

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE C.A. 58 of 1989 (U)

Name of the parties

N. K. Sivaling

Applicant.

Versus.

Ministry of India

Respondents.

Part A.B.C.

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File for signature

7/6/2011

Checked

23/6/2011

P.T.O. →

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

For kind attention of
Hon'ble Court

This application
should not have
been sent to Court
as there are some
defects, as pointed
out in this check
list. But, as per Hon'ble
Court's order dt. 9.3.89,
it is being listed
for admission on
15.3.89.

Check list
14.3.89
P. S.

Registration No.

58 of 1989

APPLICANT (s) ... Thand Kishore Srivastava

RESPONDENT(s) ... Ministry of India & others

Particulars to be examined

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation, Vakalat-nama been filed ?
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Endorsement as to result of Examination

1. No.

2. Yes

3. No

If the application against suspension order is permitted to be admitted, then Yes.

4. Yes

Paragraph 11 has been left blank. No mention about the fact whether departmental remedies exhausted.

5. Yes

6. Yes

No. Neither the counsel has signed them nor they are attested by a gazetted officer.

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ?

8. Has the index of documents been filed and paging done properly ?

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?

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

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

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ?

14. Are the given addresses, the registered addresses ?

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

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

17. Are the facts of the case mentioned in item No. 6 of the application ?

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

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

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

19. Whether all the remedies have been exhausted.

yes

yes

yes

no

yes

No

No.

yes

yes

No A

Facts are stated in item no. 7

Sub - Paravise

No

No. In fact departmental proceedings are going on and have not been concluded so far. The applicant has come up by means of this application u/s. 19 of the A.T. Act against the order of suspension.

M. K. Banerjee

M. K. Banerjee
Private Secretary
Central Administrative Tribunal
ALLAHABAD

OA. 58/89 (L) (A3)

9/3/89

Hon. Justice Kamleshwar Nath, V.C.
Hon. Ajay John, A.M.

On the request of the learned
Counsel for the applicant the
Case be listed for admission
on 15/3/89.

30
A.M.

the
V.C.

Hon' D. S. Mishra, A.M.
Hon' D. R. Agarwal, J.M

15.3.89

to show cause within fifteen days
Issue show cause notice why
the petition be not admitted and
the interim relief prayed for be
not granted. ~~within fifteen days.~~
Call it on 4.4.89 for
admission and orders on interim prayer.

Dad

J.M

H.M

OR

Steps taken for service of
notice by Counsel for applicant on 16.3.89.

Civil
Telegraph

AC

Hon' Mr. Justice K. Nath, V.C.
 Hon' Mr. D.S. Misra, A.M.

17/4/89

Shri B.C. Saxena, learned counsel for the applicant and Shri A. Srivastava, learned counsel for the respondents are present. A point for consideration is, as to which column of schedule ^{II} to the Railway Servants Discipline and Appeal Rules, 1968 applies to the case of the applicant. The learned counsel for the parties want a short time. List this case for ~~Admission~~ hearing on 20-4-1989.

✓
 A.M.

✓
 V.C.

(sns)

OR
 Case was adjourned for 20.4.89 for hearing ~~Admission~~ hearing.

Submitted for Admission/hearing.

Ans
 27/4

Hon'ble Justice K. Nath, V.C.
Hon'ble Mr. D.S. Misra, A.M.

20.4.89

Mr. Aml Srivastava ~~for~~ learned counsel for respondents filed an application duly served on the opposite party, office to enter the same in Misc. Register.
 Case be listed on 20.4.89 for ~~Admission~~ hearing.

✓
 A.M.

✓
 V.C.

OR

Counsel for respondents has filed an ~~on~~ application no. 81/89. Case is submitted for ~~for~~ ~~Admission~~ hearing.

Ans
 27/4

①

Ans
 27/4
 2/3/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 58/89 (L)
REGISTRATION No. _____ of 198

APPELLANT
APPLICANT

N.H. Srivastava

DEFENDANT
RESPONDENT

VERSUS

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
16/5/89	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>Shri B.C. Saxena, learned counsel for the applicant is present and he undertakes to make necessary amendment in the application in the course of day or so. Shri A. Srivastava, learned counsel for the respondents is present. This case be listed for final hearing on 3-7-89.</p> <p><i>692</i></p> <p>A.N.</p> <p>(sns)</p>	<p><i>Amendment made in my presence to day.</i></p>
3/7/89	<p><u>Hon' Mr. Justice K. Nath, V.C.</u> <u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>On the request of the applicant, the case is listed for admission hearing on 11-7-89.</p> <p><i>693</i></p> <p>A.M.</p> <p>V.C.</p> <p>(sns)</p>	<p><i>OP This case has not been admitted.</i></p> <p><i>This is a case of admission hearing not final hearing. as per records before Court's orders. submit this before to Hon'ble court for admis- sion hearing.</i></p> <p><i>OP This case is submitted for admission</i></p> <p><i>10/7</i></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 50 of 1959

APPELLANT
APPLICANT

M. K. Srivastava

DEFENDANT
RESPONDENT

VERSUS

(57)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
26/11/09	<p>Hon. Justice K. Nath, V.C.</p> <p>The learned Counsel for both the parties are present. M. K. Srivastava requests for a final opportunity to file a counter. The Counter may be filed within three weeks to which the applicant may file rejoinder within two weeks thereafter. The case be listed for final hearing on 12/12/09. If the counter is not filed the case may be disposed of ex parte.</p> <p style="text-align: right;">Q.D. V.C.</p>	
14/12	<p>Re No. Sitting. Adj. L. 28 2 50 Both the parties are present C.A. filed today</p>	<p>OR Reply filed but no R.A. filed P. heard</p>
20/12	<p>Can not reach set. Put up tomorrow</p>	<p>12/12</p>
1-3-20	<p>Hon. Justice K. Nath, V.C Hon. K. D. Raman, AM</p>	<p>Argumets heard. Judgement reserved</p>
1-3-20	<p>AM.</p>	<p>V.C.</p>

AT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration O.A. No. 58 of 1989 (L)

Nand Kishore Srivastava Applicant

versus

Union of India & Others Opposite Parties

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.J. Raman, Member (A)

(By Hon. Justice K. Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for quashing an order dated 24.1.89, Annexure-A7 whereby the applicant was placed under suspension.

2. The applicant, Nand Kishore Srivastava was originally a Senior Cashier in the office of the Senior Divisional Accounts Officer, Northern Railway Lucknow, but shortly after detection of some acts of misconduct which were subject matter of a chargesheet dated 10.1.86, Annexure-A2, he was posted as Clerk in the Provident Fund Arrears Cell in the same office.

The chargesheet, Annexure-A2 dated 10.1.86 was for alleged carelessness and negligence in keeping ^{and} handling cash, causing cash loss of Rs.1,28,336-05 to the Railways and misappropriation of Rs.990/-.. The applicant was already under suspension since 19.4.84 in connection with an earlier chargesheet which was withdrawn on 10.1.86, followed by the issue of chargesheet, Annexure-A2, the suspension was withdrawn on 16.1.86 by the Senior

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RJ

Divisional Accounts Officer.

3. While the enquiry under the chargesheet, Annexure-A2 was still pending, the impugned suspension order dated 24.1.89, Annexure-A7 was issued under the signatures of the Assistant Chief Cashier stating inter alia that since the case against the applicant in respect of criminal offence was under investigation/enquiry/trial hence he (the authority competent) to place the railway servant under suspension/ an authority mentioned in the proviso to Rule 5(1) of Railway Servants (Discipline & Appeal) Rules, 1968) in exercise of powers under Rule 4/Proviso to Rule 5(1) placed the applicant under suspension with immediate effect. A remark is further recorded that the suspension order had the approval of the Senior Divisional Accounts Officer recorded at page 1 of File No.CP/NSK/88.

4. Befeft of various insubstantial points raised in the case by the applicant, the principal contentions are that the chargesheet had been issued by the Assistant Chief Cashier who was not competent to suspend as he was not the Appointing Authority or the authority empowered to make suspension and that there were no "exceptional circumstances" within the meaning of proviso to Rule 5(1) of D.A.R. enabling him to pass the suspension order pending subsequent approval of Senior Divisional Accounts Officer.

5. The reply of the opposite parties is that the approval of the Senior Divisional Accounts Officer had already been given before the issue of the impugned

(PA)

suspension order which though signed by the Assistant Chief Cashier is in substance in the nature of a mere communication of suspension done by the Senior Divisional Accounts Officer. The alternative contention is that there did exist 'exceptional circumstances' inasmuch as the applicant had been subjected to a criminal offence chargesheet dated 27.10.88 in a Criminal Court and a Criminal Case under Section 409, Indian Penal Code read with Section 5(2) and other provisions of the Prevention of Corruption Act was pending in the Court of the Special Judge (Central) Anti Corruption, Lucknow.

6. We have heard Shri B.C. Saxena for the applicant and Shri Anil Srivastava at considerable length and have gone through the record. It is not disputed that in terms of the Schedule of Disciplinary Powers and powers of suspension of different grades of Railway Officers/ Senior Supervisors appended to Railway Servants (Discipline and Appeal) Rules, 1968, the Senior Divisional Accounts Officer was competent to place the applicant under suspension and the Assistant Chief Cashier was an officer next below to the Senior Divisional Accounts Officer.

7. It is clearly mentioned in para 25 of the Counter Affidavit that prior approval of Senior Divisional Accounts Officer, Opposite Party No.2 had been taken on 24.1.89. The allegation of the applicant that the approval was accorded on 27.1.89 was specifically denied. The learned counsel for the applicant produced before us another photo copy of the impugned suspension order, Annexure-A7 in which there is some illegible initial below

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and across the remark of approval of the Senior Divisional Accounts Officer, bearing the date of 27.1.89.

It may be mentioned that Annexure-A7 filed originally with the petition does not contain the initial or date below the initial. *Prima facie* the initial ^h ~~does not~~ seem to concern any responsible officer and therefore we have no reason to doubt the clear statement contained in para 25 that the Senior Divisional Accounts Officer, opposite party No.2 had recorded the prior approval of the suspension on 24.1.89, which approval was clearly endorsed on the impugned suspension order, Annexure-A7. In this state of affairs, even though the language of the suspension order could be read to imply the passing of the suspension order by the Assistant Chief Cashier, in substance it constitutes a mere communication of an order of suspension issued with prior approval of the competent authority.

8. Even otherwise, we think that the mere fact of the lapse of time between 10.1.86 when the chargesheet Annexure-A2 was issued and the date of the impugned suspension order (24.1.89) would not justify a conclusion that there were no 'exceptional circumstances' within the meaning of the proviso to Rule 5(1) which could enable the Assistant Chief Cashier to order suspension. The new factor consists of a criminal investigation into the alleged act of misappropriation of railway money and misuse of the powers ^{by} the applicant in a corrupt manner punishable under the penal law as also under the Prevention of Corruption

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(P)

Act. The institution of a criminal case in the competent Court on those charges on the basis of a criminal offence chargesheet dated 27.10.88 is certainly a new feature vis-a-vis the original chargesheet Annexure-A2 dated 10.1.86 for disciplinary proceedings on account of carelessness, negligence and misappropriation of a specified amount. We are of the opinion, that the new development of institution of a criminal case was certainly an 'exceptional circumstances'^u which could justify the Assistant Chief Cashier to place the applicant under suspension during the pendency of the criminal case.

9. In view of the above, we find no force in this application which therefore is dismissed. Parties shall bear their costs.

W.Ramam.

Member (A)

S

Vice Chairman

Dated the 2nd March, 1990.

RKM

TELE ADDL: "SUPREMECO" ND

D.NO. 10517/90/xi
SUPREME COURT OF INDIA
DATED: 2/2/1991

21-5-91

From

THE REGISTRAR
SUPREME COURT OF INDIA
NEW DELHI.

To

THE DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD. (LUCKNOW BENCH) LUCKNOW.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 15011 OF 1990
(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
and Order dated 25.9.90 of the Central Administrative
Tribunal, Allahabad in Review Appln. No. 200/90 in O.A. No. 58/89)

Nand Kishore Srivastava

... PETITIONER(S)

VERSUS

Union of India & Ors.

... RESPONDENT(S)

Sir,

I am to inform you that the Petition above mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the Petitioner above named from the Judgment and Order of
the Central Administrative Tribunal, Allahabad noted above and
that the same was dismissed by this Court on the 31st
day of January, 1991.

Yours faithfully,

M. K. Keelch
for REGISTRAR

3/6/91
R. No. 36/91

Judicial
Section
ACRO
03/6/91
G.O.
kc/xi

APB

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

--

Application No. 50 of 1989 (U)

BETWEEN

Nand Kishore Srivastava

--Applicant

~~xxxxxx~~ AND

Union of India and others

--RESPONDENTS

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N.K.Srivastava

Applicant

B.C.Srivastava

Counsel for the applicant

For use in Tribunals office.

Date of filing

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Act

Application No. 58 of 1989 (4)

(under section 19 of the Central Administrative
Tribunal Act, 1985)

BETWEEN

Nand Kishore Srivastava

Applicant

AND

Union of India and others

Respondents

Details of application

1. Particulars of the applicant

(i) Name of the applicant Nand Kishore Srivastava

(ii) Name of father Late Sri Lalji Lal Srivastava

(iii) Age of the applicant 56 years

(iv) Designation and particulars of office in which employed Senior Cashier, Charbagh Northern Railway, Lucknow under Senior Divisional Accounts Office Hazratganj, Lucknow.

Nand Srivastava
(v) Office address Clerk, Bill Section under Senior Divisional Accounts Officer, Office of the Divisional Railway Manager, Hazratganj, Lucknow.

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(vi) Address for service of notices 5/511, Vikas Nagar, Aliganj, Lucknow.

2. Particulars of the respondents:

(i) Name and/or designation

of the respondents 1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. Senior Divisional Accounts Officer, Northern Railway, Lucknow.

3. Assistant Chief Cashier, Northern Railway, Lucknow.

4. Sri Khubi Ram, aged about 52 years, son of Sri Bhushan Lal, at present working as Asstt. Chief Cashier, Northern Railway, Charbagh, Lucknow.

