

Central Administrative Tribunal
Lucknow Bench

Cause Title. C.A.NO. 219/86, C
of 1993

Name of the Parties Sant Ram Applicant

versus

C.S. & Others

Respondents.

Part A. P.C.

Description of documents

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10. The Extra Copy of Petition
are Extra Copy of C.S. & It

C - File

Sant Ram
24/6/11

Certified that no further action is required
to take that the case is fit for disposal
to the record keeper (Seal) (Signature)

SA (5)

15/8/1993
Court
C. 04.53

21

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal

Circuit Bench

Date of Regd. 23/8/89

Date of Receipt by Post

Registration No. 219 of 1989 (A)

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 cause for not making the application in time, been filed ?	Yes
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and 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

Particulars to be ExaminedEndorsement 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

13

ORDER SHEET

REGISTRATION No. 219 of 1989 (L)

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

AY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

ST. 219 of 1989 (C)

APPELLANT
APPLICANT

Sant Ram

DEFENDANT
RESPONDENT

VERSUS

C.D. & others

Serial number of order and date	Brief Order, Meticulously Reference if necessary	How complied with and date of compliance
20/9/89.	<p>Non. Justice K. Nath, VC. Non. K. Obayya, AM.</p> <p>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 one is allowed time till 12-10-89 to apply for amendment.</p> <p style="text-align: center;">A.M.</p>	
12 X 19	<p>No Sitting Adj. to 27/9/89 Counsel for applicant is present</p> <p style="text-align: center;">12/9</p>	<p>ST No 1 application submitted L.M.A.</p> <p>C.M. Am 269/1989 (C) filed today 12/9</p> <p>ST The learned counsel for the applicant has filed C.M. Am No 269/1989 (C) for amendment submitted for order L.M.A.</p>

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

Shri R.S. Saxena for the
 Applicant and Shri Dinesh
 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's request
 for and is allowed 6 weeks
 time to file counter. Respondents
 may file within 2 weeks
 thereafter. List before
 D.K on 18.9.90

OR

Submitted for
 order on M.P. No
 130/90/11 for
 amendment.

L
10/2

A

A.M.

R

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 continuation of a disciplinary enquiry, the applicant was placed under suspension on 25.9.86. A char she issued to the applicant on 2.3.89 to which the a reply requesting for documents relied Department to be furnished. The enquiry has pending since then and this application was on 23.8.89 for quashing the suspension order as the disciplinary proceedings. The petition was admitted on 27.10.89. Appearance on behalf of respondent was made when the respondent was given time 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 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 ex parte. If the counter is not filed. A copy of the order may be given to both the parties within 3 days.

Q.M.
A.M.

V.C.

19.4.91
No Siting Adp 23.5.9123.5.91
No Siting Adp 24.5.91
Jr

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

D.A.NO. 219/89
T.A.NO.

28-10-92

Date of decision : 28-6-92

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

Versus

Union of India & others Respondent

Sri A. Bhargava Advocate for the Respondent(s).

CORAM:-

The Hon'ble Mr. Justice V. 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 ~~the~~ 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.

Khushengal
Member (A).

Dt: June, 25, 1992.
(DPS)

Vice Chairman.

Dear Madam

May kindly give a copy
of judgment order

dated 28-6-92 ~~o.p.~~ O.P. No.

219/89 Sent Ram 18
Union of India & others
has been decided
by this Honble Court

I am Counsel on behalf
of ~~Abdul~~ ~~cost~~.

Date
4/8/92

Witnessed
S. K. Verma

To be sent to
Mr. M. R. Rao

Adv.

Deputy Registrar(J)

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

Case No: 219 1989

Sant Ram

Applicant

Versus

Union of India & others ----- Respondents

presented on 22/8/89
may be put up on
12.9.89

I N D E X.

Sl. No.	Description	Page No.
1.	Application under sec. 19 CAT 1985	1
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
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

S. S. S.

A 11

(1)

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

Sant Ram aged about 34 years, son of late Sri. Dabu Lal
substitute Cleaner, Loco Shed Northern Railway, Lucknow,
Resident of Geeta Palli, Ram Bagh, Lucknow-226005.

