

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 6A 191 OF 1989

NAME OF THE PARTIES Bhupati Singh Applicant

Versus

Union of India Respondent

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CERTIFICATE

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

Dated

Counter Signed.....

Loged 28/6/2011
Section Officer/In charge

Signature of the
Dealing Assistant

OA 191/89

NAME OF PARTIES

Bhipati Singh

APPLICANT'S

V/S

Union of India

RESPONDENT

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Chalky

08.10.93

8-8-89

P1

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 191 of 1989 (L)

APPLICANT(S) Bhupati Singh

RESPONDENT(S) UNION OF INDIA & OTHERS

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	YES
2. a) Is the application in the prescribed form ?	YES
b) Is the application in paper book form ?	YES
c) Have six complete sets of the application been filed ?	only 2 sets have been filed YES
3. a) Is the appeal in time ?	
b) If not, by how many days it is beyond time ?	N.A.
c) Has sufficient cause for not making the application in time, been filed ?	YES
4. Has the document of authorisation/ Vakalatnama been filed ?	YES
5. Is the application accompanied by B.O./ Postal Order for Rs.50/-	YES
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	YES
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YES
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YES
c) Are the documents referred to in (a) above neatly typed in double space ?	YES
8. Has the index of documents been filed and pagining done properly ?	YES
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	YES
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	1X0

<u>Particulars to be Examined</u>		<u>Endorsement as to result of examination</u>
11.	Are the application/duplicate copy/spare copies signed ?	Yes
12.	Are extra copies of the application with Annexures filed ?	N.A
a)	Identical with the Original ?	Yes
b)	Defective ?	N.A
c)	Wanting in Annexures	N.A.
	Nos. _____ pages Nos. _____ ?	
13.	Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14.	Are the given address the registered address ?	Yes
15.	Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16.	Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	Yes
17.	Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a)	Concise ?	Yes
b)	Under distinct heads ?	Yes
c)	Numbered consecutively ?	Yes
d)	Typed in double space on one side of the paper ?	Yes
18.	Have the particulars for interim order prayed for indicated with reasons ?	Yes
19.	Whether all the remedies have been exhausted.	Yes

dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 191/89(L)
REGISTRATION No. of 198.

A3

APPELLANT
APPLICANT

Bhupati Singh

DEFENDANT
RESPONDENT

VERSUS
Union of India and ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
9/8/89	<p><u>Hon' Mr. D.M. Agrawal, J.M.</u></p> <p>Shri L.P. Shukla, Learned counsel for the applicant is present and heard.</p> <p><u>ADMIT.</u></p> <p>Issue notice to respondents to file counter affidavit within six weeks, to which the applicant may file rejoinder affidavit, if any, within two weeks thereafter. List this case on 26.10.89 for final hearing/orders as the case may be.</p> <p>The original application No. 121 of 89(L) filed by the applicant against his transfer to Bikaner and for permission to appear in the viva-voce test as requested by the learned counsel for the applicant shall be connected with this case and taken up together in all hearings hereinafter.</p> <p>Issue notice to respondents to show cause as to why the interim prayer asked for be not granted. Meanwhile, the appointment of the last candidate i.e. Shri D.N. Tandon whose name appears at Sl.No. 19 shall not be made. List this case for orders on interim prayer on 15.9.89.</p> <p style="text-align: right;">J.M.</p>	<p><i>Order passed Note cl by 10/8/89</i></p> <p>OK</p> <p>As directed by the Court's order dt. 9.8.89, notices were issued on 10.8.89 by resp. Post. Neither reply on the main petition nor reply on the interim relief has been filed by the respondents.</p> <p>Submitted for order as ordered by Court along with O.A. No 121/89.</p>

(sns)

110 Satty Aiy. to 22.9.89 for order

575

OK
Counter filed
O.A. No 121/89 (C)
No. registered filed.

218

191/0865

Cs 121/046

AY

21-11-90 No sitting. Adj. to 23-2-90
Both the parties are present

Sitting

OR

No Notice

ca filed

S. P. order

23-2-90

Hon. Justice K. Nath VC
Hm. Mr. K. Gopalayya AM

22/2

On the requirement of both the
parties cause is adjourned to

10.3.90 for orders

Am. VC

OR

As directed by the
Court's order dt. 1.2.9.88
no default counter has
been filed.

Submitted for order

2/3/90

12-3-90

Hon. D. K. Agarwal J.W.
Shri K. Gopalayya, AM

None for the application

Shri A. Bhargava for respondents

Order sheet dated 29.9.89 reads
that the respondents were given opportunity
to file detailed counter affidavit. They have
not availed of the opportunity. The learned
counsel for the respondents, or the other
hand states that he has not to file any
further counter affidavit. It has also
been stated by him that the detailed
counter affidavit filed in the connected
cause on 12/1/89 is to be adopted
by him. Therefore there is no such
application. Secondly Shri A. Bhargava
is the counsel for the respondents in
CAO. OA No 121/88. Therefore, whatever
be the worth of the statement of the learned
counsel for the respondents, will be
considered at the time of hearing, if it
is for hearing on 12-7-90. The order
shall govern the connected CAO 121/88 d/s
Copy of the order shall be provided to
counsel for the respondents as desired.

De 20/1

191/89(C)

AS

12-2-90

No sitting Adj. to 26/1/90

26.10.90

No sitting Adj to 6.12.90

⑩

6.12.90

No sitting Adj to 29.1.91.

⑩

29.1.91

No sitting Adj to 22.3.91.

⑩

22.3.91

No sitting Adj to 14.5.91

⑩

27.8.91

14.5.91

No sitting Adj to 27.8.91

⑩

27.8.91

No sitting Adj to 12.11.91.

12.11.91

No sitting adj to 21.2.92

⑩

21.2.92

No sitting adj to 22.4.92

⑩

22.4.92

No sitting adj to 27.6.92

or
Case is ready
for health
SMT
03/01

25.6.92

Death. Mr. J. S. Shinde B.C. Shrivastava 1/2
Death. Mr. K. G. Boyce 2/2

In P. S. Shrivastava learned Course
of Applied Statistics Bhagvat &
In A. I. C. Chaitin vidya for non profitable
Organizations Head Prof.

No specific

Am

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO. 61/1
T.A. NO.

1992

DATE OF DECISION

PETITIONER

Advocate for the Petitioner(s)

Versus

RESPONDENT

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice ~~Subhash Chandra~~, M.A.

The Hon'ble Mr. Justice ~~Subhash Chandra~~

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

GHANSHYAM

*Rishabh
3/8/92*

(1)
Ab

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

1. O.A. No. 121 of 1989 (L)

Bhupati Singh Applicant.

Vs.

Union of India & others ... Respondents.

2. O.A. No. 191 of 1989 (L)

Bhupati Singh Applicant.

Vs.

Union of India & others Respondents.

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

Hon. Mr. K. Obayya, A.M.

(By Hon'ble Mr. K. Obayya, A.M.)

These two applications have been filed by the applicant Bhupati Singh who is a Head Clerk in Carriage and Wagon Shops, Alambagh, Lucknow. In O.A. No. 121 of 1989 (L), he has challenged the order dated 23.12.88 transferring him from Lucknow to Bikaner and consequential order dated 24.12.88 by which his name was struck off from the rolls of Carriage and Wagon Shops, Lucknow. In O.A. No. 191 of 1989 (L), his prayer is to quash the panel of Asstt. Supdt. notified on 5.7.89 (Annexure 15) and to include his name in panel for promotion as Assistant Superintendent.

2. Briefly, the facts are that the applicant who entered service in the Northern Railway in 1968 as Office Clerk, received promotions to the Higher posts of Senior Clerk in 1979 and Head Clerk in the year 1984. The next higher post was that of Assistant Superintendent promotion to which was by selection comprising a written test and viva-voce. The applicant appeared at the selection

- 2 -

examination and according to him though he was declared successful and included in the panel, he was not given due promotion. On 5.4.88, a charge-sheet was served on him for absconding from duties and also for failure to report his ownership of a house in Alambagh. The enquiry in this matter is still pending.

3. Vide order dated 23.12.88, he was transferred to Bikaner and his name was also struck off from the rolls of the shop, Lucknow (Annexure-4). It is this order which is assailed on the ground that it was illegal, arbitrary, malafide and without jurisdiction. It is contended on behalf of the applicant that according to Railway Board's Circular Letter No. 3929, an employee whose conduct is under investigation, should not be transferred. It is also contended that the applicant's seniority will be affected by it as it amounts to individual transfer.

4. The respondents resisted the cases that there is no bar for transferring of an employee during the pendency of disciplinary matter since the proceedings can be carried on at new Station as laid down in Railway Board's letter with S.No. 4743 dated 18.6.89. The respondents justified the transfer order on the ground that it was done on the administrative ground; that the seniority of the applicant will not be affected. It is also stated that the applicant was on duty on the date the transfer order was issued; that he refused to receive the order. It would appear that the applicant has not joined duty at Bikaner, though relieved at Lucknow long back on 24.12.1988.

5. So far as the transfer order is concerned, admittedly the applicant was holding a transferable post

f

and is liable to be transferred to any place within a division but also out side under the orders of the Competant Authority in exigencies of administration.

The Authority concerned may take into consideration variety of factors like the period of stay, at a particular place, reputation of Officer and the need for his services elsewhere. Transfer being an implied condition of the public service, the Authority concerned is the best Judge as to where a particular person has to be posted. There is no vested right of a public servant to a particular post or place. There are ofcourse certain guide-lines regarding the transfer policy.

The Supreme Court held in B. Vardhane Rao Vs. State of Karnataka (1986) 4 S.C.C. 131 that any transfer made in violation of transfer policy but itself would not be a ground for quashing the order of transfer. In Gujarat Electricity Board and another Vs. Atma Ram (AIR-1989-SC-1433) the Supreme Court has held that whenever government servant is transferred, he must comply with the order, but if there is any genuine difficulty in proceedings on transfer, it is open to him to make a representation to the competent authority but he has got no justification to avoid the transfer merely on the ground of having made a representation or on the ground of his difficulty. Further in the case of Union of India Vs. H.N. Kirtania the Supreme Court observed that Transfer of a public servant made on administrative ground or in public interest should not be interfered with. Unless there are strong and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on the ground of malafidies.

6. In this background of Law on the subject and considering the facts of the case that the applicant was holding a transferable post and that his transfer was made in public interest, we are of the view that no violation statutory provisions is made out or that the order could be termed as arbitrary or there was any malafide intention in issuing the order.

A9

7. So far as the case of the applicant for promotion to the post of Assistant Superintendent is concerned, the applicant appeared for written test on 21.11.88 and he was declared successful. An interview was held for the first 14 candidates in the list on 2.5.89 and for the remaining successful candidates including the applicant the date for viva-voce test was to be announced subsequently. The applicant was called for interview on 23.5.89. The applicant, however, could not attend the interview on that date as he did not receive information in time. However, he filed a representation to the Dy. C.M.E. requesting him to inform the applicant of the next date for supplementary viva-voce. Ultimately, on 20.8.89, his interview was completed. A panel of 19 persons was declared on the basis of seniority. The applicant's name was not in the Panel, though one Shri Krishna Gaur was included at S.No.7 who had already retired on 31.5.89. It is alleged by the applicant that though he secured 73 marks out of 100 in both written test as well as in Viva-Voce test and minimum marks required for being brought on the panel on the basis of seniority is 60%, his name was not included. The applicant claims that he is entitled to be brought on the panel at serial no. 19 after excluding Shri Krishan Gaur who had retired, before the Panel was declared.

8. The respondents have opposed the case of the applicant. According to them, initially the vacancies were 19 and that the panel of 19 candidates was declared vide staff order No. 407 dated 5.7.89 (Annexure 15 to the application). In the anticipated four vacancies as calculated on 9.7.88 the name of Shri S.K. Gaur was included though he had retired on 31.5.89. Thus, the panel was reduced to 18. It is submitted that according to the printed S.No.8007-A, the name of Shri S.K.Gaur should not have been included in the panel and inclusion of his name and mentioning against his name as 'retired' was an irregularity. It is also admitted that in fact, the declaration of panel

should have been for 18 candidates and not 19 but there is no illegality and the inclusion of S.K. Gaur does not affect the merits of the panel. It is also stated that the applicant was junior to one D.N. Tandon and if at all he had qualified for the panel, his name would have been below Shri D.N. Tandon. Since the panel to be declared ought to have been for 13 candidates only and not 19, the applicant had no chance of promotion, as D.N. Tandon who is above the applicant was the last candidate in the panel. The respondents have also stated that the result of the applicant has been withheld due to disciplinary enquiry.

