

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

07292/89 INDEX SHEET

CAUSE TITLE OF

NAME OF THE PARTIES *Baldeo Prasad*

Applicant

Versus

00589

Respondent

Part A, B & C

| Sl. No. | Description of documents | Page |
|---------|------------------------------|------------|
| 1 | Order sheets | A1 to A3 |
| 2 | Check list | A4 to A5 |
| 3 | Judgement order dt. 25-1-94. | A6 to A7 |
| 4 | Copy of Petition from me. | A8 to A20 |
| 5 | Replies of Counter Attorney | A21 to A28 |
| 6 | Replies of Attorney | A29 to A34 |
| 7 | Amendments | A35 to A50 |
| 8 | Power | A51 to A |
| 9 | | |
| 10 | | |
| 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) *Wecelad act / destroyed*

Dated. *31-6-12*

Counter Signed. *Agarwal*

Section Officer / In charge

m
Signature of the
Dealing Assistant

07292/092

27-8-93

PK

No hearing of D. M. only
00 8.10.93

note

8.10.93

Adj to 9.11.93

note

OR

CDH Exchange

9.11.93

STH

D

Off Day of
CDH Exchange

SPY

OR

CDH Exchange

SPY

D

Off Day

14-12-93

Hon. Mr. S. N. Prasad, J. M.

Hon. Mr. V. K. Sett, A. M.

At the request of the
counsel for the parties
the case is adjourned
to 25/1/94.

(Cur)

AM

J. M.

95-196 for Mr. S. N. Prasad J. M.
Hon. Mr. V. K. Sett, A. M.

OR
CDH
has been ably
argued
S. D. by
S. D. by

25/1/94

Hon. R. K. Yadav, learned holder
of G. H. P. M. Baghav, learned
counsel for applicant and Shri
Amrit Swaraj, learned counsel for
respondents are present. Hearst
the learned counsel for the parties
judgment dictated separately.

AM

AM

26.8.92

D.R.

Applicant has not been filed.
Rejoinder. He is directed
to file rejoinder by 28.10.92.
Letter on rejoinder has been
filed by the learned Council
for the applicant sri R. Kumar.
Case is listed for final hearing
on 28.10.92.

due to autumn
vacation case is
missed on
8.1.93

S.P.M.

14.2.93 - No setting date to 8/3/93

6/1/93

20.3.93

No hearing of D.P. adj.
to 13.4.93

CR L.L.A. Exchanged

S.F.H.

13.4.93

16/2/93

No setting of D.B.

adjourned to 21.5.93.

28/2/93

20/5/93

Hearing date 1/6/93

SP

Call Exchange

21.5.93

No hearing of D.P.

Call J.W 21.6.93

S.F.H.

ON

Call J.W 30.6.93

of
collected
on
24/10/93

19/2/93

This file has been

fixed in 21.6.93, produced on the date

6/7/93, office to 9/7/93, file being produced
before 1.7.93. Last day to submit v.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 18/10/89
Date of L.C. Post.

Registration No. 292 of 1989(L)

Deputy Registrar (P)

APPLICANT(S) Baldeo Prasad

RESPONDENT(S) UHM OF India

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? *Five Sets Filed*
3. a) Is the appeal in time? Yes
- b) If not, by how many days is it beyond time?
- c) Has sufficient cause for not making the application in time been filed?
4. Has the document of authorisation/ Vakalatnama been filed? Yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/- Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? Yes
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed? Yes
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
- c) Are the documents referred to in (a) above neatly typed in double space? Yes
8. Has the index of documents been filed and pagging done properly? Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

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? Yes ✓

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/

| Serial number of order and date | Brief Order, Mentioning Reference if necessary | How complied with and date of compliance |
|--|--|--|
| 26/10/04 <i>See original order on main petition</i> | <p><u>Hon. Justice K. N. Mukherjee</u></p> <p>Issue notice to O.P. to show cause why the application may not be admitted but for admission on 12/11/04</p> <p><i>V.C.</i></p> | <p><i>Or</i> Issue notice to O.P. to show cause why the application may not be admitted but for admission on 12/11/04</p> <p><i>OP No 3 notice has been returned back</i></p> |
| 12/11/04 | <p>No sitting. Adm'td to 10-1-90.</p> <p>He for the applicant is present.</p> | <p><i>l</i></p> |
| 10/1 | <p>No sitting. Adm'td to 5-3-90.</p> <p><i>l</i></p> <p><i>10/1/90</i></p> | <p><i>Or</i> Notices are issued on 10/1</p> |
| 5/3/90 | <p><u>Hon. J. P. Sharma, J.M.</u></p> <p>The respondent files power. The matter relates to the imposition of penalty in an inquiring held under section 9(2) of D.A.R. 1968. The matter is admitted. Let the counter affidavit be filed within 4 weeks and rejoinder affidavit if any within 2 weeks thereafter.</p> | <p><i>S.P.A</i></p> |
| | <p>list for final hearing on</p> | <p><i>2/5/90</i></p> |
| 28/5/90 | <p><i>✓</i></p> <p><i>J. M</i></p> | <p><i>Or</i></p> |
| 28-5-90 | <p><u>Hon. Mr. P. C. Jain, A.M.</u></p> <p><u>Hon. Mr. J. P. Sharma, J.M.</u></p> <p>learned counsel for the respondents prays for further 3 weeks time to file reply. The learned counsel for the</p> | <p><i>NO. 1</i></p> <p><i>S.P.H</i></p> |
| | <p>Opplicant has no objection. Applicant may file rejoinder within 2 weeks thereafter. List on 11-7-90 for hearing.</p> | <p><i>2/5</i></p> |
| Dinesh | <p><i>D</i></p> <p><i>J. M</i></p> | <p><i>AM</i></p> |

%

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

ORIGINAL APPLICATION No. 292 of 1989

Baldeo Prasad

Applicant

versus

Union of India through Secretary,
Minisrtry of Railways,
New Delhi and another

Respondents.

HON. MR. S.N. PRASAD, JUDICIAL MEMBER.

HON. MR. V. K. SETH, ADMN. MEMBER

(Hon. Mr. S.N. Prasad, Judicial Member.)

The applicant has approached this Tribunal for setting aside the impugned punishment order dated 17.1.89(Annexure No. 3).

2. Succinctly, the brief facts of the case, interalia, are that the applicant entered the service of N.E. Railway on the post of Pump Khalasi in the year 1960 and got his promotion on due dates upto the post of Driver Grade A, and the last promotion was made about 6 years prior to that. It has furtehr been stated that while the applicant was posted as Driver grade "A" at Gonda, he was served with a charge sheet dated 30.6.88 issued by respondent No. 3(vide Annexure No. 1). Enquiry proceeded and ultimately culminated into ^{impugned} ~~ultimate~~ punishment order dated 17.1.89(Annexure No. 3).

3. Being aggrieved against the aforesaid impugned order, the applicant preferred an appeal dated 19.3.89 to the A.D.R.M., N.E. Railway, Lucknow, through proper channel, but that appeal has still not been decided.

4. We have heard the learned counsel for the parties and have thoroughly gone through the records of the case



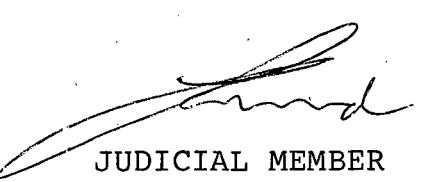
and we find that ~~the~~ since the above appeal has still not been decided by the A.D.R.M., N. E. Railway, the ends of justice would be met, if the A.D.R.M., N.E. Railway, Lucknow is directed to decide the above appeal, by reasoned and speaking order, in accordance with extant rules and regulations, within a period of two months from the date of receipt of copy of this judgment; and we order accordingly. It shall be open for the applicant to approach this Tribunal if he is not satisfied by the decision of the appellate authority.

5. The application of the applicant is disposed of as above. No order as to costs.


ADMN. MEMBER.

LUCKNOW: DATED 25.1.94

Shakeel/


JUDICIAL MEMBER

25/1/94

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of filing 18/10/89

Date of Receipt by Post.....

In the Central Administrative Tribunal Power Registry (J)

Additional Bench, Allahabad.

Circuit Bench, Lucknow.

O.A.no.

292

of 1989(L)

Baldeo Prasad.

Applicant.

Vs.

The Union of India and others.

Respondents.

Caompliation.....A.

Compliation.....B.

filed today
Noted for 26.X.89

12.10.89
Bhairon Ji

Devan

Set 10.10.89
92-93-28

DATED: 13.10.1989.

(P.N.Bajpai)

Advocate
Counsel for the applicant.

Address: Bhairon Ji
Road, Lucknow.

Amulya

In the Central Administrative Tribunal

Additional Bench Allahabad

Circuit Bench Lucknow.

O.A. No. 292 of 1989(L)

Baldeo Prasad

Applicant.

Vs.

The Union of India & Others

Respondent.

COMPIILATION = A

Sl.

no. Description of documents relied upon Page nos.

1. Application U/S 19 Central Administrative Act. 1985 : 1 to 9

2. Impugned order dated 17.10.89

Annexure = 3

: = 10 =

Dated: 17.10.89


(P.N. Bajpai)
Advocate
COUNSEL FOR THE APPLICANT.