APPLICANT.

Versus -

1. Union of India

Through

The General Manager, Northern ~~Zone of Northern~~ Railways, Ed Gates
Baroda House NEWDELI.

2. The Civil Railway Manager, Northern ~~Zone of Northern~~ Railways
Nazrat Ganj, Lucknow-226001.

RESPONDENTS.

DETAILS OF APPLICATION :

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

Impugned order NO. VIG/3b/C/BCS 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

/2/

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 now 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 ~~REASON~~ suspension. The impugned order is annexed to the petition as Exhibit

EXHIBIT: P.1.

4.5. The applicant on 26-4-1986, at New Delhi shown salary Bill for the months of :-

Santoor

-3-

4. Facts Of The Case.

The facts of the case are given below.

4/1

The applicant is was initially appointed on 12-3-79 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 the 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 KNN hand and signatures of his officer,KNN Sri. R. S. Endlaw, the Divil. Mech. Engineer(II) Lucknow. The order is annexed to the application as 1 st Impugned order ,in original .

Exhibit
Exhibit 1/

4/4.

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

Smt Ram

-4-

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.

Q.5. The applicant after examination of the same affirmed the L.T.I. were of his own thumb impressions

Q.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 the 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. Kalra 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.

Q.7. The Civil Mech. En (II) LKO while exercising 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 applicant was contemplated. The same is proved from impugned order (I)

Exhibit
A-2202: P.1

Q.8. The D.M.E. did not exercise the discretion keeping in view the public Interest, objective consideration and all the material facts.

Q. 9. The disciplinary Authority was apparently under the influence of the Vigilence department of the Railway and acted upon the directions of the Vig. Departmental Officials.

~~I do not agree~~ . The action of the Disciplinary Authority is against the principles of Natural Justice and the law of the land.

19. 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.

4.11
6.10. The disciplinary authority did not consider that no criminal proceedings were ~~XIM~~ then contemplated ,resorted to or pending .

19.12. 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.

4.12 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) of the Constitution, and ultravires to the extent the rule is inconsistent with Art. 311(2)

4.14. 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).

-6-

Q.15. The rules RS(D&B) 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.

Q.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. ~~Rules required under Vig. manual para 7.1 & 9.5~~ ANNEXURE: P/6

Q.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 Exhibit II ~~Exhibit II~~ Original.

Q.18. The applicant on 18-3-1988 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 ANNEXURE: G/2. ANNEXURE: H/2

Q.19. The Respondents have not furnished ~~furnished~~ the copies of the relied upon documents so far in violation of provisions of Art.311(2) to deprive the applicant to defend himself. P-5

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.

4.21. 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 malafide. The staff put back to duty revoking the suspension orders are cited in

(2) Vinod Kumar (3) Tai Karan (4) Ram Nath Singh (5) Shashi Kumar
~~Schedule "A" to the application~~
Tewari (6) B. N. Srivastava.

4.22. The respondent inaction not only has demoralising effect on the applicant but effecting the well-being of the entire members of the family including the children.

Sant Ram

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GROUNDS FOR THE RELIEF WITH LEGAL DROVISIONS

The applicants prays for the relief praye 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 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 1922-23

Sant Ram

~~Ans - 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, ~~Component~~ P. F. NO 545526/6 P- 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 Vigilence department, without consideration and misuse of the power under Rule 5(1) RS(D&R) 1963
(Ref. 4.3 to 4.12.)

10. Because the rules framed under Art. 309 of the constitution stands ultravios when inconsistent with provisions of Art. 311 (1)&(2) of the constn. (4.12 - 4.13)
(Based on legal Opinions (1)AIR1956 Cal 662(667) & A. I. R. 1971 SC. 823-

11. Because the suspension and Disciplinary proceeding to be quashed as law of the land (1973) 2 Serv. L. R. 553 Orissa) 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 Vigilence 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 Vigilence Branch N. R. Hd of the Office Baroda House, sent to the Respondent for signatures and service, in Oct. 1987.