(ii) Office address
of the respondents

As above

(iii) Address for service
of notices

As above

3. Particulars of the order against which the application is made

(i) Order number with reference to Annexure number No. CP/ NKS/88 Annexure no. A-1

(ii) Date 24.1.1989

N.K. Srivastava

(A16)

(iii) passed by:

Respondent no.3

4. Subject in brief:

By the aforesaid order dated 24.1.1989 passed by opposite-party no.3 the applicant has been ordered to be placed under suspension with immediate effect from 24.1.1989 A.N. on the post of Senior Cashier, Northern Railway, Lucknow.

5. Jurisdiction of the Tribunal

The applicant declares that the subject-matter of the order ^{against} which the applicant wants redressal is within the jurisdiction of this Hon'ble Tribunal.

6. Limitation

The applicant further declares that the petition is within limitation prescribed under section 21 of the Administrative Tribunals Act, 1985.

7. Facts of the case:

7.1 That the applicant was appointed on the post of ^{Staff} Clerk in the Northern Railway on or about 22.12.1959 and he continued on the said post till 1962-63 when he was promoted on the post of Junior Cashier in the Northern Railway and he continued on the said post till some time in the year 1966. The petitioner some time in the year 1966 was promoted on the post of Senior

NFL Srinivas

Cashier and he continues on the said post.

7.2 That the petitioner some time in the year 1982 was posted as Senior Cashier at the Faizabad Sub- Pay Office of the Northern Railway which is located within the station premises of Faizabad railway station.

7.3 That on the morning of 17.4.1984 when the applicant went to his office for disbursement of payment, he noticed a shortage of about Rupees one lac in the cash box. Eight R.P.F. Sainiks were posted on Guard duty. The duty was two hourly consisting of batch of two Sainiks.

7.4 That when the shortage was reported, the Government Railway Police, Faizabad investigated the matter and it was found that the wirenetting of the Strong Room was found broken and the locks had also been tampered with. The matter was entrusted to the CBI.

7.5. That by an order bearing no. CP/LKO/ NKS/ 84 dated 19.4.1984 passed by Sri Khubi Ram, Assistant Chief Cashier, Northern Railway, Lucknow the petitioner was ordered to be placed under suspension with effect from 19.4.1984.

by

7.6 That subsequently/a charge sheet bearing no. CP/ LKO/ACC/NKS/84 dated ¹³ 18.11.1984 issued by the Senior Divisional Accounts Office, Northern Railway, Lucknow it was intimated that there was a proposal to hold an inquiry against the

156 Smrityan

applicant under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. Annexed to the said Memorandum which was on a printed standard form of chargesheet viz., Standard Form no.5 was an article of charge for misconduct which was enclosed as Annexure no.1 to the said memorandum. A photostat copy of the said article of charge is being annexed as Annexure no. A-1 to this application.

7.7. That subsequently by a letter dated October 17/24, 1985 the Senior Divisional Accounts Officer, Northern Railway, Lucknow informed the petitioner that the charge-sheet in Standard Form 5 dated ~~13.11.1984~~ is hereby withdrawn and a fresh charge-sheet on Stand Form 5 will be issued in due course.

7.8. That the petitioner was subsequently served with a charge-sheet dated 10.1.1986 on Standard Form 5 . The article of charge indicated against the petitioner which was annexed as Annexure 1 to the said charge-sheet is being annexed as Annexure no. A-2 to this application. A comparison of the articles of charge levelled against the application by the first charge-sheet dated 13.11.1984 and the the subsequent charge-sheet dated 10.1.1986 would show that while in the first charge-sheet itwas alleged that the petitioner had committed a serious misconduct in misappropriating the Government money to the tune

Mr. Sonwane

(P.M.)

of Rs. 1,28,336.05 during the month of April 1984 and in the subsequent charge-sheet the allegation was changed to one of "carelessness and negligence in keeping and handling of cash has caused the Railway Administration a cash loss of Rs. 1,28,336.05".

7.9 That the departmental proceedings on the basis of the subsequent charge-sheet dated 10.1.1986 are still pending and have not been finalised.

Sri N.S.Sinha, Assistant Divisional Accounts Officer (1), Northern Railway, Lucknow had been appointed as the Inquiry Officer. The Inquiry Officer has not fixed any date for recording of evidence or hearing of the matter.

7.10. That the CIB/ SPE completed its investigation and the Superintendent of Police, CBI/SPE submitted his report to the Divisional Rail Manager, Northern Railway, Lucknow through his letter no. 3813/3/22/84/GW.V/LKO dated 28.6.1985. This would be evident from a photostat copy of a letter sent by the Superintendent of Police, CBI/SPE to the Commandant, R.P.F., Lucknow Branch, Lucknow dated 30.1.1986 which is being annexed as Annexure no.A-3 to this application

7.11. That by an order dated 16.1.1986 the Senior Divisional Accounts Officer, Lucknow revoked the order of suspension of the applicant dated 19.4.1984. A photostat copy of the said order dated 16.1.1986 is being annexed as Annexure no. A-4 to this application.

Re-Suspension

1420

7.12 That from what has been stated hereinabove it would appear that evidently ~~that~~ the Superintendent of Police, CBI/ SPE had in his report not found the applicant remiss or negligent in the discharge of his official duties and consequently the order for the applicant's suspension was revoked and by a notice dated 20.1.1986 the applicant was posted as a clerk in the Provident Fund (Arrear Cell) in the office of the Senior Divisional Accounts Officer, Northern Railway, Lucknow. A photostat copy of the said order along with the endorsement of protest made by the petitioner thereon ~~by the applicant~~ is being ^{by} annexed as Annexure no.A-5 to this application.

The applicant's posting as a clerk in the Provident Fund (Arrear Cell) was wholly unwarranted. The applicant at the time of his suspension was holding the rank of Senior Cashier. The same resulted in change of cadre. The applicant ever since his appointment had been working in the Cash Department; hence the protest.

7.13 That the applicant by a letter dated 4.2.1986 which was served on the applicant on 7.2.1986 the Senior Divisional Accounts Officer, Northern Railway, Lucknow had required the petitioner to furnish the name of his defence counsel along with his written willingness to act as defence counsel. The applicant by a representation dated 10.2.1986 furnished a

Mr. Garrison

(A21)

-8-

letter from one Sri G.M. Kookherjea , Senior Vigilance Inspector (Retired) , Northern Railway, Baroda House New Delhi by which he agreed to act as the applicants defence helper in the D&AR case. The applicant has also been required to submit his written-statement against the charges contained in the charge-sheet. The applicant in response to the same requested to given access for the inspection of the documents relied upon and mentioned in Annexure 3 of the charge-sheet. The applicant furnished also asked to be/copies of the statements of witnesses mentioned in Annexure 4 to the said Memorandum. The applicant further asked for certain additional documents which he had detailed in his representation dated 10.2.1986 and indicated that the said documents have direct relevance with his case for preparation of his written-statement. It may be indicated that the petitioner had ~~by~~ earlier by the following representations demanded inspection and copies of the documents. The said representations were dated 23.11.1984 followed by reminders dated 14.12.1984, 29.1.1985 23.2.1985, and 3.10.1985. A photostat copy of the said representation dated 2 10.2.1986 is being annexed as Annexure no. A-6 to this application. The said representation has not evoked any response till date nor has the applicant been intimated about any date which have been fixed for inspection of relevant records relied upon in support of the charge and mentioned in Annexure 3 to the charge-

NM Krishnan

sheet nor has the petitioner been furnished till date copies of the statements of witnesses and the additional documents which he had asked for preparation of his written-statement.

7.14. That on 18.4.1984 on a complaint loged by Sri Khubi Ram, Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow a case was registered in Government Railway Police ,Faizabad against the applicant and was numbered Crime no. 39/84 under section 409, Indian Penal Code. Subsequently, again on a complaint made by Sri Khubi Ram a case was registered vide R.C. 22/84-LKO in CBI/SPE,Lucknow Branch on 9.7.1984. The investigation was entrusted to one Sri M.C.Dube, I.P., CBI/SPE. The said Sri Dube after detailed investigation reached the conclusion that the various personnel of the Railway Protection Force , who were on guard duty, were guilty. Certain officers of the Railway were found to have been remiss and negligent in the discharge of their official duties inasmuch as timely F.I.R. was not filed by them nor relevant records had been taken into custody and handed over to the concerned police.

7.15. That opposite-party no.4 is a member of the Scheduled Caste and two other ~~witnesses~~ ^{officers} against whom certain allegations had been found to be proved are also members of the Scheduled Castes, S/Sri viz.,/Lala Ram and Munna Lal.

AKS:Govardhan

7.16. That the said Scheduled Caste Officers including opposite-party no. 4 it appears made

complaints and indicated that the investigation by the CBI/SPE be entrusted to a Scheduled Caste investigating officer.

7.17. That the CBI after the report submitted by the Superintendent of Police, had submitted a final report in the matter in the court of Special Judge (Central), Lucknow.

7.18. That on the persuasion and insistence of the aforesaid officers including opposite-party no.4 the Director, CBI/SPE directed re-investigation and the investigation was entrusted to one Sri Ram Chandra I.O., CBI/ SPE. The said Sri Ram Chandra is a close relation of Sri Khushi Ram.

7.19. That the CBI on the basis of re-investigation on the first information report dated 9.7.1984 had submitted a charge-sheet on 27.10.1988 against the applicant in the court of Special Judge(Central), Lucknow alleging that the applicant was in possession of domonion over the amount of Rs. 9,05,766.03 as a public servant on 16.4.1984 and out of this amount he dishonestly and fraudulently misappropriated or converted to his own use a sum of Rs. 1,28,336.05. The charge-sheet alleges that the facts constitute offences punishable under section 409, I.P.C. and section 5(2) read with section 5(1)(c) of Prevention of Corruption Act (Act II of 1947).

New Information

7.20 That sanction for the prosecution of the applicant is stated to have been accorded by the

Deputy Chief Accounts Officer by an order dated 28.3.1988. Presently there is no Financial Adviser and Chief Accounts Officer in the Northern Railway and the Deputy chief Accounts Officer is working as Head of the Department. The applicants appointing authority and competent authority to impose major punishment of removal and dismissal from service is Financial Adviser and Chief Accounts Officer.

7.21 That the applicant on learning that his posting as a clerk in the PF(Arrear Cell) of the office of the Senior Divisional Accounts Officer had been made because of the irk which Sri Khubi Ram nurses against the applicant brought the said facts to the notice of the General Manager, Northern Railway as also to the higher authorities by means of several representations.

7.22 That opposite-party no. 4 though he is not competent to pass an order for placing the petitioner under suspension because of the irk and ill-will that he nurses against the applicant has passed an order dated 24.1.1989 for placing the applicant under suspension. A photostat copy of the said order dated 24.1.1989 is being annexed as Annexure no.A-7 to this application. A perusal of the said order would show that it has been indicated in the said order that the Senior Divisional Accounts Officer, Northern Railway, Lucknow has accorded approval for the applicants suspension at pre page no.1 NKS of file no. CP/NS/88 dated 27.1.1989.

N.K. Srivastava

7.23 That the applicant is governed in the matter of his conditions of service by rules called the Railway servants (Discipline and Appeal) Rules, 1968. Rule 5 which is relevant for purposes of issues involved in the present case reads as under:-

"5. Suspension (1) A Railway servant may be placed under suspension--

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where, in the opinion of the authority competent to place a railway servant under suspension , he has engaged himself in activities prejudicial to the interest of the security of the State; or

(c) where a case against him in respect of any criminal offence is under investigation inquiry or trial:

Provided that, where in exceptional circumstances any authority competent to pass orders of suspension makes such an order in respect of a railway servant whom he is not competent to suspend , that authority shall forthwith report to the authority competent to place such a railway servant under suspension the circumstances in which the order was made and obtain his approval."

Mr. Srinivas

7.24 That the impugned order of suspension has been passed by opposite-party no.3 purportedly

on the basis of the proviso to rule 5(1).

7.25 That on the basis of the facts stated hereinabove, it would be evident that the disciplinary proceedings against the applicant were instituted as back as 13.11.1984 when the charge-sheet was issued to him. Even a subsequent charge-sheet was issued to the applicant on 10.1.1986 and as such, it cannot be said that there was any exceptional circumstance for passing an order for the applicants suspension.

7.26 That further it would be relevant to state that a case in respect of criminal offence was started and was under investigation soon after the institution of the first information report dated 9.7.1984 with the CBI/SPE, Lucknow even if the institution of the first information report with the Government Railway Police, Faizabad is ignored.

7.27 That a perusal of articles of charges contained in the charge-sheet contained in Annexure A-1 would show that the allegations essentially are cognizable by a criminal court of competent jurisdiction. Since criminal trial has already been instituted, there is no basis to direct the holding of a departmental inquiry in respect of the said articles of charges and continuance of departmental inquiry for the same. In this view of the matter since the disciplinary proceedings would be wholly unwarranted, the order of suspension would

N.K.Singh

1. The present scale of pay after the implementation of the Fourth Pay Commission's Report is Rs 1400-2300. The said scale has been given and substituted for the following scales of pay which existed prior to the implementation of the Fourth Pay Commission's Report:—

Rs 425 - 600
 Rs 425 - 700
 Rs 455 - 700
 Rs 530 - 600

Para 7.30

That opposite parties 3 and 4 is only an Assistant Officer Group B. He does not hold any independent charge, and, according to the amended Schedule of disciplinary powers and powers of suspension annexed to the Railway Servants (Discipline and Appeal) Rules, 1968, opposite parties 3 and 4 is only competent to place under suspension Groups 'D' and Groups 'C' staff in scale rising upto Rs 455/- (RS). The officer competent to pass an order of suspension, according to the said schedule in respect of the post held by the applicant if the scale of pay which existed prior to the implementation of the report of the Fourth Pay Commission is taken into consideration would be a senior scale officer and Assistant officer (Junior scale and Group 'B') holding an independent charge. Opposite parties 3 and 4 held →

for: contd → part 4 →

14-1

acted wholly without jurisdiction in passing the order for the petitioner's suspension.

(A23)

Para 7.31

That the petitioner as indicated in paragraph 7.12 was after revocation of the order of suspension posted as a clerk in the Provident Fund (Arrear cell) in the office of the Senior Divisional Accounts Officer, Northern Railway, Lucknow by notice dated 20.1.1986 contained in Annexure A-5 to the application. It is stated that ever since thereafter the petitioner continues to be posted as clerk in the Provident Fund (Arrear. cell) in the office of the Senior Divisional Accounts Officer, Northern Railway, Lucknow. Opposite parties 3 and 4 have neither administrative control nor disciplinary control over the petitioner. Opposite - party no. 3 is posted as Assistant - Chief Cashier, Northern Railway, Lucknow and the petitioner is no longer working under him or in his office. The office of the Senior Divisional Accounts Officer, North Railway is located in the Divisional Railway Manager's office at Hazratganj, Lucknow while the office of the Assistant - Chief Cashier is at Charbagh, Lucknow.

