

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE OA 48 OF 1989

NAME OF THE PARTIES R.N. Bhatt Applicant

Versus

Union of India Respondent

Part A.

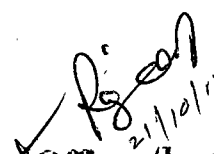
Sl.No.	Description of documents	Page
1	<del>Order</del> Order sheet	A 1 to 14
2	Final Judgement date 22-3-96	A 15 to 17
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17		
18		


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 14/6/2011

Counter Signed.....

  
Section Officer/In charge

  
Signature of the  
Dealing Assistant

-- 2 --

ORDER ( ORAL )

By Hon'ble Mr. Justice B.C. Saxena , V.C.

When the case was called out none, respondent on behalf of the applicant . We have heard Shri S. Verma , learned Counsel for respondents .

2. The applicant through this O.A. challenges an order dated 27.1.1989 contained as Annexure -9 of the O.A. . The Applicant termed the order as an order of reversion and has sought quashing. A perusal of order contained as Annexure-9 shows that the applicant was order to be absorbed in scale Rs. 2000-3200 (R.P.S.) and posted as Signal - Inspector, Lucknow in Transportation Training School, Lucknow. The applicant was placed under suspension while he was working in scale Rs. 2000-3200 (RPS) . He remained under suspension with effect from 29.8.86 till 30.11.88. His suspension was revoked and subsequently the applicant was also exonerated from the charges levelled against him. Consequently , the period of suspension was treated as on duty by an order passed by competent authority as indicated in C.A. , it has further been pleaded that the impugned notice dated 27.1.1989 was never made effective and the applicant has retired from service after attaining age of Superannuation and he continued to work in scale Rs. 2375 - 3500 RPS.

3. In view of the above, since the

1  
Bor

impugned notice has not been given effect and the applicant has not been placed in lower scale which can be termed the reversion of the applicant.

4. The O.A. is therefore fail and is dismissed. Notice issued to the applicant.

No order as to costs.

h k  
MEMBER (A)

Boh  
VICE-CHAIRMAN

Dated : 22 March, 1996

Lucknow,

A.K.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

D.A. / T.A. No. 48189 of 199

Name of Parties

R.N. Bhatt

Applicant

Varsus

Union Of India & Others .....

Respondents

Sl. No. Particular Of Documents No. of page

PART A

1. CHECK LIST ..... to
2. ORDER SHEET ..... to 14
3. FINAL JUDGEMENT DT. .... 15 to 17 - 223.96
4. PETITION COPY WITH POWER ..... 19 to 30
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6. COUNTER WITH POWER ..... 62 to 67
7. REJOINDER WITH ANNEXURE ..... to
8. SUPPLEMENTARY COUNTER ..... to
9. SUPPLEMENTARY REJOINDER ..... to

PART B

B-1 to 53

PART C

Power. In & Value and R.K. Jain A Bhargava

CERTIFICATE

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

(Signature of deeling Asst.)

COUNTER SIGNED :-

Dated:-

V.K. MISHRA

( SECTION OFFICER COURT OFFICER )

16.7.90

1

22.3.94.

D.R.

Both the parties are not present.  
C.A. has not been filed till today  
by the respondents. Respondents are  
directed to file it on the date fixed.  
List on 20.5.94 before me.

✓

Amit..

Dy. Registrar.

2

20.5.94.

D.R.

Both the parties are not present. C.A.  
has not been filed till today. Respon-  
dents. are directed to file it on the  
date fixed. List on 22.8.94 before me.

✓

Amit..

Dy. Registrar.

22/8/94

D.R.

Both the parties are absent.  
List on 6/10/94 for filing  
C.A. before me.

✓

✓  
D.R.

OK  
CA not filed  
submitted for  
the same  
before D.R.  
13/5/94

OK  
CA not filed.  
submitted for  
the same  
before D.R.  
19/5/94

3

28.4.93 Case not reached  
20.7.93 21.7.93  
Dre.

OK  
H. K. Singh  
S. K. Singh  
S. K. Singh  
23/4/93

21-7-93

Hon. Mr. Justice R. L. Verma, V.C.  
Hon. Mr. B. K. Singh, A.M.

OK  
C. K. Singh  
H. K. Singh  
S. K. Singh  
20/7/93

None appears.

list this case on  
15/9/93.

D.M.

R. K.  
V. C.

15.9.93

Case not reached only  
to 5.11.93

Dre

OK

OK  
S. K. Singh  
C. K. Singh  
S. K. Singh

Case not reached only to  
13.12.93

Dre

OK  
C. K. Singh  
S. K. Singh  
20/7/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 48/89 (J) 198

APPELLANT  
APPLICANT

R.N. Bhatt

VERSUS

DEFENDANT  
RESPONDENT

Union of India and Others

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
--	---	--

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

Admit

Repeated opportunities have been given to the opposite parties to file a reply as to why the petition may not be admitted. No reply has been filed thus far. The petition is admitted counter may be filed within four weeks to which the applicant may file rejoinder within two weeks thereafter. List for final hearing on 20.10.89

In case no counter is filed the case may be disposed of ex parte on the date fixed. Issue notice.

Sd/-

V.C.

Hon' Mr. D.K. Agrawal, J.M.

None is present for the applicant.

Shri Arjun Bhargava counsel for the respondent is present. The case is listed for ex-parte hearing. However, there is no Bench sitting. Therefore, adjourn to 10-1-90 for hearing.

The respondents may move an application for modification of order and file counter reply, if they so like. In case the counter is filed, within four weeks the applicant may file rejoinder within two weeks thereafter.

J.M.

OK  
No reply filed  
Submitted for order  
Leaving

L  
27/8

OK  
No reply filed  
Submitted for  
Leaving

L  
1/2/90

Sitting adj to 22/90

L  
10/1/90

24/2/09

Hon. D.S. Mishra, A.M.  
Hon. G.S. Sharma, J.M.

Heard

Issue notice to the repdts. to file reply  
as to why the petition be not admitted  
and the prayer for interim relief be not  
granted. Put up on 13.3.09 for admission.

J.M.

A.M.

27-2-09

OR

Notice issued to the respondents.  
through Repd. Post. fixing 13.3.09 for admission  
& Consider to the interim matter.

Jan  
29/4/09

13.3.09 Hon. D.S. Mishra, A.M.  
Hon. D. K. Agarwal, J.M.

Shri N. Bajpai is present for applicant.  
Sh. Arjun Bhargava, counsel for respondents files  
his power and requests 3 weeks time for  
filing the reply. 3 weeks time is granted to  
do so. No further time will be granted.  
Put up on 12.4.09 for orders.

A.M.

J.M.

Adj  
13/3  
10.4.09

OR

Three weeks time was granted to  
Counsel for respondents for filing reply.  
Time granted has expired but counsel for  
respondents has not filed any reply so far.  
No further time is to be granted as per  
orders of Hon. the Tribunal dt 13.3.09.  
Submitted for orders

Adj  
10/4



Att. No. 40/89

9

06/10/94  
D.R.

Parties are absent.  
list on 19/12/94 for  
filing of C.A. before  
me.

AB

D.R.

19/12/94  
D.R.

None for the parties.  
No C.A. filed. list on  
24/2/95 for filing C.A.  
before me as a last  
opportunity.

AB

D.R.

24-2-95  
D.R.

Applicant's counsel is present. None  
for the respondents. No C.A. has  
been filed despite last opportunity.  
Place this case before Hon'ble  
Bench for order on 28/3/95  
Under Rule -12 of procedure Rules

Benavides  
24/2  
1 D.R.

02  
C.A. not filed  
19/5/95

22.5.95.

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.G. Verma, J.M.

Sri Som Kartik, B.H. for Sri L.P. Shukla,  
learned counsel for applicant.

None for respondents.

Despite ample opportunity C.A. has not been  
filed. Two weeks further time is granted by way of  
last opportunity to the respondent for filing C.A.  
In case C.A. is filed the applicant will have one  
week thereafter to file R.A.

In case no C.A. is filed the case shall be  
heard ex parte on the next date .

Copy of these orders shall be sent by  
A.D.  
registered/post to the respondents during the course  
of this week.

List for hearing on 31-7-1995.

K.N.

J.M.

A.M.

31/7/95.

HON.MR.JUSTICE B.C.SAKSENA, VICE-CHAIRMAN.  
HON.MR.V.K. SETH, MEMBER(ADMN.)

On behalf of the respondents Sri B.K.  
Shukla, learned counsel, has put in appearance  
and filed vakalatnama. He prays for and is  
granted 4 weeks to file C.A. The applicant  
will have 2 weeks thereafter to file R.A. List  
for final hearing on 14/9/95.

MEMBER(A)

VICE-CHAIRMAN.

(13)

ON 45/88

29.11.45

No. 31mg a D m. col for n

S. 12. 45-

M. L.

or  
not filed  
4/12/45

5.12.45

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

Hon. Mr. D. C. Verma, J.M.

or  
not filed  
file today  
29/11/46

on the illness of Shri B. K. Shukla,  
learned counsel for the respondents,  
case is adj. to 31.1.46.

