

Annexure - A
CAT - 82

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

INDEX-SHEET

CAUSE TITLE Regd. No. 20 of 1938 (L)

Name of the Parties Gopalji Saxena

Versus

Society for Economic
Administration and others

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	Names of Index - - - - -	1
A2	Order sheet - - - - -	1
A3	File number and Date - - - - -	2
A4	List of documents and dates dated 22/12/00. - - - - -	11
A5	Written statement - - - - -	5
B1	Vakalatnam / Power - - - - -	1
B2	Nature - - - - -	1
B3	Other Name - - - - -	1

Chogha
27/12/2011
Contd. pg 2
for weekly at

CENTRAL ADMINISTRATIVE TRIBUNAL

C.A.T ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001
Canaan Bazaar, Allahabad

Registration No. 80 of 1987 (C)

APPLICANT (s) Gopalji Saxena

RESPONDENT(s) St. Dinisimal Commercial Suptt.

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 ?	Yes (3 sets have been filed)
3. (a) Is the appeal in time ?	Yes
(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 (I.P.O. No. 0190005 dt. 19.6.2011)
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 (L. D. 2001)

CA No 40967(C)

John J. Scammon vs. D.C.L.

ORDER SHEET

24.9.1961

Hon. A. Doshi, A.M.
Hon. G.S. Sharma, J.M.

Issue notice to the respondents. A summons
forth

Ex. C. 1000.

62

Notice issued to the respondents by Repd Post.
No undelivered Repd Post com have been return back
from 19/8.

None is present for appearance

5/10.80. Notice M.C. filed by the learned A.M.
Hearing adjourned to 26.10.80.

Considered request of the learned A.M. for adjournment

Granted for all and the same is adjourned
dated 26.10.80. The same is adjourned.

29

A.M.

V.C.

7.10.80. None is present for appearance
the case is adjourned for
26.10.80 for admission.

Decd

B.C.

7/10

26/10/80.

Hon. G.S. Sharma, A.M.

See Rep. in matter for defendant
See Brijendra Shrivastava for respondent.

Reply filed today by the learned
Counsel for the respondents

Affidavit record date ~~26.10.80~~ is received.

Left at lawyer the copy

herein on 27-10-80
be AM.

Reserved.

Central Administrative Tribunal, Circuit Bench
Lucknow.

Registration O.A.No.80 of 1988 (L)

Gopalji Saxena Applicant
Vs.

Sr.Divisional Commercial
Superintendent and others Respondents.

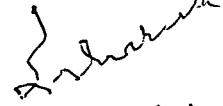
Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This petition u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed by the applicant for the only relief that the Tribunal should decide the charge sheet dated 6.4.1985 served on the applicant under the Railway Servants (Discipline and Appeal) Rules, 1968 for minor penalty. It is alleged that after the service of the charge sheet on him, the applicant submitted his statement of defence on 7.7.1987 but since then the disciplinary authority has not taken or communicated any decision thereon and on account of this the gratuity of the applicant has been withheld with a mala-fide intention.

2. A notice was issued to the respondents to show cause why the petition be not admitted. In the reply filed on behalf of the respondents it has been stated that the action on the charge sheet dated 6.4.1985 served on the applicant was already taken on 29.7.1985 and the applicant was awarded the penalty of withholding his increment for one year but the applicant did not prefer any departmental appeal and the punishment order has already been implemented. The respondents have also taken the plea that the Union of India is a necessary party and this petition is not maintainable in its absence.

3. On the date fixed for hearing none appeared on behalf of the applicant. The learned counsel for the respondents produced before us the service record of the applicant in which the penalty of withholding of increment for one year is shown to have been recorded on 30.7.1985. The contention of the respondents taken in their reply thus finds support from the service record of the applicant and his petition ~~was~~ accordingly became infructuous. As a matter of fact, it was not maintainable even in May 1985 when it was filed. There is no other point for adjudication. The petition is accordingly dismissed at the admission stage.