Para 7.32

That even while the petitioner was working in the

(P-9)

Cash and Pay office, opposite Party no. 3 had only supervisory control. In this behalf reference is made to a confidential letter No. 68/Genc/cpm 1/A/10 control dated 29.11.1968 issued by the FA & CAO. A photocopy of the same would show that the responsibilities of the Assistant-Chief Cashier and Pay Master were indicated in Annexure I to the Procedure office order No. 31 (though wrongly it appears to have been indicated as P.O.O. no. 30 at page 90 of the Manual of Cash and Pay office (Receipt Branch) Part I, 1978 edition. A photostat copy of the said letter dated 29.11.1968 along with its enclosure is being annexed as annexure no. A-8 to this application."

(Hundred rupees ie. 16.5.89 by the Hon'ble
High Court of Madras
by Annexed order of
Tribunal dated 16/5/89
including this one -
(Separate sheet) 16/5/89
(S.N. Srivastava)
(Advocate)

accordingly also be wholly unwarranted till the finalisation of criminal trial.

7.28. That being aggrieved by the said order of suspension dated 24.1.1989 contained in Annexure no. A7. the applicant is preferring the present application which would otherwise be

of advanced in date i.e. 16/5/89 by amendment of 28.4.89 cognizable by the Hon'ble High Court under Article 226 of the Constitution of India.

7.29 That the post of Senior Cashier X. which the petitioner is holding was in the scale of Rs 425-700/-

8. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application , writ petition or suit regarding the matter in respect of which this application has been made , before any

court of law or any other authority or any other Bench of the Tribunal and nor any such application writ petition or suit is pending before any of them.

9. Relief (s) sought

In view of the facts mentioned in para 7 the applicant prays that this Hon'ble Tribunal be pleased:

(i)to hold the impugned order of suspension dated 24.1.1989 contained in Annexure no. A7. to be wholly without jurisdiction, arbitrary and capricious and quash the same.

W.L. Sankaran

(ii) to give the applicant such other benefits and reliefs as this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

(iii) to award to the applicant the costs of this application.

The applicant claims the above-noted reliefs on the following amongst others,

GROUNDS

(a) Because in view of the fact that the articles of charges are cognizable only by a criminal court of competent jurisdiction, there can be no warrant for continuance of departmental proceedings and, that being so, the order of suspension would be wholly without jurisdiction void and inoperative.

(b) Because, in any case, in view of the fact that earlier the suspension was revoked after submission of the report by the CIB/ SPE, the order of suspension in respect of the same subject-matter would be wholly void.

(c) Because admittedly it was case of theft and the strong room had been broken and the locks were tampered with for which criminal proceedings had been instituted against the

Re: Smt. [unclear]

RPF. personnel who were on round the clock guard duty at the said strong room. The allegations in the article of charges indicated in the charge-sheet against the petitioner are colourable and malafide exercise of power.

(d) Because the allegations in the article of charges contained in the charge-sheet against the applicant are clearly not in consonance with the report submitted by the CIB/ SPE and , as such , there is no basis for the said charges.

(e) Because the re-investigation by the CIB is motivated and suffers from malice on the part of opposite-party no.4 and other officials belonging to his caste.

(f) Because opposite-parties 3 and 4 have acted wholly without jurisdiction in passing the impugned order of suspension . There were no exceptional circumstances to warrant passing of the impugned order of suspension and , as such, the proviso to rule 5(1) will not be attracted and the impugned order of suspension cannot be justified.

(g) Because in view of the fact that the applicant had been transferred long back from the post of Senior Cashier , Charbagh, Northern Railway, Lucknow. There is no exigency for passing the order of suspension. The applicant is not in a position to hinder either

Not Served

trial or holding of the departmental proceeding if it could be held to be valid.

(h) Because the approval alleged to have been accorded by the Senior Divisional Accounts Officer is wholly without jurisdiction inasmuch as she is not the petitioners appointing authority.

10. Interim order, if any, prayed for:

Pending final decision on the application, the applicant seeks issue of the following interim order:

The further operation of the order of suspension dated 24.1.1989 contained in Annexure no. A-7 passed by opposite-party no. 3 be stayed by this Hon'ble Tribunal through an interim order and the opposite-parties be restrained from giving effect to the same.

11. Particulars of the Bank Draft/Postal Order in respect of the application Fee:

1. Name of Bank on whom drawn.

2. Demand Draft No.

Or

1. Number of Indian Postal Order (s)

2. Name of the issuing post office

3. Date of issue of postal order (s)

Attn: Smrithi

4. Post Office at which payable.

12. List of enclosures

1. Article of charge in the Memo. dated 13.11.1984
2. Article of charge in the charge-sheet dated 10.1.1986
3. Letter dated 30.1.1986
4. Order dated 16.1.1986
5. Order dated 20.1.1986
6. Representation dated 10.2.1986
7. Order dated 24.1.1989

VERIFICATION

I, Nand Kishore Srivastava, aged about 56 years, son of late Sri Lalji Lal Srivastava resident of 5/511, Vikas Nagar, Aliganj, Lucknow, do hereby verify that the contents of paras 1 to 8, para 9 except grounds and paras 10 to 12 are true to my personal knowledge and those of grounds under para 9 are believed to be true on the legal advice and that I have suppressed any material fact.

N.K. Srivastava
Signature of the applicant

Dated 8.3.1989

Place: Lucknow

Debak Sen
Counsel for the applicant

To

N.K. Srivastava
The Registrar,
Central Administrative Tribunal,
Lucknow Circle, Lucknow.

व अदालत श्रीमान in the Central Administrative Tribunal Del/
Bench at Allahabad Lucknow
Circle Lucknow
[वादी] अपीलान्ट महोदय
प्रतिवादी [रेस्पान्डेन्ट] का व्यक्तिलितनामा



OA No

189

435

वादी (अपीलान्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sri B. C. Salsena . Adv वकील

महोदय

40) Dr Baij Nath Rood, New Hydorab lucknow प्रह्लादपुर

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (हस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अपर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह प्राप्तिलितनामा लिख दिया प्रमाण रहे और समय पर जाम आवे।

Accepted
B. C. Salsena

N.K. Srivastava
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

A36

19

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no.

of 1989

BETWEEN

Nand Kishore Srivastava

Applicant

And

Union of India and others

Respondents

Annexure no. A-1

ATTESTED TRUE COPY
B.C. Srivastava
Advocate

N.K. Srivastava

112-20
A3
Genl. 188

STANDARD FORM OF CHARGESHEET

Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968

Standard Form No. 5

Vo. CP/LK.C./ACC/MAS/84

Or. D.A.O./LK.C.(Name of Railway Administration)

(Place of issue) Lucknow dated 18.11.84

MEMORANDUM

The President/Railway Board/Undersigned propose(s) to hold an inquiry against Shri. N.K. Srivastava 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 articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri. N.K. Srivastava 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 N.K. Srivastava. Railway within [§] ten 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 there to. He should complete inspection of addition of 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. Shri. 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 circumstance 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. Shri. N.K. Srivastava 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. 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) has already undertaken to assist and the undertaking should be furnished to the undersigned/General Manager N.K. Srivastava alongwith the nomination.

5. Shri. is hereby directed to submit to the undersigned (through General Manager Railway his immediate superior) a written statement of his defence (which should reach the said General Manager/his immediate superior) within ten days of receipt of this memorandum, if he does not require to inspect any documents for the preparation of his defence and within ten days after completion of inspection of document if he desires to inspect documents, and aslo.

- (a) to state whether he wishes to be heard in person; and
- (b) to furnish the names and addresses of the witnesses, if any whom he wishes to call in support of his defence; and
- ** (c) to furnish a list of documents, if any, which he wishes to produce in support of his defence.

6. Shri. N.K. Srivastava is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

7. Shri. N.K. Srivastava is further informed that if he does not submit his written statement of defence within the period specified in para 5 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry *ex parte*.

The attention of Shri. N.K. Srivastava is invited to Rule 20 of the Railway Services (Conduct) Rules, 1968, under which no railway servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri. N.K. Srivastava is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Services (Conduct) Rules, 1966.

9. The receipt of this Memorandum may be acknowledged.

*By order and in the name of the President. K.M. Razzaq Azam, 13/11/84

R.A.
Signature SP. DAO/LK.C.
Name and designation of competent authority.

To Shri. N.K. Srivastava,
..... Sr. Cashier, (designation)
..... P.R.G. Faizabadi, (Place etc.)
@Copy to Shri. (name & designation of the lending authority) for information.

[†]This time limit may be extended upto ten days at the discretion of the competent authority. Strike out whichever is not applicable.

[‡]This time limit may be extended upto twenty days at the discretion of the competent authority.

[§]To be retained wherever President or the Railway Board is the competent authority.

^{*}Where the President is the Disciplinary Authority.

[©]To be used wherever applicable—See Rule 16 (1) of the Railway Servants (Discipline & Appeal) Rules, 1968—Not to be inserted in the copy sent to the Railway Servant.

^{**}Submission of such list at this stage need not be insisted upon if the employee does not comply with this requirement.

N.R.—2060/17—April, 1980—25,000 F.

ATTESTED TRUE COPY

B.C. D...k...
Advocate

N.K. Srivastava

Article of charges for misconduct framed against
Shri N.K.Srivastava, Sr.Cashier of Northern Railway, Faizabad.

The said Shri N.K.Srivastava, Sr.Cashier while posted on PD-8 Faizabad during the months of March/April, 1984 and functioning as such, has committed the following serious misconducts :-

- 1) He mis-appropriated government money to the tune of Rs.1,28,336.05 during the month of April, 1984 as detected on checking of his account and cash.
- 2) He gave a false complaint and misleading statement to the Asstt.Chief Cashier, Northern Railway, Lucknow on 17.4.1984 alleging therein that one bundle of Rs.100/- G.C.Notes containing Rs.1,00,000/- was left by him with A.D.C. while taking cash of 'C' Tour from him on 16.4.1984.
- 3) He mis-appropriated a sum of Rs.990/- by taking credit of the undermentioned bills as fully paid in his cash for the month of March, 1984 while transferring the cash of the said bills to Shri Udai Bhan Singh, Sr.Cashier. The total amount of the said bills comes to Rs.45,430.09 whereas the amount paid by him to Shri Udai Bhan Singh for the said bills is Rs.44,440.09.
 - i) Pay sheet pages of RPF Coy No.36 at JNU, SHG & ZFD for the total sum of Rs.33,907.49 for the month of March, 1984, bearing PMR No. 200 2007 dt.14.3.84
 - ii) PMR No.274 of 13.3.84 for ----- Rs.11,552.60

Total: Rs.45,430.09

Shri N.K.Srivastava, Sr.Cashier, by his above acts, has failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government Servant and has thereby contravened rule 3(1)(i)(ii) and (iii) of Railway Services Conduct Rules, 1966.

R.Aza - 13/11/82
ATTESTED TRUE COPY

B.C. Saksena

Advocate

Sr. Divisional Accounts Officer
Northern Railway, Lucknow.

N.K. Srivastava

A39

23

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no.

of 1989

BETWEEN

Nand Kishore Srivastava

-Applicant

And

Union of India and others

-Respondents

Annexure no. A-2

N.K.Srivastava

ATTESTED TRUE COPY

B.C. Saksena

Advocate

आरोप-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, 1968
नं/No. CP/LKO/ACC/NKS/84.

मानक फॉर्म नं. 5
Standard Form No. 5

(रेल प्रशासन का नाम)

Sr. DAO/LKO's Office (Name of Railway Administration)

(नियम स्थान) , विवरण १९०८
(Place of issue) Lucknow, dated १०.१०.८८.

ज्ञापन

MEMORANDUM

राष्ट्रपति/रेलवे बोर्ड निम्नहस्ताक्षरी द्वारा २०से०(अनु० और अ०) नियम, 1968 के नियम ९ के अन्तर्गत श्री के विरुद्ध जांच करने की प्रस्थापना की गई है। अवचार या कदाचार के लाईनों का सार, जिनके संबंध में जांच दर्शने की प्रस्थापना है, १ आरोप के अनुच्छेदों के विवरण (अनुवंश I) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में अवचार या कदाचार के लाईनों का विवरण संलग्न है (अनुवंश II); जिन प्रलेखों और साक्षियों द्वारा आरोप के अनुच्छेद संघृत किये जाने की प्रस्थापना है उनकी भी एक सूची संलग्न है (अनुवंश III और IV)।

The President/Railway Board/Undersigned propose (s) to hold an inquiry against Shri. N.K. Srivastava 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 एतद् द्वारा सचित किया जाता है कि यदि वह चाहे तो इस ज्ञापन की प्राप्ति के पांच दिन के भीतर कार्यालय समय में चाहोंगा है, दो दूसरे प्रशासन के पास हों तो किन जिनका संलग्न प्रलेखों की सूची (अनुवंश III) में जल्दी न किया हो, तो निरीक्षण के लिए अपेक्षित प्रलेखों की सुतंगति बताते हुए इस ज्ञापन की प्राप्ति के दस दिन के भीतर उसे निम्नहस्ताक्षरी रेलवे के अधिकारी उन सभी या किसी ऐसे प्रलेखों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो उसकी राय में, सामग्रे के सुंसरगत न हों या जिन तक पहुंच की अनुमति देना जनहित या राज्य को सुरक्षा के विरुद्ध हो। उसे चाहिए कि अतिरिक्त प्रलेख उपलब्ध किये जाने के पांच दिन के भीतर उनका निरीक्षण पूरा कर ले। जिन अतिरिक्त प्रलेखों के निरीक्षण को उस अनुमति दी जायेगा उनसे उद्धरण लेने की उसे अनुमति होगी।

2. Shri N.K. Srivastava 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 5 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 ... Northern Railway within 10 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 addition of documents within 5 days of their being made available. He will be permitted to take extracts item such of the additional documents as he is permitted to inspect.