J. M.

V. K.  
A. M.

31-1-46

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

Hon. Mr. D. C. Verma, J.M.

or  
not filed

Sri. Son Kartik, brief holder  
for Sh. L. S. Shukla, learned counsel  
for the applicant prays for adjourn-  
ment on account of non-availabi-  
lity of his paper book. None for the  
respondents.

list on 15-2-46 for hearing.

This is an old case no further  
adjournment will be allowed.

J. M.

V. K.  
A. M.

quid

15.2.46

Case no. 1. reached col for 10

22.3.46

Proc

(15)

IN THE GENERAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

Original Application No. 48/1989

this the day of 22, March, 1996.

HON'BLE MR. JUSTICE B.C. SAXENA, V.C.

HON'BLE MR. V.K. SETH, A.M.

R.N. Bhatt, Late D.O. Bhatt  
Chief Signal Inspector, Divisional  
Railway Manager, Office Northern  
Railway, Lucknow. R/O Type-3, 6/A,  
N.R. Colony, Alambagh, Lucknow.

Applicant.

By Advocate : None.

Versus.

Union of India through its Secretary, Deptt. of  
Railways Board Rail Bhawan, New Delhi.

2. Chief Signal and Telecommunication Engineer,  
Northern Railway, Baroda House, New-Delhi.

3. Senior personal Officer (P.O.)  
Northern Railway, Baroda House, New Delhi.

4. Senior Divisional Signal & Telecommunication  
Engineer, Northern Railway, New-Delhi.

5. D.R.M. , Northern Railway, Hazratganj, Lucknow

6. Senior Divisional Personal Officer, Northern Railway  
Lucknow.

7. Shri J.N. Sharma Enquiry Officer Head Quarter,  
Office Room No. 403 4th floor D.R.M. Office New Delhi

Respondents

By Advocate : Sri S. Verma

Before the Central Administrative Tribunal Lucknow  
Bench Lucknow.

Application No. of 1989

\*\*\*\*

R.N.Bhatt

...

... Applicant

Versus

Union of India and others

... Opp-Parties.

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Lucknow dated:

February 21, 1989

N. Bajpai  
( Naresh Bajpai )  
Advocate

Counsel for the Petitioner

Filed today.  
noted for  
24-3-89  
N. Bajpai  
21-2-89 (Advocate)

19

Application Under Section 19 of the Tribunals Act.

1985

Date of Filing ....

or

Date of Receipt by ....

post

Registration ....

Signature Registrar

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

R.M.Bhatt

... Applicant

Versus

Union of India and others ... Respondents

Details of Applicant

1. Name of the applicant R.M.Bhatt
2. Father's name Late D.O.Bhatt
3. Designation & office in- Chief Signal Inspector  
which employed & office Divisional Railway  
address Managers office Northern  
Railways, Lucknow.
4. Address for service R.M.Bhatt r/o Type-3,  
of all notices 6/4, Northern Railway  
Colony, Alambagh, Lko.

Particulars of respondents.

1. Name address and designation

of the respondents.

1. Union of India through its  
Secretary Deptt of Railways  
Board Rail Bhawan, New Delhi.
2. Chief Signal and Telecommu-  
nication Engineer Northern  
Railway, Baroda House New  
Delhi.

2.

3. Senior Personal Officer (P.O.)  
Northern Railway, Baroda house  
New - Delhi.

4. Senior Divisional & Signal &  
Telecommunication Engineer  
Northern Railway, New Delhi

5. D.R.M. Northern Railway  
Hazartganj, Lucknow.

6. Senior Divisional Personal  
Officer, Northern Railway  
Lucknow.

7. Sri J N. Sharma Enquiry office  
Head quarters office Room No.403  
4th Floor DRM officer-New Delhi

2. Office Address Same as given above.  
3. Address for service of all notices. -do-

Dated of 198

Jurisdiction of the Tribunal.

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

Limitation

The applicant further declares that the application is within the limitation prescribed u/s 21 of the Administrative Tribunal Act. 1985.

6. Facts of the case; Given in accompanying application.

7. Relief Against reversion

8. Interim order. Stay of reversion order dated 27th January, 1989.

*brother*



3.

## 7. Details of Remedies

Exhausted.

- (1) Representation. The applicant further states that except the present application, no application or representation is pending before any court of law or any other authority or any bench of the Tribunal.

PARTICULARS OF BANK DRAFT/postal order in respect of the application fee.

1. Name of the bank on which drawn.

2. Demand Draft No.

OR

1. Number of Indian Postal order (1) . 1.  $\frac{22}{5}$  . 88958

2. Name of the issuing post office. High Court, Lko Bench.

3. Date of issue of postal order. 13.2.89

4. Post office at which payable. High Court, Lko Bench Post Office

12. Details of index - Given on converging page of the application.

13. List of enclosures - Given in index.

In verification

I, R.N.Bhatt s/o late D.D.Bhatt aged about 54 years working as Chief Signal Inspector resident of Type-3 6/4 Northern Railway Colony, Alambagh, Lucknow do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place:- Lucknow.

Signature of the applicant

Date February 21, 1989



Before the Central Administrative Tribunal  
Lucknow Bench Lucknow

Application No. of 1989,

\*\*\*\*\*

R.N.Bhatt aged about 54 years son of Sri D.D.Bhat  
resident of Type-3, 6/4 Northern Railway, Colony  
Alambagh, Lucknow.

Applicant

Versus

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

2. Chief Signal and Telecommunication Engineer  
Northern Railway, Baroda House, New Delhi.

3. Senior Personal officer ( P.C. ) Northern  
Railway, Baroda House, New Delhi.

4. Senior Divisional Signal and Telecommunication  
Engineer, Northern Railway, <sup>DRM Office, Hazratganj</sup> New Delhi. <sup>lucknow</sup>

5. D.R.M. Northern Railway, Hazratganj,  
Lucknow.

6. Senior Divisional Personal officer,  
Northern, Railway, Lucknow.

*lastrum*

5

2.

7. Sri J.N.Sharma Enquiry officer, Head quarters office Room No.403 4th Floor D.R.M. officer, New Delhi.

... Opp-Parties.

Application Under Section 19 disclosing the facts of the case as required in Sl.No.6 of the Application

The applicant named above most respectfully submits as under:-

1. That the applicant is at present discharging his duties on the post of Chief Signal Inspector in pay scale of Rs.2375-3500 since 17.10.1985.

2. That the applicant was suspended on 22.x. 1986 vide letter No.Misc./86-0/ICS by opposite party no.2 and an enquiry was contemplated. The said letter is being annexed herewith as Annexure no.1 to this application.

3. That a charge sheet was issued by opposite party no.4 thereafter on 15.6.1987 which was served upon the petitioner on 16.10.1987. The Photostate copy of charge sheet is annexed herewith as Annexure no.2.

4. That the applicant submitted his

3.

incomplete explanation on 2.10.1988 which has not been considered at all. by opposite party no.4. The copy of the said explanation is being filed herewith as Annexure no.3 to this application.

5. That Sri J.N.Sharma , Enquiry officer New Delhi of D.R.M. office, New Delhi has been appointed as Enquiry officer against the applicant vide order dated 1/13.12.1988 by opposite party no.4 copy is being annexed herewith as Annexure no.4.

6. That the applicant's suspension was revoked on 30.11.1988 vide letter No, Misc./86 /D/LCS .The copy of said letter is being filed herewith as Annexure no.5 to this application.

7. That Sri J.N.Sharma opposite party no.7 the said enquiry officer has fixed date 4.4.1989 under D.A.Rule for first sitting at New Delhi vide letter dated 9.2.1989 copy is being annexed herewith as Annexure no.6 to this application.

8. That the applicant was transferred on 6.12.1988 in the same Grade i.e. Rs.2375-3500 vide letter No.940-E/II-I/Sig. /88 by opposite party no.6 .The copy of said letter is being annexed herewith as Annexure no.7 to this application.

9. That the applicant was again transferred on 2.2.1989 vide letter No.Sig/E.Inspection by opposite party no.4 .The copy of said letter is being annexed herewith as Annexure no.8 to this application.

10. That all of a sudden inglated with prejudice reversion letter were issued vide letter No.754-E/96/84 E11b. II dated 27th Jan. 1989 by opposite parties nos. 2 and 3 which were incompetent authorities placing the applicant in lower grade i.e. in scale of Rs.2000-3200. The copy of said letter impugned is being annexed herewith as Annexure no.9 to this application.

11. That the applicant is drawing his salary in the pay scale of Rs.2375-3500 and in case the annexure no.9 impugned is implemented the applicant shall be put in the pay scale of Rs.2000-~~2375~~3200. causing an irreparable loss against the constitutional rights which cannot be compensated in terms of money and prestige and the same will amounts to despersge of the ~~applicant~~ applicant for no fault his part which is being implemented with retrospective effect.