Sant Ram

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~~on Vigilance Office enforced NO. 6/1968/10/27/1.1470~~

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 23.

17. Because the Disciplinary proceedings in the instant case are likely to be quashed on account of in-ordinate delay ~~in~~ in the proceedings. ~~in-ordinate~~
~~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'ble 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(orisa)	(6) 1987 (7) 1985	2 ATC UPSC	828 342
2.	A. I. R. 1971 S.C 823.	(8) 1987	3 ATC	718
3.	A. I. R. 1956 Cal 662(667)	(9) 1985 (10) 1987	UPSC 3 ATC	272 848
4.	A. I. R. 1989 S. C. 985 Para 6 & 7.	(11) 1985	UPSC	N72
5.	A. I. R. 1974 S. C. 2192, Shamsher Singh Vs-U.O.I.			

Sam Raw

~~XXXXXXXXXXXXXX~~

6. 1983 1 ATC (CAT) (ND).

7. 1987 2 ATC (CAT) (QEW)

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 1st petition as:-

ANNEXURE: P/2.

6.2. The legal notice u/s. 60 C.P.C. per registered 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.

6.4. Application dt: 13-2-1988 to the Mdl. Ch. Vig. officer NDLS. by registered post, A/D.

ANNEXURE: P/6.

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.R., N.R. LKO.

ANNEXURE : P/8.

7. Matter not pending or provisionally filed with any other court.

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

Sant Ram

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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

8.1. The Hon'ble Tribunal may be pleased to declare the ^{Amendment made} as per order dt: ^{27/11/89} impugned orderS as void, vexatious, inexpedient.

22.10.89

8.2. And that the contemplated Disciplinary proceedings ^{27/11/89} _{Counsel for petitioner} not maintainable.

8.3. And the Directions to the respondents to ~~XXXXXX~~ re-instate the applicant with all the resultant benefits that could 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. ~~XXXXXX~~ Rs. 1500.00 and any other relief that the Tribunal may deem fit.

GROUNDS FOR THE RELIEF & THE LEGAL PROVISIONS:

I. Misuse 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 14-9-78 *Mangaleswaran v. Commissioner Income Tax (1987) 2 ATC 828.*

27/11/89

IV. Suspension for an indefinite period of time is un-reasonable -Pan Autar Sherna v. State of U.P. 1985 U.P.S.C. 342 Following P.S. Chouhan 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.S.C 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 Authorites to support the contemplation N.K. PAL v. U.O. I. 1985 A.T.C 373.

VII. Suspension gives a continuing cause of action, hence it can be challenged at any time on ground of inordinate delay in initiating the disciplinary proceedings -Kunna Lal Tewari v. State of U.P. 1985 U.P.S.C. (H) 72.

9. INTERIM ORDER.

in view of the facts as deposited 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 9 of the application.

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

Sant Ram

(14)

A24

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 Doctoran II, M.Y. Loco Shed Lucknow resident of Geeta Palli, Alan Bagh, Lucknow do hereby verify that the contents of paras No 1 to 12 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. Saran, Advocate
18/8/85
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

VI G/34/C/86/LCS

25-9-1986

Name of Railway Administration... RAILY.
Platf. Hqrs. Office, Lucknow.

5 O R D E R

Whereas a disciplinary proceeding against
Shri **Sant Ram** ~~S/o Shri Daboo Lal~~, Sub-cleaner Loco Shed/ Loco
(Name and designation of the Railway services)
(Name and designation of the Railway servant) is contemplated/pending.

Now, therefore, the undersigned (the authority competent to place the Railway servant under suspension in respect of criminal offence is under investigation/inquiry/trial.

in terms of the Schedules I, II and III appended to RS (D & A) Rules 1968/ an authority mentioned in proviso to Rule 5 (1) of the RS (D & A) Rules, 1968, in exercise of the powers conferred by Rule 4/proviso to Rule 5(1) of the RS (D & A) Rules, 1968 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. India) 25

Name... **D. V. Mehta**, ~~Deputy Inspector of Railways~~
(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:- **FORM CHIEF ENGINEER, RAILWAY EXCISE**

Shri **Sant Ram** (Deputy Inspector of Railways) (Designated Railway servant). Orders regarding subsistence allowance admissible to him during the period of suspension will issue separately.

