

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE CA 254/89 OF .....

NAME OF THE PARTIES H. B. Biswas ..... Applicant

Versus

Union of India & Ors ..... Respondent

Part A, B & C

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11		
12		
13		

CERTIFICATE

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

Dated 28-2-12

Counter Signed .....

Section Officer / In charge

Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

13/9/89 ✓

Registration No. 259 of 1989 (L)

APPLICANT(S) H. B. Biswas

RESPONDENT(S) Union of India & Ors.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?  
b) Is the application in paper book form?  
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?  
b) If not, by how many days it is beyond time?  
c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-?
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/referred upon by the applicant and mentioned in the application, been filed?  
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?  
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Two sets Filed

Yes

—

—

Yes

Yes

Yes

Yes

—

Yes

Yes

Yes

—

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? yes
12. Are extra copies of the application with Annexures filed ? —
  - a) Identical with the Original ? yes
  - b) Defective ? —
  - c) Wanting in Annexures —
- Nos. \_\_\_\_\_ pages Nos \_\_\_\_\_ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ? —
14. Are the given address the registered address ? 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 ? —
17. Are the facts of the case mentioned in item no. 6 of the application ? yes
  - a) Concise ? yes
  - b) Under distinct heads ? yes
  - c) Numbered consecutively ? yes
  - d) Typed in double space on one side of the paper ? yes
18. Have the particulars for interim order prayed for indicated with reasons ? yes
19. Whether all the remedies have been exhausted. yes

dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 259/89(L)  
REGISTRATION No. \_\_\_\_\_ of 198 .

APPELLANT  
APPLICANT

H.B. Biswas

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors

Sl number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18/9/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri N. Bajpai, Counsel for the applicant is present. The application does not accompany with the relevant documents. Learned counsel for the applicant wants time to file the documents. Let the documents be filed and then list this case for admission.</p> <p style="text-align: center;"><i>Dec</i> J.M.</p> <p>(sns)</p> <p><i>No further Adj. to 25 X.M. None is present.</i></p> <p style="text-align: center;"><i>L</i> 10/2</p>	<p><i>OR</i></p> <p>The LCA has dismissed as order of the Hon. Court. up before the Hon. ble C on 28-9-89 Admin. in Submitted</p>

*Noted & dated on  
28-9-89  
V. B. Singh  
N. B. Singh*

259/0860

See  
original  
order on  
main petition

4-12-90

Hon Justice K. Math, V.C.  
Hon Mr K. J. Ramani, A.M.

Admit

9-1-90

No Sitting Adj. to 8-3-90

9/1/90

OR

The applicant's counsel  
has provided only  
two copies of the  
petition hence notices  
to respondents  
could not be issued.  
Applicant's counsel is  
being contacted to file  
perely more sets of the  
petition.

Resub

31/1/90

P.S. to take

01/3/90

Hon. J. P. Sharma, J.M.

On the report of the  
4c for the applicant, Case  
is adjourned to 10-5-90

10/5/90

Hon. Mr. K. J. Ramani, A.M. J.M.  
Hon. Mr. D. K. Agrawal, J.M.

Shri Navash Bajpai, for the applicant.  
The order were passed to issue notice to the respondents.  
However, the applicant did not file the requisite number  
of copy of the application <sup>for</sup> issuance of the opposite  
parties, with the result that notices were not issued.  
Let, the applicant comply with the necessary requirements  
of rules within a week hereof. Thereafter, notice shall be  
issued again to the respondents to show cause as to why  
the interim prayer made for be not granted.

List of for orders on 25/6/90

10/5/90

10/5/90

10/5/90

25/04/13

86

OR

4e further

1.12.90

Now Mr. Justice S. Mahalingam  
1. On Mr. K. abayagari - Amr for leave sleeps  
s. 50

Applicant has

filed M+ 546/90

for leave sleeps

s. 50

On the request of Counsel  
for applicant, case is  
Adjourned before D.R.  
for fixing date on 17.12.90.

7/11

Amr.

Dr  
ve

17.12.90

D.R.

28.1.91 NO coming off to 22.4.91  
Dr

Fix 28/1/91

F F H

7/11

17/12

5.7.91

D.R.

Applicant's side is present.

OR  
No EA filed

2  
9/1/91

O.P. is absent today.  
counter has not been  
filed. O.P. to file counter  
by 30/7/91.

22.4.91

D.R.

Shri N. Bazzari appears  
for the applicant.

O.P. is absent today.  
Respondent to file  
counter by 5/7/91.

OA 259/89

1/6

12.2.92

D.R.

Applicant's side is  
present. No appears  
for the Respondent.  
Respondent to file  
counter by 28/4/92.

28.4.92

D.R.

Both the parties are  
absent. Respondent  
to file counter by  
21/7/92.

21.7.92

D.R.

Both the parties are  
absent. Respondent  
did not file counter  
yet today. He is ordered  
to file it, by 15/9/92.

15.9.92

D.R.

Both the parties are  
absent. Counter has not  
been filed. Respondent  
to file the same by 17.11.92.



CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH - LUCKNOW

D.A./T.A. No. 259/89

ORDER SHEET NO.

ORDER

OFFICE REPORT

DATE /

13/11/92  
D.R.

Both the parties are  
absent. Respondent to  
file counter by 12-1-93

12-1-93  
D.R.

Both the parties are  
absent. Counter has not  
been filed till today.  
Respondent is directed to file  
counter by 16-2-93

OK  
A hand beupled  
SPD hup R  
15/1/93

16/2/93  
D.R.

Both the parties are present.  
Counter has not been filed.  
Respondent to file it  
by 20-4-93

OK  
A hand beupled  
SPD hup R

20/4/93  
D.R.

Both the parties are not  
present. Counter has not been  
filed till today. Respondents are  
directed to file the same  
one before me on 20/5/93

MANISH

OK  
A hand beupled  
SPD hup R  
3/5/93



O. A. No 1:- 259/89

13-1-94

D. R.

Parties are absent. C.A. has  
not been filed. Respondents  
are directed to file it by  
01/3/94 before me.

fruit

D. R.

1/3/94

D. R.

Parties are absent.  
C.A. not filed. Resp-  
ondents are directed  
to file it by 11/5/94.  
before me.

fruit

D. R.

of  
CA modified  
S. for same  
before D.R.  
(d)  
28/1/94

02 259/89 (4)

1/9

10/10/94

D.R.

None for the parties.

Wrt on 03/1/95 for  
filing C.A. before me.

h  
D.R.

02  
As per order of  
Hon. Member (S) case  
is listed before date  
for filing date  
12/12/98

02-12-98

D.R.

Placed before me today.  
Seen the office report. Wrt  
on 01-1-99 for filing SA before  
me.

12/12/98  
D.R.

02  
Case not listed till  
today  
23/12/98

01-1-99

D.R.

None for parties  
No SA filed till date.  
Wrt on 25-1-99 for  
filing SA before me.

2/1/99  
D.R.

A.

C.A. 259/89

A/10

29.4.99

No sitting of D.B. Court  
is up to 26.5.99 for orders.

*[Signature]*  
B.C.

26/5/99

Hon. Mr. D.C. Verma, J.M.  
Hon. Mr. A.K. Mista, AM.

None for the applicant. Sh. S.  
Verma for respondent.

The OA was filed in the year 1988, but none is appearing on behalf of the applicant for the last several years. On 01/3/88 a detailed order was passed to the effect that in case no C.A. is filed on the next date, the OA may proceed Ex-Parte. The learned Counsel for respondent state that C.A. is ready but in absence of counsel for applicant, copy of the same could not be served. The applicant has given the official address & not the residential address, & the circumstances copy of C.A. has not been sent by registered post. In view thereof the respondents may file their C.A. with the Registry after making endorsement thereon. As the OA has not been admitted so far, the same be listed for admission on 28/6/99.

*[Signature]*  
Am.

*[Signature]*  
J.M.

*[Signature]*  
02

Case has already been  
admitted on 04.12.89. CA  
filed on 26.5.99 with MP. 1186 to 1189/99.  
CA not filed - 2/6

A

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH  
LUCKNOW

Lucknow this the 28th day of June, 99.

O.A. No. 259/89

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

H.B. Biswas son of late P.B. Biswas, Station  
Superintendent Utratia Junction N.E. Railway  
Lucknow.

Applicant.

