्रैंक हैंडिल से चलाया जायगा तो रायांडे नं० १ अं पर दूसरी दैवती वित्तनावना हो जाती है।

उत्तर - जब सेट्रू रायांडे दूसरी में दैवता तो अनुस्था में दूसरी दैवती है।

17. प्रश्न - दुर्घटना के बाद- अगर रायांडे नं० १ पहुंच ना रायांडे नं० १ पर व्यतीक्षण लगा था या नहीं तो अं पर दूसरी दैवती लाइन के लिये सेट था ताकि लाइन जो भी नहीं रायांडे लाइन के दैवती लिये सेट था और व्यतीक्षण लगा था ताकि लाइन जो नहीं रायांडे लाइन के दैवती लिये सेट था।

उत्तर - १ अं पर दैवती लाइन के दैवती लिये सेट था ताकि लाइन जो नहीं रायांडे लाइन के दैवती लिये सेट था।

18. प्रश्न - रायांडे नं० १ पर दैवती के दैवती लिये सेट था ताकि लाइन जो नहीं रायांडे लाइन के दैवती लिये सेट था।

उत्तर - रायांडे के मुद्रण पर दैवती के दैवती लिये सेट था।

19. प्रश्न - रायांडे नं० १ पर दैवती के दैवती लिये सेट था ताकि लाइन जो नहीं रायांडे लाइन के दैवती लिये सेट था।

उत्तर - रायांडे के मुद्रण पर दैवती के दैवती लिये सेट था।

20. प्रश्न - रायांडे नं० १ पर दैवती के दैवती लिये सेट था।

MSM/MLN  
15.1.08

उत्तर -

रायांडे नं० १ पर दैवती के दैवती लिये सेट था।

मुद्रित दिनांक 15/1/08 दिनांक 15/1/08

मुद्रित दिनांक 15/1/08

मुद्रित दिनांक 15/1/08

मुद्रित दिनांक 15/1/08

Annexure-6

ASV

ज़हरत पर दोनों तरफ लिखें  
Use both side if required.

पूर्वोत्तर रेलवे  
N. E. RAILWAY

N. E.-G. 40  
RB-GL. 19

संख्या (No.) T/587/NTA/L3N/21/87

दिनांक (Dated) 11-3-88.

प्रेषक (From) Bomisra

सेवा में T/1/CS. K.S. Dixit

DTI/L3N (E.O.)

RS/CMR PD.

विषय (Sub:) DAR enquiry at- LMP

mmma lalh

on 19-3-88 in connection

P.M. PD.

मदर्द (Ref.) with derailment of

X.D.Yadav LMP

Engine No. 6609 YDM-4

PWS/LMP

at- Phandhan on 23-10-87

Sc. C.P. Singh

AEN/STP.

T/1/LMP

The DAR enquiry in connection with  
derailment of engine No 6609 YDM-4  
at PD on 23.10.87 is fixed on 19-3-88  
AEN/STP to please spare T/1/LMP  
PWS/LMP who was E/O at PD and  
T/1/LMP to spare all concerned staff  
to attend enquiry at- ref & at-LMP  
on 19-3-88. certain so that the  
enquiry may be completed as  
soon as possible.

T.C. Approved

ASV

Bomisra  
DTI/L3N.  
E.O.

