

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 214/89 of 1989 (1)

NAME OF THE PARTIES _____

Smt. K K Saxena Applicant

Versus

Union of India & RespondentPart A, B & C

Sl.No.	Description of documents	PAGE
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A3	Petition copy	10
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B2	Annexure	6
C1	Petition copy for op; (4 three)	

Check
24/6/201

Raj

PTC

Certified that no further action is required to take and that
the case is fit for carriage to the second room (2)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 214 of 1989(A)

APPLICANT(S) Sgt. K. K. Saxena

RESPONDENT(S) Union Of India & Others

Particulars to be examined	Endorsement as to result of examination
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 ?	Five sets have been filed
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	No
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.D./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 sapre ?	Yes
8. Has the index of documents been filed and pagging 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 ?	No

BT
2

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Yes
12. Are extra copies of the application with Annexures filed ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	No
c) Wanting in Annexures	No
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 ?	
18. Have the particulars for interim order prayed for indicated with reasons ?	Nil
19. Whether all the remedies have been exhausted.	Yes

dinesh/

Registered

9/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

Dated : 8/9/89

OFFICE - MEMO

Registration No. O.A. 214 of 1938 (2)
C.A.

Smt. K. K. Saranya Applicant's

Versus

Union of India Respondent's

A copy of the Tribunal's Order/Judgement
dated 5/9/89 in the abovenoted case is forwarded
for necessary action.

[Signature] 8/9
For DEPUTY REGISTRAR (3)

Encl : Copy of Order/Judgement dated 5/9/89

To.

① Shri K. P. Srivastava Adm. C/A.

[Signature] 8/9/89

dinesh/

(8/2)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow.

Registration O.A. No.214 of 1989 (L)

Smt. K.K. Saxena Applicant

Versus

Union of India & OthersOpposite Parties.

Hon. Justice K.Nath, V.C.

Hon. K.J.Raman, A.M.

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

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for issue of an order to quash the reversion of the applicant referred to in Annexure-A1, dated 20.9.84.

2. The preliminary question is whether this application filed on 22.8.89 can be considered to be within the prescribed period of limitation. It is admitted case of the applicant that the impugned order was passed on 31.8.81 (vide para 6(8) of the application) whereas ~~the~~ Annexure-A1, dated 20.9.84 is the letter of the General Manager mentioning that the matter had been examined in detail, that having been promoted on adhoc basis, she was reverted to the lower grade when her working was found to be unsatisfactory and after she had been given due opportunity. The letter also mentions that the applicant had represented to the Divisional Railway Manager who had reviewed the case twice and that the applicant had retired on superannuation on 31.7.84.

Ch

3. The learned counsel for the applicant refers to Section 21(2)(a) of the Administrative Tribunals Act which that also is of no help to the applicant because it provides for a period of limitation of six months from the date of the enforcement of the Act. That period also expired long ago.

4. The learned counsel for the applicant also says that the order of reversion got misplaced and the applicant and her husband were hospitalised and therefore could not file the application in time. Apart from that, the application does not mention any such fact, any such plea cannot be treated to be bonafide because it would rest upon an act of negligence in so far as the misplacement of the document is concerned and what is a result of the negligence, cannot be called bonafide.

5. The application is entirely beyond the period of limitation and is dismissed in limine.



Member (A)



Vice Chairman

Dated the 5th Sept., 1989.

RKM

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD.
CIRCUIT LUCKNOW.

Deputy Registrar (J)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985.

Registration No. 214/19(C)

BETWEEN

Smt. K.K. Saxena

..... Applicant.

AND

UNION OF INDIA AND OTHERS.

..... Respondents.

COMPILATION NO.1.

INDEX.

S.No.	Description of documents relied upon.	Page No.
1.	Application	1 to 8
2.	Annexure No.A-1. Photo-stat copy of D.O.No:E-108/C/1762 dated 20th September, 1984 from G.M., to Shri T.S.Saxena.	9.
3.	Vekalatnama.	10.

filed 19/9/89

Index

for 5/9/89

km

24/9/89

K.K. Saxena

Signature of the applicant.

For use in Tribunals Office.

Date of filing. 22.8.89

Registration No. 214/89(4)

Signature
for Registrar.

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.
CIRCUIT LUCKNOW.