12. That feeling aggrieved and having no faith in the applicant has been left ~~in~~ with alternate, speedy and efficacious remedy left the no option except to come in shelter authorities concerned due to their being prejudicial and

lashed

5.

and enemical, this Hon'ble Tribunal on the following amongst other grounds:-

*Arashem*

Grounds

- A. Because the chargesheet issued is vague and is still under process of enquiry.
- B. Because the reversion order impugned contained in Annexure no.9 is not a speaking order and does not inspire confidence and is again mischievous in nature.
- C. Because ~~the~~ in Annexure no.9 impugned ~~the~~ on the applicant has been placed in pay scale of a lower grade without any rhyme or reason which amounts to punishment and desparage.
- D. Because the reversion order is wholly illegal, arbitrary, and unwarranted without jurisdiction which is being implemented with retrospective effect.
- E. Because the so called reversion order has been issued during the process of enquiry without arriving at a decision or affording any opportunity to the applicant parti as enshrined in D.A. Rules.
- F. Because no any show cause notice etc.

6.

was issued prior to issuance of reversion letter impugned as contained in Annexure no. ~~5x9x~~ 9.

Reliefs

The applicant named above most respectfully prays for following reliefs:-

1. That reversion order as contained in Annexure no.9 dated 27th January, 1989 (No.754E/96/84/Ei11b.II dated 27.1.1989 ) may be quashed.

2. That the costs of the application be awarded to the applicant ~~xxxxxx~~ against the opposite parties.

Interim Relief

For the facts and reasons stated above the applicant most respectfully prays for grant of following ~~xxxxxx~~ interim relief:-

1. That during the pendency of the application the operation and implementation of order no.754E/96/84/Ei1b/II dated 27th January, 1989 as contained in Annexure no.9 may be stayed.

Lucknow dated:  
Feb. 2 / 1989

N. Bajpai  
( Naresh Bajpai )  
Advocate

Counsel for the Applicant

28

NORTHERN RAILWAY

Notice

Hd. Qrs. Office  
Bareda House, New Delhi.

Shri R.N. Bhatt is absorbed in scale Rs.2000-3200 (RPS) and posted as SI/Lke in Transportation training school/Lke in the same capacity from the date he is reinstated.

This has the approval of its CSTE Note -

Note Advise the date of changes.

for Sr. Personal Officer(PC)

No.754E/96/84/E11b II Dt. 27th Jan. 1989

Copy to : (1) DRM/N.Rly.Lke.

(2) Principal, Transportation Training School/Lke.

(3) Dy. CSTE/HQ/BH/NDLS in reference to his note No. 570-Sig/30/SI/Transfer Pt.VIII Dt.26.12.88.

Ramadhan Pander

M. P. Sharma

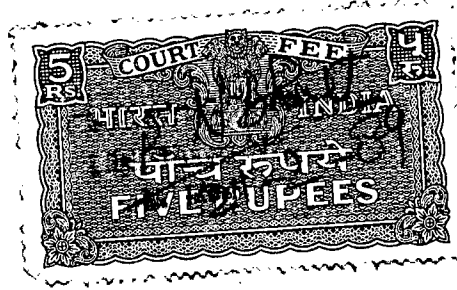
Advocate

near Odan picture.

व अदालत श्रीमान

वादी (मुद्दे)  
प्रतिवादी (मुद्दे)

का वकालतनामा



R. N. Bhatti

वादी (मुद्दे)

Union of Indus & others

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से

Narain Bhatti

एडवोकेट महोदय  
वकील

310, Old Maider Ganj, Lucknow. 3

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 जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैराकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) ..... साक्षी (गवाह) .....  
दिनांक 13 महीना 2 सन् 89



In the Central Administrative Tribunal

ब अदालत श्रीमान Chief Bench Lucknow

महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का

वकालतनामा

38

O.A. 48 of 1989



R. N. Bhatt - Applicant

वादी (मुद्दे)

UNION of India बनाम

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से

Sr. L. P. Shukla, Advocate

एडवोकेट महोदय  
वकील

C-700 Seetor C Mahanage

Lucknow

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 जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेशी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर.....

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना.....सन्.....

*[Signature]*

Before the Central Administrative Tribunal  
Lucknow Bench Lucknow.

Application No. of 1989

R.N.Bhatt ... Petitioner  
Versus  
Union of India and others Opp-Parties.

Annexure no.1

Regd. Post 4/D

Standard Form No.1

Standard form of order of suspension (Rule 3) (I)  
of the R.S.(D.&A.) Rules, 1968.

No. Misc. /86 O/LCS dated 23.10.86

(Name of Railway Administration).

Divl. Railway Manager's office.

N.Rly. Lucknow.

Order Place of Issue.....

Whereas a disciplinary proceedings against Sri R.N.Bhatt. Whereas a case against Shri R.N.Bhatt..... in respect of criminal offence is under investigation/ S.I./Tech. N.Rly. Lucknow.

Name and designation of the Railway

Servant) is contemplated/pending.

Now, therefore, the undersigned in exercises of the powers conferred by rules 4/provision to rule 5(I) of the R S ( D & A ) rules, 1968 hereby places the said Shri R.N.Bhatt under suspension with effect from 29.8.1986.

It is further ordered that during the period of this order shall remain in force, the said Shri R.N.Bhatt

*bachan*  
*N. Bhatt*

2.

shall not leave the headquarter without obtaining the previous permission of the competent authority.

Sd. Illegible

23.10.1986

Signature ( R.K.Singhal )

Name Sr.Divl. Sig. & Telecom. Engineer

DRM's office N.Rly. Lucknow Designation Suspending Authority.

Copy to:-

Shri R.N.Bhatt S.I.(Tech) N.Rly. Lucknow  
H.No.III-6/4, Munavvarbagh, Railway Colony,  
Alambagh, Lucknow.

Copy to:- "E" Branch for information and necessary action.

Copy to L. Supdt. /Pay Bill DRM office/Lko  
for information and necessary action, during the period of suspension the above named employees may be allowed to draw substance allowance at rate of half average pay and dearness allowance as admissible.

True copy

Before the Central Administrative Tribunal Lucknow  
Bench Lucknow.

Application No. of 1989.

R.M.Bhatt ... Applicant  
Versus

Union of India and others ... Opp-Parties

Annexure no. 2.

Photostate copy of the document is enclosed herewith

.....

*Naresh*  
*NBijwa*  
*Adv*

Annexure No 2

13

30.10/N.R.

16/6/87

पत्र का मानक फॉर्म

## STANDARD FORM OF CHARGESHEET

रेल सेवक (अनुशासन और अपील) नियम, 1968 का नियम 9  
Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968प्रमुख फॉर्म सं. 5  
Standard Form No. 5Divl. Rly. Manager's Office,  
N.Rly., Lucknow (रेल प्रशासन का नाम)  
Office of Railway Administration

नं./No. Miso./86-0/LCS

(स्थान) ..... दिनांक .....  
(Place of issue) ..... dated .. 8/6/87तापन  
MEMORANDUM

राष्ट्रपति/रेलवे बोर्ड निम्नहस्ताक्षरी द्वारा दे०से० (अनु० और प्र०) नियम, 1968 के नियम 9 के अंतर्गत प्रस्तावित है कि बिना वृत्त लांच करने की प्रस्तावना की जाए। उद्धार या कदाचार के लोभों का तार, जिनके संबंध में जांच करने की प्रस्तावना है, आरोप के अनुच्छेदों के विवरण (अनुच्छेद I) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में कदाचार या कदाचार के लोभों का विवरण संलग्न है (अनुच्छेद I)। जिन प्रलेखों और साक्षियों द्वारा आरोप के अनुच्छेद संयुक्त किये जा चुके हैं उनका भी एक सूची संलग्न है (अनुच्छेद III और IV)।

The President/Railway Board/Undersigned propose(s) to hold an inquiry against Shri. R. N. Bhatt under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputation 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 misbehaviour 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 article of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. श्री ..... को एतद्वारा सूचित किया जाता है कि यदि वह चाहे तो इस तापन की प्राप्ति के पांच दिन के भीतर कार्यालय समय में इसी को अपने प्रलेख-पुची (अनुच्छेद 3) में वर्णित प्रलेखों का निरीक्षण कर सकता है और इसके उद्धरण ले सकता है। यदि वह ऐसे किसी अन्य प्रलेखों तक प्रप्त होना चाहता है, जो रेल प्रशासन के पास हैं लेकिन जिनका संलग्न प्रलेखों की सूची (अनुच्छेद 3) में उल्लेख नहीं किया है, तो निरीक्षण के लिए अपेक्षित प्रलेखों की सूचीगत बताते हुए इस तापन को कार्यालय के उस दिन के भीतर उसे निम्नहस्ताक्षरी ..... रेलवे के महाप्रबंधक को इसकी सूचना देनी चाहिए। अनुशासन प्राधिकारी उन सभी या किसी ऐसे प्रलेखों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो उसकी राय में, मामले के संलग्न न हों या जिन तक पहुंच की अनुमति देना अनहित या राज्य की सुरक्षा के विपक्ष हो। उसे चाहिए कि प्रतिरिक्त प्रलेख संलग्न किये जाने के पांच दिन के भीतर उनका निरीक्षण पूरा कर ले। जिन प्रतिरिक्त प्रलेखों के निरीक्षण को उसे अनुमति दी जायेगी उनसे उद्धरण लेने की उसे अनुमति होगी।

2. Shri. R. N. Bhatt 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 five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of railway administration but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned/General Manager ..... Railway within five days of the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The disciplinary authority may refuse permission to inspect all or any such documents as are, in its opinion, not relevant to the case or it would be against the public interest or security of the State to allow access thereto. He should complete inspection of additional documents within five days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.