9. We have heard the counsels of parties. The Learned counsel for the applicant submitted that 19 vacancies were available and even interview was held keeping in view the 19 vacancies and the number of vacancies can not be reduced from 19 to 18 at the time of preparation of panel. He also placed reliance on the case of 'Iqbal Singh Vs. General Manager, Northern Railway' (1974 (2) SLR 557) in which Delhi High Court held that panel for promotion confers some rights on the candidates and even if a large number of candidates was called for test, it does not vitiate the selection. In that case, initially the panel was prepared for 21 vacancies but later on it was reduced to 18 by dropping 3 candidates. The High Court observed that

"The number of anticipated vacancies in the instant case ought to have been determined after appropriate care and once determined, they constitute a foundation for a test for promotion and so they should not be altered because of some error in calculations. The reason is that once the legal rights of the employees have arisen according to law, it looks inappropriate and unjust to point out that the authorities had made a mistake in the initial stages prior to selection."

10. In the instant case, before us, the applicant's name was not included in the panel, hence deletion of his name from the panel does not arise. Reference may be made to the case of Shankaran Dash Vs. Union of India (1991 S.C.C(Las) 300 in which the Supreme Court held that a candidate included in merit list has no indefeasible right to appointment even if vacancy exists, but the State while filling up the vacancies must not act arbitrarily.

11. The controversy boils down to the fact, whether the vacancies were 19 or 18 for which selections were made. The panel consists of 19 names, which includes the name of Shri S.K. Gaur at Serial No. 7, who was no more in service on the date the panel was notified, having retired on 31.5.89. It does not appear plausible that the authorities were unaware of this fact. In other words, if Sri S.K. Gaur's name was not there, the applicant who is immediate junior to the last candidate D.N. Tandon, would have made it to the list at serial no. 19, pushing D.N. Tandon to 18th place. Non-inclusion of the name of the applicant in the Panel due to the reason that the vacancies were reduced to 18 only, does not appear to be convincing, so when the entire process of selection including declaration of panel proceeded on the basis, that the vacancies to be filled up were 19. Even if there was/ ^{error in} calculation of vacancies, it is the administration which is at fault and the applicant can not be made to suffer for no fault of his, and he is entitled for promotion provided, he was found successful in selection. His result has been withheld because of pendency of disciplinary matter. As charge sheet was issued

A12

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much before the initiation of selection process, the applicant was under cloud and for this reason the respondents have withheld his result. It is expected that the respondents would conclude the disciplinary proceedings expeditiously, and take action for promotion of the applicant depending on the out come of the proceedings in accordance with Law. The applicant should in his own interest cooperate with the department for early conclusion of the proceedings. The applicant would be entitled for promotion, provided the disciplinary proceeding and the result which is now withheld is in his favour. Respondents are directed to complete disciplinary proceedings within 3 months from the date of receipt of a copy of this order provided the delay is not due to non cooperation of the applicant and take further action to promote the applicant to the post of Assistant Superintendent provided he has been found successful in selection and also depending on the out come of the disciplinary proceedings in accordance with Law. O.A. No. 191 of 89 was disposed of with the observations and direction as above. O.A. No. 121 of 89 in which the impugned order is a transfer order dated 23.12.89 which we consider he is liable to be dismissed and accordingly with is dismissed. Parties to bear the cost.

A.M.

V.C.

Dated: 3 / ^{Aug} 1992.

L-4720

From:

The Registrar,
Supreme Court of India,
New Delhi.

4751/72
D. No. /SEC. XI
Supreme Court of India
New Delhi.

Dated: 3/2/93

AB

To,

The Registrar,
Central Administrative Tribunal
Lucknow Bench,
Lucknow.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL NO. 16201-02/92
(Petition under Article 136(1) of the Constitution
of India from the judgment and order dated 3-8-92
of the High Court of Judicature at C.A.T at Lucknow
in O.A. No. 121/89).

Bhupati Singh

PETITIONER(S)

VERSUS

Sri Anand Kumar Union of India & Anr. RESPONDENT(S)

Sir,

I am directed to inform you that the petition above
mentioned filed in the Supreme Court was dismissed by
the Court on 25-1-93.

Yours faithfully,

C. M. G.

For Registrar

18/2/93

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19/2/93
R. No. 1080/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Bhupati Singh Applicant

Versus

Union of India & another Respondents

Form - I

(See rule 4)

Application under Section 19 of the
Administrative Tribunals Act, 1985.

For use in Tribunal's Office :

Date of filing 8.8.89

Registration No. 191/89(L)

Recd & read
Noted down
9/8/89
Smtg
Dated & Sub P Shukla

A15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. No. 191 of 1989 (L)

Bhupati Singh Applicant
Versus
Union of India & another Respondents

I N D E X

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A6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Between
S.A. No. 191/89(L)

Bhupati Singh Applicant

And

Union of India & another Respondents

I. Particulars of the applicant :

- (i) Name of the applicant : Bhupati Singh
- (ii) Name of father : Gayadeo Singh
- (iii) Age of the applicant : 46 years
- (iv) Designation and particulars of office in which employed : Head Clerk, Time office, Carriage & Wagon Shops, Alambagh, Lucknow.
- (v) Office Address : Time Office, Carriage & Wagon Shops, Alambagh, Lucknow.
- (vi) Address for service of notices : 563/136 Chitra Gupta Nagar, Alambagh, Lucknow.

II. Particulars of the respondents :

- 1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
- 2. Dy. Chief Mechanical Engineer, Carriage & Wagon Shops, Northern Railway, Alambagh, Lucknow.

III. Particulars of the order against which application is made :

The application is against the following order :-

The application is directed against the panel dated 5.7.1989 declared by the Dy. C.M.E.,

2/2

respondent No.2, for the post of Assistant Superintendent (Non Personnel Group) by illegally and malafide inducting Shri Krishna Gaur at serial No.7 in order to exclude the applicant in contravention of the Railway Board's Circular dated 20.3.1982.

IV. Jurisdiction of the Tribunal :

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

V. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

VI. Facts of the case :

The facts of the case are given below :-

1. That the applicant after selection by the Railway Service Commission, Allahabad, joined as office clerk in Time Office, Carriage & Wagon Shops, Northern Railway, Alambagh, Lucknow on 5.12.1963. The applicant had an unblemished record of service and was awarded only one censor entry during his entire period of service. He was promoted as senior clerk on 26.9.1979 and as Head clerk on 1.1.1984 on the basis of general upgrading.

2. That the applicant was served with chargesheet dated 5.4.1988. The chargesheet purporting to be

a major penalty chargesheet consisted of two main charges which on the face of it are vague, flimsy and baseless. One part of the charge relates to his absconding from place of duty to manage the affairs of two schools in Chitra Gupta Nagar, Alambagh, during the period 1987-88 and the second part of the charge is that the applicant did not inform the administration regarding his property, that is, one house in Alambagh, Lucknow. A photostat copy of the chargesheet along with annexures is filed as Annexure No.1 to this application.

Annexure-1

3. That the enquiry proceedings on the basis of the aforesaid chargesheet are still pending.

4. That from the aforesaid chargesheet it is evident that the subject matter of the chargesheet relates to Lucknow, the present place of posting of the applicant. The relevant documents and the witnesses relating to the charges are also situated at Lucknow.

5. That the applicant was called for written test for the post of Assistant Superintendent in the office of the Dy. Chief Mechanical Engineer, Carriage and Wagon Shops, Alambagh, Lucknow, by notice dated 31.8.1988. Written test was to be held on 21.11.1988. A photostat copy of the notice dated 31.8.1988 for written test is filed as Annexure No.2 to this application.

Annexure-2

6. That the applicant appeared in the written test on 21.11.1988. He was declared successful by



result dated 7.4.1989. On being successful in the written test the applicant is entitled to be called for viva-voce test. A photostat copy of the result of the written test dated 7.4.1989 is filed as Annexure No.3 to this application.

Annexure-3

7. That the viva-voce test was scheduled for 23.4.1989 but it was postponed. The viva-voce test was thereafter fixed on 2.5.1989 when persons upto serial No.14 on the basis of the result dated 7.4.1989 appeared. For the remaining successful candidates including the applicant the date for viva-voce test was to be announced subsequently.

8. That the applicant is a heart patient and under medical treatment since 1982. Since January 1987 the applicant is undergoing regular continuous treatment under the railway doctor. The applicant was suffering from hyper tension from 21.12.1988 and as such is continuing in sick list under the treatment of railway doctor. A photostat copy of the medical certificate issued by the Chief Medical Superintendent, Northern Railway, Lucknow, is filed as Annexure No.4 to this application.

Annexure-4

9. That the Dy.C.M.E., opposite party No.2, and the other authorities of the applicant, including the Office Superintendent, Time Office, had knowledge of applicant's sickness from 24.12.1988 as per the sickness certificate issued by the D.M.O. Dispensary C & W Shops. A photostat copy of the sickness certi-



Annexure-5

ficate dated 24.12.1988 issued by the D.M.O. is filed as Annexure No.5 to this application.

10. That the applicant was transferred to Bikaner by order dated 23.12.1988 at the time when he was sick as per the medical certificate of the Railway Doctor. In terms of the transfer order the applicant was transferred and spared simultaneously w.e.f. 23.12.1988 to Bikaner Shops under the Dy. C.M. E.(W)'s Office for his posting under W.A.E.E./Bikaner ostensibly on administrative grounds.

11. That in continuance of the transfer order, by another order dated 24.12.1988, that is, passed the very next day the applicant having been transferred simultaneously w.e.f. 23.12.1988 (AN) his name was also struck off from the rolls of the shops w.e.f. 23.12.88 (AN). The aforesaid order of transfer dated 23.12.1988 and the subsequent order dated 24.12.1988 striking off the applicant's name from the rolls of the Shops w.e.f. 23.12.1988 were not received by the applicant as he was lying sick.

12. That in the facts and circumstances stated above the transfer of the applicant from Lucknow to Bikaner is wholly illegal, arbitrary, malafide and without jurisdiction. The transfer order has not been passed by the competent authority, that is, the General Manager, Northern Railway, Baroda House, New Delhi. The order of transfer on the face of it is arbitrary, and malafide inasmuch as the applicant has been trans-

[Signature]

ferred and spared simultaneously w.e.f. the afternoon of 23.12.1988 and by a subsequent order passed on the very next day his name has also been struck off from the rolls of the Shops w.e.f. the afternoon of 24.12.1988.

13. That both the aforesaid orders have been passed admittedly when the applicant was sick and in undue haste without following the procedure to spare the applicant to inform him accordingly and to give him joining time. His name has also been struck off from the rolls w.e.f. the same date, that, afternoon of 24.12.1988 in order to stop the payment of the applicant for the entire month of December 1988. This itself is malafide and amounts to punishment.

14. That as already stated above, an enquiry in major penalty chargesheet is pending against the applicant and the subject matter of the charge including the documents and witnesses relates to Lucknow. The applicant by his transfer to Bikaner is deliberately and malafide sought to be removed from the place and the subject matter of the enquiry and thus deprive him of an opportunity to defend himself against the flimsy, vague and baseless charge. It amounts to denial of opportunity to defend himself in violation of the principles of natural justice and also in violation of the constitutional rights of the applicant.

15. That in terms of the Railway Board's circular No. 52-E/0/19/E (D&A) dated 22.5.1967 serial No.3929 relating to transfer of railway staff whose conduct

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is under investigation the applicant's transfer from Carriage and Wagon Shops, Alambagh, Lucknow, to Bikaner is illegal and without jurisdiction, as it amounts to inter divisional transfer during enquiry proceedings under major penalty chargesheet. A photo-stat copy of the Railway Board's circular dated 22.5.1967 is filed as Annexure No.6 to this application.

Annexure-6

16. That against the aforesaid order of transfer from Lucknow to Bikaner the applicant preferred representation dated 20.1.1989 to the Dy. C.M.E. with a copy to the General Manager, Northern Railway, opposite party No.1 on the ground that the same is illegal, arbitrary and malafide and has not been passed by a competent authority. No decision has been taken on the representation so far. A true copy of the applicant's representation dated 20.1.1989 is filed as Annexure No.8 to this application.

Annexure-7

17. That the applicant's transfer has been made deliberately and malafide in order to jeopardise his selection and appointment on the post of Asstt. Superintendent in the office of the Dy. C.M.E. Carriage & Wagon Shops, Northern Railway, Alambagh, Lucknow. It has also been done to affect his seniority position in the Carriage and Wagon Shops which is a mechanical department as the same cannot be reckoned in the electrical department at Bikaner where he is being transferred.

18. That the post of Head Clerk, on which the



applicant is working, is a class III post and is not subject to inter departmental or inter divisional transfer as has been done in the present case. Moreover the applicant has been granted permission by the Railway authorities to do his Ph.D. research in Economics and the subject matter of his research is Labour problem in the Railways with case study of Carriage and Wagon Shops Alambagh, Lucknow. This research work is also bound to be jeopardised as a result of the applicant's transfer to Bikaner.

