

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Lucknow* BENCH

OA/TA/RA/CP/MA/PT 153/88 of 20.....

S.H. *Sabhatwad*.....Applicant(S)

Versus

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

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Certified that the file is complete in all respects.

B.S.C. Weeded &amp; diseng.

Signature of S.O.

*Log 16/12/12**Am 19/6/2012*

Signature of Deal. Hand

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
\*\*\*\*\*

INDEX SHEET

CAUSE TITLE C.A. 153 of 1988

NAME OF THE PARTIES S. N. Saharwal

Applicant

Versus

Union of India (N.R.) Respondent

Part A, B & C

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D.B / Reversion

(A)

filed on 6.10.06

# CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Umano

Registration No. 153 of 1980(i)

APPLICANT (s) S. N. Sabharwal

RESPONDENT(s) W.O. & & ms

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 ?	No (two sets)
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. D.D. 065151) Rs 50/- dt. 6.10.06
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes (by )
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 Counsel )

Particulars to be ExaminedEndorsement as to result of Examination

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

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

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *No - representations have been made against the order of revision. dt. 20.9.01.*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

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

12. Are extra copies of the application with Annexures filed ? *No (two copies)*

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

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

13. Have file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *Yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *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. *No*

Let case be listed on 7.10.01 Below 6/188

ORDER

7.10.88 - Hon. K.S. Puttaswamy, V.C

Hon. A. John, A.M.

Applicant by Sri L.P. Shukla.

Admit

Emergent notices on the main & interim prayer to file their reply.

Call on 25.10.88 to consider the interim prayer.

Sd/-

A.M

Sd/-

V.C.

Prish

10.10.88

OR

Notices issued to respondents No 1 & 2 through Regd. Post. Fixing 25.10.88 to consider the interim prayer & on the main petition.

Prish  
10/10.

25/10/88

Hon. A. S. Misra, A.M.

Sri L.P. Shukla for the applicant.

Sri Ajim Bhangare files his  
valable name on behalf of respondent

Put up this case tomorrow as  
prayed by the learned counsel  
for the respondents.

Pr

AM

AM.

26/10/88

Hon. A. S. Misra, A.M.

Sri L.P. Shukla for applicant.

Reply has been filed by the learned  
counsel for the respondents Sri Ajim  
Bhangare. On the request of the learned  
counsel for the applicant he is allowed  
time to file rejoinder to the reply.  
List this case for hearing on interim  
matter on 28-10-88.

Pr  
AM.

AM

(AU)

Q.A. 153/88

23/2/89

Hon' D.S. Misra, A.M.  
Hon' D.K. Sharma, J.M.

Sir Arjun Bhargava for the respondents request further time to file detailed reply. The same is allowed. Let it be filed within four weeks.

Put up on 28-4-89 for hearing

51

J.M.

A.M.

Noor

Hon' Mr. D.S. Misra, A.M.  
Hon' Mr. D.K. Agrawal, J.M.

OK  
Despite of time  
prosided for filing  
regular reply, Shri  
Arjun Bhargava,  
Counsel for respondents  
has not filed any  
reply so far.

Submit for order

27/4/89

28/4/89

None is present for the applicant.

Shri A. Bhargava, learned counsel for the respondents request for further time to file reply. He is given last opportunity to file reply within 2 weeks, failing which the case will be heard ex-parte. The applicant may file rejoinder, if any, within two weeks on the receipt of the reply of the respondents. List this case for final or ex-parte hearing on 7-8-1989.

J.M.  
(sns)

A.M.

As directed by the court  
admit 20.4.89, no reply  
has been filed.  
Case is submitted for  
ex-parte hearing

45

:: Rx ::

A15

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p>Hon' Mr. D.K. Agrawal, J.M.  <u>Hon' Mr. K. Obayya, A.M.</u></p>	
9/11/89	<p>Shri L.P. Shukla counsel for the applicant and Mr. Arjun Bhargava counsel for the respondents are present. No counter affidavit has been filed today. Respondents have not availed of opportunity granted to them. Therefore, we hereby order that no counter affidavit will be accepted from them. List this case for hearing as the <u>first case on 4-12-89.</u></p>	
4/12/89	<p><i>[Handwritten signatures]</i></p> <p>Hon' Justice K. Nath, J.C.  <u>Hon' K. D. Ramam, A.M.</u></p> <p>Argumets of both the parties heard. Judgment reserved.</p> <p><i>[Handwritten signatures]</i></p> <p>A.M. J.C.</p> <p>Dinesh</p>	<p>OR Case no submitted for hearing without counter  30/11/89</p>

(A6)

0 A 1531/80

Hon. J. P. Sharma J.M.

6-3-90

No sitting to Division Bench  
evening adjourn to 11-5-90 for order

Dec 2  
J.M.

11/5/90

Hon. Mr. K. J. Ramay, A.M.  
Hon. Mr. D.K. Agrawal, V.M.

Shri O.M.P. Tripathi, brief  
holder of Shri L.P. Shukla, appears  
for the applicant. Shri A. Bhargava  
is present on behalf of the opp. ps. a Hon. K. J. Ramay, A.M.  
In pursuance of the order dated  
20/12/89, Shri A. Bhargava was  
given time to file some papers. The  
same have not been filed. He  
wants 2 days time. Allowed. Let  
paper be filed on or before 15/5/90.

OR  
Arguments of  
both the parties heard  
Judgement reserved on  
4-12-89 by the bench  
of Hon. Justice K. Nath, V.  
S. P. O. No paper has been  
filed by the 4th  
O.P.

S. P. O.

10/5/90

Put up on 17/5/90 for orders.

Sd

Dec  
J.M.

Opp  
A.M.

17/5/90

Hon. Mr. Justice K. Nath, V.C.  
Hon. Mr. K. J. Ramay A.M.

Shri A. Bhargava, carries  
a set of papers, which he wants  
to file, to show ~~that~~ <sup>in</sup> compliance of the  
Railway Board circular, which the petitioner  
filed before the Tribunal on 8/12/89, has already  
been made. We think that the respondents should  
also file a statement of facts in reply to the application  
along with the document sought to be filed. This may  
be done by 22/5/90. The case shall not be ~~disposed~~ as  
filed with this Bench. The case be put up for hearing on 30-5-90

OR

No paper has  
been filed.

S. P. O.

16/5

Certified to M  
Mr

Dec

A.M.

Dr

11/5

(P7)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

....

JUNE 1, 1990

Registration O.A. No. 153 of 1988 (L)

S.N. Sabharwal ... Applicant

vs

Union of India and ors ... Respondents

Hon' Mr P.C. Jain, Member (A)

Hon' Mr J.P. Sharma, Member (J)

(By Hon' Mr J.P. Sharma, J.M.)

Present:

Counsel for the applicant : Mr L.P. Shukla

Counsel for the respondents: Mr A. Bhargava

The applicant moved this application under section 19 of the Administrative Tribunals' Act No. XIII of 1985, aggrieved by the order No. 940/E/IA/Civil Engineer Officers dated 28-9-88 issued by the D.R.M., Lucknow, in term of General Manager, Planning, New Delhi, Notice No. 940-E/14/XXXX/E IA dated 21-9-1988 by which the applicant was ordered to be posted to the substantive post of Chief Permanent Way Inspector (PLG), Lucknow (Annexure-A-7).

2. The applicant claimed the following reliefs:

(a) the impugned order dated 28-9-88 (Annexure-A-7) reverting the applicant from the post of Assistant Engineer in Group 'B' to the post of CPWI in Group 'C' be quashed.

(b) to allow the applicant to continue in service on the post of Assistant Engineer with all consequential benefits".

3. The facts of the case, as given out in the application, are that the applicant was working as Chief Permanent Way Inspector since November, 1982. He appeared in the test for selection to the post of Assistant Engineer for the panel of 1986, and having passed the written and interview test was declared successful and placed at Sl. No. 1 in the

(A8)

panel declared on 15-2-1987 (Annexure No.A-1). The applicant was given the appointment order dated 4.3.1987 and was posted at Sultanpur (Annexure-A-2). The applicant had undergone training also at Chandausi and awarded a Merit certificate after successful completion of Officer Orientation Training (Annexure-A-3). In 1985, the applicant was served with a minor penalty charge-sheet, which is not relevant for the purpose of this case, as the impugned order is not based in any way on that charge-sheet. The applicant further alleged that he was on sick leave from 19-8-88 to 20-9-88 and again fell ill on 26-9-88 and had to be taken for treatment at K.G.M. College, Lucknow. During this period of sickness on 28-9-88, the applicant learnt about a notice circulated by the Divisional Railway Manager, Lucknow reverting the applicant from the post of Assistant Engineer Grade-I Group 'B' to the post of C.P.W.I. (PLG) in Group 'C'. The applicant has challenged this order of reversion.

4. The respondents contested the application and stated that the impugned order was issued by D.R.M., Lucknow in terms of notice of the General Manager, Northern Railway, New Delhi. The notice dated 21-9-88 is referred to in the impugned order. The reversion of the applicant, according to the respondents, has been made by the General Manager, New Delhi on the basis of the assessment of the performance of his work during the period of the officiating appointment as A.E.N. Group 'B'. Unsatisfactory performance of the applicant is attributed to a number of facts given out in para 4 of the reply from a to j. The applicant was informed about his shortcomings in writing. The respondents have also, by certain documents annexed to the reply illustrated the shortcomings of the applicant during the

tenure of working as A.E.N., Sultanpur by filing the memo dated 21-3-88 (Annexures A-1, A-2 and A-4).

5. The applicant filed the rejoinder to the above reply and reiterated the contents of the application. The applicant has further stated that the shortcomings pointed out were never communicated to the applicant. As regards the non inspection of the points, the applicant admitted that he did not inspect them monthly, as there was a provision of inspecting them bi-monthly. The respondents again filed a reply to the above rejoinder and filed the performance review of the applicant which page no. 20 attached to the supplementary reply of the respondents. Alongwith this reply the respondents also filed certain documents which show that the applicant, from time to time was informed about his failings in the discharge of his duties as A.E.N. of Sultanpur. According to documents, it is also clear that the signature of the applicant in token of having received the said direction addressed to him, are there.

6. The respondents also filed a copy of the letter No. E (DEA) 85 RG 6-9 dated 20-4-85, from Railway Board addressed to the General Managers regarding reversion, on the grounds of general unsuitability, of staff officiating in a higher grade or post. The respondents have also filed a copy of G.M. (P) & DLS Circular No. E-142/0/3-III dated 11.6.82/28-6-82. It deals with the reversion of employees promoted after selection within a period of 18 months without following the discipline and appeal procedure on the basis of general unsuitability. The most important part of this 1982 Circular is that the reversion will take place only after watching performance after warning.

7. In reply to the aforesaid circular filed by the respondents the applicant stated in written reply that the procedure prescribed in the said Circular of 1982 has not been followed. In this connection he also placed reliance on the authority in A.I.R. 1964 S.C.C. page 426 P.C. Wadhwa vs. Union of India and 1989 U.P. Local Bodies Educational Cases (U.P.L.B.E.C.) page 125 Dr. (Mrs) P. Sechre vs. Union of India. The applicant also filed further reply on 30-5-1990.

8. We have heard the learned counsel for both the parties at length and have gone through the record of the case. The main point involved in the case is whether a person who has been once promoted after selection and being placed in the panel and allowed to continue on the promoted post, can be reverted to his substantive post unceremoniously. According to the applicant, it amounts to punishment and the respondents have to take recourse to Railway Servants (Discipline & Appeal) Rules, 1968. According to the respondents, the person who is promoted after being empanelled, has no automatic lien on the promoted post and his working is in an officiating capacity; and that according to the various circulars of the Railway Board, he can be reverted to the substantive post on the ground of unsuitability. No formal enquiry is required to be held. It is further contended that the panel notified on 19-2-1987 was provisional and that continuance on the panel was subject to satisfactory performance (Annexure-A-1). The contention of the applicant is that he was appointed by an order dated 4-3-1987 (Annexure A-2) which does not show that the applicant has been appointed in an officiating capacity.

9. The panel prepared on 19-2-1987 was for promotion

(A)

to 75% vacant Class II posts of 1986, in Civil Engineering Department. Under F.R.-9(19), a government servant 'officiates' in a post on which another person holds a lien. A government servant can also be appointed to officiate in a vacant post on which no other government servant holds a lien. Moreover, there can be temporary appointment even against a substantively vacant post. Unless a promoted government servant is specifically confirmed or is deemed to be confirmed in his appointment in accordance with the Rules applicable to that post, he cannot be taken to have a lien on it. The applicant has not placed anything before us to show that he was confirmed or deemed to have been confirmed on the promoted post. Further there is nothing to show that no other employee had a lien on the post to which he was promoted. Thus, in view of the clear stipulation in the panel dated 19-2-1987 and what has been stated above, we have to hold that the applicant's appointment/posting vide order dated 4/5-3-1987 (Annexure-A-2) was in an officiating capacity.

10. Rule 6 of the Railway Servants (Discipline and Appeal) Rules, 1968, lists penalties which can be imposed on a Railway servant. Explanation (iv) to this Rule states that, "reversion of a Railway servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or any administrative ground unconnected with his conduct" shall not amount to a penalty within the meaning of Rule 6 ibid. This Rule has not been assailed in the case before us. It has a statutory force. The respondents case is that the

J

xxx applicant was reverted on the grounds of unsuitability in accordance with the above provision read with Railway Board's letter dated 20-4-1985. As regards the applicant's contention that the aforesaid letter of the Railway Board has to be read along with Railway Board's letter dated 28.4.1982, it should suffice to state that he had been frequently warned of the lapses/deficiencies in his work on the upgraded post.

11. The learned counsel for the applicant relied on a Full Bench Judgment of the C.A.T. in Shri Jetha Nand and others vs. Union of India and ors (Full Bench Judgments (C.A.T.) page 353), and argued that since the applicant has been empanelled after a selection test and then promoted, he acquired a statutory right to hold the promotion post and could not have been reverted from that post except after going through the procedure prescribed in D.A.R., 1968. His contention is not tenable as the applicant did not work for a period of 18 months or more on the higher post before he was reverted. He was appointed /posted to the higher post w.e.f. 4-5-1987 (para 5 of the counter) vide order dated 4/5-3-1987 and reverted vide order dated 28-9-1988 w.e.f. 21-9-1988.

12. The reliance has also been placed by the learned counsel for the applicant on the case of P.C. Wadhva (Supra) which pertains to the Indian Police Service Pay Rules, 1954, as well as, Cadre Rule of the same year and also All India Services ( Discipline and Appeal) Rules, 1951, where in those Rules there was no such analogus as is in the D.A.R. Rule 6(iv). So, the authority is not applicable to the present case.

However, in that reported case also there were no details available on the unsatisfactory performance of the petitioner. In view of this the Hon'ble Supreme Court observed that there was a violation of Article 311 of the Constitution of India. In the present case a large number of documents have been filed alongwith the supplementary reply by the respondents(Annexures-A to E ), which go to show that from time to time the applicant was duly informed and warned to improve the working. Due to dereliction of duty and carelessness on the part of the applicant in not inspecting the Rail points, a derailment was also caused in the section under the charge of the applicant when he was working on the higher post. An inquiry was also conducted in that derailment and the applicant cannot in any way be said to have been taken by surprise and opportunities and time again were given to him to improve himself but with no effect.

13. The learned counsel for the applicant also relied on A.I.R. 1990, S.C.C. page 1431 Dr. (Mrs) Sumati P. Shera vs. Union of India and ors. Reliance has been at para 5 which is reproduced below:

" We must emphasize that in the relationship of master and servant there is a moral obligation to act fairly. An informal, if not formal, give-and-take, on the assessment of work of the employee should be there. The employee should be made aware of the defect in his work and deficiency in his performance. Defects or deficiencies; indifference or indiscretion may be with the employee by inadherence and not by incapacity to work. Timely communication of the assessment of work in such cases may put the employee in our opinion, it would be arbitrary to give a movement order to the employee on the ground of unsuitability".

14. In the present case the applicant has been duly informed and his denial in rejoinder of not having received Annexures A-1 and A-2 cannot be accepted, as the respondents have placed the whole record before the Tribunal at the time of arguments, in the notice of the applicants' counsel, which contains whole file and the despatch book of the peon.

A/14

xxx. From the Peon Book of despatch of letters there are 1 & 2 by signature of receipt of these Annexures / the Applicant. has been Confidential file/placed before the Tribunal and it goes to show that the applicant was informed from time to time for improving his work. In this confidential file, the following document which has also been filed as Annexure as a reply to the rejoinder by the respondents goes to show the performance of the applicant during the period and is reproduced below:

"D.R.M./LKO has recommended, vide S.No. 1, that Shri S.N.Sabbarwal, AEN-I/LKO, may be reverted from his officiating appointment in Group 'B' to Group 'C' service. Shri Sabbarwal on his promotion to Group 'B' service was posted as AEN/Sultapur w.e.f. 29.4.87 Later he was shifted to a much lighter sub-division and posted as AEN-I/LKO where he joined on 25.1.88.

2. D.S.E.(C)/LKI Divn. has in note at S. No. 1/1 commented upon the performance of Shri Sabbarwal during his posting as AEN/Sultapur and later as AEN-I/LKO, as detailed below:

a) Shri Sabbarwal was held responsible for failure to maintain devotion to duty in as much as he failed to mobilise staff from Sultanpur in time to attend a rail fracture on 27.7.87 on Lucknow-Sultanpur Section. A letter of displeasure was issued to Shri Sabbarwal by D.RM., Lucknow vide S. No. 1/2

b) Shri Sabbarwal was verbally warned by D.RM./LKO and D.S.E. (C)/LKO, when he failed to attend at site on 19.10.87 the derailment of 13 Wagons of Goods Train in Sultanpur Yard.

c) During his stay at Sultanpur for 8 months, he did not inspect even a single point and crossing for which letter of displeasure was issued to him by D.RM./LKO, vide S.No. 1/3.

d) In his posting as AEN-I/LKO w.e.f. 25.1.88, he hardly inspected any points and crossing in the Section of PWI-II/LKO as found out during the inspection of Chief Engineer(East) on 27.7.88. Also, the condition of track was found unsatisfactory.