3. श्री ..... को सूचित किया जाता है कि जांच के बाद के प्रलेखों में प्रलेखों को प्राप्त करने के लिये किया गया अनुरोध सब तक स्वीकार नहीं किया जायेगा, जब तक अगर निर्दिष्ट समय-सीमा के भीतर विलम्ब से अनुरोध करने का वैधानिक कारण न बताया जाय और उन परिस्थितियों से स्पष्ट रूप से यह प्रकट न हो जाय कि अनुरोध इसके पहले के प्रलेख में नहीं किया जा सकता था। जांच पूरी हो जाते के बाद प्रतिरिक्त प्रलेख प्राप्त करने के संबंध में कोई अनुरोध सब तक स्वीकार नहीं किया जायेगा, जब तक जांच पूरी होवे से पहले अनुरोध न कर सकने का वैधानिक कारण न बताया गया हो।

3. Shri. R. N. Bhatt is informed that request for access to documents made at later stages of the inquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances shown clearly that the request could not have been made at an earlier stage. No request for access to additional documents will be entertained after the completion of the inquiry unless sufficient cause is shown for not making the request before the completion of the inquiry.

4. श्री ..... को यह भी सूचित किया जाता है कि यदि वह चाहे तो मौखिक जांच होने की स्थिति में प्रलेखों का निरीक्षण करने तथा जांच प्रलेखों के समस्त प्रमाण सामग्री प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कर्मचारी, रेल अधिसूचना संघ के किसी पदाधिकारी जो रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम 9 (9) और बचाव-स्थिति उनके टिप्पण 1 और/अथवा टिप्पण 2 की शर्तों के अधीन पूरी करे हों) को सहायता से सकता है। इस प्रयोजन के लिए अधिसूचना-संघ में उसे एक या अधिक व्यक्तियों का नामन करना चाहिए। सहायक रेल कर्मचारी (कर्मचारियों) अथवा रेल अधिसूचना संघ के पदाधिकारी (पदाधिकारियों) का नामन करने से पहले श्री ..... द्वारा नामित व्यक्ति (व्यक्तियों) से बातचीत कर लेनी चाहिए कि वे (वे) प्रशासनिक कार्यवाही के दौरान उनकी सहायता करने के लिए तैयार हैं। अचानक से ऐसे अन्य मामलों (सामलों) का, यदि कोई हो, विवरण भी दिया जाता चाहिए, जिसमें नामित व्यक्ति (व्यक्तियों) द्वारा सहायता करने का पहले ही उद्योग किया जा चुका हो और नामित व्यक्ति (व्यक्तियों) द्वारा दिया गया बचन नामन-पत्र के साथ निम्नहस्ताक्षरी/महाप्रबंधक, ..... के पास को भेजा जाता चाहिए।

4. Shri. R. N. Bhatt is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of a Railway Trade Union (who satisfies the requirements of Rule 9 (9) of the Railway Servants (Discipline and Appeal) Rules, 1968 and Note 1 and/or Note 2 thereunder 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 Rly. servant(s) or Railway Trade Union Official(s), Shri. R. N. Bhatt 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 ..... along with the nomination.

A. Bhatt  
Adv

33

15

Annexure-1

Statement of article of charge framed against  
Shri R.N.Bhatt, Signal Inspector (Technical)  
office of D.R.M. N.Rly. Lucknow.

That Shri R.N.Bhatt while posted and  
functioning as ~~sig~~ Signal Inspector (Technical)  
in the office of the D.R.M. N.Rly. Lucknow  
during the period 1985-86 failed to maintain  
absolute integrity and committed misconduct  
in as much as he tried to obtain employment  
for one Sri Bhagwan Das in the Railways  
on the basis of a forged endorsement made to the  
D.R.M.N.E.Rly. Lucknow under the forged  
signature of the Minister of State for  
Railways, and thereby he contravened  
Rule 3 of Railway Services (Conduct ) Rules  
1966.

Sd.R.K.Singhal

15.10.87

Sr.Divl. Sig. & Telecom: Engineer  
N.Rly Lucknow.

*Harsh*

*N.Rly  
Adv*

## Annexure II

Statement of imputation of misconduct in support of article of charge framed against Shri R.N.Bhatt Signal Inspector (Technical) Office of D.R.M. N.Rly. Lucknow.

Shri R.N.Bhatt was posted and functioning as signal Inspector (Technical ) in the office of the D.R.M. N.Rly. Lucknow during the period 1985-86. Shri R.N.Bhatt approached Shri Anirudh Mittal, D.R.M. NER Lucknow and handed over to him one letter dated 3.1.86 of Sh.H.C.S.Rawat, M.P. addressed to Shri Madhav Rao Scindhia and bearing a forged and fake endorsement under the forged signature of Shri Madhav Rao Scindhia Minister of State for Railways New Delhi addressed to the DRM NER Lucknow for providing job a class III/IV post to Shri Bhagwan Das s/o Sri Charan Singh r/o village Partapur P.O. Mohammadabad Distt. Agra. An application in name of Bhagwan Das written by Shri R.N.Bhatt himself accompanied the letter in question. The matter of providing job to said Bhagwan Das was also pursued with Sh. A mittal by Sh. R.N.Bhatt Recovery of certain documents concerning said Sri Bhagwan Das was also made from the house of Sh.R.N.Bhatt during search of his home house on 16.7.86 .He thereby misconduct and contravened rule 3 of Railway Services (Conduct) Rules 1966.

Sd.R.K.Singhal  
15.6.87

Sr.Divl. Signal & Telecom:Engineer  
N.Rly Lucknow.

*Handwritten signature*

*By: [Signature] AdW*

## Annexure-III

List of documents by which the article of charge is framed against Shri R.N.Bhatt Signal Inspector (Technical) DRM office N.Rly Lucknow.

9

प्रलेख गवाही का विवरण - आर सी-14/86 - एलकेओ

1- केस संख्या आर सी-14/86/ एलकेओ की प्रथम सूचना रि

रिपोर्ट 1

2- दिनांक 3-1-86 का श्री हरीश चन्द्र सिंह रावत सदस्य लोक सभा, नई दिल्ली, का पत्र जो श्री माधव राव सिधिया, माननीय रेल राज्य मंत्री नई दिल्ली को सम्बोधित है तथा जिस पर जाली आदेश व मंत्री जी के आदेश है। इसी सम्बन्ध में लिखी गयी श्री भगवान दास की ओर से प्रार्थना पत्र शैक्षिक प्रमाण पत्रों की प्रतिलिपियों के साथ, जो कि रेल परिसर से प्राप्त हुए थे।

3- तलाशी में ली गयी वस्तुओं की सूची दिनांक 16-7-86, जो कि श्री आर0एन0भट्ट के घर से बरामद हुए थे तथा कागजात थे।

4- दिनांक 15-3-86 का श्री हरीश रावत, एम पी का पत्र जो कि श्री अनिरुद्र मिश्र, डी0आर0एम0, एन0ई0 आर लखनऊ को प्रेषित है।

5- तलाशी में ली गयी वस्तुओं की सूची दिनांक 4-9-86 जो कि भगवानदास के घर से बरामद हुए थे मय बरामद कागजातों के।

6- दिनांक 16-7-86 का रिकवरी मेमो, जिसके द्वारा श्री आर0एन0भट्ट के घर से 315 बोर का नाजायज पिस्टल लाकर किया गया था।

Brother  
Bajpai  
ADW



7- श्री वाई0डी0एल माथुर महा प्रबन्धक, पूर्वोत्तर रेलवे,  
गोरखपुर का अधिसूचकीय पत्र सं० ६०/229/20/ सी ओ एनएस  
/वी दिनांक 27/28-5-86 जो कि श्री पी टी0थीबैंकटम,  
अधिसूचनी निदेशक ॥ स्थापना ॥ रेल परिषद नई दिल्ली  
को सम्बोधित है ।

8- जी०ई० क्यू० डी कलकत्ता की हस्तलेख राय संख्या  
डीएक्स सी -219/86.

ह०/15-6-87

॥ आर०के० सिंघल ॥

वरिष्ठ मंडल सैकत एवं दूर संचार अभियन्ता

उत्तर रेलवे, लखनऊ ।

*Harsh*

*N. B. Singh*  
*Advocate*

## Annexure-IV

List of witnesses by whom the article of charges are proposed to be sustained against Shri R.W.Bhatt Signal Inspector (Tech).

