

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 04.....315.....OF.....1989.....

NAME OF THE PARTIES K.L. Shukla.....Applicant

Versus

.....Union of India.....Respondent

Part A.

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18		

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 16/6/2011

Counter Signed.....

*Regd 16/6/11*  
Section Officer/In charge

Signature of the  
Dealing Assistant

Wetfield Elementary School  
Lewiston, Maine

1000 ft. of 5% 60

1000 ft. of 5% 60

1000 ft.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

(P)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of filing 7.11.89  
Date of receipt by Fastmail

Registration No. 315 of 1989 (L)

Duly Executed (L)

APPLICANT(S) K.L. Shukla

RESPONDENT(S) Union of India & others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? Yes
2. a) Is the application in the prescribed form? Yes
- b) Is the application in paper book form? Yes
- c) Have six complete sets of the application been filed? Yes
3. a) Is the appeal in time? Yes
- b) If not, by how many days it is beyond time?
- c) Has sufficient cause for not making the application in time, been filed? Yes
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? Yes
- c) Are the documents referred to in (a) above neatly typed in double space? Yes
8. Has the index of documents been filed and paging done properly? Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? Yes

Is the matter raised in the application pending before any court of or any other Bench of Tribunal?

(A2)

Particulars to be ExaminedEndorsement as to result of examination

11. Are application/duplicate copy/spare copies signed ?

78

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

Yes

a) Identical with the Original ?

Yes

b) Defective ?

-

c) Wanting in Annexures

-

13. Are the file size envelopes

-

bearing full addresses of the respondents been filed ?

-

14. Are the given address the registered address ?

-

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

78

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 ?

78

a) Concise ?

78

b) Under distinct heads ?

Yes

c) Numbered consecutively ?

78

d) Typed in double space on one side of the paper ?

78

18. Have the particulars for interim order recd for indicated with reasons ?

-

19. Whether all the remedies have been exhausted.

78

Dinesh/

(A3)

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

How complied  
with and  
date of  
compliance

7-12-89

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Issue notice to show cause why the application may not be admitted and delay may not be condoned and list for admission on 3-1-1990 on which date the opposite parties will also produce the record of the case of applicant's compulsory retirement.

S/ A.M.

S/ V.C.

rrm/

~~Hon'ble Mr Justice Kamleshwar Nath, V.C.~~

~~Hon'ble Mr K. Obayya, A.M.~~

~~3/1/90~~

Shri Y.K. Kulshrestha counsel for the applicant and Shri D.S. Randhawa counsel for the respondents are present. Counsel for the respondent says that he has received instructions and he would like to file a short counter. Let short counter be filed within two weeks and list this case for admission on 1-2-90, when the case is likely to be disposed of finally. The applicant may file rejoinder by the date fixed.

A.M.

S/ V.C.

(sns)

Dinesh/

OR  
Notice issued  
on 10-12-89.  
Neither reply  
nor any written  
rep. order has  
been return back  
submitted to  
admission.

2/1/90

(all)

315/89 (L)

28-9-90

Hon'ble Justice K. Nath - VC  
u Mr. K. Jayga. AM

On the request of learned  
counsel for the respondents  
Sri Anil Ganesan, Case is  
adjourned to ~~22.11.90~~ 22.11.90  
for hearing.

✓  
(AM)

✓  
(V.C.)

22.11.90

Hon. Mr Justice K. Nath VC  
Hon. Mr. M. M. Singh AM

OR  
No cause cited  
S. F.Y  
L  
20/11

On account of the death of  
Sri P. C. Saxon, Advocate, whose  
cremation is likely to be made,  
prayer for adjournment is made  
on behalf of Advocate. List for  
Adjournment on 14.2.91.

M. M. Singh

✓  
VC

caused  
10/9

AM.

14.2.90. -

No sitting adj to 24.5.91.

24.5.91

No sitting adj to 28.8.91.

✓

~~No sitting adj to 28.8.91~~

.....  
ORDER SHEET

Date / Office Report

D.A./I.A. No. 315/88

Order

16.9.92

Non m Justice V.C. S. R. C.  
Non m K. G. S. R. C. A. M.

Application for correction  
of petition due to typographical  
error. Application is allowed.  
Let the corrections be made  
by the concerned officer. The  
respondent states that he  
has not seen record  
and he is not a party  
to the same.

The case be listed on  
5-11-92 in case the  
record is not produced  
on the next date it will  
be presumed that deliberately  
the record is not being  
produced.

O.K.  
rendement  
as being incorporated  
the counsel for  
the applicant

21.9.92.

S. F. O.

b  
D.M.

W  
VR

NISH/-

(AB)

16/9/92

16.9.92

Case not reached adjm  
5.11.92

5.11.92

Mo. striking off D-3001720  
11.12.92

d

11.12.92

Date to Cross Complainants are  
not available adjourn to  
15.12.92

Date

Received copy.

Lambert  
H. C.  
ShankleO.R.  
S.F.O

20/9/93

P  
11.12.92

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH)  
ALAHABAD.

D.A. NO. 315/89  
T.A. NO.

OF 199

Date of decision: 15/12/89

Kamliya Lal Shukla..... Petitioner

..... Advocate for the Petitioner.

Versus

..... U.C.O. & Others..... Respondent

..... Advocate for the Respondent.

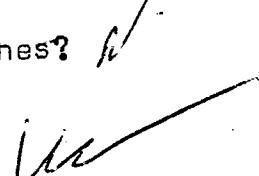
XXX: XXXXXXXXXXXXXX

CORAM:-

The Hon'ble Mr. Justice U.C. Srivastava, I.C.

The Hon'ble Mr. K. Obriya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to all other Benches?

  
Signature

Naqvi/

(P)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
LUCKNOW

O.A. No. 315/89

Kanhiya Lal Shukla ... Applicant

Vs.

Union of India & others ... Respondents

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

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

1. The applicant has approached this Tribunal challenging the compulsory retirement from service on the ground that the suggestive and advisory remarks was not being signed by the appointing authority and as such being without jurisdiction and the retirement order is based on the said malicious remarks which has been taken the bases for his non-retention in service in public interest is punitive in nature. The applicant started his career as a Revit Boy in the C&W Shop, Lucknow in 1985. He was again promoted to higher post of 'Highly Skilled Revitter Under Frame II' on 9.4.79 and thereafter on the post of Mistry Grade-I on 18.5.81. According to the applicant, because he could not oblige his officer S.S./Wagon that is why he started making complaints against him and the result of the same is that the notice of compulsory retirement dated 24.11.87 was served upon him.

