

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

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CAUSE TITLE 0A 191 OF 1989

NAME OF THE PARTIES Bhupati Singh Applicant

Versus

..... Union of 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.....

Section Officer/In charge
27/6/2011

Signature of the
Dealing Assistant

GA 191/89

NAME OF PARTIES

Bhupati Singh

APPLICANT'S

v/s

Union of India

RESPONDENT'S

Part 'A'

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Chakraborty
Advocate

08/10/93

8.8.29
P1

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 191 of 1989(1)

APPLICANT(S) Bhupat 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 ?	N.A.
b) If not, by how many days it is beyond time?	N.A.
c) Has sufficient case for not making the application in time, been filed?	YES
4. Has the document of authorisation/ Vakalatnama been filed ?	YES
5. Is the application accompanied by B.O./Postal Order for Rs.50/-	YES
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	YES
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YES
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YES
c) Are the documents referred to in (a) above neatly typed in double space ?	YES
8. Has the index of documents been filed and paging done properly ?	YES
9. Have the chronological details of representation made and the out come 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?	N.O.

A2

Particulars to be Examined

Endorsement as to result of examination

- | | | |
|-----|-------------------------------------------------------------------------------------------------------|-----|
| 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

VERSUS

DEFENDANT
RESPONDENT

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>(sns)</p> <p>AW Sltty Acl. to 22.9.89 for order</p>	<p>OK</p> <p>As directed by the Court's order dt. 9.8.89, notices were issued on 10.8.89 by regd. Post. Neither reply on the main petition nor reply on the interim relief has been filed by the applicants.</p> <p>Submitted for order as ordered by Court along with O.A. No 121/89(L)</p> <p>OK</p> <p>Counter filed on 21/9</p> <p>No 121/89 (C)</p> <p>No rejoinder filed.</p>

OK
Noted
21/10/89

OK
As directed by the Court's order dt. 9.8.89, notices were issued on 10.8.89 by regd. Post. Neither reply on the main petition nor reply on the interim relief has been filed by the applicants.

OK
Counter filed on 21/9
No 121/89 (C)
No rejoinder filed.

9 up
20/9

191/0865
Cw 121/046

21-11-07 No sitting. Adj. to 23-2-90
Both the parties are present.

Am

4/11/09

OR

No Detail

CP filed

S. P. order

23.250

John Justice K. Nalin - VC
Her M. K. Gibbys - AM

On the morning of better the
pandas came and appeared to
be 10.30 far away.

6R

As directed by the
Court's order dt. 29.9.08.
No detail counter has
been filed.

Submitted for order

2/3/90

12-3-90

Hon. D. K. Agrawal J.M.
Hon. K. Oberger, M.

None for the Applicant.
8 hrs. A. B. Therga for respondents.

Order sheet dated 29-9-1900 states that the respondents were given opportunity to file detailed counter affidavit. They have not availed of the opportunity. The learned counsel for the respondents, on 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 case is O.A. No 121/89 is to be adopted by him. There is no such application. Secondly Mr A Morgan is the counsel for the respondents in O.A. No 121/89. Therefore, whatever be the worth of the statement of the learned counsel for the respondents, will be considered at the time of hearing. List for hearing on 12-7-90. This order shall govern the connected O.A. 121/89 also. Copy of the order shall be provided to counsel for the respondents as desired.

191/89(C)

AS

12-2-90

No sitting Adj. to 26/1/90

26.10.90

No sitting Adj. to 6.12.90

6.12.90

No sitting Adj. to 29.1.91

29.1.91 -

No sitting Adj. to 22.3.91

22.3.91

No sitting Adj. to 14.5.91

14.5.91

No sitting Adj. to 27.8.91

27.8.91 -

No sitting Adj. to 12.11.91

12.11.91

No sitting Adj. to 21.2.92

21.2.92

No sitting Adj. to 22.4.92

22.4.92

No sitting Adj. to 25.6.92

25.6.92

Dr. Mr. Justice B.C. Sivarama I.C.
Dr. Mr. K. Goyke I.C.

In R.S. Sivarama I.C. case
for appeal - S. in D. in Bhagava &
in A.C. Chetivadi for respect
S. in A.C. Chetivadi heard by J.C.

No signed
S. in

or
case is ready
for hearing
S. in
23/6/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO. 111
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 V.R. Krishna Rao, J.

The Hon'ble Mr. Justice V.R. Krishna Rao, J.

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

Pranve
3/8/92

AB

①

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

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 outside under the orders of the Competent 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 of course certain guide-lines regarding the transfer policy. The Supreme Court held in B. Vardhana 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.

b

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."

p

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, nor 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

[Signature]

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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 is disposed 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.

Dated: 3 July, 1992.

V.C.

6.4.93

AB

4751/92
D...No. /SEC. SI

From:
The Registrar,
Supreme Court of India,
New Delhi.

Supreme Court of India
New Delhi.

Dated: 3/2/93

To,
The Registrar,
Central Administrative Tribunal
Lucknow Bench,
Lucknow.

PT
4751/92
12/1/93

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CAL 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 Anant 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.

Al purup
info file
21/1/93

AB
18/2/93

19/2/93
R.No. 1060/93

Yours faithfully,

C.M.

For Registrar

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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. today
Noted for
9/8/89
[Signature]
02/10/89 To Sec. P. Shukla*

AL5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

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

Bhupati Singh Applicant

Versus

Union of India & another Respondents

I N D E X

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A/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Between
GA 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.,

ms

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-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 charge-sheet dated 5.4.1988. The chargesheet purporting to be

[Handwritten signature]

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

[Signature]

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-4-

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-

[Handwritten signature]

Annexure-5

ificate 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-

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/O/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 photostat 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

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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 ~~four~~ 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.

Annexure-8 & 9

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.

Annexure-10

25. That the supplementary date for viva-voce

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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

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-11-

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 Gan.

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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.

Annexure-16

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.

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.

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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 abinitio void and without jurisdiction and no alternative efficacious and speedy remedy is available to the applicant in the facts and circumstances of the case.

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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.*

Ans

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.

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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.

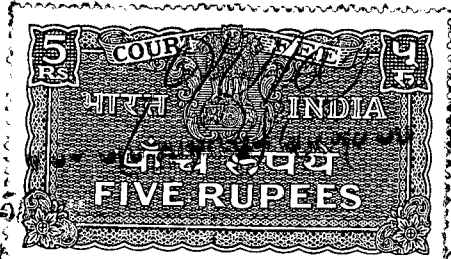
Date : 8-8-1989.

WZ
(Bhupati Singh)
Signature of the applicant.

Place : Lucknow.

[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]



हालतनामा

Blupati Singh

(टिकट)

वादी (अपीलान्ट)

Union of Indian States

Respondants

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

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ऊपर लिखे मुकदमा में अपनी ओर से श्री

Shri L. Shukla Advocate

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं० नाम
फरीकन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) कर रहा 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 रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको 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

हालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
L. Shukla
Advocate

हस्ताक्षर

Blupati Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW .

O.A. No. 191 of 1989(4)

Bhupati Singh Applicant
Versus
Union of India & another Respondents

List of Enclosures

1. Chargesheet alongwith Annexures. .. 17- 21
2. Notice dated 31.8.1988 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.

(17) A34

Bhupati Singh

Applicant

Vs.

Union of India and another

Opposite parties.

Annexure I

आरोप-पत्र का मानक फार्म

सामान्य 188
Genl. 188

उ०रे०
N.R.

STANDARD FORM OF CHARGESHEET

रेल सेवक (अनुशासन और अपील) नियम, 1968 का नियम 9
Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968

मानक फार्म नं० 5
Standard Form No. 5

नं०/No. 131 Singh

(रेल प्रशासन का माध्यम)

The Dy. Commr. (Discipline and Appeal) for Railway Administration

(निर्गम स्थान), दिनांक

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

ज्ञापन

MEMORANDUM

राष्ट्रपति/रेलवे बोर्ड निम्नहस्ताक्षरी द्वारा २०से० (अनु० और अ०) नियम, 1968 के नियम 9 के अंतर्गत श्री के विरुद्ध जांच करम की प्रस्तापना की गई है। अक्षरों या कदाचार के साक्ष्यों का स्तर, जिन्हें संबंध से जांच करने की प्रस्तापना है, आरोप के अनुच्छेदों के विवरण, (अनुच्छेद I) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में अक्षरों या कदाचार के साक्ष्यों का विवरण संलग्न है (अनुच्छेद II)। जिन प्रसंगों और साक्ष्यों द्वारा आरोप के अनुच्छेद संयुक्त किये जाने की प्रस्तापना है उनकी प्रत्येक सूची संलग्न है (अनुच्छेद III और IV)।

The President/Railway Board/Undersigned propose (s) to hold an inquiry against Shri. Bhupat Singh under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the article of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. श्री को एतद् द्वारा सूचित किया जाता है कि यदि वह चाहे तो इस ज्ञापन की प्राप्ति के पांच दिन के भीतर कार्यालय समय में किसी भी समय प्रत्येक-सूची (अनुच्छेद III) में वर्णित प्रसंगों का निरीक्षण कर सकता है और इसके उद्देश्य ले सकता है। यदि वह ऐसे किसी अन्य प्रसंगों तक अपनी पहुंच चाहता है, जो रेल प्रशासन के पास हों लेकिन जिनका संलग्न प्रसंगों की सूची (अनुच्छेद III) में उल्लेख न किया हो, तो निरीक्षण के लिए अपेक्षित प्रसंगों की सूची तैयार करके इस ज्ञापन की प्राप्ति के दस दिन के भीतर उसे निम्नहस्ताक्षरी रेलवे के महाप्रबंधक को इसकी संपूर्ण देनी चाहिए। अनुशासन प्राधिकारी उस सूची या किसी ऐसे प्रसंगों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो उसकी राय में, मामले के सुसंगत न हों या जिन तक पहुंच की अनुमति देना अन्याय या राज्य की सुरक्षा के विरुद्ध हो। उसे चाहिए कि प्रतिरिक्त प्रसंग उपस्थित किये जाने के पांच दिन के भीतर उनका निरीक्षण पूरा कर ले। जिन प्रतिरिक्त प्रसंगों के निरीक्षण की उसे अनुमति दी जायेगी उनसे उद्देश्य लेने की उसे अनुमति होगी।

2. Shri. Bhupat Singh is informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of railway administration but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned / General Manager Railway within 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 additional 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. श्री को सूचित किया जाता है कि जांच के बाद के प्रसंगों में प्रसंगों को प्राप्त करने के लिए किया गया अनुरोध तब तक स्वीकार नहीं किया जायेगा जब तक ऊपर विवक्षित समय-सीमा के भीतर विलम्ब से अनुरोध करने का पर्याप्त कारण न बताया जाये और उन परिस्थितियों से स्पष्ट रूप से यह पट्ट न हो जाये कि अनुरोध इससे पहले के प्रसंग में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद प्रतिरिक्त प्रसंग प्राप्त करने के संबंध में कोई अनुरोध तब तक स्वीकार नहीं किया जायेगा, जब तक पूर्वोक्त होने से पहले अनुरोध न कर सकने का पर्याप्त कारण न बताया गया हो।

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

4. श्री को यह भी सूचित किया जाता है कि यदि वह चाहे तो मौखिक जांच होने की स्थिति में प्रसंगों का निरीक्षण करने तथा जांच प्राधिकारी के समक्ष प्रस्तापना मामला प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कर्मचारी, रेल व्यवसाय संघ के किसी पदाधिकारी (जो रेल सेवक अनुशासन और अपील) नियम, 1968 के नियम 9 (9) और यथा-स्थिति उनके दिखण 1 और/अथवा दिखण 2 को अपेक्षाओं को पूरा करते हों) की सहायता ले सकता है इस प्रयोजन के लिए अधिमात्र्यता-क्रम में उसे एक या अधिक व्यक्तियों का नामन करना चाहिए। सहायक रेल कर्मचारी (कर्मचारियों) अथवा रेल व्यवसाय संघ के पदाधिकारी (पदाधिकारियों) का नामन करने से पहले श्री द्वारा नामित व्यक्ति (व्यक्तियों) से पूछने से लेने चाहिए कि वह, (बे) अनुशासनिक कार्यवाही के दौरान उसका सहायता करने के लिए तैयार है। वचन में ऐसे अन्य मामले (मामलों) का, यदि कोई हो, विवरण भी दिया जाना चाहिए, जिसमें नामित व्यक्ति (व्यक्तियों) द्वारा सहायता करने का पहले ही वचन दिया जा चुका हो और नामित व्यक्ति (व्यक्तियों) द्वारा दिया गया वचन आसन-गत्र के साथ निम्नहस्ताक्षरी/महाप्रबंधक, से लेने को लेना जाना चाहिए।

4. Shri. Bhupat 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-

रतार रेलवे
Northern Railway

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
contravention to rule 3.1(i), (ii) & (iii) of
Railway Service Conduct Rules, 1966.

(J.S. Sinha)

Works Manager (C)
C&W Division, Lucknow

[Signature]

Attested/True Copy

[Signature]

L. P. Sinha KLA
Advocate

उत्तर रेलवे

Northern Railway

Annexure - II

Draft statement of imputation of misconduct/misbehaviour by Sh. Bhupat Singh - Hd. Clerk/Time office under CTK/Time Office/AMU/Lko

Sh. Bhupat Singh - Hd. Clerk/Time Office while working as such ~~and~~ during the period 1987-88 has committed the serious irregularities in as much as he used to abscond from his duty place to manage the affairs of two schools i.e. Chhatrapati Nagar, Alambagh (i) he did not inform the admin. about his properly as mentioned by him in his statement) i.e. one house in Alambagh, Lucknow.