✓

e) In the Section of AEN-I/LKO under the charge of Shri Sabharwal there have been three derailment during July & August, 88, due to expansion of gauge under moving load.

f) During inspection of track by DEN/Hqrs./LKO between Lucknow and Alam Nagar on 17.8.88, it was found that track is in a very bad shape, vide his report at S. No. 1/4

xx

g) Shri Sabharwal has been found napping in the AEN's monthly meetings and DSE(C)/LKO has stated (S. No. 1/1) that he had on two occasions pointed it out to him.

h) On 17.8.88 while trolleying with DEN/Hqrs./LKO, he slept on the push trolley itself, vide DEN/Hqrs./LKO's note on S. No. 1/5.

i) D.S.E.(C)/LKO has stated, vide S. No. 1/1, that Shri Sabharwal is very poor in Office Management and correspondence and he had brought it to Shri Sabharwal's notice, vide S. No. 1/6. It has further been stated that Shri Sabharwal had not given his self-appraisal for the C.R. for the period ending 31.3.88 inspite of repeated verbal and written reminders.

3. D.S.E.(C)/LKO has stated, vide S. No. 1/1, that Shri Sabharwal has been ineffective as AEN/Manitenance and is considered to be a safety hazard for travelling public as well as for himself. He has, with the approval of D.R.M./LKO, recommended that Shri Sabharwal may be reverted from his officiating appointment as AEN in Group 'B' to Group 'C' appointment.

4. Shri Sabharwal was empanelled in 1987 for promotion to Group 'B' service as AEN. On his first appointment, he was posted at Sultanpur w.e.f. 4.5.87. Railway Board's extant policy instructions, it is permissible to revert a Railway servant from his officiating appointment to a lower post within a period of 18 months, due to unsatisfactory performance in the officiating appointment.

5. The C.Rs file of Shri Sabharwal is linked. Only 1 C.R. on Shri Sabharwal became due in Group 'B' service, i.e. for the year 31.3.88. D.S.E.(C)/LKO has stated in S. No. 1/1 that Shri Sabharwal has not

0 :: 10 ::

submitted his self-appraisal in spite of verbal and written reminders. It is in these circumstances that his C.R. for the year ending 31.03.88 is not available. DRM/LKO's letters dated 21.3.88 addressed to Shri Sabharwal communicating his displeasure are available in the C.R. File.

6. General Manager may kindly consider the recommendation of DRM /LKO for reverting Shri Sabharwal from his officiating appointment as AEN to group 'C' post and pass orders."

15. In view of the above discussions, we are of the opinion that the reversion of the applicant to the substantive post of P.W. I does not amount to a penal action. The reversion has been effected not as a punishment, but only on the unsuitability of the applicant for the upgraded post of A.E.N. in group 'B'. The track is maintained by the whole staff including the Engineering service of the Railway and A.E.N. has a responsible post. If a person who is not suited to the job, is allowed to work, then besides causing financial loss to the Railways on account of avoidable derailments, there is every danger to human life and safety. So, the action of the respondents cannot be said in any way unjust, unfair or against the principle of natural justice.

16. The attack of the learned counsel for the applicant is also about the illegality and arbitrariness of the said order and also that it is in violation of principles of natural justice because the applicant was not afforded any opportunity to make representation against the same. In fact, if a person is made to officiate on higher post <sup>which</sup> includes

the posting of empanelled incumbent and such incumbent has been duly informed, then in that case, if the person has been informed from time to time the failings or derelection of duties, or slackness in work, or non performance of duty making the life of the public hazardous and risky, then such an incumbent cannot complain of any arbitrariness or that he was not afforded the opportunity because his promotional appointment was subject to fitness and suitability to the promoted post.

17. The learned counsel for the applicant also attacked the impugned order on the ground that it does not disclose the reason for reversion, as the impugned order is very short worded and to quote "Shri S.N. Sabharwal, Assistant Engineer I Lucknow is reverted from Group B to Group C with immediate effect. The above orders are issued with the approval of General Manager." It is a fact that this order does not disclose any reason but when the administrative orders are passed, and there is a basis for passing that order, then this court has to see whether there was any reasonable occasion to issue that order or not. The court always has power to probe into the cause which led to the passing of such an order.

18. We, therefore, find that the said order has a reasonable basis and mere non-disclosure of details should not make the order in any way infirm. This order can be equated with an order which is passed in the case of probationers who have not completed successfully the probationary period and no reason whatsoever are necessary to be communicated which can only be scanned if the order is challenged. Similarly, when there is sufficient material on record to justify the passing of the order we do not find any reason to declare such an order though cryptic as illegal or arbitrary when it has not been

AIQ

12

held so.

19. We are therefore, of the view that the above application is devoid of any merit and the same is dismissed with costs on parties.

JUDL. MEMBER. 11/6/90

(sha/ sns)

JUNE 1, 1990

Lucknow.

C. C. 1/6/90:  
ADM. MEMBER.

(A14)

Filed today  
Jnsy  
6/10/1988

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 153 /1988 (L)

S.N. Sabharwal ..... Applicant

Versus

Union of India & another ..... Respondents

Details of Index

Application

1 to 8

1. Copy of the panel of Asstt. Engineers for the year 1986. *ANNEXURE No 1 — 9 - 10*
2. Applicant's appointment letter dated 4.3.1987 on the promotion post of Asstt. Engineer. *ANNEXURE No 2 — 11 - 14*
3. Certificate of merit awarded to the applicant on successfully completing Officers Orientation Training. *ANNEXURE No 3 — 15 - 16*
4. Minor penalty chargesheet dated 6.5.1988. *ANNEXURE No 4 — 17 - 20*
5. Applicant's reply to the chargesheet dated 1.7.1988 along with the annexure. *No 5 — 21 - 29*
6. Doctor's certificate dated 26.9.1988. *ANNEXURE No 6 — 30 - 32*
7. Notice dated 28.9.1988 of reversion of the applicant. *ANNEXURE No 7 — 33 - 34*

Noted  
1/10/88

Attested/True Copy

L. P. SHUKLA  
Advocate

१९८८ सप्टेम्बर

(A20)

Filed on 6/10/89

Application under Section 19 of the Administrative Tribunals Act, 1985.

Date of filing :

Registration No. OA 153 of 88 (L)

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Between

S.N. Sabharwal ..... Applicant

And

1. Union of India

2. Divisional Railway Manager ..... Respondents

DETAILS OF APPLICATION

I. Particulars of the applicant :

S.N. Sabharwal,  
Son of late Sri Lachman Das Sabharwal  
Assistant Engineer No.1  
Northern Railway, Charbagh, Lucknow  
L 30 B Railway Colony, Church Road  
Lucknow.

II. Particulars of the respondents :

1. Union of India through the General Manager (Personnel), Northern Railway, Baroda House, New Delhi.  
*राजकीय संस्थान*

2. Divisional Railway Manager,  
Northern Railway, Hazratganj,  
Lucknow.

III. Particulars of the order against which application is made :

Attested True Copy

The application is directed against the order of reversion of the applicant order No. 940 E/

L. P. SHUKLA 1A/Civil Engg. Officers dated 28.9.1988 issued by  
Advocate

the Divisional Railway Manager, Lucknow, in terms of G.M.(P) New Delhi notice No.940 E/14/XXXX/EiA dated 21.9.1988.

IV. 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.

V. Limitation :

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

VI. Facts of the Case :

The facts of the case are given below-

1. That the applicant was appointed on ~~Way~~ 15.2.1954 as apprentice permanent ~~Weigh~~ Inspector after being selected by the Railway Service Commission, Calcutta. After successfully undergoing training ~~Way~~ at the Permanent ~~Weigh~~ Inspector Training School at Ghaziabad the applicant was posted as Permanent ~~Weigh~~ Inspector on 13.12.1956 at Moradabad.

ट्रैनिंग समिति 2. That the applicant was promoted as Chief ~~Way~~ Permanent ~~Weigh~~ Inspector in the grade of Rs.2375-3500 in November 1982 and posted as such at Roza in Moradabad Division.

Attested  Copy

L. P. SHUKLA  
Advocate

That the applicant appeared for selection to the post of Asstt. Engineer for the panel of 1986.

He appeared in the written test held on 27.12.1986. On passing the written test, the result of which was declared on 13.1.1987, he was called to appear in the interview on 3.2.1987. The applicant was selected and placed on the panel of successful candidates declared on 19.2.1987. The applicant was placed at serial No.1 in order of merit in the aforesaid panel of selected candidates for the post of Asstt. Engineer. A photostat copy of panel of Asstt. Engineers for the year 1986 as notified on 19.2.1987 is filed as Annexure No.1 to this application.

4. That the applicant was the senior most person on the panel of Asstt. Engineers among the successful candidates. He shall also be deemed senior in the panel on the basis of being placed first in order of merit. The applicant was given appointment letter dated 4.3.1987 on the promotion post of Asstt. Engineer and posted at Sultanpur. A photostat copy of the applicant's appointment letter dated 4.3.1987 is filed as Annexure No.2 to this application.

5. That the applicant was required to undergo Officers Orientation Training at Zonal Training School Chandausi. The applicant passed the training with ~~Credit~~ merit and was posted as Asstt. Engineer I at Lucknow. The certificate of merit awarded to the applicant on successfully completing the Officers Orientation training is filed as Annexure No.3 to this application.

6. That the applicant was served with the minor penalty chargesheet dated 6.5.1985 which was received

L. P. SHUKLA  
Advocate

A 23

-4-

on 28.5.1988. The alleged charge was not replying to the letter dated 18.8.1987 within 3 days despite reminders upto 5.10.1987. The aforesaid chargesheet was wholly baseless, misconceived and malafide inasmuch as the applicant had actually submitted his reply on the very next day, that is, 19.8.1987. The said reply is on record in the office of the Divisional Railway Manager at Lucknow in file No.W/13/87 serial No.37. The applicant in his reply dated 1.7.1988 to the aforesaid chargesheet pointed out the above fact of having submitted his <sup>reply</sup> letter to the letter dated 18.8.1987 on 19.8.1987 and also annexed a photostat copy of the same along with the reply. A photostat copy of the minor penalty chargesheet dated

Annexure-4 6.5.1988 is filed as Annexure No.4 to this application and a photostat copy of the applicant's reply dated 1.7.1988 alongwith the annexure is filed as Annexure

Annexure-5 No.5 to this application.

7. That after the applicant's reply dated 1.7.1988 to the chargesheet, no action was taken.

8. That the applicant is a heart patient which is further complicated by hypertension and asthma.

*श्री दीपक शुक्ला*  
The applicant went on the sick list of the railway doctor from 19.8.1988 to 20.9.1988 forenoon. The applicant again became sick on 26.9.1988 and had to be taken for treatment to Dr. Arvind Kumar, Reader in Medicine, King Georges Medical College, Lucknow. A photostat copy of the doctor's certificate dated

Annexure-6 26.9.1988 is filed as Annexure No.6 to this application.

**Attested/True Copy.** That during the period of his sickness the applicant became aware of the order dated 2<sup>nd</sup>.9.1988

**D. P. SHUKLA**  
Advocate

circulated by notice from the office of the Divisional Railway Manager, Lucknow, reverting the applicant from the post of Asstt. Engineer I Group 'B' to the post of Chief Permanent Weigh Inspector (PLG) in Group 'C' against a work charge post in grade Rs.2375-3500 (RPS) in terms of GM (P) New Delhi notice dated 21.9.1988. A true copy of the notice dated 28.9.1988 reverting the applicant is filed as Annexure No.7 to this application.

10. That the aforesaid order of reversion of the applicant from Group 'B' post of Asstt. Engineer to Group 'C' post of Chief Permanent ~~Weigh~~ <sup>Railway</sup> Inspector (PLG) is a major penalty under Railway Servants (Disciplinary and Appeal) Rules. In terms of the aforesaid Rules, Rule 6 of part III provides penalties. Sub rule (v) and Sub rule (vi) of Rule 6 are major penalties of reversion. The procedure for imposing major penalties is provided in Rule 9 according to which no order imposing any of the penalties specified in clauses (v) to (ix) of Rule 6 shall be made except after an enquiry is held, as far as may, in the manner provided in this rule and Rule 10 or in the manner provided by the Public Servants (Enquiries) Act 1815 (XXXVII of 1815) where such enquiries are held under this Act.

11. That the procedure prescribed under the aforesaid Discipline and Appeal Rules as applicable to the applicant was not followed before passing the order of his reversion from the post of Asstt. Engineer.

Attested/True Copy 12. That the applicant was not afforded any opportunity whatsoever to show cause against the proposed

reversion. The applicant has also not been communicated any adverse entries in his confidential report on the post of Asstt. Engineer.

13. That in the aforesaid circumstances the order of reversion of the applicant dated 28.9.1988 is wholly illegal, arbitrary and without jurisdiction and in violation of principles of Natural Justice by not affording him any opportunity whatsoever against the proposed reversion.

14. That the order of reversion does not indicate any reasons whatsoever and is a cryptic non speaking order.

15. That persons junior to the applicant on the post of Asstt. Engineer are continuing in service while the applicant alone has been singled out for reversion which amounts to discrimination under Articles 14 and 16 of the Constitution of India.

#### VII. Reliefs sought :

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

(i) The order dated 28.9.1988 reverting the applicant from the post of Asstt. Engineer in Group 'B' to the post of Chief Permanent ~~Way~~ Weigh Inspector in Group 'C' (Annexure No.7) be quashed after summoning the record.

Attested/True Copy

L. P. SHUKLA  
Advocate

(ii) To allow the applicant to continue in service on the post of Asstt. Engineer and entitled to all the benefits of the same.

**VIII. Interim order, if prayed for :**

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

The operation of the order of reversion dated 28.9.1988 (Annexure No.7) be stayed.

**IX. Details of the remedies exhausted :**

The order of reversion dated 28.9.1988 is wholly illegal, void and without jurisdiction and the same has been passed without affording any opportunity whatsoever to the applicant to show cause against the proposed action. The same is liable to be stayed in the interest of justice. As the matter is urgent, the alternative remedy is neither efficacious nor speedy and as such the applicant is filing this application.

**X. Matter not pending with any other court, etc.:**

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

*रामराम*

**XI. Particulars of Bank Draft/Postal Order in respect of the application fee:**

1. Number of Indian Postal Order DD 065151
2. Name of the issuing Post Office Muz. Court Branch Lucknow

**Attested/True Copy**

**L. P. SHUKLA**  
Advocate

(A27)

-8-

3. Date of issue of Post Order 6/10/88

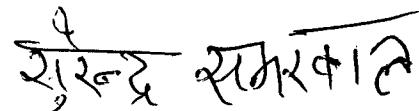
4. Post Office at which payable

XII. Details of Index :

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

In verification :

I, S.N. Sabharwal, son of late Sri Lachman Das Sabharwal, working as Asstt.Engineer I , Northern Railway , Lucknow, resident of L30B Railway Colony, Church Road, Lucknow, do hereby verify that the contents from paras I to XII are true to my personal knowledge and belief and that I have not suppressed any material facts.



Place - Lucknow.

Signature of the applicant.

Date - 6.10.1988.

Attested/True Copy

  
L. P. SHUKLA  
Advocate

(A28) (19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

Registration No. /1988

S. N. Sakhawat . . . . . Applicant

versus

Union of India & another . . . . . Respondents

ANNEXURE NO 1

लक्ष्मी शुक्ला

Attested/True Copy

L. P. SHUKLA  
Advocate

प्र० १९८७ में दिल्ली ।  
कई दिल्ली ।

संख्या 752. ई/८८-xx/।।।/ई।८

दिल्ली । 19.2.1987.

म०१२०४०/ड.रे. दिल्ली फिरोजापुर लक्ष्मण मुरादाबाद इलाहाबाद बीड़ाविर जोरायुर ।  
सखिय(स्थापना) रेतवे बोर्ड, बई दिल्ली । मुख्य अभियंता/आर०ई०/इलाहाबाद  
मुख्य अभियंता(हिंदूगी) । व ।। छोटे दिल्ली । मुख्य अभियंता(हिंदूगी)।  
प्र० बाबायार्य/बोरल ट्रेडिंग स्कूल, यदवीसी । उप मु.का.अधि.(प्र.ला.)/ड.रे. प्र.ला.  
मुख्य अभियंता/प्र.ला. । महाप्रबंध एम.टी.पी./तिलन द्विज बई दिल्ली ।  
सी.ए.आ०./की.पी.डब्ल्यू. पटियाला । ओ.एस.डी./आर.सी.एफ. तिलन द्विज बई दिल्ली ।  
मुख्य ट्रैन.इंजीनियर/प्र०ला०, मुख्य अभियंता(जी.री.)/प्र०ला०  
डायरेक्टर जबरल आर.डी.एस.ओ./लक्ष्मण, उप मुख्य अभियंता(सी.एस.पी.)/इलाहाबाद  
मैकेजिंग डायरेक्टर, इरोड़, रत्नग ज्योति, ।८ राजिहां प्लेस, बई दिल्ली ।  
मैकेजिंग डायरेक्टर, राहटस 27, वाराणसी रोड, बई दिल्ली ।

तिथि :- वर्ष ।९८६ के ७५% खित पढ़ों को भरने के लिये सिविल इंजीनियरी  
विभाग में श्रेणी-।। वी सेवा में पढ़ोन्ति के लिये चयन ।

उपरोक्त देतेश्वास के सम्बन्ध में 22.11.86 व 27.12.86 को आयोजित लिखित  
परीक्षा एवं ३.२.८७ को हुई भौतिक परीक्षा के परिणाम स्वरूप निम्नलिखित कर्मचारियों को  
योग्यता क्रम में "अवृत्तिम पैनल" पर रखा गया है ।