गीत

ଅମ୍ବିଲ ନିସମ ରତ୍ନ ପ୍ରମାଣେ

ମୋଟାର୍ ୫୫୦. ୨୧-୩-୮୮

Finals 0 . KS/7/3/88

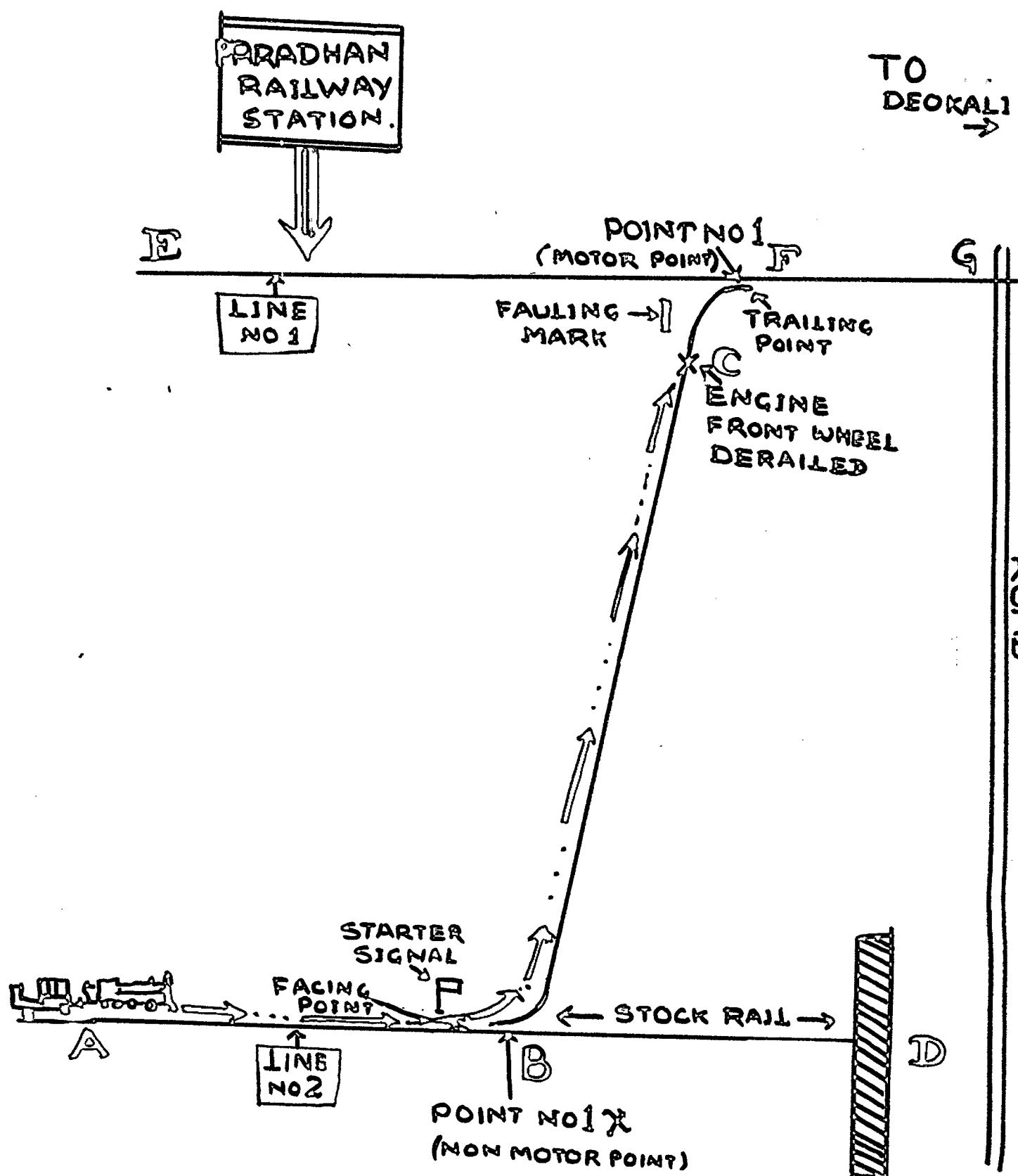
041/00 . KS/7/3/88  
Answer:- ग्रन्थ के अधिकारी वित्त विभाग वित्त विभाग वित्त विभाग

श्रीमान् गोपी

31/16011 ग्रामीण  
31/16011 ग्रामीण विवाह  
31/16011 ग्रामीण विवाह -  
- 31/16011 ग्रामीण विवाह

~~John Smith~~  
~~T. G. H. President~~  
~~John Smith~~

ଶ୍ରୀ କର୍ଣ୍ଣାନାଥ ପାତ୍ର

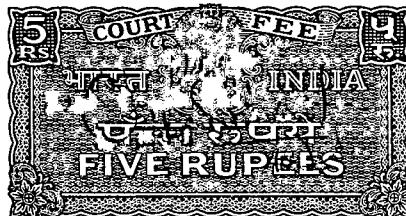
ANNEXURE - 8

- Point 1x. Open. became Derail switch
- Point 1x set - route set.

