

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 ..... Petia ..... Respondent

Part A.

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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. Saksena, 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 Transprotation 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 His suspension was revoked and subsequently the applicant was also exonerated from the charges levelled against him.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

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 is given to the parties.

No order as to costs.

L.K.

MEMBER (A)

B.R.

VICE-CHAIRMAN

Dated : 22 March, 1996

Lucknow,  
A.K.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

D.A. / T.A. No. 48/leg of 199

Name of Parties

R.D. Bhatt

Applicant

Versus

Union Of India & Others .....

Respondents

S.I. No.	Particular Of Documents	No. of page
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PART A

1.	CHECK LIST	to
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PART B

B-1+0-53

Pawel. for & ~~Valmiki~~ and R.K. Jain A. Bhargava  
PART C  
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 )

16/9/99

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.

DR

DR

OK  
Advocate in charge  
S. L. D. & P. L.

S. P. M.

23/9/93

28/4/93 Case no. received by  
102 + 5. 83 21.7.93  
Date.

(3)

OK  
C. A. H. & P. L.

H. L.

S. P. M.

20/9/93

20/9/93

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

None appears.

Set this case on  
15/9/93.

D. M.

After  
V.E.

15.9.93

Case and record copy  
to S. H. S.

Done

OK

5.11.93

Case and record copy to  
13.12.93

Done

OK  
C. A. H. & P. L.

S. P. M.

OK

OK  
C. A. H. & P. L.

S. P. M.

OK

OK  
C. A. H. & P. L.

S. P. M.

OK

OK  
C. A. H. & P. L.

S. P. M.

5  
10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 48/89 (L) 198

APPELLANT  
APPLICANT

R.N. Bhatt

DEFENDANT  
RESPONDENT

VERSUS  
Union of India and Others

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<u>30.8.89.</u>	<p><u>Hon'ble Justice K. Nath, V.C.,</u></p> <p><u>Admit</u></p> <p>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.</p>	
89	<p><u>Sd/-</u></p> <p><u>V.C.</u></p> <p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>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 <u>10-1-90</u> 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.</p> <p><u>J.M.</u></p> <p><u>Sitting adj. to 22-80</u></p>	<p><u>OK</u></p> <p><u>No reply filed</u></p> <p><u>Submitted for ex parte</u></p> <p><u>Leaving</u></p> <p><u>1/2/90</u></p>

10/1/90

24/2/09

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

Heard  
Issue notice to the repts. 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.

AM

J.M

29-2-09

OR  
Notice issued to the respondents  
through Regd. Post, fixing 13.3.09 for admission  
& consider to be interim matter.

From  
27/2/09

2

13.3.09

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

Hon. D. K. Agarwal, J.M

Shri N. Bajpai is present for appellants.  
Sri Arvind 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.

AM

J.M

Ans

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'ble Tribunal dt 13.3.09.  
Liberated for orders

Ans  
10/4

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.

Note 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

or  
C.R. on 20/2/95  
19/3/95

Behandee  
28/3/95  
D.R.

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.

OR  
order copy issued  
today  
28.5.95

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)

*B.K.*  
VICE-CHAIRMAN.

(B)

on 4/8/08

29.11.95

No. 311mg(a) D m. adj for H

S.12.95

L  
B2

or  
DP not filed  
5/12/95

5.12.95

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

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

on the illness slip of Shri B.K. Shukla,  
learned counsel for the respondent,  
case is adj. to 31.1.96.

L  
A.M.

L.S.  
A.M.

31-1-96

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

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

Sri. Som Kartik, brief holder  
for Sh. L.K. Shukla, learned counsel  
for the applicant prays for adjourn-  
ment on account of non-availabil-  
ity of his paper book. None for the  
respondents.

list on 15-2-96 for hearing.  
This is an old case no further  
adjournment will be allowed.

L  
J.M.

L.S.  
A.M.