१. श्री एस.एस.सवरकाल, सी.पी.डब्ल्यू.आई./मुरादाबाद
२. " साहू, रामपुर, लक्ष्मणपुर, उत्तर प्रदेश (प्र०ला०)
३. " ए०एब०वर्मा, सी०डी०ए०स०/सी
४. " हरजीत सिंह, सी.पी.आर.आई./जालन्दहर १।हर
५. " आर.पी.सिंह, एस.एस./द्विज कार्यशाला लखनऊ
६. " राम दत्त, सी.पी.डब्ल्यू.आई./दिल्ली
७. " आर०पी०सिखरी, सी.पी.डब्ल्यू.आई./टी.टी. जालन्दहर १।हर
८. " हुमेन प्रसाद, सी.पी.डब्ल्यू.आई./लक्ष्मण
९. " जयदत्त, आई.ओ.डब्ल्यू.(एस.)/बई दिल्ली ।
१०. " सुरजीत सिंह, कुबैल सी.आई.ओ.डब्ल्यू./शहर बस्ती ।
११. " एस.पी.अरोल, सी.आई.ओ.डब्ल्यू./एस./पी एंड अ०प्र० ब नार्यालय
१२. " एस.सी.सक्षेत्रा, सी.पी.डब्ल्यू.आई./आर.के./मुरादाबाद ।
१३. " जगजीवल लाल घोषडा, सी.पी.डब्ल्यू.आई./फिरोजपुर
१४. " निर्मल सिंह, सी.पी.डब्ल्यू.आई./लुटियांगा
१५. " नामता प्रसाद, सी.पी.डब्ल्यू.आई./टुडला(असु०जाति) ।
१६. " विश्व प्रसाद श्रीवस्तवा, आई.ओ.डब्ल्यू./इलाहाबाद

हृपया उपरोक्त कर्मचारियों को तदनुसार सूचित हों और हल्दें सवेत दे दें कि अनेकों  
पैनल पर उत्ते उम ठा वते रहना पैनल नीतिवाला ते होराल डब्लै नहीं जाना चाहे के हाले  
पर निर्मल करता है । इस तथ्य रे कि उन्हें अवृत्तिम पैनल पर रखा गया है, श्रेणी-।। वी  
वी में उन्हीं के लिये लोई गारंटी बही है ।

सौरभ समर्थन

राजेन्द्र लाल विजय  
(राजेन्द्र लाल विजय) ।०/२

वृत्ते महाप्रबंधक (का०)

Attested True Copy

L. P. SHUKLA  
Advocate

(A30)

(11)

in the Central Administrative Tribunal  
Circuit Bench, due known

Registration No. /1988  
S. N. Sachdeva ....., Applicant  
versus

Union of India & another ....., Respondent

ANNEXURE NO 2

संकेत अधिकारी

Attested True Copy

L. P. SHUKLA  
Advocate

## इतिर रेलवे

ध्यानः

माना वाला

पुस्तक

दिल्ली

मार्गः ३७/सिविल हाईकोर्टसेक्यरी

निम्नलिखित नियुक्ति तथा स्थानांकण अद्वेश जारी किये जाते हैं:-

1. श्री एसएब. सबरवाल, मुख्य बैत पथ निरीक्षक-मुरादाबाद को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी, मुरादाबाद श्री एसएब. श्रीवस्तव के स्थान परलगाया जाता है।
2. कार्यक्रम लोगे पर श्री एसएब. श्रीवस्तव को स्थानांकित करके स्थायक अधिकारी (सेलेस्ट) लगाया जाता है। श्री पीडी. रिंग के स्थान पर लगाया जाता है जिनको स्थायक अधिकारी बोर्ड के स्थान पर लगाया जा दुका है।
3. श्री रामेश्वरमुख्य बिसार्ही बिरीकूरवारोर को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी जलब्धर फैट के रिक्त पद पर लगाया जाता है।
4. श्री ए.एब. वर्मा, मुख्य लक्षा बदीजा (डिमार्ग) कालीरी बेट-दिल्ली को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी/डीओ.सी./कालीरी बेट-कल्पना के रिक्त पद पर लगाया जाता है।
5. श्री हरपीत रिंग, मुख्य पुल बिरीकूर, जलब्धर फैट, जो रेलवे ट्रैक फैटरी में कार्यरत है, के नियुक्ति अद्वेश बाद में जारी किये जायेंगे।
6. श्री आर. वी. रिंग, मुख्य पुल बिरीकूर (पुल का०) लालगढ़ को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी टी.टी.प्रशीलस वी.टी.ओ.एस/इलाहाबाद को एक बड़े पद पर, जो रेलवे शोडे ट्रैक नं ४८५ ई(जी.ट्रैक) ३-१६ शुप-सीफ्रेट. दि ०२३.२.८३. दूकारा स्वीकृत हुआ है लगाया जाता है।
7. श्री रामेश्वर, मुख्य रेल पथ बिरीकूर-दिल्ली को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी/दृष्टिकान्ताबाद, श्री आर. के मुहम्मद के स्थान पर लगाया जाता है।
8. स्थायक अधिकारी (स्पेशल)/डिल्ली का पद को दिल्ली में दापत लेन्डर स्थान अधिकारी (एसएल.बी.)/प्र.का./दिल्ली का पदवास हिया जाता है। शार्यसुकृदोकर श्री आर. के मुहम्मद को स्थायक अधिकारी (एसएल.बी.)/प्र.का./दिल्ली नियुक्त किया जाता है।
9. श्री ट्रैक. दुआ, स्थायक अधिकारी/डिल्ली, को स्थानांकित फरके श्री ए.एसशट्टटी ने स्थान पर स्थायक अधिकारी (यू.एस.एफ.टी.)/प्र.का. नई दिल्ली लगाया जाता है।
10. कार्यपुक. ट्रैके पर श्री ए.एसशट्टटी को स्थानांकित फरके स्थायक अधिकारी शूरत थे, श्री ए.एसशट्टटी के स्थान पर लगाया जाता है। श्री ए.एस.बी. हजेला गुबा में द्वेजिंग पर भी दुर है।
11. श्री आर. वी. बोर्डरी, मुख्य रेल पथ बिरीकूर(टी.टी.) जलब्धर सीटी को शुप-बी. मै पदोन्नति फरके स्थायक अधिकारी (टी.टी.) प्र.का./दिल्ली, महाराष्ट्र (का.) का पत्र रखा: ३०३ई/६५०३/ई.आई.ए.ट्रिंग: १.७.३६ दूकारा स्वीकृत पद पर लगाया जाता है।

सुरेन्द्र कागड़ी

Attested/True Copy

1-3.

ठरके सहाय अभियन्ता/किम्बा, मुद्य अभियन्ता/किम्बा के अर्थी लक्षण जाता है ।

उपरोक्त आदेशों दो मध्य क्षेत्र-1, 3, 4, 6, 7, 11, 12, 14, 16 से 18, 21 से 23 दो मध्यांतरक ता अनुमोदन प्राप्त है। मध्य क्षेत्र-4, 14, 15 तथा 23 में व्याबालरण आदेशों दो मुख्य अनियन्त्रण/विसर्जन-1 एवं दो श्री अनुमोदन प्राप्त हैं।

महाराष्ट्रा-8, 12 एवं 13 में पढ़ें ता स्थानांतरण/भवद्वत् ठरने के। अदेशों दो अपर महाप्रवर्णन (टी.एस) ता अनुसोद्ध ग्राम है।

इस क्रोटिस ने मद लेया:- 1, 3, 4, 6, 7, 11 औ 14, 16 औ 18, 21 औ 23 में उमिलित ठर्मवरियों की पदोन्नति इस कार्यालय के पत्र के 807/39। ईए दिनांक: 20.5.1972 ने अब्दुस्सर लिएरित डाक्टरी परीक्षा पास करने पर डिग्री है।

## ରାଜୀନ୍ଦ୍ର ଲାଲ ଧରନ

(राजेश्वर लेखन काली)

## ଦୂତେ ମହାପରିବଳନ (ଫାଇ)

পত্র নং: ১.১৬/১৪-৪৪১৪/ইং  
ডিও: ৪.৩.৮৭

प्रतिलिपि नार्य एवं उत्तमकुर्वित्वाही लेः—

1. मर्टेंट्रो दिव्वती किरोलमुर, लहड़ाड़, मुरादाबाद, जोधपुर, दीक्षितेर, इलाहाबाद ।
2. प्र०टेंटेशन दिव्वती किरोलमुर, लहड़ाड़, मुरादाबाद, जोधपुर, दीक्षितेर, इलाहाबाद ।
3. अपर महाराष्ट्रव्युक्त (परिं) व (टी०ए०), अपर मु०कर्ता अधिकारी, दरिंदप-महाराष्ट्रव्युक्त (समान्य) ।
4. क्षा०डप-मु०का०अधिकारी (राज०) गोपनीय क्षायक/मु०हंगी०
5. क्षा०डप धैवत/योगलीय : (६) क्षा०डप अंग०(जी) प्र.ता.
6. मु०का० अधिं०, ओ०ए०डी०) भाईभाईर), अपर मु० शा०अधिकारी
7. श्री विश्वामित्र ठोड़ा डेव० क्षायकों दूतारा !
8. प्र०लिङ्ग (आईआरी, आर) (७) भाषुर्ण ज० रेल विद्युतिकरण, इलाहाबाद ।
9. रेल उत्तरा आयुक्त वारचार्ग, लहड़ाड़ (११) उपायुक्त, अंग०/सी.एस.पी/इलाहाबाद
10. सी.एस.आर.ओ/स्टेट एक्सी लैंडिंगली । (१३) मु० अंग०/विर्यांग-मौर-पा श्रीराम जैट-हैट लौ
11. मैट्रेज डायरेक्टर, राईट्स 27-वारखंडा रोड, वर्धा दिव्वती

## सुरक्षा अनुसन्धान

Attested/True Copy

L. P. SHUKLA  
Advocate

(A33)

(15)

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

Registration No. /1988

S. N. Saharwal ..... Applicant

versus

Union of India & another ..... Respondents.

ANNEXURE No 3

मुख्य सचिव

Attested/True Copy

  
A. P. SHUKLA  
Advocate

S.No. 10



GOVERNMENT OF INDIA

NORTHERN RAILWAY

ZONAL TRAINING SCHOOL, CHANDAUSI

## CERTIFICATE

Shri/Smt./Kum. S.N. Sabharwal

AEN/SLN has completed

## ORIENTATION COURSE

No. OC-4 conducted from 7.12.87 to 8.1.88

and secured Passed with Credit.

Date: 8.1.88.

Course Director


 Principal


 सूर्योदय संस्कार

Attested/True Copy


 L. P. SHUKLA  
Advocate

A35

(17)

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

Registration No /1988

S. N. Saliharwal . . . . . Applicant

versus  
Union of India & another . . . Respondents

ANNEXURE No 4

सुरक्षा समरकाल

Attested/True Copy

L. P. SHUKLA  
Advocate

(A36)

(18)

Northern Railway.

V.K.SAN  
DSE/Co-  
d.

Divisional Office.  
Lucknow. Dt: 25.5.1988.

Con sider mail.  
D.O.No: DSE/C-Con f/AEN-SLN/88.

My dear Sabbarwal,

Sub:- DAR action against Shri S.N.Sabbarwal, RM AEN.

I am sending herewith Memorandum No. E/141/640/Deptt./E(D&A) dated 6.5.1988, ~~memorandum from the D&A~~ along with statement of imputations of misconduct or misbehaviour against Sri S.N. Sabbarwal AEN-SLN/Lucknow Division, received from C.S./NDLS. Please acknowledge receipt.

Yours sincerely,  
V.K.SAN

(V.K.SAN)

DX: TWO.

Shri S.N.Sabbarwal,  
AEN-I/Lucknow.

सुरेश रामरत्नाली

Attested/True Copy

L. P. SHUKLA  
Advocate

Northern Railway

Headquarters Office  
Baroda House/New Delhi.

P37

19

No. E-141/640 /Dept./E(DGA)

Dated: 6-5-88.

M E M O R A N D U M

Shri S.N. Subarwal, AEN/LKO-Livn. is hereby informed that the undersigned proposes to take action against him under Rule 11 of the Railway "Guruva (Discipline and Punishment) Rules, 1968. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

- Shri S.N. Subarwal is hereby given an opportunity, to make such a representation as he may wish to make against the proposal. The representation if any, should be submitted to the undersigned (through proper channel) so as to reach the undersigned within ten days of receipt of this Memorandum.
- If Shri S.N. Subarwal fails to submit his representation within the period specific in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri S.N. Subarwal ex parte.
- The receipt of this Memorandum should be acknowledged by Shri S.N. Subarwal.

Encl: Statement of Imputations  
of misconduct/misbehaviour.

(14) 1/4  
C. S. S. Engineer  
D/P

To,

Shri S.N. Subarwal,

A. E. N./LKO-Livn.  
(Through DRD/L)

Attested/True Copy

L. P. SHUKLA  
Advocate

१२५६ अक्टूबर

AsG

20

Statement of imputations of misconduct or  
misbehaviour against Shri S.N. Sabarwal,  
E.C./Lucknow Division.

That the said Shri S.N. Sabarwal while working  
as such during the period from August, 1987 to  
October, 1987, failed to maintain devotion to duty  
in such as he delayed submission of information  
calligraphed from him regarding passenger amenities  
at various stations, inspite of issue of M.M.  
Circular dated 11.3.87, 18.3.87, 1-9-87, 7.9.87,  
22.9.87, and 5.10.87. Consequently, submission of  
information by D.C.O./Co-ordination/Lucknow to the  
Chief Engineer got delayed. Shri Sabarwal is thus  
held responsible for contravention of Rule 3(1)(ii)  
of Railway Services Conduct Rules, 1966.

4.4.2022  
Chief Engineer

सुरक्षा समिति

Attested/True Copy

L. P. SHUKLA  
Advocate

(ASA)

(21)

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

Registration No. /1988

S. N. Salhawal .... Applicant

Union of India <sup>versus</sup> & another .... Respondent

ANNEXURE NO 5

२५०२ अक्टूबर

Attested/True Copy

L. P. SHUKLA  
Advocate

उत्तर रेलवे  
NORTHERN RAILWAY

फूट  
२२  
जनरल ७७/छडा  
८०१.८८

S. H. Sabherwal  
A. E. N.-I / N. R. / LKO.

Office of the A. E. N.-I / LKO,  
Dated, 01.07.1988.

Conf'd. Letter No. AEN-I / LKO, AEN/SLN/88

Most respected & Honorable Mr. Y. P. Anand Sahib,  
Subj- No. 8/141/640/Dopt/E(D&A) dt. 6.6.1988.  
(Through Proper channel)

• • •

In reference to your honour, above I most respectfully,  
humbly and with folded hands beg to submit as under:-

1. That information regarding passenger emants at Khajurhat station was called from AEN/SLN vide DRH/LKO Letter No. W/SLN/LC/Misc. dated 18.6.1987 (Photostate copy of original letter attached for ready reference), by an ordinary letter addressed to DRH/SLN as above in which I was asked to submit by "टिप्पनी नीन द्वारा के अन्त तो सही  
मिसन की व्यवस्था कर"।
2. I submitted my reply to DRH/LKO vide <sup>AEN/SLN</sup> Office letter No. W/13/87 dated 19.6.1987, Photo copy of reply attached herewith, which is self explanatory.
3. <sup>Time</sup> It is not understood how I failed to maintain devotion to duty when the reply was sent on next day instead of three days hence given by DRH/Lucknow.
4. Regarding MTS messages dated 11.8.87, 18.8.87, 1.9.1987, 7.8.1987, 22.9.1987 and 5.10.1987 I do not understand how MTS has given a false position to ~~DRH~~ DRH/SLN/LKO/Lucknow for which he should be taken up under DRH rules when the reply to letter of 18.6.1987 was sent by me on 19.6.1987.
5. Under the circumstances I humbly submit that I may kindly be exonerated of the charges.  
With respects and regards and praying for your honour, long life and prosperity.

Shri Y. P. Anand Sahib,  
Chief Engineer/N. R.,  
Baroda House, New Delhi.

Yours Respectfully

कृष्ण सिंहराम  
(S. H. Sabherwal)  
A. E. N.-I / N. R. Lucknow

Abra: Sealed Ac L  
3/8/88 DRH/LKO  
LKO/SLN (or 04/7/88)

सुरेन्द्र सिंहराम

11/7/88 3/7/88

On copy handed over to DRH/LKO  
on 25/8/88 at DRH/LKO.

Attested True Copy  
L. P. SHUKLA  
Advocate

164

(23)

NO. 57

सह. कांडा अधिकारी कामांकाम  
सुनानपुर दि. 13-8-87.

प्र. संख्या-W/13/3

सहारनपुर अधिकारी  
ल. ल. ज.

प्रिया- रखन रह रेलवे रेष्ट्रेशनार याची यी।  
मम्मा

क्र. १३-३६। याचा प्रा. संख्या W/13/36  
दिनांक 18-8-87.