R.R.P.R. Rd. (Pb. Bg.) Delhi-35—2138/17-12-1984—35,000/-

C/- 1. L.F./Lucknow. for necessary action.
2. Dealer 'Ex' in office for necessary action.

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. 10001/1988

..... (Name of Railway Administration)

Additional Admin.

(Place of issue)..... Dated. 2.3.1988

18/8

MEMORANDUM

The President/Railway Board/undersigned propose(s) to hold an inquiry against Shri..... under rule of the Railway 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 2 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 undertaking should also contain the particulars of other case(s) if any.

In which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned General Manager..... 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.

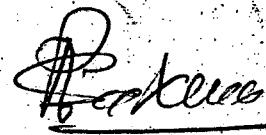
who are in the custody of the listed documents or who would be arranging for inspection of the documents to enable that authority being mentioned in the draft memorandum.

23. Where the president is the disciplinary Authority.

24. To be retained wherever president or the Railway Board is the competent authority.

25. To be used wherever applicable see Rule-16(1) of the RS (D&A) Rule 1963. Not to be inscribed in the copy of the Railway Servant.

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



18/8/87

P. S. Chaturvedi

At MARCH, 1987

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.Riy. Lucknow.

The examination of LII's affixed on Muster Roll for the period 01.04.1980 passed by Accounts vide AB No. 581 E/12 dated 11.10.80 revealed that one man has affixed his LTI against all the names appearing below:

C.F.D.E.	Ref. no. of Reference.	Ref. no. of pago no. of Paid Voucher.	Ref of Pay Token number.
G 200 P.C		38, 36, 37	396, 398, 400, 402, 365, 369, 372,
C - 1		34, 35, 52	373, 374, 386, 387, 339, 340, 341
16		33, 30, 31	3412, 3413, 344, 345, 353, 355
C-64		26, 24, 22	356, 357, 359, 305, 309, 311, 317
		23, 21	331, 332, 284, 286, 287, 288, 342
			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. 2357 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, apparent 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.

R. Kapoor
R. Kapoor
Advocate
SARITA MANDIR, CHIT. PALLI
ALAM NAGAR, LUCKNOW-5

(P.N. MISRA)
Asstt. Mech Engineer (I)
N.Ply. Lucknow.

Mr. The Central Administrative Tribunal
Circuit Court Lucknow
Annexure I.

Statement of Article of charges framed
against Shri ~~Sanat~~ 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, LUDKHOW defrauded the Railway Administraion by getting fake LTI affixed against his name in the Muster Roll for the period 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 ~~LT~~ 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.N. MISRA)~~
Asstt. Mech. Engineer (I)
N. Rly. Lucknow.

In The Central Administrative Tribunal
Circuit Court hereupon

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. 11/2/80
2. Report of C.F.P.E. dated (Chief Finger Print 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 of 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 Chaboy, Chief Finger Print Examiner, FA & CAO's office, New Delhi.

(P.N. MISRA)

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

18/8/87
R. S. Sarkar, Advocate
SARKAR MANIR, M.L.A.
ALAMPAGH, LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD AT,

CIRCUIT COURT GANDHI BHAWAN LUCKNOW.

Case No 1989.

Sant Rom. applicant

Versus

List of Documents.