Sh. Bhupat Singh, when asked to explain said he did not use to abscond from duty and have also informed the admin. of this house but the facts remained otherwise.

By doing above act of omission and commission Sh. Bhupat Singh - Hd. Clerk/Time Office has failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Railway servant in contravention to Rule 3.1(i), (ii) & (iii) of Railway Service Conduct Rules, 1966.

(S.S. Sinha)

AMU/Lko

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

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 Office / Lko.
1. Statement of Sh. Bhupat Singh - Hd. Clerk / TO dated 22/2/88
 2. Statement of Sh. Jhabar Ram - Offg. (TK / AM / Lko)
 3. Statement of Sh. R.D. Singh dated 29/1/88 and 3/2/88 Hd. Clerk / TO dated - 4/2/88.

(H.S. Sinha)
Work Manager (C)
Lko. Div. Lko.

Annexure - IV

- List of witnesses in support of article of
charges framed against Sh. Bhupat Singh,
Hd. Clerk / Time Office.
1. Sh. A.K. Bhatia, VI / M / BH.

(H.S. Sinha)
Work Manager (C)
Lko. Div. Lko.

Attested / True Copy
L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

(22)

A30

Bhupati Singh

.....

Applicant

Vs.

Union of India and Other s

.....

Opposite Parties.

ANNEXURE No. 2

उत्तर रेलवे

10

कार्यालय उप मुख्य अभियंता (पर्सनल) सवाई एवं नाल डिप्टी कारखाना बल्लभगंज तबलगा
ठा 0 आ 0 सी 453 दिनांक 31.8.88.

निम्न प्रधान लिपियों को सुचित किया जाता है कि सहायक अधीक्षक वे 0 मा 0
स 0 1600-2660 (आर.पी.) के पद पर पदोन्नति हेतु चयन की लिखित परीक्षा दि 0
30.9.88 को होना निश्चित की गई। यह परीक्षा बी.टी.सी. में होगी। अतः वे
अपने को उपरोक्त चयन में सम्मिलित होने के लिए तैयार रहें 10.00 बजे के पूर्व
बी.टी.सी. बल्लभगंज में उपस्थित हों।

अनुसूचिता अनुभाग
=====

सर्व श्री

- | | | | | |
|-----|-------------------------|--------------|-----------|-------------------|
| 1. | राम जी. लाल शर्मा | स्थानापन्न | स 0 अधी 0 | एस.एम.डी.सी. |
| 2. | रुहेया लाल शर्मा | " | " | टाईम आफिस |
| 3. | रामेश्वर लाल चतुर्वेदी | " | " | शाप ए |
| 4. | श्याम मुरारी श्रीवास्तव | " | " | शाप एफ |
| 5. | कृष्ण लाल फुल | " | " | समाज्य अनुभाग |
| 6. | प्यारे लाल जाटव (अ.जा.) | " | " | टाईम आफिस |
| 7. | वशीर अहमद अंसारी | " | " | " |
| 8. | तजमूल हुसैन | " | " | शाप बी |
| 9. | श्री कृष्ण गोड़ | " | " | उत्पादन |
| 10. | मगवती प्रसाद बाजपेई | प्रधान लिपिक | | टाईम आफिस |
| 11. | एहतिशाम अली सिद्दीकी | स्थानापन्न | स 0 अधी 0 | " |
| 12. | राम निवाज तिवारी | " | " | वजट |
| 13. | शत्रुहन सिंह | प्रधान लिपिक | | टाईम आफिस |
| 14. | मुहम्मद इब्राहीम | स्थानापन्न | स 0 अधी 0 | रोलिंग स्टॉक |
| 15. | राम अमिताब मिश्र | प्रधान लिपिक | | टाईम आफिस |
| 16. | दुर्गा कुमार पंडेय | " | " | उत्पादन |
| 17. | राजेंद्र कुमार जैन | " | " | टाईम आफिस |
| 18. | सचीन्द्र लाल मिश्र | " | " | उत्पादन |
| 19. | सय्यद इरशाद हुसैन | " | " | टाईम आफिस |
| 20. | जुमन खाँ | " | " | " |
| 21. | राम अवतार | " | " | शाप बी |
| 22. | अबु नईम अंसारी | " | " | टास्ट/टेखा अनुभाग |
| 23. | श्याम सुन्दर वर्मा | " | " | वजट |
| 24. | सदयद मजहर अली | " | " | टाईम आफिस |
| 25. | प्रेम प्रकाश सोनकर | " | " | एस.आर.एम. |

(अ 0 जा 0)

Attested/True Copy

(Signature)

L. P. SHUKLA
Advocate

जारी. : 2/8

(26)
A42

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh

.....

Applicant

Vs.

Union of India and another

Opposite parties.

ANNEXURE No. 4

No. EC-17ed/1,
Dt. 09-1-89.

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 Heart &
Hypertension. He is, regularly ^{taking treatment} 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

L. P. Shukla
L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

27

A43

Bhupati Singh

.....

Applicant

Vs.

Union of India and other s

.....

Opposite Parties.

ANNEXURE No. 5

बो/ल No 449353

मंड-1/Med-1
मंडि सी-12/Med. C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department

"बीमारी" प्रमाण-पत्र
"SICK" CERTIFICATE

प्राप्ति के हस्ताक्षर या बायें घण्टे का निशान.....
Signature of LTI of Applicant Bhupati Singh

प्रस्पताल/Hospital

डिस्पेंसरी/Dispensary

मैं एतद् द्वारा प्रमाणित करता हू कि

I do hereby certify that

नाम/Name.....

पदनाम/Designation.....

शाखा या विभाग/Branch or Department.....

नियुक्ति का स्टेशन/Station where employed.....

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमार है तथा
इसके लिए अस्वस्थ है/Whose signature is given
above and who is sick and unfit for duty.

वह..... से..... दिनों तक अपनी द्यूटी
करने के लिए स्वस्थ नहीं हो सकेगा/He is likely to be
unfit to perform his duties for.....
days with effect from (date).....

कार्यालय मोहर.....

Office Seal

रेलवे डॉक्टर के हस्ताक्षर

दिनांक.....

Date

*यदि लागू न हो तो काट दें।

Strike out inapplicable.

टिप्पणी—इस प्रमाण-पत्र में की गई सिफारिशों से रेल कर्म-
चारी को ऐसी कोई छुट्टी नहीं मिल सकती जो उसके साथ
किए गए संविदा के शर्तों के अधीन या उसे शासित करने
वाले नियमों के अधीन उसे न मिल सकती हो।

Note - No recommendation contained in this certi-
ficate shall be evidence of a claim to any leave no
admissible to the Rly. Servant under the terms of
his contract of the rules to which he is subject.

बो/ल No 449353

मंड-1/Med-1
मंडि सी-12/Med. C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department

"स्वस्थता" प्रमाण-पत्र
"FIT" CERTIFICATE

प्राप्ति के हस्ताक्षर या बायें घण्टे का निशान.....