रखन रह रेलवे रेष्ट्रेशनार याची यी।  
जूलाई २०८७ के करा यी यी है ताका या याची यी।  
हैदराबाद वा १० रुपया यी उपलब्ध नहीं है। ताका  
२०-८-८७ के याचा यी यी है। ताका याची यी  
है। रेलवे रेष्ट्रेशन याचामाम पर्याप्त यी  
है। याचा उपलब्ध नहीं है। अतः याचा याची  
हालतेहाँ है। याचा याची यी है। ताका याची  
के याचामाम यी है। याचा याची यी है।  
याचा याची यी कर सकोगाँ लक्ष्मी

१३-८-८७ रु. १००/१००

म. या याचा

म. या याचा

१००

सुरेन्द्र समर्पण

Attested True Copy

L. P. SHUKLA  
Advocate

Au2

24

आदि आवृत्ति : 36

जी.एस. 19-A/कलानि ७७ छोड़  
G.L. 19-A, Gopal ७७ Small

उत्तर रेलवे NORTHERN RAILWAY

No. W/SLN/Le/miss

२ नाम आवृत्ति

३ २० रुपलतानुसूट

मड़ल आवृत्ति

लखनऊ

दिनांक १८-८-८७

विषय - रवजूरूद्दृष्ट ईलवे रहियां भर पानी  
की समर-मा ।

उपरोक्त राज्यमें नृपान आवृत्ति द्वारा

प्राप्त पत्र से १०६७ दरम् १८५४ वर्ष, दिनांक

१८-८-८७ के साथ सलग्नों के पाँच बीमा फोटो  
जारी गयी जो इसी है,

आप से आलूरोध है कि उल्लंघन विषय  
के सरदार्यमें आप आपनी दिव्यांगी तीन

दिन के आनंद श्रिय गौड़ी जी

व्यवहार बारे । ताकि नृपान आवृत्ति  
हल्ला दिया जा सके ।

राज्यकाल ५ रुप

रुप - 1818/8

अंगूष्ठे मड़ल २०८५-५ दिसंबर  
१८८५ दिसंबर

शुक्रवर्द्ध सारनाम

Attested/True Copy

D. P. SHUKLA  
Advocate

संसोमन  
र अधिकारी

443

28

35

12/11/87

खाता 107 डॉलर | ३४८ | रुपये

दुर्दशा प्रकाश

प्रकाश १. रवजुर दृष्टि रेलवे स्टेशन पर करी वी लाइन  
२. लोहावल स्टेशन वा पीवी वी पानी वी लाइन  
३. गोपनीय वाहन वी लाइन

सिद्धि:-

३५ गणराज्यका लोगो वा ४४३/१३/८६, ३५/८७/३२

मेरे, ३५ गणराज्यका के उम्मीद उंदार्थ का वा एवं लोटो का  
शिवाय लाल गांव द्वारा वी निम्नलिखी संसद लाइन के  
द्वा० १५.७.८७ वे दिन वी लोटो की लाइन दृलग वर्दहा हुा

३५ गणराज्यका लोगो वा एवं रेल लाइन के विभाग १४.८.८७

लोटो लाई

३५ गणराज्यका लोगो वा एवं रेल लाइन के विभाग १४.८.८७

मेरे अपने अनुसार्य हैं वी तो उम्मीद विभाग के लाइन

मेरे विभाग वी वी गोपनीय वी गोपनीय लाइन

३५ गणराज्यका लोगो वा एवं संसद वी अवाक दृलग वी लाइन

मेरे अपने आवश्यक लाइन

लाइन अपनी

गणराज्य

गणराज्य

गणराज्य

गणराज्य

गणराज्य

गणराज्य

गणराज्य

गणराज्य

(अर्द्ध रेल साधन ३१/८/८७)

Extract

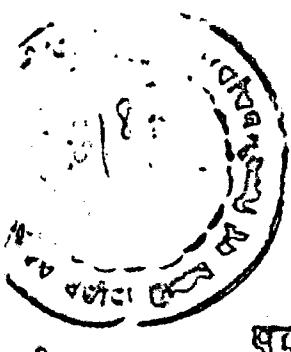
Extract to be given to  
Governing clerks  
Clerks.

सुरक्षा संकाल

12/11/87

Attested True Copy

L. P. SHUKLA  
Advocate



उत्तर रेखा

444

26

संख्या ०८८३०/१३/१४/८७०

प्रधान अधिकारी  
प्रदेश विधान सभा बिहार ।

दिनांक ५/१०/१९८७।

विषय १० (१) भूतांत रेखे विधान पार पर्ने ५ पासी की व्यवस्था ।

(२) बीमावितरण पार पर्ने ५ पासी की व्यवस्था, बीमार छिपा, वा निर्भी एवं क्षात्रिय रूप की व्यवस्था अहीं ।

(३) एकाविं संसद एवं विधान सभा विधान सभा क्षितिगत रूप की व्यवस्था ।

कृपया उपरोक्त विषय

प्राप्ति, उपरोक्त किमी पार वा निर्दिष्ट ज्ञान, छात्र उद्यम द्वारा द्वारा १५७८७ द्वारा रेखा राज्य प्रदी पर्ने दी भवितव्य परी का प्राप्तिक्रिया असाधी भी जा रही है । दूसरा उपरोक्त दिये गये एकाविं विधान सभा विधान सभा विषय १५८८७ तक अवश्य भित्ति संकेत रखें रहें एवं ये प्रदी पर्ने गयी नियमित तिथि तक उत्तर दिया जा सके । दूसरा, उपरोक्त विधान सभा विधान सभा ।

उत्तर, अधिकारी ।

कृपया आकृति (४०) ।

१०. दूसरा प्राप्तिक्रिया विवरण ।

११. दूसरा विधान सभा विधान सभा ।

१२. दूसरा विधान सभा ।

मुख्य समर्पण

Attested/True Copy

L. P. SHUKLA  
Advocate

० छाक्षिकी ०

AV5

(27)

मिशन द्वारा  
छोटा छोटा  
पूर्ण (पूर्ण)  
प्रसाद का दाता (जला प्रदाता)

अमनायि रघु राय की जी,  
भारत प्राची, महि दिल्ली ।

श्रद्धियः

हुआ उचित अस्ति एव अस्ति विद्या अनास्तिति एव अस्ति  
अस्तित्वं ॥ १ ॥

१० धी दिल्ली लक्ष्मी स्त्रीलिंग  
अस्ति दुर्लभ विद्या अस्ति (१)  
स्त्रीलिंग, विद्या ।

११ धी प्रद्युम्न अश्विनी  
प्रसाद प्राची देवा अस्ति अस्ति  
प्रसाद विद्या ।

प्रसाद विद्या एव विद्या अस्ति अस्ति विद्या  
विद्या विद्या दाने द्वा द्वात् द्वात् ।

प्रसाद वा देव विद्या वा  
विद्या ॥ २ ॥

१२ विद्या विद्या विद्या पर विद्या  
जो परि के परि जो विद्या विद्या  
विद्या विद्या ॥ ३ ॥

दाता  
८०/-  
( दिल्ली )

२५/८२ शाम २०।८०

Attested/True Copy

L. P. SHUKLA  
Advocate

## ଓঁ বাবু

ପ୍ରକାଶକାଳୀ

28

मानसि रिय की कल्प  
भाग लाला, दिल्ली ।

373

द्वारा

# ମନ୍ତ୍ରମଳିନ୍ ମହା ଅଷ୍ଟି ପାତ୍ରିଦ କବିତା (୧୦୫୦)

ପ୍ରଥମା

ਨਿਕਿਤ : ਇਹ ਕਿ ਪੰਜਾਬ ਬਲਾਕਾਂਡ ਰੈਲ ਸ਼ਹੀ ਪਾ ਲਈ ਵਿਸ਼ਾ  
ਅਗੁਆਈ ਦਿੱਤੀ ਪਿੰਡੀ ਹੈ ਏਤੁ ਇਹ ਸ਼ਹੀ ਹੈ, ਜਿਥੇ ਧਾਰਾ ਧਾਰਾ ਪਸ਼ੀਂ ਪੀਤੇ  
ਹਨ । ਇਹ ਹੁਣ ਬਾਬੀ ਹੈ ਕੁਝ ਹੁਣ ਪਸ਼ੀਂ ਹਜ਼ਾਰ ਹਜ਼ਾਰ ਹੀ ਹੁਣ ਹੈ ਜਿਥੇ  
ਇਹ ਲਿਖ ਇਹੋ ਹੈ । ਪਿੰਡੀ ਹੈ ਪਸ਼ੀਂ ਦੀ ਧਾਰਿਧਾਰਾ ਵਿਖੇ ਵਿਖੇ ।

ਅਤੇ ਸੇਵਨ ਵੀ ਜਿ ਵਿਭਾਗ ਦ੍ਰਵਾਤਾ ਜਥੇ ਛੁਦ ਬਹੁਗੰਧ ਕਾ ਦੀ ਯਾਦ  
ਕਿਸੇ ਛੁਦ ਹਾਂ ਨਹੀਂ ਪਾਇ ਦੀ ਬਦੀ । ਪਾਤਾ ਪੌਸੀ ਥੀ ਅੜਾਵਿਆ ਹੂਂ ਦੀ ਪੱਤੇ ।  
ਸ਼ਹਤ ਭਾਂ ਪੱਤੇ ।

अमृष्ट  
४०/-  
मैं कुछ लुप्तात  
उपर  
मैं उपर कलाकृतियां  
प्राप्ति

दिनांक 30.6.1986

## स्कूल अधिकारी

Attested True COPY

L. P. SHUKLA  
Advocate

ज्ञान - देव द्वारा  
प्राप्त चाल  
करी दिया ।

A47

29

## कल्प

ग्रीष्म वर्षावाले एवं अप्रृष्ट द्वीपों सीमावलि की वाहन  
के बाबे उ बाहुमत व्याप्ति नि लेन्द्र द्वीप सीमावलि की ताफे निव  
पारी उ सध्य वाहनों द्वामा बाराच्छ दु ।

ग्र० १० यह यि विषये २ फारी से प्राप्ताकारी उद्देश्य जी अमानवी  
वाया लक्ष्यता, उन्हें उ जाति शीर्ष उ उ ५ उटे उपायार लेट  
ज्ञान रही है । जिन्हें रामा व्यक्ति, व्यक्ति, व्यक्ति व दीनेष व्यक्ति  
जी जी विषयत्वान् याक्षियों की प्रतिक्रिया उठाना पड़े रहे हैं । जिन्हें  
जिन्हें ज्ञान दोहों नि विद्वांसमा उभे हैं । एव्वतों प्रमधे नहीं है उभे  
उभे उत्तम ज्ञान उ प्रदर्शन व्यक्ति ।

ग्र० ११ इयार जि उपाय विनाय पर इक ज्ञाना द्विप विद्वाना वार विज्ञान  
प्रश्नो है । उक्त विनाय उक्त २ उटे फर्म पर वाहनों उ आ जा उधरे  
उधरे उधरे यानि उक्त विनाय उक्त विनाय के लिए उक्त विनाय स्वयं व प्राप्ति जो  
प्रक्रिया हो जाय ।

ग्र० १२ व्याप्ति उक्त विनाय के कर्त्तव्य यहा गावि विवेद द्वीप सीमा  
याद्या द्विप वाहनों विनाय उपायों की उपाय उपायों हुए विनाया उभयं विनाय  
की उपाय ।

४४८

विनाय विनाय

व्याप्ति द्विप विनाय (८)

ज्ञानों सीमावलि - विनाय ।

सुरेन्द्र समरवाल

Attested True Copy

L. P. SHUKLA  
Advocate

(A.M) (S)

In the Central Administrative Tribunal  
Circuit Bench, Lucknow  
Registration No. /1988  
S. N. Saharwal .. . Afrllicant  
Union of India & another .. . Respondent  
versus

## ANNEXURE No 6

मुद्रित संस्कृत

Attested/True Copy

L. P. SHUKLA  
Advocate



A 56

62

Lab Santacruz (10 inputs)

total in less as much

Import other than

Import

1. Unit exch

2. M. of urea

3.  $\text{P}_2\text{O}_5$  ~  $\text{P}_2\text{O}_5$   
(=  $\text{K}_2\text{HPO}_4$ )

4. Soda ash  
( $\text{Na}_2\text{CO}_3$ )

Text Redimension

Train chit. valley  
other stop

108

25202 202912

Attested/True Copy

L. P. SHUKLA  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNALS,

CIRCUIT BEACH, LUCKNOW.

REGISTRATION NO. OF 1983

## Versus

Union of India and others - - - Respondents.

ANNEXURE N<sup>o</sup>.7

२२५८ साल

Attested True Copy

**L. P. SHUKLA**  
Advocate

(34)

X32

Northern Railway

No. 940E/1A/Civil Engg. Officers. Divisional Office,  
Lucknow Dt. 28.9.1983.

NOTICE

In terms of G.M.(P) New Delhi Notice No. 940E/1A XXXX/EIA dated 21.9.1988, Shri S.N.Sabharwal, Asstt.Engineer-I, Lucknow Group 'B' has been reverted to Group 'C' with effect from 21.9.1988. He is posted as CPWI(Plg.) Lucknow against a work charge post in grade Rs.2375-3500(RPS).

sd.

for Divisional Railway Manager  
Lucknow,

Copy forwarded for information and necessary action to:-

1. G.M.(P)/N.Rly.Hd.Qrs. Office, Baroda House, New Delhi.
2. C.E.E./N.Railway -do-
3. DSE/C/LKO.
4. DSE(I) & (II) /LKO.
5. DEN/G & III "d.Qrs.
6. DRN/N.Rly, ALD MB BN FZR JU DLI & UMB
7. Sr.DAO/LKO.
8. Supdt.Ray Bill & Pass.
9. All Officers on LKO Division.
10. Shri S.N.Sabharwal, Ex.AEN-I Lucknow now CPWI/Plg.DRM Office, N.Rly, Lucknow.

सूरक्षा संग्रहालय

Attested/True Copy

L. P. SHUKLA  
Advocate

In the Central Administrative Tribunal  
Circuit Bench Lucknow.

AB3

बचालत श्रीमान

महोदय

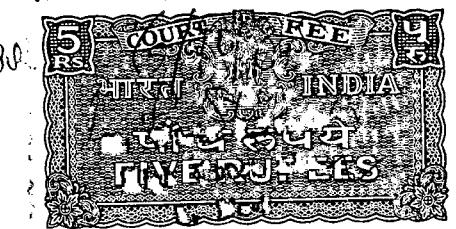
वादी (मुद्दा)  
प्रतिवादी (मुद्दालेह)

का वकालतनामा

Registration - No. ५१९८०

S. N. Balharuval - Applicant

Union of India - Respondent



वादी (मुद्दा)

नाम

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

एडवोकेट

L. P. Shukla

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व इश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी  
जारी करावे और रूपया वसूल करें या सुलहनामा या इकाल  
दाबा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें  
या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का  
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)  
रसीद से लेवे या पंच नियुक्त करें। वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह  
भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने  
पेरोकार को भैजता रहूँगा अगर मुकदमा अदम पैरवी में एक  
तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी  
मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख  
दिया कि प्रमाण रहे और समय पर काम आये।

२२-८ समरपाल  
हस्ताक्षर

साक्षी (गवाह)..... साक्षी गवाह.....

दिनांक.....

महीना.....

In the Central Administrative Tribunal,  
Circuit Bench Lucknow.

O.A. 153 of 1988

S. ... Sabharwal

Applicant

versus

Union of India and another

Respondents.

Reply on behalf of the respondents on the interim  
prayer made by the applicant.

It is submitted on behalf of the respondents as under:-

1. That Order No. 940 L/14/Civil Engr. Officers dated 28.9.'88 issued by the Divisional Railway Manager Lucknow, in terms of G.M. Rly. New Delhi notice no. 940 L/14/XXXX/II dated 21.9.'88 has been challenged in the present application.
2. That the applicant has wrongly connected the aforesaid order to charge sheet dated 6.5.'88 (Annexure no. 4 to the application) issued by Divisional Railway Manager. In fact the reversion has been made by G.M. Rly, New Delhi on the basis of the assessment of the performance of the applicant during the period of his officiating appointment as A.M Group 'B' and has nothing to do with the charge sheet dated 6.5.'88.
3. That as a matter of fact and in accordance to extent policy instructions issued by Railway Board, it is permissible to revert a railway servant from his officiating appointment to the lower post within a period of 18 months, due to unsatisfactory performance in the officiating appointment.

*Copy*

- 2 -

4. That the unsatisfactory performance is attributed on the following facts:-

- a) The applicant was held responsible for failure to maintain devotion to duty in as much as he failed to mobilise staff from Sultanpur in time to attend a rail fracture on 27.7.'87 on Lucknow-Sultanpur section. A letter was issued to the applicant by the D.R.M. Lucknow, a copy of which is filed with this reply as Annexure No. Res/1.
- b) The applicant was verbally warned by D.R.M. Lko and D.S. E (C) Lko when he failed to attend ~~xx~~ at site on 19.10.'87 the derailment of 13 wagons of goods train in Sultanpur Yard.
- c) During the applicant's stay at Sultanpur for 8 months, he did not inspect even a single point and crossing for which a letter ~~xx~~ was issued to the applicant by D.R.M. Lko, of ~~xx~~ which a copy is filed with this reply as Annexure No. Res/2.
- d) In his posting as AEN-I/Lko w.e.f. 25.1.'88, the applicant hardly inspected any points and crossing in the section of PWI-II/Lko as found out during the inspection of Chief Engineer (East) on 27.7.'88. Also the condition of track was found unsatisfactory.
- e) In the section of AEN-I/Lko under the charge of the applicant, there have been three derailments during July and August '88, due to expansion of gauge under moving load.
- f) During inspection of track by DEN/Hqrs/Lko between Lucknow and Almora on 17.8.'88, it was found that track is in a very bad shape.

80-20-6-2021  
S. S. S.

- 3 -

g) The applicant was found napping in the AEN's monthly meeting and D. S. E. (C) Lko has stated that he had on two occasions pointed it out to the applicant.

h) On 17.8.88 while trolleying with D.M/Hqrs. Lko the applicant slept on the push trolley itself, vide notings made by D.M/Hqrs/Lko and a letter ~~was issued to the applicant, of which a copy is filed as Annexure No 14~~ filed as Annexure No 14.

i) D. S. E. (C) Lko has stated in his notings that the applicant is very poor in office management and correspondence and he had brought it to the applicant's notice. It has further been stated that the applicant has not given his self appraisal report for the ~~Ex~~ C.R. for the period ending 31.3.88 inspite of repeated verbal and written reminders.

j) D. S. E. (C) Lko has stated in his notings that the applicant has been ineffective as AEN/ ~~his~~ maintenance and is considered to be a safety hazard for travelling public as well as for himself. He has with the approval of D.M. Lko recommended that the applicant may be reverted from his officiating ~~post~~ appointment as AEN Group 'B' to Group 'C' appointment.

5. That the applicant was empanelled in 1987 for promotion to Group 'B' service as AEN. On his first appointment he was posted at Sultanpur w.e.f. 4.5.87. Later he was posted as AEN-I/Lko.

6. That after considering the facts leading to the applicant's unsatisfactory performance, the G.M.

ASD  
80/20/2

A57

- 4 -

Northern Railway New Delhi passed the order dated 20.9.'88 to the effect "Shri Sabharwal may be reverted" on the office file.

7. That in pursuance to order dated 20.9.'88 passed by G.M. N.Rly., a notice No. 940/E/14/XXX/ELA dated 21.9.88 was issued informing about the applicant having been reverted with immediate effect from Group 'B' to Group 'C'. A copy of the said notice dated 21.9.'88 is filed with this reply as Annexure No.RLS/3

8. That consequently on receipt of the aforesaid notice dated 21.9.'88 issued from H.Qr. the D.R.M. N. Rly. issued another notice No. 940/E/1A/Con. Engr Officers dated 28.9.'88 and posted the applicant as CPWI (Planning) Lucknow.

9. That on the facts and circumstances stated above, the order reverting the applicant from the officiating appointment of AMM Group 'B' to Group 'C' is perfectly in order and legal.

10. That the applicant is therefore misconceived and is liable to be dismissed outright. In the circumstances, the applicant is not entitled as well for any interim order.