MEMBER (J)


MEMBER (A)

Dated: 28.10.1988
kkb.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT.

Gopal ji Saxena.

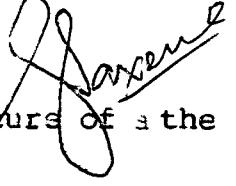
..... Applicant.

VERSUS.

SENIOR DIVISIONAL COMMERCIAL SUPERINTENDENT Respondent.

INDEX.

<u>Sl.no</u>	<u>Particulars</u>	<u>Page no.</u>
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2.	Annexure no. A-I Photo-state copy of Chargsheet no.C/309-56-85/BKS dt.6.4.85 Memorandum for minor penalty.	6
3.	Annexure no.A-2 Photo-state copy of the reply dated 1.7.85	7 to 8
4.	Annexure A-3 Photo-state copy of representation dt.7.7.87	9, 9A
5.	Vakalatnama	10


Signature of the applicant.

Lucknow.

Dated. 21/8/88.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNALS

ADDITIONAL BENCH ALIPURBAD, CIRCUIT LUCKNOW.

Gopal Ji Saxena, Chief Coaching supervisor,
Northern Railway, Prayag. applicant.

Versus

1. Senior Divisional Commercial Superintendent,
Northern Railway, Hazratganj, Lucknow.

.... Respondent.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS

OCT 1985.

Details of Applicants:

1. Particulars of the applicant.

i) Name of the applicant. Gopal Ji Saxena.

ii) Name of father. Sri B.P. Saxena.

iii) Designation & Office in which employed. Chief Coaching Supervisor Northern Railway, Prayag under D.R.M., N.Rly., Lucknow.

iv) Office Address. Chief Coaching Supervisor Northern Railway, Prayag.

v) Address for service of all notices. Chief Coaching Supervisor Northern Railway, Prayag.

2. Particulars of the Respondent:

i) Designation.

Senior Divisional Commercial Superintendent, Northern Railway, Hazratganj, Lucknow.

ii) Office address of the Respondent.

iii) Address for service of all notices.

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

i) Order No.

X Issue of direction to respondent to decide the case i.e. Charge sheet issued by Respondent vide his No.C/309-56-85/VKS dated 6.4.1985 (Annexure-A-1

ii) Date.

iii) Passed by.

iv) Subject in brief.

iv) Subject in Brief :- 1) The respondent Senior Divisional Commercial Superintendent, issued Charge sheet for Minor Penalty vide his letter No.C/309-56-85/VKS dated 6.4.85 (Annexure No. A-1).

2) The applicant replied the Chargesheet and submitted to the respondent under clear signature on 1.7.1985 vide applicant's letter dated 1.7.1985 (Annexure No. A-2).

3) The applicant further represented to the respondent on 7.7.87 to decide the case but nothing has been done by the respondent. (Annexure No. A-3).

6. Jurisdiction of the Tribunal

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

5. Limitation.

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

6. Facts of the case

The applicant begs to submit the facts of the case as under:-

1. That the applicant while working as Chief Parcel Clerk, Northern Railway, Charbagh, Lucknow, was issued Charge sheet of Minor Penalty vide Memorandum No.C/309-56-85/VKS

dated 6.4.1985. The photo-stat copy of the Charge sheet is filed as Annexure No.2-1.

2. That the applicant submitted a suitable representation against the aforesaid Charge sheet for minor penalty on 1.7.85 challenging the validity of the Charge sheet. The said reply to the Charge sheet was received in office on 1.7.85. A photo-stat copy of the said reply to the Charge sheet dated 1.7.85 is being filed herewith as Annexure No.2-2, to this application.

3. That the applicant again represented to the respondent to cancel the charge sheet keeping in view the reply given by the applicant on 7.7.1987. The said representation was received by Office on 7.7.1987. A photo-stat copy of the representation is being filed as Annexure No.2-3 to this application.

4. That inspite of the reply the respondent is not deciding the case nor communicated any decision thereon to the applicant.