Signature of LTI of Applicant

प्रस्पताल/Hospital

डिस्पेंसरी/Dispensary

मैं एतद् द्वारा प्रमाणित करता हू कि मैंने/I do hereby cer-
tify that I have carefully examined

नाम/Name.....

पदनाम/Designation.....

शाखा या विभाग/Branch or Department.....

नियुक्ति का स्टेशन/Station where employed.....

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमार है तथा
..... से..... तक उपचार के
अधीन और..... से..... तक डाक्टरों
सिफारिश पर छुट्टी* पर रहे हैं, की सावधानी पूर्वक परीक्षा
कर ली है और मैं उन्हें अपनी द्यूटी लेने के लिए स्वस्थ
मंजूर करता हूँ।

Whose signature is given above and who was Sick
and under treatment from (date).....
to (date)..... is now fit to attend his duties.

कार्यालय मोहर.....

Office Seal

रेलवे डॉक्टर के हस्ताक्षर

दिनांक.....

Date

Designation

*यदि लागू न हो तो काट दें।

Strike out if inapplicable.

टिप्पणी—इस प्रमाण पत्र में की गई सिफारिश से रेल कर्म-
चारी को कोई ऐसी छुट्टी नहीं मिल सकेगी जो उसके साथ
किए गए संविदा की शर्तों के अधीन या उसे शासित करने
वाले नियमों के अधीन उसे न मिल सकती हो।

Note - No recommendation contained in this certi-
ficate shall be evidence of a claim to any leave not
admissible to the Rly. Servant under the terms of
his contract or the rules to which he is subject.

Dr

Attested/True Copy

Verdhuin

L. P. SHUKLA

Advocate

(2)

1. 2. 3. 4.

सर्वे श्री

26.	गुरु प्रसाद शास्त्री (अ. 10) प्रधान लिपिक	वज्रट
27.	भुवनेश्वर प्रसाद " "	शाप डी
28.	नरेन्द्र कुमार (अ. 10) स्थापना विधि सहायक	प्रधान कार्यालय
29.	अमलेन्द्र वर्मा प्रधान लिपिक	उत्पादन
30.	श्याम नारायण " "	एस.एस.डी.सी.
31.	राम तात राम " "	टाईम आफिस
32.	द्वारिका नाथ टंडन " "	उत्पादन
33.	जितेन्द्र नाथ श्रीवास्तव " "	टाईम आफिस
34.	भूपति सिंह " "	" एस.एफ.5 पेडिंग
35.	जमदीश नाथ श्रीवास्तव " "	" "
36.	विशम्भर नाथ सिन्हा " "	" एस.एफ.5 पेडिंग
37.	कृष्णा शंकर शुक्ला " "	शाप डी
38.	मेहवीर प्रसाद रावत (अ. 10) " "	टाईम आफिस
39.	रिपुदमन सिंह " "	" "
40.	सरजू (अ. 10) " "	उत्पादन
41.	तन्व जिशोर रस्तोगी " "	टाईम आफिस
42.	राम राज यादव " "	" "
43.	बंगाली राम (अ. 10) " "	" "
44.	श्री कृष्ण कुरीत " "	" "
45.	श्रीराम मिश्र " "	उत्पादन
46.	रमई तिऊ (अ. 10) " "	" "
47.	राम प्रकाश (अ. 10) " "	कार्ट/लेखा अनुभाग
48.	महेश्वर प्रसाद श्रीवास्तव स्थापना विधि सहायक	सी.सी.ओ./वई दिल्ली
49.	श्रीनाथ सिंह प्रधान लिपिक	शाप डी
50.	मदन मोहन " "	शाप एफ/ एस.एफ.5 पेडिंग
51.	शिवमूर्ति प्रसाद त्रिपाठी " "	सामान्य अनुभाग
52.	आर.आई. डिकू " "	टाईम आफिस
53.	अमृत नाथ शर्मा " "	" "
54.	रमा कान्त " "	" "
55.	मुन्ना नाथ " "	एस.एस.डी.सी.
56.	अयोध्या प्रसाद " "	उत्पादन
57.	माता राम (अ. 10) " "	वार्ड मास्टर

घोरसिया/ 31.8.88.

Attested/True Copy

L. P. Shukla
L. P. SHUKLA
Advocate

स्थापना अनुभाग
=====

सर्व श्री	संअधी० (स्थापना)	हित अनुभाग
1. गौरी शंकर त्रिपाठी	संअधी० (स्थापना)	ई 111 अनुभाग
2. राम अक्खर (अ०जा०)	" "	ई 1. "
3. धर्मवीर बजाज	" "	ई 1V. "
4. चंद्र मोहन श्रीवास्तव	प्रधान लिपिक	" पातीसी "
5. देवी प्रसाद श्रीवास्तव	" "	ई 111. "
6. प्रकाश चंद्र श्रीवास्तव	" "	ई 1V. "
7. ओम प्रकाश गुप्ता	" "	ई 11. "
8. अरविन्द कुमार हुड्डा	" "	सेटलमेंट "
9. देव मणि त्रिपाठी	" "	वेतन विल "
10. अनिल कुमार वर्मा	" "	सेटलमेंट "
11. इशियाक अहमद खां	" "	वेतन विल "
12. हरिश्चंद्र	" "	भर्ती "
13. शंभू नाथ पात	" "	ई 1. "
14. सराद आलम नकवी	" "	वेतन विल "
15. मुहम्मद हसीब खां	" "	पास "
16. अशोक कुमार तिवारी	" "	वेतन विल "
17. रंजीत सिंह	" "	यूनियन "
18. सुभाष चंद्र विश्वास (अ०जा०)	" "	शाप जी "
19. राम दुलारे कोरी	" "	पास "
20. विजेन्द्र कुमार जैन	" "	वेतन अनुभाग
21. गया बहा सिंह	" "	ई 11. "
22. विरेन्द्र सिंह	" "	हित अनुभाग
23. गोपी नाथ तिवारी	स्थापना में हि० लि०	वेतन विल अनुभाग
24. निरंजन कुमार सिन्हा	प्रधान लिपिक	ई 11. "
25. सय्यद मु० हैदर रिजवी	" "	वेतन विल "
26. श्रीमती जगेश्वरी देवी (अ०जा०)	" "	

चौरसिया/31.8.88..

- प्रेषित प्रति:-
- 1) उपरोक्त अनु भागों/शाप अधीनस्थों तथा संबंधित प्रधान लिपिकों को सूचनाएँ एवं कार्यवाही हेतु ।
 - 2) एस०आई०/बी.टी.सी./आत्मवाक - कृपया उपरोक्त 93 उम्मीदवारों के बैठने की व्यवस्था करें ।
 - 3) का० अधी० (समाप्त)/आत्मवाक को आवश्यक कार्यवाही हेतु / कृपया पाली पिलाने की व्यवस्था करें ।

Attested/True Cop

(Signature)

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

(25)
Ay

Bhupati Singh

Applicant

Vs.

Union of India and other s

Opposite Parties.