None for applicant.

versus

1. Union of India through its Secretary,  
Railway Board, Rail Bhawan, New Delhi.
2. General Manager, N. Railway Baroda House  
New Delhi.
3. Chief Security Officer, R.P.F. Northern  
Railways Baroda House New Delhi.
4. The D.R.M. N. Railway, New Delhi.
5. The Divisional Security Officer D.R.M.  
Office, N. Railway Lucknow.
6. Divisional Officiating Superintendent,  
D.R.M. Office, Northern Railway Hazratganj,  
Lucknow.
7. Authority (Unknown) for D.R.M. Northern  
Railway Lucknow.

Respondents.

For respondents 3 and 5 Shri Alok Trivedi B.H.  
for Shri A.K. Chaturvedi.

For other respondents Shri S. Verma.

O R D E R (ORAL)

HON. MR. D.C. VERMA, MEMBER(J)

By this O.A. the applicant has challenged  
the order of recovery made by Annexure -1 dated  
19.8.97 and Annexure A-2 dated 11.11.88. The  
brief facts of the case are that the applicant  
was Station Superintendent at Railway Station,  
Amausi(N.R.). A consignment of 20,000 Rubber  
Buffer Springs was booked by the applicant ex-

A

Amausi to P.W.P. (Perampur Workshop). The applicant was informed about a chargesheet dated 19.8.87 being <sup>submitted</sup> against him for shortage of Buffer Springs. An order was passed by Assistant Commercial Superintendent on 23.12.86 for deduction of Rs 200/- per month from the salary of the applicant. The applicant preferred appeal against the said order. The recovery was stayed at first instance by order dated 19.8.87 (Annexure -1 to the O.A.) pending disposal of the appeal. Another order (Annexure-3) dated 18.11.88 was passed for recovery of Rs 1,11,226/- from December 1988. In consequence thereof, Rs 1000/- per month was directed to be recovered from the salary of the applicant. The applicant challenged both the orders by filing this O.A.

2. As none appeared for the applicant, we have, with the help of learned counsel for the respondents Shri S. Verma examined the pleadings on record and the Annexures attached thereto.

3. Counter reply filed on behalf of respondents shows that concealing the facts that the applicant had filed O.A. 259/89, another O.A. was filed by the applicant i.e. O.A. 262/92 wherein also prayer for quashing of order of recovery of Rs 200/- per month from the applicant's salary and quashing the notice for imposition of penalty under rule 6(iii) of the Railway Servants(Discipline and Appeal) Rules, 1968 dated 21.11.88 and further for setting aside the order dated 21.6.91 passed by D.R.M. N.R. for a revision petition filed by the applicant was prayed. The O.A. 262/92 was allowed by the Tribunal vide its order dated 20.4.93. Photo copy of the order of the Tribunal has been attached as Annexure C-1 to the Counter reply. The operative part of the order is as

below:

"10. Consequently, the application of the applicant is allowed and the impugned orders dated 23.12.86, 19.8.87, 21.11.88 and 21.6.91 respectively being invalid and illegal are quashed and the applicant is entitled to get the amount recovered from him in pursuance of the above order refunded from the respondents, and the respondents are directed to refund the amount to the applicant which has been recovered so far from the salary of the applicant (in pursuance of the above impugned orders) within a period of three months from the date of receipt of the copy of this judgment. However, it shall be open for the respondents to proceed against the applicant in accordance with the extant rules and regulations and law in regard to the matters as referred to in Annexures 1,2,3 and 4."

4. The learned counsel for the respondents has submitted that in O.A. 262/92 the applicant had nowhere stated that he had filed O.A. 259/89 before the Tribunal and the same was still pending. The learned counsel has very rightly submitted that as the order of the Tribunal passed in O.A. 262/92 has become final, <sup>so</sup> ~~and~~ the relief claimed in O.A. 259/89 does not survive, in the light of the order of the Tribunal passed in O.A. 262/92, hence there is no necessity for adjudicating the matter which was directly and substantially in issue in O.A. 262/92. We find that in the present O.A. quashing of the order for recovery of Rs 200/- per month or for recovery of Rs 1000/- per month was in substance

D

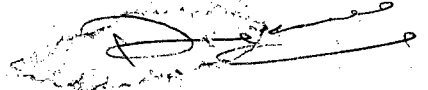


challenged by the applicant by filing O.A. 262/92. As O.A. 262/92 has been already allowed by the Tribunal and that order has become final, it is not at all necessary to re-adjudicate the dispute involved in the present O.A.

5. In view thereof, the O.A. stands decided accordingly. Costs easy.



MEMBER(A)



MEMBER(J)

Lucknow; Dated 28.6.99.

Central Administrative Tribunal

Circuit Bench at Lucknow

Date of Filing 13/9/89

Date of Receipt of Petition

In the Central Administrative Tribunal Principal

Deputy Registrar (J)

Bench at New Delhi, Circuit Bench at Lucknow.

H.B.Biswas

...

... Applicant

Versus

Union of India and others

...

Respondent.

Index

Sl.No. Description of papers

Page No.

1. Application

1 to 7

2. Annexure no.1 True copy of the

letter dated 19.8.87. 8

3. Annexure no.2 True copy of the

letter dated 18.11.1988. 9

4. Power (Vakalatnama)

10

By

Lucknow dated:

12.9.1989

13.

N. Bajpai

(Nares h Bajpai)  
advocate

Counsel for the Applicant

filed today

N. Bajpai  
Adv

Noted for 18.9.89

N. Bajpai  
Adv

A  
16

Application Under Section 19 of the Tribunal's Act, 1985

O.A. No. 259/89(2)

Date of Filing ... ..

or  
Date of receipt by post ..... ..

Registration ..... ..

Signature Registrar

In the Central Administrative Tribunal, Principal  
Bench at New-Delhi Circuit Bench at Lucknow.

H.B. Biswas ... .. Applicant

Versus

Union of India and others ... .. Respondent.

Details of Applicant

1. Name of the Applicant H.B. Biswas
2. Father's name Late P.B. Biswas
3. Designation and office  
in which employed and ~~other~~  
office orders Station Superintendent  
Utarotia Junction N.E.  
Railway Lucknow.
4. Address for service of  
all notices Same as shown in Sl.No.3.

Particulars of Respondents.

- a. Name address and designation  
of the Respondents.

2.

1. Union of India through its  
Secretary, Railway Board, Rail  
Bhawan New Delhi.

2. The General Manager, Northern  
Railway, Baroda House, New Delhi

AK

3. The Chief Security officer  
R.P.F. Northern Railway Baroda  
House, New Delhi.

4. The Divisional Railway Manager  
Northern Railway New Delhi.

AK

5. The Divisional Security officer  
D.R.M. Office, Northern Railway  
Hazratganj, Lucknow.

6. Divisional Officiating Superin-  
tendent D.R.M. office Northern  
Railway, Hazratganj, Lucknow.

7. Authority (Unknown) for D.R.M.  
Northern Railway Lucknow.

*Boffa*

2. Office address

H.B. Biswas

Station Superintendent, Utarati  
Junction Northern Railway Lucknow.

3. address for service of

all notices

Same as given above.

En ,  
Lucknow dated

of 1989

4. Jurisdiction of Tribunal

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

5. Limitation

The applicant further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunal.

6. Facts of the Case.

(A) That the applicant was discharging his duties as a Station Superintendent Northern Railway Amroha Station Lucknow in the year 1985.

(B) That a consignment of 20,000 Rubber buffer spring was booked by the applicant Ex. Amroha to P.W.P. (Perambur Workshop) under R.R.No. 766876 of 28.9.1985 duly endorsed on the R.R. (which indicated the loading done by the consigner under the Railway consumer Rules). It is pertinent to mention here that the loading was done by the consigner from truck to the said wagon.

(C) That the material was Railway material and consigner was M/S Jyoti Rubber Limited and consignee was DCO/PPF. This material could be used by Railway only and was of no any use for any private agency at all.

*Buffer*

A/9

4.

(D) That the consignment was booked by the consigner to wagon to S.E.37225 on 28.9.1985 and was despatched to P.W.P by working goods train L 9 UP on 29.9.1985. This was detached at P.O.F. (Pepur Sund) Station next to Amausi Station due to the wagon being hot axle on the same date and remained therefor about 10 days for examination of TXR Staff.

(E) That a certificate thereafter was issued by TXR staff and the wagon in question was sent to Harauni Station next to (POF) ~~perxxxxxx~~ Peparsand for transportation of the material to another wagon. The said wagon remained there for more than one month thereafter transportation was done then it was sent to P.W.P. This wagon was received at Harauni on 7.10.1985 at about 11.50 hours and consignment was transferred on 16.11.1985 ~~s/s~~ SS/Harauni gave reasons for delay of transportation due to shortage of labour but neither any information for transportation was given to the applicant nor by the consigner whereas both were too near to the SS/Harauni.