SL.NO.	Description	Page From To
	<u>ANNEXURE: P/1</u>	
1.	Extract of U.O.I. Vig. Manual Paras, 9.1 to 9.5.	1 2
2.	<u>ANNEXURE: P/2.</u> Representation dt: 2-1-1988	3
3.	<u>ANNEXURE: P/3</u> Notice U/S. 80 C.P.C. dt: 20-1-1988.	4 5
4.	<u>ANNEXURE: P/4.</u> Postal Receipt No 1786 & acknowledgement form duly received	6
5.	<u>ANNEXURE: P/5.</u> Provisional Written defence & request for supply of relied upon documents.	7 8
6.	<u>ANNEXURE: P/6</u> Representation dt: 13-2-88.	9
7.	<u>ANNEXURE: P/7</u> Representation dt: 22-7-88	10 11
8.	<u>ANNEXURE: P/8.</u> Joint representation dt: 21-4-89.	12 13
9.	<u>ANNEXURE: P/9.</u> Bank draft No 07/A/132 514988 dt: 22-7-89, for Rs. 50/-	14
	Jaunpur Dated:	Scantham

नोटिस फी प्राप्ति दे पिंडोप से तबाल सबसी जावेंगी और वह जिवेंगा ये हैं कि सम्बन्धित कार्यालय प्राप्त विनाक में यह गए एक भीने के नोटिस फी जो अदाधि के लिए उसी पर अपने पेतन सबा भी यह दोहरे हैं की भूतराशी के गंध दे पायेण तूने के एकपार तूने के लिए पर ये उम्मदो अपनी सेपा समाप्ति के ठीक पूर्व पा रहे थे।

नियुक्ति प्राधिकारी के हस्त
तथा पदनाम

गोपनीय

संख्या 22/4/71-नियुक्ति (ख)

प्रेषक,

श्री पूरन चन्द्र पांडे,

आयुक्त एवं सचिव,

शासन।

सेवा में,

समस्त विभागाध्यक्ष तथा प्रमुख कार्यालयाध्यक्ष,

उत्तर प्रदेश।

नियुक्ति (ख) विभाग

ANNEXURE P. 251

Reference Page 4. 16

लम्बनक, दिनांक 2 जुलाई, 1971.

विषय—सरकारी कर्मचारियों का निलम्बन। *Suspension
of Govt. servants*

महोदय,

मझे आपका ध्यान शासनादेश संख्या 12/1/65-दो ख-1965, दिनांक 26 जुलाई, 1965 की ओर आकृष्ट करने का गंद मुआ है जिसमें यह कहा गया था कि किसी सरकारी कर्मचारी को निलम्बित करने का निर्णय लेने में सार्वजनिक हित को प्रयोग 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 उनमें सभी 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 ठोट-झाँबातों पर निलम्बित कर दिया जाता है। इसके बाद आरोप-पत्र बहुत देरी से दिया जाता है जिससे निलम्बन की नियति बहुत चलती है। इससे एक और तो निलम्बित कर्मचार के आरम्भ-सम्मान को भारी ठेस पहुंचती है और दूसरी ओर उसे इस अधिकारी के आवश्यकता का सामना करना पड़ता है। यह स्थिति अत्यन्त असलोबजनक है। नियमानुसार निलम्बन साधारणतः नहीं किया जाना चाहिए जब तक कि सम्बद्ध सरकारी कर्मचारी के विरुद्ध आरोप इतने गम्भीर न हों कि, उनके प्रभागित फी दशा में, उसे सेवा से पदच्युत, पृथक अपवाहन 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 निलम्बन का एक सरकारी कर्मचारी की सेवा पर बहुत बुरा प्रभाव पड़ता है। भले ही उसके विरुद्ध कानून सिद्ध न हो पाए और उसे एक प्रतिकूल प्रविष्ट देकर छोए दिया जाय; परन्तु एक धब्बा तो रह ही जाता है जो शासन में उसकी प्रगति के मार्ग में बाधक हो सकता है।