19. That by notice dated 18.5.1989 the remaining 12 persons including the applicant, who passed the written test declared on 7.4.1989 were called for viva-voce test fixed on 25/26.5.1989. Thereafter by notice dated 19.5.1989 the date of viva-voce was arbitrarily changed from 25/26-5-1989 to 23/24.5.1989. The viva-voce was, however, completed on 23.5.1989 itself. Copies of the above notices dated 18.5.1989 and 19.5.1989 were sent to the Dy. C.M.E. Bikaner for information to the applicant and to spare him from viva-voce test. Photo copies of the aforesaid notices dated 18.5.1989 and 19.5.1989 are filed as Annexure Nos. 8 and 9 respectively to this application.

20. That the aforesaid notice of the change of the date was too short and was intended to deny the opportunity to the applicant for appearing in the viva-voce test. It was also malafide sent to Bikaner despite the fact that the authorities were aware that the applicant was lying sick at Lucknow.

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21. That the applicant made a representation to the Dy. C.M.E. by his letter dated 24.5.1989 pointing out that he is lying sick at Lucknow and requested him to inform the applicant of the next date for supplementary viva-voce at his Lucknow address.

22. That the applicant was declared fit by the railway doctor in the afternoon of 27.5.1989 to resume duty w.e.f. 28.5.1989. The applicant accordingly reported for duty on Monday, that is, 29.5.1989 to the Office Superintendent, Time Office, at 8.30 A.M. when he received his transfer order dated 23.12.1988.

23. That against the order of his transfer to Bikaner dated 23.12.1988 and the consequential order dated 24.12.1988 striking off his name from the rolls of Carriage & Wagon Shops, the applicant filed an Application No.121/89 Bhupati Singh vs. Union of India & another before the Central Administrative Tribunal at Lucknow.

24. That this Hon'ble Court by its order dated 6.6.1989 admitted the aforesaid application and issued notice to be served 'dasti' on Dy. C.M.E., opposite party No.2. The notice of the application was served by the applicant on opposite party No,2 on 8.6.1989. A photostat copy of the order dated 6.6.1989 is filed as Annexure No.10 to this application.

25. That the supplementary date for viva-voce

Annexure-10

was fixed for 13.6.1989 and the notice was circulated on 12.6.1989 at Lucknow. The notice sent to the applicant was deliberately and malafide anti-dated to 7.6.1989 and sent to Bikaner. This was done after the notice in the application was served on the Dy. C.M.E. personally by the applicant on 8.6.1989 as directed by this Court. Further the notice was deliberately sent to Bikaner although the applicant had informed the Dy. C.M.E. that the applicant is at Lucknow. The supplementary viva-voce test on 13.6.1989 was postponed. A photostat copy of the notice dated 7.6.1989 is filed as Annexure No.11 to this application.

Annexure-11

26. That the applicant protested against the aforesaid action of anti-dating the notice for supplementary viva-voce test by his letter dated 17.6.1989 sent to the Dy. C.M.E. by registered post in defiance of the Tribunal's order and to prevent the applicant from appearing in the viva-voce test. A photostat copy of the applicant's letter dated 17.6.1989 is filed as Annexure No.12 to this application.

Annexure-12

27. That after the postponement of the supplementary viva-voce test on 13.6.1989 another notice dated 17.6.1989 was issued fixing supplementary viva-voce on 19.6.1989 and 20.6.1989. This notice was again malafide addressed to the applicant at Bikaner and was not sent to him at his Lucknow address. The supplementary viva-voce was also fixed at very short notice and also on 20.6.1989 when the application was fixed for further orders. A photostat copy of the notice dated 17.6.1989 is filed as Annexure No.13 to this application.

Annexure-13

28. That the application No.121 of 1989 came up for orders before this Hon'ble Tribunal on 20.6.1989. On that date an order was passed directing the Dy. C.M.E., opposite party No.2, not to prevent the applicant from appearing in the viva-voce test. A photostat copy of the order dated 20.6.1989 is filed as Annexure No.14 to this application.

Annexure-14

29. That the applicant submitted the copy of the aforesaid order to the Dy. C.M.E. at 4 P.M. on the same date, that is, 20.6.1989. The Dy. C.M.E. thereupon insisted that the applicant must submit himself to the viva-voce test immediately. Accordingly the viva-voce test of the applicant was held at 6 P.M. and it continued for 40 minutes.

30. That the Selection Board for supplementary viva-voce test consisted of the following three members:

(i) Sri Shakil Ahmed,
Dy. C.M.E. as Chairman

(ii) Sri Ram Singh,
Senior Personnel Officer Hqrs.
Baroda House, New Delhi

(iii) Sri A.K. Verma,
Dy. C.M.E. (Diesel)
Loco Workshop, Charbagh, Lucknow.

The applicant was asked questions by all the aforesaid members and he gave satisfactory answers.

31. That the panel of 19 persons was declared on 5.7.1989 on the basis of seniority as per the list of successful candidates in the written test. This panel also included the name of Shri Krishna Gopal.

Annexure-15

serial No.7 who had already retired on 31.5.1989. A photostat copy of the panel of 19 persons dated 5.7.1989 is filed as Annexure No.15 to this application.

32. That the aforesaid panel dated 5.7.1989 including the name of Shri Krishna Gaur at serial No.7, who had already retired on 31.5.1989, is wholly illegal and void in contravention of the printed serial No.8007-A of the Railway Board dated 20.3.1982 which forbids the panel containing the names of retired employees during the process of selection and who are no longer in service at the time of the approval of the panel. A photostat copy of the Railway Board's printed serial No.8007-A dated 20.3.1982 is filed as Annexure No.16 to this application.

Annexure-16

33. That the applicant has passed both the written test and the viva-voce test having obtained 73 marks out of 100. The minimum marks required for being brought on the panel on the basis of seniority is 60% as laid down in the Railway Establishment Manual. The applicant in terms of his seniority is placed at serial No.20 on the basis of the result of the written test dated 7.4.1989. Thus the applicant is entitled to be brought on the panel of 19 persons after excluding Shri Krishna Gaur who has retired.

34. That the action of the opposite party No.2 in including the name of retired person Shri Krishna Gaur at serial No.7 of the panel is wholly illegal, malafide and without jurisdiction.

RD

G R O U N D S

(A) Because the order dated 5.7.1989 (Annexure No.15) declaring the panel is wholly illegal, arbitrary, malafide and without jurisdiction.

(B) Because the order dated 5.7.1989 is in violation of Railway Board's printed serial dated 20.3.1982 (Annexure No.16).

(C) Because Shri Krishna Gaur, who retired from service on 31.5.1989, was illegally and malafide inducted at serial No.7 in the panel in order to deprive the applicant of his chance of promotion.

(D) Because the applicant having successfully passed the selection test is legally entitled to be brought on the panel on the basis of his seniority.

(E) Because the opposite party No.2 is prejudiced against the applicant and wants to deny the applicant the chance of promotion to the next higher post in order to prevent him from getting a posting at Lucknow.

VII. Details of the remedies exhausted :

The impugned order dated 5.7.1989 is ab initio void and without jurisdiction and no alternative efficacious and speedy remedy is available to the applicant in the facts and circumstances of the case.



VIII. Matter not previously filed or pending with any other court :

The applicant 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.

IX. Reliefs sought :

In view of the facts mentioned in para VI above the applicant prays for the following reliefs :-

(i) To quash the order dated 5.7.1989

(Annexure No.15) declaring the panel for the post of Assistant Superintendent (Non Personnel Group) after summoning the record from the opposite parties;

(ii) To direct the opposite party No.2 to include the name of the applicant in the panel to which he is entitled having successfully passed the selection test.

X. Interim order, if any prayed for :

The operation of the order dated 5.7.1989 (Annexure No.15) be stayed.

XI. Particulars of Postal Order in respect of the application fee :- *Rs fifty only.*



-15-

1. Number of Indian Postal Order DD 798337
₄
2. Name of the issuing Post Office Aminabad
3. Date of issue of Postal Order 8-8-1989
4. Post office at which payable

XII. List of enclosures :-

1. Chargesheet alongwith annexures.
2. Notice dated 31.8.1988 for written test.
3. Result of the written test dated 7.4.1989.
4. Medical certificate issued by the Chief Medical Superintendent, Northern Railway, Lucknow.
5. Sickness certificate dated 24.12.1988 issued by the D.M.O.
6. Railway Board's circular dated 22.5.1967 relating to transfer of railway staff whose conduct is under investigation.
7. Applicant's representation dated 20.1.1989 against his transfer.
8. Notice dated 18.5.1989 of the viva-voce test fixed on 25/26.5.1989.
9. Notice dated 19.5.1989 changing the date of the viva-voce test.
10. Order of the Tribunal dated 6.6.1989 admitting application No.121/89.
11. Notice dated 7.6.1989 fixing the supplementary date for viva-voce on 13.6.1989.
12. Applicant's letter dated 17.6.1989 protesting against anti-dating the notice for supplementary viva-voce test.
13. Notice dated 17.6.1989 fixing supplementary viva-voce test on 19 & 20.6.1989.

14. Tribunal's Order dated 20.6.1989 directing the Dy. C.M.E. not to prevent the applicant from appearing in the viva-voce test.

15. Panel of 19 persons dated 5.7.1989.

16. Railway Board's printed serial dated 20.3.1982 forbidding the panel containing the names of retired employees.

Verification

I, Bhupati Singh, son of Gayadeo Singh, aged 46 years, working as Head Clerk in the office of Time Office, Carriage and Wagon Shops, Alambagh, Lucknow, resident of 563/136 Chitra Gupta Nagar, Alambagh, Lucknow, do hereby verify that the contents of paras 1 to XII are true to my personal knowledge and belief and that I have not suppressed any material fact.

Date : 8-8-1989.

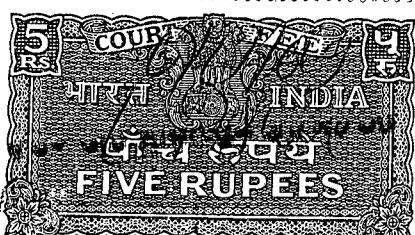
(Bhupati Singh)
Signature of the applicant.

Place : Lucknow.

Central Administrative Central Tribunal Lucknow
ब अदालत श्रीमान महोदय

[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]



Bhupati Singh

(टिकट)

वादी (अपीलान्ट)

University of India

Respondents

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

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ऊपर लिखे मुकदमा में अपनी ओर से श्री

Shri L. P. Shukla, Advocate

वकील

महोदय

एडवोकेट

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 बसूल करें तथा 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 (दस्तखती) रसीद लेवें या पंच नियुक्त करें—वकील महोदय द्वारा को 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 अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह

बालतनामा लिख दिया प्रमाण रहे और समय पर छाम आवे।

(L. P. Shukla)
(L. P. Shukla)
Advocate

Bhupati Singh

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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A33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. No. 191 of 1989(L)

Bhupati Singh Applicant

Versus

Union of India & another Respondents

List of Enclosures

1. Chargesheet alongwith Annexures. .. 17- 21
2. Notice dated 31.8.1989 for written test. .. 22- 24
3. Result of the written test dated 7.4.89 .. 25-
4. Medical Certificate issued by the Chief Medical Superintendent, Northern Railway, Lucknow. .. 26-
5. Sickness certificate dated 24.12.1988 issued by the D.M.O. .. 27-
6. Railway Board's circular dated 22.5.1967 relating to transfer of railway staff whose conduct is under investigation. .. 28-
7. Applicant's representation dated 20.1.89 against his transfer. .. 29- 30
8. Notice dated 18.5.1989 of the viva-voce test fixed on 25/26.5.1989. .. 31-
9. Notice dated 19.5.1989 changing the date of the viva-voce test. .. 32-
10. Order of the Tribunal dated 6.6.1989 admitting application No.121/89. .. 33-
11. Notice dated 7.6.1989 fixing the date for supplementary viva-voce on 13.6.89 .. 34-
12. Applicant's letter dated 17.6.1989 protesting against anti-dating the notice for supplementary viva-voce test. .. 35- 36
13. Notice dated 17.6.1989 fixing supplementary viva-voce test on 19 & 20.6.1989. .. 37-
14. Tribunal's order dated 20.6.1989 directing the Dy.C.M.E. not to prevent the applicant from appearing in the viva-voce. .. 38-
15. Panel of 19 persons dated 5.7.1989. .. 39-
16. Railway Board's printed serial dated 20.3.1982 forbidding the panel containing the names of retired employees. .. 40-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh

Applicant

Vs.

Union of India and another

Opposite parties.

ਤ੦ਰੋ
N.R.