In the Central Administrative Tribunal
Addl: Bench: Allahabad Circuit
Bench: Lucknow.

O.A.No. 292 of 1989. (4)

NAMES OF PARTIES

Baldeo Prasad, aged about 51 years s/o late
Sri Govind Prasad employed as Driver Grate
Loco Shed N.F.Railway Gonda.

Applicant.

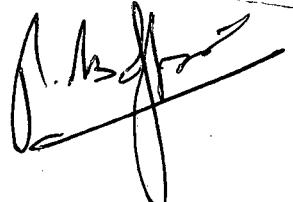
Versus.

1. The Union of India, through the Secretary
Ministry of Railway, New Delhi.
2. The Divisional Railway Manager, N.F.Rly.
Lucknow.
3. The Senior Divisional Mechanical Engineer,
Lucknow Junction Lucknow.

DATED: 13.10.1989.

....
.... Respondents.


Applicant.



In the Central Administrative Tribunal

Additional Bench Allahabad

Circuit Bench Lucknow.

O.A. No. 292 of 1989 (L)

Baldeo Prasad, aged about 51 years, S/O Sri
Late Govind Prasad, employed as Driver Grade
'A' Loco Shed N.E. Railway Gonda.

... Applicant.

Vs.

1. The Union of India, through the Secretary
Ministry of Railway, New Delhi.

2. The Additional Divisional Rail Manager
N.E. Railway, Lucknow.

3. The Senior Divisional Mechanical Engineer
Lucknow Junction, Lucknow

... Respondents.

1. DETAILS OF APPLICATION.

(i) Name of Applicant : Baldeo Prasad

(ii) Name of the Father/ Husband : Late Govind Pd.

(iii) Designation and office in which employed : Employed as Driver
Grade 'A' Loco
Shed N.E. Railway
Gonda

(iv) Office Address : - do-

(v) Address for service of all notices : - do-

QmtdyRTH

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION.

The Applicant further declares that the application is within the limitation on prescribed in section 21 of the Administrative Tribunal Act.1985.

4. FACTS OF THE CASE

The facts of the case are given below:-

(a) That the applicant entered in the services of the N.E. Railway on the post of Pump Khallasi in the year 1960. He had got his promotion on the due date upto the post of Driver Grade 'A'. The last promotion was made about 6 years before.

(b) That the Appellant was posted as Driver Grade 'A' at Gonda. He was peacefully working on his post without any complaint from any corner. All of sudden he was served with a chargesheet dated 30.6.88, issued by the O.P. No.3. The copy of the chargesheet alongwith the Annexures is filed herewith as Annexure -1 to this Petition.

(c) That the Chargesheet has been issued on a printed form which shows that the O.P.No.3 has failed to apply his own mind and has simply signed in a mechanical way.

Om Prakash

(d) That the Applicant on receipt of the Chargesheet moved an application in which the request was made for inspection and the copies of the documents mentioned in the application on 2.6.1988, but no attention was paid. The copies have not been supplied. The copy of the application is filed herewith as Annexure no.2 to this Application;

(e) That the Petition has been supplied with a copy of the Enquiry Report held by the Loco Foreman in which the petitioner and Foreman Grade 'B' Sri Ramdeon Gupta were held responsible for LEAD PLUG FUSION. The copy of this report is already on record.

(f) That the applicant wants to point out that the preliminary Enquiry Report was ex-parte. The preliminary enquiry was not made in presence of the Applicant. The Engine was inspected in absence of the applicant. The Enquiry officer had written his report according to his sweet will. The real cause of LEADPLUG FUSION was not investigated.

(g) That the Applicant could not submit the reply of the Chargesheet for want of the copies applied through the application Annexure-2. No reply was given, the orders passed on the application, if any, were never communicated to the Applicant.

(h) That Sri M.S. Lal Loco Inspector was appointed as Enquiry Officer who has recorded the Statement of the Applicant without jurisdiction. There is no provision to record

Om Gayatri

the Statement of the charged person. In fact the Enquiry Officer had tried to show the admission of the applicant towards the charges.

(i) That the Enquiry officer has failed to record the statements of the prosecution witnesses mentioned in the Chargesheet. He has further failed to give the opportunity to the applicant to cross examine them. Further the opportunity of defence and personal hearing has been denied by the Enquiry Officer.

(j) That the Enquiry Officer has submitted his Ex-parte report to the O.P.No.3 without any knowledge of the Applicant. It is said that the Enquiry officer has found the petitioner guilty for the Charges.

(k) That the O.P.No.3 on receipt of the Enquiry Report passed the final orders on 17.1.89. The order has been issued on Cyclostyled Form. It was received by the applicant on 15.3.89. The copy of the order is Annexure-3 to this Application.

(l) That the punishment of reduction in the pay scale from Rs.1900/- to Rs.1800/- has been imposed. This is a major punishment, hence the compliance of the Art. 311(2) and the Railway disciplinary rules was necessary, but these provisions have been violated.

amulyali
 (m) That the Petitioner/ applicant had stated in his Statement that the reason of LeadPlug Fusion was that the left side top clock valve was opened and the applicant tried to bring it in original position

X

5.

but it could not be set right due to mechanical defect in the engine. The applicant tried to supply the water to the Boiler through the right Injector, but in the meantime right Top Clock Valve was opened and the steam was blown from the both sides.

(n) That the Led Plug was not sent for C.M.T. for the test. This report tells the actual reason of LED PLUG FUSION after investigation.

(o) That the ~~Enginem~~ Engine was overdue washed out. According to the rules and practice the Boiler must be cleaned within a week, but the present Engine was not washed out since several weeks. Due to this reason the instance of LED PLUGFUSION took place.

(p) That there are procedural irregularities in the Enquiry Proceedings. In fact no oral Enquiry has been held. This was the duty of the Enquiry officer to hold the enquiry by producing the witnesses in support the charges. The charges could not be presumed as proved.

(q) That the order of punishment is a non-speaking order. No findings have been given by the punishing authority. The Applicant could not know how the charges have been found proved against him.

and quratic

(r) That the report of Enquiry officer has been relied on in the punishment order, but it has not been made as party of the punishment order. It is violation of Art. 311(2) of the Constitution of India.

6.

(s). That the petitioner being aggrieved from the punishment order filed an appeal before the O.P.no. 2 on 19.3.1989 which is still pending. The copy of the appeal is filed herewith as Annexure 4 to this application.

(t). That the punishment order contained in Annexure 3 is liable to be quashed.

5. Grounds for relief with legal provisions:-

(A). That the charge sheet has been issued on a printed form which shows that the o.p.no. 3 has failed to apply his own mind and has simply signed in a mechanical way.

(B). That the petitioner applied for inspection and the copy of the document but no orders have been passed. Due to this reasons the reply of the charge sheet could not be submitted.

(C). That the engine was inspected in absence of the applicant, hence the applicant could not point out the menchenical defects.

(D). That no oral inquiry was held no witness in support of the charges was examined and the opportunity of cross examination , defence and personal hearing has been denied.

(E). That the order of punishment is based on exparty inquiry report. The reasonable opportunity to defend the case has been

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denied at every stage of inquiry.

(F). That the punishment order has been passed on a cyclostyled form which shows that the punishing authority has not applied his own mind. Further no findings has been given by the inquiry officer.

(G). That the report of the inquiry officer has been relied on in the punishment order but it has not been made as part of the punishment order. It is violation of Art. 311(2) of the constitution India.

(H). That the lead plug fusion took place due to mechanical defects in the engine.

(I). That the Lead plug was not sent for test to the C.M.P. This report tells the actual reason of fusion after the investigation.

(J). That there are procedural irregularities in the inquiry proceedings. In fact no oral inquiry was held and the statement of the applicant was recorded against the rules.

(K). That the charges could not be presumed as proved without the evidence.

(L). That more than six months have been passed but the appeal has not been decided.

(M).

8.

(M). That the punishment order is liable to be quashed.

6. Details of the remedies exhausted:-

The appeal has been submitted to the opp-party no. 2 on 19.3.1989 which is still pending. The applicant could not wait for the result of the appeal.

7. Whether the matter is pending or the same was filed previously:-

Neither the matter is pending in any court of law in India nor it was filed earlier before this Tribunal or any other court of law.

8. Reliefs sought:

The applicant prays for the following reliefs:-

I. That the order of punishment contained in Annexure 3 may be declared as illegal, void and not operative in the eye of law. It may be quashed and the petitioner may be reinstated on his original pay of Rs. 1900/- and may be allowed all the arrears incurred upto date with interest at the bank rate.

II. That the cost of the petition may be awarded to the applicant.

III. That any other relief which this Hon'ble Tribunal deems fit and proper may be allowed to the petitioner.

AMAYAH

9.

9. Interim relief, if any.

No interim relief is prayed for.

10. Particulars of the Bank Draft/Postal order in receipt of the application fee:-

1. Number of Indian Postal ^{DD} 6 839213 orders.
2. Name of the issuing post office. Highcourt Neo Beach.
3. Date of issue of postal order. 10.10.89
4. Post office at which payable. G.P.O Alld. f.2 K0

II. In verification :

I Baldeo Prasad son of late Sri Govind Prasad r/o employed as Driver Grade 'A' Loco Shed N.E.Railway Gonda do hereby verify that the contents from 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Ambedkar
DATED: 13.10.1989. Signature of applicant.

