

Central Administrative Tribunal  
Lucknow Bench

CA-NO-219/89/CL

Cause Title \_\_\_\_\_ of 1993

Name of the Parties Sant Ram Applicant

Versus

C.S. & Others

Respondents

Part A. P.C.

Sl. No.

Description of documents

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Petition Copy.

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Counter Affidavit.

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Rejoinder Affidavit.

cl-

B - File

B 57 - B 103

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C - File

C 104 - C 113

10 - Two Extra Copy of Petition  
One Extra Copy of C.A.

C - File

(12m)  
24/6/11

Certified that no further action is required  
to taken that the case is fit for awardment  
to the record room (decided) Reg.

50(5)

24/6/11

24/6/11  
C.A. 53

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench  
Date of Filing 23/8/89  
Date of Receipt by Post

Registration No. 214 of 1989 (L)

Deputy Registrar (J)

APPLICANT(S) Sant Ram

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? four 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 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 outcome of such representation been indicated in the application? yes
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal? NO

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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 ?  | 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 ?   | 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

A3

ORDER SHEET

REGISTRATION No. 219 of 1989 (L)

APPELLANT  
APPLICANT

VERSUS

DEFENDANT  
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
12/9/89	<p>माननीय न्यायाधीश के नाम, उपाध्यक्ष कांग्रेस के. जे. तामन, सदस्य</p> <p>उपरोक्त पत्र के द्वारा 8-9-89 में <del>आवेदन</del> <sup>आवेदन</sup> आदेश का विवरण आंकते नहीं है उक्त आदेश उपाध्यक्ष संस्थापक के लिए प्रार्थना पत्र है। 28-9-89 को स्वीकारण सुनवाई के लिए प्रेषित है।</p> <p>for सदस्य (प्र.)</p> <p>उपाध्यक्ष</p>	<p>आवेदन</p> <p>No amendment application has been filed. Submitted for admission.</p> <p>h 2/11</p>

का.क.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 87A. 249 of 198 9 (L)

APPELLANT  
APPLICANT

Sant Ram

VERSUS

DEFENDANT  
RESPONDENT

(S.D.) & Others

Serial  
number  
of order  
and date

Brief Order, Mentioning Reference  
if necessary

How complied  
with and date  
of compliance

28/9/89.

Hon. Justice K. Nath, VC.  
Hon. K. Odaya, Am.

The applicant has not applied  
for amendment of the relief clause  
contained in paragraph 8 of the  
application. The learned counsel  
for the applicant requests for an  
is allowed time till 12-10-89  
to apply for amendment.

*[Signature]*  
Am.

*[Signature]*  
VC.

OR  
No 1  
application  
submitted.

h  
11/8

12 X 17

No Setting Adj. to 27 X 17.  
Counsel for applicant is present

h  
12/8

CM: Am 269/89 (L)  
filed today  
h  
14/8

ST- The learned  
counsel for the  
applicant has filed  
CM No 269/89 (L)  
for amendment.  
Submitted for order

h  
24/8

14.3.1990

Hon. Mr. D.K. Agrawal, J.M.,  
 Hon. Mr. K. Obayya, A.M.

The applicant is present in person. Shri A. Bhargava, learned counsel for the respondents has requested for time. The learned counsel for the applicant is out of station. Therefore, the case is adjourned for orders on 27.7.1990.

A.M.

J.M.

sd.

27-7-90

Hon. Mr Justice K. Nak, etc.  
 Hon. Mr K. Obayya, A.M.

Submitted for  
 order on M.P. No  
 130/90 for  
 amendment.

Shri R.S. Saxena for the  
 Applicant and Shri Raju  
 Bhargava for the respondents  
 are present. C.M.A 130/90  
 to make corrections in the  
 addresses of the respondents is  
 allowed. The applicant will  
 incorporate correction within  
 a week. Shri Bhargava requests  
 for and is allowed 4 weeks  
 time to file counter. Refor order  
 may be filed within 2 weeks  
 thereafter. List before  
 D.K. on 18.9.90

h  
25/7

A.M.

V.C.

8.3.91

Hon Mr. Justice K. Nath, V.C.

Hon. Mr. A.B.Gorthi, A.M.

We have heard Shri M.P. Sharma for the applicant and Shri Arjun Bhargava for respondents. In contemplation of a disciplinary enquiry, the applicant was placed under suspension on 25.9.86. A charge sheet was issued to the applicant on 2.3.89 to which the applicant filed a reply requesting for documents relied upon by the Department to be furnished. The enquiry has been pending since then and this application was filed on 23.8.89 for quashing the suspension order as well as the disciplinary proceedings. The petition was admitted on 27.10.89. Appearance on behalf of respondent was made on 14.3.90 when the respondent was asked to file reply. Since then the respondents have not filed the reply. We think, in the circumstances of the present case, the respondents may be given one more opportunity to file a reply and in the meantime the operation of the suspension order dated 25.9.86 ~~is~~ <sup>to be</sup> stayed. We, therefore, stay the operation of the suspension order of the applicant till further orders and the last opportunity is given to the respondents to file counter within 4 weeks, to which the applicant may file Rejoinder with 2 weeks thereafter. List this case for final hearing on 19.4.91 when the case is likely to be disposed of exparte ~~over~~ <sup>if</sup> the counter is not filed. A copy of the order may be given to both the parties within 3 days.

A.M.

V.C.

19.4.91

23.5.91

No Striking off 23.5.91

No Striking off 24.7.91

Recd. C/P  
S. R. R.  
14.3.91

Dr  
24/3/91  
(S. A. Bhargava)  
Jth Reports

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ), ALLAHABAD.

O.A.NO.  
T.A.NO.

2/9/89

~~87-199~~

Date of decision :

25.6.92

.....*Sant Ram*.....Petitioner  
.....*R-B Saxena*.....Advocate for the Petitioner.  
.....*2- M. P. Sharma*.....

Versus

.....*Union of India & others*.....Respondent  
.....*Mr. A. Bhargava*.....Advocate for the Respondent (s).

\*\*\*\*\*

CORAM:-

The Hon'ble Mr. Justice U.C. Srivastava - V.C.

The Hon'ble Mr. K. obayya - A.M.

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 ?

Signature



A10

THE CENTRAL ADMINISTRATIVE TRIBUNAL - LUCKNOW BENCH- LUCKNOW.

O.A. NO. 219 of 1989.

Sant Ram..... Applicant.

Versus

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

Hon'ble Mr. Justice U.C. Srivastava-V.C.

Hon'ble Mr. K. Obayya - Member (A).

(By Hon'ble Mr. K. Obayya Member (A).)

By means of this application, the applicant has prayed that the suspension order may be declared as illegal void, vitiated, vexatious, against the public interest, inexpedient and that the contemplated disciplinary proceedings are not maintainable and the respondents be directed to reinstate him with all resulting benefits.

The applicant who was appointed as Casual Labour and worked between 4.5.83 to 24.9.86 continuously was placed on suspension on 25.9.86., because of contemplated enquiry. The suspension order continued and the applicant made frantic efforts for the same, but the suspension order was not revoked and the enquiry proceedings too were not concluded and admittedly the suspension order against four persons though according to him were similarly facing enquiry was revoked the fact which has been admitted. The Tribunal directed the respondent to conclude the enquiry within a particular period, failing which they were directed to reinstate the applicant in service. As the enquiry was not concluded, the applicant has been taken back in service as per statement learned counsel for the respondent Sri Arjun Bhargava which has not been controverted. Thus this application becomes infructuous. So far as the suspension order is concerned, the main relief claimed in the case is same. However ~~xxx~~ as the applicant ~~was~~ reinstated, the respondents are directed to conclude the enquiry within a period of six months and the applicant shall fully cooperate with the enquiry. With the above observations, the application is disposed of finally.

Member (A).

Vice Chairman.

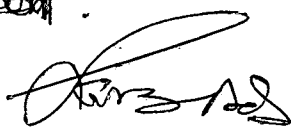
Dt: June, 25, 1992.  
(Ops)

Dear Madam

May kindly give a copy  
of judgement order  
dated 28-6-92 ~~at~~ O.A. No.  
219/89 Sant Ram vs  
Union of India & others  
has been decided  
by this Honble Court.

I am Counsel on behalf  
of Appellant.

Date  
4/8/92

  
S.K. Verma

Advocate  
Junior to Mr. M. P. Sharma  
Adv

Deputy Registrar(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD (CIRCUIT-  
Court) Gandhi Bhawan, Lucknow

Case NO: 219 1989

Sant Ram

Applicant.

Versus

Union Of India & others

Respondents.

INDEX.

presented on 22/8/89  
may be put up on  
22-9-89  
R.S. Sankar  
Adv  
23/8/89

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1.	Application under sec. 19 CAT 1985	1	1	13
2.	Impugned order No I Suspension order dt: 25-9-86	15		
3.	Impugned Order No. II Charge sheet No VIG/102/A/C/87/LCS dt: 2-3-1988.	16		17
4.	Enclosures OF Impugned Order II			
a).	Statement of imputation of Misconduct	18		
b).	Statement of Articles of charge.	19		
c).	List of documents & witnesses	20		

Lucknow : Dated : 18.8.89

Sant Ram  
( Sant Ram. )

Applicant.

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(1)

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ALLAHABAD BENCH  
CIRCUIT COURT: LUCKNOW.

Sant Ram aged about 55 years, son of late sri. Daba Lal  
substitute Cleaner, Loco Shed Northern Railway, Lucknow,  
Resident of Geeta Palli, Man Bagh, Lucknow-226005.

APPLICANT.