आरोप-पत्र का मानक पार्म

सामान्य 188

STANDARD FORM OF CHARGESHEET

Genl. 188

रेल सेवक (मनुशासन और असील) नियम, 1968 का प्रियम 9

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

मानक फार्म नं० ५
Standard Form No. 5

Standard Form No. 3

रा०/No. ८६] B । Singh

The Sy. of the E.S.C.R. (M.A.) of Railway Administration

(निर्गम स्थान) रिवारु

(Place of issue) Calcutta, dated 5-4-88

Ann [unclear]

MEMORANDUM

MEMORANDUM

राष्ट्रपति/रत्नम् याइ जिनहस्ताकरो द्वारा ८०८० (अनु० धीर अ०) तिथम्, १९६४ के नियम ७ के अंतर्गत थीं के विवर जानकारन को देखाया गया की गई है। इष्टकार या कदाचित् हो लाइनों का स्तर, जिनके संबंध में जांच करने की प्रव्याप्ति है, अरारोप के अपर्याप्तों के विवरण, (अनुबन्ध I) में दिया गया है। धारापुर के प्रत्यक्ष अनुच्छेद के समर्थन में अवकार या कदाचित् के लाइनों का विवरण संलग्न है (अनुबन्ध II)। जिन प्रमेणों पर ताजियों द्वारा आरोप के अनुच्छेद संयुक्त किये जाने की प्रव्याप्ति है उनकी भी एक सूची संलग्न है (अनुबन्ध III धीर IV)।

The President/Railway Board/Undersigned propose (s) to hold an inquiry against Shri. Bhupat Singh Mehta 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..... जो एतत् हारा सूचित किया जाता है कि यदि वह बाहे तो इस अपन की प्राप्ति के पांच दिन के भीतर कार्यालय मुम्पय में किसी भी समय प्रलेख-संची (प्रनवंध III) में धर्यित प्रलेखों को निरीक्षण कर सकता है और इसके उद्दृहण ले सकता है। यदि यह ऐसे किसी व्यक्ति प्रलेखों तक अपनी पहुँच आहता है, जो रेल प्रशासन के शास हीं लेकिन जिनका संलग्न प्रलेखों को संचो (प्रनवंध III) में उत्तोष न किया हो, तो निरीक्षण के लिए अपेक्षित प्रलेखों को सुसंगति बताते हुए इस अपन की प्राप्ति के दस दिन के भीतर उसे निम्नहतात्मकरी..... रेलवे एवं लैग्याश्रवंधक को इसकी संपत्ति देने चाहिए। अनुसासन प्रधिकारी उस समय या किसी ऐसे प्रलेखों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो जरूरी शर्त में, भास्तवे के सुसंगत न हों या जिन तक पहुँच की अनुमति देना अवहित या राज्य की सरकार के विश्वास हो। उसे व्यक्तिगत अतिरिक्त प्रलेख उपसंधि किये जाने के पांच दिन के भीतर उसका निरीक्षण पूरा कर से। जिन अतिरिक्त प्रलेखों के निरीक्षण को उससे अनुमति दी जायेगी उससे उद्धरण लेने की उसे अनुमति होगी।

2. Sir, ~~Revised Schedule~~ I understand that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of railway administration but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned ~~General Manager~~ Railway within 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 thereto. He should complete inspection of addition of documents within five 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. धी को सुचित किया जाता है कि जांच के दाद के प्रक्रमों में इन्वेस्टिंग्स को प्राप्त करने के लिए किया गया बनरोध तब तक स्वीकार नहीं किया जायेगा जब तक ऊपर वित्तिविद्या समय-सीमा के भीतर विलम्ब से भ्रूनरोध धरने का पर्याप्त कारण न बताया जाये और उन परिस्थितियों से स्विकृति कृप्त हो जाये कि अनुरोध इससे पहले के प्रक्रम में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद वित्तिविद्या प्रतिष्ठित करने के संबंध में कोई अनुरोध तब तक बोहार नहीं किया जायेगा, जब तक जांच घोटाले से पहले अनुरोध न कर सकने का पर्याप्त कारण न बताया गया हो।

3. ~~Shri Bhupinder Singh~~ 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. थी को पह थी सदित किया जाता है कि पवि पह चाह तो मानिक जांच होने की विधि में प्रतेकों का निरोक्षण करने सथा जाए प्राधिकारी कमस ग्रना मामला प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कम्बारी, रेल व्यवसाय वंश के किसी प्राधिकारी (जो रेस सेपक अनुशासन और विधायक अन्यता-कम में उसे एक या अधिक व्यवसिताएं पाकरना करता चाहिए)। सहायक रेल कम्बारी (कम्बारियों) व्यवसाय वंश के एकाधिकारी (पर्वारियों) का नामन करने से पहले थी हारा नामित व्यवित (व्यवित्ती) से पदन से जैने चाहिए कि पह (वे) अनुशासनिक कार्यवाही के दोरान उसका अद्यायता करने के लिए तंतार है। वचन में ऐसे अन्य शामले (शामलों) का, पवि कोई शे, विवरण भी दिया जाना चाहिए, जिसमें नामित व्यवित (व्यवित्ती) हारा सहायता करने का पहले ही पचन दिया जा चुका हो और नामित व्यवित (व्यवित्ती) हारा दिया जाय वचन शामन-पत्र के साथ जिम्मेदारी/किन्हारप्रबंधक, ऐसे वे को मंजा जाना चाहिए।

4. Shri Bhupend Singh 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 assis-

रेलवे
Northern Railways

Annexure-I

List of article of charges framed against
Sh. Bhupat Singh - Hd. Clerk (Time office) under
CTK/AMV/LKO

Sh. Bhupat Singh - Hd. Clerk (Time office) while
working as such committed the serious
irregularities in as much as he used
to abscond from his duty place to manage
the affairs of two schools, in Chitrakoot
Nagar, Alambagh, Lucknow during the
period 1987-88 and also he did not
inform the admin. regarding his
house property i.e. one house in Alambagh,
Lucknow.

By doing above act of omission and
commission Sh. Bhupat Singh failed to
maintain absolute integrity, devotion
to duty and acted in a manner
unbecoming of Railway Servant in
convention to rule 3.1(i), (ii) & (iii) of
Conduct Rules, 1962.

✓
(J.S.Sinha)

Works Manager (C)
C&W division, Lucknow

Attested/True Copy

Vishwanath

L. P. Sh. KLA
Advocate

प्रत्यक्ष रूपां

Annexure-II

Nehru Bhawan

Draft statement of expectation of misconduct/mishandling by Sh. Bhupat Singh - Hd. Clerk/Temu office under CTK/Temu Office/Hmmlk.

Sh. Bhupat Singh - Hd. Clerk/Temu Office while working as such ~~as~~ during the period 1987-88 has committed the serious ~~error~~ ~~lapses~~ from the ~~in~~ (i) as ~~in~~ as he used to absent from the duty place to manage the affairs of two schools Chitrakoot Nagaon, Almora (ii) he did not inform the Admin. about his property (as mentioned by him in the statement) i.e. one house in Almora (iii) Lucknow

Sh. Bhupat Singh, when asked to explain said he did not use to absent from duty and have also informed the admin. of the house but the facts remained otherwise by doing above act of omission and commission Sh. Bhupat Singh - Hd. Clerk/Temu Office has failed to maintain absolute integrity and devoted to duty and acted in a manner unbecoming of Railway Servant in contravention to rule 3. (i.e.) (ii) + (iii) of Railway Service Conduct Rules, 1966.

(H.S. Sinha)

L.P. Sinha
Lucknow

Attested/True Copy

Vishwanath

L. P. SHUKLA
Advocate

(21)

A37

उत्तर रेलवे
Northern Railway

Annexure - III

• List of relied upon documents on which
the list of article of charge are likely to
be sustained against Sh. Bhupat Singh,
Hd. Clerk / Time Officer Lko.

1. Statement of Sh. Bhupat Singh - Hd. Clerk /
Time Officer Lko dated 22/1/88
2. Statement of Sh. Thakar Ram - offg (7K / AMW) Lko
dated 29/1/88 and 3/2/88
3. Statement of Sh. R.D. Singh - Hd. Clerk /
Time Officer Lko dated 4/2/88.

V/C
(H.S. Sinha)
"Mr. Manapar (C)
Mr. Singh"

Annexure - IV

list of witnesses in support of article of
charges framed against Sh. Bhupat Singh,
Hd. Clerk / Time Officer.

1. Sh. A. K. Bhatia, VI / M / BN.

V/C
(H.S. Sinha)
"Mr. Manapar (C)
Mr. Singh"

Attestation Copy

Vishwanath Shukla

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(22)

A30

Bhupati Singh

• • • • •

Applicant

Vs.

Union of India and others

Opposite Parties.

ANNEXURE No. 2

उत्तर रेलवे

ਧਾਰਾਤਿਥ ਤੁਪ ਸੁਅਧ ਅਮਿਤਪਾਲ(ਫਲੋ) ਸਹਾਰੀ ਏਂ ਸਾਲ ਮਿਥੀ ਚਾਰਥਾਤੋ ਜ਼ਾਲਸ਼ਾਹ ਲਾਹੌਰ ੧
ਫਾਂ ਆਂ ਸੌ 453 ਵਿਕਾਂਤ 31.8.88.

दिनांक 31.8.88.

तिम न प्रधान लिपियों नो सुवित दिया जाता है जो सहायता अवैधत वे० मा० ३० १६००-२६६० (आर्या०) के पद पर एकोलति हेतु चयन तो लिखित परीक्षा दिया ३०,९४४ ठो होता निश्चित तो गई । यह परीक्षा बीटीसी. मो होती । अतः वे अपतै तो उपरोक्त चयन में समिभलित होते हैं तिए तैयार रखे १०,०० वजे हैं पूर्व बीटीसी. चालाकान में उपस्थित हैं ।

अस्त्रापिला अनेभाग

ਸਾਹੁ ਸ਼੍ਰੀ

१.	राम जी नाल शर्मा स्थानापन	३० अर्थी०	एस.एम.डी.सी.
२.	ठहरैया नाल शर्मा	"	टाईम आफिस
३.	ठम्मेश्वर वाथ चतुर्वेदी	"	शाप ए
४.	श्याम मुरारी श्रीवाल्लव	"	शाप एफ
५.	कृष्ण लाल पुल	"	समाज अनुशास
६.	व्यारे लाल जाटव(अ.ना.)	"	टाईम आफिस
७.	बगीर अहमद अंसारी	"	"
८.	तज मुल हुसैन	"	शाप बी
९.	श्री रुद्ध गोड	"	उत्तादन
१०.	गगवती प्रसाद बाजपेई प्रधान लिपिठ	टाईम आफिस	
११.	एहतिशाम अती सिद्धुदीठी स्थानापन स० अ०	"	
१२.	राम बिवाज तिवारी	"	बजट
१३.	शुश्रुहन सिंह प्रधान लिपिठ	टाईम आफिस	
१४.	मुहम्मद इशाहीम स्थानापन स० अ०	रोलिंग स्टॉ	
१५.	राम अमिताख मिश्र	प्रधान लिपिठ	टाईम
१६.	दुर्गा लुमार पांडेय	"	उत्तादन
१७.	राजेद्व लुमार जैन	"	टाईम आफिस
१८.	सचीद्व वाथ मिश्र	"	उत्तादन
१९.	सच्चद इरशाद हुसैन	"	टाईम आफिस
२०.	जुम्मल बी	"	"
२१.	राम अवतार	"	शाप बी
२२.	अबु नईम अंसारी	"	पास्ट/तेबा अनुश
२३.	श्याम सुद्दर वर्मा	"	बजट
२४.	सद्यद सजहर अली	"	दटाईम आफिस
२५.	प्रेम प्रठान सोनठर	"	एस.आर.एम.

Attested/True Copy

May 1948 copy
Vernon Mealy

L. P. SHUKLA
Advocate

जरी. २/८

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(26)

AMZ

Bhupati Singh

Applicant

Vs.

Union of India and another

Opposite parties.

ANNEXURE No. 4

No. 66-1761,
24.09.1989.

Office of the
Chief Medical Supdt,
N.Rly, LUCKNOW.

TO WHOM IT MAY CONCERN

This is to certify that Sh. Bhupati Singh, Head Clerk, Time Office, Carriage & Wagon Workshops Alambagh, Lucknow is an established case of ^{taking treatment} Heart & Hypertension. He is, regularly/for the last two years, under my treatment and is attending this hospital for periodical check ups etc.

9.1.89
Divl. Medical Officer
N. Rly, Hosp. LUCKNOW

Attested/True Copy

Vishwanath Singh

L. P. SHUKLA
Advocate

1. 2. 3. 4.