15.2.96

Case on 1. second adj for 10

22.3.96

L  
B2

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. SAKSENA, 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

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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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5.	Annexure no.4 True copy of the order dated 1/13.12.88	33 to 34
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Lucknow dated:

February 21, 1989

N. Bajpe  
( Naresh Bajpe )  
Advocate

Counsel for the Petitioner

(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.N.Bhatt ... Applicant

Versus

Union of India and others ... Respondents

Details of Applicant

1. Name of the applicant R.N.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.N.Bhatt r/o Type 3 ,  
of all notices 6/4, Northern Railway  
Colony, Lambeagh, 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.C.)**

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.

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.

### imitation

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.



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. DD 88958

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

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 covering 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, Jembagh, 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.

R.N.Bhatt  
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.Bhatt  
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, Huzur Ghat</sup> New Delhi. Lucknow
5. D.R.M. Northern Railway, Hazratganj, Lucknow.
6. Senior Divisional Personal officer, Northern Railway, Lucknow.

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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 respectfull 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/LCS 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 opposit 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/III-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 Elib. 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-~~2275~~<sup>2275</sup>-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 for no fault his part which is being implemented with retrospective effect.

*Harsh*

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

5.

Arshem

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

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 tax 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.

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6.

was issued prior to issuance of reversion letter impugned as contained in Annexure no. ~~xxx~~ 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/Eiib.II dated 27.1.1989 ) may be quashed.
2. That the costs of the application be awarded to the applicant ~~maxx~~ against the opposite parties.

Interim Relief

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

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

Lucknow dated:

Feb. 21 1989

N. Bajpai  
( Naresh Bajpai )  
Advocate  
Counsel for the Applicant

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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/Lko in Transpertation training school/Lko in the same capacity from the date he is reinstated.

This has the approval of in CSTE Note -

Note - Advise the date of changes.

for Sr. Personal Officer(PC)

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

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

(2) Principal, Transportation Training School/Lko.

(3) Dy. CSTE/HQ/BH/NDLS in reference to his note

No. 570-Sig/30/SI/Transfer Pt.VIII Dt.26.12.88.

Ramadhan Pandey

M. P. Sharma

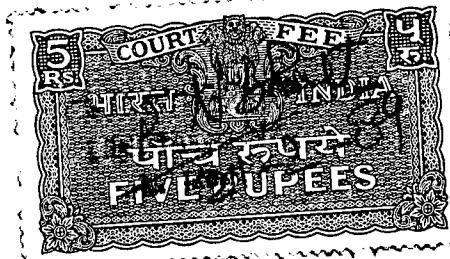
Advocate

Teen Odhan picine

ब अदालत श्रोमान

वादी (मुद्रा)  
प्रतिवादी (मुद्रालेह)

का वकालतनामा



R. N. Bharti

वादी (मुद्रा)

बनाम  
Union of India & others.

प्रतिवादी (मुद्रालेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से

Neeraj Bajaj

Advocate

एडवोकेट महोदय  
वकील

910, Old Naike Ganj, Lucknow. ३

नाम अपाहृत मुकदमा नं० नाम फरीदकुमार

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी  
जारी करावें और रुपया बसूल करें या सुलहनामा या इकबाल  
दावा तथा अपील व 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 विषय (फरीदसानी) 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 रहूगा अगर मुकदमा अदम पैरवी  
में एक तरफ़ा मेरे स्थिलाफ़ फैसला हो जाता है उसकी जिम्मे-  
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा  
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह).....!.....साक्षी (गवाह).....!.....  
दिनांक.....।३.....महीना.....नवे.....सन्.....१९...