मौखिक गवाही का विवरण - आर सी-14/86-एल के ओ

1- श्री बी०एन० सेठ सतर्कता अधिकारी, अंचल कार्यालय, इलाहाबाद बँक, मध्य क्षेत्र, लखनऊ।

2- श्री राकेश कुमार रावत, अन्वेषण अधिकारी, अंचल कार्यालय, इलाहाबाद बँक मध्य क्षेत्र, लखनऊ।

उक्त दोनों व्यक्ति श्री आर०एन०भट्ट के घर से तलाशी के दौरान पाये जाने वाले कागजातों की पुष्टि करेंगे।

3- श्री अनीरुद्ध मिस्तल, मण्डल रेलवे प्रबन्धक, पूर्वोत्तर रेलवे, मण्डल कार्यालय, लखनऊ।

4- श्री आर०एन०आगा, प्रवर मण्डल कार्मिक अधिकारी, पूर्वोत्तर रेलवे, मण्डल कार्यालय लखनऊ।

उक्त दोनों अधिकारी पूर्वोत्तर रेलवे, मण्डल कार्यालय लखनऊ में प्राप्त किये जाली कागजातों की पुष्टि करेंगे। श्री मिस्तल यह भी बतायेंगे कि जाली कागजात उन्हें श्री आर०एन०भट्ट ने सौंपे थे।

5- श्री हरीश चन्द्र सिंह रावत, सदस्य लोक सभा, निवासी 52, नोर्थ एवेन्यू, नई दिल्ली। अपने द्वारा दिये गये पत्रों की पुष्टि करेंगे।

6- श्री एन०एच०जग/ए०एस०वेकित, सचिव श्री माधव राव सिधिया, रेल राज्य मंत्री, भारत सरकार, रेल भवन नई दिल्ली।

7- श्री पी० टी० जेवियर, सहायक वैयक्तिक सचिव, श्री माधव राव सिधिया, रेल राज्य मंत्री, नई दिल्ली।

laxman

By/ky/ku

- 8- श्री आर०सी० दुबे, भाषा सहायक, श्री साधव राव सिंधिया, रेल राज्य मंत्री, नई दिल्ली ।
- 9- श्री शशांक मोहन शर्मा, सहायक श्री माधवराव सिंधिया रेल राज्य मंत्री, नई दिल्ली ।

उपरोक्त सभी अधिकारी इस बात / तथ्य की पुष्टि करेंगे कि प्रश्नगत पत्र पर श्री माधवराव सिंधिया के हस्ताक्षर एवं उस पर प्रयुक्त मुहर जाली है । श्री जग इस बात की भी पुष्टि करेंगे कि जाँच हेतु आदेश भी उन्होंने न दिया था ।

- 10- श्री राम राजीव शर्मा पुत्र श्री होजी दत्त शर्मा, निवासी ग्राम व डा० व तह दारपुर, आना हददुआ गंज, जिला अलीगढ़ ।

इस तथ्य की पुष्टि करेंगे कि वह श्री आर०एन०भट्ट को जानते हैं तथा श्री भट्ट भगवान दास को नौकरी दिलाने में मदद कर रहे थे ।

- 11- श्री डी० गोयल, ए०जी०ई०क्यू० कलकत्ता 5 अपनी हस्तलेख रिपोर्ट सं०डी०एक्स०सी०५२१९/८६ की पुष्टि करेंगे ।

- 2- श्री वी०पी० आय, निरीक्षक, सीबी०आई० केस की तपस्तीश की पुष्टि करेंगे ।

ह० 15-6-86=

15-6-87

॥ आर० के० स्थान ॥

वरिष्ठ मण्डल सैकत एवं दूर संचार अभियन्ता,

उत्तर रेलवे, लखनऊ ।

सत्य प्रतिलिपि

Before the Central Administrative Tribunal Lucknow  
Bench Lucknow.

Application No. of 1989

R.M. Bhatt ... Applicant

Versus

Union of India and others Respondents.

Annexure no. 3.

No. RNB/SI/(T)lko/88

Dated 2.10.1988

From  
R.N. Bhatt  
Chief Signal Inspector (Tech.  
(Under Suspension).  
Under Sr. D.S.T.E., D.R.M.  
office, N.Rly. Hazratganj.  
Lucknow.

r/o 111 6/4 Munawar Bagh  
N.Rly. Colony, Alambagh

Lucknow.

To

The Senior Divisional Signal and Telecom  
Engineer. N.Rly. D.R.M. office, Hazratganj,  
Lucknow.

Respected Sir,

Sub-Incomplete explanation and objection cum  
defence under D.4. Rule 9 and article no. 311  
of constitution of India.

Ref:- (1) Your letter No. Misc./86 10/LCS dt. 8/15.6  
1987.

(2) My several letters of the difference dates  
of different months available on the file.

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

1. That I have been working in Northern Railway  
since 3.12.56 and at present as Chief Signal  
Inspector (Tech) under Sr. D.S.T.E. D.R.M. Office  
Hazratganj, Lucknow and performing duties  
entrusted to me honestly and strictly in accordance

*Bhattacharya*  
*Adv*

2.

with the rules in force.

2. That one Shri Ram Rajeev Sharma worker of Youth Congress (I) of Uttar Pradesh, 101, Achal Road, Aligarh-202001. resident of village and post office Alhadpur, district Aligarh came to me at Lucknow with Sri Bhagwan Das s/o Sri Charan Singh resident of village Pratapur post office Mohammadabad, Distt. Agra and asked me to copy out a letter addressed to honourable Minister of Railways State Rail Bhawan, Bharat Sarkar, New Delhi on behalf of Shri Bhagwan Das s/o Sri Charan Singh which I did and Shri Bhagwan Das signed.

3. That as per programme Shri Ram Rajeev Sharma saw D.R.M. N.E.Rly Lucknow and handed over the application and recommendation of Shri Harish Chandra Singh Rawat M.P. alongwith other certificates etc. I had no knowledge of what Shri Ram Rajeev Sharma did in D.R.M. N.E.Rly office Lucknow and to whom he handed over the application etc. as I was not present with him and attending duty in D.R.M. N.Rly office Lucknow. on return when he saw me in D.R.M. office N.Rly, Lucknow he told me these facts.

*Harish  
N.B. 12/2/86*

4. That thereafter some period Shri Ram Rajeev Sharma left at my residence a letter addressed to Shri Harish Chandra ~~Sharma~~ Singh Rawat, M.P. Written by him on his paid and an other letter written by Shri Harish Chandra Rawat, M.P. Addressed to the Hon'ble Minister of Railways state on his paid along with several other certificates papers and etc. without ~~my~~ my knowledge.

5. That on 26th June, 1986 my further expired

(UB)

3.

and I left to ~~attend~~ attend death ceremony etc. at my home in Hathras, on leave.

6. That on 16.7.86 when I was on leave at Hathras the C.B.I. , Staff took search of my house in my absence in a case No.RC-14/86 Lko under sections 120B/420/465/471 I.P.C. on a search warrant issued by the special corruption Judge, Lucknow and nothing was found s pporting any conspiracy, forgery as well as any convinecne for the service of ~~Shri~~ Shri Bhagwan Das except those papers which were left by Shri Ram Rajvee Sharma were lying unconcerned to me and their disposal was with Shri Ram Rajeev Sharma for whom the papers were lying at my residence.

7. That on my return, on 28.8.86 from leave, I was required to see the C.B.I. Inspector who arrested me in the said case of R.C.-14/86 Lko on 29.8.86 and I was releved on bail on 1.9.86.

8. That thereafter I informed your honour who issued a letter of even no.dt. 23.10.86 placing me under suspension w.e.f. 29.8.86 on the basis of that I remained under police custody for more than fourty eight hours hence my suspension was under D.4.Rule 5/2 of 1968.

9. That the C.B.I. also conducted the search of Shri Bhagwan Das s/o Sri Charan Singh in his village Pratapur in Distt. Agra and found nothing against me at all which is proved from the search memo of the house of Shri Bhagwan Das dated 4.9.86.

lashed

NB: 1/2/21  
AW

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4.

10. That thereafter C.B.I. during the investigation found nothing wrong with me ending the case under section 169/170 CR.P.C. and made approaches to your honour for their own sake for disciplinary action against me. Accordingly, charge sheet (S.F.-5) No.Misc./86-0/LCS dt. 8/15-6-87 was served upon me.

11. That thereafter I requested for the copies of relied upon documents and statements recorded by C.B.I. under section 161 Crp.C. and the facts and grounds under which the C.B.I. filed the case and did not send it to court for proper trial, so that I shall be able to give proper defence of the charge sheet. I made several efforts and all my efforts proved in vain and the administration did not supply me the copies.

12. That when the CBI has ended his case and my suspension was based on that, the same should have been revoked under DA Rule 5/5 of 1968 but it is still continuing without any fault of mine.

It is further pointed out that my suspension can not be on the basis other than remaining in police custody for more than forty eight hours otherwise the suspension should have been quashed after the expiry of six months or charge sheet should have been served within six months as per the decision of the supreme Court.