*Appr 21*

(F). That contents of a charge sheet on SF/11 of dated 19.8.1987 was verbally told to the applicant to have been issued against him but the same was not served upon him at all.



5.

(G) That in the file No.C/152-35-86/SP

dated 23.12.1986 an order was passed by JCS(II) Lucknow for the deduction of Rs.200/- per month from the salary of the applicant in consequence thereof recovery from the salary of the petitioner started against the D.S.Rules.

(H) That feeling aggrieved by the illegal arbitrary and unwarranted order of recovery the applicant preferred an appeal on 15.7.1987.

(I) That the recovery from the salary of the applicant was stopped after consideration of appeal at first instance vide letter No.C/152-35-86/S.P. dated 19.8.1987. The copy of said letter is being annexed herewith as annexure no.1 to this application.

(J) That pending disposal of the appeal the Opp site party no.7 against the impugned No.C/152-35-86 order of 11.1987 for recovery and in consequence thereof Rs.1000/- (Rupees one thousand) per month started to be recovered from the salary of the applicant arbitrarily. The letter is being annexed herewith as annexure no.2 to this application.

(K) That the applicant

against the said order on 6.12.1988 since then recovery to the tune of Rs.1000/- per month is being made and neither the appeal has been disposed of nor representation has been responded and recovery is being made arbitrarily without assigning any cogent reason.

(L) That the order of recovery, pending disposal of appeal once stopped, deductions <sup>amounts to</sup> again started, miscarriage of justice and the applicant is being penalized for no fault on his part.

(M) That as a result of enquiry made by P.P.F. no shortage of buffer springs was declared on the part of the applicant nor the consignee made any claim still recovery is being made arbitrarily from the salary of the petitioner.

7. Relief

- ① Against Recovery and refund of
- ② all the amount deducted.

8. Interim Order

Stay of recovery from the salary of the petitioner pending disposal of this application.

9. Details of Remedies Exhausted

(\*) Appeal preferred which is yet pending.

*N. Bajpai*

7.

(B) During the pendency of the appeal recovery was stopped but when again started filed revision.

10. Particulars of Postal order in respect of the application fee.

(i) Number of Indian Postal R Order. <sup>DD</sup> 029095

(ii) Name of the issuing post office. High Court, Lko  
Bench, Lucknow

(iii) Date of issue of postal order 4.9.89

(iv) Post office at which payable. G.P.O. Lko.

11. Details of Index

Given on covering page of the application.

12. List of Enclosures: Given in Index

13. Verification

I, H.B. Biswas, son of late P.B. Biswas aged about 50 years working as Station Superintendent at Utranchi Junction, Northern Railway do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.  
Lucknow dated:  
12.9.1989

Signature of the applicant.

Bijai  
Advocate  
counsel for the applicant

8

बिगोर दी सेन्डल एडिमिनिस्ट्रेटिव ट्रीबुनल लखनऊ बैंच लखनऊ

अप्लीकेशन नं०-----89

एच०बी०बिस्वास

---

पीटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य---

अपी०पी०टी०

अप्रीज नं०- ।

संकेतः

मंडल रेल प्रबन्धक कार्यालय लखनऊ

सी/152-35-86/एस०पी० दिनांक 19-8-1987

वरिस कार्मिक अ०

उ० रे० लखनऊ

विषय:- श्री एच०बी०बिस्वास स्टेशन अधीक्षक

अमासी के वेतन से ₹226

111226/- डेविट न करमेके आदेश

सितम्बर 1987 से

200/- रुपये पी०एम० दिसम्बर 86 से जो उक्त कर्मचारी के पे  
से रिकवरी की जा रही है सितम्बर 87 से नही काटे जायेंगे।

अपील पर कटौती रोक दी गई है।

*attested*  
*By*  
*Adv.*

ह०अस्पष्ट

कृते मंडल रेल प्रबन्धक

उत्तर रेलवे लखनऊ मंडल हजरतगंज

सत्य प्रतिलिपि

बिप्लव दी सेंट्रल रिट्रिब्युनल एडमिनिस्ट्रेटिव ट्रीबुनल लखनऊ बेंच

लखनऊ

अप्लीकेशन सं०-----89

एच०बी०बिस्वास

---

पीटीशनर

बनाम

यूनीयन आफ इंडिया तथा अन्य---

अपोजीटरीज

अनेक्जर सं०-2

उत्तर रेलवे

म०रे०का०उ०रे०लखनऊ दि० 18-11-88

स०सी०152-35-86/शि०प्र०

स्टेशन अधीक्षक

उ० रे० उत्तरटिया

विषय:- 20,000 बफर रबर स्प्रिंग की कमी

रु० 111226/- कटौती दिसम्बर 88

की-सचिवके

श्री एच०बी०बिस्वास, स्टेशन अधीक्षक उ० रे०

उत्तरटिया के वेतन से 111226/- दिसम्बर 88 से काटा जायेगा।

ह०अस्पष्ट

कृते मंडल रेल प्रबंधक

उत्तर रेलवे लखनऊ

सत्य प्रतिलिपि

attested  
By  
Adv

at Allahabad

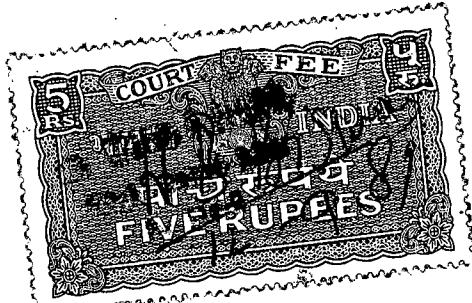
in the Central Administrative Tribunal, Lucknow

**बअदालत श्रीमान Bench, Lucknow महोदय**

वादी (मुद्दै)  
मुद्दै (मुद्दालेह)

का

## वकालतनामा



H. B. Biswas

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

Union of Indian Officers  
सन पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Narain Bajoria, Advocate

Office - 210 - Old Naider Ganj - Lucknow  
वकील  
एडवोकेट महोदय

accepted  
12-9-89

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा 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 आवे।

नाम मुकद्दमा फरीकन

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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89

ई०



Before the Central Administrative Tribunal, Lucknow. 8/90

M.P. No. 546/90 (C)  
O. A. No. 259 of 89 (L)

P.F. 31/8/90

H. B. Biswas ..... Appli cant.

Versus

Union of India & others ..... Opp. parties.

Application for permitting the applicant to take  
steps today.

Respectfull submission is as under :-

1. That the applicant would meet his counsel on  
30. 8. 1990 and went in the office to file copies of  
the applications alongwith the envelopes which were not  
taken up and it was told to the applicant that the case  
is listed tomorrow i. e. on 31. 8. 1990 and file has been  
sent to the court, the applicant may file the copies  
and envelopes in Tribunal with the permission of their  
lordships .

Wherefore, it is respectfully prayed that  
this Hon'ble Tribunal may be pleased to permit the  
applicant to take steps today and may further be pleased  
to fix an early date for hearing if possible before  
14. 9. 1990.

Lucknow  
dat ed 31.8. 1990

*N. Bajpai*  
Naresh Bajpai  
Advocate.

Counsel for the applic ant.

*Filed today  
31/8/90*

In the Central Administrative Tribunal Principal Bench  
at New Delhi, Circuit Bench at Lucknow.

O.A. No. 259/89 (L)

H.B. Biswas

...

Applicant

Versus


Union of India & others

Opposite-Parties.

SUPPLEMENTARY-INDEX

Sl.No.	Description of Papers	Page Nos.
5.	Application for Interim Relief. ....	11-12
6.	<u>Annexure No.3</u> Copy of Chargesheet original charge sheet dt. 19.8.1987. ....	12
7.	<u>Annexure No.4</u> Copy of representation dt. .9.87. ....	16
8.	<u>Annexure No.5</u> Copy of representation dt. 6.12.1988 for stoppage of recovery. ....	29
9.	<u>Annexure No.6</u> Copy of impugned order dated 21.11.1988. ....	23

Lucknow Dated:  
26 .9.1989

  
(Naresh Bajpai)  
Advocate  
Counsel for the Petitioner

In the Central Administrative Tribunal, Principal  
Bench at New Delhi, Circuit Bench at Lucknow.

O.A.No.259/89 (L)  
(Previous Date fixed 18.9.1989)

H.B.Biswas ... Applicant

Versus

Union of India & others .. Opposite-Parties.