ANNEXURE No. 3

N.Rly: Dy Ch Mechl Engr C&W Shops 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. B. 1600-2660(R) are hereby required to ready themselves to attend for Viva-Voce Test to be held shortly.

S/Sri

1. Ramji Lal Sharma	AS(Offg) SMDC
2. Kameshwar Nath Chaturvedi,	- do - Prod.
3. Shyam Murari Srivastava,	- 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. Bhagwat 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 Abhilakh 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/cr 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, Genl. Budget, and Despatch
for information and necessary action.

C/- to Dy CME Bikaner & WAEE/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.

919-50-7-4-89

Attested/True Copy

(Signature)

L. P. SHUKLA
Advocate

(26)
A42

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh

.....

Applicant

Vs.

Union of India and another

Opposite parties.

ANNEXURE No. 4

No. EC-Med 1,
Dt. 09-1-09.

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.

9.1.09
Divl. Medical Officer
N. Rly, Hosp. LUCKNOW

Attested/True Copy

L. P. SHUKLA
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

27

A43

Bhupati Singh

.....

Applicant

Vs.

Union of India and other s

.....

Opposite Parties.

ANNEXURE No. 5

बो/ल No 449353

मंड-1/Med-1
मंडि सी-12/Med. C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department

"बीमारो" प्रमाण-पत्र

"SICK" CERTIFICATE

प्रार्थी के हस्ताक्षर या बायें घण्टे का निशान.....
Signature of LTI of Applicant Bhupati Singh

प्रस्पताल/Hospital

डिस्पेंसरी/Dispensary

मैं एतद् द्वारा प्रमाणित करता हू कि

I do hereby certify that

नाम/Name.....

पदनाम/Designation....

शाखा या विभाग/Branch or Department.....

नियुक्ति का स्टेशन/Station where employed.....

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमार है तथा

इसके लिए अस्वस्थ है/Whose signature is given

above and who is sick and unfit for duty.

वह..... से..... दिनों तक अपनी दायि

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

unfit to perform his duties for.....

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

कार्यालय मोहर.....

Office Seal

दिनांक.....

Date

*यदि लागू न हो तो काट दें।

Strike out inapplicable.

टिप्पणी—इस प्रमाण-पत्र में की गई सिफारिशों से रेल कर्म-

चारी को ऐसी कोई छुट्टी नहीं मिल सकती जो उसके साथ

किए गए संविदा के शर्तों के अधीन या उसे शासित करने

वाले नियमों के अधीन उसे न मिल सकती हो।

Note - No recommendation contained in this certi-

ficate shall be evidence of a claim to any leave no

admissible to the Rly. Servant under the terms of

his contract of the rules to which he is subject.

बो/ल No 449353

मंड-1/Med-1
मंडि सी-12/Med. C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department

"स्वस्थता" प्रमाण-पत्र

"FIT" CERTIFICATE

प्रार्थी के हस्ताक्षर या बायें घण्टे का निशान.....

Signature of LTI of Applicant

प्रस्पताल/Hospital

डिस्पेंसरी/Dispensary

मैं एतद् द्वारा प्रमाणित करता हू कि मैंने/I do hereby cer-

tify that I have carefully examined

नाम/Name.....

पदनाम/Designation.....

शाखा या विभाग/Branch or Department.....

नियुक्ति का स्टेशन/Station where employed.....

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमार है तथा

..... से..... तक उपचार के

अधीन और..... से..... तक डाक्टरों

सिफारिश पर छुट्टी पर रहे हैं, की सादधानी पूर्वक परीक्षा

कर की है और मैं उन्हें अपनी दायि लेने के लिए स्वस्थ

मनाता हूँ।

Whose signature is given above and who was Sick

and under treatment from (date).....

to (date)..... is now fit to attend his duties.

कार्यालय मुहर.....

Office Seal

दिनांक.....

Date

*यदि लागू न हो तो काट दें।

Strike out if inapplicable.

टिप्पणी—इस प्रमाण-पत्र में की गई सिफारिश से रेल कर्म-

चारी को कोई ऐसी छुट्टी नहीं मिल सकती जो उसके साथ

किए गए संविदा की शर्तों के अधीन या उसे शासित करने

वाले नियमों के अधीन उसे न मिल सकती हो।

Note - No recommendation contained in this certi-

ficate shall be evidence of a claim to any leave not

admissible to the Rly. Servant under the terms of

his contract or the rules to which he is subject.

Attested/True Copy

L. P. Shukla

L. P. SHUKLA

Advocate

(20)
A44

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/O/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/O-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

Venushri Mehta

L. P. SHUKLA
Advocate

(29)

A45

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

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 SO 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 DMO/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 truck 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
Advocate

(30)

A46

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 cancel the transfer S.O. No.663 of 23/12/88 and S.O. No. 668 of 24-12-1988 for natural justice and safety of my life, my family and safety of property.

An early response is therefore solicited.

Yours faithfully,

Dated: 20-1-1989

Bhupathi Singh
(BHUPATI SINGH)

Head Clerk, Time Office
C & W Shope 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.

RS Attested/True Copy
V. P. Shukla
L. P. SHUKLA
Advocate

Bhupati Singh

.....

Applicant

Vs.

Union of India and Others

.....

Opposite Parties.

ANNEXURE No. 8

7/5/89

उत्तर-रेलवे

कार्यालय उप मुख्य यांत्रिक अभियंता [कर्म] मधारी एवं माल डिब्बा कारखाना, आलमबाग

सं०:- डी०सी०एम०ई०/743/यू०पी०जी०/×1,

दिनांक:- 18.5.89.

1. कार्यालय अधी०/समयपाल, उत्पादन, सामान्य, आलमबाग लखनऊ।
2. सहायक अधी०/रोलिंग स्टॉक, बजट, सामान्य एवं डिस्पैच, आलमबाग लखनऊ।
3. शाप अधी०/बी, एल तथा यार्ड मास्टर आलमबाग - लखनऊ।
4. कार्ट अनुभाग/लेखा कार्यालय/लखनऊ।
5. उप मुख्य यांत्रिक अभियंता/बीकानेर एवं डब्लू०ए, ई, ई, /बीकानेर को सूचार्थ प्र कृपया वे श्री भूपति सिंह, प्र०लि०को नोट कराये तथा मौखिक परीक्षा हेतु कार्यमुक्त करें।

विषय:- सहायक अधीक्षक वेतन-मान रु 1600-2660 आर०पी० के पद पर पदोन्नति हेतु चयन। मौखिक परीक्षा।

कृपया निम्न कर्मचारियों को सूचित करें कि उपरोक्त चयन की मौखिक परीक्षा दिनांक 25.5.89 एवं 26.5.89 को प्रातः 10 बजे उप मुख्य यांत्रिक अभियंता [कर्म] आलमबाग लखनऊ के कार्यालय में आयोजित होगी। सभी संबंधित कर्मचारियों को नोट कराकर पावती भेजे एवं उनको निर्धारित तिथि समय एवं स्थान पर उपस्थित होने हेतु कार्यमुक्त करें।