2. The applicant made appeal against the same but without any result and that is why he has approached this Tribunal. The Learned Counsel for the respondents has also produced the record including that of the

Review Committee and found that the applicant was no longer to be retained in service and is to be retired. According to the respondents, although he was promoted but he was very poor in his attendance. His annual increments were also deferred from their due dates and during the period from 31.5.57 to 10.4.73 he availed not only his all kinds of leave admissible to him at that time, but also availed leave without pay for 2 years 2 months and 16 days. He was awarded One Censure punishment by the disciplinary authority for sitting idle and wasting time on 19.2.1963. Another punishment for with-holding of increments permanently for 2 years was also imposed by disciplinary authority for not starting the work, and not lighting his furnace by 8:00 A.M., one hour after the start, which on appeal of the applicant was reduced to stoppage of Passes and PTOs for one year by the appellate authority on sympathetic considerations. He participated in the strike on 12.7.1960, which was treated as Dies-non for all purposes, but it was counted as on leave with allowances. He also participated in the strike in 1974, but the period was regularised as leave due. His Annual Increment was again deferred and so was the case in 1983 as well as in 1985. He not only availed all sorts of leave admissible to him between 31.3.74 to 31.3.87 but also availed 1 year 9 months and 7 days leave without pay, besides the period mentioned earlier, i.e. 2 years 2 months and 16 days and thus he availed the total leave without pay as 3 years 11 months and 18 days during his service period which showed his irregularity and irresponsibility towards his duty.

3. The applicant was also served upon SF.11 which was received by him on 10.9.87 and his explanation

(A)

was called. It was found that he has not changed his habit yet and he was warned as he has promised to improve. Another minor penalty charge-sheet was issued to him in May 1987 and he was found guilty of the charges, and punishment was imposed as he had not improved inspite of warning dated 23.3.87 at PP2 WIT for one year. A confidential warning regarding his work was also issued by the Production Engineer vide Confidential Notice No.PE/Confe.1(E)/III/1981 dated 27.8.1981 later on. Thus it is to be noticed that review Committee took into consideration the applicant's record and his absence during these years and thereafter it came to the conclusion that now he should not be retained in service and be compulsorily retired. We do not find any ground to interfere of the assessment made by the Review Committee as there was sufficient material before the Review Committee to arrive at the particular conclusion in which the disciplinary authority agrees. It was a case of overall assessment and the disciplinary authority concerned was entitled to take plea of overall assessment and even uncommunicated adverse entry and to come to a particular conclusion. In this connection, a reference has to be made to the case of Shri B.N.Dass Vs. Chief Distt. Medical Officer, 1992 S.C. Page 1020 wherein the Supreme Court has after taking into consideration took the view that retirement on overall assessment which may include uncommunicated remarks was not illegal. It is also to be noted that the applicant's case for any alternative employment in terms of Govt. order in case the lower post was also considered, but he was not found fit for a lower post.

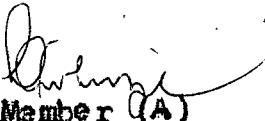
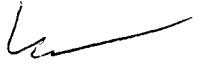
4. Accordingly, we do not find any merit in the case and the application deserves to be dismissed and is

W

(Pto)

accordingly dismissed. However, we make no observations regarding the re-employment of the applicant who has still not attained the age of superannuation and it is for the Railway Administration to re-employee him for a particular period till he attains the age of superannuation.

5. No order as to the costs.

  
Member (A)  
Vice Chairman

Lucknow  
dt. 15.12.92  
/smc/

(Att)

Case No. Ad. No. 1000  
Date of filing 7-11-89  
Date of Reg. 7-11-89

Cr 315/04 (H)

R K  
Deputy Registrar (J)

FORM I  
See Rule 4

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT 1985

Kanahiyalal shukla

Applicant.

vs.

Union of India & Others

Respondents.

I N D E X

Sl.No.	Description of documents relied upon	Page Nos.
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1	Application	1 to 6
2	Annexure No.1 Copy of order Dt. 25.11.87	7 to 10
3	Annexure No. II Copy of Order Dt. 2.8.88	8 to
4	Annexure No. III Copy of order Dt. 25.1.89. <sup>9 aff</sup>	9 aff
5	Vakalatnama	10

Lucknow

Dated : 7-11-89

Kanahiyalal shukla  
SIGNATURE OF THE APPLICANT.

For use in Tribunal's office

Dated of filing

or

Date of Receipt by Post

Registration No.

Signature

For Registrar.

filed to be  
1/1

Noted & seal

27/12/89  
M. Shukla

(A12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW.

6A 315/4/1

Kanhaiya Lal Shukla son of Sri Jagdamba Dutta Shukla, aged about 52 years resident of 315/18, Bagh Maha-Narain, Chowk, Lucknow.

-----Applicant

Vs

- 1- Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.
- 2- Chief Works Engineer, Northern Railway, New Delhi.
- 3- Deputy Chief Mechanical Engineer, Carriage & wagon Workshop, Alambagh, Lucknow.
- 4- Works Manager (1) Carriage & Wagon Shop, Alambagh, Lucknow.

----- Respondents

- 1- PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE.

The application is against the following order:

- 1- Order no. 2E4/3(Rev.) 11 dated 24-11-87.
- 2- Passed by- on behalf and for Dy. Chief Mech. Engineer Carriage and wagon shops, Alambagh, LUCKNOW.
- 3- Subject in brief: Premature Retirement vide order dated 24-11-87.

2- Jurisdiction of the Tribunal

The application 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 limitation prescribed under section 21 of the Administrative Tribunal Act. 1985.