SITE PLAN.

dated 20/02/2018  
by [signature]

JKRC



## पाठी (अष्टोनाट)

U.S. ਪਨਾਮ ਪ੍ਰਤਿਯਾਦੀ (ਇੰਡੀਆਨ)

Union of India 20th - - - - - 100 products

ਸ. ਨੰ. ਮੁਫ਼ਤ	ਸਮ.	ਪੇਸ਼ੀ ਜੀ ਸਾ।	100 ਈ।
U. I. No. - - - - - 1988			

ਕਥਰ ਜਿਥੇ ਮੁਫ਼ਤ ਬੈਂਕ ਅਪਸੀ ਓਏ ਕੇ ਬ੍ਰਾਓ 00 ਪੀ। 0 ਸ਼੍ਰੀਵਾਸਤਵ ਏਡਕੋਕੇਟ  
 ਇਕੱਤੀ ਈ। 0 ਪੀ। 0 ਸ਼੍ਰੀਵਾਸਤਵ ਏਡਕੋਕੇਰ  
 ੮੬੭, ਪੁਰਾਨਾ ਮਹਾਨਗਰ ਨਿਫ਼ਟ ਫਾਤਿਮਾ ਅਸਥਾਲ, ਲੜਕਾਨਾਲ-੨੨੬੦੦੨ ਮਹੋਦਿ

पास अदाकर  
सुचुदमा न० —  
पास करोफेन — पनाम

दो अपवा बफील नियुप्त फरदे प्रतिज्ञा ( इपरार ) फरता हूं और लिखे देता हूं इस मुकद्दमा में बकील महोदय स्वयं अथवा अन्य बफील द्वारा जो कुछ देरवी घ जदाव देही घ प्रश्नोंतर करें या कोई कागज दाखिल फरें या लौटावें या हमारी ओर से उिगरी घारी करावे और रप्या बसूल फरें या भुलहनामा घ इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक फरें मुकद्दमा उठावें या फोर्ड रप्या घमा करें या हमारी विषक्षी ( फरीकसानी ) का दाखिल पिया हुआ रप्या अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसोद से लेये या एच नियुक्त फरें—घफील महोदय द्वारा की गई घप्स पर कार्यवाही हमको सद्यो स्वीकार है और होगा मैं यह जो स्वीकार एहसास हूं फि मैं हर पेशी पर स्वयं या किसी अपनी पैरोकार को मेजता एहुंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसजो जिसमेवारी मेरे बफील पर मर्ही होगी इसलिए यह एफालसमामा लिख दिया ग्रमाप रहे और समय पर फारू आये ।

~~Accepted~~

प्रस्तावण ~~कृतियां~~

साल्लो (जपाह) \_\_\_\_\_ साल्लो (गवाह) \_\_\_\_\_

ਪਿੰਡ ਪਾਹੀਜਾ ਸਨ ੧੦

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,

Circuit Bench, Lucknow.

-----  
O.A. No. 79 of 1988

Krishna Swaroop Dixit .... Applicant  
versus  
Union of India and others. .... Respondents.