11. That detailed reply could not be drafted due to lack of time available at the disposal of the respondents and the same will be filed as soon as all material has been collected.

Wherefore it is prayed that the application itself being misconceived is liable to be dismissed and the applicant is not entitled to any interim order

...5

8/9/88  
8/9/88

- 5 -

prayed for.

Bucknow

dated 24.10. '88

~~Opposite party.~~

VERIFICATION.

I, Bush Balkh D.S.C - C / Lko  
E.M.Railway do hereby verify that the contents of  
this reply are true to the best of my knowledge based  
on information derived from the record and advice received  
from the counsel.

मुख्य वकील  
मुख्य वकील

B. A. D. K. H. A. N.

ABC

to J  
S. A. D. K. H. A. N.  
2x

~~CONFIDENTIAL~~  
D.O.L.D.S.E/C-AEN/SLV/87.

Dated 21st March, 1988.

My dear Subbarao,

Re: POOR RESPONSE TO EMERGENCY.

A roll service was effected at 14 027/10-11 on 27.7.1987 on Lucknow-Saltopper section. You were advised about this service at 20.39 hours. Your reaction to the roll service was very poor and this resulted into dereliction of train. Whether you made proper arrangements for movement of your staff from Saltopper to 0120 for you moved yourself despite of the fact that there is a motor trolley available with you. It became necessary for D.S.I./C.O.S.D., Lucknow and D.R.I.I./Lucknow to take you down.

This action of yours has been viewed seriously and I convey my displeasure to you.

A copy of this letter is being kept in your service record.

Please acknowledge receipt.

Yours sincerely,

*Eshan*

(B. A. D. K. H. A. N.)

9/

*Jan/102*

Gari B.H. Subbarao,  
Manager Engineer-1,  
Dochora Railway,  
Lucknow.

Copy to: Chief Engineer,  
Northern Railway, Paroda House,  
New Delhi,  
for information.

Deputy C.P.O./Gaz., N.Rly., Baroda House, New Delhi,  
Spare copy of the letter is sent for placing  
in S.R. of the above named officer.

May kindly sign.

*Eshan*  
D.R.M.

21/3/88  
D.S.E/C  
21.3.88

21/3/88

21/3/88

Annexure

B. A. KHAN

Annepura-2 (A60) Annexure 1  
Annepura-2

D.O. DSE/C-AEN/111/87.

SNO. B

My good Subord.

REGD. DRAFT PERFORMANCE IN RESPECT  
OF FIELD INSPECTIONS.

It has been brought to my notice that in your eight months stay as D.E.S. you have not inspected my points and crossings. You were supposed to inspect about 2/3rd of the Points and Crossings of the passenger running lines existing on Sultanpur sub-division during this period.

This is a serious lapse on your part and I convey my displeasure for the same.

A copy of this letter is being kept in your service record.

Please acknowledge receipt.

Yours sincerely,

E.A.  
O/C (B.A. KHAN)

Shri S.N. Subbarao,  
Assistant Engineer-I,  
D.A. Division,  
Lucknow.

Copy to Chief Engineer, N.Rly., Baroda House, New Delhi, for information.

Deputy C.P.O. (Gaz.), N.Rly., Baroda House, New Delhi.  
Spare copy of the letter is sent for placing in the S.R. of the named officer.

-----  
May kindly sign. The Officer has badly failed in carrying out scheduled inspections.

E.A.  
D.R.M.

Jan  
21/3

✓ W.H.  
DSE/Co-ord.  
21.3.88.





Annexure No Res/4

SN<sup>o</sup> 1/5  
उत्तर रेलवे  
NORTHERN RAILWAY

उत्तर रेलवे  
Genl. ०९/८

Shri Sabharwal.  
A.E.N./I/LKO.

Annexure 'D'

On 17.3.83. when I was inspecting track on trolley with you and PWI sh. Kundan Lal, between ANO-AMG UP/Line, You had been sleeping on trolley which speaks of your alertness and ~~safety~~ the Railway working.

You are requested to improve your working.

In the last 2 AENs meeting with DSE(C) your were found ~~snapping~~ when he pointed the same there.

Divl. Engineer/H.Q.  
Lucknow.

C/- D.S.E.(C) for kind information.

A64

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH , LUCKNOW

O.A. 153 of 1988

S.M. Sabharwal ..... Applicant

Versus

Union of India & another ..... Opp. Parties

Rejoinder to the opposite parties  
reply/objections to the prayer for  
interim relief by the applicant.

---

The applicant most respectfully begs to state  
as under :-

1. That para 1 needs no reply.
2. That para 2 as stated is denied. It is denied as alleged that the applicant has wrongly connected the impugned order dated 28.9.1988 with the chargesheet dated 6.5.1988 (Annexure No.4). The aforesaid chargesheet was malafide issued to the applicant on wholly false and baseless charge and when it was realised that no action is possible on the basis of the said false charge against the applicant, the applicant was arbitrarily referred by order dated 28.9.1988 without any notice or affording him any opportunity whatsoever against the proposed action to which he was entitled under the law. The alleged assessment of performance of the applicant has been done by way of after thought and in a wholly arbitrary and malafide manner at the back of the applicant on wholly false and irrelevant grounds.

*[Signature]*

(P-65)

3. That para 3 is denied. The alleged extant policy instructions to revert a railway servant from his officiating appointment to a lower post within a period of 18 months is not applicable in the case of the applicant; firstly because no notice was issued to the applicant to show cause against the proposed reversion on the basis of the aforesaid extant policy instructions and secondly the order of reversion itself is a non speaking order giving no reasons whatsoever nor even mentioning the said policy instruction on the basis of which the applicant was sought to be reverted. In any case the said policy instructions are not applicable as the applicant was sought to be reverted beyond the period of 18 months.

4. That the averments made in para 4 are incorrect, misleading and malafide. They have been stated in order to prejudice this Hon'ble Tribunal against the applicant by substituting the reasons of alleged unsatisfactory performance by way of an after thought for the first time in their reply and without confronting the applicant with the same before the order of his reversion dated 28.9.1988. The applicant is advised to state that the opposite parties cannot supplement grounds of his unsatisfactory performance for the first time in their reply before this Hon'ble Tribunal without confronting the applicant by way of show cause notice before passing the order of his reversion.

*मुख्य समिति.*  
(1) The alleged letter (Annexure No.R/1) was not served on the applicant. In any case it is wrongly alleged in the said letter that neither

the applicant made arrangements for movement of his staff from Sultanpur to site nor he moved himself. On the contrary, the applicant went to the site. He also urgently tried to mobilise the PWI under him for the purpose.

b) Averments made in this sub para are incorrect. The applicant was not verbally warned by the DRM and DSE (C) Lucknow as alleged. There was no occasion for such verbal warning as the applicant had gone to attend the office of DEN III Lucknow on 19.10.1987 where he became aware of the said derailment and in fact attended the site of derailment alongwith the DEN III Lucknow.

c) No such letter (Annexure No.R/2) was received by the applicant. The averments made in the said letter are, however, denied. According to para 107(5) of the Indian Railway Permanent Way Manual the points and crossings are to be inspected once a year by the AEN. In any case during this period of applicant's stay at Sultanpur for 8 months, the applicant was sent for Officers Orientation Training and prior to that the applicant had to go on leave on account of his monther's death. As this was a place of new posting, the applicant in the earlier period was busy in other urgent work in connection with this posting.

d) The sub para under reply is incorrect. The applicant inspected 70% points and crossings

सुरेन्द्र समरका

A67

of passenger lines of PWI I Lucknow and some points and crossings of PWI II also. As already stated above, in terms of para 107(5) of the Indian Railway Permanent Way Manual all the points of the passenger lines are required to be inspected once a year by the AEN. The averments regarding the condition of the track being found unsatisfactory are vague and misleading inasmuch as the applicant was not confronted with any report to this effect.

e) It is incorrect that the said derailments during July and August 1988 were due to expansion of gauge under moving load as alleged. This is an assessment based on mere conjectures and is denied.

f) Averments made in sub para under reply are incorrect. The DEN Hqrs. Lucknow during the inspection was using a non standard gauge which had been attached with the trolley moving at a speed of 15 to 20 kms. per hour. This was an incorrect method adopted by the DEN and was pointed out by the applicant and when the correct method was applied by stopping the trolley and measuring by standard gauge, the flaw became negligible and within permissible limits. This, however, annoyed the DEN Hqrs. Lucknow.

g) Averments made in this sub para are wholly false and incorrect and have been made more out of malice. In any case it was not pointed out to the applicant as alleged.

सुरक्षा समिति

h) The alleged averment in sub para under reply relates to the incident mentioned in sub para (f). As already stated in sub para (f) the DEN concerned became annoyed with the applicant when he pointed out the incorrect method of measuring the gauge. In any case it is not possible for anyone to sleep on the push trolley and averments to this effect are malicious and false. This was pointed out by the applicant in his reply dated 20.9.1988 to the letter Annexure No.R/4.

i) Averments made in sub para under reply are incorrect. It is stated that the applicant was not allowed to go to Sultanpur despite request in order to enable him to submit his self appraisal report after consulting his record at Sultanpur, the last place of his posting. The said permission was granted as late as 21.9.1988. The averments made in para under reply are deliberately misleading and by way of after thought. So far as the averment regarding the applicant being very poor in office management and correspondence is concerned, this was made the basis of the false charge levelled against the applicant in the chargesheet dated 6.5.1988. This explains the link between the chargesheet dated 6.5.1988 and the order of applicant's reversion dated 28.9.1988.

j) The averments made in sub para under reply are incorrect. The applicant was not made aware of the said notings of the DSE(C) Lucknow. The said

*संस्कृत समाजका*

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notings were relied upon at the back of the applicant and without confronting him with the same and the order of his reversion is consequently illegal and arbitrary.

5. That in reply to para 5 it is stated that the applicant was selected for promotion and placed at serial No.1 in order of merit in the panel of AEN. On the basis of his merit position, the applicant was the senior most AEN. He was given appointment letter dated 4.3.1987 and his posting on the basis of the said appointment letter was deliberately and malafide delayed while persons junior to him were allowed to join their posts. Thus it is evident that the applicant was being unfairly treated right from the beginning of his selection and empanelment as AEN.

6. That para 6 as stated is denied. The alleged consideration of applicant's unsatisfactory performance was, if at all, done at the back of the applicant without confronting him with the same or affording him any opportunity to show cause against the proposed action of reversion on the basis thereof. The order of reversion is, therefore, vitiated as being in violation of the principles of natural justice.

7. That in reply to para 7 it is submitted that the applicant for the first time became aware of his reversion order dated 28.9.1988 during the period of his illness.

8. That in reply to para 8 it is stated that the order of reversion was passed during the period of the applicant's illness. The applicant is still confined to

26/4/2014

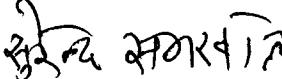
(P70)

bed on account of fracture and is under treatment of the Railway Doctor. Consequently the applicant has not handed over charge of the post of AEN.

9. That para 9 is denied. The order of reversion is arbitrary, discriminatory and in violation of the principles of natural justice.

10. That para 10 is denied. The application in the facts and circumstances of the case is maintainable and is liable to be allowed and the reversion order is also liable to be stayed.

11. That para 11 is denied. The opposite parties were allowed sufficient time for filing the reply. But still the reply was deliberately delayed and the same is by way of an after thought. The opposite parties have thus deliberately avoided filing a detailed reply to the application and as such the applicant is entitled to the interim relief by way of staying the order of his reversion.



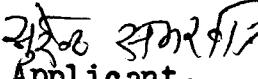
Lucknow Dated:  
October 28, 1988.

Applicant.

Verification

I, S.M. Sabharwal, do hereby verify that the contents of this reply are true to the best of my knowledge and advice received from the counsel.

Lucknow Dated :  
October 28, 1988.



Applicant.

## 1. *Classification of the species*

W. T. G. H. 112.

1. 153 of 1120

• • • • • • • • • • • •

MATERIALS

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Union of incl. a brother ..... 1150 units

is enjoined to the opposite party to  
rely/objection to the prayer for  
interim relief by the applicant.

The 17th century carefully drawn to 17th century :-

1. That par 1 needs no reply.

2. That par 2 is part of a sequence. It is advised as alleged that the applicant has wrongfully convicted the injured officer on 28.9.1973 with the charge sheet dated 6.5.1973 (Exhibit No. 6). After this correct the malfeasance referred to the applicant should file his briefs and carry out such an application that no action is possible on the basis of the said false charge against the applicant, the applicant is arbitrarily reverted by order dated 28.9.1973 without any notice or offering him any opportunity whatever against the proposed action to which he was entitled under the law. The alleged non-acceptance of performance of the applicant has been done by way of setting the date and in a wholly arbitrary and unfriendly manner at the end of the application on wholly fictitious and irrelevant date.

(A2)

the applicant was arrangements for movement of his staff from Sultanpur to another base named Bhatiala. In the contrary, the applicant went to the site. He also urgently tried to mobilise the unit under his command for the purpose.

5) The statements made in this sub-para are incorrect. The applicant was not verbally warned by the IAF and IAF (C) Lucknow as alleged. There was no occasion for such verbal warning as the applicant had gone to attend the office of IAF IAF Lucknow on 19.10.1987 where he became aware of the staff deployment and in fact visited the site of deployment along with the IAF IAF Lucknow.

c) No such letter (from IAF/C/2) was received by the applicant. The allegations made in the said letter are, however, denied. According to para 107(5) of the Indian Military Service, any barracks the points of exercises are to be inspected once a year by the IAF. In my case during this period of applicant's stay at Sultanpur for 8 months, the applicant was sent for Officers Orientation Training and prior to that the applicant had to go on leave on account of his mother's death. As this was a place of new posting, the applicant in the earlier period was busy in other urgent work in connection with this posting.

d) The sub-para under rule 11 is incorrect. The applicant inspected 70 points and expressed

A73

claiming to be entitled to sue him and his family  
refers to the facts of conduct of subpart (2).  
It is my opinion that subpart (2) can be construed  
so as to be in conformity with the law. The Act was not  
intended to be a barrier against the use of machinery  
in the course. In my opinion, if a suit is filed for  
injunction against the use of such machinery  
to this effect are malicious and false. It is  
also maintained that the affidavit in his reply  
on 22.9.1977 is not in accordance with  
the Act.

2) The claim in subpart (2) is also not  
correct. It is my opinion that the application  
of the Act to the course of the river is  
incorrect. It is to enable the court to file multiple  
reports on the course. It is a standard procedure  
in the law to file multiple reports. The quan-  
tity of water flowing in the river on 21.9.1976, the  
quantity of water flowing in the river on 22.9.1977  
and the quantity of water flowing in the river on  
23.9.1977. It is my opinion that the  
affidavit in his reply on 22.9.1977 is not  
in accordance with the Act.

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that the court will be compelled to rule that the  
plaintiffs are the only ones entitled to sue [REDACTED] (2)  
- plaintiff's attorney (2) that the [REDACTED] and  
the attorney with the [REDACTED] the [REDACTED] and  
plaintiff's attorney [REDACTED] and [REDACTED] and  
the [REDACTED] in the case to be set aside and for  
any costs of appeal to be assessed by the [REDACTED] to  
the [REDACTED] effect ameliorate in [REDACTED] if  
you're entitled to by the [REDACTED] to his [REDACTED]  
date 28.9.1977 to the [REDACTED] a sum of [REDACTED] /-.

a) It is requested that the following article be  
corrected. The following is the original article  
not aligned to the standard of grammar  
and punctuation. It is suggested that the reader  
try to read the following article for the  
11th report, and correct it for readability.  
The original place of the article is the  
section on the 11th report on 21.5.01, so  
ignore the date of 11th report in the  
11th report. The date of the original article is  
17.5.01, and the date of the corrected article is  
18.5.01. The corrected article is as follows:  
In accordance with the standard being  
used in this report, the following is a correspondence  
between the original article and the 11th report.  
The original article is as follows: (Co. 11th) to apply in  
the first instance to the case of electric explosive  
material, and of the 11th report, 18.5.01  
18.5.01.

5. 1974

146. *Incisive fracture and inferior or superior alveolar nerve palsy.* Consequently the *cycle* of the nerve is interrupted at the point of fracture.

9. State the 9th section of the constitution you relied  
upon, describing briefly an in violation of the  
constitution, if any, in the case.

10. Support 10 is carried. The negative switch <sup>in</sup> is closed.  
Current is increased. One of the coils is switched on  
and the coil is allowed to revert after it  
has switched on again.

11. If Form 91 is a guide, the place is provided  
for a brief sufficient time for getting the reply. In  
such a reply you will probably tell your side of the story  
in brief, or in a few words. In so doing you will  
probably give a brief summary of the facts you will reply  
to the following and in fact the question is - Do  
you intend to reply to the facts you have given in  
honest fashion.

1960-1973  
Oct 23, 1979

### Definitions

To 9.0. Miller et al., can be only partially correct  
concerning their ally not true to the fact of a well-  
known and well-received fact, the empirical.

A75

In the Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

O.A. No. 153 of 1988

S.N. Sabharwal .... Applicant  
Versus  
Union of India and another .... Opposite Parties.

Reply to the application dated 12.1989 made by  
the applicant during the period Judgment Reserved.

....

Para 1: Issue Circulars referred to in para 1 are not  
denied.

Item1: Denied. The procedure was followed, where the  
self appraiser report was not submitted.

Item2: Denied. The procedure was followed. Special report  
was received before the impugned orders were  
passed. A copy of Special report is annexed to  
this reply as Res/5.

Item3: Denied. The procedure as laid down was duly  
followed. It is submitted that The letters as  
contained in Annexure no. 1 and 2 were duly served  
upon the applicant. It is further stated that  
all ~~opportunities~~  
opportunities were duly provided to the  
applicant as per requirement of law. No show cause  
against proposed action is provided. It is stated  
that the performance report would show that the  
applicant had been warned for unsatisfactory per-  
formance and it was only after watching his subse-  
quent performance, the impugned action was taken.

- 2 -

Para 2: Denied. It is specifically denied that reversion made on account of unsatisfactory performance amounts to punishment or in any way violated Article 311 (2) of the Constitution of India.