4- Facts of the case:

The facts of the case are given below:

- 1- That the applicant was appointed as Revit Boy in the Carriage and Wagon work shop, Lucknow on 9-2-1955.
- 2- That due to good and efficient work, the applicant was promoted as fitter Khalasi on 8-1-56.
- 3- That on the basis of satisfactory and good work the applicant was again promoted on the cost of Semi-Skilled Hammer Man on 2-6-1958.
- 4- That on 2-2-1971, the applicant was again promoted as ' Skilled Revitter under Frame ' due to satisfactory work.
- 5- That as the applicant kept on performing the allotted duties to the best satisfaction of the superiors, the applicant was again promoted to higher post of " Highly skilled Reviter under frame II " on 9-4-79.
- 6- That due to satisfactory and good work the applicant was again promoted on the post of ' Wintry Grade I " on 18-5-81.
- 7- That as on the above post, the applicant continued discharging the duties with almost devotion and dedication but due to ill luck, the then S.S.Wagon Sri Charanjeet Lal wanted the applicant to oblige the said Charanjeet Lal in same way or the other off and on, but the applicant failed to oblige him, on account of the Applicant's inner feelings and poor and financial condition. Thus the said Charanjeet Lal gradually kept on complaining against the applicant to the higher authorities for damaging the applicant's image and

*Kiran Lal Singh*

RAH

he got the applicant reverted on 5-2-82 to the post of "Highly skilled R.U.F. Grade II."

( mention date of reverstion order and enclosed as Annexure if possible challenging the validity subject to the limitation.

8- That on the ~~fatal~~ day of 24-11-87, the services of the applicant put to an end by issuing a compulsorirly notice of retirement vide order no. 2 E-4/B (Rev)<sup>11</sup>, under the seal and signature of Dy. Chief Mechl. Engineer Carriage & wagon Shop, Lucknow. The impugned order of compulsory retirement dated 24-11-87 was received by the applicant on

A true copy of Electro State of the impugned order dated 24-11-87 is being filed herewith as Annexure II to this application.

9- That in the impugned order dated 24-11-87, it is mentioned that the applicant shall retire from service w.e.f 24-11-87 in afternoon and directed that he shall be paid a sum equivalent to the amount of pay and allowance for 3 months in lieu of notice. It is stated that the three months salary was not tendered alongwith the order of compulsory retirement.

10- That on receiving the above mentioned order compulsory retirement, the applicant filed an appeal on to the C.W.E. Head Quarter office, Baroda House, New-Delhi through proper channal.

11- That vide order dated 1/2-8-1980, it has been informed on behalf of Dy. C.H.E(W), A.I.V/Lucknow. That the following order on your the appeal have been rejected by the Board.

*Sanjay Lal Sunkla*  
A true copy of the order dated 2-8-1988 is being filed as Annexure no. III to this application.

12- That the applicant on receiving the above order dated 2-8-1988, wrote to the Dy. C.M.E(W), Lucknow, that there was a reference that some decision of the General Manager & the Board have agreed to it & dismissal my appeal and the applicant requested him vide his letter dated 19-10-88 to supply a copy of the decision of the said General Manager but instead of supplying the copy of said decision, the Dy. C.M.E(W), Lucknow vide his letter dated 25/1/89 only said that you have already been conveyed the order of Railway Board vide this office letter dated 2-8-88.

A true copy of the letter dated 25-1-89 is being filed as Annexure IV to this application.

13- That as a matter of fact no copy of decision of General Manager or Board have been communicated to the application.

14- That no adverse entry was even awarded communicated by the appointing authority.

5- Grounds for relief with legal provisions.

(i) Because the suggestive and advisory remarks, are not signed by the appointing authority hence they all are without jurisdiction.

(ii) Because the impugned order of compulsory retirement is also based on the above mentioned malicious remarks <sup>it</sup> ~~applicant has 22 years successful service in~~ <sup>December 1986</sup> ~~and his retirement is not~~ <sup>public interest and his retirement is not</sup> ~~in application for pension in nature.~~

6- Details of the remedies exhausted:

(i) That the applicant declares that he has availed all the remedies available to him under the relevant rules.

(ii) That the applicant made an appeal against the order dated 24-11-87 ( Compulsory retirement ) but this appeal has been rejected on 2-8-88.

7- Matter not pending with any other court etc.

8- RELIEFS SOUGHT

In view of the facts mentioned in para 6, the application prays for the following reliefs:

(i) That the Hon'ble Tribunal be pleased to set aside the order contained in Annexure nos I and II ( the order of compulsory retirement and the order of rejection the appeal ) to this application and further be pleased to direct the Dy. Chief Mech. Engineer Carrige & Wagon Shops to treat the applicant continued in service w.e.f 24-11-87 with all its consequential benefits.

(ii) Any other relief deemed fit and proper may also be awarded to the applicant against the respondents.

9- INTERIM ORDER PRAYED FOR PENDING FINAL DECISION ON  
ON THE APPLICATION.

Nil

10- IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED  
POST.

-No-

11- PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT  
OF THE APPLICATION F.O.

1- Name of the Bank on which drawn

2- Bank draft no.

or

(i) No of Indian Postal order 6103783670976531,

(ii) Name of the issuing post office G.P.O., ~~Delhi~~

(iii) Post office at which payable G.P.O. Allalabad

12- LIST OF ENCLOSURES

Annexure no. 1 Copy of reversion order dated 5-2-85

Annexure no. 1<sup>b</sup> Copy of order dated 25-11-87

Annexure no. 2<sup>b</sup> Copy of order dated 2-8-88.

Annexure no. 4<sup>b</sup> Copy of letter dated 19-10-88.

Annexure no. 3<sup>b</sup> Copy of order dated 25-1-89.

VERIFICATION

I, Kanhaiya Lal son of Sri Jagdamba Dutt Shukla aged about 52 years resident of 315/18, Bagh Maha-Marain, Chowk, Lucknow do hereby verify that the contents of paragraphs 1 to 12 are true to my personal knowledge and believe and that I have not suppressed any material facts to registral.

LUCKNOW  
DATED 7-11-89

Kanhaiya Lal Shukla  
A P P E L L A T I O N  
Signature of Advocate

R.A.D. (AIS) SNC ~~22~~ 40

وَمَنْ يَعْمَلْ مِنْ حَسْنَاتِهِ فَلَا يُؤْمِنُ بِهَا وَمَنْ يَعْمَلْ مِنْ سُوءِهِ فَلَا يُؤْمِنُ بِهِ (١١) ١٢

whereas the Dy. C M.R (W) Amrit Khera (S) (Appointing Authority) is of the opinion that it is the public interest to do so.

For therefore, in exercise of the power conferred by  
Section 4 (ii) of the Act 505 of 1962 of Manual  
Labour Registration Act of 1962, the  
Appointing Authority hereby  
gives this day of July 1974 to K. L. Shukla T. No 6696  
Designation

Sk-Gr II RUF that do

Completed 30/7/25 thirty years of  
Methodist thirty years of qualifying service on the  
18-12-86 will retire from service with effect  
from the after end of the 24-11-87 A.M. or from the  
date of expiry of the three months completed from the date  
of service of this letter onwards, thereafter to date  
and (if not less) he shall be paid a sum equivalent to the  
amount of pay and allowances for 3 (three) months in lieu  
of the period of notice calculated at the same rate at  
which he was drawing them, immediately before the date of  
leaving of this service. P.T.C.