13. That now I have been served with a charge sheet (S.F.5) No.Misc./86-0/LCS dt. 01/01/88

*Signature*  
*N. B. Singh*  
*Adv*



✓

Proctor

Beijer  
ben

C. Because Shri Anrudha Mittal, IIR N.E.Riy, Lucknow neither knows me also not acquainted with me nor I was to him likewise me like that of nor also he mentioned on the application of 3.1.86 or any



6.

paper handed over to him me like that of Shri Ram Rajeev Sharma ~~xxxx~~ that I handed over to him. In absence of these facts the plea is a total false, concocted ~~xxxxxx~~ and based for my false implication. Hence the charges are liable to be cancelled under the D.4. Rules beyond all reasonable doubts.

D. Because this case being persuaded by Shri Ram Rajeev Sharma as letters from D.R.M. N.E.Rly office were given to him and he wrote letters to D.R.M. N.E.Rly and personally saw D.R.M. and Sr.D.P.O. N.E.Rly- Lucknow and handed over letter of Shri Harish Chandra Singh Rawat, M.P. dt. 16.3.87 to Sr. D.P.O. N.E.Rly on 17.3.87 and the Sr.D.P.O. N.E.Rly on 17.3.87 and the Sr.D.P.O. N.E.Rly endorsed as follows:- "This letter was handed over to me personally by Shri Ram Rajeev Sharma (Slip attached) on date at 12.25 hours Sd.Sr.D.P.O. 17/3."

In this ~~xx~~ endorsement, nothing is written about me which proves that in fact I was not persuading the case and it is, Shri Ram Rajeev Sharma ~~w~~ alone was persuading the case and handed over papers to DRM N.E.Rly Lucknow and I have been blamed falsely on some ulterior motive behind it.

R.E. Because writing application never means trying for an engagement of one, During my service period I wrote thousands of applications and not only myself by all and none is blamed likewise, Hence this presumption is totally illegal and un-

*Boorhem*

*N. B. J. Adv*

7.

warranted by him in his hand writing and found in my house search in my absence of 16.7.86 resembles with the endorsement made on the letter of Shri Harish Chandra Singh Rawat, M.P. of dt. 3.1.86 on behalf of the Honourable Minister of Railways state beyond reasonable doubts. These writings of Railways ~~xxxx~~ State beyond reasonable doubts. These writings may kindly be verified by any independent expert for the fair justice. Under such circumstances it is proved beyond doubt & that there was nothing wrong with me and a false and concocted story is ~~xxxx~~ made out for my implication only. Hence, the charge is liable to be cancelled.

F. Because the charge is not definite and clear as required under DA rule 9 of 1968 and article 311 of the constitution of India. Hence, the charge is liable to be cancelled under these rules and decisions given by the following honourable courts:-

1. AIR	1956	Calcutta	662(665)
2. A.I.R.	1956	Madras	220(224)
3. AIR.	1954	Assam	18(24)
4. I LR	1954(6)	Assam	107
5. CrLJ	1954	31(DB)	
6. AIR	1968	Tripura	20(28)

G. Because the charge is not clear on the following grounds:-

1. The period 1985 and 86 that is for two complete years and no definite period is mentioned.
2. No definite time, date and place is

*Handwritten signature*  
Beipw  
ADV

8.

mentioned when the alleged paper is said to have been given to DRM N.E.Rly Lucknow.

3. The means and ways how persuaded for the engagement of Shri Bhagwan Das have not been detailed.

4. How the endorsement made to DRM N.E.Rly Lucknow is forged.

5. How the conduct rule 3 of 1966 is violated.

Note:

Under the above noted circumstances the charge is not sufficiently explained to give an idea of a proper defence. Hence the charge is liable to be cancelled under DA rule 9 of 1968 and article 311 of the constitution of India and decisions made by the honourable courts just referred above.

6. Because from the papers recovered from my house, search are neither addressed to me nor under my hand writing nor any sign to use them nor any attempt for action etc. These documents were left by Shri Ram Rajeev Sharma and were lying at my house as waste papers. Under such circumstances can not be connected with the concocted story for my false implication.

*harshin*

*✓ Bajp2  
AW*

7. Because, the house search of Shri Bhagwan Das was made on 4.9.86 where as search of my house was made on 16.7.86 and the F.I.R. was lodged on 26.2.86 and from this period to the date of the search of my house, there is no record

9.

available on the file on which basis my house search was ~~xxx~~ taken place. This prays that the search of my house was taken with a prejudiced view during my absence. Hence, entire facts against me are totally false, concocted and liable to be cancelled.

G. Because it is not apparent from any record what was the main cause and main point which warranted the CBI to take search of my house and search of Shri Bhagwan Das after two months, though Sri Bhagwan Das was in picture. Hence the entire facts are totally false and concocted against me.

I. Because Shri Ram Rajeev Sharma was the main man who was persuading the case of Shri Bhagwan Das which is apparent from the records of DRM N.E.Rly Lucknow his letter addressed to M.P. and M.P.'s office letters addressed to the HonOgrable Minister of Railways state and DRM N.E.Rly Lucknow. It is too strange to understand as to how the search of shri Ram Rajeev Sharma was not done. This thing is more than sufficient to prove that nothing wrong was with me and a plan was concocted for my implication.

Ramashun  
Rajeev  
Sharma

J. Because I have not been given the copies of the statements of witnesses recorded by the Railway authorities in fact finding enquiry and by the C.B.I. under section 151 Cr.P.C. and the copies of other materials supporting the charge due to which I remained badly prejudiced in having proper defence of my case and the charge is liable to be

10.

cancelled under DA rule 19 of 1968 and article 311 of the Constitution of India and the s decisions given by the following honourable courts:-

1. A.I.R.	1966	H.P.	13
2. A.I.R.	1961	S.C.	1623 para 14
3. AIR	1957	S.C.R.	96
4. AIR	1956	S.C.	232 862.
5. AIR	1958	S.C.	300
6. AIR	1958	P.C.	121

K. Because I have been alleged for the violation of conduct rule 3 of 1966 .First, under this rule there is no such provision secondly, the decision under conduct rule can be ~~take~~ taken by the General Manager or Railway Board, thirdly this para has been abolished by the Honourable justice Shri M.A.Beg of the High Court of Allahabad vide his judgment of dt. 17.3.70 in the case Miscellaneous case Writ Petition no.810 of 1961 Shri Om Prakash Vs. Northern Railway Accordingly the charge is liable to be cancelled as there being no violation.

*brahm*  
*N. Byppa*  
*12/11*

L. Because I have not been given the reasonable facility and opportunity provided under DA rules and article 311 of the Constitution of India, details of which will be opened in the complete explanation pending submission due to the lacunas mentioned herein.

M Because it is not understood as to how the year 1985 is involved in the charge when no occurrence took place in that entire year. Hence

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11.

the charge sheet (SF-5) No.Misc. (86-0)/ICS dt. 8/15.6.87 is defective and liable to be cancelled.

14. That this is ~~any~~ incomplete ~~explanation~~ even then warrants the authority competent to end the case in my favour otherwise reasons for its rejection shall be recorded as provided under Rly. Bd's letter No.E(D& AR) RB-6-14 dt.20.2.56 and G.M. N.Rly NDLS letter No.52E(EIV-DAR) dt.14.3.57 so that proper clarification and defence be submitted.

15. That as regards the list of witnesses and defence helper are shall be submitted alongwith the complete explanation.

#### Prayer

It is, therefore, most respectfully prayed that your honour may be pleased to cancel the charge sheet (SF-5) No.Misc./86-0/ICS dt.8/15.6.87 on the facts and grounds given herein.

It is also, further prayed that for any doubt of clarification I shall be allowed to be heard in person with my defence helper Shri B.L.Verma S.M. Alamnagar (Retd.) whose consent is attached herewith and he will be brought before your honour personally by me on the date and time fixed.

Yours faithfully

Sd.R.N.Bhatt

dated 2.10.88  
D.4.

Chief Signal Inspector (Tech)  
(Under suspension)

Under Sr.D.S.T.E.D.R.M. Office

N.Rly. Hazratganj, Lucknow r/o  
III 6/4 Munawar Bagh, N.Rly colony  
Alambagh, Lucknow.

*Rashid*

*N.B. Bhatt*  
*ABW*

52

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To

The Sr.DS TR.

DRM office N.Rly Hazratganj, Lucknow.

Sir,

I do hereby give my full consent to defend the case by Sri R.N.Bhatt CSI(Tech) under Cr.DSTE /N.R. lko/pending before your honour under NUSC/86-0/ICS dated 8/15.6.87..

I have not more than Two cases pending with me under D.I.Rules and am liable to act as his defence helps.

Yours faithfully

( B.L.Verma )

Ret Sm.i. MC

House No.F 3933 4 was Vikas Col  
Rajajipuram Alambagh Lucknow

Dated 2.10.88.

*Handwritten signature*

*Handwritten signature*

3

Before the Central Administrative Tribunal Principal

Bench at New Delhi

Circuit Bench at Lucknow.

Application No. of 1989

R.N.Bhatt ... Applicant

Versus

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

Annexure no.4

Northern Railway

Confidential

Divisional office

No.Misc./8620/LCS

Lucknow dated 01/12.12  
1988

Order

Whereas an inquiry under Rules 18 to 10 of the Railway Servants Discipline and Appeal Rules 1968, is being held against Shri R.N.Bhatt Signal Inspector (Tech.) /N.Rly/Lucknow and whereas the undersigned considers that an inquiry officer be appointed to inquire into the charges framed against Shri R.N.Bhatt, Signal Inspector (Tech,) Lucknow.