सर्वे श्री

26.	शुल प्रसाद शाक्यार्थी (प्रसाद लिपिन)	प्रधान लिपिन	वजट
27.	शुलकेवर प्रसाद	"	शाप डी
28.	बेरेद्व दुमार (स्थानापन विधि सहायता)	स्थानापन विधि सहायता	प्रधान लार्यालिय
29.	अमलेल्ड वर्तमी	प्रसाद लिपिन	उत्पादत
30.	श्याम लारायण	"	एस.एस.डी.सी.
31.	राम लाल राम	"	टाईम आफिस
32.	द्वारारिणा लाथ टेक्नि	" "	उत्पा दत
33.	जितेद्व लाल श्रीवास्तव	"	टाईम आफिस
34.	शूष्टि सिंह	"	" एस.एफ.5 पेडिंग
35.	जयदीश लाल श्रीवास्तव	"	"
36.	बिश्वशर लाल रिहा	"	" एस.एफ.5 पेडिंग
37.	लखण शीर्षर शुक्ला	"	शाप ली
38.	महालीर प्रसाद रावत (अ०जा०)	"	टाईम आफिस
39.	रिपुत्रयता सिंह	"	"
40.	सरजु (अ० जा०)	"	उत्पादत
41.	तद्व लिंगोर रस्तोगी	"	टाईम आफिस
42.	राम राज यादव	" "	"
43.	वंगाली राम (अ०जा०)	"	"
44.	श्री लूण लुरीत	"	"
45.	श्रीलीत लिश्र	"	उत्पादत
46.	रमई तिझु (अ०ज०जा०)	"	"
47.	राम प्रधान (अ०जा०)	"	पास्ट/लेबा अनुभाग
48.	महेश्वर प्रसाद श्रीवास्तव स्थानापन विधि सहा०	स्थानापन विधि सहा०	सी.सी.ओ. / कई दिल्ली
49.	श्रीवाथ सिंह	प्रधान लिपिन	शाप ली
50.	मदत सोहत	"	शाप एफ/ एस.एफ.5 पेडिंग
51.	गिव्युर्ति प्रसाद लिंगा ठी	"	सामाज्य अनुभाग
52.	आर.आई. डिकूण	"	टाईम आफिस
53.	अपूत लाल शर्मा	"	"
54.	राम लाल	"	"
55.	सुद्धा लाल	"	एस.एस.डी.सी.
56.	अयोध्या प्रसाद	"	उत्पादत
57.	याता राम (अ०जा०)	"	यार्ड सास्टर

घोरसिया/ ३१.८.८८.

Attested/True Copy

Vishwanath

L. P. SHUKLA
Advocate

स्थापना अनुमति

सर्वं श्री

1.	गौरी शैलं त्रिपाठी	स०अधी०(स्थापना)	हित अनुमति
2.	राम अक्षयर (अ०जा०)	" "	ई 111 अनुमति
3.	धर्मवीर बजाज	" "	ई 10 " "
4.	चंद्र मोहन श्रीवास्तव	प्रधात लिपिन	ई 17 " "
5.	देवी प्रसाद श्रीवास्तव	" "	पातीसी "
6.	प्रकाश चंद्र श्रीवास्तव	" "	ई 111. "
7.	ओम प्रकाश गुप्ता	" "	ई 17. "
8.	अरविंद दुमार हुड्ड	" "	ई 11. "
9.	देव मणि त्रिपाठी	" "	सेटलमेंट "
10.	अविल दुमार वर्मा	" "	वेतल विल "
11.	इश्तियाद अहमद बां	" "	सेटलमेंट "
12.	हरिश्चन्द्र	" "	वेतल विल "
13.	शंभू लाथ पात	" "	मर्ती "
14.	सर्द आलम बलवी	" "	ई 10. "
15.	मुहम मद हसीब बां	" "	वेतल विल "
16.	अशोक दुमार तिवारी	" "	पास "
17.	रंजीत सिंह	" "	वेतल विल "
18.	सुभाष चंद्र किश्वास (अ०जा०)	" "	यूनियन "
19.	राम दुलारे ठोरी	" "	शाप जी
20.	बिजेब दुमार जैन	" "	पास "
21.	वया बांसा सिंह	" "	वेतल अनुमति
22.	विरेन्द्र सिंह	" "	ई 11. "
23.	गोपी लाथ तिवारी	स्थापना अ० तिं०	हित अनुमति
24.	बिरंजत दुमार सिंहा	प्रधात लिपिन	वेतल विल अनुमति
25.	सयद मु० हैदर रिजबी	" "	ई 11. "
26.	श्रीमती जगेश्वरी देवी (अ०जा०)	" "	वेतल विल "

चौरसिया/31.8.88.

प्रेषित प्रति:-

- 1) उपरोक्त अनुमति/शाप अंगीजियों तथा संदर्भित प्रधात लिपियों ले सूचकार्थ एवं धार्यवाही हेतु ।
- 2) एस०आई०/बैंटी.सी./आलमवाला - दृप्या उपरोक्त 93 डम्भीदवारों ले वैठने ली व्यवस्था ले ।
- 3) कौ० अधी०(समाव्य)/आलमवाला लो आवश्यक धार्यवाही हेतु ।

दृप्या उप सुच्य यात्रिन अधिकारी(क्या०)।

आलमवाला लद्दाकु ।

Attested/True Cop.

Vishwanath

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

(25)

AY

Bhupati Singh

..... Applicant

Vs.

Union of India and others

Opposite Parties.

ANNEXURE NO. 3

N.Rly: Dy Ch Mech Engr, C&W Ships Alambagh LKO.

Staff Order No. 215

of 1989

The following staff of Non P. Group who appeared in the written test for the post of Asstt. Supdt. Gr. No. 1600-2660(R) are hereby required to ready themselves to attend for Viva-Voce Test to be held shortly.

S/Sri

1. Ranji Lal Sharma	AS (Offg) SMDC
2. Kameshwar Nath Chaturvedi,	- do - Prod.
3. Shyam Muni Sriavastava,	- do - Shop F
4. Krishna Lal Phull,	- do - Genl. Sec.
5. Bashir Ahmad Ansari	- do - Time Office
6. Tajamul Hussain	- do - Shop B
7. Shri Krishna Gaur	- do - Prod.
8. Bhawat Pd. Bajpai	Hd. Clerk Time Office
9. Ehtisham Ali Siddiqui	AS (Offg) Time Office
10. Ram Niwaz Tewari	- do - Budget
11. Md. Ibrahim	- do - R / Stock
12. Ram Abhilash Misra	Hd. Clerk Time Office
13. Durga Kumar Pandey	- do - Production
14. Rajendra Kumar Jai	- do - Time Office
15. Sachindra Nath Misra	- do - Production
16. Abu Naim Ansari	- do - Cast/A/c Sec.
17. Shyam Sunder Verma	- do - Budget
18. Gur Pd. Shakya (SC)	- do - "
19. Dvarika Nath Tandon	- do - T/Room
20. Bhupati Singh	- do - Transferred to Bikaner
21. Bishambhar Nath Sinha	- do - Time Office
22. Karuna Shanker Shukla	- do - Shop B
23. Sarjoo (SC)	- do - Production
24. Shri Krishna Kureel (SC)	- do - Time Office
25. Ramai Tiu (ST)	- do - Production
26. Mala Ram (SC)	- do - Yard Master

for Dy CME 'W' / Alambagh LKO.
MH/7/4 No: DCME/743/UPG/XI Dt/- April 7 '89

C/- to OS / Time Office, Production, Genl., SS/Shop A
B C D L G L, AS Clerk, Genl. Budget, and Despatch
for information and necessary action.

C/- to Dy CME Bikaner & WAEW/Bikaner for information and necessary
action. They will please arrange to spare Sri Bhupati Singh, HdClerk
to attend Viva-Voce Test, the date of which will be announced later on.

C/- to The above Staff for information and necessary action.

919-50-7-6-89

Attested/True Copy

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(26)

AMZ

Bhupati Singh

.....

Applicant

Vs.

Union of India and another

Opposite parties.

ANNEXURE No. 4

No. 66 Med/1
Dt. 04-1-89.

Office of the
Chief Medical Supdt,
N.Rly, LUCKNOW.

TO WHOM IT MAY CONCERN

This is to certify that Sh. Bhupati Singh, Head Clerk, Time Office, Carriage & Wagon Workshops Alambagh, Lucknow is an established case of ^{taking frequent} Gout & Hypertension. He is, regularly for the last two years, under my treatment and is attending this hospital for periodical check ups etc.

9.1.89
Divl. M'dical Officer
N. Rly, Hosp. LUCKNOW

9/2

Attested/True Copy

Vishwanath Singh

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(27)

AM3

Bhupati Singh Applicant

Vs.

Union of India and others Opposite Parties.

ANNEXURE No. 5

बी/बी/Nо 449353 मंड-1/Med-1
मंड सी०-१२/Med. C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department

"दीमारी" प्रमाण-पत्र

"SICK" CERTIFICATE (S)

प्रार्थी के हस्ताक्षर या बाये प्रांगठ का निशान.....
Signature of LTI of Applicant

प्रस्तावना/Hospital

दिस्पेसरी/Dispensary

मैं एतद दारा प्रमाणित करता हूँ कि

I do hereby certify that

नाम/Name

पदनाम/Designation

शाखा या विभाग/Branch or Department

नियुक्ति का स्टेशन/Station where employed

जिसके हस्ताक्षर लग दिए गए हैं और जो दीमारी है तथा

इष्टी के लिए अस्वस्थ हैं/Whose signature is given

above and who is sick and unfit for duty.

मृदु..... से..... दिनों तक अपनी इष्टी

करने के लिए स्वस्थ नहीं हो सकते/He is likely to be

unfit to perform his duties for.....

days with effect from (date).....

कार्यालय मोहर

Office Seal

दिनांक.....

Date

रेलवे डाक्टर के हस्ताक्षर

Signature of Rly. Doctor

दिनांक.....

Date

रेलवे डाक्टर के द्वारा दिलायी गई प्रमाण-पत्र

Rly. Doctor's Signature

दिनांक.....

Date

रेलवे डाक्टर के हस्ताक्षर

Signature of Rly. Doctor

दिनांक.....

Date

रेलवे डाक्टर के द्वारा दिलायी गई प्रमाण-पत्र

Rly. Doctor's Signature

दिनांक.....

Date

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Date

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Rly. Doctor's Signature

दिनांक.....

Date

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Date

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Rly. Doctor's Signature

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Date

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Rly. Doctor's Signature

दिनांक.....

Date

रेलवे डाक्टर के हस्ताक्षर

Signature of Rly. Doctor

दिनांक.....

Date

(28)

Ayy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant

Vs.

Union of India and another Opposite parties.

ANNEXURE No. 6

Serial No. 3929-Circular No. 52-E/0/19/E. (D & A), dated 22.5.1967.

Sub:- Transfer of Railway staff whose conduct is under investigation.

A copy of Railway Board's letter No. E(D & A) 65 RG6- 6 dated 25-3-1967 on the above subject is forwarded herewith for information and guidance. The Board's letter referred to therein was circulated under this office letter No. 940/0-II (Eiv), dated 25-4-1962.

P. Branch - 5F.

(1004)

Copy of Railway Board's letter No. E (D & A) 65 RG6-6, dated 25-3-1967.

Reference Board's letter No. E (D & A) 62-RG6-15, dated 29-3-1962 wherein it was laid down that non-gazetted staff whose conduct is under investigation for charges meriting dismissal/removal from service, including those under suspension should not be transferred from one Railway administration to another till after the finalisation of the departmental or criminal proceedings against them. The Board have considered the matter further and have now decided that non-gazetted staff against whom a disciplinary case is pending or is about to start should not normally be transferred from one Railway/Division to another Railway/Division till after the finalisation of the departmental or criminal proceedings irrespective of whether the charges merit imposition of a major or a minor penalty.

Attested/True Copy

RS

V. Chaudhary

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(29)

Bhupati Singh

Applicant

Vs.

Union of India and another

Opposite parties.

ANNEXURE No. 7

To
The Deputy Chief Mechanical Engineer,
C & W Shops,
Northern Railway
Alambagh, Lucknow.