5. That the applicant has to retire after a year and the respondent has a malafide intention to withhold the gratuity etc. of the applicant after his retirement.

7. Relief sought.

That this Honourable Tribunal may be pleased to direct respondent to decide the charge sheet as per Annexure No.2-1 (Letter No.C/309-56-85/VKS dated 6.4.85.) issued by the Respondent.

G R O U N D S.

1. Because the charge sheet of Minor Penalty issued by Respondent No.1 is without any evidence.

2. Because the promotion of the applicant is held up due to non-finalisation of the charge sheet. The applicant is in a difficult position as he is not in touch with the respondent authority and is unable to decide his further course of action.

3. Because if the charge sheet is not decided the applicant will be put to great hardship.

8. Interim order if prayed for NIL.

9. Details of the remedies exhausted: The applicant declares that he had availed all the remedies available to him under the relevant service rules. The representations were made as per Annexure No. A-3, but the respondent did not decide the case nor communicated any reply to the applicant.

10. MATTER NOT PENDING WITH ANY OTHER COURT:
The applicant further declares that the matter regarding which the application has been made is not pending in any Court of Law or any other authority or any other Branch of the Tribunal.

11. (1) Number of Indian Postal Order: the DD 01988F
5
(2) Name of the issuing Post Office: I.P.O Lucknow
(3) Date of issue of Postal order: 19.8.88
(4) Post office at which payable: Head Post Office
Aligarh

12. Details of Index: An Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Enclosures: Annexure Nos. A-1 to A-3.

IN VERIFICATION.

I Gopal Ji Saxena, son of ~~late~~ ~~deceased~~ Sri B.P. Saxena, aged about 50 years, working as Chief Booking Clerk, Northern Railway, Prayag, do hereby verify that the contents of pages No.1 to 13 of the Application are true to my personal knowledge and belief, and that I have not suppressed any material fact.

Place: Lucknow.

Signature of the Applicant.

Date: 27/8/88

To

The Registrar,
Central Administrative Tribunals,
Additional Bench,
Allahabad
Circuit Lucknow.

Before Central Admin Tribunal Allahabad
Gopalji Saxena VS DRM Lko and another

Saxena

15/1/85

STANDARD FORM 11(c).

Standard Form for taking disciplinary action under Rule 9.7(a)(iv)
of the Railway Servants (Discipline and Appeal) Rules, 1968.

NORTHERN RAIL. A.

No: C/309-56-85/VKS

Divisional Office,
Lucknow. Dt. 6.4.85.

WHEREAS the article of charge was communicated to Shri Gopalji Saxena under this office Memorandum of even number dated 1-2-85 and whereas a written statement of defence was submitted by him on 4-2-85.

Now, therefore, the undersigned has carefully considered the said written statement of defence and holds, without prejudice to his right to impose any of the minor penalties not attracting the provisions of sub rule (2) of rule 11 of Railway Servants (Discipline & Appeal) Rules, 1968 that the imposition of a major penalty including the minor penalty attracting the provision of sub rule (2) of rule 11 of the said rule, is not necessary.

The undersigned has, therefore, dropped the proceedings already initiated under rule 9 of the said rules and has decided to initiate proceedings, under rule 11(1) of the said rules on the article of charge already communicated to Shri Gopalji Saxena vide this office Memorandum No. even dated 4-2-85.

Shri Gopalji Saxena is hereby given an opportunity to make such representation as he may wish to make against the proposal to take action against him under rule 11(1) of the Railway Servants (Discipline and Appeal) Rules, 1968. The representation, if any, should be submitted to the undersigned within 10 days of the receipt of this Memorandum.

If Shri Gopalji Saxena fails to submit his representation, within the period specified above, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri Gopalji Saxena parte.

The receipt of this Memorandum should be acknowledged
by Shri Gopalji Saxena.

(B.M.S.B.I.G.H.T)
SENIOR DIVISIONAL COMMERCIAL JURIST,
LUC. NO. 1.