Registration No 214 of 1989 (L)

Smt. K.K.Saxena, Wife of Shri T.S.Saxena, aged about
62 years resident of 325 H Indralok Alambagh, Lucknow
..... Petitioner.

Versus

1. Union of India through General Manager, Northern
Railway Baroda House, New Delhi.
2. General Manager, Northern Railway, Baroda House,
New Delhi.
3. Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.

..... Respondents.

DETAILS OF APPLICATION.

1. Particulars of the
applicant.

- | | |
|--|---|
| i) Name of the applicant. | Smt. K.K.Saxena. |
| ii) Name of Husband. | Sri T.S.Saxena, |
| iii) Designation & Office.
in which employed. | Chief Inspector Tickets
In the office of
Station Superintendent,
N.Railway, Varanasi,
under D.R.M., N.Rly.,
Lucknow. |
| iv) Office address. | Retired as Chief
Inspector Tickets from
the control of S.S., N.Rly.
Varanasi. |
| v) Address for service of
all notices. | 325 H, Indralok, Alambagh,
Lucknow. |

2. Particulars of Respondents:

- | | |
|--|--|
| i) Name and Designation of
the respondents. | i) Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi. |
| ii) Office address of the
respondents. | |
| iii) Address for service of
all notices. | ii) The General Manager,
Northern Railway,
Baroda House, New Delhi. |
| | iii) Divisional Railway
Manager, N.Railway,
Hazratganj, Lucknow. |

K.K.Saxena.

A-3
B

- 2 -

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

The application is against the following order:

- i) Order No. with reference to annexure. D.O.NO:E-108/C/1762 Annexure A-1.
- ii) Date. 20.9.1984.
- iii) Passed by. Shri R.P.Singh,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

iv) Subjects in brief:-

1. That the applicant has since retired after rendering over 36 years of service with devotion to duty integrity and with clean record from the post of C.T.I. Varanasi, N.Railway. in scale Rs.550.750.

2. That the applicant being the senior-most in her cadre not only in Lucknow Division but over Northern Railway in the checking staff was promoted to the post of Chief Inspector(Ticket) in scale Rs.700-900 (non-selection post) against the vacancy caused due to retirement of Shri M.I.Khan, Divisional Chief Inspector (Ticket) and was posted at Northern Railway, Lucknow station.

3. That the applicant worked for 13 months and earned one increment .

4. That the applicant after serving 13 months was suddenly reverted to the lower post in scale Rs.550-750 verbally by respondent No.3 and junior-most person was posted vice the applicant.

5. That no reversion order was served on the applicant.

6. That no opportunity was given to the applicant to explain her conduct nor any warning and charge sheet was issued to the applicant.

for Sakina

33/4

- 3 -

7. That the applicant represented against her reversion to the Divisional Railway Manager, N.Rly., Lucknow who did not respond to the applicant's representation.

8. In absence of any decision on the applicant's representation by Divisional Railway Manager, N.Rly., Lucknow the applicant preferred a representation to the Chief Commercial Superintendent, N.Railway, New Delhi, who also did not dispose of the representation and finally the applicant's husband wrote to Sri R.P. Singh, the then General Manager, Northern Railway, New Delhi, who in turn replied that he was unable to do anything in the matter ~~th~~/ as the applicant has already retired on 31st July, 1984.

9. As there is clear harassment to the poor woman employee by the authorities and the order of the General Manager as contained in Annexure No:A-1 is not in speaking order and against the principles of natural justice and the reversion order was illegal hence this petition.

4. Jurisdiction of the Tribunal:

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

5. Limitation:

The applicant further declares that the application is within ~~jurisdiction~~ limitation prescribed in section 21(2)(a) of the Administrative Tribunals Act 1985.