Para 3: Only the serving of charge sheet is not denied. Rest is ~~not~~ denied. It is submitted that the applicant has not <sup>been</sup> reverted on account of the charge sheet served. The applicant has been reverted on account of unsatisfactory performance and after performance report was submitted. The impugned action was taken on basis of the performance report. The action taken cannot be termed as violative of Article 311 (2) of the Constitution of India. It is also stated that the question of junior or senior in the present case does not arise. Any person who is reverted on unsatisfactory performance does not attract the provisions of last come first go principle. In these sort of cases only that employee goes who does not give satisfactory performance. Other facts relate to arguments and will be suitably replied when the application is taken up for arguments.

Para 4: Denied. Every action taken is legal and according to rules. No part of the action taken can be termed as arbitrary, unfair and unjust. Arguments placed in the said para will be duly met at the time this application is heard.

1. On 27.7.87 a rail fracture at KF 927/10-11 on LKO-SIN Sec. took place and Shri S.N.Sabbarwal, was advised of the same by the S.M./Sultanpur. He failed to mobilise staff from Sultanpur in time resulting in heavy detention to train. In addition to verbal counselling a letter of dis-pleasure was issued by DRM/Lucknow. A copy of the same is enclosed as Annexure 'A'.

2. On 19.10.1987, 13 wagons of Dn.Hindon Spl.derailed in Sultanpur yard. Shri Sabbarwal was advised of the same by the S.M. He even after knowing of the derailment proceeded to Lucknow instead attending to the site of accident. He was warned verbally by DRM as well as DSE/Co-ord.Lucknow.

3. During his stay at Sultanpur for 8 months, he did not inspect even a single points and crossing. A letter of displeasure was issued by DRM/Lucknow to this effect. A copy of the same is enclosed as Annexure 'B'.

4. At Lucknow in his stay of 5 months he hardly inspected any points and crossing in the section of PWI-II/Lucknow as found out during inspection by C.E/East on 27.7.88. Also the condition of track was found unsatisfactory.

5. In the section of AEN-I/Lucknow there have been 3 derailment due to expansion of gauge under moving load. The details are as under:-

- i) 14.7.88- Derailment of Dn.Comti Goods between Pt.No.24 & 40 near west cabin, Lucknow.
- ii) 26.7.88- Derailment of shunting train on Pt.No.28 Cross over leading to LIA siding near west Cabin-Lucknow.
- iii) 11.8.88- Derailment of 505 Goods while running through Almora yard.

6. Shri Sabbarwal, has inspected the line between Lucknow and Almora on 3.9.88 and during a detailed inspection of track by DEP/HQ on 17.8.88, it is found that track is in a very bad shape where the gauge has been found to be slack upto 40mm under floating conditions. A copy of DEP/HQ's report is enclosed as Annexure 'C'.

7. Shri Sabbarwal, has been found napping in the A.M.'s monthly meetings and I had two occasions to point it out to him.

8. On 17.8.88 while trolleying with DEP/HQ he slept on the push-trolley itself. A letter of DEP/HQ is enclosed as Annexure 'D'.

9. He is very poor in Office management and correspondence. A copy of latest letter is enclosed as Annexure 'E'. Further it can be judged from the fact that he has not given his self-appraisal for the confidential report for period ending March, 88 inspite of verbal and written reminders.

From the above it can be concluded that Shri Sabbarwal has been in-effective as AEN/Maintenance and is considered to be a safety hazard for travelling public as well as himself and it is recommended that his reversion to Group 'C' may be considered.

16/9/88

(Budh Prakash)  
Divl. Superintendent Engineer/Co-ord.

E.A.KHAN.

Ans

(69)

(21)

~~CONFIDENTIAL.~~  
D.O. No : DSE/C-AEN/SLR/87.

Dated: 21st March, 1988.

My dear Subbarwal.

Re: POOR RESPONSE TO EMERGENCIES.

A rail fracture was detected at KM 927/10-11 on 27.7.1987 on Lucknow-Sultempur section. You were advised about this fracture at 20.15 hours. Your reaction to the rail fracture was very poor and this resulted into 6 section of trains. Neither you made proper arrangements for movement of your staff from Sultempur to Sito nor you moved yourself inspite of the fact that there is a motor trolley available with you. It became necessary for DSE/Co-ord., Lucknow and DEN-III/Lucknow to intervene to make you move.

This action of yours has been viewed seriously and I convey my displeasure to you.

A copy of this letter is being kept in your service Record.

Please acknowledge receipt.

Yours sincerely,

E.A.Khan  
(E.A.KHAN)

Shri S.K. Subbarwal,  
Assistant Engineer-I,  
Northern Railway,  
Lucknow.

Copy to: Chief Engineer,  
Northern Railway, Paroda House,  
New Delhi,  
for information.

Deputy C.P.O./Gaz., N.Rly., Paroda House, New Delhi.  
Spare copy of the letter is sent for placing  
in S.R. of the above named officer.

May kindly sign.

E.A.Khan  
D.R.M.

Ans  
Q17/88  
DSE/C  
21.3.88

Subbarwal  
Ans  
Q17/88

E.A.KHAN

ARC

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1-1-88

Annexure B

D.O. DO : DSE / C-AEN / SLN / 87.

My dear Sabbarwal,

Re: POOR PERFORMANCE IN RESPECT  
OF FIELD INSPECTIONS.

It has been brought to my notice that in your eight months stay as AEN-Sultapur you have not inspected any points and crossings. You were supposed to inspect at least 2/3rd of the Points and Crossings of the passenger running lines existing on Sultapur Sub-division during this period.

This is a serious lapsus on your part and I convey my displeasure for the same.

A copy of this letter is being kept in your service record.

Please acknowledge receipt.

Yours sincerely,

*E.A.K.*

O/I (E.A.KHAN)

Shri S.N. Sabbarwal,  
Assistant Engineer-I,  
N.Railway,  
Lucknow.

Copy to Chief Engineer, N.Rly., Baroda House, New Delhi, for information.

Deputy C.P.O. (Gaz.), N.Rly., Baroda House, New Delhi.  
Spare copy of the letter is sent for placing in the S.R. of the named officer.

-----

May kindly sign. The Officer has badly failed in carrying out scheduled inspections.

*E.A.K.*

*Sub*  
21/3

*Q-1408*  
DSE/Co-ord.  
21.3.88.

13 The gauge readings, in case of POD at 2 Nos from  
approx. 0 to 8.

Sl. No.	Starting Position	Position at 0 to 8
0	+20 mm	0 to 8 mm only between
1	+20 mm	-24 mm)
2	+20 mm	+14 mm)
3	+20 mm	+22 mm)
4	+12 mm	-29 mm)
5	+ 8 mm	+23 mm)
6	+ 3 mm	+ 3 mm)
7	+ 7 mm	0

Due to heavy outward thrust of rail, the sleepers under bearing plates had sheared off upto 25 mm. The shearing marks on sleepers were fresh and seen by all officers who attended the site. The thrust is also apparent on sleepers due to shearing on cleavage between bearing nos. 0 to 5.

On reducing the space sheared by 25 mm, the slack gauge comes to  $54-25=29$  mm, under 10 ft. (as per 18.8.83) as per point of view.

None of the wheel flanges were fired like safety catch. However wider gauge never caused derailment, but contribute to the due's increase of lateral force, in the same way as increased lateral clearances in rolling stock effect the lateral force. (Report on derailments by Inter Singh, page 69 supplied free by H. Rly.).

The track gauge, under loaded condition is 5'0" or 5'-3"-44 mm or 1 $\frac{1}{2}$ " slack=5'-7 $\frac{1}{2}$ ".

Deducting the wheel gauge + 2 flange thickness, the net gap between one flange & track rail would be 5'-7 $\frac{1}{2}$ " - (5'-3 $\frac{1}{2}$ " + 1 $\frac{1}{2}$ ") = 2 $\frac{1}{2}$ " where as the tyre width is 5" and thus the slack - gauge 1 $\frac{1}{2}$ " at POD can not cause derailment but will contribute to greater angular movement/ lateral thrust only. This derailment is definitely due to some wagon defects which is being stated as effect of derailment - Reading not yet completely recorded.

I am enclosing my inspection charts of gauge on 17.8.83 between LKO-GIG line. These readings were taken under floating condition by a travelling gauge indicator. It would be seen that gauge was slack by 39 mm, 40 mm 20 mm+20 mm, 25 mm 37 mm, 25 mm 25 mm 20 mm at Km. 1075/7-8 to 1075/14-15 and trains were moving at full speed safely.

Submitted to enquiry committee nominated for accident.

W.M.  
PEN-HQ-LKO.

DA/1

उत्तर रेलवे  
NORTHERN RAILWAY

AF 82

अन्तर्जल ०९/८३  
Serial ८८८/८

(66) (18)

Siri Saharwal.

A.E.N./I/M.O.

Annexure 'D'

On 17.3.83. when I was inspecting track on trolley with you and PWI sh. Kundan Lal, between INO-AMG UP/line, You had been sleeping on trolley which speaks of your alertness and ~~safety~~ the Railway working.

You are requested to improve your working.

In the last 2 A.M.s meeting with DSE(C) you were found sleeping when he pointed the same there.

*✓/✓*  
Divl. Engineer/P.G.  
Lucknow.

C/- D.S.E.(C) for kind information.

Attachment E-17  
(P.B.) 78  
Northern Railway.

BUDH PRAKASH.  
DSE/Co-ord.

D.O.NO: DSE/C-AEN-I/LKO/87.

Divisional Office.  
Lucknow. Dt: 3.8.88.

My dear Sabbarwal,

THROUGH DEN/HOR.

Sub:- Delay in correspondence.-

1. Safety Drive Report.
2. PCDO for the month of July, 88.

The Division's reply to the Headquarters in both the cases has gone without your reply. This has been taken as positive failure on your part. It may please be noted. I hope there will be improvement in future.

Yours sincerely,

Budh Prakash  
(Budh Prakash)

Shri S.N.Sabbarwal,  
Asstt.Engineer-I,  
Northern Railway,  
Lucknow.

NORTH

RAILWAY

ACU

CONFIDENTIAL

(16)  
1987  
14/9/87

No. W/219/G/Pt.I  
Shri S.N. Sabharwal,  
ABN/Sultanpur.

Headquarters Office,  
Baroda House, New Delhi.  
Dated 23rd September, 1987.

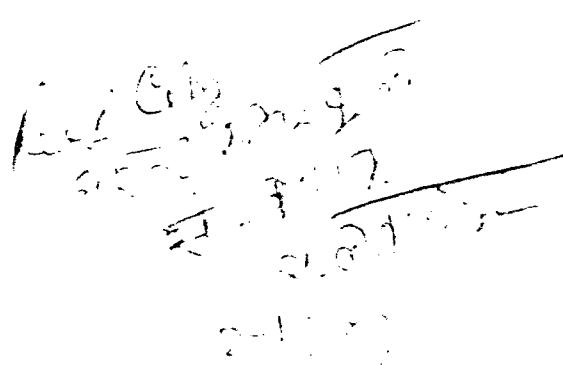
Sub:- Non completion of scheduled  
inspections.

During the month of July '87 you have not  
completed the scheduled trolley inspections on  
important branch lines. The shortfall was 7%.

2. It has already been impressed and reiterated  
in directions issued from ECRS that officers must  
complete their scheduled track inspections. In this  
background no shortfall shall be acceptable.
3. I am sure, you will take this as a forewarning  
and ensure that the scheduled inspections are completed in  
full, failing which stricter action may have to be  
taken.

  
for General Manager (Engg.)

4/9/87

  
for General Manager (Engg.)

AOB

15

Divisional Office.

Lucknow.

Dated: 2.2.88.

Confidential.Budh Prakash,  
DSR/Co-ord.

D.O. No: DSE/C-Gen1/88.

My dear Sabberwal,

Regrs:- Very poor involvement in work.

----

Yesterday i.e. on 1st February, 88 there was a derailment in Lucknow yard in front of west cabin. You left the site on the plea that you had punctuality duty from 0.00 hrs. to 8.00 hrs. on 2nd February, 88. You failed to discern the correct priority. Punctuality duty could be entrusted to some other officer had you intimated the same to DSE/C or ADRM/OP.

2. At 6.30 hrs. on 2.2.88 when I talked to you on telephone in control office, I was shocked to find that inspite of having been in the control office for the whole night, you had not bothered to find out the latest position about the accident. This was on my telling only that you checked up the position.

This non-involvement in Railway work has been viewed seriously and you are advised to be careful about your work.

Please acknowledge receipt.

Yours sincerely,

(Budh Prakash)

Sri S.N.Sabberwal, AEN-I/LKO

DEN/HQR may please see.

ASB

53

Sub: Enquiry in connection with the Detention to  
428 DN on 27.7.87.

.....

Ref: DSE/C's note No. DSE-C/AEN-SLN/87 dt. 28.8.87.

....

An enquiry into above detention has been conducted by the  
undersigned.

BRIEF DETAILS :

A rail fracture was detected at Km.927/10-11 between  
SHNG and BDEN on Lucknow-Sultanpur section on 27.7.87. The Gangman  
Shri Jan-Mohd. who detected the fracture stopped 174DN Himgiri Exp.  
and allowed it to pass at Stop Dead and 8 Kmph, and sent words to  
PWI/SLN through the Driver of 174 DN to attend the Rail Fracture.

PWI/I/SLN and AEN/SLN were informed of the rail fracture  
at 19.45 and 20.15 hrs. respectively. PWI/I/SLN Shri Farhat Hussain  
alongwith his Asstt. PWI Shri T.K.Shukla reached the station master's  
Office at 20.00 hrs. 428 DN was detained at site from 20/40 to 23/40  
when AEN/SLN & PWI/SLN reached site.

The following facts are clear from the statement of the  
staff which have been recorded during the course of the Enquiry.

1. PWI/I/SLN asked for line clear for his push trolley to go to  
site which was not agreed to by the S/CHI, Dy. CIVI because of the  
excessive time required for the burn trolley to reach the site and in  
the face of several DI trains which were being allowed at SD and  
8 KM/H.
2. Shri T.K.Shukla, PWI Gr.II PWI/I/SLN did not find out the  
actual details of the rail fracture but still imposed a caution  
of Stop Dead and 8 KM/H, While sitting at Sultanpur.
3. Shri T.K.Shukla and Shri Farhat Hussain PWI-I/SLN did not  
realise the urgency of carrying out temporary repairs of the rail  
fracture and did not impress upon the section controller, the  
necessity for him to reach the site.

APT

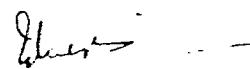
4. Although Shri Farhat Hussain has mentioned in his statement that he requested the AEN to allow him to use the Motor Trolley to reach the site but this is not acceptable.

5. There has been slackness on the part of AEN/SLN in taking prompt action in the case. He has in his note dt. (Un-dated) received on 18.11.87. accepted that he was informed at 20.15 hrs. about the rail fracture and he asked PWI/I/SLN to proceed to site but he did not remain in contact with the PWI or the ASM on duty to ensure that the PWI proceeds to site by any means. He also failed to take out his Motor Trolley and either make the PWI to go to site or should have gone personally to the site on the Motor Trolley when no up train was available.

It was only after the Driver of 428 DM did not pass over the rail fracture and after the receipt of instructions from DEM/III/LHO at 21.33 hrs. that the AEN realised the urgency of going to the site and he went to the site, by the Power of RJD/30/Spl. which was available at SLN.

6. Superintendent Singh, PWI/PWA did not go to site on the plea that in any case B/smith will come from SLN and so PWI/SLN will also come. had he gone to site by any DM Train/428D1 this situation would not have arisen.

  
D.T.M. (S) Engineer

  
D.T.M. (S) Engineer

Ref SNR 48

(ACB)

(12)

An enquiry has been conducted by DOSI/CCO and DEN/CCO in the Detention to 428DN Varuna Express on 27.7.87. The details and report in connection with the above are enclosed at SNR 54 & 55. The statements etc of the staff are placed from SNR 1 to 53.

For perusal of

~~DSE (ccr.)~~

P

D  
2  
18/7/87  
DEN/CCO

A paper enquiring into the  
detention of 428dn at 27.7.87 has  
revealed that

- ① Shri T. N. Shukla imposed a restriction of S.D. + 8 days while sitting at SNR without having any knowledge of site conditions in details.
- ② Shri T. N. Shukla purposed the Farhat Hussain did not express any urgency to reach the site. Only a gongman was left to permit the train to pass. A gongman is not competent to do so. This is an act of carelessness or carelessness. The Farhat Hussain as well as Shri Shukla. Concurrence

Contd from P.P. I.

3. Ship miship Sigh P.W.M.F.A. who did not come to the site. this is an act of irresponsibility.

4. The enquiry committee was printed out for response by and per organization by Sri S.N. Sabherwal Asysar in the case.

This case is a bad case and

I propose the following actions -

1. A letter of displeasure from DPM to

- the AEW.

2. S.F.S to the Srin. T.N. Shinde.

3. S.F.S to the Compt. Manager

4. Ship miship Sigh.

Item may directly see. the case -  
up to 2nd floor and be submitted

27/180

~~DPM~~ Attd. Srin.

DSE

3/2

Action on item no 1 taken with DSE/C/DS/SCN  
87

dt 27/180

2 & 3 to be passed.

21/3

CF

DSE

ACO

10

### ACCIDENT ENQUIRY

Proceedings of official enquiry held at SLN and LKO to enquire into the particulars of accident which occurred at SLN on 19.10.1987.

#### COMMITTEE

	Name.	Designation	Headquarters.
<b>President</b>	1) Sri Devash Misra	DOS	LKO
<b>Member</b>	2) Sri C.P.N. Singh	DEN-III	LKO
	3) Sri K.L. Dhingro	D/E-I	LKO

#### Also Present

Name	Designation	Headquarters.

#### Documents Accompanying.

1. Statement of Na b Sutedar 1-1 Light Engineer Sri. R.R. Kaur, Kan ora Himachal.
2. Joint Ir c) reading of II/SLN, 1-11 SLN, C.I. LKO.
3. Joint Note of SS/SLN, WI/SLN and C/WI/LKO.
4. Statement of I/C Guard Sri. V.K. Srivastav.
5. Accident Report of SS/SLN.
6. Accident Wire to all concern.

P&amp;I

7) Joint Track observations by E/Committee.