In the Central Administrative Tribunal: Adm. Bench:
Allahabad : Circuit Bench: Lucknow.
Baldeo Prasad

Versus.

Union of India and ors.

Applicant

Respondents ^X

ANNEXURE NO. 3

STAFF COPY

FORM NO. 2.

NORTH EASTERN RAILWAY

Orders of imposition of penalty of reduction to a lower stage in
the time scale of Pay under Rules (v) of the Railway Servants (D&A)
Rules, 1968.

No. पा/30/6/89

Dated 17.1.89

To,

Name कृष्ण बद्रदेव प्रसाद

Father's name बद्रदेव प्रसाद

Designation कृष्ण बद्रदेव प्रसाद

Department कृष्ण बद्रदेव प्रसाद

Ticket No. X Date of appointment 15.1.60 (प्राप्ति)

station कृष्ण बद्रदेव प्रसाद scale of pay 1600-2660

shri कृष्ण बद्रदेव प्रसाद कृष्ण बद्रदेव प्रसाद कृष्ण बद्रदेव प्रसाद
(name, designation & office in which he is employed)

* (under suspension) is informed that the Inquiry Officer/Board of Enquiry appointed to enquire into the charge(s) against him has/ have submitted his/their report. A copy of the report of the Inquiry Officer/Board of Enquiry is enclosed.

2. On a careful consideration of the enquiry report aforesaid the undersigned agrees with the finding(s) of the Inquiry Officer/Board of Enquiry and holds that the article(s) of charge is/are proved.

OR

* On a careful consideration of the enquiry report aforesaid the undersigned agrees with the finding(s) of the Inquiry Officer/Board of Enquiry is so far as it relates to article(s) of charge No.(s) and for reasons stated in the attached Memorandum holds that article(s) of charge No.(s) which the Inquiry Officer/Board of Enquiry has/have held is not proved/proved, in also proved/not proved.

3. The undersigned has, therefore, came to the conclusion that the penalty of reduction to the lower stage at Rs. 1800/- in the time scale of pay of Rs. 1600-2660 may be imposed on Sri कृष्ण बद्रदेव प्रसाद

for a period of two years (here state the period) shri कृष्ण बद्रदेव प्रसाद is therefore, reduced from the stage of Rs. 1900/- to the stage of Rs. 1800/- in scale of pay Rs. 1600-2660

at present held by him for a period of two years X months from the date of this order with/without postponing future increments.

4. Under Rule 18 of the Railway Servants (D&A) Rules, 1968 an appeal against those orders lies to AD B.M.I.T.M provided:-

- the appeal is submitted through proper channel within 45 days from the date of receipt of these orders and
- The appeal does not contain improper or disrespectful language.

5. Please acknowledge receipt of this letter.

प्राप्ति कृष्ण बद्रदेव प्रसाद Signature 16/1/89
1) श्री ताजदेव प्रसाद राजक प्रेस लर्न/गोपा।
2) श्री-को/गोपा।
3) का. 3(2) फिल्म/गोपा।
4) का. 3(2) फिल्म/गोपा।
* strike out which ever is not applicable.

Name & Desig. of the disciplinary authority

प्रमाणित दस्तावेज

मामूली

True copy
After read
J. M. H.
13.1.89

Recd. 15/3/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

M. P. No. 425-190(L),
Civil Misc. Application No. of 1990(L)

In Re:

Registration(O. A.) No. 292 of 1989 (L)

Baldeo Prasad..... Applicant/
Petitioner

Versus

Union of India and Others..... Respondents.

Fixed For: 11.07.90

APPLICATION FOR CONDONATION OF DELAY IN

FILING COUNTER REPLY

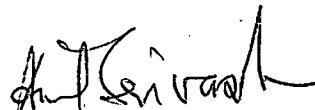
That delay in filing counter reply is not
intentional or deliberate but due to administrative
and bonafide reasons, which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed
that in the interest of justice, delay in filing
counter reply may kindly be condoned and counter
reply may be taken on record.

Lucknow

Dated: 11.7.90


(ANIL SRIVASTAVA)
ADVOCATE

Counsel for Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

M. P. No. 425/90 (L)
Civil Misc. Application No. of 1990(L)

In Re:

Registration (O. A.) No. 292 of 1989 (L)

Baldeo Prasad..... Applicant/
Petitioner

Versus

Union of India and Others..... Respondents.

Fixed For : 11.07.90

APPLICATION FOR VACATION OF INTERIM ORDER

That for the facts and reasons stated in the accompanying Counter Reply, it is most respectfully prayed that in the interest of justice the interim order granted in this case may kindly be vacated and ad-interim order the said effect may also be passed.

Lucknow.

Dated: 11.7.90


(ANIL SRIVASTAVA)
ADVOCATE

Counsel for Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Registration (O. A.) No. 292 of 1989(L)

Baldeo Prasad Applicant/
Petitioner

Versus

Union of India and Others..... Respondents.

Fixed For: 11.07.90

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Keshava Deo working as SrDME
, in the office of Divisional Railway Manager,
North Eastern Railway, Ashok Marg, Lucknow do
hereby solemnly affirm and state as under:-

1. That the official abovenamed is working under the respondents and is fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the respondents to file this Counter Reply on their behalf.
2. That the contents of paras 1 to 3 of the original application ~~xxxxxxxxxxxx~~ do not call for reply.

That reply to the contents of para 4 of the original application are as below.

3. That the contents of paras 4 (a) and 4(b) of the application are admitted.
4. That the contents of para 4 (c) of the application are categorically denied. The opposite party/respondent No. - 3 after carefully considering

Cont..... 2..

बवर मण्डल यांत्रिक इंजीनियर,
४०३०८०, लखनऊ

the matter and after applying his mind issued the said chargesheet on the prescribed form, strictly as per rules.

5. That the contents of para 4 (d) of the application are categorically denied and applicant be put ~~to~~ strict proof for the allegations made in the para. As per records no such application (Annexure No. 2) was ever received by the answering respondents. Therefore the alleged Annexure No. 2 appears to be a manufactured and forged document. However, a perusal of chargesheet contained ⁱⁿ the Annexure No. 1 to the application itself indicates that all relied upon documents were duly given to the applicant along- with the such chargesheet.
6. That the contents of para 4 (e) of the application are admitted.
7. That the contents of para 4 (f) of the application are categorically denied. The applicant was duly present at the time of ~~said~~ preliminary enquiry. The preliminary enquiry was conducted by the Mechanical Boiler Inspector, Northern Railway, Lucknow, who carefully examined the Loco No. 8029-W.G. in the presence of engine crew including Sri Baldeo Prasad, Driver-A, Gonda shed. The applicant has also put his signature on the said enquiry report. Here it may be clarified that Lead Plug Fusion System is ~~used~~ in steam engine for safety of its Boiler, to maintain the proper water level in the Boiler. If the proper water level is not maintained in the Boiler, the steam in the Boiler melts the Lead Plug and the steam within the Boiler leaks out through the

एवर मण्डल यांत्रिक इंजीनियर,
पू.उ.र०, लखनऊ

system Lead Plug Fusion. It is the first and foremost duty of a steam engine driver to check and maintain the proper water level in the Boiler to avoid any Lead Plug Fusion.

8. That the contents of para 4 (g) of the application are categorically denied. As per records the applicant also did not submit his defence statement and inspite of repeated reminders he failed to give the name of his defence counsel.
9. That the contents of para 4 (h) of the application are not admitted as alleged. The applicant was never compelled to give his statement but he gave his statement to the enquiry officer on his own free will.
10. That the contents of para 4 (i) of the application are not admitted as alleged. Since the applicant has already accepted the charges contained in Annexu No. 1 and Annexure No. 2 of the chargesheet hence recording of statements of prosecution witnesses were not required. The applicant was also given all the reasonable opportunities available under the rules to defend himself.
11. That the contents of para 4 (j) of the application are categorically denied. The enquiry was conducted in the presence of the applicant in which ^{he} ~~he~~ duly accepted his charges before the enquiry officer. The applicant had the knowledge of enquiry and the enquiry report.

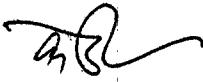
शिवर मण्डल यांत्रिक इंजीनियर,
२००८, लखनऊ

12. That in reply to the contents of para 4 (k) of the application, it is stated that the punishment order was issued on ~~prescribed~~ from, strictly as per rules.
13. That the contents of para 4 (l) of the application are not admitted as alleged. There has been no violation of Article 311 (2) of the Constitution as alleged. The punishment of reduction in pay/grade has been issued for violation of rules 3(i), (ii) and (iii) of the Railway Service (Conduct) Rule 1966.
14. That the contents of para 4 (m) of the application are not admitted as alleged. The main cause of Lead Plug Fusion is shortage of water and not mechanical fault/defect. However, the applicant has admitted his charges.
15. That the contents of para 4 (n) of the application are not admitted as alleged. There was no necessity to sent the Lead Plug for CMT for test. Fused Lead Plug was examined in the presence of the applicant and there was no water in the gauge glasses which indicates that the front Lead Plug has fused due to shortage of water in the Boiler. The applicant has signed in the joint inspection report of MBI/LKO.
16. That in reply to the contents of para 4 (o) of the application, it is stated that it is true that engine was running over-due wash out but it is specifically stated that it can not be a reason of Lead Plug Fusion.