Application for Interim Relief

The applicant named above most respectfully  
submits as under:

1. That in the above noted case 18.9.1989 was fixed for admission's hearing.
2. That when the abovenoted reference was taken up for hearing, this Hon'ble tribunal was pleased to pass an order to the effect that some more necessary documents & be filed thereafter further orders would be passed.
3. That the applicant has filed the required documents now alongwith this application and a supplementary index.

Wherefore, it is respectfully prayed that further operation and implementation of Annexures 2 and 6 may kindly be stayed pending disposal of the abovenoted case.

Lucknow Dated: 26.9.89

Applicant  
*[Signature]*

In the Central Administrative Tribunal, Principal Bench at  
New Delhi, Circuit Bench at Lucknow.

O.A. No. 259/89(L)

Previous Date Fixed 18.9.89

H.E. Biswas

...  
Versus

Applicant

Union of India & others

Opp-Parties.

Annexure No. 3

मानक फार्म सं०

छोटी शक्तियों अधिरोपित करने के लिए आरोप के शपथ का मानक फार्म रेल सेवक अनुशासन और अपील नियम, 1968 का नियम-11।

सं० C/152-35-86/S.P.

रेल प्रशासन का नाम

निगम स्थान/ N.R. DRM.

दि. 27/7/1988

श्री H.B. Biswas की शपथ SS/UTR का पदनाम UTR का कार्यालय जिसमें काम होता हो। UTR की शपथ द्वारा सूचित किया जाता है कि राष्ट्रपति/रेलवे बोर्ड/निम्न हस्ताक्षरी द्वारा उसके विरुद्ध रेल सेवक अनुशासन और अपील नियम, 1968 के नियम 11 के अन्तर्गत कार्यवाही करने की प्रस्थापना की गई है। दुर्व्यवहार या अव्यवहार के लक्षणों का एक विवरण संलग्न है, जिस पर उपर्युक्त कार्यवाही की प्रस्थापना है।

2- श्री H.B. Biswas की शपथ द्वारा यह अवसर दिया जाता है कि इस प्रस्थापना के विरुद्ध वह जो भी अभ्यावेदन देना चाहे, वे दें। अभ्यावेदन यदि देना हो, निम्न हस्ताक्षरी को X रेलवे के महाप्रबन्धक के माध्यम से इस तरह प्रस्तुत किया जाना चाहिए ताकि वह इस शपथ की प्राप्ति के दस दिन के भीतर उक्त महाप्रबन्धक के पास पहुँच जाय।

3- यदि श्री H.B. Biswas पैरा 1 में विनिर्दिष्ट अवधि के भीतर अभ्यावेदन प्रस्तुत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई अभ्यावेदन नहीं देना है और श्री H.B. Biswas के विरुद्ध एक पक्षीय आदेश पारित किया जा सकेगा।

4- श्री H.B. Biswas इस शपथ की पावती दें।

४ राष्ट्रपति के आदेश द्वारा और उसके नाम से ४

हस्ताक्षर  
नाम

(DAVESH MISHRA)

सक्षम प्राधिकारी का नाम और

DO/LK

सेवा में, श्री H.B. Biswas SS/UTR रेल कर्मचारी का नाम, पदनाम और कार्यालय

जहाँ कहीं यह शपथ रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाय वहाँ इसे प्रतिधारित किया जाय।

जहाँ राष्ट्रपति अनुशासन प्राधिकारी हो।

प०

Attested  
By  
[Signature]

सामान्य 195/Genl. 195

मानक फार्म सं० 11/Standard Form No. 11

सं०/N.R.

छोटी शास्त्रियां अवरोधित करने के लिए आरोप के ज्ञापन का मानक फार्म रेल सेवक (अनुशासन और अपील नियम, 1968 का नियम 11)  
Standard Form of Memorandum of charge for Imposing minor penalties [Rules 11 of RS (D&A) Rules, 1968]

सं०/No. C/152-35-86/S.P.

N.R. रेल प्रशासन का नाम/Name of Railway Administration

निर्गम स्थान/Place of issue. D.R.M. दिनांक Dated...1.9.1987

ज्ञापन

# MEMORANDUM

श्री..... (पदनाम.....), (कार्यालय जिसमें काम करता हो) ..... को एतद्द्वारा सूचित किया जाता है कि राष्ट्रपति/रेलवे बोर्ड/निम्न हस्ताक्षरी द्वारा उसके विरुद्ध रेल सेवक अनुशासन और अपील) नियम, 1968 के नियम 11 के अन्तर्गत कार्रवाई करने की प्रस्थापना की गई है। दुर्भ्यंकार या अवचार के लक्षणों का एक विवरण संलग्न है, जिस पर उपर्युक्त कार्रवाई करने की प्रस्थापना है।

Shri. H.P. Biswas..... (Designation)..... S.S./Amalusi..... (Office in which working)..... is hereby informed that the President/Railway Board/undersigned Propose(s) to take action against him under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. श्री..... को एतद्द्वारा यह अवसर दिया जाता है कि इस प्रस्थापना के विरुद्ध वह जो भी अभ्यावेदन देना चाहे, वे दें। अभ्यावेदन यदि देना हो, निम्न हस्ताक्षरी को (..... रेलवे के महाप्रबन्धक के माध्यम से)\* इस तरह प्रस्तुत किया जाना चाहिए ताकि वह इस ज्ञापन की प्राप्ति के दस दिन के भीतर उक्त महाप्रबन्धक के पास पहुंच जाए।

Shri. H.P. Biswas..... is hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any, should be submitted to the undersigned (through the General Manager..... X..... Railway, so as to reach the said General Manager)\* within ten days of receipt of this Memorandum.

3. यदि श्री..... पैरा 1 में निर्दिष्ट अवधि के भीतर अभ्यावेदन प्रस्तुत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई अभ्यावेदन नहीं देना है और श्री..... के विरुद्ध एक पक्षीय आदेश पारित किया जा सकेगा।

If Shri. H.P. Biswas..... fail to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri. H.P. Biswas..... ex-parte.

4. श्री..... इस ज्ञापन की पावती दें।

The receipt of this Memorandum should be acknowledged by Shri. H.P. Biswas.....

†(राष्ट्रपति के आदेश द्वारा और उसके नाम से)/†(By order and in the name of the President).

हस्ताक्षर/Signature ..... DAVESH MISHRA

नाम/Name (DAVESH MISHRA)

सक्षम प्राधिकारी का नाम और पदनाम } D.O.S. Name and Designation of the Competent Authority

सेवा में. श्री..... (रेल कर्मचारी का नाम, पदनाम और कार्यालय)

To Shri. H.P. Biswas..... STATION SUPDT, AMALUSI N.R. (Name, designation and office of the Railway Servants)

\*जहां कहीं यह ज्ञापन रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाए वहां इसे प्रतिधारित किया जाये।

\*To be retained wherever this Memorandum is issued by the Railway Board/the President.

†जहां राष्ट्रपति अनुशासन प्राधिकारी हो।

†Where the President is disciplinary authority.

R.P.B. Delhi-1987-17/744-80,000 F.

attested by [Signature]

A/31

In the Central Administrative Tribunal, Principal  
Bench at New Delhi, Circuit Bench at

L u c k n o w

O.A.No. 259/ 89 (L)

H. B. Biswas

...

Applicant

Versus

Union of India & others ..

Opposite-Parties.

Annexure No, 4

To,

The Dirl Operating Superintendent,  
N. Railway, Lucknow.

Sir,

Subject: Appeal against SF 11 No.C/152-35 of  
86/S.P.dt 19.8.1987.

Reference:-My appeal dated 15.7.1987 (copy attached)

with due respect, I beg to submit as  
under:-

(i) That Wagon No.Sc39226 containing rubber buffer  
springs cx AMS to PWP was booked by undersigned.

(ii) That the loading was done by the party  
direct from the truck to the wagon and was not  
supervised by the undersigned because in the capacity  
of Stn supdt. who w has to perform multiluxous  
duties at the one and same time and it can be well  
imagine that such heavy loading continously for  
a period of five hours can not be supervised by a  
stn supdt.

(ii) In confermation of the circumstances

*attested*  
*Bejbari*  
*Shw*



explained in para (ii) above "L" was written by me in the column 'handled by' which means loading was done by the party and not supervised by the Rly-staff.

(iv) The wagon under reference was declared Hot wale at POF where it remained on wheels for ten days. Reached Harauni on 7.10.1985 at 11/50 hours, transhipped after one and half month i.e. 16.11.1985 resulting in shortage of 5254 pieces for which I can be held responsible.

(v) The D.D. Message issued by SS/Harauni itself exonerates me from the liability as he has written "seal intact on thread in one side and protection seal provided on other side". It is also most astonishing that no verification was got done by the CMI or the TI(M) or the RDF Inspector.