Shri KMY

21/2/85
at 10 am

KMY
Advocate

K.L.
Advocate

Before Central Bank of India Allahabad (7)
Copy of Sircircular is sent in the mail *Ad*

To

Ansver-A-2

The Sr. Divl. Commercial Superintendent,
NORTHERN RAILWAY,
LUCKNOW.

SUB: SF-5 CONVERTED INTO SF-11.

REF: YOUR NO. C/309-56-85/VKS DATED 6.4.1985.

Sir,

With due respect I have to draw your kind attention for the following facts for due consideration in the name of justice.

That I have to state regarding the conversion of SF-5 to SF-11 is self proved that how I have been dragged for no fault of mine but only due to the annoyance of CCS/NOLS for the reasons best known to all and after a gap of two months the Administration himself realised the facts and changed the mind to issue SF-11 although it is also based on Prestige not only facts which are explained as under :

That the charges from No. 1 to No. 3 do not concern to me as I have been working as CPC LKO responsibility for Arms and Ammunitions packages only as per para 15 of duty list enforced (Annexure-I(a)-I(b) attached). The general packages are being dealt with by the Local Karmas and Foreign Shed clerks as per para No. 3 of duty list (Annexure No. II(a)-II(b) attached). In the view of the above I cannot be held responsible in anyway.

That the charges item No. 4 directly concerned to the outward dealing clerks as such I have nothing to say in this regard.

Since the charges as levied have no direct or indirect concern to me as per Documentary proof such as the CPS/LKO being supervisory staff has been punished and the labour supervisor of parcel has also been fined with Rupees Five Hundred (Rs. 500/-) by the learned CCS/NOLS on his Inspection on 25.1.1985 for not handling the Inward Package properly, as such I cannot be considered responsible.

Further I have to draw your attention for the following short coming attacking my integrity by issuing a letter by CPS/LKO No. III Staff/17/85P dated 28.1.1983, there after Sr. OCS/LKO Letter No. C/309-56-85/VKS dated 29.1.85 for putting me under suspension on and from 26.1.85 as I had been allowed to work upto 28.1.1985 as per (Annexure II-B-V attached), the suspension has been treated and effected on and from 26.1.85 vide Pay sheet P/E 15.2.85 with No. 1118E dt. 28.2.1985.

AB

.....2

Ansver-A-2

Ansver-A-2

before Central Government Tribunal Allahabad
Gopal ji Saxena VS DMR LKO and another.

A-2

(2)

Since the wage Act do not permit the Administration to put the staff under suspension in minor charges as such the salary may kindly be paid to me on and from 26.1.1985 till now at the earliest possible, I have been put in a great inconvenience during these hard days to carry on the family expenses.

SIR, IT IS BEYOND THE DOUBT THAT THIS SORT OF WRONG AND LONG SUSPENSION BADLY EFFECTED MY PRISTIGE AND SOCIAL AS WELL AS FAMILY LIFE ONLY BECAUSE THE LEARNED CCS/ADLS WAS ACTUALLY ANNOYED WITH THE DEMONSTRATION MADE BY THE UNION LEADERS WHICH DO NOT CONCERN TO ME AS I AM NOT ANY OF THE UNION OFFICE BEARER.

It is, therefore, requested that the suspension may please be Revoked and the period may be treated as Duty by setting the charges aside under the Reasons and facts given above and the Payment may please be made at the earliest possible to enable me to carry on my duties smoothly and oblige.

Thanking you,

Yours faithfully,

(GOPALJEE SAXENA)
CHIEF PARCEL CLERK, LKO
(UNDER SUSPENSION)

DATED: 17.85

ENCLS: AS ABOVE. (7)

KJS KJS
Parcel Clerks
Parcel Clerks

9

(9)

Reqd. Ack. due

Am. 10/11

Am. A-3

The Senior Divl. Comm. Supdt.,
Northern Railway,
Lucknow.

Through:- Proper Channel.

Sub:- SF-II(C) vide your letter No.C/309-56-85/VKS
dated 6.4.85.