मुख्य मण्डल यांत्रिक इंजीनियर,
पू.उ०र०, लखनऊ

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17. That the contents of para 4 (p) of the application are denied. No irregularity was committed as alleged. The charges ~~levelled~~ against the applicant stood fully proved.
18. That the contents of para 4 (q) of the application are denied. The punishment order is a reasoned order. Even the applicant has himself admitted his charges.
19. That the contents of para 4 (r) of the application are categorically denied. There has no violation of the provision of Article 311 (2) of the Constitution of India as alleged. The applicant was supplied with all the relied upon documents and necessary papers.
20. That the contents of para 4 (s) of the application are categorically denied. No appeal as alleged has been preferred by the applicant neither it is pending as alleged. The applicant be put to strict proof for the allegations made in the para and if he is not able to proof that he has filed the alleged appeal then this original application may be dismissed as premature with costs in favour of the answering respondents.
21. That the contents of para 4 (t) of the application are denied. This application itself is liable to be dismissed with cost in favour of the answering respondents.


मध्यम प्रबन्ध यांत्रिक इंजीनियर,
धूमरो, लखनऊ

22. That the grounds mentioned in para 5 of the

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original application are misconcieved, irrelevent, vague, illegal, and not applicable instent case.

23. That the contents of para 6 of the application are categorically denied. The applicant has not exusted the departmental remedy as alleged.
24. That the contents of para 7 of the application do not call for reply.
25. That in reply to the contents of para 8 of the application, it is stated, ^{that} the applicant is not ~~xxxxxx~~ entitled to any relief as claimed rather this original application itself is fit to be rejected with costs in favour of the answering fespondents and against the applicants.

Lucknow

Dated: 28/6/90

✓ श्रद्धर मण्डल यांत्रिक इंजीनियर,
पूर्वोरो, लखनऊ

VERIFICATION

I, the official abovenamed do hereby verify that the contents of para 1 of this Counter Reply is true to my personal knowledge and those of paras 2 to 25 of this Counter Reply are believed by me to be true on the basis of records and legal advice.

Lucknow

Dated: 28/6/90

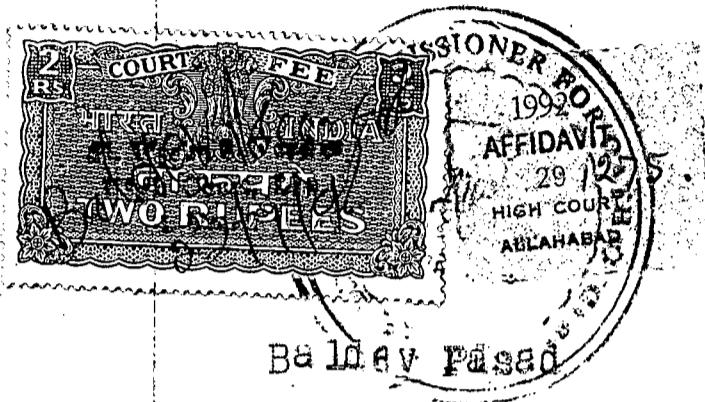
श्रद्धर मण्डल यांत्रिक इंजीनियर,
पूर्वोरो, लखनऊ

In the Central Administrative Tribunal, 1

Additional Bench- Allahabad
Circuit Bench - Lucknow.

O.A. No. 292 of 89 (A)

Fl. 26-8-92



Baldev Prasad

... Applicant

Vs.

The Union of India & Others ... Opp. parties.

Rejoinder Affidavit.

I, Baldev Prasad, aged about 52 years S/O Late Sri Govind Prasad, employed as Driver Goods Train, Loco Shed, N.E. Railway, Gouda, do hereby solemnly affirm as under.

1. That the contents of para 1 of the C.A. needs no reply.
2. That the contents of para 2 of the C.A. needs no reply.
3. That the contents of para 3 of the C.A. needs no reply.
4. That the contents of para 4 of the C.A. are denied. The Charge sheet has not been issued properly. It has been issued on the printed Form which shows that the issuing authority has not applied his own mind.
5. That the contents of para 5 of the C.A. are denied. The allegations made in para 4(d) of the application are reiterated which are correct. The Application Annexure-2 must be



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in the office of the opp. parties. The opp. Parties want to conceal the correct fact. It is wrong to say that the copies of the documents were supplied to the deponent. In fact copies were not supplied.

6. That the contents of para 6 of the C.A. needs no reply.

7. That the contents of para 7 of the C.A. are denied. It is wrong to say that the deponent was present during the preliminary enquiry. The allegations of examination of the Engine by the Enquiry Officer, in presence of the deponent is denied. No information was given to the deponent. The lead plug of the Engine was defective. The real cause of lead plug fusion were not investigated. In fact the engine was not washed, in time which resulted the lead plug fusion. The water level was correctly maintained by the deponent and it was not the cause of lead Plug Fustion.

8. That the contents of para 8 of the C.A. are denied. The reply was not possible as the copies of the documents were not supplied to him. The reply of the application Annexure-2 was not given to the deponent.

9. That the contents of para 10 of the C.A. are denied. The statement of the deponent was forcibly recorded. The deponent never gave his statement from his own sweetwill.

10. That the contents of para 10 of the C.A. are denied. The deponent never accepted the



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charges. The allegations are false and have been concocted for purposes of the N.S. The ex-parts enquiry was necessary, if the petitioner/ deponent was not co-operating with the enquiry. The charges could not be presumed as proved.

11. That the contents of para 11 of the C.A. are denied. The allegations of accepting the charges are false. The deponent never accepted the charge. In fact no enquiry was held hence there was no question to accept the charges. No information of the date of enquiry was given to the deponent.

12. That the contents of para 12 of the C.A. are denied. The order has been issued on printed form which shows that the punishing authority has failed to apply his mind in awarding the punishment.

13. That the contents of para 13 of the C.A. are denied. The provisions of Art. 311 of the Constitution of India have been violated. No such rule was violated by the deponent. Further the contents of para 4(1) of the application are reiterated.

14. That the contents of para 14 of the C.A. are denied. The contents of para 4(m) of the application are reiterated. The cause of led plug fusion was not the shortage of water. It was mechanical defect. The deponent never admitted the charges.

15. That the contents of para 15 of the C.A. are denied. It was necessary to send the Led Plug for CMT for test to know the actual

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reason of led plug fusion. The water level was maintained and it was not the reason of led plug fusion. The signature of the deponent have been obtained by misrepresentation of the fact. The engine was not inspected in presence of the deponent.

16. That the contents of para 16 of the C.A. are denied. The Opp. parties have admitted that the engine was running over due wash out. In fact this was the reason of the led plug fusion.

17. That the contents of para 17 of the C.A. are denied. There are procedural irregularities at every stage of enquiry. The charges could not be presumed as proved without holding the proper enquiry.

18. That the contents of para 18 of the C.A. are denied. The deponent never admitted the charges. The order is a non speaking order.

19. That the contents of para 19 of the C.A. are denied. The documents proposed to be relied on in support of the charges were not supplied to the deponent. It is clear violation of Art. 311(3) of the Constitution of India.

20. That the contents of para 20 of the C.A. are denied. The contents of para 4 (s) of the application are reiterated. The appeal was filed which must be in the office of the Opp. parties.

21. That the contents of para 21 of the C.A. are denied. The application is liable to be allowed with cost.

22. That the contents of para 22 of the C.A.



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are denied. The application is based on true facts and on the genuine grounds. Further the contents of para 5 of the application are reiterated.

23. That the contents of para 23 of the C.A. are denied. The remedy was exhausted by filing of the appeal.

24. That the contents of para 24 of the C.A. needs no reply.

25. That the contents of para 25 of the C.A. are denied. The deponent is entitled to get the reliefs claimed. The application is liable to be allowed with cost.

26. That the order of punishment is based on the false facts and could not be sustained in the view of law.

27. That the order of punishment is a non-speaking order and is ex-parte also.

28. That the provisions of Railway Servant disciplinary proceedings rules have been violated.

29. That the deponent is entitled to be reinstated on the post of Driver Grade-A with full salary and other benefits accordingly.

Dated: 22.4.92

AMUL DUTTY
Deponent.

verification.

I, the above named deponent do hereby verify that the contents of paras 129 of the R.A. are true to my knowledge to the extent of the facts, but the legal points are believed by me to be true on the basis of the legal advice.

6.

Signed and verified today this the day of March, in Court Compound at Lucknow.

Om Prakash
Deponent.

I identify the deponent who has signed before me.

A. M. Bajpai
(P.N. Bajpai)
Advocate.

Solemnly affirmed before me on 28.3.92 at 11, 2nd A.M./P.M. by Sri Baldev Prasad, the above named deponent who is identified by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad (Lucknow Bench) Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over and explained by me.



Shikha Srivastava

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|-----------------------------|
| SHIKHA SRIVASTAVA |
| CHIEF COMMISSIONER |
| High Court of Judicature at |
| ALLAHABAD |
| Lucknow Bench Lucknow. |
| No. 29/1275 |
| Date 22.3.92 |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench Allahabad

Circuit Bench Lucknow.