-----  
COUNTER REPLY ON BEHALF OF  
OPPOSITE PARTIES.  
-----

I, S. K. Budhlakoti aged about 39 years  
son of Shri D. Budhlakoti working as Sr Div Offt Subt  
in N.E. Railway, duly authorised by opposite parties, do  
hereby solemnly affirm and state as under : -

I have read the contents of the application and  
have understood the same well and as such I am conver-  
sant with the facts and circumstances of the case de-  
posited to here in under : -

*✓ T. S. 30/3/92*

1. That the contents of para 1 of the Application  
need no comments.
2. That the contents of para 2 of the application  
need no comments.
3. That in reply to para 3 of the application, it is

*S. K. Budhlakoti*  
कानूनी रेलवे अधीक्षक  
पुर्वी सर रेलवे, लखनऊ

stated that the major memorandum issued to the applicant, Station Master, Pradhan, and Sri Munna Lal, were changed into minor memorandum in which they were punished and their increments were stopped by the Senior Divisional Safety Officer, Lucknow Junction, which is in the competency of the Disciplinary authority.

It is further stated that a memorandum of charge sheet mentioning major punishment under Railway Servants ( Disciplinary And Appeal ) Rules, 1968 was issued against the applicant for the alleged mis-conduct pertaining to the non-compliance of the General Rule No. 3.69(2)III. It is also admitted that the applicant submitted his reply and enquiry proceeding was started. Rest of the contents as alleged by the applicant is not admitted. The Competent authority after going through the case changed the major memorandum into minor memorandum and stopped three increments temporarily for a period of three years. No departmental Appeal as alleged by the applicant has been received by the Competent authority.

4. That the contents of para 4 of the application need no comments.
5. That the contents of para 5 of the application need no comments. It is, however, stated that the applicant's application is pre-mature as the applicant did not exhaust the departmental remedy available to him.

S. K. Andalakif  
प्रभालन अधीक्ष  
कानूनी विभाग, लखनऊ

5. That the contents of para 6 of the application are being replied as under : -

6.1 : That the contents of para 6.1 of the application are wrong, hence denied as stated and in reply thereto it is stated that the applicant has been rightly punished by means of punishment by stoppage of three increments temporarily for a period of three years.

It is further submitted that the competent authority after going throughly with the case and considering the gravity of the charges levelled against the applicant, changed the major memorandum into minor memorandum and accordingly passed the order of punishment.

It is denied that the applicant was not responsible at all. The statements of the driver and the Pointsman and joint note clearly reveal that the applicant is very much responsible .

6.2. That in reply to para 6.2 of the application it is stated that a formal enquiry was conducted at the time of occurrence and in joint note of enquiry Committee it made responsible the Pointman Sri Munna Lal for not setting points correctly and pad locking the Point No. 1 crossing at Pradhan Station.

In the decision given by the Permanent Way Inspector, Lakhimpur and Traffic Inspector,

S.K. Bhandarkar  
नगरी विधीकार  
पूर्वोत्तर क्षेत्र लखनऊ

Lakhimpur, the applicant was held responsible for not ensuring in his presence fixing of clamps by the Pointsman which was his primary duty and he violated the General Rule 339, SR 3.69(2)III and the instructions contained in the Station Working Rules of Pradhan Station.

6.3. That in reply to para 6.3 of the application it is stated that the applicant has requested to show the condition of railway sleepers which were changed owing to the said occurrence which is quite irrelevant.

It is stated that since the main line was blocked and the operation was suspended, it was the primary duty of the Railway administration to restore the communication to avoid further inconvenience to the travelling public after formal enquiry made by the Sub-Inquiry Committee.

Further, since the occurrence took place in the duty of the applicant, it was his duty to inspect the site and the conditions of the sleepers and raise objections. Anything contrary to it is denied.

6.4. That in reply to para 6.4 of the application it is stated that the same has been replied in the above para of this counter reply. However, it is stated that the witnesses were summoned by the Enquiry Officer on receipt of the nomination

*S.K. Bhalakoti*

of defence counsel by the applicant on 9-1-1988  
✓  
after receiving the nomination by Sri Munna Lal  
pointsman on 2-1-1988. Anything contrary to it is  
denied.