8) Track Gauge Recorded on 21.11.87

9) Track Reading of L. No.6 of SLN Yd. taken on 22/23.10.87

10) Track reading in rear of Point of Drop and ahead of affected sleeper.

11) Special Feature of 19.10.87 on which Sr. Scale Enquiry ordered by DRM/LKO.

12) Statement of Driver 'C' LKO. Shri. Som Dutta.

13) Statement of Asstt. Driver Ram Dhani.

14) Statement of Sri. Sukh Lal FIC Gr-'A'/APT Hq. LKO.

15) Statement of Oficiating SS/SLN Sri. N.K. Mishra

16) Statement of Mr. Kishan Singh Director Hq. MB.

17) Statement of Guard S i. V.K. Srivastwa.

18) Statement of Sri. M.Singh CCW1/LKO.

19) Joint Inspection of Wgn. No. 50407 CR by HDR/N O of Stn. and PVI/SLN.

20) Joint re-weighment report of Wgn. CR 50507 by P.I/TP officiating RPO-141/SLN-TI/SLN.

21) Statement of Sri. R.A. Ansari P.I Hq. to Hh.

22) Statement of P.I/SLN Sri. Farhat Hussain.

23) Statement of Sri. Gopal Mall Gang No. 16.

24) Statement of Sri. K. Kazmi A&T Incharge/PE.

25) Statement of Sri. Jag han Ley Han Gang No. 16.

26) Statement of P.I Gr-11 'SLN Shri. ...' Shukla.

Q/—

Cont.....

A72

1. Class B-4 2. Date 19.10.87 3. Time 5.15 a.m.
4. At SHR SLN Yard (Line No.6) Station SLN.
5. Number and description of train Hindon Spl.
6. Engine No. and Class 17192 MEI-2
7. Number of persons killed. NIL Injured NIL.
8. Number of vehicles on train 60 Coaching NIL Goods 68

DESCRIPTION OF SITE OF ACCIDENT.

Dr. Hindon Spl. derailed in SLN yard while being received on line No. 6. Line No. 6 is laid with 90 lbs raised on wooden and ST-9 sleepers at H+3 density and is unbalanced at 3° curve.

P

DESCRIPTION OF ACCIDENT.

Dr. Hindon Spl. while entering line No. 6 derailed at 5.15 hrs. on 19.10.1987. In all 14 wagons i.e. 31 to 37, 43 to 44 and 47 to 51 from Engine h.c. derailed. Sr. Subordinates reached the site and gave the details of the accident as under:

1. SR.15341/CL : Left side both wheels derailed inside the track.
2. SB.36132/CL : Slack hanging on the track.
3. ER.5636 /CL : Left side both wheels derailed inside the track.
4. NR.41503/CL : Left side both wh.els derailed in side the track
5. NK.6169 /CL : Left side leading wheel derailed inside the track.
6. 5 wagons on track SB 35713/CL left side leading wheel derailed in side the track.
7. SR.157/CL : on track.
8. NR.157/CL 1 ft leading wheel derailed inside the track.
9. Sr.56112/CL and SR.2755/KCE both hanging on track. Thus three wagons on track.
10. CR.1363 CL : right leading wheel derailed inside the track.
11. Left leading wheels of wagons No. MR 674-7/CL, SC.39412/CL E.2276/CL, CR.1577/CL, CR.13649/CL, NR.2246/CL and ER.4751EP.

Break power of the load as examined by the Sr. Subordinate was 81.7%. Total vacuum Cylinders found to be in working order were 5 out of 71.

W.W

Cont.....

PARASOL

There was heavy rain since 15 hrs. of 18.10.67. The bed of track of line No. 6 in the vicinity of point of drop has become slushy and was surging. The ~~slipper~~ sleepers at the joints were decayed. The sleepers were pumping therefore, under the movement of wagons, the track gave way resulting in sinking of track and widening of gauge. The left hand side of wagon No. 50407/CR first dropped but it was entangled between the rails and continued movement, rubbing against the left. The track ahead the point of drop did not give way and, therefore wheels did not drop as there was no dragging marks on the sleepers. The derailed wheels of 50407/CR damaged the track and therefore trailing wagons derailed, re-railed and then derailed and this process continued till the train came to halt.

Wagon No. 50407/CR was 11 from Engine and was found on track. The track gauge recorded at 9 mtr. behind the point of drop showed slackness of 25 ml. mtr. which is excessive. In this area gauge was slack beyond the limit of 6 ml. mtr.

Rotable causes acting singly or in combination may be; i) Sudden shifting of load; ii) improper loaded vehicles; iii) wagon defects; iv) failure of track component and v. friction of track parts etc; v) excessive speed.

Non-rotable causes have discussed here below:

1. Sudden shifting of load:- The wagons were examined and wagon No. 50407/CR/CL was slightly over loaded. The load was found to be evenly distributed. However not only one but a number of wagons were involved including e. tcs and the wheels of all had derailed in the track only, therefore, this possibility is ruled out.
2. Improper loaded vehicles:- Wagon No. CR/5 4.7/CL was set on bed and was found to be weighed at 35.5 MT.Ton. Although with tare of 1.6 and pay load of 12.4 and with over loading of 2 Tons have not been verified by railway Board, it should have been 35 ton. Thus, it was over loaded by 1.3 tons. But since the wagon was running all the way from Pirozpur and after examination there was no defect found in that wagon and the fact that loco is much more heavier than the wagon was loaded by 1.3 ton, rules out the possibility that the track have been unable to sustain because of over loading.

P&amp;Q

iii) Joint examination of Sr. Subordinate of the wagons involved has not discovered any serious wagon defect which could have led to such a derailment hence, this is also ruled out.

iv) Failure of track components and variation of track gauge

Reading of the track taken reveals that the gauge was excessively slack near point of derailment. Enquiry Committee visiting on the site of accident found that a number of wooden sleepers were unserviceable and Keys and Dog Spikes were found missing. Also at the point of derailment there was pumping and low joint. Besides this, Gangman has also said in his statement that he and his Gang had not attended this particular line of SLN/Yard for the last one year. Although all Gang Charts showing maintenance of this line have been fraudulently filled up by PWI. This is also an indication that adequate attention was not being paid to the Yard especially line No. 6. Thus derailment occurred due to track failure caused by poor maintenance and lack of foresight displayed by PWIs in taking preventive measures in view of rain fall.

v) Excessive Speed: As informed by escort, travelling in wagon No. NR.31832/CL containing live-stock; speed was not excessive and neither was break applied very suddenly. Therefore, this cause is also ruled out.

2) AEN SLN, Sri. S.N. Sabarai was informed about the accident but he failed to take stock of the situation and converse himself fully about the accident did not visit the site of accident but came to LHO by Varuna Exp. although he had been informed ~~when~~ by the SS/SLN about the accident.

3. It was found that reading of the site of the accident after the accident had not been properly taken by the Sr. Subordinates.

Example:

That a number of sleepers were unserviceable and a number of dog spikes were found missing but no mention has been made and no effort made by the Sr. Subordinates about mentioning this in the Joint Note.

4. There was inordinate delay in seizing and submitting the relevant documents like Gang Chart and Gang Diary. Till date Sri T.L. Shukla's diary has not been received by the Enquiry Committee. It is so, inspite of several reminders by Enquiry Committee to I-I & II. Beside this

Cont.....

(5)

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dilatory tactics of reporting sick and on one occasion not coming to LKO, even though available at SLN by PWI Gr-2 Sri F.N. Shukla, prolonged enquiry unnecessarily.

### FINDINGS

We the undersigned after careful consideration of all the findings do find as follows:

1. Sri F.N. Shukla PWI/Gr. II/SLN under PWI-I/SLN is responsible for not maintaining line No. 6 in safe and satisfactory condition and has violated para 1, 3, 6 (a) and 224 (e)(v) of Indian Railways Permanent Way Manual.
2. Officiating mate of Gang No. 16 is responsible for not carrying out gang petrol during heavy rain fall and thus violated Para 9(1)(3) of Indian Railway Permanent Way Manuals.

G. S. N. Sabarwal  
DME-I

(Member)

DEN-III

(Member)

R. R.

1. AEM SLN Sri. S.N. Sabarwal failed to attend the site .. accident for organising purposes.
2. 1. SLN Sri Purhat Hussain failed as a Sr. Supervisor to carry out his schedule inspection(once in a fortnight) and ensure proper maintenance of line No. 6.

G. S. N. Sabarwal  
DME-I  
(Member)

DEN-III  
(Member)

(4)

AAG

Name.	Estimated Cost.
To Permanent-Way	Rs. 20,000/-
	Total
To Locomotive	Nil.
To Rolling Stock	Total
To Other Rly. Property.	Nil.
	Total
	Nil
	Grant Total . . . 20,000

G. A. M. H.

D T - I  
(Lender)D T - I  
(Lender)

resident.

ACT

1. Accidents which have taken place in Lucknow yard from April to June, 1988 attributable to P.Way were reviewed. The details are given below:

Month	Reported/ Total (P.Way A/C)	Spread gauge	Burrs	Bad joint	Unload- tare	Fracture of DMT	Trist
June	2/ 4	2	-	-	-	-	-
May	2/ 3	1	-	-	1	-	-
April	6/ 6	1	3½	1½	-	-	-
March	3/ 4	½	1½	-	-	1	1

It seems that there is a practice of not reporting all the accidents over the Division. DRM may please like to see

From the above, it can be seen that the maximum number of accidents have taken place due to spread gauge and the burrs on the gauge face of the rail. Accidents due to spread gauge indicate that the track maintenance is not upto the mark. Instructions have been issued by the Railway Board that responsibility in the case of spread gauge should be fixed at the level of officers in addition to the concerned supervisor. This may be done in the above cases.

Inspected the yard along with DSE/Co-ord. Lucknow at the following locations which are critical for passenger train operation, receipt and despatch of goods trains and humping operation.

- (a) Between East Central and East cabin.
- (b) Yard near F Cabin
- (c) West Cabin
- (d) West Central cabin
- (e) Point No. 28 near west cabin where accident had taken place yesterday only and the point had been attended to yesterday.

The following discrepancies were observed every where at these locations; the difference is only of the degree:

- (i) Fittings and fastenings were incomplete at all points and crossing. They were also loose.
- (ii) Fittings and fastenings on joints were incomplete and their condition far from satisfactory.
- (iii) The stretch of track between two sets of points and xing had deficient fittings and had pumping/blowing joints.
- (iv) Alignment of track in the points and crossing zones was bad. At almost all the locations visited, alignment was out by more than even 25 mm.
- (v) General condition of track was far from satisfactory. There are excessive cases of blowing joints, bad track alignment, loose packing etc.
- (vi) Drainage in the yard is bad.
- (vii) Non-standard fittings have been used not only at points and Xings and joints but also at other locations. It seems that the concerned Inspectors had no proper knowledge about the use of fittings.

(2)

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(viii) Wooden sleepers although their condition otherwise seemed to be fairly alright were spike killed. Nowhere an attempt had been made to plug the spike killed holes and use the sleepers properly. Not even a single location was found where spike killed sleepers were used by shifting them laterally and drilling new holes.

(ix) At several locations it was found that consecutive 3 to 4 unserviceable sleepers were existing in tracks even in the zone of joints of points and crossing.

All the above indicate the deteriorated track maintenance in Lucknow yard. DSE/Co-ord. should depute DEN/HQ to make out a detailed list of all the deficiencies existing in the above zones which are critical for train operation and put it up to DSE/Co-ord. PWI's Incharge of all these critical zones should be taken up under D&AR for allowing such deficiencies to exist in track.

Further DEN/HQ confirmed that no points and crossing inspections have been carried out by AEN I/Lucknow for the last six months in the section of PWI-II/Lucknow, while he should have inspected atleast 20 turn outs so far. I was informed by DSE/Coord. Lucknow that Shri S.N. Sabbar was given a letter of displeasure by DRM for similar lapse while he was working at Sultanpur where he did not inspect even a single turn out during his stay at Sultanpur.

4. It is very necessary that a drive should be launched to bring the yard to safe standards. Immediate action should be taken on the following lines:-

- (i) Fittings and fastenings in the points & xing zone, joints, should be completed and tightened.
- (ii) Non-standard fittings and fastenings in the above zone should be removed and replaced by standard ones.
- (iii) The joints in the yard should be provided with proper drainage and packed properly.
- (iv) The length of track between two consecutive points and xing should be given more attention. It should be packed well and aligned properly.
- (v) There should be no two consecutive unserviceable sleepers over any points and crossing zone or in between two consecutive points and crossing or approaches of points and crossing or near the joints.
- (vi) Spike killed wooden sleepers which otherwise are in good condition should be provided with wooden plugs and used with proper fittings and fastenings.
- (vii) Drainage of the yard should be improved forthwith.
- (viii) Joints in the yard should be packed from one end to the other.
- (ix) Cross level in the above critical zones should be set right.

AAC

1

After the above emergent measures have been taken and yard brought to reasonably safe standards, the following action should be taken:

- 1) It should be ensured that no permanent gangmen are put on any other duty except track maintenance.
- 2) Any failure on this account would be viewed seriously and inspector concerned should be taken up under D&AR. Permanent gangman should not even be used for bringing stores from PWI's store. The stores should be transported by trolley as and when required by PWI. The only duty which a permanent gangman is allowed to perform is vice a gatekeeper or keyman.
- 3) The area of the gang should be well demarcated and this should be indicated on the ground as well. The tool boxes should be located within the beat of each gang. Where the beat of the gang is less and the gang strength of the gang is not reasonable, two gangs should be combined, and placed under the charge of a P.Way Mistry. There should be only two levels of supervisors i.e. P.W.Mistry/PWI Gr.III or Gr.II and PWI Incharge.
- 4) Attendance of the gangs should be taken at the start of the day at an appointed time and the person checking/taking attendance should put the time of such a check.
- 5) Gangs in the yard should attend their beat from one end to other end and the gang charts should be filled accordingly while setting the work. Whenever they are asked to do other special work like change of points and crossing etc. a mention should be made in their gang chart.
- 6) Few gangmen from each combined gang should be taken out to form a gang for emergencies. This should be available for attending any emergency during night. The gangmen working during night, should be rotated. Such gangmen should also be provided work like leading material, cleaning of yard etc. when there is no emergency.
- 7) All the gangs should attend to their work from one end to another, remove all the deficiencies in track structure, provide standard fittings and fastenings, provide efficient drainage system etc.
- 8) Ballasting in the yard where there is no/insufficient ballast should be planned after the monsoons.

B.R. Sharma

(B.R. Sharma),  
Chief Engineer(East).

3/8/88

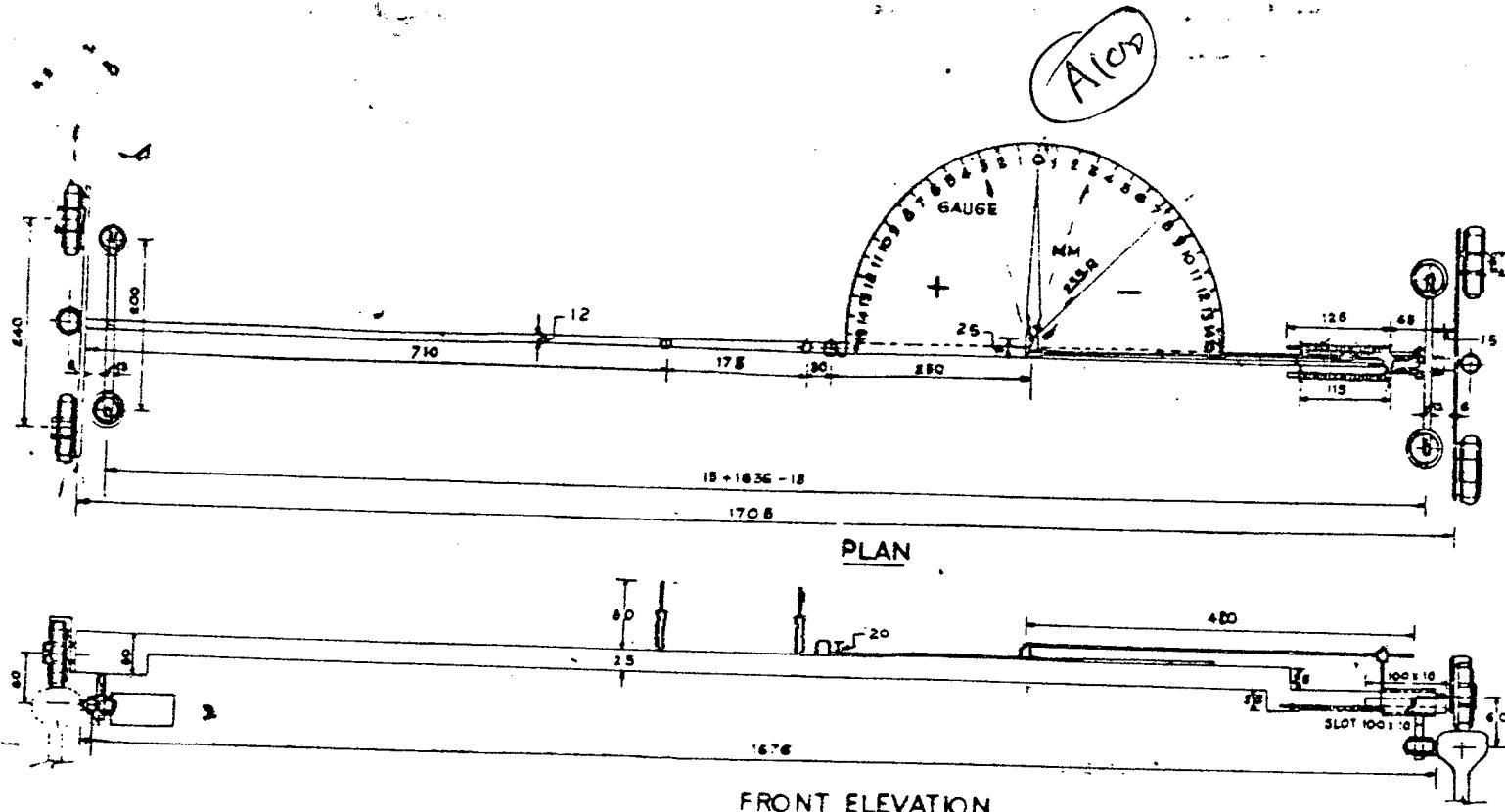
Dated 3rd August, 1988

STH

No. 167W/30/CE/EE (11)

Copy to:

- 1) DSE (C) / LKO.
- 2) DRW / LKO
- 3) Spare copy to CA/CS (E).