Versus -

1. Union of India

Through

The General Manager, Northern ~~Railways~~ Railways, Ed Gtrs  
Baroda House NEWDEHII.

2. The ~~Divil~~ Railway Manager, Northern ~~Railways~~ Railways  
Hazrat Ganj, Lucknow-220001.

RESPONDENTS.

DETAILS OF APPLICATION :

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

Impugned order NO. VIG/34/C/LCS Dated 25-9-1986  
Divisional Mechanical Engineer, Northern Railway, (II) Loco  
Lucknow.

2. Jurisdiction of the Tribunal:

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

*Sant Ram*

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12/

3. Limitation :

The applicant further declares that the application is within the limitation period, prescribed under sec. 21 of the Administrative Tribunal Act 1985.

4. Facts of the case :

4.1. The applicant was initially appointed on 12-3-79, as a casual labor. On completion of 240 days he was appointed as a substitute and worked continuously upto November 1981 when the services were terminated.

4.2. The applicant was again appointed on 3-5-1983. He is ~~is~~ a Temporary Railway Servant for all the purposes like a permanent employee. He is enjoying all the Railway Privileges viz Passes, P.T.O s, Annual increments, Recovery of Provident funds etc. and allotted the P.P.NO. 545526/6P-64572. He has not been declared as permanent employee and confirmed.

4.3. The applicant has worked in the second spell since 4-5-1983 to 24-9-1986 continuously..

4.4. The applicant on 25-9-1986 was placed under ~~ROKSHI~~ suspension. The impugned order is annexed to the petition as *Exhibit*  
ASL/ROK: P. 1.

4.5. The applicant on 20-4-1986, at New Delhi shown salary Bill for the months of :-

Sant-pau

4. Facts Of The Case.

The facts of the case are given below.

4.1. The applicant was initially appointed on 12-3-78 as a casual labour. He was on completion of 240 days work as a casual labour was utilised as a substitute cleaner. The applicant worked as such upto Nov. 1981 when his services were terminated abruptly and re-appointed on 3-5-1983. The applicant is now a temporary Railway servant, permanent for all the purposes except that the letter for permanent appointment has not been issued. The applicant has been allotted provident fund Number 545526/6P-64572 and a sum of about Rs. 68/- P.M. has been continuously deducted towards Provident fund from the salary.

4.2. The applicant has worked continuously again since 4-5-1983 to 24-9-1986.

4.3. The respondent No. 2 on 25-9-1986 through his officer The Asstt. Mech. Enr. N.R. Loco Shed Lucknow served the Impugned order, Suspension order Dt. 25-9-1986, Under KMM hand and signatures of his officer, KMM Sri. R.S. Endlaw, the Divil. Mech. Engineer (II) Lucknow. The order is annexed to the application as I st Impugned order, in original.

Exhibit  
P.1

4.4. The applicant, prior to his suspension on 25-9-86, was directed to appear before the Vigilance officer Baroda House New Delhi on 20-4-1986 when the Vigilance officer put up two salary Bills for the months of

Samt Ram

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May 1979 and 1981 before the applicant and enquired if the left hand thumb impression on the Bills against the applicant name were of the applicant himself .

4.5. The applicant after examination of the same affirmed the L.T.I. were of his own thumb impressions

4.6. The Vig Officer Sri B.D.Kalra also obtained the ~~impressions~~ impressions of all the five fingers of both the hands .He further dictated a statement and directed the applicant to write the same on the paper provided by the V.I.Sri B.D.Kalra No copy of th statement, so got recorded, in the applicant hand and signatures was given to the applicant. The same is in custody of the Vigilence Branch. The applicant has no access to the same. There was no body at the time the said sri B.D. Kalara dictated the statement and got it signed by the applicant. The statement was not witnessed by any body as none was present at the office.

4.7 The Divil Mech. En (II) LKO while excercising his powers under Rule 5(1) of the RS(D&A) 1968 placed the applicant under suspension merely on the grounds that a disciplinary proceeding against the applicatn was contemplated. The same is proved from impugned order(D)

Exhibit  
As per P.1

4.8. The D.M.E. did not exercise the discretion keeping in view the public Interest, objective consideration and all the material facts.

Sant Ram

14.9. The disciplinary Authority was apparently under the influence of the Vigilance department of the Railway and acted upon the directions of the Vig. Departmental Officials. ~~The action of the Disciplinary Authority~~ is against the principles of Natural Justice and the law of the land.

14.10. The disciplinary Authority did not take the demoralising effect on the Railway servant into consideration while exercising his ~~discretion~~ discretion in exercising his powers Under Rule 5(1) RS(D&A) 1968 and misused his powers.

14.11/6.10. The disciplinary authority did not consider that no criminal proceedings were ~~then~~ then contemplated, resorted to or pending.

14.12. The Disciplinary Authority did not consider that in absence of criminal proceedings the prolonged suspension without any justification would be vexatious and inexpedient as in the instant case.

14.13. The Disciplinary Authority did not consider that the very exercise of his powers under Rule 5(1) RS(D&A) 1968 would be in contravention of Art. 311(2)<sup>(1)</sup> of the Constitution, and ultravires to the extent the rule is inconsistent with Art. 311(2).

14.14. The Disciplinary Authority in the action did not consider that the rules under Art. 309 cannot be valid if they contravene provisions of Art. 311(1) & (2).

Sant Ram



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4.15. The rules RB(D&R) 1968 framed under sec.47 of the Railways Act IX 1890 are invalid so far they contravene Provision of Art.311(2). This was not considered before the Disciplinary authority acted on the implied directions of the Vigilance Branch of the Railways.

4.16. The Disciplinary Authority after the issue of Impugned Order dt. 25-9-1986, did not take any action, upto 2-3-1988 for speedy investigation to reduce the period of suspension to the barest minimum. *as required under vig manual para 7.1 & 2.5*  
ANNEXURE: P/6

4.17. The charge Sheet Impugned order II Dt. 12-3-1988 was issued after about two years from the date of suspension of the applicant. The Chargesheet was issued on 12-3-1988 only after the receipt of some confidential instructions from the Vigilance department per letter NO 14-Vig/104/87 Dt: 26-10-1987. It was not on the initiative of the Disciplinary Authority to cut short the period of suspension of the Applicant. The Charge sheet NO VIG/102/A/C/87 LCS Dt. is submitted here with accompanying the application, in Original. *Exhibit II*  
~~ANNEXURE: P/6~~

4.18. The applicant on 12-3-1988 pleaded not guilty and prayed for supply of the Relied upon documents on which the departmental officer of the Respondent No 2 proposed to prove the statement of misconduct and statement of article of charges framed against the applicant. A copy of the same is annexed to the application as ~~Exhibit II~~. *ANNEXURE: P/5*

4.19. The Respondents have not <sup>furnished</sup> ~~produced~~ the copies of the relied upon documents so far in violation of provisions of Art.311(2) to deprive the applicant to defend himself.

*Sant Ram*

4.19. The respondents have not complied with the mandatory obligation as required under the rule 9(5) read with note appended below Sub clause (ii) Rule (5) RS(D&A)1968 to furnish the copies of the documents requisitioned as back as 18-3-1988 even on written request. This speaks how serious are the respondent in harassing the applicant rather than minimising the inordinate delay in finalising the disciplinary proceedings against the applicant.

✓ 4.20. The respondents have not ordered the inquiry or appointed the Inquiry officer to conduct the same.

4.22. The respondents instead of processing the Disciplinary proceedings against the Railway Employees charge sheeted including the applicant have adopted the method of picking up the Rly Servant under suspension and putting them on service revoking the suspension orders in the identical circumstances. The action of discrimination among the equals not only attracts Art.14 and 16 of the constitution but also appears to be fishy and melafide. The staff put back to duty revoking the suspension orders are cited in

(2) Vinod Kumar (3) Jai Karam (4) Ram Nath Singh (5) Shushheel Kumar  
Schedule 'A' to the application  
Tewari (6) B. N. Srivastava.

4.23. The respondent inaction not only has demoralising effect on the applicant but affecting the wellbeing of the entire members of the family including the children.

Sant Ram

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G R O U N D S F O R T H E R E L I E F W I T H L E G A L P R O V I S I O N S

The applicants pray for the relief prayed for above on the following grounds besides the pleadings in the application.

G R O U N D S

.....

1. Because the Tribunal has the exclusive jurisdiction under sec. 14 of the C.A.T 1985 to deal with the ~~service~~ service matters concerning the Rly Employees governed by the Central Government .
2. Because the applicant is still under suspension and no opportunity has been afforded to him to defend as provided under Art. 311(2)
3. Because No Inquiry has been ordered and no Inquiry Officer appointed .
4. Because the application is within the period of limitation as provided u/s. 21 of the C.A.T 1985 . The Limitation continues from day to day.
5. Because the departmental remedies have since been exhausted as provided u/s. 20 of the Act.
6. Because no case is pending in any other Court, and Tribunal etc.
7. Because all the formalities as required under Rule 4 have since been complied with and prescribed fee paid per accompanying Bank draft.
8. Because the applicant is Railway servant since

San Ram

~~123 4567~~

- 10 -  
- 9 -

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~~10~~ - 9 -

12-3-1979 with a break in Nov. 1981 and continuous work since 3-5-1983 having all the privileges as a permanent Rly Employee, ~~Permanent~~ P.F. NO 545526/6P- 64572 with regular recoveries of the Provident fund from salary bills as deposed in Para 4.1 & 4.2.