KK Saxna

6. Facts of the case:-

1. That the applicant was appointed as Lady Ticket Collector on 12.3.1945 and was posted at Allahabad.
2. That the applicant was transferred from Allahabad and was posted at Varanasi, Northern Railway, Lucknow Division in grade Rs. 65-85.
3. That prior to upgrading in 1978 the applicant was working as S.I.(T) in grade Rs. 550-750. The designation of S.I(T) was changed as Chief Inspector (Ticket).
4. That two posts in grade Rs. 550-750 were upgraded in scale Rs. 700-900 in 1978 in Lucknow Division.
5. That the applicant was promoted on adhoc basis against the upgraded post being the senior-most in the seniority list over Northern Railway but the applicant was reverted to her substantive post grade Rs. 550-750 on the plea that the above two posts ~~would be~~ would be operated in Headquarter Office, New Delhi and junior to the applicant was given the grade of Rs. 700-900 in Headquarter office thereby the applicant was denied the legitimate right in being grade Rs. 700-900.
6. That the applicant was promoted from grade Rs. 550-750 to Rs. 700-900(RS) and was posted as Divisional-Chief Inspector(Ticket) on Lucknow Division at Lucknow station with effect from 1.8.1980 against the vacancy caused by retirement of Shri M.I.Khan.

JK Saxena

Contd.....5.

7. That the applicant being the senior-most was promoted against the non-selection post of grade Rs.700-900.

8. That the applicant was reverted to her substantive post in scale Rs.550-750 from the post of Divisional Chief Inspector(Ticket) in grade Rs.700-900 after performing 13 months duty with full satisfaction on 31.8.1981 ~~ix~~ verbally without any ~~reason~~ ^{reason} or reason or any cause.

9. That the applicant was neither given any opportunity nor was issued any charge sheet under D&AR for such reversion.

10. That the applicant represented against the said verbal ~~xxx~~ reversion on 22.7.1982 to D.R.M., N.Rly., Lucknow. Photo-stat copy of the application is annexed as Annexure No.A-2.

11. That in absence of any decision by the Divisional Railway Manager, N.Rly., Lucknow for months together the applicant represented her case to the Chief Commercial Superintendent, Northern Railway, Baroda House, New Delhi, in January, 1983 and to Divisional Railway Manager, N.Rly., Lucknow again on 17.7.84. Photo-stat copies of the representations are annexed as Annexure No.A-3 and A-4.

12. That the respondents did not dispose of the representations given by the applicant.

13. That the applicant as well as her husband represented the case against her reversion to Sri R.P. Singh, General Manager, N.Rly., New Delhi on 25.7.1984.

14. That the General Manager Shri R.P.Singh, rejected the representation on the plea that he could not do anything because the applicant had retired.

15. That the applicant has since retired on 31st July, 1984 ~~after~~ ~~from~~ the post of C.I.T in grade Rs. 550-750 after performing 38 years unblemish ~~record~~ service.

16. That the applicant was only the Lady employee in the Commercial Department in Ticket Checking who performed her duty in face of other Male members.

17. That the General Manager, N.Rly., New Delhi did not give any reply to the applicant but conveyed his decision through my husband Shri T.S.Saxena.

18. That as the reversion was illegal and irregular and against the principles of natural justice so the reversion is liable to be quashed.

7. Details of remedies exhausted:

The applicant declares that she availed of all the remedies available to her under the relevant service rules. The applicant represented the case against the reversion to Divisional Railway Manager, N.Rly., Lucknow on 22.7.82 and 17.7.84 (Annexures A-2 and A-4) and Chief Commercial Superintendent, N.Rly., New Delhi and the General Manager, N.Rly., New Delhi in January, 1983 and 25.7.1984 respectively (Annexure A-3 and A-5) but the same was rejected by the General Manager, N.Rly., New Delhi (Annexure A-1).

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

The applicant further declares that she had not

T.K. Saxena.

Contd....7.

previously filed any application, writ petition or suit regarding the matter in respect of which the 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 pending before any of them.

9. Relief sought:

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs:-

1. The Honourable Court may ~~ple~~ be pleased to quash the reversion as mentioned in Annexure A-1.
2. Issue direction in the nature of Mandamus to the respondents to promote her in grade Rs. 700-900 from 31.8.1981 and
3. a direction to the respondents to fix the ~~pay and pension of the applicant~~ the pay and pension of the applicant in grade Rs. 700-900 and its arrears including gratuity, leave encashment etc. to the applicant and ^{all} consequential benefits.

GROUND.

1. Because the applicant was the senior-most over northern Railway and was promoted against non-selection post in grade Rs. 700-900.
2. Because the applicant earned one increment.
3. Because the applicant was promoted as Divisional Chief Inspector(Ticket) on 1.8.1980 after seeing the confidential reports/records .
4. Because the reversion order was not served on the applicant and the applicant was ~~x~~ reverted verbally. ^{for reversion}
5. Because no charge sheet was issued to the applicant nor any enquiry was held nor any show cause notice was given to the applicant.