3. श्री को सूचित किया जाता है कि जांच के बाद के प्रक्रमों में प्रलेखों को प्राप्त करने के लिए किया गया अनुरोध तब तक स्वीकार नहीं किया जायेगा जब तक उपर विनिर्दिष्ट समय-लीमा के भीतर विलम्ब से अनुरोध करने का पर्याप्त कारण न बताया जाये और उस परिस्थितियों से स्पष्ट रूप से यह प्रक्रम न हो जाये कि अनुरोध इससे पहले के प्रक्रम में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद अतिरिक्त प्रलेख प्राप्त करने के संबंध में कोई अनुरोध तब तक स्वीकार नहीं किया जायेगा, जब तक जांच पूरी होने से पहले अनुरोध न कर सकते का पर्याप्त कारण न बताया गया हो।

3. Shri. N.K. Srivastava 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 भौमिक जांच होने की स्थिति में प्रलेखों का निरीक्षण करने तथा जांच प्राधिकारी के समझ प्रपना भासला प्रत्युत करने में सहायता करने के लिए किसी अन्य रेल ध्यवसाय संघ के किसी पदाधिकारी (जो रेल सेवक अनुशासन और अधिकारीय अधिकारी या अधिक व्यक्तियों का नामन करना चाहिए) सहायता ले सकता है इस प्रयोजन के लिए अधिमान्यता-क्रम में उसे एक या अधिक व्यक्तियों का नामन करना चाहिए। सहायक रेल कर्मचारी (कर्मचारियाँ) अधिकारी रेल ध्यवसाय संघ के पदाधिकारी (पदाधिकारियाँ) का नामन करने से पहले श्री द्वारा नामित व्यक्ति (व्यक्तियों) से बदल ले जाने चाहिए कि वह (वे) अनुशासनिक कार्यालयी के द्वारा उसका सहायता करने के लिए तैयार है। वचन में ऐसे अन्य भासले (भासलों) का, यदि कोई हो, विवरण भी दिया जाना चाहिए, जिसमें नामित व्यक्ति (व्यक्तियों) द्वारा दिया गया वचन नामन-पत्र के साथ निम्नहस्ताक्षरी/अधिकारीय प्रबंधक, रेलवे को भेजा जाना चाहिए।

4. Shri. N.K. Srivastava 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. N.K. Srivastava obtained an undertaking from the nominee(s) that he (they) is/are willing to assist him during 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, ... Northern Railway alongwith the nomination.

N.K. Srivastava

ATTESTED TRUE COPY

B.C. Sarker

Advocate

Article of charges and trial warrant of trial of I.M.P.
Shri N.K. Srivastava, Sr. Cashier of Northern Railway,
Raizabad.

....
The said Sri N.K. Srivastava, Sr Cashier, while posted on
P.D.3, Raizabad during the months of March/April, 1984
has committed the following serious misconduct :-

1. Carelessness and negligence in keeping and handling of
cash has caused the Rly. Admn. a cash loss of Rs.1,28,336.05.
2. He failed to intimate about his whereabouts from 20.4.84 to
19.5.85 to evade interrogation in C/W shortage of
Rs.1,28,336.05 in his cash box, found on 17.4.84.
3. He gave a false complaint and misleading statement to the
Asstt: Chief Cashier, Northern Railway, Lucknow on 17.4.85
alleging therein that one bundle of Rs.100/- G.C. Notes
containing Rs.1,00,000/- was left by him with A.D.C. while
taking cash of 'C' tour from him on 16.4.84.
4. He misappropriated a sum of Rs.990/- by taking credit of
of the undenoted bills as fully paid in his cash for
the month of March, 1984 while transferring the cash of
the said bills to Shri Uday Bhan Singh, Sr. Cashier. The
total amount of the said bills comes to Rs.45,430.09 whereas
the amount paid by him to Sri Uday Bhan Singh for the said
bills is Rs.44,440.09 :

(i) Pay credit pages of RPF Coy. No.36 of JNU, BNS, ZFD for the total sum for the month of March, 1984 drawing PMR No.2007 dated 14.3.84.	Rs.33,907.49
	Rs.11,522.60
(ii) PMR No.274 of 13.3.84 for	Rs.45,430.09

Shri N.K. Srivastava, Sr. Cashier, by his above acts,
has failed to maintain absolute integrity, devotion to duty
and acted in a manner unbecoming of a Government Servant
and has thereby contravened Rule 3(l)(i)(ii) and (iii) of
Rly. Services Conduct Rules, 1966.

R.A. 30.4.86
Sr. Civil. Accounts Officer,
N.Rly., Lucknow.

N.K. Srivastava ATTESTED TRUE COPY
B.C. Dikshen
Advocate

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In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no. of 1989

BETWEEN

Nand Kishore Srivastava

-Applicant

And

Union of India and others

-Respondents

Annexure no. A-3

N.K. Srivastava

ATTESTED TRUE COPY

B.C. Sharma

Advocate

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no. of 1989

BETWEEN

Nand Kishore Srivastava

-Applicant

And

Union of India and others

-Respondents

Annexure no.A-4

ATTESTED TRUE COPY

B.C. Srivastava

Advocate

N.K. Srivastava

N.K. Srivastava

STANDARD FORM NO.4.

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Standard Form of Order for Revocation of Suspension Order
(Rule 5(5) of RS (D&A) Rules, 1968).

No. CP/LKO/ACC/NKS/84

Northern Railway,

Place of issue - Lucknow.

Dated 16-1-1986

ORDER.

Whereas an order placing Shri N.K. Srivastava, Sr. Cashier, Northern Railway, Faizabad, under suspension was made by Sr.DAO, N.Rly., Lucknow on 19.4.84.

Now, therefore, the undersigned (the authority which made or is deemed to have made the order of suspension or any other authority to which that authority is subordinate) in exercise of the powers conferred by clause (c) of sub-rule (5) of rule 5 of the RS (D&A) Rule, 1968, hereby revokes the said order of suspension with immediate effect from 20.1.1986.

Signature R. Azam - 17.1.86

Name : R. Azam

(Designation of the authority making Sr.DAO/LKO.
this order.)

Copy to :-

Shri N.K. Srivastava, Sr. Cashier, N.Rly., Charbagh, Lucknow, (under suspension) through ACC/CP-LKO. 65, Vijai Nagar, Kanpur Road, Lucknow. He showed report for duty to Acc/ N.Rly/ CP, Lucknow.

ATTESTED TRUE COPY

B.C. Bhonsle

Advocate

N.K. Srivastava

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

--

Application no.

of 1989

BETWEEN

Nand Kishore Srivastava

--Applicant

And

Union of India and others

--Respondents

Annexure no. A-5

ATTESTED FOR COPY

B.C. Srivastava
Advocate

N. K. Srivastava

उत्तर रेलवे/NORTHERN RAILWAY

NOTICE

Notice No. 79/Adm/20/Cash

Dated: 20.1.1986

Sh. N. K. Srivastava, Sr. Cashier, /P.D. who was under suspension is temporarily posted in P.F. (Arrear Cell) of Sr. D.A.O's office/ LKO. w.e.f. 20.1.86 FN after revocation of his suspension by Sr. DAO/LKO.

Authorit.: Sr. DAO's orders at PPS of file
No. 79/Adm/20/Cash.

S. K. Srivastava
Sr. Divl. Accounts Officer,
N.Rly., Lucknow.

Copy to (1) B.C./JL, N.Rly., New Delhi for information.
 (2) A.C.C/N.Rly.CB.-LKO. His pay etc. will be charged by his office on the basis of absence to be sent by S.O/PP Arrear cell.
 (3) Sri N. K. Srivastava, Sr. Cashier.
 (4) S.O/PP Arrear cell.

Remarks given to on acknowledgement
copy of DAO/ file by me on 20.1.86

Received under post of being this order is illegal as my parent department has been changed without assigning any reason

20.1.86
20.1.86

ATTESTED TRUE COPY
B.C. Dukhan
Advocate

N.K. Srivastava

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In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no. of 1989

BETWEEN

Nand Kishore Srivastava

Applicant

and

Union of India and others

Respondents

Annexure A-6

ATTESTED TRUE COPY

B.C. - *Signature*

Advocate

N.C. Srivastava

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The Sr. Divisional M/s. Officer,
Northern Railway,
Lucknow.

MacCm.

Ref: Your letter No. CP/LKO/ACC/NKS/34
dated 4-2-1986 (Received on 7-2-86).

In reference to the above, I am furnishing herewith a consent letter from one Sri G.M. Mukherjee, Sr. Vigilance Inspector (Retd), M.P.L.Y., Baroda House, New Delhi, who will act as my Defence Helper in the D.E.A.R case pending against me.

As regards the submission of written statement against the charges levelled against me, I would like to stress upon you that I may kindly be given access for the inspection of relied upon documents, as mentioned in Annexure III of the Memorandum alongwith my defence helper as provided in Note to Clause 9(7) of procedure imposing major penalty under D.E.A.R Rules 1968.

Further, copies of the statement of witnesses mentioned in Annexure IV of the Memorandum may also be supplied to me as per provision of Note under clause 1(8) of the said rules.

In addition to the above mentioned documents, the copies of the following additional documents may also be furnished to me which have got a direct relevancy with my case for presentation of my written statement:-

Additional documents required

1. Inspection Report of Sr.DAO/DAO/ADAO/S.O. (Books), S.O. (Cash)/ACC/LKO, IOC/LKO and CCPM HQ. Qrs., Delhi for the period from 18-3-82 to April 1984.
2. Copy of the investigation report, conducted by the S.O., CRY/FD against the FIR lodged by the Department on 18/19-4-84.
3. Copy of the investigation report of the SP/CBI/LKO in connection with the theft case under reference.
4. Attested copy of the copies of the FIR, lodged by the Department in the above case.
5. Attested copies of the fact finding report of the ACC/LKO, DAO/LKO and ASO/RPF-LKO in this case.
6. Attested extracts of the Guard Book of RPF posted at the Pay Office, FD on 16-4-84 and 17-4-84 onwards.
7. Records showing further movement of the RPF staff posted at the Pay Office, FD on 16-4-84 and 17-4-84 after the case is i.e. after 17-4-84.

N.K. Srivastava

ATTESTED TRUE COPY ...2

B.C. Jaiswal
Advocate

The ~~above~~ said documents were already demanded by me on 23-11-84, followed by reminders on 14-12-84, 29-1-85, 23-2-85 and 3-10-85, respectively for its inspection in connection with this case but not furnished. By inviting your attention to your letter No.CP/INC/CC/13/84 dated 28-1-85, I would like to state that your contention, on the issue for supply of copies relied upon documents to me is neither correct nor based and supported with any relevant authority. Non-supply of the relied upon documents on the charges levelled against an employee can be termed as a denial of reasonable opportunity as provided in the D.E.A.R 1968.

I would, therefore, request you to kindly furnish me the copies of the documents asked for and also fix-up a date for the inspection of the relied upon documents alongwith my Defence Helper and my written statement will be submitted thereafter.

Thanking You,

Dated: 10-2-1986

Encl: One (As above)

Releif-

JK

11/2/86
D.A.O's Office

Yours faithfully,

N.K. Srivastava
(N.K. Srivastava) 10/2/86
Sr. Cashier
Posted at D.A.O's Office
U.Rly., Lucknow.

ATTESTED TRUE COPY

B.C. Dukhendra

Advocate

N.K. Srivastava

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no.

of 1989

BETWEEN

Nand Kishore Srivastava

-Applicant

And
Union of India and others

-Respondents

Annexure no. A-7

ATTESTED TRUE COPY

B.C. Dubey
Advocate

N.K. Srivastava

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Gen. 184
Standard Form No. 1

Standard Form of Order of Suspension Rule 5 (1) of the RS (D & A) Rules, 1968

No. CP/NSK/89

O R D E R

Whereas a disciplinary proceeding against
Shri
(Name and designation of the Railway services)
is contemplated/pending.

Now, therefore, the undersigned (the authority competent to place the Railway servant under suspension in terms of the Sch. rules I, II and III appended to RS (D & A) Rules 1968/an authority mentioned in proviso to Rules 5 of the RS (D & A) Rules, 1968, in exercise of the powers conferred by Rule 4/proviso to Rule 5 (1) of the RS (D&A) Rules, 1968 hereby places the said Shri. under suspension with immediate effect with effect from.....

It is further ordered that during the period this order shall remain in force, the said Shri. shall not leave the Headquarters without obtaining the previous permission of the competent authority. 24.1.89 AM

Signature..... N.K. Srivastava Sr.DAO/LKO

Name..... N.K. Srivastava

Designation..... Chief Cashier suspending authority
(Designation of the officer authorised under article 77 (2) of the Constitution to authenticate orders on behalf of the President, where the President is the suspending authority).

(Approval of Sr.DAO/LKO
at P.p.1 of file No. CP/NSK/89)

25/1/89
Shri. (Name and designation of the suspended Railway servant). Orders regarding subsistence
allowance admissible to the suspended Railway servant. Asstt: Chief Cashier, N.R., Lucknow.
N.R. Cashier's Office, Dated - 20.7.88 - 1986/3000 B
Copy to C.P. 15A N.D.L.S

ATTESTED TRUE COPY

B.C. Khan

Advocate

N.K. Srivastava

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

AT

SITTING AT LUCKNOW.

Registration No. 58 of 1989(L)

Civil Misc. Application No 01 of 1989(L)

Supplementary application

Sl No. 5

Nand Kishore Srivastava

versus

Petitioner

Union of India and others

Respondents.

I, Khubi Ram aged about 52 years son of Sri Bishan Lal at present working as Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow, do hereby solemnly affirm and state as under:-

HS Today
Ans
2/4

1. That the above named official is impleaded as Opposit Party No. 3&4 in the present petition, as such he is fully conversant with the facts and circumstance of the case and has been authorised by the all other respondents to file this supplementary application.
2. That the applicant belongs to group 'C', grade Rs. 625-700 (R.S.) which has further been revised to Rs. 1400-2300.
3. That the respondent No. 3 & 4 who actually suspended the applicant belongs to group 'B', grade 650-1200 (R.S.) which has further been revised to rs. 2000-5500.
4. That the respondent No. 3 & 4 is an Assistant Officer (Junior Scale) and is holding independent charge.
5. That the respondent No. 2 is a junior Administrative Grade Officer holding independent charge and is equal in rank with Deputy Chief Accounts Officer (General) who is the appointing authority of the applicant.