1. श्री सचीन्द्र नाथ मिश्रा	प्र०लि०	उत्पादन कार्यालय
2. श्री ए०एम०अन्सारी	प्र०लि०	कार्ट अनु०/लेखा कार्यालय
3. श्री श्याम सुन्दर वर्मा	प्र०लि०	बजट
4. श्री गुर प्रसाद शुक्ल	प्र०लि०	बजट
5. श्री हारिका नाथ टंडन	प्र०लि०	टूलरूम
6. श्री भूपति सिंह	प्र०लि०	बीकानेर
7. श्री बी०एम०सिन्हा	प्र०लि०	टाईम आफिस
8. श्री के०एस०शुक्ला	प्र०लि०	शाप बी
9. श्री सरजू [एस०सी०]	प्र०लि०	उत्पादन कार्यालय
10. श्री एस०के०कुरीत	प्र०लि०	टाईम आफिस
11. श्री रमई तिरु [एस०टी०]	प्र०लि०	उत्पादन कार्यालय
12. श्री माला राम [एस०सी०]	प्र०लि०	यार्ड मास्टर

Attested/True Copy

[Signature]

[Signature]

L. P. SHUKLA
Advocate

कृते उप मुख्य यांत्रिक अभियंता [कर्म]

आलमबाग - लखनऊ।

18.5.89.

103-40-18-5-89

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 देलवे

कार्यालय उप मु० या० इंजी० [कर्म] सवारी और माल डिब्बा कारखाना आलमबाग
पत्रांक : डी० सी०एम०ई०/743/यू०पी०जी०/×। दिनांक : 19/5/1989.

1. कार्यालय अधीक्षक/समयपाल, उत्पादन, सामान्य, आलमबाग-लखनऊ।
2. सहायक अधीक्षक/बजट, सामान्य एवं डिस्पैच, आलमबाग-लखनऊ।
3. धाप अधीक्षक/सी०, एल० तथा यार्ड मास्टर आलमबाग लखनऊ।
4. कास्ट अंशभाग/लेखा कार्यालय, लखनऊ।
5. उप मुख्य यांत्रिक इंजीनियर/बीकानेर, डब्ल्यू०एम०ई०/बीकानेर को सूचना दी। कृपया वे श्री गूपति सिंह, प्र०लि० को नोट करावें तथा मौखिक परीक्षा हेतु कार्यमुक्त करें।

विषय :- सहायक अधीक्षक वेतन मान रु० 1600-2660 [आर.पी.] के पद पर पदोन्नति हेतु चयन । मौखिक परीक्षा ।

कृपया इस कार्यालय के पत्र संख्या उपरोक्त दिनांक 18.5.89 का अवलोकन करें तथा उसमें दिया गए सभी कर्मचारियों को सूचित करें कि उपरोक्त चयन की मौखिक परीक्षा दिनांक 25.5.89 तथा 26.5.89 के बजाय अब दिनांक 23.5.89 तथा 24.5.89 को प्रातः 10-00 बजे उप मुख्य यांत्रिक इंजीनियर [कर्म] आलमबाग लखनऊ के कार्यालय में आयोजित होगी।

अतः सभी सम्बंधित कर्मचारियों को नोट करा कर पावती भेजें एवं उनको निर्धारित तिथि 23.5.89 तथा 24.5.89 । समय एवं स्थान पर उपस्थित होने हेतु कार्यमुक्त करें।

कृते उप मुख्य यांत्रिक इंजीनियर [कर्म]
आलमबाग-लखनऊ।

Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

मो० 190589/

--: xxxxxxxxxxx :--

30-19-5-89

A49

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh

.....

Applicant

Vs.

Union of India and another

Opposite parties.

Annexure 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//

(rmm)

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

34
A50

• • • • •

Vs.

Opposite Parties.

ANNEXURE No. 11

दिनांक : १०/०५/१९९२/७५३/२५१०१०५१ दिनांक : ७/५/१९९२

- नियम :-** छात्रांक प्रवीणता परीक्षा में १०-२५६० अंकों की।
के एक एक पक्षोंकी प्रति हेतु वषट्क प्रीतिरिक्त दूरक परीक्षा।

दुसरा बिन्दु सर्वकारियों को चुनित करें कि उपरोक्त समय की माँसिक
 एक परीक्षा करावे। 13.12.1977 को प्रारम्भ 10 बजे हर मुख्तियार अधिकारी
आपसमाप्त-समाप्त के आदेशों में शामिल होवे, सभी सम्बन्धित सर्वकारियों को
नीचे उपरोक्त सूचना दी है एवं उक्त निर्धारित दिनांक तक एवं स्थान पर उपस्थित
होवे हेतु आदेशित करें :-

- | | | | |
|----|--------------------|---|---------------------|
| 10 | बी कृष्ण सिंह | - | बीकादेर |
| 21 | • के० एल० डी कृष्ण | - | राय बी० आनन्ददास |
| 31 | • एल० के० कुरीत | - | टाकड़ भासि आनन्ददास |

सुखे उप दुःखे यत्किं हेतुनिष्ठम् ।
उत्तममकार्य-मन्त्रम् ।

Attested/True Copy

Verdant
L. P. SHUKLA
Advocate

ATC 10-070-01

(35)
AS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

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

ANNEXURE No. 12

सेवा में,

उप मुख्य यान्त्रिक इंजीनियर (कमी),
सवारी और माल डिब्बा कारखाना,
आलमबाग, लखनऊ ।

विषय : सहायक अधीक्षक वेतनमान 1600-2660 आर०पी० के पद पदोन्नति
हेतु मौखिक परीक्षा के सम्बन्ध में ।
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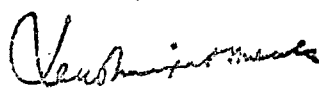
महोदय,

मेने एक प्राईना पत्र दिनांक 24/5/89 को आपके पास रजिस्टर्ड डाक से भेजा था जिसमें मैंने निवेदन किया था कि मुझे मौखिक परीक्षा की सूचना मेरे निवास स्थान के पते से दिया जाय क्योंकि 21/12/88 से मैं उच्च रक्त चाप से बीमार हो गया था तथा 23/12/88 को इस सम्बन्ध में अवकाश का प्राईना पत्र दिया था तथा 24/12/88 से रत्ने डाक्टर आलमबाग डिस्पेंसरी के बीमारों की सूची में था। मेने अस्वस्थता प्रमाण पत्र संख्या 1570 दिनांक 24/12/88 को डाइम आफिस में भेज दिया था । 27/5/89 को मैं स्वस्थता प्रमाण पत्र लिए लिया तब उसी समय मेरे प्राईना पत्र को लेकर श्री रिजवी जाँच हेतु अस्पताल में आये थे । मैं जब 29/5/89 को डाइम आफिस डिप्यूटी 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 कार्यालय में गया तो मेरा प्राईना पत्र लेने से श्री रिजवी व स्पीओ महोदय ने इंकार कर दिया । मैं अतमर्ष रूप में सेण्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल, लखनऊ । में 31/5/89 को प्राईना पत्र प्रस्तुत किया तथा 6/6/89 के आदेश के अनुसार पिटीशन स्वीकार कर लिया गया है तथा नोटिस मेरे द्वारा आपको 6/6/89 को प्राप्त करा दिया गया है ।