Now therefore, the undersigned in exercise of the powers conferred by Rule 9(2) of the Railway Servants Discipline and Appeal Rules 1968 hereby appoints Shri J.N.Sharma E.O./HQ/NDIS to inquire into the charges framed against Shri R.N.Bhatt Signal Inspector Lucknow.

Sd.R.K.Singhal 13.12.88

Sr.Divl. Sig. & Telecom. Engin

N.Rly Lucknow.

*lambert*  
*By order*  
*Sh*



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~~104~~

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2.

Copy to:-

1. Shri R.N.Bhatt SI/Tech./Iko.

2. CM (Vig) NDLS for information in Ref. to his  
~~xx~~ conf. letter No.19-Vig/26/87/SPE dt.20.4.87

3. Shri J.N.Sharma EO/H Q/Room No.403 4th Floor,  
IRM office Annexed Bldg. Chelmsford Road, New Delhi

The case and relied upon documents will be sent  
shortly from this office .Please take ~~xx~~ early  
action to finalize the D & R. inquiry and submit  
his report in triplicate to this office, confidential  
section.

True copy

J. Narayan  
By ~~Signature~~  
Blv

Before the Central Administrative Tribunal Principal  
Branch at New Delhi  
Circuit Bench at Lucknow.

R.N.Bhatt ... Applicant  
Versus

Union of India and others Opp-Parties.

Annexure no.5.

N.R. Genl. 183  
Standard form No.4

Standard form of Order for revocation of suspension  
order (Rule 5(5)(a) of RS (D & A) Rules, 1968).

No.Misc./86/G/LCS

Name of Rly Administration : Divl. Rly Manager's  
office Northern Railway

Place of issue Lucknow Dated 30.11.1988.

Order

Whereas ~~xxx~~ an order placing Shri R.N.Bhatt, SI/  
and designation of the Railway servant) under suspen-  
-sion was made/was deemed to have been made by Sr.  
DSTE/Lucknow on 23.10.1986.

Now, therefore, the President/the Railway  
Board/the undersigned (the authority which made, or  
is deemed to have made the order of suspension of any  
other authority to which that authority is  
subordinate) in exercise of the power conferred  
by clause (c) of sub-rule (5) of Rule 5 of the R.S.  
(D & A) Rules 1968 hereby revokes the said order  
of suspension with immediate effect from.

Sd. Illegible

30.11.1988

"By order and in the name of the  
President).

1/11/88  
K. N. Bhatt  
AN

47 37

51

Before the Central Administrative Tribunal  
Lucknow Bench Lucknow.

Application No. of 1989

R.N.Bhatt ... Applicant

Versus

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

Annexure no.6

Northern Railway

Headquarter office,

Room No.403, 4th Floor,

DRM Office, New Delhi.

confidential

No.P-69/Lko-10/SPE/89/EO Dt. 9-2-89

The Sr. Divl. Sig. & Telecomm. Engineer

N.Rly DRM office, Lucknow

(D/Authority)

Sub:- DAR Inquiry against Sri R.N.Bhatt & Chief

Sig. Inspr/Tech./Razk. Lucknow

Ref:- Your office file No, Misc. /86-0/LCS

Preliminary sitting of the DAR Inquiry in  
the above case will be held on 4.4.1989 in the  
office of undersigned at New Delhi at 10 hrs.  
for presentation of charges exhibition of reli  
upon documents and demand for addl. documents i  
any attendance of the following may therefore,  
be arranged positively:-

1. Shri R.N.Bhatt Chief Signal Inspector

Tech/DRM/office/Lko. DRS

2. Sh. B.L.Verma Retd. SMH No.F 3933 Avas vik

*Handwritten signature and initials:*  
Beyaz  
BW

2.

Rajajipuram Alamnagar Lucknow.

3. Presentinf officer if any nominated

4. Dealer of the case alongwith relied upon documents.

Attendance of all concerned must be ensured.

(J.N.Sharma)

Enquiry officer (HQ)

C/

1. The GM (Vig) /NDBH for information and ensuring attendance of item no.3 as above.

2. Shri B.L.Verma F-3923, Avas Vikas Rajajipuram Alamnagar Lucknow for attending enquiry as above.

( J.N.Sharma )

Enquiry officer (HQ)

True copy

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

36

(56)

2.

( R.K.Singhal)

Signature Sr.Divl. Sig & Telecom

Name Engineer N.Rly. Lucknow

Designation of the authority making this order (Secretary Railway Board, where the order is made by the Railway Board).

Designation of the officer authorised under article 77(2) of the Constitution to authenticate orders on behalf of the President, where the order is made by the President.

Copy to:-

Shri R.W.Bhatt, SI/Tech/Lko (name and designation of the suspended Railway servant) .

C/SE 11/Lko C/- Supdt. /Pay bill /Lko

\*Where the order is expressed to be made in the name of the President.

C/G.M.(Vig) N.RLY NDIS for information in reference to his case file No.19/Gig/26/87/SpE.

C/Supdt. (S & T), Sr.DSTE office /Lko

Varshan  
Bejari  
Adv

2.

Rajajipuram Alamnagar Lucknow.

3. Presentinf officer if any nominated

4. Dealer of the case alongwith relied upon documents.

Attendance of all concerned must be ensured.

(J.N.Sharma)

Enquiry officer (HQ)

C/

1. The GM (Vig) /NDEH for information and ensuring attendance of item no.3 as above.

2. Shri B.L.Verma F-3923, Avas Vikas Rajajipuram Alamnagar Lucknow for attending enquiry as above.

( J.N.Sharma )

Enquiry officer (HQ)

True copy

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

47 37

57

Before the Central Administrative Tribunal  
Lucknow Bench Lucknow.

Application No. of 1989

R.N.Bhatt ... Applicant

Versus

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

Annexure no.6

Northern Railway

Head quarter office,

Room No.403, 4th Floor,

DRM office, New Delhi.

confidential

No.P-69/Iko-10/SPE/89/EO Dt. 9-2-89

The Sr. Divl. Sig. & Telecomm. Engineer

N.RLY DRM office, Lucknow

(D/A authority)

Sub:- D&R Inquiry against Sri R.N.Bhatt & Chief  
Sig. Inspr/Tech./R&R. Lucknow

Ref:- Your office file No. Misc. /86-10/LCS

Preliminary sitting of the D&R Inquiry in  
the above case will be held on 4.4.1989 in the  
office of undersigned at New Delhi at 10 hrs.  
for presentation of charges exhibition of relied  
upon documents and demand for addl. documents if  
any Attendece of the following may therefore,  
be arranged positively:-

1. Shri R.N.Bhatt Chief Signal Inspector  
Tech/DRM/office/Iko. IRS

2. Sh. B.L.Verma Retd. SMH No.F 3933 Avas vikas

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

49 39

59

Before the ~~xxx~~ Central Administrative Tribunal  
Lucknow Bench Lucknow.

Application No. of 1989

R.N. Bhatt ... Petitioner

Versus

Union of India and others Opp-Parties.

Annexure no. 7

Northern Railway

No. 940-E/II-I/Sig./88 Divisional office  
Lucknow dated 05/12/88

Notice

The following posting orders may please  
be issued to have immediate effect:-

1. Shri Algoo Ram CSI/PBH Gr. Rs. 840-1040 (RS)  
/Rs. 2375-3500 (NRS) is posted as CSI/Kumbh Mela  
in the same grade with Hd. qrs at Pratapgarh  
against a workcharged post for Kumbh Mela for two  
months.
2. Shri R.N. Bhatt CSI Gr. Rs. 840-1040 (RS) /Rs. 2375  
-3500 (RRS) on revocation of his suspension  
order is posted as CSI/PBH in the same grade  
vice Shri Algoo Ram.

This has the approval of competent  
authority.

Movements should be advised to all  
concerned.

Sd. Illegible

5.12.88

For Sr. Divl. Personnel officer  
Lucknow.

copy for information and necessary action to:-

1. Sr. D& M.S Lucknow
2. The CSI/PBH
3. Shri R.N. Bhatt CSI in office
4. The Sr. D&D/Lucknow
5. Supdt. Pay bill.

*Handwritten signature and initials:*  
Bajpai  
AW



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

R.N.Bhatt ... Applicant  
Versus  
Union of India and others ... Respondents.

Annexure no.8

No.Sig. /E/Inspector Divisional office  
Lucknow dated 2.2.1989.

Office Order

The following orders are issued to have immediate effect:-

1. Shri P.Saxena SI/Central /Iko who is looking after the work of SI/E Tech. is posted as SI/Tech Gr.Rs.2000-3200 (RPS).
2. The post released by Shri P.Saxena is pin pointed in Gr.Rs.2375-3500 (RPS) within the existing strength and Shri R.N.Bhatt S.I. in supercession of posting orders as CSI/PHI in terms of Notice No.940-E/II-I/Sig/88 dt.5.12.88 is posted at Lucknow against this post as SI/ Liaison /RRI.