O.A. No. of 1989(L)

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Baldeo Prasad

Applicant

vs.

Union of India & Others

Opp. parties.

COMPLIATION 'B'

=====
Sl. No. Description of documents Page nos.

1. Annexure =1, Chargesheet : 1 to 9
2. Annexure =2, Reply of Chargesheet : 10 to 14
3. Annexure= 4, Copy of Appeal : 15 to 16
4. Wakalat Nama : = 17 =

Dated: 17.10.89

COUNSEL FOR THE APPLICANT.

(P.N. Bajpai)
Advocate

In the Central Administrative Tribunal: Adul.
Allahabad : Circuit Bench: Lucknow.
Baldeo Prasad

Versus.

Union of India and ors.
ANNEXURE NO. 1

Applicant
Respondents

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रेस्टाफ़ फार्म

पर्वोत्तर रेलवे
N. E. Railway

प्र० ८०—जी० ३५४ (मंशोधित)
N. E.—G. 354 (R)

आरोप पत्र का मानक-फार्म
Standard Form of Chargesheet.

मानक फार्म नं० ५
Standard Form No. 5

[रेल कर्मचारी (अनुशासन और अपील) नियम, 1968 का नियम 9]
[Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968]

संख्या..... M/30/61/88
No.

(रेल प्रशासन का नाम) DRM (रु.) / L J N
(Name of Railway Administration)

(जारी करने का स्थान)..... L J N
(Place of issue)

तारीख..... 19. 2. 88
Date

ज्ञापन
MEMORANDUM

1. * राष्ट्रपति/रेलवे बोर्ड/निम्नहस्ताक्षरकर्ता रेल कर्मचारी (अनुशासन और अपील) नियम, 1968 के नियम-9 के अधीन श्री के विरुद्ध जांच करने की प्रस्थापना करते हैं। अब वार या कदाचार के अभ्यारोपणों का सार, जिनके सम्बन्ध में जांच करने की प्रस्थापना है, आरोप के अनुच्छेदों के विवरण (अनुबन्ध-I) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में अबचार या कदाचार के अभ्यारोपणों का विवरण संलग्न है (अनुबन्ध-II) जिन दस्तावेजों से और जिन साक्षियों द्वारा आरोप के अनुच्छेदों की पुष्टि की जाने की प्रस्थापना है, उनकी भी एक सूची संलग्न है (अनुबन्ध-III और IV) *दस्तावेजों की सूची में उल्लिखित दस्तावेजों की प्रतियां अनुबन्ध-III के रूप में संलग्न हैं।

1. The President/Railway Board/undersigned propose(s) to hold an inquiry against Shri
..... under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures-III & IV). * Further, copies of documents mentioned in the list of documents, as per Annexure-III are enclosed.

2. **श्री को एतद्वारा सूचित किया जाता है कि यदि वह चाहे तो इस कार सकता है और उनके उद्धरण ले सकता है। इस प्रयोजन के लिए इस ज्ञापन की प्राप्ति के बाद उसे तत्काल *** से सम्पर्क स्थापित करना चाहिए।

2. **Shri is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose he should contact *** immediately on receipt of this memorandum.

3. श्री को आगे यह भी सूचित किया जाता है कि यदि वह चाहे तो दस्तावेजों का निरीक्षण करने तथा मौखिक जांच की स्थिति में जांच प्राधिकारी के समक्ष अपना मामला प्रस्तुत करने में सहायता के लिए किसी अन्य रेल कर्मचारी/रेलवे ट्रेड यूनियन के किसी पदाधिकारी [जो रेल कर्मचारी (अनुशासन और अपील) नियम-1968 के नियम-9(13) और यथा स्थिति उनके नीचे नोट-1 और/अथवा नोट-2 की अपेक्षाओं को पूरा करते हैं] की सहायता ले सकता है। इस प्रयोजन के लिये अधिमान्यता क्रम में उसे एक या अधिक व्यक्तियों का नाम निर्देशन करना चाहिये। सहायक रेल कर्मचारी (कर्मचारियों) या रेलवे ट्रेड यूनियन के पदाधिकारी (पदाधिकारियों) का नाम निर्देशन करने से पहले श्री द्वारा नामित व्यक्ति (व्यक्तियों) से वचन ले लेना चाहिये कि वह (वे) अनुशासनिक कार्यवाही के दौरान उसकी सहायता करने के लिए तयार है/हैं। वचनवद्ध में ऐसे अन्य मामले (मामलों) का, यदि कोई हो, विवरण भी दिया जाना चाहिये, जिसमें नामित व्यक्ति (व्यक्तियों) द्वारा सहायता करने का पहले ही वचन दिया जा चुका है और नाम निर्देशित द्वारा दिया गया वचनवद्धनामांकन पत्र के साथ निम्नहस्ताक्षर कर्ता/सहायप्रबन्धक रेलवे को भेजा जाना चाहिये।

3. Shri is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of Railway Trade Union [Who satisfies the requirements of rule-9(13) of the Railway Servants (Discipline and Appeal) Rules, 1968 and Note-I

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and/or Note-2 there under as the case may be] for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting Railway servant(s) or Railway Trade Union Official(s), Shri *Psaldeo Prasad* should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case(s) if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned/ General Manager *N.D.* Railway alongwith the nomination.

4. श्री को एतद्वारा निर्देश दिया जाता है कि यदि उसे अपना प्रतिवाद तैयार करने के लिये किसी दस्तावेज का निरीक्षण करना अपेक्षित न हो तो इस ज्ञापन की प्राप्ति के 10 दिन के भीतर और यदि वह दस्तावेजों का निरीक्षण करना चाहे तो दस्तावेजों का निरीक्षण पूरा होने के 10 दिनों के भीतर निम्नहस्ताक्षरकर्ता को (महाप्रबन्धक रेलवे) के माध्यम से (अपने प्रतिवाद का लिखित कथन) (जो उक्त महाप्रबन्धक के पास पहुंचना चाहिये) प्रस्तुत करें और यह भी
रेलवे

4. Shri *Psaldeo Prasad* is hereby directed to submit to the undersigned (through General Manager *L.H.G.D.* Railway) a written statement of his defence (which should reach the said General Manager) within ten days of receipt of this Memorandum, if he does not require to inspect any documents for the preparation of his defence, and within ten days after completion of inspection of documents if he desires to inspect documents and also :—

- (क) बताये कि क्या वह स्वयं पेश होकर कुछ कहना चाहता है, और
- (a) to state whether he wishes to be heard in person; and
- (ख) उन साक्षियों के, यदि कोई हों, नाम और पते बताये, जिन्हें वह अपने प्रतिवाद के समर्थन में बुलाना चाहता है।
- (b) to furnish the names and addresses of the witnesses if any, whom he wishes to call in support of his defence.

5. श्री को सूचित किया जाता है कि आरोप के केवल उस अनुच्छेदों के बारे में जांच की जायेगी जो स्वीकार नहीं किये गये हैं। इसलिए उन्हें चाहिये कि आरोप के प्रत्येक अनुच्छेदों को या तो विनिर्दिष्ट रूप से स्वीकार करें या अस्वीकार करें।

5. Shri *Psaldeo Prasad* is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or/deny each article of charge.

6. श्री को आगे सूचित किया जाता है कि यदि वह पैरा 4 में विनिर्दिष्ट अवधि के भीतर यदि वह अपने प्रतिवाद का लिखित कथन प्रस्तुत नहीं करता या जांच प्राधिकारी के समक्ष व्यक्तिगत रूप से हाजिर नहीं होता या रेल कर्मचारी (अनुशासन और अपील) नियम 1968 के नियम 9 के उपबन्धों या उक्त नियम के अनुसरण में जारी आदेशों/ निर्देशों का अनुपालन करने में अन्यथा विफल होता है या इनकार करता है तो जांच प्राधिकारी एक पक्षीय रूप से जांच कर सकता है।

6. Shri *Psaldeo Prasad* is further informed that if he does not submit his written statement of defence within the period specified in para 2 or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway Servants (Discipline and Appeal) Rule, 1968, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry ex parte.

7. श्री का ध्यान रेल सेवा (आचरण) नियम, 1966 के नियम 20 की ओर दिलाया जाता है, जिसके अधीन कोई रेल कर्मचारी सरकार के अधीन अपनी सेवा से सम्बन्धित मामलों के संबंध में अपने हितों को आगे बढ़ान के लिये किसी वरिष्ठ प्राधिकारी पर कोई राजनीतिक या अन्य प्रभाव न तो डालेगा अथवा न ही डालने का प्रयास करेगा। यदि इन कार्यवाहियों से सम्बन्धित किसी मामले में, उसकी ओर से किसी अन्य व्यक्ति से कोई अभ्यावेदन प्राप्त होता है तो यह उपचारणा की जायेगी कि श्री को उस अभ्यावेदन की जानकारी है और वह उसके कहन पर दिया गया है और उसके विरुद्ध रेल सेवा (आचरण) नियम 1966 के नियम 20 का अतिक्रमण करने के लिये कार्यवाही की जायेगी।

7. The attention of Shri *Psaldeo Prasad* is invited to rule 20 of the Railway Services (Conduct) Rules, 1966, under which no Railway servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri *Psaldeo Prasad* is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Services (Conduct) Rules, 1966.