KK Saxena

83/9

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7. Because the reversion was illegal, bad in Law and against the principles of natural justice.

8. Because the reversion of the applicant was arbitrary and one sided and without any foundation, and the reversion was only to give benefit to the other persons favourite to the authorities.

9. Because it violates the Article 311(2) of the Indian Constitution, as no opportunity was ever given to the applicant.

10. Interim order if any prayed for: NIL.

11. Particulars of Postal order in respect of the application fee:

1. No. of Indian Postal Order: DD 783527 for Rs 50/-
2. Name of the issuing Post Office: Post Office Chaurahga Lucknow
3. Date of issue of Postal order: 2 - 8 - 89
4. Post office at which payable: State Post Office Allahabad

12. List of enclosures:

From Annexure No. A-1 to A-6.

Verification

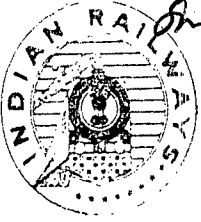
I, Smt. K.K.Saxena, wife of Shri T.S.Saxena, aged about 62 years resident of 325H Indralok Colony, Alambagh, Lucknow do hereby verify that the contents of paras 1 to 8 are ~~to~~ true to my personal knowledge and paras 9 to 10 believed to be true on legal advice and that I have not suppressed any material fact

Date: Lucknow

K.K.Saxena.

Signature of the applicant.

Place: 22 - 8 - 1989



*Before Central Adm Tribunal Allahabad
Smt K.K. Saxena and her case*

R.P. Singh
General Manager

GENERAL MANAGER'S OFFICE
NORTHERN RAILWAY
BARODA HOUSE,
NEW DELHI.

Inhr. A-1

(S/10)

DO No. E-108/C/1762.

Dt: 20 September 1984.

My dear Saxena,

Reference.- Your letter dated 25th July '84.

After receipt of your letter, I have had the matter examined in detail. I find that Smt. K.K. Saxena had been promoted on adhoc basis to Rs.700-900 grade, and when her working was found unsatisfactory, after giving due opportunities, she was reverted to the lower grade. She had represented to the DRM who had reviewed the case twice.

2. It is now too late to do anything in the matter, as she has already retired on 31st July 1984 on superannuation. *You have written to me too late. After her retirement I cannot grant her any benefit.*
Yours sincerely,

R.P. Singh

(R.P. Singh)

Shri T.S. Saxena,
325 H, Indra Lok,
P.O. Alambagh
LUCKNOW.

*True Copy
attested
K.K. Saxena
Advocate*

[वादी अपीलान्त]

प्रतिवादी [रेस्पॉण्डेंट]

ब अदालत श्रीमान महोदय
[वादी अपीलान्त] Before central Adm Tribunal Bench Allahabad
... .. श्री का वकालतनामा

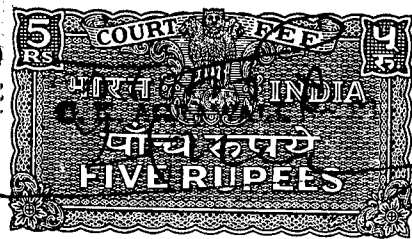
वकालतनामा

Between

Em K. K. Sharma

applicand

Am



Union of India
and others

वादी (अपीलान्ट)

Respondents

बनाम

प्रतिवादी (रेस्पाडेन्ट.)

नं० सूकट्टमा

सन

पेशी की ता०

22 40

ऊपर लिखे मुकद्दमा में अपनी ओर श्री

K. P. Srinivasa Rao Advocate -

MC 123d DA Colony Metzger Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत	...	...	...	...	...	...	...
मुकद्मा नं०	...	...	...	...	...	...	...
नाम फरीकैन	...	...	...	...	...	बनाम	....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करे या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करे और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाय़ा है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted
Kobus
Adm

हस्तक्षर

KK Loxna

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १६

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स्वीकृत

85/1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD.
CIRCUIT LUCKNOW.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT 1985.

Registration No. 214/89(2)

BETWEEN

Smt. K.K. Saxena.

.....

Applicant.