Sir,

With reference to your above I have already replied to the Chargesheet for minor penalty on 01.7.85 which was received in the office of Chief Parcel Supervisor, Charbagh, Northern Railway, Lucknow under clear signature, but sorry to point out that the case is pending with you and has not been decided nor any reply or order has been communicated to me, though one and half(1½) years since elapsed.

I, therefore, request you kindly arrange to cancel the Chargesheet or C/Sheet keeping in view the reply ~~the~~ given by me for which I shall be thankful.

Yours faithfully,

Dated: 20/6/85

(Gopal Jee Saxena)
Chief Coaching Supervisor,
Northern Railway
Prayag.

Advance copy to Senior Divisional Commercial
Superintendent, Northern Railway, Lucknow for early action.

(Gopal Jee Saxena)
Chief Coaching Supervisor,
Northern Railway,
Lucknow.

6/7/85
20/6/85
Saxena
Northern Railway

KJS
Hirach

Q/

Am & - A - }

1987 98

Luzula spicata (L.) S.

11 W 0101 2 0

Recd. 24711 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. 5/10

Received a V. P. Registered. ¹¹⁹
addressed to Senior Division
Associate
H. R. G.
Signature of Receiving Officer *H. C. Brown*

Insured for Rs. (in figures)

(in words)

weights } ratio

R. P. 53 -

Karl

(10)

Before Central. Admin. Tribunal;
व अदालत ओमान् अधिकारी नियन्त्रण विभाग
वादी अपीलान्ट श्री
प्रतिवादी (रेस्पाडेन्ट)

वकालतनामा



(अपीलान्ट)

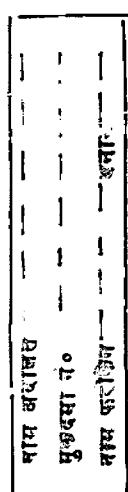
Senior Divisional Officer
से जपति, N.R. Lucknow

वकाल

न० सुकदमा सन् पेशी की ता० १६ रु०

अधर लिखे अकड़ा में अपनी ओर से थो

K. Pillai, Lala, Advocate
वकील महोदय
एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस सुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो युधि पेरवी व अवाद देती व प्रश्नोत्तर करें या कोई कागज दाखिल करें या तीटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारा या अपने हस्ताक्षर से दाखिल करें और तसदीक करें सुकदमा उठावे या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर पुक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा को 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 पेरोकार को मेजता रहूंगा अधर सुकदमा अदम पेरवी में एक तरफा मेरे खिलाफ फँसला ही जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

fs/xx-1

साक्षी (पर्सन)

साक्षी (गवाह)

दिनांक

महीना

रु० १६ रु०

Accepted

K. Pillai

Advocate
M.L. 123 Block 'C',
Malegaon Colony
Lucknow

In the Central Administrative Tribunal, Circuit Bench
MADRAS.

On the 30th of 1985 (A)

Gopal Ji Sakerna

Applicant

versus

Senior Divisional Commercial Superintendant.

Respondent

REPLIED STANDING OF THE APPLICANT

Para 1 (i) Not denied.

Para 1 (ii) Not denied.

Para 1 (iii) Not denied.

Para 1 (iv) Not denied.

Para 1 (v) Not denied.

Para 2 (i) to (iii) In reply to the contents of paragraph 2(i) to (iii) it is submitted that Union of India has not been made a party and in the absence of Union of India, the Senior Divisional Commercial Superintendent is not the proper party arrayed as respondent.

Para 3 (i) to (iii) In reply to the contents of para 3(i) to (iii), it is submitted that no directions are required to be issued in view of the fact that the decision on basis of the charge sheet dated 3.4.1985 has been already taken by awarding AF one year vide office order No. C 309/66-85 / MS dated 31.7.185.

N.B.
26/11/85

(1)

Para 3(iv) (1) Not denied.

Para 3(iv) (2) Submission of the reply by the applicant is not denied.