6.5. That the contents of para 6.5 of the application  
are denied to the extent that no sketch plan was  
drawn by the Enquiry Officer in the presence of  
Permanent Way Inspector, Gola and the Traffic  
Inspector, Lakhimpur, but simply a survey was  
conducted by the Inquiry Officer; hence the question  
of making over the copy of the Site Plan does not  
arise. Anything contrary to it is denied. .

6.6. That the contents of para 6.6 of the application  
need no comments.

6.7. That the contents of para 6.7 of the application  
are denied as stated and in reply thereto it is  
stated that enquiry proceedings were held on  
15-1-1988 and except Mr. C.P. Singh, Permanent  
Way Inspector, Lakhimpur, all others attended.  
Those who attended the inquiry, their statements  
were recorded and they were cross-examined.  
However, it cannot be confirmed ~~on~~ on the basis of  
witnesses' statements that the points were  
properly set and locked.

6.8. That the contents of para 6.8 of the application  
need no comments.

*S.K. Boddalal*  
6.9. That the contents of para 6.9 of the application  
need no comments.

6.10. That the contents of para 6.10 of the application need no comments.

6.11. That the contents of para 6.11 of the application need no comments.

6.12. That the contents of para 6.12 of the application are wrong, hence denied and in reply thereto it is stated that the applicant has not filed any appeal before the Additional Divisional Railway Manager. It is further stated that no such appeal as alleged by the applicant was received in the office.

6.13. That the contents of para 6.13 of the application are wrong, hence denied as stated. It is stated that there was no question of information to the applicant as the appeal was not received in the office. The applicant should have sent reminder after a lapse of considerable period for which he failed. Anything contrary to it is denied.

6.14. That the contents of para 6.14 of the application are wrong, hence denied as stated and in reply thereto it is stated that since major memorandum was converted into minor memorandum, hence the Inquiry Officer was compelled to suspend the enquiry proceedings of major memorandum. It is further stated that no appeal of the applicant

S. K. Bhatnagar

प्रधार परिचालन वापीस्ट

was received in the office, hence there is no question of consideration of the same.

6.15. That the contents of para 6.15 of the application are admitted except that the Point No.1 ~~crossing~~ shown as Non-Motor Point is denied as it is a couple point of Point No.1 and operated by the same motor fixed at Point No. 1.

6.16. That in reply to para 6.16 of the application it is stated that there was inter-locking failure at the station and signal siezed functioning, and hence it was declared non-interlocked/as per GR 3.39 and SR 3.69(2)III it was the primary duty of the Station Master on duty to ~~ensure~~ correct setting and locking of facing points for which he failed. Since the point was not locked there remained every possibility of jumping points and caused derailment after passing the front portion of the engine. Anything contrary to it is denied.

6.17. That in reply to para 6.17 of the application it is stated that Point No.1 ~~crossing~~ was facing for the train to move and it should have been clamped and pad locked, but it was not done so as mentioned in the joint note prepared by the Sub-  
~~Committee~~ Inquiry Report. Anything contrary to it is denied.

S.K. Bhalerao  
प्रभानन्द गांधी रोड

6.18. That in reply to para 6.18 of the application it is stated that if there was any defect in the engine, the engine would have again derailed, but it did not happen so. How far the question of damage is concerned; the engine stopped itself after derailing from the track and could not proceed further and so the question of damage in the track does not arise. So far as the defect in the track is concerned, it was not proved by the Enquiry Committee at the site of the accident. The site plan by the sub-Joint Enquiry Committee was prepared; the track measurement of floating condition in rear portion of the derailed engine No. 6609 Y.D.M.4, at Pradhan on 23-10-1987 was also conducted. The same may be produced before this Hon'ble Tribunal if required. Anything contrary to it is denied.

6.19. That in reply to para 6.19 of the application it is stated that the charges framed against the applicant are not for setting the point correctly but for not clamping/pad locking facing points in his presence and there was every chance of jumping the point - being not pad locked. Anything contrary to it is denied.