Do 2R4/36 (Rev) ii

क्रमांक 24/11/87 कृष्णपुरी एवं भौतिक विज्ञान (३-३) प्राचीन कला केन्द्र कार्यालय  
Digitized by Dr. K. P. Singh, Author (३-३) रु० २० बालभवग, लखनऊ

20

22/10/2000 K.L. Shukla T. No. 6693  
Shroff Stop - Super - wagon ✓  
H. No. 315 Bagh Naha Narain F. C. Chowk Lucknow  
10 NOT FOR PUBLIC RELEASE

8. K. L. Shukla 669 Now holding the post of STF & RUF  
Duly acknowledge the receipt of the original notice of  
the order of summonses to appear.

Digitized by srujanika@gmail.com

### Donkentosa

10

Place \_\_\_\_\_

Place: \_\_\_\_\_

Date \_\_\_\_\_

30

Page 620 (ii) of MR9R

(a) As Received 14 Feb 1944 ~~62C~~ <sup>face</sup>

• 1980 (8815) (11-16) (11) CP (1) as the case is -

“REFUSE OF THE PARTIES”

870

7 A.

(A19)

6/12

cto: (1) SS wagon for information & n/a  
(2) OS & B, T.O., Sel. etc pass & &  
(3) Secy N.R. & B Division  
Subha Mary duck know  
(4) Secy. Recreation Club etc  
(5) S.W. L.I.  
(6) SA (W) Amv.  
(7) 2½ wagon

X. Sheikh N. Shukla T. No. 66913, may prefer  
an appeal to C.W.L./N.D.L.S within three  
weeks time if he so desires.

ptt. etc.

2/11/89

11-11-89

Handy del Shukla

11-11-89  
S.E. 11-11-89  
etc. 11-11-89

To,

The Hon'ble Central Administrative Tribunal  
Lucknow Bench, Lucknow.

(A20)

My lord,

Sir Anil Srivastava is  
out of Station today ie 28.9.90.  
Therefore it is kindly requested  
to adjourn the cases at Serial No  
1, 12, 13, 15, 27, 28 & 36 may  
kindly be adjourned and may  
be taken in any other day.

Lucknow.

Dated 28.9.90

for. Primer  
(Anil Srivastava)

S

A21

RAD

No. Rly's Office of the Dy. C. M. E. (W), C&W Shops, Amt/Lko.  
No. 725E/DCME/Ex. 669B Dated July '88

33) Shri Kanhaiya Lal Shukla Ex. T. No. 669B 2 Aug  
R/O No. 315/18, Bagh Maha Narain  
P. O. Chowk, Distt. Lucknow.

Sub:-Review appeal against premature retirement.  
Ref:-Your representation dt. 28.12.87 against premature  
retirement under Rule 2046R 2  
.....

Your representation was forwarded to Hd. Qrs. Office  
NDLS and from there the same was referred to Rly. Board  
and the following orders on your representation have been  
passed.

"The Board have carefully considered the matter and  
have decided to uphold the General Manager's decision to  
retire Shri Kanhaiya Lal Shukla T. No. 669B, Skilled Gr. II  
RUF, C&W Shops, Alambagh/Lucknow prematurely from service."

*1-8-88*  
for Dy. C. M. E. (W), Amt/Lko.

C/-to:-Settl. Section for information.

....

D/21.7

*Kanhaiya Lal Shukla*

*Attested*  
*W. S. D. E. L. T. H.*  
*7-11-89*

उत्तर रेलवे NORTHERN RAILWAY ROTD

Office of Shri Dy C.M.R. (Ex. Shrops) Amvr. LKO

No 7252/DEMR/Ex 669B Dated 25/1/89

Shri Kanchayadac Shukla Ex. No 669B

Q.10 H. No. 315/10 Mahanagar Charkha  
Lucknow.

Sub:- Supply of copy of order of G.M.

at 19/1/88

Ref:- Your application addressed to  
Dy C.M.R.(Ex) Amvr. LKO copy endorsed  
to G.M./R.D.L.S

You have already been conveyed  
the orders of Railway Board in the  
Office letter of even number dated  
21/8/88 and as such no copy of  
orders of G.M./R.D.L.S can be  
supplied to you.

Ex. Dy C.M.R.(Ex)  
Ex. Shrops  
Amvr. LKO.

Kanchayadac Shukla

Attested  
Attested

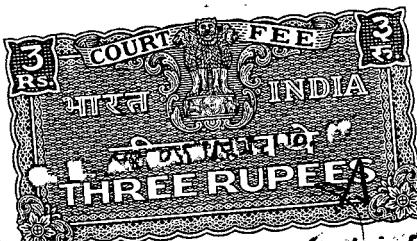
Central Administrative Tribunal  
Circuit Bench, Lucknow  
व अदालत श्रीमान महोदय

[वादी] अपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

का वक़ालतनामा



मुकदमा नं०

सन् १९

वनाम  
पेशी की तां

१६ ई०

जपर लिखे मुकदमा में अपनी ओर से श्री

C. 799, Sector C, Mahanagar,

वकील

महोदय

BUCKNOW.

एडवोकेट

K. S. Khale, Advocate  
मुकदमा विवादी  
पेशी की तां

Yogenara Kumar, Advocate

Advocate in the Court

C. 799, Sector C, Mahanagar,

वकील

महोदय

BUCKNOW.

एडवोकेट

को अवना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है कि इस मुकदमा 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 रुपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा और मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाना है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह एकल वक़ालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

Accepted  
Kulbhushan  
Yogenara Kumar, Advocate  
C. 799, Sector C, Mahanagar,  
BUCKNOW.

हस्ताक्षर

Kulbhushan

साक्षी (गवाह)

महीना

सन् १९९१ ई०

विनाप

for

Mr. Appellant

IN THE CENTRAL ADMINISTRATION TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW.

Misc. Application No. 365 of 1989

In re: original Application No. of 1989.

Kanhiya Lal Shukla

vs.

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

Application for condonation of delay in  
filing the application.