9. Because the impugned suspension order Dt: 25-9-1986 is arbitrary illegal void, vitiated, Vexatious, against public interest, inexpedient, having demoralising effect on the applicant, amounting to harassment, at the instance of the Vigilance department, without consideration and misuse of the power under Rule 5(1) RS (D&R) 1963

(Ref. 6.3 to 4.12.)

10. Because the the rules framed under Art. 309 of the constitution stands ultravires when inconsistent with provisions of Art. 311 (1) & (2) of the constn. (4.12 - 4.13) (Based on legal Opinions (1) AIR 1956 Cal 1662 (667) & A. I. R. 1971 SC. 823-

11. Because the suspension and Disciplinary proceedings to be quashed as law of the land (1973) 2 Serv. L. R. 553 (Sorrissa) as pleaded in 4.12-13 & (14)

12. Because the Rules framed u/s. 47 of the Indian Rlys Act IX 1890 are invalid when inconsistent with Art. 311(1) & (2) (Ref. A. I. R. 1961 Cal 93 (95) as pleaded in para 4.15. (A. I. R. 1961 Cal. 93 (95).

13. Because the disciplinary Authority (Respondent) have issued the impugned Charge Sheet at the instance of the Vigilance Department through Sri. B. D. Kalara P. V. I (VIG). The charge sheet (Impugned) to the best of the applicant's knowledge was prepared in the office of the Vigilance Branch N. R. Hd Qtrs Office Baroda House, sent to the Respondent for signatures and service, in Oct. 1987.

Sant Ram

~~on Vig Branch office reference No. 4-VIC/402/87/1447~~

14. Because the Respondent did not supply the copies of the relied upon documents even after written request 9(5) RS(D&R)1968. (Ref Para 19)

15. Because the Respondents in concert with the Vig Branch Hd Qtrs N.R. New Delhi are evading further under the RS(D & R ) 1968 Rule 9 sub clauses (6) to (19) & rule 10. ~~VI~~ just to demoralise the Applicant and harass him to the last, so long the Vigilance Branch can prolong the Inquiry by fair and foul means, as pointed out in para 20 to 22.

16. Because in the identical cases the disciplinary proceeding have been quashed. (Relied upon case No. 4.22. 1973.2 Serv L.R. 553 Orissa. as submitted in Para 22.

17. Because the Disciplinary proceedings in the instant case are likely to be quashed on account of in-ordinate delay ~~in~~ in the proceedings. ~~respondent~~

~~Because~~ Because suspension gives a continuing cause of action and can be challenged at any time on ground of inordinate delay.

18. Because the Respondent action attracts Arts, 14, 16 & 311(1)(2) of the constitution of India 1950.

19. Because the Hon<sup>ble</sup> Central Administrative Tribunal u/s. 21 has jurisdiction to admit the petition and competent to decide the same on its merits.

P. L. Shah -Vs- U. O. I. -A. I. R. 1989 S. C. 985.

CASES REFERRED AND RELIED UPON.

1. 1973.2 Serv. L.R. 553(Orissa)	(6) 1987	2 ATC	828
	(7) 1985	UPSC	342
2. A. I. R. 1971 S. C 823.	(8) 1987	3 ATC	718
3. A. I. R. 1956 Cal 662(667)	(9) 1985	UPSC	272
	(10) 1987	3 ATC	848
4. A. I. R. 1989 S. C. 985 Para 6 & 7.	(11) 1985	UPSC	N72)
5. A. I. R. 1974 S. C. 2192, Shansher Sing Vs- U. O. I.			

Sam Ran

~~XXXXXXXXXXXX~~

6. 1983 1 ATC (CAT) (ND).  
7. 1987 2 ATC (CAT) (QUW)  
8. 1987 2 ATC 977 (CAT) (JAB)

6. Details of remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service Rules.

- 6.1. The petitioner on 2-1-1988 prayed for duty. A copy of the same is annexed to the P1 position as:-

ANNEXURE: P/2.  
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- 6.2. The legal notice u/s. 53 G.P.C. per roged post A/D. Postal receipt No. 1285 delivered on 22-2-1988. The office copy, receipt and acknowledgement are annexed as:-

ANNEXURES P/3&P/4  
-----

- 6.3. Written defence on impugned order II. A copy of the same is annexed as:-

ANNEXURE: P/5.  
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- 6.4. Application dt: 13-2-1988 to the Adl. Ch. Vig. officer NDLS. by roged post, A/D.

ANNEXURE: P/6.  
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- 6.5. Application dt: 22-7-88

ANNEXURE: P/7.

- 6.6. Joint representation dt: 21-4-89. , rejected orally, in personal audience before the D.M.B., N.R. LKO.

ANNEXURE : P/8.  
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7. Matter not pending or previously filed with any other court.

The applicant further declares that he has not previously filed any application, writ petition or suit regarding

*Sant Ram*

the matter in respect of which this application has been made, before any court of any other authority or in any other bench of the Tribunal, nor any such application writ, petition or suit is pending before any of them

8. Relief sought:

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

Amendment made  
as per order dt.  
22.10.87

8.1. The Hon'ble Tribunal may be pleased to declare the impugned order as void, vexatious, inexpedient.

27/11/87  
Counsel for Petitioner

8.2. And that the contemplated Disciplinary proceedings are not maintainable.

8.3. And the directions to the respondents to ~~re-instate~~ re-instate the applicant with all the resultant benefits that would have been available to the applicant had he been continuing the service since 25-9-1986

8.4. The cost of the suit including Advocates Fees. ~~Rs. 1000.00~~ Rs. 1500.00 and any other relief that the Tribunal may deem fit.

GROUND FOR THE RELIEF & THE LEGAL PROVISIONS:

I. Mis-use of the powers conferred on the respondents officer under RS(D.A. & R.) 1968 Rule 5(1) without verifying prima facie case against the applicant.

II. The Impugned order is not in public interest and is against objective consideration and all the material facts

III. The impugned order violates the guide lines issued by the Central Government vide ~~XXXXXX~~ circulars Dt: 7-9-65, 4-2-71 and 14-9-73 Mangaleswaren v. Commissioner Income Tax (1987) 2 ATC 828.

Smt. Rao

- IV. Suspension for an indefinite period of time is un-reasonable - Ran Autar Sharma v. State of U.P. 1985 UPSC 342 Following P.S. Chauhan v. State of U.P. W.P. NO. 1438 of 1976.
- V. The suspension beyond the statutory maximum period entitles the employee to re-instatement Ran Singh v. Lucknow Producers coop. Milk union 1985 U.P. SC 272.
- VI. Impugne order in contemplation of disciplinary proceedings is challengeable for non initiation of disciplinary proceedings despite the lapse of an unreasonable long period is enough to conclude non-contemplation of Disciplinary proceedings and absence of the material with the Authorities to support the contemplation N.K. PAL. v. U.O.I. 1986.1 AFG 373.
- VII. Suspension gives a continuing cause of action, once it can be challenged at any time on ground of inordinate delay in initiating the disciplinary proceedings - Manna Lal Tewari v. State of U.P. 1985 U.P.S.C.(N) 72.

9. INTERIM ORDER.

in view of the facts as deposed in para NO 4.23 the applicant prays that he also be re-instated forth with, pending final decision on the application for declaration of RS(D.A. & R.) 1968 proceedings as void vitiated and illegal. on the foregoing grounds as against para NO 8 and 5 of the application.

10. The application presented through Advocate. And as such formality under para 10, no applicable.

Sant Ram



A24

1A

11. Particulars of Bank Draft in respect of the application

fee:-

Name of the Bank: State Bank Of India.

Demand draft NO: O.T. A. 132 514988

Dated : 22-7-1989.

12. List of enclosures:

on the next page.

VERIFICATION

I Sant Ram son of late Sri Babu Lal aged about 34 yrs working as substitute Cleaner under the Loco Poronam N. My Loco Shed Lucknow resident of Geeta Palli, Alambagh, Lucknow do hereby verify that the contents of paras No 1 to 12<sup>14, 6, 7</sup> above are true to my personal knowledge and those of paras No 5, 8 to 9 believed to be true on legal advice and that I have not suppressed any material fact.

Dated:

Place:

*R. S. Saxena*  
18/8/89  
R. S. Saxena, Advocate  
SARLA MANDIR, GEETA PALLI  
ALAMBAGH, LUCKNOW-5

*Sant Ram*  
Signatures of Applicant.

To,

The Registrar,  
Central Administrative,  
Tribunal Circuit Court,  
Gandhi Bhawan, Lucknow.

*Sant Ram*

Page No. 15 /  
25  
Impugned order - (1)  
Genl. 184

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

Standard Form No. 1

No. VI G/34/C/86/LCS  
25-9-1986

Name of Railway Administration... H. RLY.  
Place of Office, Lucknow... 19

ORDER

Whereas a disciplinary proceeding against

whereas a case against Shri

Shri Sant Ram S/o Sh. Daboo Lal, Sub: Cleaner, Loco Shed/Lko (Name and designation of the Railway servant) in respect of

is contemplated/pending.

criminal offence is under investigation/inquiry/trial.

Now, therefore, the undersigned (the authority competent to place the Railway servant under suspension in terms of the Schedules I, II and III appended to RS (D & A) Rules 1968/an authority mentioned in proviso to Rules 5 (i) of the RS (D & A) Rules, 1968, in exercise of the powers conferred by Rule 4/proviso to Rule 5(1) of the RS (D & A) Rules, 1968 hereby places the said Shri Sant Ram under suspension, with immediate effect with effect from 25-9-86

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

Signature..... (R. S. Indlaw) 25/9

Name... R. S. Indlaw, Director (D & A) Authority

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

Copy to: For information of the concerned Railway servant. Orders regarding subsistence

Shri Sant Ram, (Driver), Loco Shed/Lko

Allowance admissible to him during the period of suspension will issue separately.