The Central Administrative Tribunal

ब अदालत श्रीमान *Circuit Bench* महोदय

वादी (मुद्रा)  
प्रतिवादी (मुद्रालेह)

का वकालतनामा

O.A. 48 of 1989



R. N. Bhatt - Applicant

वादी (मुद्रा)

UNION of India बनाम

प्रतिवादी (मुद्रालेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से

S. L. P. Shukla, Advocate

एडवोकेट महोदय

C-700 Seeton & Mahanage

वकील

*Letter on*

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व 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 मुकदमा 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 करे - 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 रहूगा अगर मुकदमा अदम पैरोकार में एक तरफ़ा मेरे खिलाफ़ 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 .....

*Letter on*

(31)

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. I

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 Whereas a case against

disciplinary Shri R.N. Bhatt .....

proceedings in respect of criminal offence

against Sri is under investigation/ S.I./Tech.

R.N. Bhatt. 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

*31/8/86*  
*Abh*

(32)

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2.

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

Sd.Illiegle

23.10.1986

Signature ( R.K.Singhal )

Name Sr.Divl. Sig. & Telecom. Engineer

DRM's office N.Rly. Lucknow Designation Supending 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.N.Bhatt ... Applicant

Versus

Union of India and others ... Opp-Parties

Annexure no.8.

*N.Bhatt* Photostate copy of the document is enclosed herewith

N.Bhatt  
Adv.

.....



BS

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 ~~being~~ 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.

## 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. 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 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.

## 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.

प्र

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

1- केस संख्या आर सी-14/86/ एलकेओौ की प्रथम सूचना पि

रिपोर्ट ।

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

3- तजाशी में ली गयी वस्तुओं की सूची दिनांक 16-7-86, जो कि श्री आर०एन०भ०ट के घर से बरामद हुए थे तथा काग जाते थे।

4- दिनांक 15-3-86 का श्री हरीश रावत, एम पी का पत्र जो कि श्री अनिन्द्र मित्तल, डी०आर०एम०, एन०ई० आर लखनऊ को प्रेषित है।

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

6- दिनांक 16-7-86 का रिकवरी भेसो, जिसके द्वारा श्री आर०एन०भ०ट के घर से 315 बोर का नाजायज पिस्टल लाकर किया गया था।

Abey Adm

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7- श्री वाई०छी०एल माथुर महा पूबन्धक, पूर्वोत्तर रेलवे,  
गोरखपुर का अद्यासकीय पत्र स०/२२९/२०/ सी ओ एनएस  
वी दिनांक २७/२८-५-८६ जो कि श्री पी टी०थी०वैकटम्,  
अधिकारी निदेशाक स्थापना के रेल परिषद नहीं दिल्ली  
को सम्बोधित है।

8- जी०इ० क्य०० डी कलकत्ता की हस्तलेख राय संघया  
डीएक्स सी -२१९/८६।

४०/१५-६-८७  
आरोक्तिकाल

वरिष्ठ मठल सैकैत एवं दूर संवार अभियन्ता  
उत्तर रेलवे, लखनऊ।

Brahma

Advocate

## Annexure IV

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

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

- 1- श्री बी०एन० सेठ सर्किता अधिकारी, अंचल कार्यालय, इलाहाबाद बैंक, मूल्य देव, लखनऊ।
- 2- श्री राकेश कुमार रावत, अन्वेषण अधिकारी, अंचल कार्यालय, इलाहाबाद बैंक मूल्य देव, लखनऊ।  
उक्त दोनों व्यक्ति श्री आर०एन०भट्ट के घर से तलासी के दौरान पाये जाने वाले कागजातों की पुष्टि करेंगे।
- 3- श्री अनीरुद्ध मित्तल, मण्डल रेलवे ब्रूबन्धक, पुर्वोत्तर रेलवे, मण्डल कार्यालय, लखनऊ।
- 4- श्री आर०एन०आगा, प्रवर मण्डल कार्मिक अधिकारी, पुर्वोत्तर रेलवे, मण्डल कार्यालय लखनऊ।  
उक्त दोनों अधिकारी पुर्वोत्तर रेलवे, मण्डल कार्यालय लखनऊ से प्राप्त किये जाली कागजातों की पुष्टि करेंगे। श्री मित्तल 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/ए०एस०वैकित, सचिव श्री माधव राव सिंहिया, रेल राज्य मंत्री, भारत सरकार, रेल भवन नई दिल्ली।
- 7- श्री पी० टी० जैवियर, सहायक वैयक्तिक सचिव, श्री माधव राव सिंहिया, रेल राज्य मंत्री, नई दिल्ली।