Khushi Ram

Contd-----2

AB

6. That it may further be clarified here that though as per rule 4 of the Railway Servants (Discipline & Appeal) Rules, 1968 and as per the schedule given, the respondent No. 3 is fully competent to place the applicant under suspension even without taking any approval from his senior officer but in this case the approval of the senior officer i.e., Senior Divisional Accounts Officer who is equal in rank with the appointing authority of the applicant, has also been taken,

Lucknow,
Dated : 20.4.89

Khubi Ram
(Khubi Ram)

Assistant Chief Cashier, N.R.
Charbagh, Lucknow.
i.e. Respondent No. 3&4

VERIFICATION

I the above named respondent no. 3 & 4 do hereby verify that the ~~application~~ contents of paras 1 of this ~~application~~ is true to my personal knowledge and those of paragraphs 2 to 6 are true on the basis of records and legal advice.

Lucknow,
Dated : 20.4.89

Khubi Ram
(Khubi Ram)

Assistant Chief Cashier, N.R.
Charbagh, Lucknow,
i.e. Respondent No. 3 & 4.

(A.M. 19)

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow.

~~Ex parte Application No. 100/1989~~

Applicant's Reply to the supplementary application filed
by opposite-parties ex parte 3 and 4.

Application no. 58 of 1989

bad duplicate
dictum
23-6-89

BETWEEN
Nand Kishore Srivastava --Applicant
AND
Union of India and others --Respondents

1. That in reply to the allegations of para 4
it is stated that opposite-parties 3 and 4 holds
independent charge is wholly baseless and
factually incorrect and is, therefore, denied.
It is stated that the Chief Cashier is the Head
of Cash and Pay Office of the Northern Railway.
The Chief Cashier has control over the various
Divisional Cash and Pay Offices in the Northern
Railway. For purposes of exercise of effective
administrative supervisory control, the Senior
Divisional Accounts Officer, Northern Railway,
Lucknow who hold rank equal to the Chief
Cashier has been entrusted with the direct
control over the Cash and Pay Office at Lucknow.

N.K. Srivastava

(ASO)

-2-

The Assistant Chief Cashier is only a supervisory staff and is under the control of the Senior Divisional Accounts Officer. The Assistant Chief Cashier has no independent charge but is directly subordinate to the Senior Divisional Accounts Officer, Northern Railway at Lucknow for purposes of exercise of effective control over the other staff of the Cash and Pay Office at Lucknow. The Senior Divisional Accounts Officer is required to submit monthly reports to the Chief Cashier as would be evident from Procedure Office Order no. 1 dated 1.12.1962 a photostat copy of which is being annexed as Annexure no. SA-1 to this reply.

2. That the allegation in paragraph 6 is based on an incorrect assumption that opposite-party no. 3 holds an independent charge. It has been admitted in paragraph 5 that the Deputy Chief Accounts Officer (General) is the petitioner's appointing authority. It is stated that in that capacity he has accorded sanction for the launching of prosecution against the petitioner. The Senior Divisional Accounts Officer though being equal in rank with the Deputy Chief Accounts Officer (General) had no power to accord sanction. The power of appointment vests with the Deputy Chief Accounts Officer (General) qua the petitioner. The Senior Divisional Accounts Officer, Northern Railway, Lucknow alone

ASO Suresh

ASI

-3-

has the authority and jurisdiction to sanction leave, pass orders for transfer and all other orders in respect of the staff of the Cash and Pay Office at Lucknow. Opposite-party no.3 has no administrative control and is not competent even to sanction leave, write annual character roll entry, pass orders for transfer etc. and to pass any order of administrative nature.

N.K. Srivastava
(Nand Kishore Srivastava)
Applicant

Lucknow

Dated April , 1989

VERIFICATION

I, Nand Kishore Srivastava, aged about 56 years, son of late Sri Lalji Lal Srivastava, resident of 5/511, Vikas Nagar, Aliganj, Lucknow do hereby verify that the contents of paras 1 and 2 are true to my knowledge and belief and that I have not suppressed any material fact.

Lucknow

N.K. Srivastava
(Nand Kishore Srivastava)
Applicant

Dated April , 1989

B.C. Saksena
(B.C. Saksena)
Advocate
Counsel for the applicant

To

The Registrar,
Central Administrative Tribunal,
Lucknow Bank Circle, Lucknow

AS
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, SITTING AT LUCKNOW.

Registration No. 58 of 1989 (L)

REPLY TO THE "APPLICANTS REPLY (DATED 28.4.89)

TO THE SUPPLEMENTARY APPLICATION FILED BY

OPPOSIT PARTIES # 3 &4.

B E T W E E N

Nand Kishore Srivastva.....Petitioner/Applicant

A N D

Union of India and others.....Respondents/Opposit

Parties.

I, Khubi Ram aged about 52 years son of Sri Bishan Lal at present working as Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the above named official is impleaded as Opposit Party No. 3 & 4 in the present petition, as such he is fully conversant with the facts and circumstance of the case and has been authorised by the all otherrespondents to file this reply.

ASS

2. That the contents of paras 1 & 2 of the reply to the supplementary application is not admitted as stated. However, a ~~personal~~ perusal of said reply to supplementary application would make it clear that the applicant has admitted all the assertions of the supplementary application dated 20.4.89 filed by the opposit parties except the fact regarding holding of independent charge by opposit parties 3 & 4.

3. That it is again being reiterated that the opposit party (respondent) No. 3 & 4 is an Assistant Officer (Junior Scale) and is holding independent charge.

4. That in order to make the said issue more clear it may be stated that ~~to~~ ^{there} is only one post of Chief Cashier in entire set up of Northern Railway and who sits in the Headquarters Office of Northern Railway at New Delhi.

5. That there is only one post of Assistant Chief Cashier in Northern Railway, Lucknow and who is empowered to deal with all matters relating

ASD

to Cash and Pay Office, Lucknow and is competent to deal with several matters relating to Cash and Pay Office, Lucknow independently. A perusal of duty list of Assistant Chief Cashier's circulated by the Chief Cashier, New Delhi vide Confidential Notification dated 19-10-81 would further make it clear that respondents No. 3 & 4 do hold an independent charge. The said notification being confidential in nature, copies of which will be produced before this Hon'ble Tribunal at the time of hearing.

Lucknow.

Dated : 9-5-89

Khubi Ram
(Khubi Ram)

Assistant Chief Cashier,
Northern Railway, Charbagh,
Lucknow. i.e. Respondents
No. 3 & 4.

V E R I F I C A T I O N

I, the above named respondents No. 3 & 4 do hereby verify that the contents of paras 1 of this reply is true to my personal knowledge and those of paragraphs 2 to 5 of this reply are true on the basis of records and legal advice.

Seenu
Lucknow.

Dated : 9-5-89

Khubi Ram
(Khubi Ram)

Assistant Chief Cashier, N.R.
Charbagh, Lucknow,
i.e. Respondents No. 3 & 4

(ASD)

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Filed today
Ans
17/4

Application no. 58 of 1959

BETWEEN

Nand Kishore Srivastava

--Applicant

AND

union of India and others

--Respondents

Replication in reply to the short counter-
reply of the respondents

--

1. That in reply to the contents of para 1 it is stated that no authorisation letter by respondents 1 and 2 in favour of respondent no. 3 has been filed. The allegation that he has been authorised by the other respondents to file the short counter reply is, therefore, denied.
2. That the contents of para 2 do not call for any reply.
3. That the allegation in para 3 is much too vague to warrant any reply. The same is,

Pls. Consider

however, denied.

4. That in reply to the contents of para 4 it is stated that in view of the exceptional circumstances and want of jurisdiction from which the impugned order suffers, the so-called departmental remedy is wholly inadequate and ineffective.

On 9.3.1989 when the matter came up before the Hon'ble Tribunal the Traibunal on being satisfied that the facts contained exceptional circumstances it directed that notice be issued to the respondents.

5. That in reply to the contents of para 5 it is wholly baseless to allege that there was any deliberate omission of any material fact. Since no appeal has been preferred and from the facts and grounds raised in the petition on behalf of the applicants this Hon'ble Tribunal could have been satisfied that keeping in view the facts and circumstances of the present case and further the absence of power to grant a stay being vested in the departmental appellate authority the petition deserves admission and passing an order for interim relief as prayed for in the petition. The allegation in para 5 is, therefore, untenable and baseless.

6. That the allegations in para 6 in so far as they are borne out from Annexure R-1 call for no reply. The said order of suspension was also wholly illegal but the applicant chose not to

Mr. Jordan

challenge the same.

7. That in reply to the contents of para 7 it is stated that the impugned suspension order could not have been passed by respondent no.3 and the said illegality and want of jurisdiction is not cured by some other authority according approval to the same. On the basis of the grounds indicated in the petition, the impugned order is wholly illegal and without jurisdiction.

8. That in reply to the contents of para 8 it is stated that both the orders of suspension were passed in purported exercise of power under rule 5 of the Railway Servants (Discipline and Appeal) Rules. The competence of the authority to issue an order of suspension is not dependant on whether the order of suspension is ~~xxxxx~~ passed for one of the three reasons or contingencies contemplated in clauses (a), (b) and (c) of sub-rule (1) of rule 5.

9. That in reply to the contents of para 9 it is stated that in respect of the same complaint which was registered in GRP, Faizabad vide Crime No. 39/84 under section 409, I.P.C. on 18.4.1984 the respondent no.4 Shri Khubi Ram had passed an order for suspension of the applicant and again in respect of the same allegations the said respondent no. 4 has again passed an order for suspension even though the earlier

Atul Saraf

order of suspension had been revoked.

10. That the plea in para 10 is wholly baseless and ~~it~~ is denied. It is stated that the specific averments of facts made in para 7.20 of the petition having not been controverted the allegation that the order has been passed by the competent authority is baseless. It is further stated that in the absence of the reply to the ~~know~~ facts averred to in the petition and on the basis of which the pleas of illegality of the impugned order have been raised, the said grounds would prevail.

11. That the plea in para 11 is wholly baseless and is denied.

12. That the plea in para 12 that the claim petition is not maintainable is based on incorrect assumption of facts and misappreciation of relevant provisions of law. The plea is legally untenable and is, therefore, denied.

N.K. Srivastava

Applicant

Lucknow Dated

April 12, 1989

Verification

N.K. Srivastava
I. N.K. Srivastava, aged about 56 years, son of late Sri Lalji Lal Srivastava, resident of 5/11, Vikas Nagar, Aliganj, Lucknow do hereby verify that the contents of paras 1 to 11 are true to my knowledge and belief and those of para 12 are true on the legal advice which I believe to be true

and that I have not suppressed any material fact.

N.K. Srivastava
(N.K. Srivastava)
Applicant

Dated April 12, 1989

Place Lucknow

B. Chakraborty

Counsel for the applicant

To

The Registrar,
Central Administrative Tribunal
Lucknow Circle, Lucknow.

N.K. Srivastava

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
SITTING AT LUCKNOW.

Registration No. 58 of 1989(L)

863

SHORT COUNTER REPLY

Nand Kishore Srivastava - - - - - Petitioner
versus

Union of India and others - - - - - Respondents.

I, Khubi Ram aged about 52 years son of Sri ^{Bishen} ~~Shushan~~

Lal at present working as Assistant Chief Cashier, Northern
Railway, Charbagh, Lucknow, do hereby solemnly affirm and
state as under:-

1. That the above named official is impleaded as Opposite Party No.3 & 4 in the present petition, as such he is fully conversant with the facts and circumstances of all other the case and has been authorised ~~by~~ the respondents to file this short counter affidavit reply.
2. That the answering respondents are filing this short counter reply, in reply to the averments made in the aforesaid claim application, but however, the answering respondents reserve their right to file detailed parawise reply to the said claim application if that will be so required.
3. That at the very outset ^{it} may be stated that the present application has not been filed in proper manner as required under Rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987.
4. That the answering respondent most humbly states that

*Keval Ram
Srivastava
Lucknow*

the claimant has not exhausted the departmental remedy available to him under Rule 18(1) of the Railway Servants(Discipline & Appeal)Rules,1968 and without exhausting the same he has presented this application before this Hon'ble Tribunal.

5. That the applicant has deliberately committed the material fact in respect of the alternative / departmental remedy, which he ought to have declared in the present petition as provided under the Central Administrative Tribunal Rules,1968, Thus the claimant is guilty of concealment of material fact.
6. That to bring home certain facts it may be stated that at the initial stage the applicant was placed under suspension w.e.f. 19.4.1984 because of a disciplinary proceedings which was contemplated / pending vide order No.CP/LKO/ACC/NKS/ 84 dated 19.4.1984 against him. The said order was issued after ~~two~~ due approval of the Sr.Divisional Accounts Officer, Northern Railway, Lucknow but later on the same was revoked under the orders of the competent authority. The approval is recorded on the order of suspension, ~~the copy of~~ a true copy of which is being filed herewith as Annexure R-1 to this counter reply.
7. That the second order of suspension under challenge has contained in Annexure No.7 of the claim petition ~~the copy of~~ has been passed under different reasons /circumstances. Now I know A perusal of this order(Annexure No.7) would itself

behand
Assistant Cashier

has been passed under different reasons /circumstances.

Now I know A perusal of this order(Annexure No.7) would itself

Ans

-3-

indicate that the applicant in this case has been placed under suspension because he is involved in a criminal case. A copy of charge sheet dated 27.10.1988 submitted by the C.B.I. showing the charges of the applicant is being filed herewith Annexure R-2 to this counter reply.

8. That a perusal of both the suspension orders would clarify that the grounds / reasons contained in the aforesaid two orders of suspension are quite different to each other. It may also be clarified here that the order of suspension dated 24.1.1989 as contained in Annexure No.7 to this application has also been issued by the respondent no.3 after due approval of the competent authority i.e. Sr. Divisional Accounts Officer, (Respondent No.2). The approval is recorded on the order itself.
9. That it may further be clarified that the applicant has been facing a criminal case brought out by the C.B.I. wherein the said chargesheet (Annexure R-2) has been submitted in the competent court of law. The applicant has been placed under suspension in this criminal case, which has no relation with the first order of suspension, which was passed in a case ~~arising~~ arising out of disciplinary action.
10. That the order of suspension is neither malafide nor has been passed in an arbitrary manner. The impugned order has been passed in exercise of the powers conferred by the Railway Servants(Discipline and appeal)Rules,1968

Keeril Rao
A. C. C. S. Cashier
Unknown

by the competent authority and there is no illegality therein.