R.P.R. Rd. (Ph. Bg.), Delhi-35-2, 138/17-12-1984-35,000 F.

- C/- 1. L.F./Lucknow. for necessary action.
- 2. Dealer, En in office for necessary action.

S. S. S. 18/8/86  
S. S. S. 18/8/86

Receipt date 15/3/88

Page 18

p26

In The Central Administrative Tribunal Circuit Court-  
Lucknow

## STANDARD FORM OF CHARGE SHEET.

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

No. ....

..... (Name of Railway Administration)

(Place of issue)..... Dated. 2.13/.....

## MEMORANDUM

The President/Railway Board/undersigned propose(s) to hold an inquiry against Shri..... under rule of the Rly. servants (Discipline & Appeal) Rules, 1968. The substance of the imputation of misconduct or mis-behaviour 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 mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV). \*Further, copies of documents mentioned in the list of documents, as per Annexure I are enclosed.

2. \* Shri..... is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose he should contact..... immediately on receipt of the memorandum.

3. Shri..... is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of Railway Trade Union who satisfies the requirements of rule 9(13) of the Railway servants (Discipline and Appeal) Rules, 1968 and note I and/ or note II thereunder as the case may be) for inspecting the documents and assisting him in presenting his case before the Inquiry Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting railway servant(s) or Railway Trade Union Official(s). Shri..... should obtain an undertaking from the nominee(s) that he (they is (are) willing to assist him during the disciplinary proceedings. The under-taking should also contain the particulars of other case(s) if any.

In which the nominee(s) had already undertaken to assist and the under-taking should be furnished to the undersigned General Manager.....  
..... Railway alongwith the nomination.

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

# In the Central Administrative Tribunal Circuit Court Lucknow

Contd..

-3-

\*\* Name of the authority. This would, imply that whenever a case is referred to the disciplinary authority by the investigating authority or any authority.

who are in the custody of the listed documents or who would be arranging for inspection of the documents to enable that authority being mentioned in the draft memorandum.

22. Where the president is the disciplinary Authority.

a. To be retained wherever president or the Railway Board is the Competent authority.

© To be used wherever applicable See Rule-16(1) of the RS (D&A) Rule 1953 Not to be inserted in the copy of the Railway Servant.

C/- GM(Vig)/NDLS in ref. to his conf. letter No.14-Vig/104/87 dt. 26.10.87.

*[Signature]*

18/8/87

S. C. S.  
M. B. S.  
AMBACH, Lucknow

In the Central Administrative Tribunal  
Circuit Court Lucknow

Annexure II

(A)

Statement of Imputation of Misconduct and  
Misbehaviour in support of Article of charge  
framed against Shri Sant Ram  
Substitute, Loco Shed, N.Rly. Lucknow.

The examination of LTI's affixed on Muster Roll for the  
period of 01/01/1980 passed by Accounts vide AB No. 581E/12  
dated 11/12/80 revealed that one man has affixed his LTI against  
all the names appearing below:

C.F.D.E. Reference.	Ref. no. of page no. of Paid Voucher.	Ref of Pay Token number.
Grop.C	38, 36, 37	396, 398, 400, 402, 365, 369, 372,
C-1	34, 35, 32	373, 374, 386, 387, 339, 340, 341
to	33, 30, 31	342, 343, 344, 345, 353, 355
C-64	26, 24, 22	356, 357, 359, 305, 309, 311, 317
	23, 21	331, 332, 284, 286, 287, 288, 302
		303, 219, 221, 223, 225, 227, 229
		231, 192, 194, 196, 198, 200, 201, 163
		165, 167, 171, 173, 175, 185, 187
		189, 151, 153, 155, 157, 161.

Shri Sant Ram appeared in the Muster Roll against  
Pay Token no. 357 But his LTI obtained a fresh revealed  
that it is not identical to the LTI said to have been affixed  
by him at the time of endorsement of his name in the Muster  
Roll. It is therefore, apparant that he had never worked  
in Loco Shed LKO during the said period and got fake LTI  
affixed against his name in connivance with Sh. Dwivedi and  
obtained the salary in a fraudulent manner.

*[Signature]*  
18/8/80  
R. S. Sarma, Advocate  
SARIA MANDIR, CARTA PALLI  
ALAM BAGH, LUCKNOW-5

*[Signature]*  
(P.N. MISRA)  
Asstt. Mech Engineer (I)  
N. Fly, Lucknow.

Shri. One Central Administrative Tribunal  
Circuit Court Lucknow  
Annexure I. (A)

Statement of Article of charges framed  
against Shri Sant Ram Sub. Loco Shed, Lucknow.

Shri Sant Ram while functioning as Substitute  
during the year 1980-1981 committed misconduct and  
misbehaviour in as much as he in connivance with  
Shri C.K.D. Dwivedi, Time Keeper, Loco Shed, LUCKNOW  
defrauded the Railway Administration by getting fake  
LTI affixed against his name in the Muster Roll for  
the period ~~from 01/01/1980~~ from 01/01/1980 appearing against Pay Token  
number 357 and thereby obtained salary when he never  
worked in Loco Shed/Lucknow during the said period as LTI  
obtained by CFPE has not been found identical to the ~~LTI~~  
the LTI said to have been affixed by him at the time  
of endorsement of his name in the said Muster Roll.

Shri Sant Ram by his above act of  
omission and commission failed to maintain absolute integrity,  
devotion to duty and acted in a manner unbecoming of a Rly.  
servant and thereby contravened Rule 3.1(i), (ii) & (iii) of  
Railway Services Conduct Rule 1966.

(P.M. MISRA)

Asstt. Mech Engineer (I)  
N. Rly. Lucknow.

Shri Sant Ram

18/8/80

R. S. Sharma, Advocate  
BARLA MANDAL, DIST. BALLIA  
ALAMGARH, U.P. PIN-224105

In The Central Administrative Tribunal  
Civil Court hereunder

Annexure III

(A)

List of documents in support of Article of  
Charge framed against Shri Sant Ram.  
Sub. Loco Shed, N.Rly. Lucknow.

1. Paid Voucher bearing AB No. 581E/112 dt. 11/12/80
2. Report of C.F.P.E. dated (Chief Fingerprint Examiner) dated 26-2-86
3. L.T.I. obtained on 21-4-86 of Shri Sant Ram alongwith the report of CFPE dated 5-8-86
4. Statement dt. 21-4-86 of Shri Sant Ram

Annexure IV

List of Witnesses.

1. Shri B.D. Kalra, Vigilance Inspector  
HQs office, New Delhi.
2. Shri Lalita Chaubey, Chief Fingerprint Examiner, FA & CAU's office, New Delhi.

*Decker*

18/8/87

P. S. Sharma, Advocate  
SARLA MANDIR, P.O. P.O. 11  
NAMPATI, LUCKNOW 5.

(P.N. MISRA)

Asstt. Mech Engineer (I)  
N. Rly. Lucknow.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALBANY AD AP,

CIRCUIT COURT GANDHI BHAWAN LUCKNOW.

Case NO 1989.

Sent Ram.

applicant

Versus

U. O. I. & Others

Respondents.

List of Documents.

SL. NO.	Description	From	Page To
ANNEXURE: P/1			
1.	Extract of U.O.I. Vig. Manual Paras, 9.1 to 9.5.	1	2
2.	ANNEXURE: P/2. Representation dt: 2-1-1988	3	-
3.	ANNEXURE: P/3 Notice U/S. 80 C.P.C. dt: 20-1-1988.	4	5.
4.	ANNEXURE: P/4. Postal Receipt NO 1786 & acknowledgement form duly receipted	6.	-
5.	ANNEXURE: P/5. Provisional Written defence & request for supply of relied upon documents.	7	8.
6.	ANNEXURE: P/6 Representation dt: 13-2-88.	9	10
7.	ANNEXURE: P/7. Representation dt: 22-7-88	10	11.
8.	ANNEXURE: P/8. Joint representation dt: 21-4-89.	12	13 13 .

ANNEXURE: P/9.

Bankdraft NO 07/A/132 514988

dt: 22-7-89, for Rs. 50/=

Lucknow: Dated:

Sent Ram

14



①

Annexure 6  
176

नोटिस की प्राप्ति के दिनांक से समाप्त समस्त कार्यों की और यह निर्देश देते हैं कि समस्त कार्यवाही ज्ञापन दिनांक में दिए गए एक महीने के नोटिस की शेष अवधि के लिए उसी दर पर अपने वेतन तथा भत्ते यदि कोई हों की पुनरावृत्ति के रूप में दे पायेगा होने के हफ्तेवार होंगे जिस दर पर वे उसको अपनी सेवा समाप्ति के ठीक पूर्व पा रहे थे।

नियुक्ति प्राधिकारी के हस्ता  
तथा पदनाम  
गोपनीय

संख्या 22/4/71-नियुक्ति (ख)

प्रेषक,

श्री पुरन चन्द्र पांडे,

आयुक्त एवं सचिव,

उत्तर प्रदेश शासन।

सेवा में,

समस्त विभागाध्यक्ष तथा प्रमुख कार्यालयाध्यक्ष,  
उत्तर प्रदेश।

नियुक्ति (ख) विभाग

लखनऊ, दिनांक 2 जुलाई, 1971.