Sir,

Sub: Request for cancellation of your
transfer S.O.No. 663 dated 23-12-88
and S.O. No. 668 of 24-12-88

With due respect I beg to submit as under :-

1. That I have been working as Head Clerk in Time Office of this Workshop and I have passed my 25 years blotless service in this office.
2. That I belong to Non-personnel Group seniority of C&W Shops, which does not concern with Bikaner Workshop.
3. That I have appeared in Assistant Superintendent's promotion written test according to above seniority list on 21-11-88.
4. That disciplinary proceedings have started against me and have reached the stage of appointment of enquiry officer and the charges are totally baseless.
5. That I am patient of Hypertension since 1982 and under the continuous treatment of Railway Doctor. At present I am under the sicklist of Railway Doctor DMD/AMV sick certificate No.1570 dated 24/12/88 already sent to A.S. Time Office.
6. That my children are studying in Lucknow in Classes B.A.II, B.Sc.I, X, VIII, V and III respectively.
7. That conspirators Sri Ripu Daman Singh H.T.K. and his group are always busy in conspiracy against me and are dangers for my family and property in my absence.
8. That I have been transferred to Bikaner under Dy C.M.E. (W)'s office for the posting under W.A.E.E/Bikaner. This transfer is out of my seniority group i.e. from mechanical and Electrical side, Lucknow Workshops to Bikaner Workshops and from Lucknow District of U.P. to Bikaner of Rajasthan.
9. That my name has been struck off from the rolls of this shops when I have been declared spare without informing me as I was ill on 23-12-88 and onward. If I am transferred and my name is struck off from the rolls of shops, I cannot be promoted as A.S. according to my examination which is being held according to seniority list of Head Clerk of C & W Shop of Lucknow but not Bikaner.
10. That the Railway Board's instructions are that during proceedings of D & A.R., employee should not be transferred inter-divisionally so that his contacts with his defence witnesses and defence helper may not be adversely affected. This transfer will simply create terror among my defence witnesses and it will be against natural justice.

Attested/True Copy

L. P. SHUKLA
L. P. SHUKLA
Advocate

(30)

Ay6

- 2 -

11. That the transfer order has been issued from your office and it has been informed by one of my office friends. I am presenting you my prayer for cancellation of transfer order. If necessary please forward my application to the authority concern.

Prayer

I therefore request you kindly to cancell the transfer S.O. No.663 of 23/12/88 and S.O. No. 668 of 24-12-1988 for natural justices and safety of my life, my family and safety of property.

An early response is therefore solicited.

Yours faithfully,

Dated: 20-1-1989

Bhupati Singh
(BHUPATI SINGH)
Head Clerk, Time Office
C & W Shops Alambagh, Lucknow

Copy to:

1. General Manager N.Rly Baroda House
New Delhi for information and
necessary action
2. The Hon'ble Union State Minister for
Railways, Rail Bhawan, New Delhi.
For information and necessary action.

WZ Attested/True Copy

Neelam Singh Shukla

L. P. SHUKLA
Advocate

Bhupati Singh Applicant

Vs.

Union of India and others Opposite Parties.

ANNEXURE NO. 8उत्तर-ऐलेक्षन

फार्यात्य उप मुख्य यांत्रिक अभियंता । कर्मीयवारी एवं माल डिब्बा फारबाबा, आल००।

सं०:- डी०सी०एम०ई०/७४३/य०पी०जी०/५। दिनांक:- १५.५.८९।

1. फार्यात्य अधी०/समयपाल, उत्पादन, सामान्य, आलमबाग लखनऊ।
2. सहायक अधी०/रोलिंग स्टाफ, बजट, सामान्य एवं डिस्पैच, आलमबाग लखनऊ।
3. शाप अधी०/बी, एल तथा यार्ड मास्टर आलमबाग - लखनऊ।
4. फास्ट अब्स्याग/लेखा फार्यात्य/लखनऊ।
5. उप मुख्य यांत्रिक अभियंता/बीफाबेर एवं डेलू०ए, ई, ई, /बीफाबेर फो सुविधार्थ ए रूपया के श्री शूपति सिंह, प्र०लिंगो बोट कराये तथा मौखिक परीक्षा हेतु फार्यमुदत फरे।

विषय:- सहायक अधीक्षक वेतन-माल ४० । १६००-२६६०। आर०पी०। के पद पर एदोन्बति हेतु चयन। मौखिक परीक्षा।

कृपया निम्न फर्माचियरों फो सूचित फरे कि उपरोक्त चयन की मौखिक परीक्षा दिनांक २५.५.८९ एवं २६.५.८९ फो प्रातः १० बजे उप मुख्य यांत्रिक अभियंता । कर्मीयवारीय आलमबाग लखनऊ के फार्यात्य में आयोजित होगी। सभी संबंधित फर्माचियरों फो बोट कराकर पावती भेजे एवं उनको निर्धारित तिथि समय एवं स्थान पर उपस्थित हों। हेतु फार्यमुदत फरे।

१. श्री संघीन्द्र बाबू मिश्रा	प्र०लिंग	उत्पादन फार्यात्य
२. श्री ए०ए०भ०भ०न्सारी	प्र०लिंग	फास्ट अब्स्याग/लेखा फार्यात्य
३. श्री श्याम सुनदर वर्मा	प्र०लिंग	बजट
४. श्री गुरु प्रसाद जूस्ते राम्या	प्र०लिंग	दूलसम
५. श्री द्वारिणा बाबू टंडन	प्र०लिंग	बीफाबेर
६. श्री शूपति सिंह	प्र०लिंग	टाईम आफिस
७. श्री बी०ए०स०सिन्हा	प्र०लिंग	शाप बी
८. श्री कें०ए०श०शुरला	प्र०लिंग	उत्पादन फार्यात्य
९. श्री सरदू । एस०सी०।	प्र०लिंग	टाईम आफिस
१०. श्री एस०फ०फ०रीत	प्र०लिंग	उत्पादन फार्यात्य
११. श्री रमई तिङ्ग । एस०टी०	प्र०लिंग	उत्पादन फार्यात्य
१२. श्री माला राम । एस०सी०।	प्र०लिंग	यार्ड मास्टर

Attested/True Copy

L. P. SHUKLA

Advocate

प्र०पी०/१८.५.८९

कृते उप मुख्य यांत्रिक अभियंता । कर्मीयवारीय आलमबाग - लखनऊ।

माला राम

103-40-18-5-29

- - - - -

११५

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(32)

A48

Bhupati Singh

.....

Applicant

Vs.

Union of India and ^{other}

Opposite Parties.

ANNEXURE NO. 9

उत्तर रेखे

कार्यालय उप मु० याँ० इंजी० कर्म। सवारी और माल डिलिक्ट फारसाबा आलमबाग
एक्स्ट्राक्ट : की० सी०एम०ई०/७४३/य०पी०जी०/। दिनांक : १९/५/१९८९।

1. कार्यालय अधीक्षक समयपाल, उत्पादन, सामान्य, आलमबाग-लखनऊ।
2. सहायक अधीक्षक बैचट, सामान्य एवं डिस्पैच, आलमबाग-लखनऊ।
3. शाप अधीक्षक लौ०, एल० तथा यार्ड मास्टर आलमबाग लखनऊ।
4. टास्ट अंग्रेजी सेक्षन कार्यालय, लखनऊ।
5. उप मुख्य याँॅक्सिल इंजीनियर/बीफारे, कल्कु०ए०ई०ई०/बीफारे
को सूचबाध। रूपया वे श्री शूपति सिंह, प्र०लिं० को बोट फरायें
तथा मौखिक परीक्षा हेतु कार्यमुद्रत फरे।

विषय :- सहायक अधीक्षक वेतन मास ८० १६००-२६६०। आर.पी। के पद
पर पदोन्नति हेतु चयन। मौखिक परीक्षा।

रूपया इस कार्यालय के पत्र संहिता उपरोक्त दिनांक १८.५.८९ को अवलोकित
करे तथा उसमें दृश्याए भए सभी व्यवासियों को सूचित करे कि उपरोक्त चयन की
मौखिक परीक्षा दिनांक २५.५.८९ तथा २६.५.८९ के बाय अव दिनांक २३.५.८९
तथा २४.५.८९ को प्रातः १०-००बजे उप मुख्य याँॅक्सिल इंजीनियर कर्म। आलमबाग
लखनऊ के कार्यालय में आयोजित होगी।

अतः सभी सम्बंधित व्यवासियों को बोट फरा कर पायती में एवं उन्होंने
बिवारित तिथि । २३.५.८९ तथा २४.५.८९। समय एवं स्थान पर उपस्थित
होने हेतु कार्यमुद्रत करे।

कृते उप मुख्य याँॅक्सिल इंजीनियर कर्म।

Attested/True Copy १९/५/१९८९
आलमबाग-लखनऊ।

L. P. SHUKLA

Advocate

सौ.०३०/१९०५८९।

— : * * * * * : —

३०-१९-५-८९

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(33)

Aug

Bhupati Singh

.....

Applicant

Vs.

Union of India and another

Opposite parties.

Anneexo 10

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No.121 of 1989 (L)

Bhupati Singh

.....

Applicant.

Versus

Union of India

.....

Respondents.

6-6-1989

Hon'ble Mr. D.S. Misra, A.M.

Heard the learned counsel for the applicant regarding inter connected between two reliefs sought by the applicant.

The case is Admitted, for hearing and this question whether the two reliefs can be combined in one application will be determined later.

Regarding interim relief issue notice to the opposite parties Dasti returnable by 20-6-1989 why the prayer for interim relief be not allowed.

Sd/-

Sd/-

A.M.

//True Copy//

Deputy Registrar

Central Administrative Tribunal

Lucknow Bench,

Lucknow

(rma)

Attested/...e Copy

Vishwanath Singh

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

34

ASO

Bhupati Singh Applicant
Vs.
Union of India and other s^{am} Opposite Parties.

ANNEXURE NO. 11

प्राचीन अनुसार इसी विषय का विवाद है। यादी और यात्रा विषय के विवाद
विवरण - १८४३

क्रमांक : श्रीमद्भागवत/२४/प्राप्ति०८। दिनांक : ७ अगस्त १९९२।

१५. वर्षात्मक अंतीक्ष/स्टेट्यूटियन - ग्रामपाल निवास ।
१६. वर्ष अंतीक्ष / देव्य - ग्रामपाल निवास ।
१७. वर्ष अंतीक्ष/स्टेट्यूटियन एवं ग्रामपाल निवास ।

ਪਿਆ ਕੇਵ ਕੋ ਜਾਹਾਰੇ ; ਕੇ ਦੁਰਦਾ ਕੀ ਪ੍ਰਤਿ ਪਿਆ ਪ੍ਰਤਿਪਿਆ
ਕੋ ਪੈਂਦ ਪਾਵੇਂ ਕਾਂ ਕੀਰਿਆ ਕੁਝ ਕੀਰਿਆ ਕੇ ਕਾਂਗੁਆਂ ਕੋ ।

Page 3- नारद गीत लिखना १० १००-२०० वर्षों

ਕੇ ਹਾ ਹਰ ਵਰਗੀ ਕੋਈ ਵਾਹ ਮੀਡਿਅਨ ਦੁਹ ਵਰੀਕਾ।

੧੦	ਕੀ ਸਾਡਿ ਹਿੰਦੀ	-	ਕੀਤਾਕੇਰ
੧੧	ਕੀ ਹੋ ਏਂਦੀ ਹੁਣਾ	-	ਕੀ ਕੀਠੀ ਹੁਣਾ
੧੨	ਕੀ ਹੋ ਏਂਦੀ ਹੁਣਾ	-	ਕੀ ਕੀਠੀ ਹੁਣਾ

~~Collected by
Peter J. B. 12/6/89~~

2-6-88
के अन्य वारे की रिकार्ड

Attested/True Copy

Verbatim notes
Verbatim notes

L. P. SHUKLA
Advocate

2020/07/23/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant
Vs.
Union of India and others Opposite Parties.