11. That since the criminal case is still pending in the competent court of law against the applicant in respect of loss of government cash to the tune of Rs.1,28,336.05 for which the applicant was custodian, it would not be in the interest of justice to mention the detailed facts of the case at this stage.

12. That in view of the facts and reasons stated hereinabove the present claim application is not maintainable on the following grounds :-

- A. Because the present application has not been presented in its proper form as laid the procedure laid down by Rule 4 of the Central Administrative Tribunal Rules 1987.
- B. Because the most important declaration in respect of alternative / departmental remedy has been completely omitted / concealed in the present petition .
- C. Because claimant has not exhausted the departmental remedy available to him, before preferring this claim petition.
- Reed* D. Because a criminal case/ is still pending in the competent court of law.

E. Because the alleged impugned order (Annexure NO.7) has been passed in exercise of the powers conferred by the Railway Servants (Discipline and appeal) Rules, 1968 by the competent authority and there is no illegality therein.

Wherefore, it is most humbly prayed that the Hon'ble Tribunal may be pleased to dismiss/~~the~~ reject the present application as not maintainable/premature.

Lucknow,
Dated : 4.4.1989

Khushi Ram
(Khushi Ram)
Assistant Chief Cashier, N.R.
Charbagh, Lucknow.
i.e. Respondent No.3 & 4

VERIFICATION

I the above named respondent no.3 & 4 do hereby verify that the contents of paras 1 of this reply is true to my personal knowledge and those of paragraphs 2 to 12 are true on the basis of records and legal advice.

Lucknow,
Dated: 4.4.1989

Khushi Ram
(Khushi Ram)
Assistant Chief Cashier, N.R.
Charbagh, Lucknow.
i.e. Respondent no.3 & 4.

Khushi Ram
I am a Cashier
N.R.

Annexure No R-1

Acc

बी० प० १९/८८०/१९/G.L. १९
पंचम १९८८-व०/ज०/१९८८-ल०
Recd by P.M.

उत्तर रेलवे/NORTHERN RAILWAY

Standard Form of Order of Suspension Rule (1) of the RS(D & A) Rules 1968

No. CP/4Ko/Rec/NKS/04

Name of Railway Administration

Acc/NR/L120

Place of issue ३५३/१९ Dated १९.४.८४

O R D E R

Whereas a disciplinary proceeding against
Shri A.K. Srivastava, S. Cashier, NR PA12ABD
Name and designation of the Railway servant
is contemplated/pending.

Whereas a case against
Shri

(Name and designation of the
Railway servant) in respect
of a criminal offence is under
investigation/inquiry/trial.

Now therefore, the undersigned (the authority competent to place the Railway
servant under suspension in terms of the schedules I, II & III appended to RS
(D & A) Rules, 1968/an authority mentioned in proviso to Rule 5(1) of the RS
(D & A) Rules, 1968 in exercise of the powers conferred by Rule 4/proviso to
Rule 5(1) of the RS (D & A) Rules, 1968, here by places the said Shri A.K.
Srivastava under suspension with immediate effect from 19.4.84

It is further ordered that during the period this order shall remain in
force, the said Shri A.K. Srivastava shall not leave the Headquarters
without obtaining the previous permission of the competent authority.

This has the approval of 16/SR/880/NR/110
Authority order at PP3 (CP/4Ko/Rec/NKS/04)

Signature Recd by P.M.

Name JCHUBIRAM

Designation of the suspending
authority Assistant Chief Cashier
Northern Railway LUCKNOW

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

Copy to:-

Shri A.K. Srivastava (Name and designation of the suspended Railway
servant). Orders regarding subsistence allowance admissible to him during
the period of suspension will issue separately.

N.R - 1.769/17 - Dec., 1975 - 30,000 F.

True copy
attested

Deependra
Assistant Chief Cashier
Northern Railway LUCKNOW

Answer No R-2

CHA

याना
Police Station..... CBI/SP E..... Distrit..... Lucknow

गिकायत्री दा जापक का नाम, पता और पेशा
Name, address and occupation of complainant or informant..... Source

पेशी के नाम भेजे गये ग्रभियुक्तों के नाम और पते, क्या दिरासत म है या जमानत पर या मुचलके पर ?

Names and addresses of accused persons sent up for trial, whether in custody, or on bail or recognisance

पेशी के लिए नहीं भेजे गए ग्रभियुक्तों (जो किये गये हों या न किये गये हैं) के नाम और फारार व्यक्ति भी शामिल हों (फारार व्यक्ति स्थाही से दिखावें)

Names and addresses of accused sent up for trial whether arrested absconders (show absconders in red)

0.00

1

2

Sri N.K.Srivastava,
S/o Sri Late Lalji Lal
R/o 65, Vijay Nagar,
Kanpur Road, Lucknow(UP)
the then Sr.Cashier,
Northern Railway,
Faizabad(U.P.)
(Gr.'C')

Not arrested

on a co
Railway
RC 22/E
reveale
Railway
amount
recover
Lucknow
Faizaba
him.

The details of said

1. DAO's Accounts
2. CAO's Accounts
3. From Cashiers
4. Previous balance

dominion over said
he dishonestly and
Rs.1,28,336.05.

5(2) r/w 5(1)(c) of

dealt with according

Encl.
1. List of witnesses
2. List of documents
3. F.I.R. of RC 22/8
4. Sanction for prosecu

Northern Railway

Confidential.

Chief Cashier's Office,
Multi-Storeyed Building,
New Delhi-110055.

In order to make the duties and responsibilities spelt out in re-organised system, these have been decided as under, in replacement of duties and responsibilities circulated vide No. 78-Adm/CR/B/2/1/ACC, dated 29th October, 1980 :-

ASSTT.CHIef CASHIER (I) - NEW DELHI.

1. Deal with all policy matters relating to Pay Branch of the N.Rly.
2. Checking of Cashiers' Accounts and disposal of Inspection Reports.
3. Deal with Inspection Reports in regard to the inspections conducted by Sr.DAOs/DAOs, SAOs and checking officials of Central Office with serious irregularities.
4. To approve Tour Programme of Supervisory staff and other staff of Central Pay Office, New Delhi.
5. To ensure timely submission of following periodical statements :
 - i) Result of simultaneous checks conducted on the accounts of cashiers to be submitted to the Board by the first week of the following month.
 - ii) F.C.D.O. to be submitted to the FA&CAO quarterly by 15th of the following month.
 - iii) Monthly Progress Reports by 20th of the following month to A.C.A.O.
6. To sign all TA & Contingent and Honorarium Bills of all staff of Central Pay Office, Inspection Cell, Genl.Sec. and Baroda House Sub Pay Office.
7. To ensure booking of Clerical staff for attending payments in HQs.Tour payment to Central Pay Office, Sub Pay Office/B.House & Pay Cell/Rly.Board.
8. To surprise maintenance of Accounts by DC(P) and DC(MTP)-NDLS and ADC/B.House.
9. To conduct Inspection of Divisions one in each month and submission of Reports to C.C./A.C.A.O.
10. Looking all professional matters of BKN/& JU Divns. MB
11. Review of Security arrangement at Central Pay Office, New Delhi.
12. He will look after the work of ACC(II) during his absence from HQ.

Contd....(2)

Verma
* & *) * *

Afterwards
Received
Assistant Chief Cashier
Northern Railway
7/3/80

ATX

Confd... (Page 2)

ASSTT. CHIEF CASHIER, LUCKNOW

1. To deal with all matters relating to Cash & Pay Office, Lucknow.
2. Establishment and Admn. work relating to staff of the Cash & Pay Deptt.
3. Submission of periodical returns to the HQs. Office including M.P.R. and leave statements, officiating arrangements, honorarium proposals/statements.
4. Checking of Cashier's Accounts and disposal of Inspection Reports.
5. Deal with Inspection Reports in regard to the inspections conducted by Sr.DAO/WAOs and inspections conducted at Headquarters level.
6. Review of security arrangements, maintenance of up-keep of office.
7. To deal with correspondence from DAO's Office, WAO's Office and other offices in LKO as well as those from Headquarters Office.
8. Check the Cashiers' Cash Book (Receipt) and Cashiers' Cash Book (Payments).
9. Holding periodical meetings with DAO, WAO/CB & AMV, J.D.F.A./RDSO and settle all local problems and obtain orders from HQs. Office wherever necessary.
10. Exercise surprise check on the movement of cashiers, attendance of staff, deal with D&AR cases, Tool & Complaints, Stationery etc.
11. Review and conduct test check on the work of DC and ADC/IOCs with a view to ensure that all aspects of working are properly attended to by the staff and arrears are not accumulated.
12. Approve tour programmes of supervisory staff and staff booked out of division on duty.
13. He will deal with directly with DAO/LKO, SAO(W)-CB and SAO(W)-AMV.
14. He will sign the salary bills, countersign, T.A. & Contingent claims, Honorarium Claims of Cash & Pay staff at LKO.
15. To deal with cases of deposit of earnings of LKO Divn.

21/10/81
CHIEF CASHIER,
N.RLY./NEW DELHI.

Verbal
Attested
By
Assistant
Cashier
N.RLY./NEW DELHI
1977/81

A72

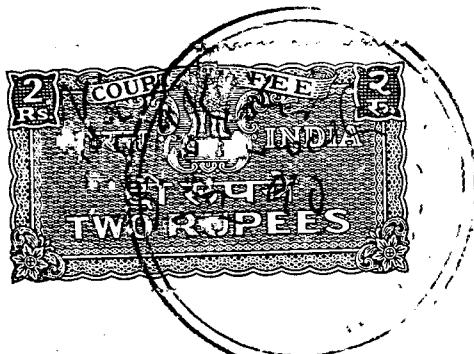
In the Central Administrative Tribunal,

Circuit Bench, Lucknow

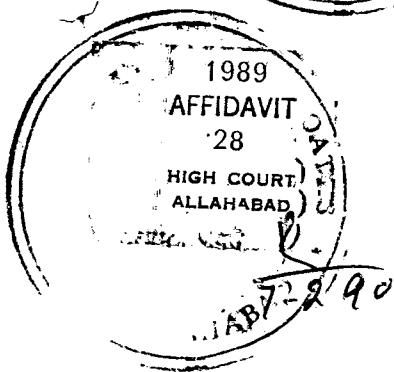
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Rejoinder-affidavit to the counter-affidavit
filed on behalf of opposite-parties

--



J. A. No. 58 of 1989 (L)



N.K. Srivastava

--Applicant

versus

Union of India and others

--Respondents

--

I, Nand Kishore Srivastava, aged about 57 years, son of late Sri Lalji Lal Srivastava, resident of 5/511, Vikas Nagar, Aliganj, Lucknow, do hereby solemnly take oath and affirm as under:

1. That I am the applicant in the above-noted application and I am fully acquainted with the facts of the case. I have perused the counter-affidavit filed on behalf of the opposite-parties and have understood the contents thereof.

2. That the contents of para 1 in so far as they state that Sri Khubi Ram has been impleaded as respondents 3 and 4 are not disputed. The allegation that he has been authorised by respondents 1 and 2 also to file the counter-reply on their behalf is disputed and respondent no. 4

N.K. Srivastava

-2-

is put to strict proof of the said allegation by producing the authorisation letter.

3. That the contents of para 2 do not call for any reply.
4. That the contents of para 3 in so far as they do not dispute the assertions made in paras 2 to 6 of the application need no reply. The plea that the application is not maintainable because the applicant has not allegedly exhausted the departmental remedy is wholly baseless. The order of suspension impugned in the application has been passed wholly without jurisdiction by respondent no. 3.
5. That the contents of paras 4 and 5 do not call for any reply.
6. That the contents of para 6 in so far as they are contrary to the assertions made in para 7.3 of the application are denied and the said assertions are hereinagain reiterated.
7. That the contents of para 7 in so far as they are contrary to the assertions made in para 7.4 of the application are denied and the said assertions are hereinagain reiterated.
8. That the contents of para 8 do not in any manner controvert the specific assertions made in para 7.5 of the application. The plea that the order for suspension has been passed strictly as per Discipline and Appeal Rules, 1968 is denied as being baseless and legally untenable.
9. That the contents of para 9 do not call for any reply.

N.R. Sivarao

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-3-

10. That the contents of para 10 in so far as they are contrary to the assertions made in para 7.7 of the application are denied and the said assertions are herein again reiterated.

11. That the contents of para 11 do not call for any reply.

12. That the contents of para 12 do not in any manner controvert the assertions made in para 7.9 of the application. Hence no reply is called for.

13. That the contents of para 13 do not in any manner controvert the specific assertions made in para 7.10 of the application. The deponent of the counter-affidavit Sri Khubi Ram alleges that he had been authorised to file the counter-affidavit on behalf of opposite-parties 1 and 2. Therefore, the excuse of want of knowledge or other excuse indicated in para 13 is wholly frivolous and baseless.

14. That the contents of para 14 in so far as they do not dispute the assertions made in para 7.11 of the application call for no reply. The clarification sought to be given in para 14 is wholly baseless and untenable.

15. That the contents of para 15 in so far as they admit the assertions made in para 7.12 of the application call for no reply. The plea

NPK Sivaram

R
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LMS

AFS

-4-

that the rest of the contents of para 7.12 are imaginary and hypothetical is wholly baseless and the sequence of facts it is the only logical conclusion. The allegations in para 15 in so far as they are contrary to the assertions made in para 7.12 are denied and the said assertions are herein again reiterated.

16. That in reply to the contents of para 16 the assertions made in para 7.13 of the application are reiterated. It is stated that the specific assertions made in para 7.13 are in no manner irrelevant. Such a plea has been taken to avoid specific admission of the assertions made in para 7.13 of the application.

17. That the contents of para 17 in so far as they admit the assertions made in para 7.14 of the application call for no reply. The denial of the rest of the assertions for want of knowledge is wholly baseless. Nevertheless, the assertions made in para 7.14 of the application are reiterated. The C.B.I is neither a necessary or proper party to have been impleaded. Its investigation and reports are already with the respondents.

N.R. Sri Venkatesw

K
7-2 90

18. That the contents of para 18 are denied and the assertions made in para 7.15 of the application are reiterated.

19. That in reply to the contents of para 19 the assertions made in para 7.16 of the application

A26

-5-

are reiterated.