विषय--सरकारी कर्मचारियों का निलम्बन।

*Suspension  
of Govt. Servants*

महोदय,

मझे आपका ध्यान शासनादेश संख्या 12/1/65-बो.ख-1965, दिनांक 26 जुलाई, 1965 की ओर आकृष्ट करने का निर्णय हुआ है जिसमें यह कहा गया था कि किसी सरकारी कर्मचारी को निलम्बित करने का निर्णय लेने में सार्वजनिक हित को ध्यान रखना चाहिए और आनुशासनिक प्राधिकारी को सभी तथ्यों पर विचार करने के पश्चात् अपने विवेक का प्रयोग करना चाहिए। निलम्बन की आवश्यकता व्यक्ति निरपेक्ष कारणों (Objective Consideration) पर स्पष्टतः आधारित होनी चाहिए और करने में सक्षम अधिकारी को अन्य कारणों से प्रभावित नहीं होना चाहिए।

2--देखने में यह आया है कि इन अनुदेशों का ठीक से पालन नहीं हो रहा है। सरकारी कर्मचारियों का छोटे-छोटे बातों पर निलम्बित कर दिया जाता है। इसके बाद आरोप-पत्र बहुत देरी से दिया जाता है जिससे निलम्बन की स्थिति बर्बर चलती है। इससे एक ओर तो निलम्बित कर्मचारों के आत्म-सम्मान को भारी ठेस पहुंचती है और दूसरी ओर जो इस प्रकार अधिक कठिनाई का सामना करना पड़ता है। यह स्थिति अत्यन्त असन्तोषजनक है। नियमानुसार निलम्बन साधारणतः दो प्रकार का होता है--प्राथमिक और द्वितीयक। प्राथमिक निलम्बन तब तक कि सम्बन्धित सरकारी कर्मचारी के विरुद्ध आरोप इतने गम्भीर न हों कि, उनके प्रमाणित नहीं किया जाना चाहिए जब तक कि सम्बन्धित सरकारी कर्मचारी की सेवा से पदच्युत, पृथक् या पदावनत करने की सम्भावना हो। इसलिए यह आवश्यक है कि आनुशासनिक प्राधिकारी को अपने अधीन किसी कर्मचारी को निलम्बित करने में अपने विवेक का बहुत सावधानी से इस्तेमाल करना चाहिए। किसी कर्मचारी को जल्दबाजी में निलम्बित कर देना न तो शासकीय हित में ही उचित है और न उस कर्मचारी के हित में। निर्विवाद है कि निलम्बन का एक सरकारी कर्मचारी की सेवा पर बहुत बुरा प्रभाव पड़ता है। भले ही उसके विरुद्ध कोई सिद्ध न हो पाए और उसे एक प्रतिकूल प्रविष्टि देकर छोड़ दिया जाय; परन्तु एक धक्का तो रह ही जाता है जो उसके भविष्य की प्रगति के मार्ग में बाधक हो सकता है।

3--शासन इस बात पर जोर देना चाहता है कि निलम्बन का आदेश आवेश में आकर नहीं देना चाहिए। इस आदेश का प्रयोग बहुत सोच-विचार कर करना चाहिए। यदि यह शंका हो कि सम्बन्धित कर्मचारी साक्ष्य ब्रिगाड सकता है तो उसी स्थान पर रह कर उसके विरुद्ध जांच भली-भांति नहीं चल सकती तो उसे वहां से स्थानान्तरित करके जांच की जानी चाहिए। जांच पूरी हो जाने पर यदि यह फैसला लिया जाता है कि अपराधी कर्मचारी को आरोप-पत्र दिया जाय तो उस अवस्था में उसे साक्ष्य के आधार पर उसको निलम्बित करने की बांछनीयता पर विचार किया जा सकता है। जहां तक सम्भव हो निलम्बन प्राथमिक पत्र दिए जाने के ठीक पहले ही होना चाहिए और आनुशासनिक कार्यवाही शीघ्रतापूर्वक पूरी करने का भरसक प्रयास करना चाहिए। अन्त में इस बात को फिर दोहराया जाता है कि किसी कर्मचारी को उस समय तक निलम्बित नहीं करना चाहिए जब तक कि उसके विरुद्ध इतना साक्ष्य उपलब्ध न हो जिसके आधार पर उसकी सेवा से पदच्युत, पृथक् या पदावनत करने की सम्भावना हो अथवा कोई ऐसी स्थिति उत्पन्न न हो जाय जिसमें जनहित को ध्यान में रखते हुए कर्मचारी को निलम्बित करना अति आवश्यक हो। भारत सरकार के सतर्कता विभाग के मनुअल में इस सम्बन्ध में जो आदेश हैं उनकी एक प्रति पथ-प्रदर्शनार्थ संलग्न है।

4--आप से अनुरोध है कि आप उपर्युक्त अनुदेशों को अपने अधीन सभी अधिकारियों की जानकारी में लाएं।

भवदीय,  
पुरन चन्द्र पांडे  
आयुक्त एवं सचिव

संख्या 22/4/71-नियुक्ति (ख) (1)

प्रतिलिपि सचिवालय के समस्त विभागों को सूचनार्थ तथा पथ-प्रदर्शनार्थ प्रेषित।

आज्ञा में  
पुरन चन्द्र पांडे  
आयुक्त एवं सचिव

*Woni-Ram*

*R. S. Soren*  
18/7/71

R. S. Soren, Advocate  
SARLA MANDIR, CHETA PALI  
ALAMBAGH, LUCKNOW-5

### Speedy investigation into cases in which an officer is under suspension.

9.1 Though suspension is not punishment, it constitutes a great hardship for a Government servant. In fairness to him the period of suspension should be reduced to the barest minimum. Investigation into cases of officers under suspension should therefore, be given high priority and a charge-sheet should be filed in the court of competent jurisdiction in cases of prosecution or served on the officers in cases of departmental proceedings not later than six months as a rule. In cases which are taken up by, or are entrusted to the Central Bureau of Investigation for investigation, the time limit of six months will be reckoned from the date on which the case is taken up for investigation by the Central Bureau of Investigation.

9.2 If investigation is likely to take more time, it should be considered whether it is all necessary taking the circumstances of the case into account to keep the officer under suspension or whether the suspension order could be revoked, and if so whether the officer could be permitted to resume duty on the same post or transferred to another post or office.

9.3 When an Officer is suspended either at the request of the Central Bureau of Investigation or on the Department's own initiative in regard to a matter which is under investigation or inquiry by the Central Bureau of Investigation or which is proposed to be referred to Central Bureau of Investigation, a copy of the suspension order should be sent to the Director, Central Bureau of Investigation, with an endorsement thereof to the Special Police Establishment Branch concerned. To reduce the time lag between the placing of an officer under suspension and the reference of the case to the Central Bureau of Investigation for investigation, such cases should be referred to the C. B. I. promptly after the suspension order is passed if it is not possible to refer them before the passing of suspension orders.

9.4 The instructions contained in sub-paragraphs 9.1 and 9.2 aim at reducing the time taken in investigation into cases of officers under suspension and speeding up the progress of case at the investigation stage. They do not in any way abridge the inherent powers of the disciplinary authority in regard to the view of cases of Government servants under suspension at any time either during investigation or thereafter. The disciplinary authority may review periodically cases of Government servants under suspension in which charge sheets have been served and to see—

- (i) whether the period of suspension is prolonged for the reasons directly attributable to the Government servant ;
- (ii) what steps could be taken to expedite the progress of the court trial departmental proceedings ;
- (iii) whether the continued suspension of the officer is necessary having regard to the circumstances of the case at any particular stage ; and
- (iv) whether having regard to the guide lines enunciated in paragraph 2, regarding the circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension, the suspension may be revoked and the Government servant concerned permitted to resume duty at the same station or at a different station.

9.5 In cases in which the order of suspension is revoked and the Government servant is allowed to resume duty before the conclusion of criminal or departmental proceedings, an order under F. R. 54 regarding the pay and allowances to be paid him for the period of his absence from duty and whether or not the said order shall be treated as a period spent on duty can be made only after the conclusion of the proceeding against him.

संख्या 7/9/1975—कामिक-1

से,

श्री पृथ्वी नाथ चतुर्वेदी,  
आयुक्त एवं सचिव,  
उत्तर प्रदेश शासन।

से,

समस्त विभागाध्यक्ष तथा प्रमुख कार्यालयाध्यक्ष,  
उत्तर प्रदेश।

लखनऊ, दिनांक 25 फरवरी, 1976।

कामिक अनुभाग (1)

विषय—पदच्युत तथा सेवा से पृथक् किए जाने के आदेशों को प्रभावी किया जाना।

संदर्भ,

मुझे यह कहने का निदेश हुआ है कि सी० सी० ए० रुल्स के नियम 49-बी तथा पनिशमेंट एंड अपील रुल्स के नियम 1-बी में पदच्युति या फि सेवा से पदच्युत अथवा पृथक् किए जाने के आदेशों को निलम्बन की तिथि से प्रभावी किया जाता

Sant Ram

*[Signature]*  
18/2/76

R. S. ...  
...  
...

In The C.A.T. Circuit Court Lucknow

22/2  
22/1

ANNEXURE: P.1

Annexure: P.1

Pages 1 to 2

A  
34

Extract of U.O. 9. directions through  
Vigil. departmental Manual para 9.18  
9.5. Read with U.P. State G.O. No 22/4/77  
dt: 2.7.1977

Sant Ram

Lucknow: Dated:

(Sant Ram)



In the C.A.T. Circuit Court Lucknow

ANNEXURE: P2

Page 23 (3)

From:-

Sant Ram

Substitute Cleaner,

Loco Running Shed,

N.Rly. Alam Bagh

& Geeta Palli )

Lucknow.