दिनांक 8/6/89 को
मेने (श्री रिजवी-से) अपने प्राईना पत्र दिनांक 24/5/89 के निर्णय तथा मौखिक परीक्षा के सम्बन्ध में श्री रिजवी से पूछा तो उन्होंने कहा कि अभी तक इस सम्बन्ध में कोई निर्णय नहीं लिया गया है ।

पिटीशन नोटिस पाने के बाद आपके कार्यालय से पत्रांक डीसीएमई/743/यूपीजी/×1 दिनांक 7/6/89 पुरक परीक्षा हेतु जारी किया गया । पत्र की तिथि 7/6/89 हैक डेट। अंकित की गयी क्योंकि 8/6/89 को नोटिस प्राप्त की गयी थी । इतना ही मुझे सूचना मिल पाये इसके लिए हेड क्लर्क बीकानेर का पता अंकित किया गया जबकि मैं अभी बीकानेर गया ही नहीं । यह इसलिए किया क्योंकि पत्र देर से लिखा गया जो मेरे स्थानीय पते से समय से पहुँचना सम्भव नहीं था ।

Attested/True Copy


L. P. SHUKLA
Advocate

-:: 2 ::-

मेरे स्थानीय पते की उपेक्षा की गयी। कारखाने में पत्र दिनांक 12/6/89 को सायंकाल चार बजे उम्मीदवारों को नोट कराया गया जिससे कोई भी मुझे सूचना न दे सकें। परन्तु मुझे जानकारी मिली और 13/2/89 को मेने वहाँ इन्तजार किया। श्री राम सिंह स्तपीओ के दिल्ली से न आने के कारण मौखिक परीक्षा नहीं हुई।

आपने लिखित परीक्षा में मुझे सर्वोच्च अंक देकर जहाँ उत्तीर्ण घोषित करके अपनी न्यायप्रियता की लोक प्रियता प्रस्तुत की वही अब मुझे मौखिक परीक्षा से वंचित करके मेरे विरुद्ध प्रभावशाली छद्मन्त्र कारियों के अधिनामिक और अपराधिक कार्य को बढ़ावा नहीं देगे तथा न्यायपालिका की मर्यादा की रक्षा करेंगे।

अंत में आपसे पुनः निवेदन है कि मुझे मौखिक परीक्षा हेतु सूचना मेरे स्थानीय पता से समय से भेजा जाय। सेण्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल के निर्णय के अनुसार ही मैं कार्यभार ग्रहण करूँगा। पूर्व प्रार्थना पत्र की प्रति, ^{टिब्यूनल} 8/12/89 स्वस्थता प्रमाण पत्र, डिप्टी तथा अवकाश की सूचना प्रार्थना पत्र में भेज रहा हूँ तथा न्याय पूर्ण कार्यवाही की आज्ञा रखता हूँ।

दिनांक :- 17/6/89

प्राथी,

पत्र व्यवहार हेतु पता :-

भूपति सिंह,
म०न० 563/136, चित्रगुप्त नगर,
आलमबाग, लखनऊ।

। भूपति सिंह।

प्रधान लिपिक,
टाइम आफिस,
कैरेज एण्ड पैगन वर्कशॉप
आलमबाग, लखनऊ।

नोट :- इस पते की सूचना रेलवे क्वार्टर छोड़ने पर अगस्त 87 में दी जा चुकी है इससे पूर्व जुलाई 67 से ~~जुलाई~~ जुलाई 87 तक मैं आप द्वारा दिये गये रेलवे क्वार्टर नं० II-74 एच स्लीपर ग्राउण्ड आलमबाग, में रहता था जिसकी सूचना भी आपको समय समय पर मिलती रही है।

प्रतिलिपि प्रेषित : (सूचना एवं कार्यवाही हेतु)

जी०एम०।पी०। उत्तर रेलवे प्रधान कार्यालय बडौदा हाउस, नई दिल्ली।

Insurance-51 (क)/R.P.-51(a)
जहाँ गई डाक टिकटों का मूल्य रु०
Stamp affixed - Ru. P.
एजेंट का स्थान
Received a V. P. Registered
पानेवाले का नाम
Addressed to
इसके पूर्व जब आवश्यक हो, बीमाकर्ता के साथ ही लिखित रूप में सूचना देनी चाहिए।
*Write here 'Letter' or 'Parcel' or 'Railway Receipt' when the article is insured before it when necessary.
प्राप्तकर्ता से जो रकम वसूल करनी है
Amount to be recovered from the addressee
प्राप्तकर्ता/अधिकारी के हस्ताक्षर/Signature of the receiving officer
*केवल जब डाक वस्तु का बीमा करना हो उभी समय मात्र डाक कार्यालय के तिरछी साइनों 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
रु० (बकों में) ... के लिए बीमाकृत
Insured for Rs. (in fig) ... (in words)
बीमा मूल्य रु० ... वजन (बकों में) ... ग्राम
Insurance fee Rs. P. Weight (in words) Grams

Attested/True Copy

V. S. Sharma
L. P. SHARMA
Advocate

(37)
A53

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh Applicant
Vs.
Union of India and ^{an}Other s Opposite Parties.

ANNEXURE No. 13

उत्तर रेलवे
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कार्यालय उप मुख्य यांत्रिक अभियंता [कर्मो] सवारी एवं माल डिब्बा कारखाना,
आलमबाग - लखनऊ ।

सं०:- डी०सी०एम०ई०/743/यू०पी०जी०/×1,

दिनांक:- 17.6.89.

1. कार्यालय अधीक्षक/टाइम आफिस - आलमबाग लखनऊ ।

2. शाय अधीक्षक / वेगन - आलमबाग लखनऊ ।

3. उप मु०या०ई०/बीकानेर एवं डब्लू०एम०ई०ई०/

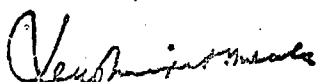
बीकानेर को सूचनाार्थ । वे कृपया श्री भूपति सिंह/ प्रधानलिपिक को बोट
करायें तथा मौखिक पूरक परीक्षा हेतु कार्यमुक्त करें ।

प्रश्न:- सहायक अधीक्षक वेतनमान रु० 1600-2660 [आर०पी०] के पद पर
पदोन्नति हेतु चयन । मौखिक पूरक परीक्षा ।

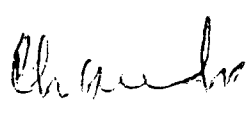
कृपया इस कार्यालय के पत्र सं० उपरोक्त दिनांक 7.6.89 का अवलोकन करें
एवं निम्न कर्मचारियों को सूचित करें कि उपरोक्त चयन की मौखिक पूरक परीक्षा
अब दिनांक 19.6.89 एवं 20.6.89 को प्रातः 10 बजे उप मुख्य यांत्रिक अभियंता
आलमबाग लखनऊ के कार्यालय में आयोजित होगी, सभी संबंधित कर्मचारियों को बोट
कराकर पावती भेजे एवं उनको निर्धारित तिथि समय एवं स्थान पर उपस्थित होने
हेतु कार्यमुक्त करें :-

- | | |
|----------------------|------------------|
| 1. श्री भूपति सिंह | बीकानेर |
| 2. श्री के०एस०शुक्ला | शाय बी० आलमबाग |
| 3. श्री एस०के०कुरील | टाइम आफिस आलमबाग |

Attested/True Copy



L. P. SHUKLA
Advocate


कृते उप मुख्य यांत्रिक अभियंता [कर्मो]
आलमबाग - लखनऊ ।

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(38)
A54

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

Bhupati Singh

.....