8- श्री आर०सी० दुबे, भाषा सहायक, श्री माधव राव सिंहिया, रेल राज्य मंत्री, नई दिल्ली ।

9- श्री आर०सी० मोहन शर्मा, सहायक श्री माधवराव सिंहिया रेल राज्य मंत्री, नई दिल्ली ।

उपरोक्त सभी अधिकारी इस बात / तथ्य की पुष्टि करेंगे कि प्रश्नगत पत्र पर श्री माधवराव सिंहिया के हस्ताक्षर एवं उस पर पूयुक्त मुहर जाली है । श्री जग इस बात की भी पुष्टि करेंगे कि जांच हेतु आदेश भी उन्हीं ने दिया था ।

10- श्री राम राजीव शर्मा पत्र श्री होजी दत्त शर्मा, निवासी ग्राम व डॉ० व तह दाइरपुर, आना हहदुआ गंज, जिला अलीगढ़ ।

इस तथ्य की पुष्टि करेंगे कि वह श्री आर०एन०भट्ट को जानते हैं ताकि श्री भट्ट भगवान कास को नांकरी दिलाने से मदद कर रहे थे ।

11- श्री डी० गोयल, ए०जी०ई०क्य०० कलकत्ता ५ अपनी हस्तलेख रिपोर्ट स०डी०एक्स०सी००५२१९/८६ की पुष्टि करेंगे ।

2- श्री बी०पी० आय, निरीक्षक, श्रीबी०आ०ई० केस की तपूतीश की पुष्टि करेंगे ।

६०- ५५-६-३६=

१५-६-८७

श्री आर० के० स्थिति

वरिष्ठ मण्डल सेकेत एवं दूर सेवा अभियन्ता,

उत्तर रेलवे, लखनऊ ।

सत्य प्रतिलिपि

N1

Before the Central Administrative Tribunal Lucknow  
Bench Lucknow.

Application No. of 1989

R.N. Bhatt ... Applicant

Versus

Union of India and others Respondents.

Annexure no. 3.

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

From

R.N. Bhatt

Dated 2.10.1988

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.A. 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

*Bhatt*

*Byper Adv*

Up

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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 Mohammedabad, Distt. Agra and asked me to copy out a letter addressed to honourable Minister of Railways State Rail Bhawan, Bharat Sarker, 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.

*Rawat*  
*N.Bijji*

4. That thereafter some priod Shri Ram Rajeev Sharma left at my residence a letter addressed to Shri Harish Chandra 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 ~~xx~~ my knowledge.

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

(JB)

23

3.

and I left to ~~taxi~~ 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.R.C.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 supporting any conspiracy, forgery as well as any conviction 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 Rajvee 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 relieved on bail on 1.9.86.

*D. L. Boshu*  
*✓ Byp/*  
*AB*

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.A. 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.

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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 D& Rule 5/5 of 1968 but it is still continuing without any fault of mine.

*D. Basu*  
N.B. 15/5  
Adm

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. 01-07-87.

5.

trying to obtain employment for one Shri Bhagwan Das on the basis of forged endorsement made to the D.R.M. N.E.Rly. Lucknow under the forged signature of the Hon'ble Minister for Railways state, thus the violation of para 3 of the Railway servant conduct rule 1966 which is totally illegal and unwarranted on the following grounds:-

Grounds

A. Because Shri Bhagwan Das s/o Sri Charan Singh is neither resident of my village or district nor related to me nor of my seat etc. and there is also no motive as to why I was trying for his appointment in N.E.Rly. This is a concocted story for my false implication and no motive behind is apparent from the charge sheet and the available relied on the documents . Hence the charge is illegal, unreasonable and liable to be cancelled under the D.R. Rule 1968.