6.20. That the contents of para 6.20 of the application are wrong, hence denied, and in reply thereto it is stated that the point was not clamped and pad locked, hence the derailment occurred.

6.21. That the contents of para 6.21 of the application are wrong, hence denied and in reply thereto it is

S.K. Babbaloo  
11/11/87

stated that the joint note was prepared by the Permanent Way Inspector, Traffic Inspector, Signal Inspector, Loco Inspector and Loco Foreman - all technical hands on the spot; hence it has been concluded that the accident occurred due to the negligence of the applicant.

6.22. That the contents of para 6.22 of the application are wrong, hence denied and in reply thereto it is stated that the motor point was operated and clamped fixed on Point No. 1 which was trailing instead of Point No. 1 ~~crossing~~ which was facing Point No. 1 ~~crossing~~ for the purposes of movement of train. It proves that the point was not clamped and pad locked in the presence of the applicant who is ~~was~~ quite experienced having served for more than 20 years as a Station Master. Anything contrary to it is denied.

6.23. That the contents of para 6.23 of the application are not admitted as stated and in reply thereto it is stated that there remains some flexibility in the gauge for the smooth movements of the wheels. The point was not correctly set. Every possibility remained to shift from one place to another by the pressure of rolling stock since the point was not clamped and pad locked. Anything contrary to it is denied.

6.24. That the contents of para 6.24 of the application

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प्रदर्शन परिचयन संघीकरण  
कानूनी दस्तावेज, लखनऊ

are wrong, hence denied as stated and in reply thereto it is stated that the clamp and pad lock were not found at the site after the occurrence.

6.25. That the contents of para 6.25 of the application are wrong, hence are denied as stated and in reply thereto it is stated that in the absence of the specific date and time, it cannot be ascertained that similar accident had taken place.

In regard to other contentions of the para under reply it is reiterated that the point was not clamped and pad locked, that is why the accident took place.

6.26. That the contents of para 6.26 of the application are wrong, hence are denied as stated and in reply thereto it is stated that it was the duty of the applicant to seize the sleepers after their replacement by serving a memo to Permanent Way Inspector for further examination, but the applicant failed to do so. Anything contrary to it is denied.

6.27. That the contents of para 6.27 of the application are wrong, hence are denied as stated and in reply thereto it is stated that the disciplinary authority was very much competent to take action after going through the mode of the case.

6.28. That in reply to para 6.28 of the application it is stated that the rule 3.69 (2)III is SR and not

GR which has been wrongly written.

6.29. That in reply to para 6.29 of the application it is stated that the General Rules have been framed under section 47 of the Indian Railways Act, 1890 by the Railway Board and Subsidiary Rules and amendments thereto have been issued by the Zonal Railways concerned for which the Chief Traffic Safety Superintendent / Chief Operating Superintendent is authorised and competent officer. Every Railway servant is bound to obey the Rules. Since the applicant has disobeyed the Rules contained under GR 3.39 and SR 3.69(2)III, the applicant has been found responsible for his deeds.

6.30. That the contents of para 6.30 of the application are wrong, hence are denied as stated and in reply thereto it is stated that the applicant has also violated the Railway Servants' Conduct Rules, 1966 and rule No.3(I) (II) and (III).

6.31. That the contents of para 6.31 of the application are wrong, hence denied as stated and in reply thereto it is stated that the Senior Divisional Safety Officer is a junior Administrative Officer in the Operating Branch. As such he is competent to pass the order.

6.32. That the contents of para 6.32 of the application are wrong, hence denied as stated and in reply thereto it is stated that the Disciplinary authority went through the case, including the reply of the

S. K. Boddulah  
S. K. Boddulah  
S. K. Boddulah

applicant, and he was satisfied enough to reduce the memorandum from ~~negligence~~ major to minor and impose the punishment under the purview of the minor penalty cases.

6.33. That in reply to para 6.33 of the application it is stated that the applicant has been correctly punished for his negligence and as such he does not deserve any interim relief from this Hon'ble Court.