(vi) Your Honour has accused me that actual counting continuously for five hours was not done by me while I have clarified in item No.(iii) above that writing down 'L' proclaims that loading was done by the party and not supervised by the Rly.Staff.

(vii) The case under reference is with the civil police under investigation and till a report is received I should not be taken up at Rly level and S.F.11 so issued to me deserves to be cancelled and filed.

Contd.

*[Signature]*  
attested  
*[Signature]*  
Sew

P R A Y E R

I pray your Honour to grant me proper JUSTICE and the SF 11 so issued be set-aside.

Deductions made from my salary at the rate of Rs. 200/- per month may also be ordered to be refunded to me immediately.

Hoping for full justice from your Honour Sir.

~~RECEIVED~~

Date: 9/87

Yours faithfully

DA: Two

(H.B. Biswas)  
Stn. Supdt./AMS.

True copy.

*B. H.*  
attested  
X *Bajpai*  
Adv

In the Central Administrative Tribunal, Principal  
Bench at New Delhi, Circuit Bench at

L u c k n o w

O.A. No. 259 of 1989 (L)

H.B. Biswas ... Applicant

Versus

Union of India & others ... Opp-Parties.

Annexure No.5

No.1/HBB/SS/4TR/88  
dt. . 27.11.88

From  
H.B. Biswas  
S.S./Utertia JN

To,

The DRM  
DRM office Hazratganj,  
N. Rly., Lucknow.

Subj: Deduction of Rs.1.11.226/-1 from the salary as  
a recovery of the cost of Rs.20,000 Buffer  
rubbers.

Ref: Your letter No.C-152-35-86/SP dt. 18.11.88  
(ii) Your letter No.C-152-35 86/SP dt.19.8.1987.

Respected Sir,

With due respect I beg to inform your honour  
as under:-

1) That a consignment of 20-000 Buffer rubber  
was booked by me Ex AMS to PWP under RR No.A766876 of  
d/28.9.85 duly marked loading done by consigner and  
was loaded in wagon No.SE37225, The consigner was  
Avadh rubber Ltd. B/12 and consignee was DCOS/PWP.

2. That wagon was cleared by L9up and the same  
detached at POF as Hot Axle on 29.9.85 and remained

*attested*  
*L. Biswas*  
*SN*

-2-

there for about 10 days and thereafter despatched to HRN for TPT.

3) That this wagon was received at HRN on 7.10.1985 at about 11/50 Hrs. and remained there for TPT more than one month-TPT was done on 16.11.1985. The SS/HRN in his DD message has reported that TPT could not be done due to shortage of Labour. Had the SS/HRN informed me I would have advised the consignee who would have arranged TPT with his labours and also supervised the TPT. There is no Excuse available with SS/HRN as to why I was not informed which could be easily done. The TPT arranged by SS/HRN without informing me and consignee being both available, has some ulterior motive also behind it.

4. That SF11 of Even number dated 27.7.88 was given to me without signature of the Authority Competent to issue it. In this SF/11 No. shortage of Buffer Rubbers has been given and I have been charged only for not supervising the loading. Loading was done by the consignee and proper remarks is given on the R.R. under the commercial manual.

5. That the said consignment was completely received at PWP by Dcos and no shortage is claimed at PWP by the consignee.

6. That neither I have been advised for the shortage of the Buffer rubbers nor its cost is declared. It is not understood how this amount of

*B. S. M.*  
*attested*  
*X B. S. M.*  
*Adh*

of Rs. 1.11.226 has been ordered for recovery from my pay. It is also not mentioned as which authority issued such orders for recovery from the letter of even number dated 18.11.88 photostat copy attached as Annexure A, following are proved.

- i) That there was shortage of 20.000 buffer rubbers which is totally false.
- ii) That authority issuing recovery orders from Dec./88 is no authority in DRM office.
- iii) That when recovery was stopped on my appeal vide order in letter of Even number dated 19.8.87 copy attached as Annexure 'B' How these orders have been over ruled., and under which circumstances recovery orders have been issued.

Note:- In absence of actual shortage and price of Each no amount can be recovered from my salary according to the letter of Annexure 'A' the shortage is alleged of 20,000 (thousand) Buffer rubber which was the actual numbers booked and cannot be so.

8. That in fact these Buffer Rubbers could not be used by Railway and could not be used in any private work. Under such circumstances I am falsely blamed due to prejudiced views.

9. That unless no fact finding commercial Inquiry is arranged and full records of consignor and consignee are seen and proper charge sheet if

*attested*  
*Bejpai*  
*Adw*

-4-

found guilty in fact finding Inquiry is served upon me with clear and definite numbers and price of the Buffer Rubbers is given and also the disposal of short Buffer Rubbers is given in the charge sheet and after declaring my defence there to unsatisfactory by the Authority Competent and punish me with the amount and Appeal thereupon is cancelled by the authority competent. No recovery can be made from my pay under the DA Rules.

10) That according to the SF/11 I have been informed if no defence is submitted by me the action will be taken against me under para 3(i)(ii)(iii) of DA rule of 1966 which are not at all in the Railway.

P R A Y E R

It is therefore most respectfully prayed that your honour may be pleased to stop recovery of Rs.111226 without following legal procedure provided under the Law and DA rules of 1968.

Yours faithfully

Sd/-  
(H. B. Biswas)

*Handwritten signature*  
attested  
*By* Biswas

H. B. Biswas.

Versus

Applicant

Union of India & others ...

Opp. parties

ANNEXURE No. 6.

उ०रे०

सामान्य-224  
फार्म सं० 3

रेल कर्मचारी (अनुशासन तथा अपील) नियम-1968 के नियम 6 (iii) के अनुसार  
शास्ति देने का आदेश

संख्या सी/152-35-86/शि० प्र०

स्थान सफाई कार्यालय  
दिनांक 21-11-88

प्रति,

श्री. स्व० श्री० विश्वास  
स्टेशन अधीक्षक  
उ०रे० उत्तराखण्ड

(माफत वेतन विभाग)

आरोप पत्र संख्या 152-35-86, दिनांक 19-8-87 के उत्तर  
में आपके दिनांक 16-9-88 के अभ्यावेदन पर मैंने ध्यानपूर्वक विचार किया है  
जुझे आपका अभ्यावेदन निम्नलिखित कारणों से संतोषजनक नहीं माना जाता :-

20,000 काफ़र खार रू प्रीग की काही

अतः मैं आपके विरुद्ध लगाये आरोप (पों) अर्थात् 1, 11, 226/- के  
लिए आपको दोषी ठहराता हूँ. अतः मैं आपको उपेक्षा या आदेश भंग करने के कारण सरकार  
को हुई 20,000/- की आर्थिक हानि को वेतन से पूरी या आंशिक वसूली को  
शास्ति देता हूँ।

2. यह शास्ति आपके सेवा रजिस्टर में अभिलिखित की जायेगी और (तिथि) 15-12-88  
से 20,000/- की मासिक किस्त के रूप में आपके वेतन से वसूली  
की जायेगी। इसका स्मरण रहे।

3. रेल कर्मचारी (अनुशासन तथा अपील) नियम 1968 के नियम 18 के अनुसार इन आदेशों  
के विरुद्ध अपील की जा सकती है :-

- आदेश मिलने से 45 दिन के भीतर विधिवत अपील की जाये, और
- अपील की भाषा अनुचित या अमर न हो।

4. कृपया इस पत्र की पावती दें।

हस्ताक्षर (विश्वनाथ मिश्र)

अनुशासनीय प्राधिकारी का पदस्था सफाई (प्रथम)  
उ०रे० उत्तराखण्ड

attested  
H. B. Biswas

SPECIAL POWER OF ATTORNEY

In the Court of

Central Administrative Tribunal

bench Lucknow

No. 259/89

H. B. Biswas

VERSUS

Union of India

&  
others

Plaintiff

Appellant

Petitioner

Defendant

RESPONDENT

Opposite Party

Lucknow Bench  
Date of Filing 2/6/99  
Date of Receipt by Post

KNOW ALL MEN by these Presents that I, S.C. Sinha,

Sr. Divisional Security Commissioner/Northern Railway,

Lucknow do hereby appoint and authorise Servshri A.K. Chaturvedi

Advocate to appear, Plead, and set for me jointly

or severally in the above noted case and to take such steps and

proceedings as may be necessary for the prosecution or defence of

the said matter as the case may be and for the purpose to make sign

verify and present all necessary plaints, petitions, written

statements and other documents to compromise the suit, admit the

claim and to lodge and deposit money in court and to receive

payment from the court of money deposited and to file and withdraw

documents from court and GENERALLY to act the premises and in all

proceeding arising thereof whether by way of execution appeal or

otherwise or in any manner connected there with as effectually to

all intents and purposes as I could act if personally present.