ANNEXURE P2

Dated: 2nd January 88.

To,

The Sr. Mechanical Engineer,  
Northern Railway, Hazratganj  
Lucknow.

Through  
Proper channel.

Subject:- Suspension of self since 25-9-1986.

Yr Ref NO:- Vig/34/C/86/LCS Dated 25-9-1986.

Dear Sir,

The petitioner above named most respectfully  
begs to submit as under:-

1. That the petitioner was suspended on 25-9-1986  
without assigning any reason what so ever.

2. That no charge sheet has so far been issued and  
served on the petitioner.

3. That the suspension is being imposed in an arbitrary  
manner. This is most arbitrary, illegal and defies the

principles of Natural Justice for justice delayed means  
justice denied.

Therefore it is respectfully prayed that  
the petitioner be put back to his duty, the charge sheet if  
at all warranted be served and the departmental proceedings  
commences forth with to meet the end of justice.

Lucknow: Dated:

21.1.1988

Yours faithfully

Sant Ram  
( Sant Ram )  
Substitute Cleaner,  
N.Rly. Loco Running Shed  
Alam Bagh Lucknow.

Lucknow: Dated:

3. 7. 1988

(Sant Ram)  
Applicant

(4)

In the C. A. T. Circuit Court, Lucknow

Page ~~202~~ 36

P 36

(25)

From:-

Sant Ram Aged about 34 yrs  
S/O. Late Bri. Babu Lal.  
Sub. Cleaner, Loco Shed/Lucknow.  
THROUGH.

Bri. R. S. Saxena, Advocate,  
C/135, Sarla, andir,  
Gootapalli, Alambagh,  
LUCKNOW-226005.

ANNEXURE: P3

ANNEXURE: P3

To,  
The General Manager,  
(Personnel) Northern Railway,  
Baroda House NEWDELHI.

Dear Sir,

Subj:- Notice u/s. 80 C.P.C. read with sec. 34.  
Specific Relief Act.

Under the instructions from my client above mentioned  
I have to serve the following notice.

1. That the client was appointed as casual labour in the  
Loco Shed on 12-3-1979.

2. That the client was, on completion of 240 days work  
was absorbed as a substitute in the Loco Shed N.R.L. Lucknow.

3. That the client worked continuously till Nov/1981.

4. That my client along with others on the list of the  
substitutes were discharged without assigning any reasons and  
affording the full opportunity as provided under Art, 311 (2) of  
the Constitution of India 1950.

5. That as a result of collective action in the labour  
court Kanpur there after at New Delhi, my client along with others  
on the list, on 4-8-1983, was reappointed as Sub. Cleaner.

6. That my client from 4-8-1983 to 24-9-1986 worked  
continuously under the A.L.E. Loco Shed Lucknow.

7. That on 20-4-1986 my client was summoned to appear  
before the vigilance Officer Baroda House NEWDELHI.

8. That my client was shown salary Bills for the months  
of May 1979 and 1981 without showing the month for which the Bill  
pertained to and was asked to identify his left thumb impression  
on the said Bill and state if the same were of my client.

9. That my client examined the thumb impressions and  
accepted them to be of my clients' own left thumb impression.

10. That my client there after was relieved to the loco  
shed, on 21-4-1986 to report back to the Loco Foreman N.Rly.  
Lucknow.

11. That my client reported for duty to the loco foreman  
N.Rly. Lucknow on 23-4-1986 and worked continuously upto 24-9-1986

12. That my client was placed under suspension with  
effect from 25-9-1986 without assigning any reasons

13. That my client has not been served with any charge  
sheet to the date of service of the notice, though practically it  
is over one year since 25-9-1986.

14. That no disciplinary proceedings have so far been  
initiated against my client.



5 37

15. That the delay in action in as much as issue of the charge sheet for specific allegations, is vitiated by malafid and against the principles of Natural justice.

16. That the Railway administration is also incurring recurring loss of thousands of rupees a month, the Railway has to pay to the substitutes numbering over 1000, the suspension allowance, including my client.

17. That each of the substitutes including my client has been drawing suspension allowance ~~Rs. 6000.00~~ ranging from 50% to 75 percent of the basic salary of the substitute which can otherwise be saved.

17. That the Railway has to incur an expenditure of Rs. 6000.00 (Sixty Thousand) per month as suspension allowance without any work from the Substitutes, Fire Men, Cloths and charge man under suspension over two to one year. This amount can be saved provided the staff under suspension is put back to their duties and departmental proceedings conducted in normal course and those found guilty be dismissed at the close of the departmental enquiry.

18. That my client has no objection but to move his case before the Central Administrative Tribunal 23 A Thom Hill Road Allahabad in case his departmental representation is not taken into the consideration and the client be put back to his normal duty.

Wherefore ~~REKAS~~ you are served this notice and directed to put back my client to duty, serve the charge sheet should it be at all warranted. On default please note the the Railway shall be liable for the civil consequences with cost and damages.

Yours faithfully.

Sant Ram  
(Sant Ram Saxena)  
Substitute

O/c (R.S. Saxena)  
Advocate

Lucknow: Dated:

2-1-1988.

*[Signature]*  
18/8/89

R.S. Saxena  
Advocate

Lucknow: Dated:  
3. 7. 1989

(Sant Ram)  
Applicant

ANNEXURE. 8

In the Central Administrative Tribunal  
of Circuit Court Gandhi Shiksha, Lucknow

Page 6

ANNEXURE P-4

ANNEXURE P-4

- (1) Notice u/s. 80 CPC dt 2/1/88
- (2) Postal receipt of notice No 1786 dt 2.8.1988 and acknowledgement of Respondent receipt dt 1.2.88 in original.

1786 Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is required.

Received by P. registered

Addressed to

Write here name of parcel or railway receipt insured before it when necessary.

Signature of Receiving Officer with the word 'insured' before it when necessary.

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

Insured for Rs. (in figures) (in words)

Insurance fee Rs. (in figures) (in words)

ACKNOWLEDGMENT

प्रति हस्तक्षेप (सीट) ACKNOWLEDGMENT

रजिस्टर्ड पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

बीमा बीमा

Received a Registered Letter/Postcard/Packet/Parcel Insured

पाने वाले का नाम Addressed to (name)

बीमे का मूल्य (रुपयों में) Insured for Rupees

वितरण की तारीख/Data of delivery

अनावश्यक को काट निकालें। Score out the matter not required.

केवल बीमा वस्तुओं के लिए। For insured articles only.

पाने वाले के हस्ताक्षर/Signature of addressee

18/8/89

S. S. Sharma, GEETA PARIKH, LUCKNOW

Sant Ram

Sant Ram

Applicant (Sant Ram)

Lucknow: Dated: 3.7.1989.



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ANNEXURE 9

In The C. A. T. Circuit Court  
Lucknow.

ANNEXURE: P-107 (27)

ANNEXURE: P-5

Page, ~~28-29~~ 7-8

To,  
The Asstt. Mech Engineer (I)  
Northorn Railway,  
Lucknow.

DATED:- 18-3-1988.

Sir,

SubJ:- Ro : SF 5. No Vig/102/A/C/87/LSSDt; 2-3-1988  
to Sri. Sant Ram .

Application under D.A.R. 1968 Rule NO 9(5)(1) read  
with note below Sub Clause (5)(11).

I, Sant Ram son of Late Sri Babu Lal, the  
charged employee, do hereby acknowledge the receipt of the  
charge sheet number cited above formally. The same was  
received on 15-3-1988 when the acknowledgement was also  
signed and delivered to Sri. RajBoor Singh Time Keeper Loco  
Shed N.R. Lucknow.

The charged employee do hereby apply for supply  
of the relied upon documents, cited in the Charge Sheet, as  
appended below, under provision of Rule 9 (5) (1) read with  
foot note to the said rule, D.A.R. 1968. The same are in  
custody of the prosecution and the charged employee has no  
access to the same.

The charged employee reserves his rights to  
submit the written defence on receipt of the said document  
finally and after inspection of the file if at all so  
warranted even after receipt of the certified copies of the  
relied upon documents in issue.

The charged employee, however, pleads not guilty  
provisionally and reserves his fundamental rights to submit  
the written defence, defence documents with list of the  
witnesses, on receipt of the documents applied for here to  
prepare the case and the line of defence.

#### LIST OF THE DOCUMENTS

1. Certified ~~photostat extract~~ photostat extract of the  
said voucher bearing AB.NO. 581E/12 Dt. 11-12-1980 in  
respect of the salary of the charged employee, bearing the  
Left thumb impression as well both on right and left side of  
the voucher in issue (Oct 1980)

8

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- 1(a). The certified Photo stat copy of the Pay slip of the Charged employee Token No 357 for the period OCT/80
2. The certified photostat copy of the report of the C.F.P.E. Dated 26-2-1986 along with the phot prints on which the C.F.P.E. opinion has been worked out and its negatives.
3. L.T.I. obtained on 21-4-1986 of the charged Employee Photo-stat along with its print and negative along with the report of the C.F.P.E. Dated 5-8-1986.
4. The statement Photostat Copy Dated 21-4-1986 of the charged employee, recorded by Sri B.D. Kalra V.I. on 21-4-1986 in the Hd Qtrs Office, Vig Branch, Baroda House N.R. NEWDELHI.

Lucknow: Dated:

18-3-1988.

*o/c* Sant Ram  
(Sant Ram)  
Charged employee  
N.R. Loco Shed, LKO.

Lucknow: Dated

3.7.1988

(Sant Ram)  
Applicant.