The above named, applicant, most respectfully  
showeth as under :-

1. That the applicant was compulsorily retired  
vide order dated 24.11.87 contained in Annexure No.1 to  
the application.

2. That the applicant preferred an appeal to the  
C.W.E. Head Quarter Office Baroda House New Delhi  
through proper channel on 28.12.87.

3. That vide order dated 1/2.8.88, it has been  
informed on behalf of Dy.C.M.E.(W) AMV, Lucknow that the  
appeal has been rejected by the Board but the copy of  
the rejection order passed by the Board has not been  
serviced upon the applicant so far.

4. That the applicant on 19.10.88, again requested  
to Dy.C.M.E.(W) Carriage Shop Alambagh Lucknow that  
the original rejection order of the appeal passed by  
Board may be supplied to the applicant. This request  
has also been rejected vide order dated 25.1.89 cont-  
ained in Annexure No.3 to the application.

5. That it is expedient in the interest of justice to  
and in such circumstances to condon the delay in fil-  
ing the application, if any.

5. That the applicant shall have to suffer an  
irreparable loss and injury in case the delay, if any,

(R25)

- 2 -

in filing the application is not condoned by this Hon'ble Tribunal.

P R A Y E R

WHEREFORE it is, most respectfully prayed that the Hon'ble tribunal may kindly be pleased to condone the delay, if any, in filing of the application in the interest of justice and under such circumstances.

Verification

I, Kanhiya Lal Shukla, son of Late Shri ~~Bishambher~~<sup>Qazdambha</sup> Dutt Shukla, aged about 52 years, Compulsorily retired as High Skilled Grade II, in the office of Carriage & Wagon Shop, Alambagh, ~~Mahanarain~~ Lucknow r/o 315/18 Bagh Mahanarain Chouk, Lucknow, do hereby **verify** that the contents of para 1 of this application are true to my personal knowledge and those of paras 2 to 5 are believed by me to be true on legal advice and that I have not suppressed any material fact.

Lucknow:

Dated : 7-11-89

Kanhiya Lal Shukla

Signature of the Applicant

~~Advocate~~

Signature of the Advocate.

(R24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Civil Misc. Application No. 569 of 1990 (L)

In Re:

Registration (O. A.) No. 315 of 1989 (L)

Kanhaiya Lal Shukla.....Applicant

Versus

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

Fixed For: 28.9.90

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: 20.9.90

Anil Srivastava  
(ANIL SRIVASTAVA)  
ADVOCATE

Counsel for Respondents.

*Filed 20.9.90*  
*20/9/90*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Registration (O. A.) No. 315 of 1989 (L)

Kanhaiya Lal Shukla.....Applicant

versus

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

Fixed For: 28.09.90

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Rajiv Chandra, \_\_\_\_\_ working as  
Dy. Chief Mechanical Engineer (W) in the office of  
Deputy Chief Mechanical Engineer (W), C & W  
Shops, Northern Railway, Alambagh, 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 and 2 of the original application do not call for reply.

3. That the contents of para 3 of the application is categorically denied. The application is no

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the Administrative Tribunal Act, 1985. The applicant has will fully made this wrong statement about the limitation. Which is apparent on record as he has also file and application for condonation of delay in filing the application. Thus from this incident it is clear that the applicant has not come with the clean <sup>hands</sup> hence.

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

4. That the contents of the para 4.1 of the application are admitted.

5. That the contents of the para 4.2 & 4.3 of the application as stated are not admitted and it is submitted that the applicant was initially appointed as Temporary Revit Boy on 9.2.1955

in C & W Shops, Alambagh, Lucknow, on pay Rs. 27/- per month and was designated as Temporary

as is clear from ANNEXURE No. C, to present Counter reply  
Khallasi w.e.f. 17.3.55 vide letter No. 2 E 4/3 B dated 17.3.55. Later on, the applicant came on transfer in Wagon Shop on 1.8.56 in the same capacity and was promoted as temporary Hammer Man on pay Rs. 35/- per month with effect from 21.06.57 in Semi skilled category in Grade Rs.

एप मुख्य अधिकारी अधिकारी (कर्मी)  
पश्चारी एवं माल विभाग कर्मशाला,  
द० र०, आलमगढ़, लखनऊ

35-60 (P.S.) vide No. 2E4/3B dated 21.06.57,

Cont.....3..

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which was converted in to authorised Scale of Pay  
as is clear from ANNEXURE No.62 to present Counter reply.  
Rs. 75-110 (A.S.) in 1959. It is specifically

denied that the applicant was promoted due to  
good and efficient working. Actually, the applicant  
was promoted according to his seniority position.

6. That in reply to the contents of para 4.4 of the  
application, it is denied that due to satisfactory  
working, the applicant was promoted as Skilled  
Revitter Under Frame. Actually, the applicant was  
promoted as temporary Revitter under Frame with  
effect from 2.2.71 on pay Rs. 110/= per month in  
Grade Rs. 110-180 (A.S.) after qualifying the  
requisite Trade Test as per his seniority position.

7. That in reply to the contents of the para 4.5 of the  
application, it is most respectfully submitted that  
account  
on account of existing vacancies of Highly Skilled  
Grade - II Revitter Under Frame with effect from  
9.4.79 on pay Rs. 330/= per month in Grade Rs. 330-  
480 (RS) vide Staff Order No. 334 of 94.1979.

8. That in reply to the contents of the para 4.6 of  
the application, only this much is admitted that he was  
given promotion to the post of Mistry Grade - I on

pay Rs. 380/= per month in Grade Rs. 380-560 (RS)  
pay Rs. 380/= per month in Grade Rs. 380-560 (RS)  
→ 8-5-81, but due to his inefficient working, he was reverted  
to his substantive post of H.S.Gr.II RUF w.e.f.  
इव मुख्य शास्त्रीक अधियन्ता (कर्मचारी) with effect from 5.2.1982 vide Staff Order No. 830 of  
सचारी एवं माल डिभा कर्मशाला,  
द० र०, आसमान, लखनऊ 4.2.1982 i.e. just after 8 months and 17 days of his  
promotion

Cont... 4

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promotion.

9. That the contents of para 4.7 of the application are totally wrong, false and concocted, hence strongly denied. It is further stated that the applicant was reverted to his substantive post of Highly skilled Grade - II Revitter Under Frame with effect from 5.2.1982 on account of his in-efficient working.