AND

UNION OF INDIA AND OTHERS.....

Respondents.

COMPILATION NO. 2.

INDEX.

S.No.	Description of documents relied upon.	Page No.
1.	<u>Annexure No. A-2.</u> Photo-stat copy of the application of the applicant dated 22.7.82 in connection with the appeal against the reversion order.	
2.	<u>Annexure A-3.</u> Photo-stat copy of the representation of the applicant to the then Chief Commercial Superintendent, N. Railway, Baroda House, New Delhi dated January, 1983.	
3.	<u>Annexure No. A-4.</u> Photo-stat copy of the reminder of the applicant dated 17.7.84 to DRM/N.Rly., Lucknow.	
4.	<u>Annexure No. A-5.</u> Photo-stat copy of the representation made to Sri R.P. Singh, the then G.M., N.Rly., New Delhi dated 25.7.84 by the husband of the applicant Sri T.S. Saxena.	
5.	<u>Annexure No. A-6.</u> Photo-stat copy of the representation of the applicant dated 25.7.84 to the General Manager, N.Rly., New Delhi.	

For use in Tribunals Office.

Date of filing.

Registration No.

Signature of the applicant.

K.K. Saxena

*S. Signature.
for Registrar.

Before Central Adm. Tribunal Lucknow (11)

Smt. K.K. Saxena vs NOG and others Ann. A-2

AS
2

The Divisional Railway Manager,
Northern Railway
Lucknow

Sir,

Reg: My promotion as Divisional Chief
Inspector of Tickets in Gr.700-800(R8).

I was promoted to officiate for the above post on 1.8.1980 and worked to my best capacity for more than a year when I was suddenly reverted to the lower grade without assigning any reason or warning. In this connection, I may also be permitted to state that during the entire period of my service of over 36 years, including the period of officiating as DCIT on promotion, never a warning or any adverse comments had been passed on my working. Thus, the sudden reversion was a great shock to me.
2.

I thought and feel that before such ultimate action was taken against me, I should have been atleast given an opportunity to explain my position or given a warning to improve if I was inefficient, which I understand should have been done under the extant rules and orders issued by the Railway Board.

This has put me to heavy financial loss in my gratuity, Pension and PF. In order that I may prove my worth, I once again request you to kindly give me an opportunity to show that I am not that inefficient as I have been supposed to be.

I hope, you will very kindly review my case and pass the requisite orders.

Yours faithfully,

Dt. July 22, 1982

J. K. Saxena
(Smt. K.K. SAXENA)
Chief Inspector (Tickets)
N.Rly. Lucknow
(on leave)

To me copy
attested
Kashin
Nar

Before Central Adm Tribunal Allahabad
Shri K.K. Saxena vs Shri J and Shri K. K. Saxena (12)

Annex-A-3

To

The Chief Commercial Supdt.,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

Through proper channel.

Sir,

Sub:- Appeal against my reversion from the post
of Divl.CIT LKO in scale 700-900(RS) to
the post of CIT in scale 3.550-750(RS).

In this connection I preferred an appeal to DRM
LKO in Sept.81 which was followed by an appeal to
CCS NDLS with a copy to DRM LKO in sometimes in 1982
when no reply to my appeal was received from DRM LKO.

It is now more than a year that even a decision
from your end also is not available to me and I
continue to suffer financially and also a much junior
man to me has wrongly been allowed to enjoy a higher
status and a higher salary.

I, therefore, respectfully beg to remind your
honour to very kindly communicate to me your valuable
decision. This is all the more necessary due to the
fact that I have only one year eight months to serve
when I will get superannuated and finally retired.
This period I feel is necessary for me to seek legal
redressal against the injustice done to me in violation
of all the extant rules and orders of the administration
on the subject of adhoc promotion particularly when the
senior most employee after having rendered more than
36 years of good and satisfactory services without
any blamish whatsoever during this long legal service
is involved.

It is, therefore, requested that I may be favoured
with your decision on my appeal within a fortnight.

Yours faithfully,

K.K. Saxena.

(K.K. Saxena)
C.I.T. N.R. BSB

Dated 1.1.82.

Copy to:- DRM LKO for information and necessary action.

Advance copy to: CCS N.R. Hd. Qrs. Office, Baroda House,
New Delhi.