7. That in reply to para 7 of the application it is stated that the applicant has not availed of the departmental channel by way of filing an appeal before the competent authority. Therefore, the instant application deserves to be dismissed ~~with~~ on this ground alone.

8. That the contents of para 8 of the application need no comments.

9. That in reply to para 9 of the application it is stated that the applicant does not deserve any relief as prayed in the para under reply in view of the facts and circumstances mentioned in the above paras of this counter reply

It is further stated that the Grounds taken <sup>therein</sup> in <sup>✓</sup> <sub>under</sub> the para under reply are false, frivolous and fabricated and not sustainable in the eyes of law and they deserve to be rejected throughout.

S.K. Andhalakshmi

10. That in reply to para 10 of the application it is stated that the applicant does not deserve any interim relief in view of the facts and circumstances mentioned in above paras of this counter reply.

11. That the contents of para 11 of the application need no comments.

12. That the contents of para 12 of the application need no comments.

13. That the contents of para 13 of the application need no comments.

Dated Lucknow :

1.4.1991.

*S.K. Andhakar*

*High Court  
Lucknow*

Verification

I, ~~the~~ S.K. Andhakar & the above named, do hereby verify that the contents of paras — of this counter reply are true to my personal knowledge and those of paras 1 to 13 of this counter reply are true on the basis of knowledge derived from the perusal of records relating to the instant case kept in the official custody of the answering respondents except legal averments which are believed by me to be true on the basis of legal advice. No part of this counter reply is false and nothing material has been concealed.

Dated Lucknow.

1.4.1991.

Through

*B.K. Shukla*  
(B.K. Shukla)  
Counsel for the Opposite Parties.

A 70

In the Court of Central Administrative Tribunal at  
Allahabad Lucknow Bench Lucknow.

K. S. Dixit - - - - - Applicant  
Claimant

V/P

Union of India & other - opposite parties

Filed today  
15/8/

Reg. No. 79 of 1988

F.F. 10/8/89

In the above noted case I am filing  
preliminary objection against the application  
of the applicant herewith.

Lucknow date

10/8/89

Abdul Nisam  
Counsel for the opposite party

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW  
REG. NO. 79 of 1988

K.S.Dixit ... Applicant/Claimant  
A

Versus

Union of India and others .. Opposite parties.

PRELIMINARY OBJECTIONS AGAINST THE  
APPLICATION OF THE APPLICANT :

The opposite parties above-named most respectfully submits as under:-

1. That the above-noted application challenges the minor punishment order as contained in Annexure No.1.
2. That against such an order imposing minor punishment, a statutory appeal lies under rule 18(2) of Disciplinary and Appeal Rules, 1968 applicable to the applicant.
3. That no such appeal has been filed/received by the competent authority.
4. That the application before the Hon'ble Tribunal itself is, therefore, not maintainable for want of <sup>not</sup> exhausting the statutory and departmental remedy available to the applicant.

VERIFICATION

I, Jai Naren  
aged about 46 years working on

N.E.Rly., Lucknow, the opposite party No. 3

Contd...2

लोक संविधान सभा अधिकारी,  
प्रबन्ध विभाग, लखनऊ  
S/o Manjilal

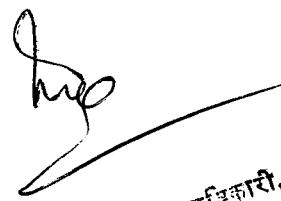
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.2.

in the instant application/petition do hereby verify  
that the contents of paras \_\_\_\_\_ are true  
to my personal knowledge and those of paras 1 to 3  
are true on the basis of records and those of paras  
— 4 — are believed to be true on legal advice.  
I have not suppressed any material fact.

Dated Lucknow:

Aug. 9, 1989.



प्रदर्शन संरक्षा अधिकारी,  
पुर्वोत्तर रेलवे, लखनऊ