10. That in addition to above, it is relevant to mention here, that the applicant was very poor in his attendance as is evident from the Service Record of the employee. The applicant's annual increments were always deferred from their due dates and to prove this fact, it is submitted that during the period from 31.5.57 to 10.4.73, the applicant availed not only his all kinds of leave admissible to him at that time, but also availed LEAVE WITHOUT PAY for 2 years, 2 Months and 16 days, as is evident from the service record of the applicant, which clearly shows his irregularity and irresponsibility in his attendance during this period. The applicant was awarded

व्यष्टि द्वारा यान्त्रिक अधियन्ता (कर्म) the punishment of One Censure by the Disciplinary  
संवारी एवं माल दिव्या कर्मशाला;  
४० रो, आलमवाग, लखनऊ  
Cont.....5..

Authority for Sitting Idle and wasting time at

13-10 hours on 19.2.1963 in BVG Section as

noticed by the Works Manager of these Works.

Another punishment for with-holding of increments permanently for two years was also imposed by the

Disciplinary Authority for not starting the work,

even lighting his furnace by 8.00 A.M., One hour

after the start. At that time the working hours

of the Workshop was 7.00 hours to 16.00 hours,

including <sup>Lunch</sup> ~~lunch~~ hour. On ~~sixth~~ <sup>appellate</sup> appeal

of the applicant, it was reduced to stoppage of

passes and PTOs for one year by the appellate

authority on sympathetic considerations. The

applicant participated in the strike on 12.7.60,

which was treated as Dies-non for all purposes,

but it was counted as on leave with ~~xxx~~ allowances

for the purpose of provident fund, pension and

increment only in terms of Railway Board's letter

No. E(NG) 60-STI-102 dated 16.11.60 circulated un-

G.M. (P)/NDLS's letter No. 890-E/O-ii(EVI) dated

24.11.60. The applicant also participated in the

Railway Strike of 1974 but the period was regula-

धर्म मुख्य आन्तरिक अधियंता (कर्मो)

दबावी धर्म मात्र दिव्या कर्मशाला, ised as leave due.

द० २०, आलमबाग, लखनऊ

Cont....6..

AB2

11. That in the year 1974, the applicant's annual increment was again deferred due to his irregular attendance and in 1980, his annual increment was again deferred due to his 99 days leave. LWP, hence it was fallen on 10.7.80, later on, in the year 1983, it was again deferred due to 54 LWPs and was fallen on 23/1.8.89 in place of 1.7.83, again in 1985, the increment was deferred to 18/1.9.85 due to 48 LWP. Thus during the period from 31.3.74 to 31.3.87, the applicant not only availed all the leave admissible to him, but also availed 1 year 9 months and 7 days leave without pay, besides the period mentioned earlier i.e. 2 years 2 months and 16 days and thus the applicant availed the total leave without pay as 3 years 11 months and 18 days during his service period which showed his irregularity and irresponsibility towards his duty.

12. That the applicant was not at all interested to serve the public department and his conduct did not show his devotion and faithfulness to his duty. Having been found on unauthorised absence from 23.11.81 to 25.11.81, the applicant was awarded punishment of Censure. Later on, he was issued another S.F.11 i.e. Minor Penalty Charge Sheet dated 6.2.87 for giving false information regarding his payment and was awarded a punishment of stoppage of three sets of passes and Six Sets of PTOs and on preferring the appeal, the same was fully considered by the Appellate Authority who passed the following orders "I have examined the case. He is habitual. The penalty imposed by the S.S. (Wagon) should stand." The above orders were communicated to the applicant via

रघुवंश यान्त्रिक अधियन्ता (कर्मो)  
सर्वारी एवं माल दिव्या कर्मशाला,  
उ० २०, आलमबाग, लखनऊ

notice no. 725-E/DCME/669B dated 3.8.87.

13. That in reply to the contents of para 4.8 of the application, it is submitted that the applicant was very poor and irregular in his attendance as his shop supdt. (wagon) vide his letter No. W/E/87/669B dated 11.2.87. Complain that the applicant came on transfer from Wagon Body Repair to Lifting Shop on 13.8.86 and absented for the following days:-

- 1) 8/86 - 9 days absent out of 13 days.
- 2) 9/86 - 21 days absent out of 24 working days.
- 3) 10/86 - 15 days absent out of 25 working days.
- 4) 11/86 -  $5\frac{1}{2}$  days absent out of 24 working days.
- 5) 12/86 - 8 days absent out of 25 working days.
- 6) 1/87 -  $10\frac{1}{2}$  days absent out of 25 working days.
- 7) Upto 10/2/87 -  $4\frac{1}{2}$  days absent out of 8 working days.

14. That on receipt of the above complaint, the applicant was served with SF-11 i.e. Minor Penalty Chargesheet bearing No. 725-E/DCME/669B dated 26.10.87, which was received by him on 10.9.87 at 14.30 hours and in response to this SF-11, the applicant submitted his explanation dated 18.3.87 to the disciplinary authority through his S.S., wherein his S.S. recorded, he has not changed his habit yet please. Inspite of this, the competent authority ~~has~~ has passed the following orders after taking a very lenient view, "He has been warned and has promised to improve, file." Which was conveyed to the applicant vide letter dated 1.4.87. Instead of improving his poor attendance, the applicant again underwent unauthorised absence from duty from 25.3.87 to 20.4.87. The applicant

✓ राष्ट्रीय यान्त्रिक अधियनता (कर्मो) स्वारी एवं माल डिव्हा कर्मशाला, त० रो०, आलमबाग, लखनऊ, was issued minor penalty chargesheet SF-11

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ABU

No. 725/AE/DCME/669B dated 27.5.87 with Annexures, which was received by him on 30.5.87, and on receipt of the applicant's explanation dated 6.6.87, the same was considered by the Disciplinary Authority, namely, Work Manager (W) <sup>who</sup> ~~wjp~~ passed <sup>the</sup> following orders after holding the applicant guilty of the charges. The following punishment is imposed as he has not improved inspite of warning dated 23.3.87 at PP-2 WIT for one Year." It was conveyed to the applicant vide notice No. dated 11.7.87. It is further submitted that a Confidential Warning was personally issued by the Production Engineer of these Works to the applicant vide Confidential Notice No. PE/Confld. (E)/iii-1981 dated 27.7.81, when the applicant was working as a Mistry in Wagon Shop, the contents of that letter are reproduced as under:-

\* On date at about 13.00 hours the undersigned when enquired about the return of your Bay Specifically, the progress for repair of Wagon No. 28316 and 35530 which were given in Scheduled Programme of 27.8.81, you have ~~said~~ alleged the undersigned at the peak of your voice, that I was harrassing you unnecessarily instead of any co-operation to you and that I was disturbing you all the time, in presence of Shri D.D. Goswami, S.S. (Wagon) your insubordination is being recorded. Your performance during this month has also not improved as was pointed out in my confidential letter of even No. dated 13.7.81. A copy of this letter is being placed in your Service Record and second opportunity is given to you to improve your working <sup>and</sup> to behave, in future Cont.....9..