8. इस ज्ञापन की पावती है।

8. The receipt of this memorandum may be acknowledged.

amaym

*T.C.
D.P.*

(3)

* [राष्ट्रपति के आदेश और उसके नाम से]
[By order and in the name of the President]

संलग्नक :--
Encls:

अं० ८

Copy
(१३७५)
(U-Singh)
हस्ताक्षर
(Signature) *Dr. DMS* LTN

सक्षम प्राधिकारी का नाम और पदनाम
Name and designation of competent authority.

सेवा में,
To, /
श्री *Baldeo Prasad*
Shri
(पदनाम) *Dr. Pass*
(Designation)
(स्थान) *GD shed*
(Place)

@प्रतिलिपि श्री *Uf. GD* (उधारदाता प्राधिकारी का नाम और पदनाम) को सूचनार्थ प्रेषित।
Copy to Shri *for information.* (Name and designation of the lending authority)

* जो लागू न हो, उसे काट दें।
Strike out whichever is not applicable.

** यदि ज्ञापन के साथ प्रतियां दी जाती हैं/नहीं दी जाती, तो यथा-स्थिति इसे काट दिया जायेगा।
To be deleted if copies are given/not given with the Memorandum as the case may be.

*** प्राधिकारी का नाम (इसमें यह विवक्षित होगा कि जब-कभी जांच प्राधिकारी द्वारा अनुशासन प्राधिकारी या किसी प्राधिकारी को आरोप पत्र जारी करने के लिये कोई मामला निर्देशित किया जाता है, तो उस प्राधिकारी को उस प्राधिकारी का उल्लेख करना चाहिए जिसकी अभिरक्षा में सचिंगत दस्तावेज हैं या जो दस्तावेजों के निरीक्षण की व्यवस्था करेगा ताकि उस प्राधिकारी का प्राप्त ज्ञापन में उल्लेख किया जायें।

Name of the authority, (This would imply that whenever a case is referred to the Disciplinary Authority by the Investigating authority or any authority who are in the custody of the listed documents or who would be arranging for inspection of the documents to enable that authority being mentioned in the draft memorandum.

£ £ जहां राष्ट्रपति अनुशासन प्राधिकारी है।
Where the President is the disciplinary Authority.

£ जहां कहीं राष्ट्रपति या रेलवे बोर्ड सक्षम प्राधिकारी है वहां इस रहने दिया जायें।
To be retained wherever President or the Railway Board is the competent authority.

② जहां कहीं लागू हो इसका प्रयोग किया जाय रेल कर्मचारी (अनुशासन और अपील) नियम 1968 का नियम 16 (1) देखें। रेल कर्मचारी को भेजी जाने वाली प्रति में इसे न रखा जाये।
To be used wherever applicable-See Rule 16 (1) of the RS (D & A) Rules, 1968-Not to be inserted in the copy sent to the Railway servant.

NER—86871644—10,000—May, 87

अमिताली

True copy
Attest
J. M. J.
13-10-89

In the Central Administrative Tribunal: Adml. Bench:
Allahabad : Circuit Bench: Lucknow.
Baldeo Prasad

versus.

Union of India and ors.

Applicant

Respondents

ANNEXURE NO.

39

ANNEXURE - I

Statement of article of charges framed against

shri Baldeo Prasad or A/GD Shed

(Name & Designation of Railway servant)

shri Baldeo Prasad while working as

Driver A in 541/ul on 28.3.88 with
loco No. 8029/WG is charged for serious
misconduct in as much as that he was
not vigilant on duty to observe and
ensure adequate steam and water level
with the result as front lead plug got fused
at JLD due to shortage of water in the
boiler and engine failed at JLD thereby
Violating provision of Rule 3-1 (i) & (ii)
of Rly. Service (Conduct) Rule 1966.

ANNEXURE - II

Statement of imputation of misconduct or misbehaviour
in support of the article of charge framed against

shri Baldeo Prasad or A/GD Shed while

working 541/ul with loco No. 8029/WG on
28.3.88 failed to manage and ensure
adequate steam and water level
despite B/s injectors working satisfactorily
with the result as front lead plug got
fused at JLD due to shortage of water
in the boiler. This amounts to the
serious misconduct on the part of Shri Baldeo Prasad
and amounts to violation of Rule 3-1 (i) & (ii)
of Rly. Service (Conduct) Rule 1966.

True copy
Dr. DMS/ I JN
(A. Singh)

Amulya

True copy

Attest

Ch. H.

13-10-89

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10

ANNEXURE - III

List of documents by which the article of charges framed
against Shri Baldeo Prasad Dr A) (G)
(Name & Designation of the Rly servant)
are proposed to be sustained.

1. LF/N Rly/Lko's report No. LF/LPF/8029AD/54118/28/3/88
dt. 15-4-88
2. MBD/N Rly/Lko's report No. RKM/LPF/3/88
dt. 29.3.88

ANNEXURE - IV

List of witnesses by whom the article of charges framed
against Shri

(Name & Designation of the Railway servant)
are proposed to be sustained.

1. Shri R K Mallick - PIBI/N Rly/Lko
2. Shri Pohandari - ALF/N Rly/Lko
3. Shri O P Tewari - AC(WG) N Rly/Lko

*Done
13/1 (V. Singh)
Sr DME/LJN*

amalgam

*True copy
Attested
R. Singh
13/10/89*

A
41

ANNEXURE XIII

Standard Form of Order for Taking Disciplinary Action in
Common Proceedings.
(Rule 13 of R.S. (D & A) Rules, 1968)

No. M/30/6/88

(Name of Railway Administration) D.R.M.(M) / L.J.N.

(Placing of issue) L.J.N. Dated. 19.5.1980

ORDER U/SRI Baldeo Prasad Dr A/GD

Name of Railway servants. Ramdin Gupta F/M.I./GD

Whereas the Railway servants specified in the margin, are jointly concerned in a disciplinary case.

Now, therefore, in exercise of the powers conferred by sub-rules (1) and (2) of Rule 13 of the Railway Services (Discipline & Appeal) Rules 1968, the President/the Railway Board/The undersigned hereby direct(s):

(1) that disciplinary action against all the said Railway servant shall be taken in a common proceeding.

£ (2) the... S. V. Singh S.D.M.S. L.J.N. (Name & designation of the authority) shall function as the disciplinary Authority for the purpose of the common proceeding and shall be competent to impose the following penalties, namely:-

+ (Here specify the penalties) Any penalty specified in Rule 6 of D.A.R.

& (3) that the procedure prescribed in Rule 9 and Rule **10/Rule 11 shall be followed in the said proceedings:-

**(Score out the portion not applicable)

% (By order and in the name of the President)

S. V. Singh
(Signature)

S. V. Singh S.D.M.S. L.J.N.
Name & Designation of the
Competent Authority

(Rule 13(i))

(The Officer authorised under article 77(2) of the constitution to authenticate orders on behalf of the President, the Secy, Rly. Bd. or other competent Authority under Rule 13(1))

Copy to Baldeo Prasad Dr A/GD

1. Shri Baldeo Prasad Dr A/GD (Name & Designation)
2. Shri Ramdin Gupta F/M.I./GD (Name & Designation)
3. Shri SC Misra L.P./GD (Name and Designation)
4. Shri (Name & Designation)
5. Shri (Name & Designation)

*The authority competent to impose the penalty of dismissal from service on all such Railway Servants or if they are different, highest of such authorities with the consent of others.

£ See Rule 13(2) (i)

† See Rule 13(2) (ii)

% Where the order is expressed to be made in the name of the President

See Rule 13 (2) (iii)

Amrit Singh

True copy

Amrit Singh

P. M. M.
13-10-89

५१२

मानक फार्म क सं० १०-क
एक ही कार्यवाही करने के लिये जाच प्राधिकारी की नियुक्ति के लिये मानक फार्म
(ऐल कर्मचारी और अपील) नियमाली १९६८ का नियम-१३)

सं०-२४३५६१२-
(ऐल प्रशासन का नाम)-
(जारी करने का स्थान)-
गुरुदेश १९० ५९९

अनुशासनिक हाईस्पैस में विनिर्दिष्ट ऐल कर्मचारी एक अनुशासनिक मामले में संयुक्त रूप से संबंधित हैं। इनका विवरण नियम-१३ का अनुशासनिक हाईस्पैस में विनिर्दिष्ट रैल कर्मचारी से संबंधित है।

आदेश सं०-१६१० के लिये श्री राष्ट्रपति/लैवे बोर्ड/अधोहस्ताक्षरी को (प्राधिकारी का नाम और पद) अनुशासनिक प्राधिकारी नियुक्त करते हुये ऐल कर्मचारी (अनुशासन और अपील) नियमाली १९६८ के नियम-१३ के अनुसार उक्त ऐल कर्मचारियों के विरुद्ध एक ही कार्यवाही के आदेश दिये गए हैं।

हाशिये में विनिर्दिष्ट ऐल कर्मचारियों के विरुद्ध ऐल कर्मचारी (अनुशासन और अपील) नियमाली १९६८ के नियम ९ और नियम १० या नियम ११ के अनुसार ऐल कर्मचारियों के विरुद्ध एक जाच की जा रही है।