*Sant Ram*  
18/8/88

*S. B. Kalra*  
Advocate

Page 32 17

(9)

P  
M

ANNEXURE: R  
P/6

To,

The Addl. Chief -Vigilance Officer(E),  
Northern Railway Baroda House,  
NEW DELHI

Sub: Revocation of Suspension of Sant Ram Singh(Self)

Sir,

I beg to lay the following few lines for your kind information and sympathetic consideration thereon.

That I have been placed under Suspension vide your letter No. V/9/34/C/86/LCS dt. 25-9-1986 and since then I am getting subsistence allowance as per Rly. Rules.

That my father who was retired Rly. employee, after retirement he has died and after his death there is no other source of income, having no other earning member in my family to look after a family consisting of (8) eight members during these hard day of financial stringencies.

Moreover I have got two un-married sisters and they are at present studying in their High School Classes.

Sir, that it given me pain to bring it to your notice that I had already preferred an appeal though my department and requested the concerned officer to forward my case to yours goodself for your consideration but my request brought no results and only on account of this reason I have been compelled to approach your honour direct with the request to kindly revoke my suspension order and put me back to my duties so as to enable me to fulfil my moral duties towards my family and also to earn breads for them.

Further, in this connection, I would like to draw your kind attention to the report of the Administrative Reforms Commission as communicated through Ministry of Home Affairs, Department of Personnel vide their office memorandum No. dated on the issue of suspension.

Sir, in view of the facts as stated above, I would request you to kindly consider my case, not only from the Administrative point of view, but also from the point of humanity and what ever that may be called as good and sacred with kind regards.

Thanking you with regards,

Yours faithfully,

Sant Ram

( SANT RAM SINGH )  
GEETAPALLI  
ALAMBAGH  
LUCKNOW

Dated: 13/2/1988

No. 374

ANNEXURE: R/S

Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V. P. registered letter addressed to

Write here 'letter' or 'parcel' or 'way' or 'parcel' of Receiving Officer with the word 'insured' before it when necessary.

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

Insured for Rs. (in figures) (in words)

Insurance fee Rs. P (in words) weight rates grams

18/8/88  
G. S. Sarda, Secretary  
LUCKNOW

10

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Ar

In C.A.T. Circuit Court Lucknow

~~ANNEXURE~~ 112

Regd Post AID Page 38 P-7

To,

The Senior D.M.E.,  
Northern Railway,  
LUCKNOW

ANNEXURE P.7

Reg: Revocation of suspension with effect from  
the date of suspension 25.9.1986.

Sir,

Vide your office order no. Vig./34/c/86/LCS dt.  
25.9.86, the applicant undersigned was suspended in  
connection with a proposed case in respect of payment  
of certain substitutes of tocosted N. Railway, Lucknow,  
in which, the applicant was completely innocent, yet  
was erroneously implicated vide your S.F. no. 5  
dt.

The applicant, thereafter, applied for revocation  
of the said suspension because the D.A.R. Enquiry in  
this case was abnormally delayed due to lack of  
expediency on the part of Railway Administration. But  
the same met no favourable response.

That, it has come to applicants notice that the  
suspension orders have been set aside in case of S/Sri  
C.K.D. Dwivedi and Vinod Kumar who were also similarly  
accused and were the principal parties charged in  
these cases.

It is therefore prayed that suspension of the  
applicant may also be revoked as early as possible,  
because the Railway Administration, as "Model Employer"  
can not discriminate and accord step motherly treatment  
to the applicant.

With regards,

Yours faithfully,  
Sant Ram

*[Signature]*  
18/7/89  
N. S. Saxena, Ad. Post  
MALL MANDIR, GATE NO. 1  
LUCKNOW-5  
Lucknow! Dated  
22.7.88

( S. Ram )  
GEETAPALLI, ALAMBAGH  
LUCKNOW

Copy to Deputy G.A.M., Vigilance, Baroda House,  
New Delhi for your information and necessary action.

Sant Ram

Lucknow! Dated: 3.7.89  
Applicant ( Sant Ram )  
( S. Ram )  
GEETAPALLI, ALAMBAGH  
LUCKNOW

From:-

Sant Ram Singh

S/O. Late Sri. Babu Lal,  
Sub. Cleaner, Loco Shed,  
Northern Railway, Lucknow.

Page ~~3023~~

ANNEXURE: P. 13  
P-8

To,

The Sr. Divl. Mechanical  
Engineer, Northern Railway,  
Lucknow.

Sir,

Subj:- Putting back on duty the substitutes in the  
Loco Shed suspended in Sept. 1986 without  
Departmental Inquiry upto date of Appli-  
cation ., in clear violation of Art. 16 of  
the constitution of India 1950.

The above named for and on behalf of the  
Other substitutes signatories below and the applicant himself  
in his individual capacity respectfully beg to submit  
as under:-

1. That despite repeated representations from reason-  
able time after the suspension of the substitutes, regret ~~with~~  
nothing has yet been done either to start the disciplinary  
proceedings or put back the suspended employees on the  
case NO. VIG/34/C/86/LCS .
2. That all channels have since been explored in va-  
vain. The prosecution has no case against the employees  
suspended obviously. The prosecution has not even furnished  
the copies of the relied upon documents on which the proe-  
cution relied to prove the charges.
3. That the signatories have noticed that for ~~the~~  
certain considerations, the staff is selected on the  
basis of pick and choose and allowed duties when others  
are not considered for reinstatement on principles of  
natural justice.
4. That s/Sri C. K. Dewedi Clerk Loco Shed, Vinodh Kumar  
Fire man, B. N. Srivastave Head clerk Time office Loco shed,  
~~and~~ and Charge man have been put back on duty without ~~any~~  
any departmental disciplinary proceedings in clear violation  
of Art. 16. of the constitution of India

Sant Ram

~~Signature~~  
- P. S. Saxena, Advocate  
GALLA MANOIR, GATE P  
ALAMBAG

-2-

5. That the signatories have no option but to resort to legal proceedings in order to seek justice for redress on principles of natural justice equity and good conscience.

NOW THEREFORE it is respectfully prayed that the relevant file of papers be called for and immediate orders be issued to put back the suspended staff and save the Railway huge amount being wasted in form of suspension allowance without work.

*Sant Ram*

Lucknow: Dated:

Yours faithfully,

*Sant Ram*

21-4-1989.

1. Sant Ram Singh Sub. Cleaner.

2. Mithla Saran Towari "

3. Dherendra Kumar "

4 S. Z. Menhdi "

5. Vejay Kumar Saxena "

6 Bhashkar Sherma. "

7. Sita Ram. "

8. Fazlur Rahman.

9 ~~Sanjiv Kumar~~

*Dr. S. Saxena*  
1989

Dr. S. Saxena, Director,  
SARVODAYA, GREEN  
CLAMBAGH, DELHI

Lucknow: Dated:

3. 7. 89

(Sant Ram)  
Applicant.

Before Central Administrative Tribunal  
Circuit Court Lucknow.

34

Case No

B  
47

ANNEXURE P-14

Sant Ram

Petitioner

Versus

Union of India Ministry of Rly

& others:

Respondents.

Original Bank draft value Rs 50.00.

No OT/A/132 - 514988

Code No 0 125

Dated: 22. 7. 1989

State Bank of India

Lucknow: Dated

22. 7. 1988

Sant Ram  
Applicant

Baker  
18/8/89

SP, P. O. Lucknow  
18/8/89



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18

स्वीकृत — 3/7/89



1749 A

In the Central Administrative Tribunal, Allahabad  
Circuit Bench Lucknow.

O.A.No. 219 of 1939

Sant Ram ..... Applicant  
Versus  
Union of India and another .... Respondent.

Reply on behalf of the Respondents:

Para 1: Needs no reply.

Para 2: Needs no reply.

Para 3: Denied. The application is barred by limitation.

Para 4.1: That the contents of paragraph 4.1 of the application are denied. It is specifically denied, that the applicant completed 240 days or on such completion became a substitute. As available from the record, the person by name of the applicant was engaged to work for 25 days during the year 1979: 204 days for the year 1980 and for 97 days during the year 1981. The person by name of the applicant therefore did not acquire the temporary status. According to rules, the person by name of the applicant, who worked ~~xxxxxx~~ against leave/sickness vacancies amongst permanent staff and was given pay in CPC scale, was named as substitute. It is therefore stated that he did not acquire any status.

Filed today  
4/12/91

31/10/91

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Para 4.2: That in reply to the contents of para 4.2 of the application, it is stated that the applicant was engaged w. ef. 5.8.'83 and not 3.5.'83 as allged on the basis of his name appearing as casual in the year 1979. 1980 and 1981. He was continuously engaged from 5.3.'83 to 24.9.'86, when he was placed under suspension w. ef. 25.9.'86. He was re-instated w. ef. 25.4.1991 as per directions of the Hon'ble Tribunal. Since he had worked against permanent staff leave/sickness vacancies, he was allowed GPC scale and name as substitute. After acquiring temporary status he was given benefit of PF deduction , issue of pre-passes etc.

Para 4.3. That in reply to the contents of paragraph 4.3 it is stated that the applicant was engaged as casual/substitute from 5.3.'83 to 24.9.'86 till he was put under suspension w. ef. 25.9.86.

Para 4.4. Not denied.

Para 4.5. Since the para is ~~incomplete~~ no reply can be given.