Applicant

Vs.

Union of India and other s

Opposite Parties.

ANNEXURE No. 14

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

O.A. No. 121/89 (L)

Bhupati Singh

Vs. U . O . I . s . o . r . s .

ORDER

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. It is 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) hereafter.

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.

63/-
Member (J)

Attested/True Copy

L. P. SHUKLA
Advocate

Central Admini
Lucknow Bench,
Lucknow.

(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 post 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).
22.6.89

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 Tewari	AS (Offg)	Time Office
11. Shri Mohd. Ibrahim	AS (Offg)	Budget
12. Shri Ram Abhilakh Misra	AS (Offg)	R/Stock
13. Shri Durga Kumar Pandey	Hd. Clerk	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: / 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
At necessary action.

C/- Br. Secy: URMJ & NRMJ /Amv Branch for information.

L. P. SHUKLA

Advocate

1352-40-5-7-89

(40)
A56

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/EIV

Dated: 20.3.1982

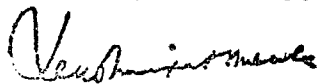
Sub: Empanelment of staff who retire during the pendency of the selection.

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 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.

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Attested/True Copy



L. P. SHUKLA
Advocate

157
A57
-हस्त-रेलवे-

कार्यालय उप मुख्य यांत्रिक अभियंता [कर्म] सवारी एवं मात डिब्बा कारखाना, आलम
तकड़।

कार्यालय आदेश सं०:- 444

दिनांक:- 27 11/89

श्री डी०एच०एच०, अस्थायी सहायक कार्यालय अधीन [अस्थापना] वेतन-मात्र
रु० 1600-2660 [आर०पी०] जो उत्पादन कार्यालय में कार्यरत है, दि० 31.7.89
अवसर्ग से आयु सीमा के अन्तर्गत रेल सेवा से सेवा विवृत हो रहे हैं।

उपरोक्त से रिक्त होने वाला सहायक [अस्थापना] कार्यालय अधीन [अस्थापना]
वेतन-मात्र रु० 1600-2660 [आर०पी०] का पद उत्पादन कार्यालय से एस०एम०डी०
सी० को दिनांक 1.8.89 प्रातः से स्थावन्तरित किया जाता है तथा श्री डी०एच०
एच०, प्रधान लिपिक, दूरकर्म, वेतन रु० 1600/- प्र०मा० वेतन-मात्र रु० 1400-2300
[आर०पी०] की अस्थाई एवं प्रोवीजबल पदोन्नति सहायक कार्यालय अधीन
[अस्थापना] के पद पर वेतन रु० 1650/- प्र०मा०, वेतन-मात्र रु० 1600-2660
[आर०पी०] में दिनांक 1.8.89 प्रातः से की जाती है, तथा इसकी तैनाती एस०एम०
डी०सी० में की जाती है।

नोट- 1. उपरोक्त पदोन्नति माबनीय सर्वोच्च न्यायालय के निर्णय तक पूर्णतः
अस्थायी एवं प्रोवीजबल रहेगी।

2. उपरोक्त कर्मचारी को भूता दिया जाये कि यदि वह अपनी पदोन्नति
के वेतन का विचारण अपने सक्स्टेन्ट्स ग्रेड में अगले वेतन वृद्धि की
तिथि से चाहते हैं, तो इस पत्र के जारी होने के एक माह के अन्दर अपना
विकल्प दें, अन्यथा मान्य न होगा।

3. शाप अधीन कृपया इस पत्र को संबंधित कर्मचारी को नोट कराये तथा
तिथि सहित हस्ताक्षर कराये।

लेखन:- डी०एच०एम०ई०/743/यू०पी०सी०/×।

दिनांक:- 27 11/89

हस्ताक्षर
उप मुख्य यांत्रिक अभियंता [कर्म]
आलमबाग - तकड़।

प्रति लिपि:-

शाप अधीन / दूरकर्म, एस०एम०डी०सी०, कार्यालय अधीन / उत्पादन
टाईम आ फिस, वेतन, य० लेखाधिकारी, आलमबाग को सूचना एवं आवश्यक
कार्यवाही हेतु।

शाखा मंत्री/यू०आर०एम०यू० तथा एस०आर०एम०यू०, आलमबाग शाखा

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

ASD

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.

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 सचिव (कर्मो)
सवारी एवं माल विभाग, फर्मशादा,
३० रे०, आलमबाग, लखनऊ
Per Pro.

A59

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 यान्त्रिक अभियन्ता (कर्मठ)
सवारी एवं माल डिब्बा कर्मशाला. 7.
स. रे. 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.

A80

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. ~~Annexure~~ 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.

एव मुख्य यांत्रिक प्रविण्यता (कर्मो)
पवारी एवं भाग डिब्बा कपेशाला
डो रो, आलमबाग, लखनऊ

Verification.

Per Pro.

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.

एव मुख्य यांत्रिक प्रविण्यता (कर्मो)
पवारी एवं भाग डिब्बा कपेशाला
डो रो, आलमबाग, 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.

F-7
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:

contd...2

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AG2

- 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

contd...3

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A63

- 3 -

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 Sl. No. 19 of the present panel. The Honourable Tribunal have already passed the following orders dated 9.8.89 that :-

DM

contd...4

A64

" 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

22/3

A65

- 5 -

is entitled having successfully passed the selection test.

Lucknow, dated:

Sept. 29, 1989.

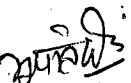

Deponent.

Verification

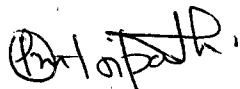
I, the above named deponent do verify that the contents of paragraphs 1 to 10 of this affidavit are true to my own knowledge and those of paragraphs 1 to 10 are believed to be true, by the deponent on the basis of the advice given to him. No part of it is false and nothing material has been concealed.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

Lucknow, dated:

September 29, 1989.


Deponent

I identify the ~~as~~ abovenamed deponent who has signed before me.


Advocate.