I hereby agree to ratify and confirm whatever shall be lawfully

done by virtue of these presents.

IN WITNESS where of I herewith set my hand this day of

199.

llli/28/4/99  
(S.C. Sinha)

वरिष्ठ मंडल सुरक्षा आयुक्त/रे० नु० दल  
Sr. Divl. Security Commissioner/R.P.F.  
उत्तर रेलवे, लखनऊ  
Northern Railway, Lucknow



1303

Received Bench  
Date of Filing 26/5/99  
Date of Receipt

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

M.P.No. 1186/99 OF 1999

UNION OF INDIA AND OTHERS

..... APPLICANTS/  
RESPONDENTS

In:

ORIGINAL APPLICATION No.259 OF 1989

Place before the  
Hon'ble Bench  
for orders, on the 26.05.1999

H.B. BISWAS

..... APPLICANT

VERSUS

Dv. Registrar

UNION OF INDIA AND OTHERS

..... RESPONDENTS

Fixed on 26.05.1999

APPLICATION FOR RECALL OF ORDER DATED 08.03.1999  
AND PERMISSION TO FILE COUNTER REPLY

This application on behalf of applicants/respondents most respectfully sheweth :-

1. That on 08.03.1999, this Hon'ble Tribunal was pleased to grant opportunity to the respondents to file their counter reply by the next date, i.e., 29.04.1999 failing which, the original application shall be decided on the basis of pleadings on record.
2. That a certified copy of order dated 08.03.1999, which was sent by registered post, was received in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, on 22.03.1999.
3. That as per averments and pleadings made in the original application, this case primarily relates to the Office of the Divisional Railway Manager, Northern Railway, Lucknow.
4. That despite best efforts, the relevant neither the copy of original application, nor the relevant personal case file of the applicant was traceable in Office of the Divisional Railway Manager, Northern Railway, Lucknow. No reference about receipt of notice in the instant case was also traceable.

Shesha

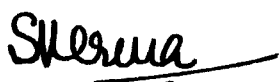
Central Administrative Tribunal  
Lucknow Bench  
Date of Filing  
Date of Receipt of Documents

5. That in these circumstances, the counsel for the Railways was requested to apply for a certified copy of the original applicant, if necessary, on payment.
6. That on 01.04.1999, the counsel for the Railways applied for certified copy of the original application on payment which was made available to him on 12.04.1999.
7. That after receipt of certified copy of the original application, relevant record was searched, and after acquisition of necessary record and information, counter reply on behalf of respondents is being filed herewith.
8. That the delay in filing counter reply is not deliberate and was only due to the reasons beyond control of the respondents. In these circumstances, it would therefore, be expedient in the interest of justice that the respondents may be permitted to file their counter after recall of order dated 08.03.1999.

**PRAYER**

WHEREFORE, it is most respectfully prayed that order of this Hon'ble Tribunal dated 08.03.1999 be recalled and the respondents may be permitted to file their counter reply.

Lucknow, Dated :  
May 26, 1999.

  
(SIDDHARTH VERMA)  
ADVOCATE,  
COUNSEL FOR RESPONDENTS.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

M.P.No. 11 27/99 OF 1999

UNION OF INDIA AND OTHERS

.....APPLICANTS/  
RESPONDENTS

In:

ORIGINAL APPLICATION No.259 OF 1989

H.B. BISWAS

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

Fixed on 26.05.1999

APPLICATION FOR CONDONATION OF DELAY

IN FILING COUNTER REPLY

This application on behalf of applicants/respondents most respectfully sheweth :-

1. That on 08.03.1999, this Hon'ble Tribunal was pleased to grant last opportunity to the respondents to file their counter reply by the next date failing which, the original application would be heard and decided ex parte on the basis of pleadings available on record.
2. That a certified copy of the order dated 08.03.1999, sent by this Hon'ble Tribunal was received in the Office of the Divisional Railway Manager, Northern Railway, Lucknow (to whom the instant application primarily relates) on 22.03.1999.
3. That immediately after receipt of a copy of order dated 08.03.1999, an extensive search for the relevant record and personal case file of the applicant was made by the respondents. But the same could not be traced even after best efforts made by the respondents.
4. That in the circumstances stated above, the counsel for the Railways was requested to obtain a certified copy of the captioned original application even on payment. Consequently, an application

Sherma

THE HON'BLE ATTORNEY GENERAL  
GOVERNMENT OF INDIA  
Date of filing \_\_\_\_\_  
Date of receipt by \_\_\_\_\_

By \_\_\_\_\_

for issue of certified copy of original application (on payment) was made by him on 01.04.1999.

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5. That the certified copy of the instant original application, was made available to the counsel of Railways on 12.04.1999. The same was sent to the respondents on 13.04.1999.
6. That after receipt of a copy of the instant original application, another search for relevant documents in the light of averments and allegations made in the instant original application was made by the respondents.
7. That from the search of relevant record, it transpires that the applicant had filed another Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others, was filed by the applicant before this Hon'ble Tribunal. The said original application was decided on 15.02.1993.
8. That as the order of this Hon'ble Tribunal dated 15.02.1999 was implemented by the respondents, the relevant of the concerned case was consigned to record and the same could not be traced.
9. That it is pertinent to mention that in his subsequent Original Application No.262 of 1992, the applicant has nowhere mentioned that he had earlier filed Original Application No.259 of 1989: H.B. Biswas Vs. Union of India & India, which was still pending.
10. That due to concealment of the relevant facts, the record of this case could not be connected, resulting in delay in filing counter reply within stipulated time.
11. That the delay in filing counter reply in the instant case was not deliberate, and the same was only due to the reasons beyond control of the respondents.
12. That in view of submissions made hereinabove, it is expedient in the interest of justice that the delay in filing counter reply may be condoned.

Sharma


Central Adm. Serv. Tribunal  
Lucknow Bench  
Date of Filing  
Date of Receipt of Docs.

PRAYER

WHEREFORE, it is most respectfully prayed that in the interest of justice, this Hon'ble Tribunal may be pleased to condone the delay in filing counter reply and the same which accompanies this application, may be taken on record.

SUCH OTHER ORDERS, which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow, Dated :  
May 26, 1999.

  
(SIDDHARTH VERMA)  
ADVOCATE,  
COUNSEL FOR RESPONDENTS.

RECEIVED  
LUCKNOW BENCH  
DATE OF RECEIPT BY POST  
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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW**

M.P.No. 11828/99 OF 1999

UNION OF INDIA AND OTHERS

..... APPLICANTS/  
RESPONDENTS

In:

ORIGINAL APPLICATION No.259 OF 1989

H.B. BISWAS

..... APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

APPLICATION FOR CONNECTING RECORD OF O.A.No.259 Of 1989

WITH THE RECORD OF O.A.No.262 OF 1992.

DECIDED ON 15.02.1998

This application on behalf of applicants/respondents most respectfully sheweth :-

1. That as the submissions made in the accompanying counter reply and its accompanying applications would show, the relief claimed by the applicant in the instant case are more or less same/similar to that which were sought in Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others, decided by this Hon'ble Tribunal on 15.12.1993.
2. That the subsequent Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others, decided on 15.12 1993 was filed and decided on the basis of wrong declaration made by him in paragraph 7 of the said original application that no other application, writ petition or suit regarding matter directly and substantially in issue, was filed by the applicant before any court or authority or any other Bench of this Hon'ble Tribunal, nor any such writ petition or suit was pending at the time of filing the said original application.
3. That in view of the submissions made in this application, it would be expedient in the interest of justice that the record of Original

Sharma

Lucknow Bench  
 Date of Filing.....  
 Date of Receipt by Court.....

Application No.262 of 1992: H.B. Biswas Vs. Union of India & others decided on 15.02.1992 be connected with this Original Application No.259 of 1989: H.B. Biswas Vs. Union of India & others.

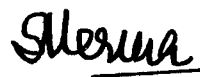
4. That it would be expedient in the interest of justice that record in the instant case O.Ao.259 of 1992: H.B. Biswas Vs. Union of India & others, be connected and listed Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others.

### P R A Y E R

WHEREFORE, it is most respectfully prayed that in the interest of justice, this Hon'ble Tribunal may kindly be pleased to connect the present original application with the Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others.

SUCH OTHER ORDERS, which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow, Dated :  
 May 26, 1999.