*Broshu*

*Bojra  
AM*

B. Because had ~~xx~~ I tried for any point in this connection, I would have tried in Northern Railway where I am working and not in North Eastern Railway where I had no source and influence etc. Hence the plea is false and concocted for my implication.

C. Because Shri Anrudha Mittal, IRM N.E.Rly, 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

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6.

paper handed over to him me like that of Shri Ram Rajeev Sharma ~~xxx~~ 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.A. 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."

*Broshen*

*N. Bajpai*  
Adv

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 ~~x~~ 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-

7.

warrented 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 ~~State~~ 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~~ that there was nothing wrong with me and a false and concocted story is ~~made~~ made out for my implication only. Hence, the charge is liable to be cancelled.

*Broader*

F. Because the charge is not definite and clear as required under D 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.L.R	1954(6)	Assam	107
5. CrL.J	1954	31(DB)	
6. A.I.R	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

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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 D4 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.

*Parshuram*  
*By P.P. A.M.*

7. Because, the house search of Shri Bhagwan Das was made on 4.9.86 whereas 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

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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 Honorable 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.

*Parashuram*  
D.P.P.-  
Adw

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 hardly prejudiced in having proper defence of my case and the charge is liable to be

10.

cancelled under DA rule 9 of 1968 and article 311 of the Constitution of India and the decisions given by the following honourable courts:-

1. S.I.R.	1966	H.P.	13
2. S.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 taken by the General Manager or RailwayBoard, 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.

*Brother*

*By*  
*ABW*

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)/I.C.S  
dt. 8/15.6.87 is defective and liable to be  
cancelled.

14. That this is ~~any~~ my 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 16-14 dt.20.2. 56 and G.M. N.Rly NDIS letter No.52E(HV-LDR) 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/I.C.S 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. Almager (Recd.) 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 Sf.D.S.T.E.D.R.M. office

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

Dashrath

N.B.P.D.  
A.W.

32

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. Iko/pending before your honour under NUSc/86-0/ LCS dated 8/15.6.87.

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

Yours faithfully

( B.L.Verma )

Ret Sm.i. AMc

House No.F 3933 Avas Vikas CGX  
Rajajipurem Alambagh Lucknow

Dated 2.10.88.

*B.L.Verma*

*2.10.88*

(S)

Before the Central Administrative Tribunal Principal

Bench at New Dehli

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./860/LCS

Lucknow dated 01/12.12  
1988Order

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/NDLS to inquire into the charges framed against Shri R.N.Bhatt Signal Inspector Lucknow.

Sd.R.K.Singhal 13.12.88

Sr.Divl. Sig. &amp; Telecom .Engin

N.Rly Lucknow.

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AMT

SL

2.

Copy to:-

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

2. GM (Vig) NDLS for information in Ref. to his  
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,  
DRM office Annexed Bldg. Chelmsford Road, New Delhi  
The case and relied upon documents will be sent  
shortly from this office. Please take early  
action to finalize the D & R. inquiry and submit  
his report in triplicate to this office, confidential  
section.

True copy

→ Roshan  
By  
Abu

~~35~~ 35

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 ~~was~~ 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.Illigible  
30.11.1988  
"By order and in the name of the  
President).

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(S)

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/Lko-10/SPE/89/EO Dt. 9-2-89

The Sr. Divl. Sig. & Telecomm. Engineer

N.Rly DRM office, Lucknow

(D/Authority)

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

*By Bhatt*  
Ref:- Your office file No. Misc. /8610/LCS

*By Bhatt*  
B.P.