ANNEXURE NO. 12

तथा में,

उप मुहूर्य यान्त्रिक हँजी नियर । कर्मी,
तवारी और गाल डिल्ला कारडाना,
आल मब्बाग, लखनऊ ।

प्रिय : सहायक उचित्क तैतनमान 1600-2660। आरप्ति०। के पट पटोन्ति हेतु श्रीहिंक परीष्ठा के तम्बन्य में ।

महोत्तम

मैंने एक प्राईना पत्र दिनांक 24/5/89 को आपके पास रजिस्टर्ड डाक ते
मेजा था जिसमें मैंने निवेदन किया था कि मुझ मौलिकी परीक्षा की सूचना मेरे निवास
स्थान के पते से दिया जाय स्पॉन्कि 21/12/88 से मैं उच्च रक्त थाप से बीमार हो
गया था तथा 23/12/88 को इस सम्बन्ध में अवकाश का प्राईना पत्र दिया था तथा
24/12/88 से रलवे डाक्टर आलमबाग डिस्पेन्सरी के बीमारों की सूची में था। मैंने
अस्पत्थता प्रमाण पत्र संख्या 1570 दिनांक 24/12/88 को ब्रॉडाइम आफिस में भेज
दिया था। 27/5/89 को मैं स्वस्थता प्रमाण पत्र सूची लिया तब उसी समय मेरे
प्राईना पत्र को लेकर श्री रिजवी जैये हेतु अस्पताल में आयेथे। मैं जब 29/5/89 को
टाइम आफिस डिपूटी लेने गया तो मेरे प्राईना पत्र पर ट्रान्सफर की सूचना दी गयी
जो संलग्न है। मैं अवकाश का प्राईना पत्र व स्वस्थता प्रमाण पत्र लेकर जब आपके
कायांलय में गया तो मेरा प्राईना पत्र लेने से श्री रिजवी व एपीओ महोट्य ने इंकार
कर दिया। मैं असमर्थ स्पॉन्कि तेल्ला रडमिनिस्ट्रेटिव ट्रिब्यूनल। लखनऊ। मैं 31/5/89
को प्राईना पत्र प्रस्तुत किया तथा 6/6/89 के आठेंके उनुसार पिटीसन स्वीकार
कर लिया गया है तथा नोटिस मेरे द्वारा आपको 6/6/89 को प्राप्त करा दिया
गया है।

दिनांक ४/६/८९ के
भैने (श्री रिजिस्टर-से) अपने प्रार्थना पत्र दिनांक 24/५/८९ के निर्णय तथा
मोक्षिकी परीक्षा के सम्बन्ध में श्री रिजिस्टर से पूछा तो उन्होंने बहा कि अभी तक
इस सम्बन्ध में कोई निर्णय नहीं लिया गया है।

पिटीसन नोटिस पाने के बाद आपके कार्यालय से पत्रांक डीसीएम्ब/743/यूपीजी/१। दिनांक 7/6/89 पूरक परोष्ठा हेतु ज्ञारी किया गया। पत्र की तिथि 7/6/89। बैक डेट। अंकित की गयी क्षयोंकि 8/6/89 को नोटिस प्राप्त की गयी थी। इतना ही मुझे सूचना नहीं मिल पाये इसके लिए हेड जल्द बीकानेर का पता अंकित किया गया जबकि मैं कभी बीकानेर गया ही नहीं। यह इसलिए किया क्षयोंकि पत्र देट से लिखा गया जो मेरे स्थानीय पते से तम्भे से पहुँचना सम्भव नहीं था।

Attested/True Copy

✓ Virginia Islands

L. P. SHUKLA
Advocate

-:: 2 ::-

मेरे स्थानीय पते की उपेक्षा की गयी। कारबाने में पत्रे दिनांक 12/6/89 को सायंकाल घार बजे उम्मीदवारों को नोट कराया गया जिसे होई भी मुझे सूचना न दे सके। परन्तु मुझे जानकारी मिली और 13/2/89 को मैंने वहाँ हन्तार किया। श्री राम सिंह एसपीओ के दिल्ली से न आने के कारण मौखिक परीक्षा नहीं हुई।

आपने लिखित परीक्षा में मुझे सर्वोच्च अंक देकर वहाँ उत्तीर्ण घोषित करके अपनी न्यायप्रियता की लोक प्रियता प्रस्तुत की वही अब मुझे मौखिकी परीक्षा से विद्युत करके मेरे विस्तृ प्रधावाली छड़यन्त्र कारियों के अधैता निक और अपराधिक कार्य को बढ़ावा नहीं देंगे तथा न्यायपालिका की म्यादिया की रक्षा करेंगे।

अंत में आपसे पुनः निषेद्ध है कि मुझे मौखिकी पूरक परीक्षा हेतु सूचना मेरे स्थानीय पता से सम्भव से भेजा जाय। सेण्ट्रल रेडिमिनिस्ट्रेटिव ट्रिव्यूनल के निर्णय के अनुसार ही मैं कार्यालय ग्रहण करूँगा। पूर्व प्रार्थना पत्र की प्रति, इन्हें सूचना प्रमाण पत्र, डिप्टी तथा अधिकारी की सूचना प्रार्थना पत्र मैं भेज रहा हूँ तथा न्याय पूर्व कार्यवाही की आशा रखता हूँ।

दिनांक :- 17/6/89

प्रार्थी,

भूपति सिंह।

पत्र व्यवहार हेतु पता :-

भूपति सिंह,
मोनो 563/136, विश्वनाथ नगर,
आलमबाग, लखनऊ।

प्रधान लिपिक,
टाइप आप्स,
केरेज एण्ड डेगन वर्क्षाप
आलमबाग, लखनऊ।

नोट :- इस पते की सूचना रेलवे लगाई छोड़ने पर अगस्त 87 में दी जा चुकी है इससे पूर्व जुलाई 67 से सूचना जुलाई 87 तक मैं आप द्वारा दिये गये रेलवे लगाई नं 11-74 एवं स्लीपर ग्राउंड आलमबाग, मैं रहता ही जिसकी सूचना भी आपको सम्भव समय पर मिलती है।

प्रतिलिपि प्रेषित : (सूचनार्थ एवं कार्यवाही हेतु)

जी०८००।पी। छत्तर रेलवे प्रधान कार्यालय बड़ौदा हाउस, नई दिल्ली।

Insurance

प्र००००-५१ (क) / R.P.-५१ (क)

माई गई दाक टिकटों का मूल्य रु. 1539

Stamp affixed - Rs. 1539

पंजीकृत संख्याएँ - १५३९

Received a V. P. Registered

पानेवाले का नाम -

Addressed to -

एसवे. पी. जव अवसरक हो, बीमार्क बाबू के साथ वहाँ रहते हैं। यहाँ अवश्यक नहीं।

*Write here (Letter) : (Parcels) or (Railway) Received with the Article insured before it when necessary.

प्राप्तकारी से जो रकम वस्तु करती है

Amount to be recovered from the addressee

प्राप्तकारी के हस्ताक्षर/Signature of the receiving officer

*केवल जब वस्तु का वीमा करना हो उसी समय नाम लिखा जाए तो तिरकी लाइनों द्वारा काट दिया जाए।

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines

रु. (बड़ों में) रु. (लघुओं में) के लिए वीमान्तर

Insured for Rs. (in fig) (in words) Insurance fee Rs. P. Weight (बड़ों में) Grams

वीमा ग्रैम रु. वजन (बड़ों में) ग्राम

Attested/True Copy

L. P. SINGH
Advocate

(37)

AS3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant
Vs.
Union of India and ^MOther s Opposite Parties.

ANNEXURE NO. 13

उत्तर रेखे

कार्यालय उप मुख्य यांत्रिक अभियंता ॥ कर्मो॥ सवारी एवं गाल डिब्बा बारखाबाद,
आलमबाग - लखनऊ ।

क्रमांक:- १. डी०सी०एम०इ०/७४३/य०पी०जी०/१,

दिनांक:- 17.6.89.

१. कार्यालय अधीक्षक/टाइम आफिस - आलमबाग लखनऊ ।

२. शाप अधीक्षक / वेगवान - आलमबाग लखनऊ ।

३. उप मुख्या०इ०/बीकानेर एवं डब्लू०ए०इ०इ०/

बीकानेर को सूचित करा या श्री शूष्टि सिंह/ प्रधानलिपिक को बोट
कराये तथा गौलिक पूरक परीक्षा हेतु फार्मसुक्त करे ।

विवरण:- सहायक अधीक्षक वेतनमात्र ६० । ६००-२६६० ॥ आर०पी०॥ के पद पर
पदोन्नति हेतु धयन । मौलिक पूरक परीक्षा ।

कृपया इस कार्यालय के पत्र सं० ३ परोक्त दिनांक 7.6.89 फा अवलोकन करे
एवं बिस्त कर्मचारियों को सूचित करे कि उपरोक्त वयव फी गौलिक पूरक परीक्षा
अब दिनांक 19.6.89 एवं 20.6.89 को प्रातः १० बजे उप मुख्य यांत्रिक अभियंता
आलमबाग लखनऊ के कार्यालय में भागोजित होयी, सभी संबंधित कर्मचारियों को बोट
कराकर पायती भेजे एवं उन्होंने बिर्कारित तिथि समय एवं स्थान पर उपस्थित होने
हेतु फार्मसुक्त करे : -

१. श्री शूष्टि सिंह	बीकानेर
२. श्री के०एस०शूरलाल	शाप बी० आलमबाग
३. श्री एस०के०हुरील	टाइम आफिस आलमबाग

Chand

Attested/True Copy
Chand

L. P. SHUKLA
Advocate

कृते उप मुख्य यांत्रिक अभियंता ॥ कर्मो॥
आलमबाग - लखनऊ ।

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

(38)

ASY

Bhupati Singh

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Applicant

Vs.

Union of India and others

.....

Opposite Parties.

ANNEXURE NO. 14

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

Case No. 121/89 (L)

Bhupati Singh

Vs.U.O. I. O. S.

O. O. R.

Hon. Mr. D.K. Agarwal, J.M.

20.6.89 Shri L.P. Shukla, learned counsel for the applicant and Shri K.C. Jauhari, learned counsel for the respondents are present and heard. The learned counsel for the respondents desires time to file reply. However, oral submissions have been made by the learned counsel for the parties in detail. In view of the opinion that no interim order need be issued at present. The respondents are only directed not to prevent the applicant if required to appear in the viva-voce test for the post of Assistant Superintendent (Carriage and Wagon) hereinafter.

The learned counsel for the respondents is willing to file reply within 3 weeks hereof. Let the counter reply be filed within three weeks to which the applicant may file rejoinder if any, within one week thereafter and the case be listed on 24/7/89 for hearing. The copy of this order shall be supplied today to the learned counsel for the applicant on payment of necessary charges etc.

31/-
Member (J)

Chanday
Jai

To be copy

Attested/True Copy

Malviya

20/6/89

Shri Venkateswaran

L. P. SHUKLA Central Adminis

Advocate

Central Adminis
Lucknow Bench
U.P.

(39)

Ass

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant
 Vs.

Union of India and others Opposite Parties.

ANNEXURE NO. 15

NORTHERN RAILWAY

Office of the Dy.CME 'W' C&W Shops/Alambagh/Lucknow.

Staff order No. 407

Dated: 5 /7/1989

In terms of Dy.CME (W) /AMV-LKO's letter No.CCN/23 dt. 4.7.89, as a result of written test for the pos. of Asstt. Superintendent (Non Personnel Group) Gr. Rs. 1600-2660 (RPS) held on 21.11.83 and supplementary test held on 14.12.88 followed by viva-voce test on 2.5.89 23.5.89 and supplementary test held on 19.6.89, the following staff have been found suitable and their names are placed on the panel of Asstt. Superintendent (Non Personnel Group), Gr. Rs. 1600-2660 (RPS). L 20-6-89

The panel will remain as provisional, pending decision of the Supreme court regarding reservation of SC/ST. In case the supreme court case is decided in favour of the SC & ST, this selection panel will be revised for giving the due share of reservation to SC & ST community.

1. Shri Ramji Lal Sharma	AS (Offg)	SMDC
2. Shri Kameshwar Nath Chattervedi	---do---	Production
3. Shri S.M.Shrivastava	---do---	Shop-F
4. Shri Krishna Lal Phull	---do---	Genl. Sec.
5. Shri Basher Ahmad Ansari	---do---	Time Office
6. Shri Tajammul Hussain	---do---	Shop-B
7. Shri Krishna Gaur	---do---	Production
8. Shri Bhagwat Prasad Bajpai	Hd. Clerk	(Since retired)
9. Ehtesham Ali Seddique	AS (Offg)	Time office
10. Shri Ram Newaj Tiwari	AS (Offg)	Time Office
11. Shri Mohd. Ibrahim	AS (Offg)	Budget
12. Shri Ram Abhilakh Misra	Hd. Clerk	R/Stock
13. Shri Durga Kumar Pandey	---do---	Time Office
14. Shri Rajendra Kumar Jain	---do---	Production
15. Shri Sachindra Nath Misra	---do---	Time Office
16. Shri Abu Naim Ansari	---do---	Production
17. Shri Shyam Sundar Verma	---do---	Cost/A/CS/Sec.
18. Shri Gur Prasad Shakya (SC)	---do---	Budget
19. Shri D.N.Tandon	---do---	Tool Room

DCME/UPG/XI

Date: 1/7/1989

for Dy.CME 'W' C&W Shops
 Alambagh Lucknow.
 5/7/89

C/- OS/Production, Time Office, Genl. Sec. SS/ShopB, F, L, SMDC, AS/Rolling Stock, Genl. Budget, SAO (W), Amv for information & necessary action.

C/- Br. Secy, URMU & NRMU /Amv Branch for information.

L. P. SHUKLA

1352-40-5-7-89

(40)

AS6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant
Vs.
Union of India and others Opposite Parties.

ANNEXURE No. 16

P.S. No. 8007-A
No. 831-E/63/2-XII/SIV

Dated: 20.3.1982

Sub: Empanelment of staff who retire during the pendency of the selection.

A question has arisen whether the names of employees who appeared in the selection but had retired from service before announcement of the result of selection should be included in the panel or otherwise. The matter has been examined and in view of the fact that the vacancies for selection are calculated after taking into account the existing and the anticipated vacancies, the intention of forming a panel is, to ensure that all the existing as well as anticipated vacancies taken into account for the formation of panel, are filled up. In view of the above, it would not be possible to fill up the worked out vacancies, if names of persons due retirement during the pendency of selection are placed ~~on~~ on panel.