  
 (SIDDHARTH VERMA)  
 ADVOCATE,  
 COUNSEL FOR RESPONDENTS.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

M.P.No. 1189/99 OF 1999

UNION OF INDIA AND OTHERS

.....APPLICANTS/  
RESPONDENTS

In:

ORIGINAL APPLICATION No.259 OF 1989

H.B. BISWAS

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

APPLICATION FOR DISMISSAL  
OF ORIGINAL APPLICATION AS INFRACTUOUS

This application on behalf of applicants/respondents most respectfully sheweth :-

That for the facts, reasons and circumstances stated in the accompanying counter reply, it would be expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to dismiss the above mentioned case as infructuous as the relief sought in the instant case has already been granted to the applicant vide order dated 15.02.1993, passed in Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others.

THEREFORE, it is most respectfully prayed that in the interest of justice, this Hon'ble Tribunal may kindly be pleased to dismiss the above mentioned as infructuous.

SUCH OTHER ORDERS, which are deemed fit and proper in the facts and circumstances of the case may also kindly be passed.

Lucknow, Dated :  
May 26, 1999.

Siddharth Verma  
(SIDDHARTH VERMA)  
ADVOCATE,  
COUNSEL FOR RESPONDENTS.



Central Administrative Tribunal  
Lucknow Bench  
Date of Filing  
Date of Reply

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION No.259 OF 1989

S.K. BISWAS

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

COUNTER REPLY  
ON BEHALF OF RESPONDENTS

I, *Tej Bahadur Singh*

,presently posted as  
,Northern Railway, Lucknow,

most solemnly state as under –

1. That the undersigned is presently posted as *Assistant Personal Officer* Northern Railway, Lucknow, and is competent and duly authorised by the respondents to file counter reply on their behalf. The undersigned has read and understood above mentioned Original Application (hereinafter referred as 'application') filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985, and is well conversant with the facts stated hereunder.
2. That on 08.03.1999, this Hon'ble Tribunal was pleased to pass following order –

*Tej Bahadur Singh*

TEJ BAHADUR SINGH  
ASSISTANT PERSONAL OFFICER  
NORTHERN RAILWAY, LUCKNOW

Deemed to be  
Date of Filing...  
Date of Receipt by Post...

"None for parties. The case is of the year 1989 but no C.A. filed by the respondents. It appears that the respondents have no case for filing their reply and as that no C.A. filed so far. In case the same is not filed on the next date the O.A. shall be decided on the basis of pleadings on record."

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Copy of this order be sent by Regd. Post to the respondents.

List on 29.04.1999 for orders"

3. That a certified copy of the above orders was received in the Office of the Divisional Railway Manager, Northern Railway, Lucknow (to whom this case primarily relates) on 22.03.1999.
4. That soon after the receipt of orders dated 08.03.1999, search for the relevant case file and other related documents made. But the same was found to be untraceable. Under these circumstances, the Counsel for the Railways was requested to obtain a copy of the original application on payment. On 01.04.1999, the learned counsel applied for certified copy of the original application and the same was made available to him on 12.04.1999.
5. That after receipt of certified copy of the original application the relevant case and personal files of the applicant could be linked and the counter reply on behalf of the respondents is being filed.
6. That search for necessary case and personal file of the applicant and other related documents resulted in delay in filing counter reply which not deliberate and was only due to the reasons beyond control of the respondents.
7. That the present application has been filed by the applicant challenging following orders –
  - (1) Notice for Imposing Punishment under Rule 6(iii) of the Railway Servants (Discipline & Appeal) Rules, 1968, bearing No.C/152-35-86/SP dated 12.11.1988 [Annexure No.6], ordering recovery of Rs.111226/- for shortage of 20,000 buffer springs at the rate of Rs.1000/- per month from applicant's pay.
  - (2) Order No.C/152-35-86/SP dated 18.11.1988 for recovery of Rs.111226/- from pay of the applicant for shortage of buffer springs 20,000 in number [Annexure No.2].
  - (3) Against recovery already made from applicant's pay at the rate of Rs.200/- per month since December, 1986, as indicated in letter No.C/152-35-86/SP dated 19.08.1987 [Annexure No.1].

*[Handwritten signature]*

Accountant General  
 Accounts Branch  
 Office of Billing  
 Date of Receipt by Dept.

8. That the applicant has sought relief that the recovery being made from the applicant be quashed and the amount recovered from him be refunded.
9. That concealing the fact that he had earlier filed above mentioned original application, the applicant filed Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others before this Hon'ble Tribunal, challenging following orders –
  - (a) Order dated 23.12.1986 in Case No.C/152-35-86/SP for recovery of Rs.200/- per month from applicant's pay till an amount of Rs.111226/- is recovered. This recovery was stopped from September, 1987 pending appeal preferred by the applicant.
  - (b) Notice for Imposition of Penalty under Rule 6(iii) of the Railway Servants (Discipline & Appeal) Rules, 1968, bearing No.C/152-35-86/SP dated 21.11.1988.
  - (c) Order No.C/152-35-86-SKS-II dated 21.06.1991, passed by the Divisional Railway Manager (Commercial), Northern Railway, Lucknow, in a revision petition filed by the applicant. It was ordered that the recovery being made from the applicant be stopped as the amount already recovered from him was sufficient to meet the ends of justice.
10. That in the said O.A.No.262/92, the relief sought by the applicant was that the orders mentioned in paragraph 9 above, be quashed and the amount recovered from him be refunded with interest at the rate of 18% per annum. It was also prayed that cost of the original application be awarded.
11. That Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others was allowed by Hon'ble Mr. S.N. Prasad, Member (J) on 20.04.1993. A photostat copy of certified copy of order passed in this original application is being annexed as ANNEXURE No.C-1 to the counter reply.
12. That the operative part of order dated 20.04.1993 passed in Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others is being reproduced hereunder –

"Consequently, the application of the applicant is allowed and the impugned orders dated 21.12.86, 19.8.87, 21.11.88 and 21.6.91 respectively being invalid and illegal are quashed and the applicant is entitled to

Case No. 262 of 1992  
 Date of Filing  
 Date of Receipt by Recd

get the amount recovered from him in pursuance of the above orders refunded from the respondents, and the respondents are directed to refund the amount to the applicant which have been recovered so far from the salary of the applicant (in pursuance of the above impugned orders) within a period of three months from the date of receipt of the copy of this judgement. However, it shall be open for the respondents to proceed against the applicant in accordance with the extant rules and regulations and law in regard to the matters as referred to in Annexures 1, 2, 3 and 4.

In the circumstances of the case, the parties are directed to abide by their own costs."

13. That it is pertinent to mention that the applicant had nowhere stated in his O.A. No.262/92 that he had already filed O.A. No.259/89 before this Hon'ble Tribunal and the same was pending. Therefore, for this material concealment of fact, the applicant has made himself liable for any action which this Hon'ble Tribunal may fit and proper in the circumstances of the case.
14. That the judgement/order of this Hon'ble Tribunal dated 20.04.1993 assed in Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others has been fully implemented and there was no re-initiation of disciplinary proceedings as provided in the aforesaid judgement/order.
15. That the relief sought in Original Application No.262 of 1992: H.B. Biswas Vs. Union of India & others, included relief sought in the present application. As the said original application has already been allowed by this Hon'ble Tribunal vide their judgement/order dated 20.04.1993, the relief sought in O.A.No.259/89 also stand allowed. Therefore, there is no necessity for adjudication of the matter directly and substantially in issue in the instant application and grant for any relief.
16. That this may also be the reason for which neither the applicant, nor his counsel had appeared before this Hon'ble Tribunal on 08.03.1999.
17. That under the facts and circumstances already stated in this counter reply, the present application has become infructuous, and the same is liable to be dismissed with costs.
18. That in view of the facts and circumstances stated above, the undersigned is advised to state that there is no necessity to give a detailed paragraph

*[Handwritten signature]*

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Order of Appointment  
Lucknow Branch  
Date of Filing  
Date of Receipt by Post

wise counter reply to the facts, averments and allegations made in this application.

*[Signature]*

Lucknow, Dated :  
May 24<sup>th</sup>, 1999.

VERIFICATION

I, *Tej Bahadur Singh*  
*Assistant Personnel Officer*  
Lucknow, do hereby verify that the contents of paragraph 1 of the counter reply are true to my personal knowledge and those of paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are based on record and the same are believed to be true. The contents of paragraph 17 and 18 are based on legal advice and the same are believed to be true. The contents of paragraph 15 are believed to be true.