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 Dejhi at 10 hrs. for presentation of charges exhibition of relied upon documents and demand for addl. documents if any attendance of the following may therefore, be arranged positively:-

1. Shri R.N.Bhatt Chief Signal Inspector Tech/DRM/office/Lko. IRS
2. Sh. B.L.Verma Retd. SMH No.F 3933 Avas vik

S3

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2.

Rajajipuram Flammager 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) /MDH for information and ensuring attendance of item no.3 as above.
2. Shri B.L.Verma F-3983, Avas Vikas Rajajipuram Flammager Lucknow for attending enquiry as above.

( J.N.Sharma )

Enquiry officer (HQ)  
True copy

*Notified*  
*Brjpri*  
*Abh*

(SB)

36

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 NDLS for information in reference to his case file No.19/Gig/26/87/SpE.

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

*Varshini  
Bejpal  
Abu*

SS

100

2.

Rajajipuram Almora Lucknow.

3. Presenting 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 Almora Lucknow for attending enquiry as above.

( J.N.Sharma )

Enquiry officer (HQ)  
True copy

*Notified*  
*Almora*  
*By*

47 37

(S)

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/Authority)

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

D  
Ranbir  
D Byp  
LW

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 Dejhi 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 positivly:-

1. Shri R.N.Bhatt Chief Signal Inspector  
Tech/DRM/office/Iko. DRS
2. Sh. B.L.Verma Retd. SMH No.F 3933 Avs vikas

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Before the ExRx 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/III-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 Algo 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 Algo 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.

(68)

No

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/PBH 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.

*R.N.Bhatt*  
*Bojpey*  
*Abw*

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

Shri R.N.Bhatt will be directly responsible

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to ASTE/II/Lko Shri G.C. Verma who is officer Incharge of Lucknow Area. Shri Bhatt will take detailed instructions from ASTE/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/Lko 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/Lko 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/Lko for information and necessary action.
5. Supdt. /Pay Bill DRM office/Lucknow.
6. The Sr.DRD/Lucknow
7. Dy.CSTE/Works /Lko for information.

True copy

*Lokeshwar*  
*N. Singh*  
*bh*

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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. ~~Exs~~ 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 Advoce the date of changes.

S for Sr. Personnel  
officer (PC)

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

copy to

1. DRM/N.Rly, Lucknow.
2. Principal Transportation Training School/Lko
3. Dy. CSTE/HQ/BHNDIS in reference to his note No.570 - Sig/308/SI transfer Pt. VIII dt. 26.12.88.

True copy

*Bhatt*  
*Bojaji*  
*BN*

Central Administrative Tribunal  
Lucknow Bench

Date of Filing

Date of Receipt by Post

1-8-95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

1380

18  
By. Registrar (3)

M.P.No. 1359 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  
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 showeth:-

1. That due to inadvertence 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.

S. Verma

Lucknow, Dated :  
June , 1995.

31.7.95  
1.8.95

(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 <sup>Registrar (J)</sup>  
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 showeth:-

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  
1.8.95

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

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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, Asstt Personal Officer, 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

2200 BILLS NO. 2  
2200 BILLS NO. 2

By Registrar (S)

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/Ellb.II dated 27.01.1989 (a copy of which is annexed as Annexure No.9 to the application), absorbing him in scale R.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/Ellb.II dated 27.1.1989) may be quashed.

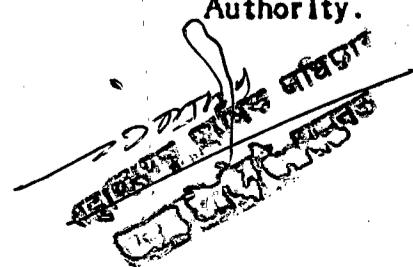
2. That the costs of the application be awarded to the applicant against the opposite parties."

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.9 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.



Dy. Registrar (S)

8. That the Impugned Notice No.754E/96/84/Elb.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 ₹.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, Yango Deen, presently posted as Asstt 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.