True copy
attested
K.K. Saxena
Advocate

Before Contnle Adm Tribunal Allahabad
Smt K.K. Saxena V R No 9 & 10
Lko Circuit (13)

The D.R.M. N. Rly
Lucknow.

Answer - A-4

Re: Non-disposal of my appeals

I preferred appeals against my illegal and unwarranted reversion from the post of DCI(T) in scale 700/900 to the post of CI(T) in scale 550/750 to your predecessor as well as CCS through you almost two years back. But it is not only regrettable but unfortunate that the administration has not been able to dispose of this simple matter in the course of even more than two years and I am retiring now on 31st of July (ce) after about 2 weeks. Could I therefore request you now finally to intimate to me the decision of the CCS as I have learnt that some underhand method has been adopted in your office to harm me. You may kindly look into this & favour me with a reply.

2- More than two months back I submitted another appeal to your honour against the biased & baseless remarks of the Sr DCS in my annual CR for 82-83 as a consequence of which I was denied even the benefit of upgradation putting me to heavy financial loss in my DCRG and pension. The upgrading was enforced in April '84 was my work taken into consideration for the period ending March 84 (i.e. 83-84) or the baseless report of 83-84 only sealed my fate.

3- I had pointed out in this appeal as to how I had been discriminated against indicating the deliberate attempt ~~in~~ of the Sr DCS to not only to discredit me in the eyes of my juniors but also to harm me financially.

But despite my unbounded faith in your sense of justice which I had in the previous DRM prior to you I have yet been denied the benefit of your sense of justice which you are known to possess.

It shall be extremely kind of you if you could please take a decision soon to save me from the financial loss & also enable me to retire with credit after a long & blameless service of 38 years.

Yours faithfully

Phone 50782

Home Address

325 H. Indira Lok

P.O. Alambagh

Lucknow

K.K. Saxena

Smt K.K. Saxena.

C.I.T. N. Rly Varanasi

17.7.84

True copy
attached

K.K. Saxena

Advocate

Before Central Adm Tribunal Allahabad (14)
Smt K.K. Saxena vs HOG and Am. the circum-
Amir

Personal and Confidential

Phone 50782

325 H Indra Lok

P.O. Alambagh, Lucknow

Dt 7.84.

My dear R.P. Singh Sahib,

1. As a last resort, to save my wife Smt K.K. Saxena C.I.T. N. Rly Varnasi, retiring after a few days 31st July, from heavy financial losses, due to the the unscrupulous behaviour of your two Sr. DCSs at Lucknow I am writing this letter to you in the hope that you will certainly rectify the injustice done to her and oblige your old colleague and friend.
2. My wife has rendered a total of over 38 years blameless service. But during the period of a little over two years only during 82-83 one of these two worthies found her absolutely worthless. These two officers viz. Shri Nanda & Shri Bisht never liked to tell her so or call for her remarks on the basis of any of their inspection notes.
3. She held the present post since 1961 and during this long period of over 20 years no other officer had any such complaint against her as to make such a remark in her CR as was done for the period 82-83 (i.e.) "Absolutely not fit for promotion."
4. On 1st of August 1980 on the basis of a blameless record of service she was promoted from her existing grade of 550/750 to the next higher grade of 700/900 as a permanent vacancy of DCIT occurred on LKO Divn, as she was also the Sr. most not only in the Division, but on the entire N. Rly in her cadre. This arrangement was ad-hoc as it was a selection post under the control of Hd. Qrs Office & no selected person was available. She continued to officiate without any complaint whatsoever for one year & one month when Mr Nanda suddenly reverted her with effect from 1.8.81 in violation of Rly Bd's written confd orders without giving her any warnings at all, as required.
5. Appeal was made to DRM and I even met Mr. Chatta, but no decision was given for almost a year. Then an appeal was made to CCS through DRM, but no official reply about CCS' decision has been given till today. I have however learnt from Shri J.P. Chaubey's letter (copy enclosed) in May last that CCS had ordered her to be restored to her position as DCIT in scale 700/900. It seems Mr Bisht the present Sr DCS felt slighted and hence he issued an adverse CR in Nov. 83 for the period ending March 83 (i.e.) after a lapse of 8 months (perhaps against Rules) with the motive that he may not ~~may~~ implement CCS's order. The then DRM perhaps also