,presently posted as  
,Northern Railway,

*[Signature]*  
25/5

Lucknow, Dated :  
May 24<sup>th</sup>, 1999.

RECEIVED  
16/07/89  
Date of Filing  
Date of Receipt by Post

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow Bench, Lucknow.

ORIGINAL APPLICATION No.259 OF 1989

H.B. BISWAS

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

ANNEXURE No.C-1

Please Turn Over

137/1  
Date of Filing  
Date of Receipt by Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 262 of 1992

H.B. Biswas . . . . . Applicant

Versus

Union of India & 4 others . . . . . Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The applicant has approached this tribunal for quashing the impugned order dated 23.12.1986 passed by the Assistant Commercial Superintendent N. Railway for D.R.M. Lucknow, for recovery of Rs. 200/- per month from the salary of the applicant, and for quashing the other subsequent orders dated 19.8.87, 21.11.88 and 21.6.1991 passed by the authorities as detailed in para 8 of the relief clause and for further direction to the respondents to refund the amount which has been recovered from the applicant alongwith the interest @ 18% per annum.

2. Briefly stated the facts of this case, inter alia, are that the applicant is an Ex-Station Supt., Northern Railway, Amausi while working N. Railway Amausi and the impugned order dated 23.12.1986 was passed by the respondent no. 2 to recover the Rs. 200/- per month from the salary of the applicant commencing from the salary of the applicant for the month of December, 1986 and on words against the total sum of recovery amounting to Rs. 1,11,226/- (vide Annexure-1). Though, on representation made by the applicant further recovery was stopped from the salary of the applicant for the month of September, 1987, but a sum of Rs. 1,200/- was recovered from the salary of the applicant at the Rs. 200/- per month. It has further been stated that by an order dated 21.6.1991

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On 13/12/86

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passed by the respondent no. 2 further recoveries from the salary of the applicant were stopped and it was further ordered that the recoveries made so far from the salary of the applicant was sufficient to meet the ends of justice (vide Annexure-4) but by that time a total sum of Rs. 25,200/- was recovered from the salary of the applicant.

3. The main grievance of the applicants centres around the contentions that the impugned order dated 23.12.1986 was passed by the Assistant Commercial Superintendent (for D.R.M., N. Railway, Lucknow) <sup>who</sup> was not a competent authority in view of the item 4 under the caption "Recovery from pay of pecuniary loss caused to Government by negligence or breach of order" of the <sup>as per</sup> Railway Board' letter No. E(D&A)83-RG 6-45 dated 13.6.85 (vide Annexure-15) which clearly provides that Assistant Officers (junior scales and group B) can impose a penalty of recovery from pay of pecuniary loss caused to Govt. by negligence or breach of order <sup>on</sup> to Group 'D' and group 'C' staff in scale of pay rising upto Rs. 455 (RS), only. Whereas the applicant was working in the scale of Rs. 700-900 (RS) subsequently revised to scale Rs. 2000-3200 (RPS) on the crucial date i.e. 23.12.86, on which the <sup>above</sup> impugned order was passed by the Assistant Commercial Superintendent. It has further been stated that there has been violation of principle of natural justice and as such the impugned order be quashed.

4. This is noteworthy that despite ample time and opportunity having been afforded to the respondents, no C.A. has been filed as would be obvious from the perusal of the order dated 25.1.1993.

5. I have heard the learned counsel for the parties



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and have thoroughly gone through the records of the case.

6. This is significant to point out that Annexure-15 which is copy of G.M. (P)'s L/No. 52E/0/26-V/(D&A) dated 5.7.85/Rly.Bd's L/No.E(D&A)83-PG 6-45 dated 13.6.85

( P.S. No. 8769) and item 4 under the captioned "Recovery from pay of pecuniary loss caused to Govt. by negligence or breach of order" thereof provides that Assistant Officers (Junior scale and group B) can impose a penalty of

recovery from pay of pecuniary loss caused to Govt. by negligence or breach of order "on Group 'D' and Group 'C' staff in scale of pay rising upto Rs. 455(RS.). In this connection, it is worth while making mention of this fact that from the perusal of para 4.18<sup>(3)</sup> of the application of the applicant and from the scrutiny of the entire material on record it becomes obvious that the applicant was working in the scale of Rs. 700-900(RS) subsequently Revised to scale Rs. 2000-3200(RPS) as on 23.12.1986, and the above crucial date on which the impugned order dated 23.12.1986 was passed by the Assistant Commercial Suptdt.

7. Thus, this being so, I find that the impugned order dated 23.12.1986 (Annexure-1) passed by the Assistant Commercial Superintendent N. Railway Lucknow for D.R.M. N. Railway Lucknow and the ordering recovery of Rs. 200/- per month from the salary of the applicant for the month of December, 1986 and onwards for making making total recovery of Rs. 1,11,226/- from the applicant is without jurisdiction as he was not competent authority for passing such order.

8. This fact should also not be lost sight of that the impugned order dated 23.12.86 (Annexure-1) is quite cryptic and is not a reasoned and speaking order and it also does

not disclose as to whether explanation if any of the applicant was considered while passing the impugned order.

9. Thus, from the fore-going discussions and after considering all the facts and circumstances and all aspects of the matter, I find that the impugned order dated 23.12.1986 (Annexure-1) is invalid and illegal having been passed by the authority who is not competent to pass such order and thus, ~~it~~<sup>it</sup> is being so, the other subsequent orders dated 19.8.87, 21.11.88 and 21.6.91 (Annexures 2, 3 and 4) have also got no legal sanctity.

10. Consequently, the application of the applicant is allowed and the impugned orders dated 23.12.86, and 19.8.87, 21.11.88 and 21.6.91 respectively being invalid and illegal are quashed and the applicant is entitled to get the amount recovered from him in pursuance of the above order, refunded from the respondents, and the respondents are directed to refund the amount to the applicant which has been recovered so far from the salary of the applicant (in pursuance of the above impugned orders) within a period of three months from the date of receipt of the copy of this judgement. However, it shall be open for the respondents to proceed against the applicant in accordance with the extant rules and regulations and law in regard to the matters as referred to in Annexures 1, 2, 3 and 4.

11. In the circumstances of the case, the parties are directed to abide by their own costs.

Certified Copy  
Behandrs

Official Section  
C. A. T.  
LUCKNOW.

5/7/93

5/7/93

5/7/93

A-37

Regd / A d Post

4/15 July 24  
10-3-99

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

C.A. No. 253/98 89

H.S. Clause

.....

Applicant

-Do-

Union of India and others

.....

Respondents

**B-3699**

Hon'ble Mr. D.C. Verma - J.P.

Hon'ble Mr. A.K. Sinha - J.P.

*closed*

None for parties. The case is of the year 1998 but no C.A. filed by the respondents. It appears that the respondents has no case for filing their reply and so that no C.A. filed earlier. In case the case is not filed on the said date the C.A. shall be decided on the basis of pleadings on record.

Copy of this order be sent by Regd. Post to the respondents.

List on 20.4.99 for orders.

34/  
A.R.

34/  
A.R.

**Certified Copy**

*[Signature]*  
Secretary  
Judicial Section  
C. A. T.  
LUCKNOW

To,

- 1- Union of India through its Secretary, Railway Board Rail Bhawan, New Delhi.
  - 2- The General Manager, Northern Railway, Baroda House New Delhi.
  - 3- The Chief Security officer, R.P.R. Northern Railway Baroda House, New Delhi.
  - 4- The Divisional Railway Manager, Northern Railway - New Delhi.
- 9/2* *10/2/99*

समस्त केन्द्रीय प्रशासनिक न्यायिक एण्ड लॉन्ग वेच लॉन्ग 31-

N.R.

(408)

VAKALATNAMA

OAN-259/89

G. V. 3

Before

In the Court of  
General Administrative Tribunal  
Lucknow Bench  
Date of Filing  
Date of Receipt

11/4/89

Plaintiff  
Defendant

H.B. Biswas

Claimant  
Appellant  
Petitioner

Versus u/s

Defendant  
Plaintiff

Union of India & ors. Respondent

Keypath  
Ritika

The President of India do hereby appoint and authorise Shri... Siddharth Verma

Railway Advocate Lucknow.

to appear, act, apply plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants respondents/appellant/Plaintiff/opposite parties or enter into any agreement, settlement or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri.....

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the.....199

ACCEPTED

Sherma

Dated.....199

SIDDHARTH VERMA  
ADVOCATE  
C-16, K-ROAD MAHANAGAR EXTENSION  
LUCKNOW-226006  
PH. Resi 371398

13/17-1-1997-10.000 F.

Designation of the Executive Officer