ए प्रूत्यान्वित प्रमियता (कर्मचारी)  
सर्वारी एवं माल डिव्हा कर्मशाला,  
३० रो, आलमगढ़, लखनऊ

properly with your seniors."

15. That in addition to above, it is submitted that a per rules and policy made for the purpose of reviewing the cases of the employee to determine their over all assesment of service and with a view to assess the suitability for retenction beyond the specific age of 30 years service/qualifying service, a review should be made by the appropriate authority six months in advance on which a Railway Servants attains the age of 50/55 years or complete 30 years service/qualifying service whichever occurs earlier. A committee to be constituted for each department at the appropriate level will examine the case and action will be taken on the recommendations of the committee ~~to be~~ in terms of Railway Board's letter No. E(P&A)1-76/RT/47 dated 29.11.76 and PE/62/RT/1 dated 11.1.67 and in terms of Sub-Rule(H) of 2046 of Indian Railways Establishment Code Volume II (now converted to rule 1802 (a) 1803(a) and 1804(a) of Indian Railways Establishment Code Volume II) read with Rule 620 (ii) of the Manual of Railway Pension Rules. Accordingly, on about completion of 30 years qualifying service, the case of the applicant was sent to the review committee of Head Quarters Office vide letter No. 2E4/3B(Review) dated 18.7.86 on prescribed proforma through the Confidential section of the Dy. C.M.E. (W). Thereafter, while the review was being conducted by the reviewing committee the General Manager asked for the absentee for the last five years in addition to the punishment awarded to the

प्रधान सचिव कार्यालय (कर्मसूची)  
सरकारी एवं मालिनी विभाग कर्मशाला,  
दू० २०, आकाशवाणी, लखनऊ

applicant during the said period which was conveyed indicating one punishment of "CENSURE" for unauthorised absence from 23.11.81 to 25.11.81 and leave availed during the last five years namely LAP = 132 days, LHP = 96 days and LWP = 227 days total 455 days.

16. That thereafter, the review committee decide and directed to the Dy. C.M.E. (W) to take action to retire the applicant compulsorily under confidential letter, after following the criteria and procedure laid down for this purposes. Accordingly, in terms of rule <sup>62D</sup> (ii) of Manual of Railway Pension Rules read with Sub-Rule (h) of Rule 2046 of Indian Railway Establishment Code Volume-II i.e. notwithstanding anything contained in this rule, the appointing authority shall, if it is of the opinion that it is in the public interest to do so; have absolute right to retire any Railway servant giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice, the competent authority, namely, Dy. C.M.E. (W), of these Works compulsorily retired the applicant with effect from 24.11.87 vide Notice No. 2E4/3B (Review)/II dated 24.11.87 and three months full pay and allowances were paid to him in lieu of three month notice, keeping in view of his poor attendance extremely un-satisfactory work and devotion to duty.

17. That the contents of para 4.9 of the application, as stated, are not admitted. The retirement notice No. 2E4/3B (Review)/II dated 24.11.87 was sent to shop Supdt./Wagon to get it served upon the applicant, but the said notice was returned,

Cont...11.

४४ मुख्य अधिकारी अधियन्ता (कर्मसूत्र)  
पश्चात्ती एवं माल विभाग कर्मशाला,  
उ० २०, आत्मवाग, लखनऊ

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Back by the S.S. with the intimation that the employee absented himself in second half of 24.11.87 and simultaneously the applicant sent PMC (Private Medical Certificate) for his sickness, which was returned to him vide letter No. 725-E/DCME/669B. A photo-copy of letter is annexed herewith as ANNEXURE NO. dated 2.12.87 as unaccepted. The retirement notice dated 24.11.87 was also sent to the applicant's home address under R.A./D but the same was also returned undelivered by the Postal Authorities with remarks "Bar Bar Ghar Jane Par Prapt Karta Mulakat Nahin Kartey Hain Atah Ruposi Enquiry Vapas 9.12.87." In addition to this, a copy of the retirement notice was pasted on the place of applicant's working before the two witnesses. However, the retirement notice as well as the applicant's P.M.C. was handed over to him on 21.12.87 in the office in the presence of two witnesses at the time, when the applicant came and asked for the same.

18. That in reply to the contents of para 4.10 to 4.12 of the application, it is submitted that aggrieved by his retirement the applicant preferred an appeal dated 28.12.87 to the appellate authority i.e. the C.W.E., Head Quarters Office, Baroda House, New Delhi, which was forwarded to him with the comments vide letter No. 725-E/DCME/669B dated March 23, 1988  
7.4.1988

alongwith other information in terms of G.M. (P)'s letter No. 52-E/0/26-VIE (D & A) dated 9.3.79. The above-mentioned appeal was under consideration, the G.M.(P) (P.S. No. 7229A). While Northern Railway demanded the C.R. Files of the applicant for the last 6 years, i.e. till the employee was retired under rule 2046 (R.I.) ~~an employee was xxexxxed under~~ Cont....12..

i.e. till 24.11.87 to enable to take further necessary action vide letter No. E370/G/Mech./70 dated 8.4.88, which were supplied by the Dy.C.M.E.W.

19. That thereafter, on receiving the decision of the competent authority as passed on the applicant's appeal, the applicant was intimated wide letter No. 725-E/DCME/669 dated July 1988 under the 2.8.88 Registered A/D post that his representation was forwarded to Head Quarters Office, New Delhi, and from there, the same was referred to the Railway Board and the following orders on his representation have been passed:-

"The Board have carefully considered the matter and have decided to uphold the General Manager's decision to retire Shri Kanhaiya Lal Shukla T. No. 669/B Skilled Grade II Revitter Under Frame, C&W Shops, Alambagh, Lucknow, prematurely from service."