Para 3(iv) (3) The contents are denied. It is submitted that no such letter is available with the respondent, in view of the fact that the record pertaining to charge sheet is not traceable at the present moment.

Para 4. Jurisdiction of the Hon'ble Tribunal is not denied.

Para 5. The contents are denied. It is submitted that the application is barred by limitation.

Para 6 (1) The contents are not denied.

Para 6 (2) In reply to the contents, only this much is not denied that the applicant submitted a reply to the charge sheet dated 6.4.'85 (Annex. No. A-1 to the application). Rest is denied. It is submitted that a reply to the contents of Annexure No. A-2 can be given in view of the fact that the file pertaining to the charge sheet is not traceable at the present moment.

Para 6 (3) That the contents of paragraph 3 of the application are denied. It is submitted that no such letter is traceable in office of the respondent. It is also submitted that in view of the order having been passed vide NOC/309 56.85/VKS dated 29.7.'85, the submission of the alleged letter dated 7.2.'87 was unwarranted.

Para 6 (4) That the contents of paragraph 6(4) of the application, are incorrect, hence denied. It is submitted that after receipt of reply to the charge sheet, the case was decided and a punishment was awarded of MIT one year vide order 100/309-56-85/VKS dated 29.7.'85, as is evident by endorsement in the service record maintained for the applicant by the administration. The record relating to the case pertaining to the charge sheet is not traceable at the present moment. Since admittedly no appeal was filed by the applicant against the aforesaid order dated 29.7.'85, it is possible that the record pertaining to the charge sheet has been weeded out due to age limit under rules. It is also submitted that after the aforesaid order dated 29.7.'85, the increment which fell due on 1.3.'86 was not released, thus the order was implemented and on account of withholding of the increment due, the said implementation is also within the knowledge of the applicant.

Para 6 (5) In reply to the contents of paragraph 6(5) only this much is not denied that applicant is to retire on 30.4.1989. Rest is denied. The allegations about said intention to withhold the gratuity etc. of the applicant after his retirement is specifically denied.

15
4

Para 7: Contents are denied. None of the grounds are tenable in view of the fact that the case stands decided vide NOC/309-56-85/VKS dated 29.7. '85 imposing penalty of WIT one year.

Para 8: Needs no reply.

Para 9: Contents are denied. It is submitted that the case was disposed off vide order NOC/309-56-85/VKS dated 29.7. '85. The remedy by way of appeal against the said order 29.7. '85 has not been availed of with the result that the said order dated 29.7. '85 imposing penalty of WIT one year has become final and now not open to challenge. It is also submitted that the said order has also been also implemented.

Para 10: No reply can be given to the contents for want of knowledge.

Para 11: Needs no reply.

Para 12: Needs no reply.

Para 13: Needs no reply.

14. That the case initiated by issue of the charge sheet dated 3.4. '85 was finalised vide order NOC/309-56-85 dated 29.7. '85 imposing penalty of WIT one year.

15. That appeal provided for against the said order dated 29.7. '85 has not been availed of by the applicant. As such the order has become final and not open to appeal before the Hon'ble Tribunal. Even otherwise the applicant cannot approach the Hon'ble Tribunal without exhaustion of the available remedy.

16. That the applicant being in the know of the fact that the record pertaining to the charge sheet is not available in the office of the respondent, has filed the present application on incorrect facts, that the charge sheet is still pending and the case is not decided.

17. That after the order dated 20.7.1985 imposing penalty of Rs one year the sum has been implemented and pay accordingly released without allowing the increment when it fell due.

18. That on the facts and circumstances stated above, the application being misconceived is liable to be dismissed with costs to the respondent.

Lucknow

Dated: 6.10.1988


Respondent.

1.10.1988.

I, Vilas Singh, Dy Comm Officer
Northern Railway do hereby verify that the contents of paras 1 to 18 of this reply are true to my best of knowledge based on information derived from record and legal advice received.

Signed and verified this 6th day of October 1988 at the office of DR Northern Railway Lucknow.


Respondent.