#### TRAVELLING GAUGE-CUM-LEVEL

#### 40. TRAVELLING GAUGE-CUM-LEVEL

Developed by :

J. P. Budholia, PWI, Northern Rly

Sketch

Ha Grs ofree NO 6 Plan No 22  
07.17.1.7

The device consists of 4 wheels with ball-bearings, fixed 250 mm apart running centrally on the head of the rails. There are two wheels of 45 mm dia with ball bearings, which function as gauge feelers and are fixed 150 mm apart on one side only. On the other side, two ball bearing wheels used as gauge feelers are fixed to a box and these adjust themselves to gauge variation in track with the help of springs. The gauge is measured 16 mm below the top table of the rail. Any variation in the gauge is indicated on the dial fixed centrally, by a pointer which gives a magnification of 1: 30. The gauge pointer adjustments are simple as the same can be done with the help of screws fitted on the device. The spirit level is fitted in the centre with springs and screws for setting the level to zero at exact track. The accuracy of the instrument is within  $\pm 0.5$  mm in respect of gauge.

The travelling gauge is insulated and is suitable for use in track circuited areas.

The gadget saves labour and time and is ideally suited to rapid continuous measurement of gauge and cross level. This can be used by an Inspector by attaching it to the trolley or by a mate PWM by moving it on the track.

Approximate weight : 10 kg

Approximate cost : Rs 200/-

(A10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. 153 of 1988

S.N. Sabharwal ..... Applicant

Versus

Union of India & another ..... Opposite Parties

Rejoinder to the reply of opposite parties dated 21.5.1990 received on 22.5.1990 to the applicant's application dated 8.12.1989.

21  
620/5

1. That in reply to para 1 of the reply, averments made in para 1 of the application are reiterated. It is stated that no mention of Railway Board's circular dated 28.4.1982 was made in the short counter affidavit submitted by the opposite parties. It was also not stated that the applicant's reversion was in accordance with the aforesaid circular dated 28.4.1982 after full compliance with the requirements of the circular specified as items 1, 2, 3 & 4. The opposite parties deliberately suppressed this circular in their short counter affidavit as they had not complied with the requirements of the same. Contrary averments made in the reply dated 21.5.1990 are, therefore, denied.

Item 1. Item 1 of the reply is denied and averments made in item 1 of the application are reiterated.

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ted.

Item 2. Item 2 of the reply is denied and the averments made in item 2 of the application are reiterated. It is stated that a special report is required to be called for as per the Railway Board's circular which was not done. It is denied as alleged that the special report is annexed to the reply. It is reiterated that the special report is not in conformity with the requirement of item 2. The special report was required to be called from the Divisional Engineer who has to initiate the confidential report of the applicant. No special report has been annexed as stated in para under reply.

Item 3. Item 3 of the reply is denied and the averments made in the corresponding para referred to item 3 of the application are reiterated. It is reiterated that the applicant was not warned regarding his unsatisfactory performance leading to his reversion. Reference to Annexures 1 and 2 in the short counter affidavit is wholly misconceived as the same were not in accordance with the requirement of item 3 of the circular. It is reiterated that Annexures 1 and 2 filed with the short counter affidavit were never served upon the applicant. Contrary averments

made in the corresponding para of opposite parties' reply are denied. It is stated that the applicant was never warned about his unsatisfactory work which may lead to his reversion in accordance with the Railway Board's circular dated 28.4.1982. There is nothing to indicate that any such warning or show cause notice regarding unsatisfactory work was given. The said warning being condition precedent to the applicant's reversion in terms of the circular dated 28.4.1982 the impugned reversion becomes illegal, arbitrary and without jurisdiction.

2. That para 2 of the reply is denied and the averments made in para 2 of the application are reiterated. It is stated that due to non fulfilment of the requirements of the circular dated 28.4.1982 the unsatisfactory conduct stated in the short counter affidavit forms the basis or foundation of the applicant's reversion and amounts to punishment in violation of Article 311 (2) of the Constitution of India.
3. That para 3 of the reply as stated is vague and is denied and the averments made in para 3 of the application are reiterated. It is denied that any performance report was submitted as required in the Railway Board's circular dated 28.4.1982. It is

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stated that there is no material to indicate that the applicant's work was found unsatisfactory. Contrary averments are contradictory, malafida and motivated.

4. That para 4 of the reply is denied and the averments made in para 4 of the application are reiterated.
5. That in reply to para 5 of the reply averments made in para 5 of the application are reiterated. It is reiterated that no salary has been paid to the applicant since 21.9.1988 in spite of the fact that the applicant has been on the sick list of the Railway Doctor and is, therefore, entitled for payment of his salary regularly. No salary bill of the applicant was prepared despite various representations.
6. That para 6 of the reply is denied and the averments made in para 6 of the application are reiterated.
7. That the Hon'ble Tribunal had directed the opposite parties to file their reply/objections to the application, if any, by 17.12.1989. No reply was filed by 17.12.89 by the opposite parties and even thereafter. The reply was deliberately delayed till 22.5.1990 when a copy of the same was served on the applicant's counsel.

50.8  
Alob

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8. That the documents annexed along with the reply dated 21.5.1990 by the opposite parties are misleading, malafide and with oblique motive. These documents have been annexed as an after thought and were deliberately omitted to be filed along with the short counter affidavit of opposite parties. These documents are filed to prejudice the applicant's case by without confronting the applicant with the same by way of warning that his work is being recorded unsatisfactory and he is liable to be reverted in terms of the Railway Board's circular dated 28.4.1982.

Verification

I, S.N. Sabharwal, aged about 57 years, son of Sri L.D. Sabharwal, resident of L-30-8 Church Road, Charbagh, Lucknow, applicant in the above case, do hereby verify that the contents of this rejoinder are true to my personal knowledge and belief and that I have not suppressed any material fact.

Date : 30/5/1990.

Place : Lucknow.

  
Sig. of the applicant.

In the Central Administrative Tribunal

AIAC

Circuit Bench, Lucknow

O. A. No. 153 of 1988

S. N. Sa bharwai

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Applicant

V.G.

Union of India & others

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Opp. Parties

REJOINDER TO OPPOSITE PARTIES REPLY TO THE  
APPLICANTS APPLICATION DATED 12-89

The applicant most respectfully beg to state as under:-

Item No. 2.

That a special report is required to be called as per Rly. Board's circular given by the applicant in his application dated 12-89.

This has not been done. No special report was called from the Divisional Engineer who has to intiate the confidential report of the applicant. There is no special report has been annexed as Res-5 as stated by opposite party in their reply.

A107

-2:-

ITEM NO. 38

*Warning*  
No warning as required as per procedure that the applicant's performance is unsatisfactory and the applicant will be revoiced if there is no improvement was given.

Annexure 1 & 2 were not received by the Applicant as already stated by the applicant in his application dated -12-89 and his rejoinder dated 28.10.88.

Moreover the order of reversion is cryptic non-speaking order and no reason whatever has been given for reversion.

A108

Para

FORM NO. 51

It was already stated by the applicant in his application dated 12-89 that no salary has been paid since 21.9.88 despite the fact that the applicant has been on sick report and is entitled for his salary.

At 109

-848-

As already stated vide para 4 of my rejoinder dated 28.10.88 to opposite party reply/objection dated 24.10.88 the avertments made are in correct, misleading and false.

The Hon'ble Tribunal had passed order that opposite party should file objections if any by 17.12.89 in reply to application filed by applicant dated 12.89 but was not done and deliberately delayed till 22/5/90.

Different reasons have been given for unsatisfactory performance given vide para 4 of opposite party reply dt. 24.10.88 and that given now on 25.05.90.

Detailed reply to para 4 of opposite party reply dated 24.10.88 has already given by the Applicant in his rejoinder dated 28.10.1988.

Vide para (f) of opposite party reply dated 24.10.88 it was stated that DEN/HQ on 17.08.88 found track in bad shape whereas para 6 of reply submitted now on 25.5.90 shows gauge has been found slack upto 40 mm under floating conditions. A perusal of DEN/HQ's report now submitted on 22.5.90 as Annexure (C) will show that DEN/HQ is justifying gauge slack and saying trains were running at full speed. If the gauge was really slack upto 40 mm the DEN/HQ should have imposed a speed restriction immediately and have not allowed trains to pass at full speed till defects were removed. The very fact that DEN/HQ did not impose a speed restriction shows that he has made a false report.

Again vide para 4 (i) of opposite party's reply dated 24.10.88 it was mentioned that DSE (c)/LKO has stated in his

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-85:-

notlings that the applicant is very poor in his office management and correspondence but now in para 9 of reply submitted by opposite party on 22.5.90 Annexure (E) has been mentioned which was not done in their reply of 24.10.88. The letter referred to in Annexure (E) has already been replied by me vide AEN/I/LKO letter No. AEN/I/DSE/C/LKO dated 18.8.88.

A copy of reply sent is enclosed as Annexure (A).

Whereas DSE/C has stated that Division's reply to Head Quarters, has gone without my reply it was replied by me that PCDO register was submitted well in time. A photocopy of P.C.D.O. reply of Div. Pages 2, 5 and 16 (Annexure T 1A, T 2/C and T 5/D) is enclosed herewith as Annexure (B), which proves that report contains items of PHIS I and II/LKO under me when working as AEN/I/LKO.

Again a copy letter No. 4/219/G/ Pt I of GN/Engg. which does not form part of any reply has been enclosed for the first time.

The letter was replied to by the applicant while working as AEN/SLN vide AEN/SLN letter No. 8/PCDO dated 4.10.87 which is enclosed as Annexure (C). In the reply I had stated that Inspection of Branch line was not done as it was required to be done once in two monthly as per CE circular No. 98 (P. Way) but assured that it will be done every month as desired by GM (Engg.) and has been adhered to.

Again a letter No. DSE/C-C.Gonl./88 dated 2.2.88 of DSE/C/LKO which does not part of any reply has been enclosed for the first time.

AII

-:6:-

The letter in question was never received by me.  
No doubt on that day I was performing punctuality  
duty in Control office from 0.00 hours to 8.00 hours on  
02.0.88 as per specific orders.

Para 2 of the said letter is not correct as no such  
telephonic talk took place.

Place: Lucknow

05-1990.

Applicant

VERIFICATION

I, S. N. Sabharwal, do hereby verify that the contents  
of this reply are true to the best of my knowledge and  
advice received from the counsel.

Place: Lucknow

Applicant

Dated: 05.1990.

A/12

No. 4EN-1/DSR/C/4KO/88      Office of the AEN-1/LKO,  
Dated 12.8.1988.

The Divl. Super Engg. Engineer/C  
Northern Railway, Lucknow.

Through DEN/H/1KO.

Subj- D lay in correspondence.

1. Safety Drive report.
2. PCDO for the month of July 1988.

\*\*\*

Ref:- Your No. 368/C/4EN-1/LKO/87 dt. 3.8.1988 Received through  
DEN/H/1KO.

\*\*\*

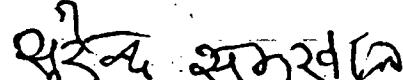
Reference your above I beg to clarify and put the  
record straight as under.

Item No.2- PCDO for the month of July 1988. The PCDO register  
was sent through DEN/H/1KO well in time and there  
was no delay at this stage. ~~please accept my sincere~~  
~~apology for any inconvenience caused by~~  
~~misunderstanding for the following reasons.~~

Item No.1- Safety Drive Report.

Agenda for safety meeting to be held on 15.7.88  
in JAM chamber after punctuality meeting.  
Letter No. 411 dt. 14.7.88 from Dr. DSC/LKO addressed  
to DEN/Yd. 403 received through DEN/H/1KO on 6.8.88  
and was immediately dictated to P. I-I, II and III  
and IUC/LKO vide L/G No. 11/P dt. 6.8.88 for  
compliance and report.

The delay in reply is regretted and the reply is  
being sent within two days after collecting from inspections.

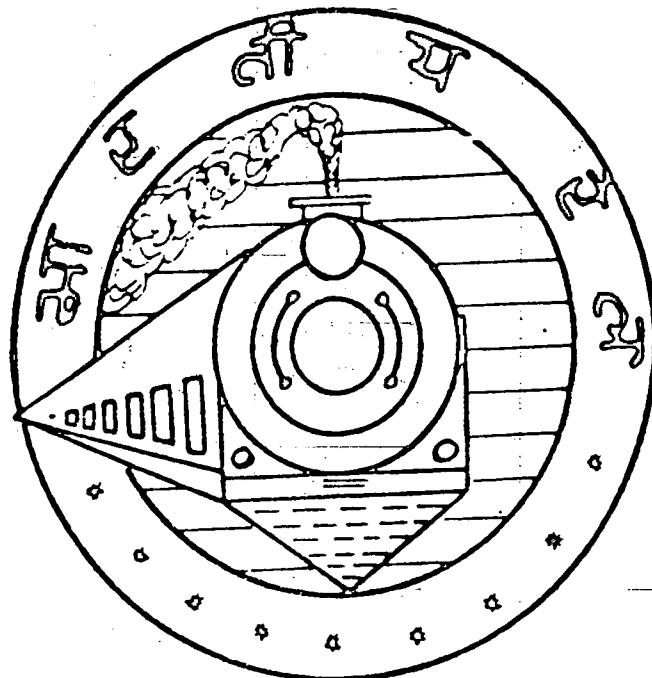


Assistant Engineer - I,  
Northern Railway, Lucknow.

AI/3

✓ Annexure B

LUCKNOW DIMSION  
D.S.E.(C)'s P.C.D.O. TO C.E.  
FOR JULY 1988



COPY TO :-

C.B.E. C.T.E. C.E.(G) D.R.M.

ADR.M.(T.) C.E.(EAST)

D.S.E-I D.S.E-II DEN-III DEN-(G)

Budh Prakash,  
DSE (Co-ord).

AIU/2  
Divisional Office,  
Lucknow.

D.O. No. 737-W/PCDO/33-39.

Dated: 5 - 8 - 1933.

Dear Shri Anand,

Sub:- Monthly PCDO of Engineering Department  
for the month of July, 1933.

\*\*\*

As desired, vide your D.O. letter No. 672-W/3/Pt. XVI (Performance), dated 8.7.33, the P.C.D.O. of July, 1933 is sent herewith containing new Annexures instead of old ones. For want of time, item-wise progress on the 27 Special Drives for long term improvement could not be included in this month. The same will be included on and from August, 1933.

1. ACHIEVEMENTS:

i) Progress of Track Renewal Works:

- a) Progress during the month - 02.64 KMs.
- b) Reasons for less progress - Mainly due to heavy rains. Work will be taken in hand in full swing after monsoon season w.e.f. Oct/1933.

ii) Training out of Ballast:

- a) Proportionate target upto the month - 50,000 Cum.
- b) Progress during the month. - 2,216 Cum.
- c) Cumulative progress upto the month - 21,320 Cum.

iii) Training and Development:

- a) Staff trained during the month.  $35 + 13 = 48$
- b) Staff trained during the year upto current month. 184 Nos.

iv) Computerisation:

The work is progressing satisfactorily except that Electrical work is not keeping pace with our work.

2. ASSISTANCE REQUIRED FROM HEADQUARTERS OFFICE:

- i) One rake of 52Kg/20 Rail Panels was to be received from F.S. Plant/LUT in the month of July, 1933 for 7.27 Km CTR under P.W.D./J.W.H. The same may please be got despatched early.
- ii) PRC sleepers for 1.487 KMs TSR under P.W.D./B.S.D. are awaited from S.E.N./C.S.P.
- iii) 3000 PRC sleepers second quality may kindly be given to Lucknow yard track circuited lengths.

With regards,

DA/PCDO on new  
prescribed proforma.  
Shri Y.P. Anand,  
Chief Engineer, N.Rly.,  
Baroda House, New Delhi.

Yours sincerely,

84/8/8  
( Budh Prakash )

LUCKNOW DIVISION

Progress Report of Track Renewal Works for the month of July, 1988.

No.	Name of works	Target for P.M.I. Year 1988-89	Progress achieved upto last month (Km)	Progress during the month (Km)	Work done during month position	Remainder
1.	2.271 KM CTR (P)	R.D. 8.R. S.A. S.R.	3.1 2.0 2.4 2.5 2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16	3.1 2.0 2.4 2.5 2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16	3.1 2.0 2.4 2.5 2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16	3.1 2.0 2.4 2.5 2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16
2.	1.767 KM CTR (P)	PBH	84.86 7.77	6.00	6.00	6.00
3.	8.433 KM CTR (P)	SHB	85.86 6.43	3.43 6.00	2.43 0.43	6.43 2.43
4.	1.256 KM CTR (P)	DX	86.77 1.21	-	-	-
5.	8.57 KM TRR (P)	UD	86.97	-	-	-
6.	1.102 KM CTR (P)	RD	88.29 6.41	-	-	-
7.	1.347 KM CTR (S)	FD	82.83 6.00	-	3.15 1.85	5.00
8.	10.783 KM CTR (S)	SEG	86.87 2.88	2.88 2.70	0.18 0.18	2.88 2.88
9.	9.287 KM TRR (P)	JNU	84.85 9.28	-	-	-
10.	12.186 KM TRR (P)	RDL	85.86 17.180	17.180 15.6	2.50	2.50
11.	11.846 KM CTR (P)	BRK	87.88 1.21	1.21 0.950	0.950	0.950
12.	2.980 KM TRR (P)	ON	87.88	-	-	-
13.	5.984 KM CTR (S)	SHO	88.89 5.984	5.984 5.994	5.994	5.994
14.	7.332 KM CTR (S)	CIL	86.87 2.23	2.23 2.23	2.23	2.23
15.	10.499 KM CTR (S)	CIL	87.88 5.00	5.00	-	-
16.	8.420 KM TRR (P)	KII/KO	85.86 6.42	-	-	-
Total: Primary Renewal		52.29	23.77	6.00	10.93	2.28
Secondary Renewal		15.28	15.28	8.08	4.93	3.28
Grand Total:		68.57	39.06	14.08	0.18	5.11
					0.18	3.26
					0.46	6.11
					15.88	16.02

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