Shri R.N.Bhatt will be responsible for liasoning of Route Relay Interlocking being done at Lucknow. He will lision with Dy.CSTE/RRI and point out deficinancies, suggest improvements, and furnish information needed from the maintenances point of view and will take follow upaction in that regard, thus coordinating with construction units in all respects.

Shri R.N.Bhatt will be directly responsible

*Ratshen*  
*Bajpai*  
*Bh*

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to 4STE/II/Iko Shri G.C. Verma who is officer  
Incharge of Lucknow Area. Shri Bhatt will take  
detailed instructions from 4STE/II and D& ME with  
regard to his day to day duties as SI/Liaison  
pay of Shri Bhatt will be charged by CSI/I/Iko  
bill Unit.

This is purely, a temporary arrangements for  
3 months .

Sd Illegible

(R.K.Singhal ) 2/2

Sr. Sivil. Sig & Telecom. Engineer

Lucknow

copy to:-

1. The Sr.DPO/Iko for information and necessary action
2. Shri R.N.Bhatt SI in office for necessary action
3. Shri P.Saxena SI in office.
4. CSI/I /Iko for information and necessary action.
5. Supdt. /Pay Bill DRM office/Lucknow.
6. The Sr.DRD/Lucknow
7. Dy.CSTE/Works /Iko for information.

True copy

*Verma*  
*N. Bhatt*  
*bh*

62

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Before the Central Administrative Tribunal  
Lucknow Bench Lucknow.

Application No. of 1989  
R.N.Bhatt ... Petitioner  
Versus  
Union of India and others Opp-Parties.

Annexure no.9  
Northern Railway

Notice:- Hd. Qrs. Office  
Baroda House New Delhi.

Shri R.N.Bhatt is absorbed in scale Rs.2000-3200 (RPS) and posted as SI /Lko in Transportation training school/Lko in the same capacity from the date he is reinstated.

This has the approval of CSTE

Note Advce the date of changes.

S for Sr.Personnel  
officer (PC)

No.754E/96/84/E11b II dt. 27th Jan. 1989

copy to

1. DRM/N.RIV, Lucknow.
2. Principal Transportation Training School/Lko
3. Dy. CSTE/HQ/HQNDIS in reference to his note No.570 -Sig/30RS/SI transfer Pt. VIII dt. 26.12.88.

True copy

*Handwritten signature*  
*By Bhatt*  
*NW*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

M.P.No. 1359 OF 1995

1380  
18  
By Registrar (J)

UNION OF INDIA & OTHERS

....APPLICANTS/  
RESPONDENTS No.1 TO 6

In:

O.A.No.48 OF 1989(L)

R.N.BHATT

....APPLICANT

VERSUS

UNION OF INDIA & OTHERS

....RESPONDENTS  
FIXED ON 14.09.1995

APPLICATION ON BEHALF OF RESPONDENTS No.1 TO 6  
FOR CONDONATION OF DELAY IN FILING COUNTER REPLY

This application on behalf of Respondents No.1 to 6 most respectfully sheweth:-

1. That due to inadvertance and unavoidable circumstances, the Counter Reply on behalf of Respondents No.1 to 6 could not be filed within the time prescribed by this Hon'ble Tribunal.
2. That the delay in filing Counter Reply was unintentional and was only due to the reasons beyond control of the Respondents No.1 to 6.

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

Lucknow, Dated :  
June, 1995.

31.7.95  
1.8.95

Sherma  
(SIDDHARTH VERMA)  
ADVOCATE,  
COUNSEL FOR APPLICANTS/  
RESPONDENT No.1 TO 6.

64

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing  
Date of Receipt by Post

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW**

**M.P.No. 1360 OF 1995**

**UNION OF INDIA & OTHERS**

**....APPLICANTS/  
RESPONDENTS No.1 TO 6**

**In:**

**O.A.No.48 OF 1989(L)**

**R.N.BHATT**

**....APPLICANT**

**VERSUS**

**UNION OF INDIA & OTHERS**

**....RESPONDENTS**

**APPLICATION ON BEHALF OF RESPONDENTS No.1 TO 6**  
**DISMISSING THE ORIGINAL APPLICATION AS INFRACTUOUS**

This application on behalf of Respondents No.1 to 6 most respectfully sheweth:-

That for the facts, reasons and submissions made in the accompanying Counter Reply it is expedient in the interest of justice that the above mentioned Original Application be dismissed as infructuous.

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

Lucknow, Dated :  
June 1995.

31.7.95  
1.0.95

*Sherma*

(SIDDHARTH VERMA)  
ADVOCATE,  
COUNSEL FOR APPLICANTS/  
RESPONDENTS No.1 TO 6.

65

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW**

**O.A.No.48 OF 1989(L)**

**R.N.BHATT**

**....APPLICANT**

**VERSUS**

**UNION OF INDIA AND OTHERS**

**....RESPONDENTS**

**COUNTER REPLY**  
**ON BEHALF OF RESPONDENTS No.1 TO 6**

I, *Ganga Deen*, presently posted as  
*Asstt Personal officer*, in the Office of  
Divisional Railway Manager, Northern Railway, Lucknow, most  
solemnly state as under:-

1. That the undersigned is presently posted as *Asstt*  
*Personal officer*, in the Office of Divisional  
Railway Manager, Northern Railway, Lucknow, and is competent  
and duly authorised by the Respondents No.1 to 6 to file this  
Counter Reply on their behalf. The undersigned has read and  
understood the above mentioned Original Application  
(hereinafter referred as 'application') filed by the Applicant  
under provisions of Section 19 of the Administrative Tribunal  
Act, 1985, and is well conversant with the facts stated  
hereunder.

2. That in view of the submissions which would be made in  
the following paragraphs of this Counter Reply, it is evident  
that the above mentioned application has become infructuous.  
Therefore, it is not necessary to file a detailed Counter Reply

*19/05/89*  
*19/05/89*  
*19/05/89*

By Registrar (F)

to the averments made in the Original Application.

3. That by means of the above mentioned application, the Applicant has challenged Notice No.754E/96/84/EIIB.II dated 27.01.1989 (a copy of which is annexed as Annexure No.9 to the application), absorbing him in scale B.2000-3200(RPS) and posting him as Signal Inspector, Lucknow in Transportation Training School, Lucknow in the same capacity from the date he was reinstated. The said order was termed by the Applicant as an order of reversion and he had claimed following reliefs-

"1. That reversion order as contained in annexure no.9 dated 27th January, 1989 (No.754E/86/84/EIIB.II dated 27.1.1989) may be quashed.

2. That the costs of the application be awarded to the applicant against the opposite parties."

4. That it is most respectfully submitted that the Applicant was suspended by means of Order No.Misc./86.O/LCS dated 23.10.1986, issued by the Senior Divisional Signal & Telecommunication Engineer, Northern Railway, Lucknow, in exercise of powers conferred by the Railway Servants (Discipline & Appeal) Rules, 1968. A copy of the said order is contained in Annexure No.1 to the application.

5. That by means of the orders contained in Annexure No.1 to the application, the Applicant remained suspended with effect from 29.08.1986 to 30.11.1988.

6. That the suspension of the Applicant was later revoked with immediate effect vide Order No.Misc./86/8/LCS dated 30.11.1988, issued by the Senior Divisional Signal & Telecommunication Engineer, Northern Railway, Lucknow. A copy of the said order is annexed as Annexure No.5 of the application.

7. That later, the Applicant was exonerated from the charges levelled against him in Case No.Misc/86-O/LCS. Consequently, the period of suspension from 29.08.1986 to 30.11.1988 was treated as 'on duty' by the Competent Authority.

RECEIVED  
10/12/88  
10/12/88  
10/12/88

Dy. Registrar ( )

8. That the Impugned Notice No.754E/96/84/ElIb.II dated 27.01.1989, was never made effective, and the Applicant, who has since retired from service after attaining age of his superannuation, continued to work in scale Rs.2375-3500(RPS) on the post carrying the same status as on the day when he was suspended. The payment for the period of suspension from 29.08.1986 to 30.11.1988 has also been arranged in his favour as per rules. The Applicant has also been paid all settlement dues after his retirement, which have been received by him without any protest.

9. That since, the Impugned order contained in Annexure No.9 to the application was never given any effect and the period of suspension has been treated as 'on duty' by the Competent Authority; the present application has become infructuous, and it would be expedient in the interest of justice that the same be dismissed as infructuous.

Lucknow, Dated :  
June 27, 1995.

VERIFICATION

I, Yanga Deen, presently posted as Asst Personal Officer, in the Office of Divisional Railway Manager, Lucknow, hereby verify that the contents of paragraph 1 of this Counter Reply are true to my personal knowledge and those of paragraphs 3, 4, 5, 6, 7 and 8 are based on record and the same are believed to be true. The contents of paragraph 2 and 9 are based on legal advice and the same are believed to be true. That no part of this reply is false and nothing material has been concealed. So help me God.

Lucknow, Dated :  
June 27, 1995.