20. That in reply to the contents of para 20 the assertions made in para 7.17 are reiterated.

21. That the denial made in para 21 is baseless and the specific assertions made in para 7.18 of the application are reiterated.

22. That the contents of para 22 in so far as they admit the assertions made in para 7.19 of the application call for no reply. The plea that the C.B.I. has not been implemented and therefore the respondents are not in knowledge is wholly baseless and is a lame excuse.

23. That the contents of para 23 in so far as they are contrary to the assertions made in para 7.20 of the application are denied and the said assertions are hereinagain reiterated.

24. That the contents of para 24 are wholly baseless and the assertions made in para 7.21 of the application are reiterated. It is stated that the non-cash dealing seats are also in the office of the Assistant Chief Cashier.

Nik. Sivakumar

25. That the contents of para 25 in so far as they are contrary to the assertions made in para 7.22 of the application are denied and the said assertions are hereinagain reiterated.

R
7-2-90

(P22)

-6-

26. That the contents of para 26 do not call for any reply.

27. That in reply to the contents of para 27 the assertions made in para 7.24 of the application are reiterated.

28. That the contents of para 28 do not call for any reply.

29. That in reply to the contents of para 29 the assertions made in para 7.27 are herein again reiterated. The plea taken in para 29 is legally untenable and is, therefore, denied.

30. That in reply to the contents of para 30 it is denied that the order for the applicants suspension is strictly as per rules. Reply to the short counter-affidavit may kindly be perused. The plea that this Hon'ble Tribunal had no jurisdiction to entertain the application is wholly baseless and is legally untenable.

N.K. Srivastava
31. That the contents of para 31 do not call for any reply.

7-2 90
32. That in reply to the contents of para 32 the assertions made in para 30 of the application are reiterated as also the reply to the supplementary applications dated 20.4.1988 and 9.5.1989. It is denied that the respondents 3 and 4 holds an independent charge or that the

suspension order is valid and legal.

33. That the contents of para 33 are denied and the assertions made in para 7.31 of the application are reiterated. There is no basis for the allegation that the applicant is still treated as employee under respondents 3 and 4 or that he is still an employee of Cash and Pay Office. The applicants cadre had been changed with his posting in the office of the Sr. Divisional Accounts Officer since 20.1.1986. The specific assertion of facts in para 7.31 have not been controverted. Nevertheless, they are herein again reiterated. The applicant is not posted as a Senior Cashier but is a clerk in P.F. Arrear Cell in the office of the Senior Divisional Accounts Officer and ~~as~~ an erroneous designation indicated in the charge-sheet dated 10.1.1989 will not alter the said position.

34. That in reply to the contents of para 34, the assertions made in para 7.32 of the application are reiterated. It is stated that the respondents are guilty of not placing on record the letter dated 29.10.1980. The applicant reserves his right to make his submission and pleadings when copy of the letter dated 29.10.1990 is made available or placed on record.

35. That the contents of para 35 do not call for any reply.

36. That the contents of para 36 are repetitive

N.K. Sonwane

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APG

-8-

reply to which has already been given above. The same is wholly baseless, and legally untenable and is, therefore, denied.

N.K.Srivastava

Deponent

Lucknow Dated

6.2.1990

I, the deponent named above, do hereby verify that contents of paras 1 to 36 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

N.K.Srivastava

Deponent

Lucknow Dated

6.2.1990

I identify the deponent who has signed in my presence & is known to me personally. R.K.Srivastava
(R.K.Srivastava)
Clerk to Sri B.C.Saksena, Advocate

Solemnly affirmed before me on 7-2-90
at 9.13 a.m/p.m by Nand Kishore Srivastava,
the deponent who is identified by Sri R.K.Srivastava
Clerk to Sri B.C.Saksena
Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read
out and explained by me.

R
7.2.90

R.P.SINGH

Sub Commissioner

Lucknow

28

7-2-90

S.no 1972

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.
e.m. A. No. 244/1989
Registration (O.A.) No. 58 of 1989 (L)

N.K. Srivastva Applicant.

versus

Union of India and others Respondents

Fixed For; 12.12.89

APPLICATION FOR CONDONATION OF DELAY IN FILING COUNTER REPLY

1- That the said case was admitted on 28.9.89 and on 26.10.89, this Hon'ble Tribunal was pleased to grant three weeks time for filing Counter reply and thereafter one week for rejoinder and the case was fixed for Final Hearing on 12.12.89

2. That due to administrative reasons the Counter reply could not be prepared within time but now the counter reply is ready.

3. That delay in filing counter reply is not intentional or deliberate but due to bonafide reasons.

Wherefore, it is most respectfully prayed that the delay in filing Counter Reply may kindly be condoned and the same may kindly be taken on record.

Lucknow :

Dated : 12.12.89

Anil Srivastava
(ANIL SRIVASTAVA)

ADVOCATE

Counsel for Respondents.

(P.S.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 58 of 1989 (L)

N. K. Srivastava ----- Applicant

Versus

Union of India And Others ----- Respondents.

Fixed For: 12.12.89

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Khubi Ram aged about 52 years S/o Sri Bishan Lal working as Assistant Chief Cashier, Northern Railway, Charbagh Lucknow do hereby solemnly affirm and state as under:

1. That the Official abovenamed is impleaded as Respondent No. 3&4 to this application, as such he is fully convergent with the facts and circumstances of the Applicants case and has been authorised by the Respondents No. 1&2 also to file this counter reply on their behalf.
2. That the contents of para 1 of the application do not call for comments.
3. That the contents of paras 2 to 6 of this application do not call for comments except that this application is not maintainable because the applicant has not yet exhausted his departmental remedy.
4. That reply to the contents of para 7 of the application are as below.
5. That the contents of paras 7.1 and 7.2 of the application are not disputed.

AS2

6. That the contents of para 7.3 of the application are not admitted as alleged. However it is true that R.P.F. Sainiks are deputed at the cash office in rotation for safe-guarding the Govt. Cash, kept in the strong room. It is also relevant to mention here that the Applicant on 17.04.84 reported to Sr. D.A. ., Lucknow that he had left a sum of rupees 1,00000/- with Sri Lala Ram, A.D.C. on 16.04.84, when he was taking cash for disbursement of salary of staff pertaining to Faizabad pay district, where he was posted. A photocopy of report dated 17.04.84 submitted by the Applicant to Respondent No. 2 is being filed herewith as Annexure No. R-3 to this reply.

7. That the contents of para 7.4 of the application is categorically denied. It is absolutely incorrect and false that during the said investigation the wirenetting of strong room was found broken and the locks were also found tampered with. It is further stated that on receipt of information regarding the loss of Govt. Cash in custody of the Applicant at Faizabad, a team of officers consisting of respondent No. 3 & 4 and the then Assistant Security Officer (Now Assistant Security Commissioner) R.P.F., N.R., LKO inspected the site and the Govt. Cash. Thereafter the account of the applicant was also checked and the total shortage to the tune of Rs. 1,28,336.05/- was detected and accordingly an F.T.R. was lodged with the U.S.I. CRB, Faizabad.

8. That the contents of para 7.5 of the application is not disputed, however it is further clarified that the Applicant was placed under suspension by the Respondent No.-3 after taking prior approval by the Sr. D.A.O., Lucknow, strictly as per D & A.R. rules 1968.

[Signature]
Assistant Chief Cashier,
Northern Railway, LUCKNOW

PNB2

9. That the contents of the para 7.6 of the application is not disputed.

10. That in reply to the contents of the para 7.7 of the application, it is stated that for Administrative reasons the previous charge sheet dated 13.11.84 was withdrawn and a fresh charge sheet dated 10.01.86 was issued by the competent authority under the rules.

11. That in reply to the contents of para 7.8 of the application, so far it is a matter of record, is not disputed. It is further submitted that the applicant ^{has} not filed the complete charge sheet dated 10.01.86. A copy of complete charge sheet (Containing 4 pages) is being filed herewith as Annexure No. R-4 to this apply.

12. That the contents of para 7.9 of the application are not disputed except that the Enquiry Officer issued a letter dated 07.02.86, asking the applicant to inspect the documents and submit his defence statement but the applicant demanded to inspect the original documents which were under the custody of S.P.E/C.B.I./LKO. Since the S.P.E./C.B.I. was not able to spare these documents hence the enquiry could not be proceeded further.

13. That the contents of para 7.10 of the application is denied for want of knowledge. It is further submitted that the Applicant has failed to implead S.P./C.B.I./S.P.E./LKO or the Divisional Railway Manager or the Commandant R.P.F. as a party to this application. In view of the above reasons the answering Respondents are not able to check the authenticity of the Applicant's Statement made in respect of their respective departments.

K. Venkateswaran
Assistant Chief Cashier,
Northern Railway, Lucknow

Cont. on page....4/-

14. That the contents of para 7.11 of the application are not disputed. It is, however further clarified that the revocation of suspension of the Applicant, in any manner does not affect the merits of the case or the charges levelled against the applicant.

15. That in reply to the contents of para 7.12 of the application, only this much is admitted that the suspension of the applicant was revoked vide order dated 20.01.86 but rest of the contents of the para are denied being imaginary and hypothetical. The applicant was already served a charge sheet dated 10.01.86 wherein an enquiry was to be held to find out the truth but since the enquiry has not yet been finalised, no inference can be drawn of his not being guilty of the charges. Similarly since the applicant has been facing the charges of loss of Govt. Cash to the tune of Rs. 1,28,336.05, which was in his custody, it was obvious to take all precautionary measures to safeguard the Govt. Cash from further loss and therefore he was temporarily posted on a non-cash dealing seat without reducing his pay and emoluments.

16. That in reply to the contents of para 7.13 of the application it is stated that by means of an application dated 10.02.86, the applicant has demanded various documents. However it is further submitted that the facts of this ~~para~~ ^{para} are absolutely irrelevant as no final punishment has yet been imposed upon the applicant as this is only the case of suspension.

17. That in reply to the contents of para 7.14 of the application only this much is admitted that Sri Khubi Ram in capacity of being Assistant Chief Cashier lodged an FIR with the GRP, Faizabad on 18.04.84. It is further submitted that the CBI also registered a case against the applicant but rest of the contents are denied for want of knowledge. The applicant has also not

impleaded CBI as a party to answer the allegations relating to that department. The applicant is further called upon to disclose the source which gave him to know about the report of CBI which is otherwise a very confidential document and he may produce the report of the CBI before this Hon'ble Tribunal to check its authenticity.

18. That the contents of para 7.15 of the application are being irrelevant and baseless hence denied.

19. That the contents of para 7.16 of the application categorically denied. The applicant be put to strict proof for the same.

20. That the contents of para 7.17 of the application are denied for want of knowledge. Since matter pertains to CBI which has not been impleaded as a party in this application hence no comments can be offered.

21. That the contents of para 7.18 of the application are denied for want of knowledge as explained in the preceding paragraph. However, it is categorically denied that Sri Ram Chandra is a close relation of Sri Khubi Ram.

22. That in reply to the contents of para 7.19 of the application this much is admitted that on the basis of FIR dated 09.07.84, a charge sheet dated 27.10.88 was issued against the applicant. Since the matter pertains to CBI, which has not been impleaded as a party, the answering respondents are not in knowledge whether the aforesaid charge sheet was issued on the basis of reinvestigation or original investigation.

for
Asstt. Chief Cashier
Northern Railway, LUCKNOW

Cont. on page....6/-

23. That the contents of para 7.20 of the application are categorically denied. The appointing authority of the applicant is Deputy Chief Accounts Officer who actually accorded the sanction for prosecution against the applicant and who is perfectly competent to do so under the rules.

24. That the contents of para 7.21 of the application are denied. The applicant was shifted to non-cash dealing seat under the Sr. Divisional Accounts Officer due to precautionary measure and administrative reasons without reducing his pay and emoluments.

25. That the contents of para 7.22 of the application are not admitted as alleged. The respondents No 3 & 4 alone, as per D & A.R Rules 1968 was fully competent to place the applicant under suspension but in this case a prior approval of a senior officer i.e. Respondent No. 2, a class I, Junior administrative grade officer has also been taken on 24.1.89 (not on 27.1.89 as alleged). Rest of the contents of the para are categorically denied.

26. That the contents of para 7.23 of the application, so far it is a narration of rules, are not disputed.

27. That the contents of para 7.24 of the application are not admitted as stated because the matter is argumentative, and the matter involves interpretation of rules.

28. That the contents of the paras 7.25 and 7.26 of the application do not need any admission of denial as the matter is argumentative.

29. That the contents of para 7.27 of the application are categorically denied. The department is fully competent to initiate the disciplinary proceedings even during the pendency of the criminal case. Under the rules there is no such bar whatsoever. It may further be clarified here that in the departmental proceedings, the conduct of an employee is enquired as to whether he is fit to be retained in service or not and what type of punishment as-

(AB)

defined in the D & AR could be imposed u on him if necessary. On the other hand the Govt. servant (accused) is tried in the criminal proceedings for being punished under the relevant Act which has been violated by him. Thus the departmental proceedings have got on relation with the criminal proceedings.

30. That in reply to the contents of para 7.28 of the application, it is stated that the applicant was placed under suspension strictly as per rules and as explained in short counter reply filed by the answering respondents, This Hon'ble Tribunal has no jurisdiction to entertain this application as the applicant has not preferred any representation or departmental appeal as provided under the rules against the alleged impugned order till date.

31. That the contents of para 7.29 of the amended application are not disputed.

32. That the contents of para 7.30 of the amended application are categorically denied. As explained in supplementary applications dated 20.04.89 and 09.05.89 respectively filed by the answering respondents earlier the Respondent No. 3 & 4 do hold an independent charge and the suspension order is perfectly valid and legal and passed by the competent authority as such do not call for any interference from this Hon'ble Tribunal.

33. That the content of para 7.31 of the amended application is denied in view of reply already given in preceding paragraphs 24, 25 and 32. However it may be clarified here that the applicant is still treated as an employee under the Respondent No. 3 & 4 and therefore the Respondent No. 3 & 4 is fully competent to place the applicant under suspension. It is further clarified here that the applicant is still an employee of cash and pay office, temporarily posted to work in P.F. section

Subodh Ray
with no charge of his pay and emoluments. He is still a Sr.

*Assistant Chief Engineer,
Northern Railways, Lucknow*

Cont. on page...8

PRD

Cashier which is evident from the subsequent charge sheet dated 10.01.89 which has been issued in the capacity of Sr. Cashier.