संस्थापति/लैवे बोर्ड/अधोहस्ताक्षरी का विचार है कि उक्त ऐल कर्मचारियों के विरुद्ध विरक्ति आरोपों की जाच करने के लिये एक अनुशासनिक प्राधिकारी की नियुक्ति की जानी चाहिये। अब, इस लिये राष्ट्रपति/लैवे बोर्ड/अधोहस्ताक्षरी ऐल कर्मचारी (अनुशासन और अपील) नियमाली, १९६८ के नियम ९ के उपनियम १ में प्रदत्त अधिकारों का प्रयोग करते हुये एतद् द्वारा श्री (जाच अधिकारी का नाम और पदनाम) की उक्त ऐल कर्मचारियों के विरुद्ध विरक्ति अपरोधे की जाच करने के लिये जाच प्राधिकारी के रूप में नियुक्त करते हैं।

~~प्रतिलिपि~~ के मादेश से ऐसे उनके नाम से

प्रतिलिपि अधेष्ठित: राष्ट्रपति/लैवे बोर्ड
१-अधिकत ऐल कर्मचारी को (२) प्रस्तुत कर्ता अधिकारी को।
(३) संबंधित कागजात सहित जाच प्राधिकारी को। **(४) केंद्रीय सतकर्ता आयोग।

* जहाँ लागू न होता हो काट दे।

** नोट- जहाँ लागू होता हो, वहाँ प्रयोग करें अधिकृत ऐल कर्मचारियों को भेजी जाने वाली प्रतिलिपि में निविष्ट न किया जाय।

अमेपल्पाप

Amepalp

Actual

12-10-89

18/4/88

उत्तर रेलवे
NORTHERN RAILWAY

जनरल ११/गडा
Gen. ११/८

A
43

AF/LPF/8029WG/5414b/28/3/88

Dated 15/4/88

To the Sr. D.M.E.

N.R. LKO.

Sub - LPFusion of Loco No. 8029WG while working 5414b on 28/3/88 at Jarwal Road station.

Loco No. 8029WG, while working 5414b

on 28/3/88 Ex GD to LKO was declared failed by Sri Baldeo Prasad Driver Gr. 'A' H/flo Gondad due to lead-plug fusion at Jarwal Road (N.E. Rly.)

The statement of driver could not be recorded but examination of loco was carried out in presence of the engine crew, Sri R.C. Bhandari ALF/LKO and Sri D.P. Tewari FIC(WG)/LKO at LKO Shed on arrival of Diesel Engine and following observations were noted — Fire Rod door, slack valve, both Injector lead-plugs and Fire box were sealed. On opening fire found that - ① No water was visible in the both Gkoks ② Water was found at the middle portion of the crown plates between the front and middle lead-plugs ③ Lead-plugs were found fitted to Gkuge ④ Front lead-plug No. 1 fused ⑤ Brick Arch was found broken ⑥ G/c Cocks operating handles in correct position and water ways clean ⑦ Globe valves not fitted ⑧ Boiler water clean on surface and milky at foundation.

Responsibility: — As per MBI/LKO report. Lead-plugs fused due to shortage of water in boiler so Engine crew ① Sri Baldeo Prasad driver Gr. 'A' and Ramdin Gupta F/mn Gr. 'B' H/flo GD are responsible for mismanagement. Action may be taken at yours.

DA- ① MBI/LKO Report

② ME - 56

③ Steam Test Certificate

④ Loco Form No.
N.R. LKO

Q.M.G. 14/4/88

True copy

Attested

D. B. M. 13.4.88

13.4.88

उ.र./N.R.

सोको 163/एम.०६० 156/Loco 163/M.E. 156

फ्यूज हुए सीसा प्लग की रिपोर्ट/REPORT ON FUSED LEAD PLUGS

Ho/No.R.K.M./L.P.F/3/88

10295-

वायसर नं० ...
Boiler No.

.....इंजन नं०.....
Engine No.

8029 w.s.

..तारीख
Date

28.3.88.

तारीख/Dated. २९.३.८८

1. निरोधन के समय बायलर में पानी की सतह बायलर में पानी water found at middle part of crown plate. No water at front end water clean on surface and slightly milky at foundation. Dropped by Eng. Crew at Jawal Road Station N.E.Rly. on 28.3.88.
2. इनेक्टर डिलिवरी पाइप बाहरी और भीतरी कोन और सीटिंग की हालत। Injector delivery pipes externally and internally clean. Cones and seatings good.
3. टेन्डर की पोषक नलियों की हालत तथा टेन्डर साफ है या नहीं Condition of feed pipes from tender and whether the tender is clean. Feed pipes clean. Tender clean.
4. बायलर भट्टी की हालत/Condition of fire box :—
 - क. ट्यूब और फ्ल्यू/A. Tubes and Flues. Fair.
 - ख. सीम और रिवेट/B. Seams & Rivets. Fair.
 - ग. जल-स्थल की टेक/C. Water Space stays. Few crown & valve space stays leaked due to shortage of water in boiler boiler.
 - घ. क्राउन लेट/D. Crown Plate. partly scorched.
5. सीता प्लग की हालत या वह पूर्ण रूप में फूज है या आंशिक LEAD PLUG NO: 1 (front) FUSED. रूप में फूज है और कौन सा प्लग पूर्ज है। LEAD PLUG NO: 2 (middle) INTACT. Condition of lead plugs whether fused or partly fused and which plug. LEAD PLUG NO: 3 (Rear) INTACT.

6. बायलर भट्टी की हालत और सामान्य टिप्पणी
 Condition of fire-box when in steam and general
 remarks.

7. गेज कालम, बायलर जल मार्ग प्रोर ड्रो प्ल काक जल-मार्ग no water visible in Gauge Glasses at की हातत । The line of examination. Boiler and Blow Condition of gauge columns, boiler water-ways and blow through cock water-ways through Cocks' water ways clean.

8. बायलर तंथा टेंडर को पिछली बार कब स्थिया गया Boiler & tender last washed out on 20.3.88 Boiler last & h. b. washed out on 20.3.88

पिछली चार धोने की तारीख से खराब होने को तारीख तक कितने मील चला 1632 km:.....
Mileage run since last wash out to date of failure miles

पिलो बार लेड प्लग कब बदला गया/Lead Plugs last changed..... 20. 3. 88
 मिश्रधातु का नं. 5 28. 3. 88, 19.00 hrs. Jatnal Road Stn. N.E.Ry.
 Alloy No. तारीख, समय प्रैर खराब होने की जगह; Date, time and place of failure
 Date, time and place of failure

9. यांत्रिक वायप्लर नियोक्ता द्वारा जारी किए गए आदेश/Orders issued by Mechanical Boiler Inspector
 ग्रांज़े. Silver ~~order~~ ~~get~~ to S.D.M.E/LKO for the ~~inspection~~ ~~test~~ ~~all~~ ~~new~~ ~~set~~ ~~of~~ ~~head~~ ~~Plugs~~ to
FUSED ~~due~~ ~~to~~ ~~shortage~~ ~~of~~ ~~water~~ ~~in~~ ~~boiler~~ ~~for~~ ~~which~~ ~~Eng~~ ~~Crew~~ ~~is~~ ~~responsible~~
Test Injectors before Engine is booked out to W.M.K for line for information

प्रतिलिपिको प्रेषित *i) S.R. D.M.E. IN R/LKO.* *Copy to* *ii) Dy. C.M.E. (Loco) / N.R.L. H.R. office / Baroda House, NEW DELHI. L. Loco. iii) Loco Foreman, LKO.*

N.R.—F549'4—Feb. 77 -1/17-1.200 E

पांचिक बायलर नियोजक
Mechanical Boiler Inspector

Annual Boiler Inspection

2915.584

amazing

True color

After the

13-10-89

Mr. Central Administration Bureau
Addl. Burch Alahabad
Circuit Burch Alahabad
Gangul Board Law _____ Beliaghata
The State of U.P. & others _____ Off. Bala
Bunrus No 2

45

TO,

THE SENIOR DIVISIONAL MECHANICAL ENGINEER,
NORTHERN EASTERN RAILWAY, LUCKNOW JUNCTION,
LUCKNOW.

Reference:- Your S.E. 5 No. M/30/6/88 regarding Engine No.
8029/WG-L.P. fussion dated 28.3.88 issued on
19.5.1988.

Respected Sir,

In reference to the above cited charge Sheet awarded
to me, I beg to state the following lines for your due
consideration Sir,

That prior to giving the statement of the above
charges I beg for allow me to inspect the following relevant
documents relied upon, on which I may be able to give the
statement early.

The following extracts(relevant) required:-

- (1) Date of manufacture of Engine No. 8029/WG and the
names of the shop in which the Boiler was manufactured
(dates of manufacture).
- (2) Date of expiry of Engine No. 8029/WG as per manufacturing
shop report and extract of letter No.
- (3) Letter Nos. of Engine sent to Polt, Kms and date
when engine No. 8029/WG off from POLT.
- (4) Extract of letter Nos. when the engine complete
I.O.H. I and IIInd and (Kms. particulars).
- (5) Extract of Report of CMT/CE shop, regarding fused
lead plug metinals.
- (6) Locomotive operating particulars of three years
(extracts from the Original Register).