It has, therefore been decided as a matter of policy, that the panel should contain the names of serving employees and staff who retire during the process of selection and are no longer in service at the time of approval of the panel should not be included in the panel.

.....

Attested/True Copy

Vishwanath Shukla

L. P. SHUKLA
Advocate

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कारण-देखें

कार्यालय उप ग्रुप यांत्रिक अभियंता । कर्मचारी एवं मात्र डिविशन कारणाबाबा, ग्रामो
लकड़का ।

कार्यालय आदेश सं:- 444

दिनांक:- 27/7/89/

श्री डी०फैला कंडे, ग्रहणार्थी सहायक कार्यालय अधीक्षक । ग्रहणापत्रा । वेत्तब-माब
का । 1600-2660। आर०पी०। जो उत्पादक कार्यालय में कार्यरत है, दिन 31.7.89
ग्रहण नहीं हो आयु सीमा के अन्तर्गत ऐल बेवा के बेवा विवृत हो रहे हैं ।

ठपरोक्त के लिया होने वाला सहायता कार्यालय अधीक्षक । ग्रहणापत्रा ।
वेत्तब-माब का । 1600-2660। आर०पी०। या पर उत्पादक कार्यालय के एस०एम०की०
की० को दिनांक । ८.८.८९ ग्राम: के द्वारा बताया गया विद्या जाता है तथा श्री डी०फैला
कंडे, प्रधान लिपिक, टूलडम, वेत्तब का । 1600/- ग्रामा० वेत्तब-माब का । 1400-2300
। आर०पी०। श्री ग्रहणार्थी एवं प्रोवीजबल एवोब्वति सहायक कार्यालय अधीक्षक
। ग्रहणापत्रा । के द्वारा वर वेत्तब का । 1650/- ग्रामा०, वेत्तब-माब का । 1600-2660
। आर०पी०। में दिनांक । ८.८.८९ ग्राम: के ली जाती है, तथा इन्हीं नियाती एस०एम०
की०सी० में ली जाती है ।

बोट- । १. उपरोक्त पदोब्बति माबनीय सर्वोच्च व्यायालय के बिर्ण्य तक पूर्णाः
ग्रहणार्थी एवं प्रोवीजबल रहेगी ।

२. उपरोक्त कर्मचारी जो बता दिया जाये तो यदि वह उपनी पदोब्बति
के वेत्तब का विद्यार्थी अपने सम्पुटेन्टिव ग्रेड में उत्तीर्ण वेत्तब पूर्ण ली
विद्यि हो चाहते हैं, तो इस पत्र के जारी होने के एक माह के अन्दर उपरा
विकल्प के, अव्यव्याप्ति मान्य न होय ।

३. शाय प्रधीक्षक लूप्या इस पत्र को संविधान कर्मचारी को बोट करायें तथा
विद्यि सहित हस्ताक्षर करायें ।

लेखक:- डी०सी०एम०ई०/७४३/य०पी०सी०/१।

प्रमाण

दिनांक:- 27/7/89/

हृते उप ग्रुप यांत्रिक अभियंता । कर्मचारी

प्रतिलिपि:-

मात्रमाय - लकड़का ।

शाय प्रधीक्षक /हृष्टु टूलडम, एस०एम०की०सी०, कार्यालय प्रधीक्षक/उत्पादक
कार्यालय शाफिक, वेत्तब, वा० लेणारिका०, मात्रमाय को सूचिकार्य एवं ग्रामव्यव
कार्यवाही हेतु ।

शाया संकी०/य०आर०एम०य०० तथा एस०आर०एम०य००, मात्रमाय शाया
को ग्रामव्यव

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

ASJ

O.A. No. 191 of 1989

Bhupat Singh

Applicant

Versus

Union of India and others.

Respondents.

Short Counter Reply.

It is submitted on behalf of the respondents as under:-

1. That in terms of Railway Board letter No. E(NG) 1-80/PMI-21 dated 25.1.1983 as circulated under GM(P) Northern Railway Printed Serial No. 8240, the calculation of vacancies for the post of Asst. Supdt. were made on 9.7.'88 taking 14 existing vacancies, 4 anticipated vacancies and 1 against 20% anticipated vacancies. Thus the total number for which the ~~total number for which~~ selection was held and panel to be declared was 19.
Filed today
2/7/
2. That after holding the selection for Asst. Supdt a panel of 19 candidates was declared vide staff order No. 407 dated 5.7.'89 as contained in Annexure No. 15 to the application.
3. That in the anticipated 4 vacancies as calculated on 9.7.'88 included the name of Shri S.K. Gaur who was to retire during the selection.

उप मुख्य वानिक अभियान (कर्मी)
संघारी एवं माल दिव्या फर्मशाना,
३० रोड, आलमगढ़, लखनऊ 3.
Per Prof.

4. That on the date of declaration of panel i.e. 5.7.'89, Shri S.K.Gaur had retired, thus reducing the strength of panel to be declared at 18.

5. That it is true that according to Printed Serial No. 8007A, the name of Shri S.K.Gaur should have not been on the panel. However inclusion of his name and mentioning against his name as "retired" could be merely an irregularity. In fact on the date of panel i.e. 5.7.'89, the declaration of panel should have been for 18 candidates and not 19. As such there is no illegality and the inclusion does not effect the merits of the panel.

6. That admittedly the applicant was junior in seniority to Shri D.N.Tandon and if at all he had qualified for the panel (the result withheld due to disciplinary enquiry) his name would have been below Shri D.N.Tandon. Since the panel to be declared ought to have been for 18 candidates only and not 19 (which included the name of Shri S.K.Gaur), the panel is in order and cannot be subject matter of challenge.

उप मुख्य यानिक अधियन्ता (क्रमो)
सर्वारी एवं माल विभाग कर्मशाला 7.
द० रो, आलमबाग, लखनऊ
Per Pro-

That on the aforesaid facts and circumstances, the application itself is liable to be dismissed and the applicant was not entitled to any relief by means of interim relief.

A60

- 3 -

8. That prior to the order dated 9.8.'89 passed by this Hon'ble Tribunal in the above case, shri D.N.Tandon who appeared at Sr. No. 19 in the panel was promoted to the post of Asst. Supdt. vide staff order No. 444 dated 27.7.'89. ~~xxxxxxxx~~ A true copy of the aforesaid staff order dated 27.7.'89 is annexed to this reply as Annexure No. C-1.

9. That in view of what has been stated above, the order dated 9.8.'89 passed by the Hon'ble Tribunal did not come into effect.

10. That on the aforesaid facts and circumstances, the application is liable to be dismissed and the order dated 9.8.'89 passed by this Hon'ble Tribunal is liable to be vacated.

Wherefore it is humbly prayed that the application may kindly be dismissed and the interim order dated 9.8. 89 may also be kindly vacated.

Lucknow

dated: 21.9.'89

Respondent.

३४ मुख्य यांत्रिक विभाग में
पर्याप्ती एवं भाग दिया कर्मशाला
३० दे०, आलमगांग, लखनऊ

Verification. Pertr.

I, Jagdish Narain working as Asst. Personnel Officer in the Office of Carriage and Workshop Lucknow and duly authorised and competent to sign and verify this reply do hereby verify that the contents of paragraph 1 to 6 and 8 are based on information derived from record, which is believed to be true and those of paras 7,9 and 10 are based on advice of the counsel which is believed to be true.

३४ मुख्य यांत्रिक विभाग (वर्षो)
पर्याप्ती एवं भाग दिया कर्मशाला
३० दे०, आलमगांग, लखनऊ
Per Pro.

A6/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

O.A.No. 191 of 1989(L)

Bhupati Singh Applicant

Versus

Union of India & another ... Respondents

SHORT REJOINDER AFFIDAVIT TO THE WRITTEN SHORT STATEMENT FILED ON BEHALF OF RESPONDENTS 1 & 2.

1
2/10
I, Bhupati Singh aged 46 years, S/o Sri Gaya Deo Singh, Head Clerk, Time Office C & W Shops, Alambagh Lucknow, resident of House No. 563/136, Chitraguptanagar Alambagh, Lucknow do hereby solemnly affirm and state on oath as under :--

Para (1) : Para 1 as stated is denied. The notification was issued on 31.8.88. (Annexure No.2 to the application). It is evident that the anticipated vacancies had been calculated upto 31.8.89, and it is admitted that the panel to be declared was of 19.

Para (2) : Para 2 needs no comments.

Para (3) : Para 3 needs no comments.

Para (4) : Para 4 as stated is denied. It is admitted that on the date of declaration of Panel Shri S.K. Gaur had already retired.

The contention of the respondents to reduce the number of vacancies from 19 to 18 is not tenable. In support of the above the decision of the Honourable High Court of Delhi full bench is quoted below verbatim for the perusal of the Honourable Tribunal:

W.D.
contd... 2

" The number of anticipated vacancies should be determined after appropriate care and once determined, they constitute a foundation for a test for promotion and so they should not be altered, because of some error in calculation. The reason being that once the legal rights of the employees have arisen according to law, it looks inappropriate and unjust to point out that the authorities had made a mistake in the initial stages prior to selection (Iqbal Singh versus General Manager C.W. 133/70 decided on 5.4.74 by full bench of Delhi High Court). "

In view of the above decision, the number of vacancies cannot be reduced from 19 to 18 at this stage. Moreover due to retirement of a person, the number of vacancies increase and not decrease.

Para (5) : Para 5 as stated by the respondents is denied. In view of the decision of the Honourable High Court, Delhi as mentioned in para 4 above, once the number of vacancies had been determined as 19, the panel of successful candidates had to be of 19 candidates invariably and not of 18 candidates as stated by the respondents under any circumstances. Therefore the contention of the respondents is absolutely wrong here. This fact has also been admitted by the respondents as irregularity which should be viewed as a gross negligence on their part. It is obviously a clearcut case of malafide intention on their part to deprive the applicant of his

legitimate place in the panel of unlawfully reducing the number of vacancies from 19 to 18 at this stage.

Para (6) : Para 6 as stated by the respondents is denied. It is reiterated that since Shri S.K. Gaur had already retired before the approval of the panel of 19 candidates and it has also been admitted by the respondents that Shri S.K. Gaur's name should not have been borne on the panel which was done unlawfully and illegally by the respondents in order to deliberately exclude the applicant's name from the panel. It implies that the panel shall have to be modified / cancelled.

In no case the panel could be reduced from 19 to 18, as already indicated in the foregoing paras. Therefore, the only alternative left to the respondents is to declare a fresh panel of 19 candidates by excluding ~~as~~ the name of Shri S.K. Gaur since retired appearing at S.No. 7 of the present panel and including the name of the applicant at S.No. 19 according to his seniority since the applicant has qualified with very high marks in the selection.

Para (7) : Para 7 as stated by the respondents is denied.

The application is maintainable and is liable to be allowed.

Para (8) : The name of Shri D.N. Tandon appears at S1. No. 19 of the present panel. The Honourable Tribunal have already passed the following orders dated 9.8.89 that :-

contd...4

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- 4 -

" Meanwhile the appointment of the last candidate i.e. Shri D.N. Tandon whose name appears at Sl. No. 19, shall not be made. "

It is prayed that the respondents may be restrained from making the appointment of Shri D.N. Tandon while at Sl. No. 19 of the present disputed panel, till such time the respondents are directed to prepare and declare a fresh panel again of 19 candidates by excluding the name of Shri S.K. Gaur since retired (S.No. 7) and upstaging the name of Shri D.N. Tandon to Sl.No. 18 and also including the name of the applicant at Sl.No. 19 as per his seniority, having passed successfully the selection test.

Para (9) : Para 9 as stated is denied. The appointment of Shri D.N. Tandon while at Sl.No. 19 of the panel under dispute is unlawful and hence the Honourable Tribunal's orders dated 9.8.89 is totally effective.

Para (10) : Para 10 is denied. The application is maintainable and the orders of the Hon. Tribunal dated 9.8.89 is not liable to be vacated in view of the position explained in the foregoing paras.

In view of the facts mentioned in Paras 1 to 10, it is once again prayed that panel dated 5.7.89 is quashed and respondent no. 2 directed to include the name of the applicant in the panel to which he

contd....5

22/2

is entitled having successfully passed the selection test.

Lucknow, dated:

Sept. 29, 1989.

[Signature]
Deponent.

Verification

I, the above named deponent do verify that the contents of paragraphs 1 to 10 of this affidavit are true to my own knowledge and those of paragraphs 1 to 10 are believed to be true, by the deponent on the basis of the advice given to him. No part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated:

September 29, 1989.

[Signature]
Deponent

I identify the abovenamed deponent who has signed before me.

[Signature]
Advocate.