34. That the contents of para 7.32 of the amended application is not admitted as alleged. The annexure A-8 dated 29.11.69 filed alongwith amendment application further stands amended by subsequent confidential letter No. 78-Adm/CP/3/2/1/ACC dated 29.10.80 which is self indicative of the fact that the Respondent No. 3 has been holding independent charge of the cash office and is fully competent to deal with the D & AR cases and therefore there is no irregularity or arbitrariness or illegality what so ever in the alleged impugned order of suspension. A copy of aforesaid confidential letter dated 29.10.80 will be produced before this Hon'ble Tribunal at the time of hearing.

35. That the contents of para 8 of this application do not call for comments.

36. That in reply to the contents of paras 9 and 10 of the application it may again be reiterated that this application is not maintainable and do not call for any interference from this Hon'ble Tribunal as such no relief can be granted to the applicant. The grounds are vague, irrelevant baseless and are fit to be ignored.

37. That the contents of para 11 and 12 of the application do not call for comments.

LUCKNOW

Khubi Ram
(KHUBI RAM)

DATED : 11.12.89

Assistant Chief Cashier

Northern Railway, Charbagh,

Lucknow.

(Respondent No.- 3 & 4)

Reb

V E R I F I C A T I O N

I, the official abovenamed do hereby verify that the contents of para 1 of this ~~and previous~~ reply is true to my personal knowledge and those of paras 2 to 37 of this reply is believed by me to be true on the basis of records and legal advice.

Lucknow

Dated: 11.12.89

Khubi Ram
(Khubi Ram)

Assistant Chief Cashier,
Northern Railway Charbagh,

Lucknow

(Respondent No. 3 & 4)

P&P

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

--

Application for amendment

Civil Misc. Application no. 109 of 1989 (L)

In re:
Application no 58 of 1989
BETWEEN

Nand Kishore Srivastava

--Applicant

AND

Union of India and others

-Respondents

--

The applicant begs to submit as under:-

1. That at the last hearing it transpired that certain better particulars were required to be given in respect of the petitioners scale of pay and the status of opposite-parties nos. 3 and 4; hence this application for amendment.

2. That the following be permitted to be added as paras 7.29 to 7.32 :

"7.29. That the post of Senior Cashier ^{was} which the petitioner ^{was} holding was in the scale of Rs. 425-700 (Rs). The present scale of pay after the implementation of the Fourth

N.K. Srivastava

Pay Commission's Report is Rs. 1400-~~1300~~. The said scale has been given and substituted for the following scales of pay which existed prior to the implementation of the Fourth Pay Commission's Report: -

Rs. 425-640

Rs. 425-700

Rs. 455-700

Rs. 530-600

7.30. That opposite-parties 3 and 4 is only an Assistant Officer Group B. He does not hold any independent charge, and, according to the amended Schedule of disciplinary powers and powers of suspension annexed to the Railway Servants (Discipline and Appeal) Rules, 1968, opposite-parties 3 and 4 is only competent to place under suspension Group 'D' and Group 'C' staff in scale rising up to Rs. 455/- (RS). The officer competent to pass an order of suspension, according to the said Schedule in respect of the post held by the applicant if the scale of ~~the post held~~ of pay which existed prior to the implementation of the report of the Fourth Pay Commission is taken into consideration would be a Senior Scale Officer and Assistant Officer (Junior Scale and Group 'B') holding an independent charge. Opposite-parties 3 and 4 has acted wholly without jurisdiction in passing the order for the petitioner's suspension.

N.K. Bradan

7.31. That the petitioner as indicated in paragraph 7.12 was after revocation of the order of suspension posted as a clerk in the Provident Fund (Arrear Cell) in the office of the Senior Divisional Accounts Officer, Northern Railway, Lucknow by notice dated 20.1.1986 contained in Annexure A-5 to the application. It is stated that ever since thereafter the petitioner continues to be posted as clerk in the Provident Fund (Arrear Cell) in the office of the Senior Divisional Accounts Officer, Northern Railway, Lucknow. Opposite-parties 3 and 4 have neither administrative control nor disciplinary control over the petitioner. Opposite-party no.3 is posted as Assistant Chief Cashier, Northern Railway, Lucknow and the petitioner is no longer working under him or in his office. The office of the Senior Divisional ~~Accountant~~ Accounts Officer, Northern Railway is located in the Divisional Railway Manager's office at Hazratganj, Lucknow while the office of the Assistant Chief Cashier is at Charbagh, Lucknow.

7.32. That even while the petitioner was working in the Cash and Pay Office, opposite-party no.3 had only supervisory control. In this behalf reference is made to a confidential letter no. 68/Genl/CCPM/A/10/Control dated 29.11.1968 issued by the FA and CAO. A perusal of the same would show that the responsibilities of the Assistant Chief Cashier and Pay Master were indicated in

AK-Sivadas

Annexure 1 to the Procedure Office Order no. 31 (though wrongly it appears to have been indicated as P.O.O. no. 30 at page 90 of the Manual of Cash and Pay Office (Receipt Branch) Part I, 1978 Edition. A photostat copy of the said letter dated 29.11.1968 is along with its enclosure is being annexed as Annexure no. A-8 to this application."

Wherefore, it is respectfully prayed that this Hon'ble Tribunal be pleased to permit the amendments mentioned above to be incorporated in the body of the application.

N.K.Srivastava
(Nand Kishore Srivastava)
Applicant

Lucknow Dated

April , 1989

VERIFICATION

I, Nand Kishore Srivastava, aged about 56 years, son of late Sri Lalji Lal Srivastava, resident of 5/511, Vikas Nagar, Aliganj, Lucknow, do hereby verify that contents of paras 1 and those of paras 7.29 to 7.31 under main para 2 are true to my knowledge and belief and that I have not suppressed any material fact.

N.K.Srivastava
(Nand Kishore Srivastava)
Applicant

Dated April , 1989

Place: Lucknow

B.C.Saksena
(B.C.Saksena)
Advocate
Counsel for the applicant

To

The Registrar,
Central Administrative Tribunal,
Lucknow Circle, Lucknow

(Signature)

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Lucknow Circle, Lucknow

Application no. 58 of 1989

BETWEEN

N.K. Srivastava

-Applicant

AND

Union of India and others

Respondents

Annexure no. A-8

N.K. Srivastava

Confidential

No.68/Genl/CCPM/A/10/Control.
All D.A. Os/W.A. Os,

Dated ; 29th November, 1968.

Northern Railway

SUBJECT - Effective control and supervision over the Cash & Pay Offices by the Divl. Accounts Officers and Workshop Accounts Officer.

It has already been advised earlier that the Divisional Cashier & Pay Master in each Division will be under the direct control of the D.A.Os for both the aspects of working viz. Receipts and Payments. It was also advised vide P.O.O. no. 7, dated 4.7.60 that in order to make the control really more effective the D.A.Os were empowered to initiate and take disciplinary measures against DCPMs/DPMs in all cases where the later failed in the discharge of their duties as assigned by the D.A.O. or failed to carry out his orders to his satisfaction. In this connection also please refer to Shri Haravu's D.O. dated 16th November, 1962 in which emphasis was laid down on the effective direct control of the D.A.Os over the Cash & Pay Offices. This subject was recently reviewed by the FA & CAO and it was felt that the control of the D.A.Os is still not very effective and several aspects of working still remain unattended by the D.A.Os as a result of which loop-holes in the organisation remain. The D.A.Os are, therefore, requested to maintain a very close co-ordination and supervision of the Cash & Pay work and exercise effective control particularly in respect of the following items :

2. ADMINISTRATIVE CONTROL

The D.A.Os/W.A.Os administrative control over DCPM's office should cover all the day to day working including the following :

1. Signing of salary, T.A. and Contingent bills and Claims for honorarium payments.
2. Issue of Passes & P.T.Os over Foreign Line.
3. Sanction of leave (prior notice being given to CC&PM in case relief is required from Headquarters by D.A.O./W.A.O. for relief period).
4. Initiating and finalising disciplinary cases as per Delegation of power. CC & PM should be kept informed whenever such action

is initiated as also all further developments. Powers in this regard should also be exercised by DAOs / WAOs as per Delegation of Powers.

5. Procurement and supply of books, forms, stationery, locks and articles of tools and plants.
6. Confidential Reports of staff should be initiated by the DCPM and sent to DAO / WAO for according their comments and counter-signature.

3. TECHNICAL & PROFESSIONAL CONTROL

DAOs/WAOs should exercise complete technical and professional control as far as day to day working of the Cash & Pay Department is concerned. The DAOs' control over the day to-day working of the DC & PM's office should include the following :-

Pay Branch :

1. Timely return of bills and rendering of accounts by Pay Clerks as per extant orders
2. Review of percentage of Unpaid items.
3. Review of outstanding Audit Notes and position of Acquittance Certificates.
4. Prompt recoupment of unpaid amounts, short pass items and review of outstandings.
5. Checking of the Pay Clerks' Accounts by the staff of the Cash & Pay Office as well as of the Accounts Deptt., clearance of objections, remittance of shortages etc.
6. Periodical rotation of the beats of Pay Clerks within the Division

Receipt Branch :

7. Watch on unshroffed cash and unremitted cash in the Divisional Strong Rooms, checking of Cashier's Cash Book and review of outstanding cheques and Credit Notes.
8. Investigation into cases of non-despatch of Station earnings, regular running of Cash Safes, missing Station earnings and initiating action alongwith D.C.Ss for the same.



897

9. Deposit of earnings in the State Banks of India Local Nationalised Banks.

General :

10. Periodical review of security arrangements-

Note :- 1. As already clarified vide Corrigendum to P.O O No.7 dated 4.7.60 the word DAO will also include Asstt. Divisional Accounts Officer, in all matters of Disciplinary Action subject to the Schedule of Disciplinary powers under Rule 1705-R-I.

2. Where small pay cells or workshop units etc. The Pay Office will be under the control of the respective Accounts Officers.
4. The above aspects should find place either in the Monthly D.O.s to F.A. & C.A.O. or the Monthly Progress Report submitted for the Divisions.
5. The CC&PM will, however, deal with all cases of promotions, Inter-divisional Transfers, seniority and confirmation of the staff. He will maintain an up to date Seniority list of all the cadres of the Cash & Pay Department as a whole. The ultimate/technical and administrative control over the DCPMs and CPMs rests with the CC&PM as the Professional Head of the Cash & Pay Dept. although the immediate and local, technical and administrative control on all aspects of the work of the DCPM and DPM is that of the DAO who is the Senior Officer on the spot. CC&PM should, however, get all the returns for keeping watch over the various items for compilation of the comparative position of the Divisional Cash offices On matters connected with interpretation, amendment of existing procedure and policy in regard to the Cash & Pay working the ses should, however, be referred to the CC & PM so that a uniform decision is taken for the adoption on the railway as a whole.

This issues with the approval of FA & CAO.

Sd // -

Dy. C. A.O. (C).

Sd/-

DY.CHIEF ACCOUNTS OFFICER (G).

Neil Soderber

रेल सेवा

रेल सेवा
स्तर रेलवे
नुस्खा सेवाहथोग तो
से उनकी
गायगी तो
उन्होंने दीयुक्ति के
से होगी,
रार काप्रयोजन
रूप में

उल्लेख

Deposits of
earnings in the
Bank.Precaution
against undue
influence.Service Agree-
ment and
Security BondClassification
of Supervisory
staff

into any financial dealings in the shape of borrowing or lending money with any person whatsoever, This will attract the provisions of the Railway Services (Conduct) Rules 1966.

111. All moneys received through the traffic collections, miscellaneous and other remittances from whatever source shall be paid promptly into the Reserve Bank of India/State Bank of India to the credit of Northern Railway Account rendering daily account thereof to the F.A. & Chief Accounts Officer Traffic Accounts Office/Divisional Accounts Office).

112. While co operating with the staff of other departments the Cash Office staff will not allow themselves to be swayed by any influence likely to affect their integrity, and any case of such influence sought to be exercised should be reported to the Chief Cashier or the Divisional Accounts Officer through the Divisional Cashier.

113. All subordinate staff in the cash & Pay Deptt. will be required to sign a service agreement at the time their appointment. All staff required to deposit security will also have to execute a further agreement bond on the prescribed form in respect of the security lodged by them.

114. The following staff of the Cash and Pay Department have been classified as supervisory staff for the purpose of rule 3504 (3) (1) of the Railway Servants (Hours of Employment) Rules 1961.

1. Asstt. Chief Cashier.
2. Divisional Cashier/Asstt. Divisional Cashier.
3. Section Officer.
4. Inspector of Cashiers.
5. Senior Cashier (in supervisory charge)
6. Senior Head Shroff.
7. Junior Head Shroff (in supervisory charge)
8. Office Superintendent.
9. Asstt. Supdt./Head Clerk.
10. Head/Chief Cash Witness (on supervisory duty)
11. Cash Receiver.
12. Duties and responsibilities of Senior Subordinates of the Cash & Pay Deptt. are given in Annexure II.



NORTHERN RAILWAY

Annexure '1' to P.O.O.31.

FA & C.A.O's Office,
Baroda House,
New Delhi.

The duties and responsibilities of the Asstt. Cashier & Pay Master will be as laid down below with immediate effect :—

GENERAL.

1. He will hold complete charge of the C.C. & P.M's Office when the CC & PM is absent from office.
2. He will be responsible for the supervision of the Pay and Revenue Branches of the C. C. & P. M's Office and ensure that the work is kept up to date.
3. He will pursue all incoming mail including registered letters (excluding confidential letters) received by the Head Clerk and put up to the Chief Cashier any important and urgent letters before distributing to the sections concerned for necessary action. Further, he would ensure through Head Clerk that expeditious action is taken wherever necessary especially on the orders passed by the Chief Cashier. On other letters he will pass orders himself and ensure that action is taken as desired by him.
4. He will check daily Pay and Revenue Cash Books with their subsidiary registers.
5. (A) He will sign routine letters, wires etc. to DCPMs. All important letters, wires etc. should be put up to the Chief Cashier for signature.
(B) He will check the following reports of Headquarters Unit, Delhi and put them up to the Chief Cashier with his remarks:—
 - (i) Monthly Progress Report by ACPM.
 - (ii) Monthly Progress Report by Inspector of Pay Clerks.
 - (iii) Monthly Progress Reports by Asstt. Cashier.

ATTESTED TRUE COPY
B.C. Jukkola
Advocate