20. That the above letter/notice was acknowledged by him on 8.8.88 under his clear signature. Then, the applicant moved an application dated 19.10.88 stating that it has been noticed by him that the General Manager has passed some decision about him and for that, neither he has been informed nor any copy has been provided and requested for supplying a copy of General Manager's decision, which was not acceded to as the applicant had already been conveyed the orders of the Railway Board vide this office letter of even No. dated 2.8.88. However, the applicant was replied by this office vide letter No. 725-E/DCME/669B dated 25.1.89 under Registered A/D. Post. A photo-copy of this letter is enclosed as Annexure No. C4 to present Counter reply. Cont.....13..

834

21. That the contents of para 4.13 of the application as stated are not admitted. It is further submitted that there are Confidential instructions from the Railway Board, not to issue any copy of the Secret documents, hence the respondents did not supply the ~~same~~ to the applicant. However, the applicant was always replied in accordance with rules.

22. That the contents of para 14 of the application is totally wrong, baseless, hence denied. The correct position has already been explained in paras hereinabove.

23. That the grounds mentioned of para 5 of the original application are misconcieved, baseless, vague, irrelevant, illegal and not applicable to the instant case.

24. That in reply to the contents of para 6 of the application, it is stated that the application has not exhausted the remedy of departmental review which was available to him.

25. That the contents of para 7 of the original application do not call for reply.

27. That in reply to the contents of para 8 of the original application, it is stated that the applicant was not entitled to any relief as claimed rather this original application itself liable to be dismissed with costs in favour of the answering respondents and against the applicant.

Lucknow.

Dated: 29-6-90

उप मुख्य अधिकारी (कर्मी)  
सर्वारी एवं माल विभाग कर्मशाला,  
स० रे०, आलमगढ़, लखनऊ

Ans

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 27 of this Counter Reply are believed by me to be true on the basis of records and legal advice

Lucknow.

इस दृख्य यान्विक अधियन्ता (कर्मी)  
दबारी एवं माल डिव्हा कर्मशाला,  
इ० २०, आतमवाग, लखनऊ

Dated: 29-6-90

ANNEXURE No. C.

Date : Personnel C  
C. & W. Shops AMV, Ltd.

1st Impression

Particulars of Service

Witnessed Mirza  
Signature clerk

Date 11.2.55

Accepted Rishavam  
15.2.55  
28/1

Health Examinations

Date	Initials
<u>8.2.55</u>	<u>hme</u>

Termination of Service

Reason Retired w.e.f. 24-11-87  
under service on completion  
of 30 yrs qualifying service w.e.f.  
Notice No. 227/3B (Rev) Dtd. 24-11-87

Date 24/11/87

Initials

Gratuity

Gratuity/Compassionate passed.

Amount

Abstract No.

Accounts Officer

Commendations

Signature

Date

Name (in full)

Nationality or Caste

Father's Name

Residence (in full)

Date of appointment

Place

Capacity on appointment

Pay

Date of birth

Place of birth

Height

Date of joining Provident Fund

Provident Fund Account No.

Distinguishing marks

Special qualifications

Health certificate

Verifying Officer

Designation

Date

Departmental Examinations (show failures in red)

Description

Date

Initials

11807/68/17 etc

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को ० उप मु० या० आधी० (कौन) आलमबाग/लरवनके RAD ANNEXURE

पंच सं० ७२५ | डी सी रम० | ६६९ बी - दिनांक - २/१२/८७.

को० सल० शुक्ला टिकौर० ६६९ बी

निवासी म० न० ३१५/१०

बोग महानारायण

म० - चौक

न० - लरवनक

PAUZ

विचार | डी० रम० री० दिनांक २४-११-८७.

आपको विदित हो कि इस कार्यालय की अधिकारी ने आपको रूप० २५४/३ बी (रिट्यू) ।। दिनांक २४-११-८७ द्वारा आपको दिन २४-११-८७ डारान्ह से रिटायरमेंट किया जा चुका है इस स्थित में ये रुप० जी लेने या रुप० कार करने का प्रश्न ही नहीं है।

अहं आप की ये रुप० की वापसी की जाते

कृते उप मु० या० आधी० (कौन) 2/12/87  
दोस्रा सवारी रूप० गालीडिला कास्ताना  
आलमबाग/लरवनक

DA  
सलैंग रुप० दिनांक  
dt - २४-११-८७

ANNEXURE

R.H.D

31023

जी० इल० ३९-ए/जनरल ३९ डोट्टा  
G.L. ३९-ए/Genl. ३९ Small

उत्तर रेलवे NORTHERN RAILWAY

Office of the Dy CME (W) CSW Shroffs Amritsar

No. 7232/1/CEMB/Ex 669B Dated 25/1/87

Shri Kanchayakal Shukla Ext. to 669B

RIO H. No 315/18 Mahanadiya Phata  
Lack now.

Sub:- Supply of copy of order of G.M.

Ref:- Your application addressed to  
Dy CME (W) Annex & copy endorsed  
to C.M./N.D.L.S

You have already been conveyed  
the orders of Railway Board made this  
Office, letter of even number dated  
2/8/86 and as such no copy of  
orders of G.M./N.D.L.S can be  
supplied to you. (M)

25/1/87  
Dy CME (W)  
Refd Shroffs  
of Amritsar  
P.M. (25/1)

Full

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW

Mis. Application no. 492 of 1992

In

O.A no. 315 of 1989

Kanhiya Lal Shukla ----- Applicant

Vs

Union of India and others ----- Respondent

Application for summoning documents:

The applicant most respectfully sheweth as under:

1- That the following documents are very essential in the interest of justice:

(a) Screening Committee Report. *MD 21-9-92* *MD 21-9-92*

(b) Personal file of the Applicant. *81* *81*

(c) Leave forms specially from 23-11-87 to 25-11-87.

2- That the opposite parties contention that the applicant was absent from 23-11-87 to 25-11-87, is not correct. Actually this leave for the above mentioned period was sanctioned *MD* the applicant got salary for leave period from 23-11-87 to 25-11-87. *MD 21-9-92* *81* *21-9-92*

It is, therefore, most respectfully prayed that the

*Filed today* documents mentioned in para 1 above may kindly be summoned from

opp. parties in this interest of justice.

*Kanhiya Lal Shukla*  
Applicant

*28/5/92*

Lucknow

Dated 28/5/92

*Kept*

*28/5*

*Amendment  
incorporated  
Muller et al  
21-9-92*