(Contd. . . . 2)

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J. M. P.

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(7) Extract of Repairs booked by Incharge Drivers after working trains for a period of three years of engine No. 8029/WG.

(8) The dates of engine washed out prior to L.P.fusion extracts for L.M.III Register.

(9) Extracts of Engine joint test when checked by the FOM, LF, DME, CME. When checked date of checking and one copy of reports given by them and particulars of names.

(10) Arrival of Engine " OFF Shop " extracts of reports and the particulars which was reported for the ballance repairs- dates when ballance repairs were done. (In shed or returned to shop) (dates and letter Nos.).

(11) Boiler life register No. L 64 (extract copy) Engine No. 8029/WG the dates and particulars of lead plug fusion engine the engine & Boiler manufacture Register.

(12) Extracts of reports of MBI- regarding examination of Boiler Reports and sent to shop for repair Extracts of letter Nos. and dates for three years.

(13) The extracts of Register No. L 501 (Boiler Inspection Register) in which Boiler repairs reported by MBI- at on intervals of six months and CME regarding the Boiler extension.

(14) The extracts of reports-particulars- engine washed out and Kms. of engine No. 8029/WG for a period of Three years.

(15) The extracts of the 1st Selection done, under the FIC and Fitters- names and Kms. of Engine No. 8029/WG.

(Contd. . . . 3)

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(16) The extracts of particulars of Section-II done with dates and names of FIC and Fitter-For valve piston Rings, motion, side Rods Chock testing Injector delivery pipe examination and testing and fitting cleaning -names of FIC and fitters.

(17) Extracts of particulars of Section-I and II and III and IV when the coupled wheels taken out and examination reports- when fitted-reports of examination of axle Boxes- Reports of slider Bar enlinement checking and fitting value setting and examination dates Element tubes takenout for examination -FIC Fitters -who examined- names and dates.

(18) Extracts of reports of the Loco Inspectors doing their monthly scorting and repairs booked of engine No. 8029/WG for a period of three years.

(19) The extracts of working of engine Drivers I, and II Fire Mans names and particulars- of train working Passengers, Express, Goods and pilots for a period Three years.

(20) The extracts of repairs Booked by the Drivers working the trains as per item No. 19 and the names of the FIC and Fitters- done the repairs for a period of Three years.

21. The extracts of shed notice for Drivers I and II fire man for a period of three years regarding working on engine No. 8029/WG as well as the train particulars and repairs booked and completed dates.

(Contd. . . .4)

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(22) Extract of Guards remarks of JTR's for a period of three years of engine No. 8029/WB.

May I hope that the relevant records for which I have asked for to submit the reply early may please be supplied at an early date to enable me to give the reply of the case early.

Thanking you Sir.

Dated

Your's Faithfully,

ANJALI M
BALDEO PRASAD
DRIVER GRADE "A"
NORTHERN EASTERN RAILWAY
LOCO SHED, GOMAR

anjalim

True copy

Attested

J. M. B.
(3-10-89)

In the Central Administrative Tribunal: Addl. Bench:
Allahabad : Circuit Bench: Lucknow.
Baldeo Prasad

Versus.

Union of India and ors.

Applicant

ANNEXURE NO. 4

Respondents

A/49

To,

Ttd A. D. R. M.
N. E. Railway,
Lucknow.

Through: Proper Channel.

Sub: Appeal against the order of learned Sr. DME/LJN,
NIP NO. M/30/6/88 dated 17.1.89, reduction to
lower stage in time scale of pay, for period of two
years.

Sir,

With reference to the above I most respectfully
beg to inform your honour that on 28.3.88 while
working 541 up pass ex GD to LKO on loco NO. 8029 WG
the fusion of lead plug caused unfortunately at
JLD.

As matter of fact I worked the train ex Gonda
to Zebar board of JLD but while I closed the steam
P/m I put on L/S injector in the meantime L/s top
clock valve lifted and steam began to blow through
over flow pipe. Again R/s injector was put on but
R/s top clock valve also got lifted mean while the
train reached JLD station. I, along with E/MI
Sri R. D. Gupta made all possible efforts but fire was
dropped at JLD for safety of boilwr.

In this case I was served major memorandum
but I could not submit my defence in due course.
Prior to giving my defence I gave an application
(Copy attached) demanding certain documents to inspect as
the engine(based in NR Shed) was in very deteriorated
condition, dirty boilers and almost over due wash out.

But I was not supplied any documents nor allowed
to inspect the relevant records as a result I could
not give me defence. Later on a DAR engnir was fixed.

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(Contton page2.)

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During the course of enquiry proceedings I again demanded to supply ~~REX~~ certain documents pertaining to the engine but not supplied not allowed to inspect at all. ~~REX~~ Due to above reasons I was not in a position to give my statement in enquiry correctly. ~~REX~~ ultimately I was punished to reduction to lower stage in time scale of pay for a period of two years.

In view to the facts mentioned above I, there fore request your honour to kindly look into the matter judiciously and exonerate me from the allegations and with draw the NIP for which I shall be highly obliged to you.

The copy of explanation submitted in office after mishap is also enclosed herewith for kind persual.

Enc/5

Yours faithfully,

Gondawali
(Baldeo Pd.)

Dated: 19/3/89.

Driver (A)
Gonda. Shed, N. E. Railway.

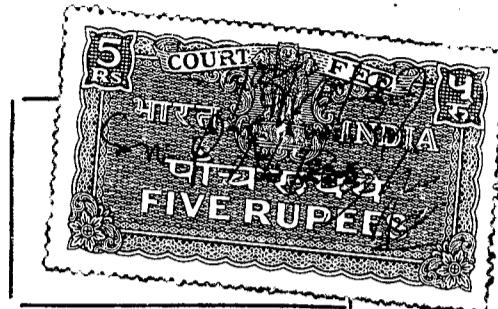
forwarded
19/3/89
Sami
19/3/89

True copy
Affixed
P. Is off
13-10-89

Gondawali

ब अदालत श्रीमान् *In the Central Administrative Tribunal*
 वादी अपीलान्ट *Addl. Bench Allahabad Circuit Bench (Delhi)*
 प्रतिवादी रेस्पाडेन्ट *महोदय*
 का **वकालतनामा**

Bal des Poors



अपीलान्ट

In the name of India & others प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयान नारायण बाजपेई ऐडबोकेट एवं श्री कार्तिकेय बाजपेई ऐडबोकेट भैरो जी रोड, लखनऊ महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर पुक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

अप्रैल १९८९
 हस्ताक्षर

साक्षी (गवाह) *श्री विजय कुमार* साक्षी (गवाह) *श्री विजय कुमार*

दिनांक *१०/४/८९* महीना *४* सन् *१६८९* ई०

Accepted

मुम्मू
१०/४/८९

Accepted
K. Singh
17/10/89

NS/CCS

VAKALATNAMA

Before The Central Administrative Tribunal Bench Lucknow
in the Court of OA 292/89 (L)

Plaintiff
Defendant

Baldeo Prasad

Claimant
Appellant

Versus

Defendant
Plaintiff

Union of India & Others

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri Amil Srivastava
Railway Advocate Lucknow

..... to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding 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, acting, 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 Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby 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 or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted 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 agree to ratify all acts done by the aforesaid Shri Railway Advocate Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the day of 198 .

Dated 198

NER--84850400--8000--4 7 84

u 112
(G.C. Budhlakoti)
Designation of the Executive Officer
S/o DME/NERly/Lucknow

*Accepted
Amil Srivastava
Amil Srivastava
Amil Srivastava*

VAKALATNAMA

1
X/53

Before
In the Court of

The Central Administrative Tribunal Bench Lucknow

OA No. 292 of 1989 (C)

Baldeo...Praesad

Versus

Union of India and others

I/We.....R. K. Singh.....Addl. Divisional Railway
Manager.....North Eastern Rly.....Lucknow.....

do hereby appoint and authorise Shri.....

Railway Advocate.....Lucknow.....to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri.....

..... Railway Advocate, Lucknow.....
..... in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this.....

..... day of..... 198..

R. K. Singh
(R. K. Singh).
अपि महाराजे प्रधानक,
पूर्वोत्तर रेलवे, लखनऊ

8/5/1
Registered A/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AL AMBAG

CIRCUIT: LUCKNOW.

Gandhi Bhawan, (Opp. Residency)
Lucknow - 226 001.

(Registration No. 912 of 1989 (L)

NO.CAT/LKO/CM/200/1980

Dated 26/11/89.

Plaintiff Present

APPLICANT(S)

VIA: ES/7/60

WITNESS(S)

Please take notice that the applicant above named has prescribed an application a copy whereof is enclosed herewith which has been registered in this Tribunal and has fixed 12 day of 12 1989 for

If, no appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your behalf in the aid application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 26 day of November 1989.

REMS/

For SECURITY AND SECR

Mr. K. M. J. Khan, L.L.B.
The Senior Provisional Mechanical Engineer
LKO Lucknow LKO

*Sub. S. J. Khan, L.L.B.
Date 26/11/89. Placed in file
by [initials]*

*26/11/89
Placed in file by [initials]
Date 26/11/89*