Facts of Case repeated:

Para 4.1: That the contents of paragraph 4.1 of the application are denied. It is specifically denied that the applicant completed 240 days or on such completion became a substitute. As available from record, the person by name of the applicant was engaged to work for 25 days in the year 1979: 204 days on the year

*31/10/91*

1980 and for 97 days in the year 1981. The person by name of the applicant therefore did not acquire the temporary status. According to rules, the person by name of the applicant, who worked against leave/sickness vacancies amongst the permanent staff and was given pay in C.P.C. scale, was named as substitute. It is therefore stated that did not <sup>ac</sup> require any status. It is admitted that on basis of the past record, the applicant was engaged on 3.5.1983. The allegations of the applicant that he is now a temporary railway servant or permanent for all purposes are incorrect and specifically denied. Unless the applicant is put to screening and is empaneled as a khallasi, he cannot acquire the position of permanent railway servant. The deduction of the amount towards provident fund or issue of passes is due to he having been given pay in C.P.C. scale and acquiring temporary status, when he was engaged from 5.8.'83 and worked continuously for required number of days to gain temporary status.

Para 4.2: That in reply to the contents of paragraph 4.2 of the application, it is not denied that the applicant, was engaged to work as casual on basis of his earlier working from 5.8.83 to 24.9.'83 till he was placed under suspension

... 3

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- 4 -

Para 4.3: That in reply to the contents of paragraph 4.3. of the application, the issue of suspension order dated 25.9.'86 by Dy.mech. Engineer as contained in Annexure P\* to the application is not denied.

Para 4.4: That the contents of para 4.4 of the application are not denied.

Para 4.5: That the contents of paragraph 4.5 of the application are not denied.

Para 4.6: That in reply to the contents of paragraph 4.6 of the application, the taking of impressions of the applicant's fingers by the vigilance is not denied. It is also not denied that the applicant gave a statement before the vigilance in New Delhi on 21.4.1986. A true photostat copy of the said statement dated 21.4.'86 is annexed to this reply as Annexure No. C-1.

Para 4.7: Needs no reply.

Para 4.8: That in reply to the contents of paragraph 4.8. of the application, it is stated that the applicant was put under suspension after due consideration of the facts found against him and in contemplation of disciplinary proceedings.

Para 4.9: That the contents of paragraph 4.9. of the application are denied. The allegations about influence or direction of vigilance, while taking action for and placing the applicant under suspension by the Div. Mech. Eng.(II) Lko are totally denied. The action of the

*Shyam*  
31/10/91

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- 5 -

the authority cannot be termed as being against the principles of natural justice or law of the land.

Para 4.10: That in reply to the contents of paragraph 4.10 of the application, it is stated that the power exercised to suspend the applicant are in accordance to rules of the railway. The action taken cannot be termed as misuse of the powers. Rest of the contents are irrelevant for the decision of the case.

Para 4.11: That in reply to the contents of paragraph 4.11. of the application, it is stated that the action to suspend the employee or initiate disciplinary proceedings can be taken without resorting to criminal proceedings.

Para 4.12: That in reply to the contents of paragraph 4.12 of the application, it is stated that to put casual/substitute/employee under suspension or to initiate disciplinary proceeding, it is not necessary to initiate criminal proceedings first. They are independent proceedings. Rest of the facts are irrelevant for the decision of the case.

Para 4.13: That the contents of paragraph 4.13 of the application are denied. The exercise of powers under rule 5(19) of R.S.(D&A) Rules 1968 does not contravene Art 311 (2)(1) of the Constitution or is ultravires or is inconsistent with Art. 311 (2) of the Constitution.

*Allyan*  
31/10/91

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Para 4.14: That in reply to the contents of para 4.14 of the application, it is stated that rule framed under Art. 309 do not at all contravene provisions of Article 311(1) and (2) of the Constitution of India.

Para 4.15: That rules framed under Rly. Servants(D&R) 1968 are valid and do not contravene the provisions of Article 311(2). It is submitted that the disciplinary authority did not act upon the direction of the vigilance, but exercised the powers to suspend after considering the facts of the case as per record.

Para 4.16: That in reply to the contents of para 4.16 & 4.17: 4.17 of the application, the issue of memorandum of charge sheet no. Vig/102/A/c 87 dated 12.3.'88 to the applicant as contained in Annexure No. PII to the application is not denied. The delay in issuing the charge sheet, is not inordinate, in view of the fact that case has to be considered fit before issuing of charge sheet.

Para 4.18: That in reply to the contents of paragraph 4.18 of the application, the receipt of letter dated 18.3.'88 submitted by the applicant is not denied.

Para 4.19: That in reply to the contents of paragraph 4.19 of the application, it is stated that as per record, the applicant was directed through letter no. LE/E/90/Vig/Rs dated 8.3.90 to inspect the required documents in vigilance branch H.Qr. Baroda House New Delhi

*Alpin*  
31/10/91



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Thereafter photostat copy of each of the requested documents were made over to the applicant on 1.10.'91 by the Enquiry Officer Shri M.U.Khan.

Para 4.20: That in reply to the contents of paragraph 4.20 of the application, it is stated that the employee was requested to inspect the required documents in the office of Vigilance Head Quarter Baroda "buse New Deni vide letter dated 8.3.'90. Thereafter photostat copy of each of the requested document has been made over to the applicant on 1.10.91 by the Enquiry Officer shri M.U.Khan.

Para 4.21: That in reply to the contents of paragraph 4.21 of the application, the enquiry has been ordered and enquiry officer shri M.U.Khan has been appointed /nominated on 5.8.'91. The Enquiry Officer fixed 1.10.'91 for hearing and thereafter fixed 29;30 and 31.10.'91 for hearing.

Para 4.22: That in reply to the contents of paragraph 4.22 of the application, the putting back to duty of S/Suri C.K.D. Drivedi, Vinod Kumar Jai Kishan, Ram Natta Singh Susail Kumar and B.N.Srivastava ~~were~~ \_\_\_\_\_ ;  
\_\_\_\_\_ ;  
\_\_\_\_\_ ;  
and \_\_\_\_\_ are not denied. The allegations about discriminatory treatment to the applicant is denied.

*31/10/91*

AS6

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Para 4.23: That the contents of paragraph 4,23 have no relevance for the decision of the case.

Para 7.3: The applicant is not entitled to any relief against the respondent. None of the ground is tenable under law.

Para 6.1 Only the receipt of letters listed in  
to 6.6 para  
are not denied. Rest is denied.

Para 7: Needs no reply.

Para 8: The applicant is not entitled to any relief claimed. None of the grounds are tenable under law. The application is liable to be dismissed.

Para 9: That the contents of para 9 are denied.  
The applicant is not entitled to any interim relief, in view of the fact that the application itself being barred by time and is liable to be dismissed on merits as well.

Para 10,  
11 and 12 Needs no reply

13: That the application is liable to be dismissed as barred by time as well as on merits.

Lucknow

dated: 31-Oct-1991

Respondent

Verification

K. Jais working as Asstt Personnel Officer of D. G. Lucknow duly competent and authorized to sign and verify the reply, do hereby certify that the contents of paragraph 1 to 13 are true to my belief based on information derived from official records and legal advice received.

88.26

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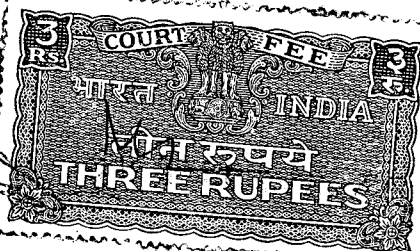
पदालत श्रीमान्

(घादी) अपीलान्त

Before the Central Administrative Tribunal Circuit Bench Lucknow

प्रतिवादी रेंस्पॉडेन्ट

वकीलतनामा



Sent Ram

घादी (अपीलान्त)

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पनाम

प्रतिवादी रेंस्पॉडेन्ट

Union of India & Co

नं० मुकदमा

सन्

पेशी को ता०

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ऊपर लिखे मुकदमा में अपनी ओर से

Shri. Mr. Sharma, Son of Sharma, Shrawanpur, Varanasi

वकील

एडवोकेट

नाम अदालत	नाम फरीकन	नाम
मुकदमा नं०		

को अपना वकील नियुक्ति करके प्रसिद्धा इफार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दाया तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा खटावे या कोई रूपया जमा करें या हमारी बिपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद 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 मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकीलत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर सन्त राम

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

पहीना

सन् १९

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Accepted

Sharma

celebrary

M. Q.

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ब अदालत श्री मान .....  
वादी मुद्दाई .....  
प्रतिवादी मुद्दालय का वकालतनामा

Sant Ram

बनाम Union of India

नं० मुकदमा 219 सन 1989 पेशी की तारीख  
उपर लिखे मुकदमा में अपनी ओर से श्री

ARJUN BHARGAVA

वादी मुद्दाई .....  
प्रतिवादी मुद्दालय .....  
19 ई०

रडवोकेट  
महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्पष्ट वसूल करेगा मुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने कैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह ..... हस्ताक्षर .....  
दिनांक ..... महीना .....  
नाम अदालत .....  
नं० मुकदमा .....  
नाम फरीकन .....

Joseph

11  
Before the Central Administrative  
Tribunal Circuit Court  
Lucknow. ANB

ANNEXURE P-17

K. P. 51 (a)  
No 1274 Stamps affixed except in case of uninsu-Rs. P.  
red letters of not more than the initial Date Stamp  
weight prescribed in the Post and Telegraph  
Guide on which no acknowledgment is due  
Received n V. P. Registered\* 22/5-60  
addressed to: The Dy G M Vigilance.  
Signature of Receiving Office: Baroda House  
Insured for Rs. (in figures) 22/5-60 (in words) 22/5-60  
Insurance fee Rs. P weight (in words) 22/5-60  
grams

Baroda House  
18/8/89

Lucknow: Dated:  
18.8.89

Petitioner.

Sant Ram