Contd....2

True Copy
attested
Kobay
Havoc

Before Central Adm. Trib. my wife's Appeal was
Sent K.P. Sharma vs UOI and O.P.S. (K.P. Sharma) (15)

-2-

Ann. A.D.

supported him. This was a very unscrupulous way of denying a legitimate service benefit to a sincere & honest employee. (15/6)

6. This adverse CR declared her to be "absolutely unfit for promotion". The result was that even the benefit of upgrading was snatched from her & staff even two grades lower than her have got the benefit of the higher grade viz. 700/900 and she has been pushed down many steps lower, when upgrading in my view is not a promotion but grant of higher pay for the same post with the same responsibility.

7. From the above facts the mal-intentions of these officers are clear, as they have been making out some baseless records for reasons not known & certainly not on the basis of actual failures by her with her explanations. Was it not necessary for them to call for her remarks or explanation before including adverse remarks in the CR (as commented upon by the Supreme Court in a judgement this year in January) soon after they had noticed her failures. I think this is just against the principles of natural justice.

8. There is another remark in the CR about earnings. In this regard my wife tells me that Shri R.A. Rai C.I.T. BSB retired & Shri R.K. Singh Hd TC RBL never gave even a single paise by way of earnings. And yet they were never given such adverse remarks because they are influential union officials. She says her earnings can be certainly compared with that of DCIT LKO whose work is similar to hers, as both have considerable office work relating to a very large number of TTEs & correspondence with DRM. Her work however can not be compared with those CITs who work as squad incharges on trains.

9. Another important point to mention is that such CRs were also given to eight station masters and a reservation supervisor (Schedule caste) at Varanasi. But their appeals were accepted on one consideration or the other and the benefit of upgradation was to be allowed to them. But in her case her appeals were given no consideration at all. Another appeal handed over to the present DRM over two months back is still pending though she is retiring within a few days. The first appeal to Sr DCs was persuaded to be taken back which dealt with each remark fully, on the suggestion of the DCS, who promised her that he will get it rectified. But she never thought that she was being bluffed as the amended appeal as per suggestions of the DCs was rejected. A copy of the original appeal with initials of the clerk in confid. section is being enclosed for your information & such action as you may deem necessary. The original one (taken back) with the seal of the Confid. section is in her possession. This is how sincere loyal & honest employees are befooled & made to suffer, particularly women in the post-international year despite Prime Minister's exhortations for a helpful attitude towards them. (Women's)

Contd....3

True copy
attached
K.P. Sharma
Ravi Lal

Before Central Adm Tribunal Allahabad (16)
Smt R.P. Saxena vs W/O 9 and 10
Circuit

-3-

Ann A-5

5/1

10. There was yet another attempt by Sr DCS Mr. Bisht to spoil her CR for the period ending March '84 by withholding T.A. Bill for January 84 still unpaid and asking ACs to obtain her explanation through a confidential letter No ACS(1)Misc/Conf/84 dt 7.3.84. one of the charges was as to why she had visited DRM office 4 times in the month. I am sure never anyone else has been asked to explain such visits, as she was the only target for an adverse CR. This letter was duly & satisfactorily replied & no further communication has so far come to her. Thus despite good earnings & good work the Sr DCS never liked to grant her the benefit of upgrading as his only baseless adverse CR for the period ending 82-83 had sealed her fate, even though upgrading was enforced in April 84 & onwards upto June i.e. after her last good performance for the period ending March 83-84.

11. These are some of the important facts of the case and in my opinion a vigilance enquiry is needed to punish the guilty & alleviate the injury to my wife both financially and physically as ~~soon~~ after reversion ~~Since~~ she is on regular treatment for Hyper-Tension. But ultimately it has to be your decision as to how this matter should be desposed off so that she does not suffer life long on a/c of reduced pension & DCRG.

12. Relevant papers can be called for from CCS as well as the DRM. I hope you have trust in what I have written & will surely take necessary steps very early to get her justice without any discrimination.

With great regards,

I am very sincerely yours



(T.S. Saxena)

Res. Dy. C.S. N.Ry. Varanasi

25/7

Com. Cdy
Atty. Bd
K. S. Saxena
Narsimha

Encl

Smt. R.P. Singh
General Manager
N.Ry.
Bansdahan House
New Delhi