3—शासन इस बात पर जोर देना चाहता है कि निलम्बन का आवेदन आवेदन में आकर नहीं देना चाहिए। इस आवेदन का प्रयोग बहुत सोच-विचार कर करना चाहिए। यदि यह शांका हो कि सम्बन्धित कर्मचारी साक्ष्य बिगड़ सकता है तो उसी स्थान पर रह कर उसके विरुद्ध जांच भली-भाति नहीं चल सकती तो उसे बहाने से स्थानान्तरित करके जांच की जाना चाहिए जांच पूरी हो जाने पर यदि यह फैसला लिया जाता है कि अपचारी कर्मचारी फो आरोप-पत्र दिया जाय तो उस अवस्था में जांच की आधार पर उसको निलम्बित करने की वांछनीयता पर विचार किया जा सकता है। जहां तक सम्भव हो निलम्बन जांच पत्र दिये जाने के ठीक पहले ही होना चाहिए और आनुशासनिक कार्यवाही शीघ्रातिशीघ्र पूरी करने का भरसक प्रयास चाहिए। अन्त में इस बात को फिर बोहराया जाता है कि किसी कर्मचारी को उस समय तक निलम्बित नहीं करना चाहिए कि उसके विरुद्ध इतना साक्ष्य उपलब्ध न हो जिसके आधार पर उसको सेवा से पदच्युत, पृथक या पवावनत करने की सम्भव हो अपवाहन कोई ऐसी स्थिति उत्पन्न न हो जाय जिसमें जनहित को ध्यान में रखते हुए कर्मचारी को निलम्बित करना अतिरिक्त हो। भारत सरकार के सरकारी विभाग के मैनुअल में इस सम्बन्ध में जो आदेश हैं उनकी एक प्रति पथ-प्रदर्शनार्थ संलग्न हैं।

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

भवदीय,
पूरन चन्द्र पांडे
आयुक्त एवं सचिव

संख्या 22/4/71-नियुक्ति (ख) (1)

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

आजान
पूरन चन्द्र पांडे
आयुक्त एवं सचिव

Beckles
18/8/71

R. S. Sorenji, Advocate
SARLA MANDIR, CHETTA PALLI
ALAMBAGH, LUCKNOW-5

SOMNIRAW

1. 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 orders are 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 fixed 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 guidelines 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—कार्मिक-1

द्वारा,

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

द्वारा पैमाने,

समस्त विभागाध्यक्ष तथा प्रमुख कार्यालयाध्यक्ष,
उत्तर प्रदेश।

लखनऊ, दिनांक 25 फरवरी, 1976।

कार्मिक अनुभाग (1)

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

पैराय,

मूले यह कहने का निर्देश हुआ है कि सी० सी० ए० रुपये के नियम 49-वीं तथा परिवर्तनेन्ट एंड अपील रुपये के नियम 1-वीं तथा व्यापारियान वा फि सेवा से परवच्चुत अथवा पृथक् किए जाने के आदेशों को निलम्बन की तिथि से प्रभावी किया जास।

5000 P.M.

R. S. D., C.I.D.
RASHTRAKARINA BHAVAN
11, CHANDNI CHOWK, NEW DELHI-110006

18/1/87

In the C.A.T. Circuit Court Lucknow

22/2

22/1

22/1

Annexure

ANNEXURE: P.1

Pages 1 to 2

A
34

Extract of U.O.G. directions through
vigr. departmental Manual para 9.18
q. 5. Read with U.P. State G.O. No 22/4/71

dt: 2-7-1971

Sant Ram

Lucknow: Dated:

(Sant Ram)

In the C.A.T. Circuit Court Lucknow

Page ~~23~~ (3)

ANNEXURE P1
23
23
23

From:-

Sant Ram

Substitute Cleaner,
Loco Running Shed,
N.Rly. Alam Bagh
(Geeta Palli)
Lucknow.

ANNEXURE P2 P2

Dated: 2nd January 1982.

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
bogs 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 prolonged inordinate
time. 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:

25.1.1988

Yours faithfully

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

R. S. Sareen, Advocate
M.L.A. Member
18/8/88

Lucknow: Dated:

3. 7. 1988

(Sant Ram)
Applicant

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

Page *252*

P 36

(25)

ANNEXURE P3

From:-

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

THROUGH.

Sri. R. S. Saxena, Advocate,
C/135, Sarla Mandir,
Gootapalli, Alambagh,
LUCKNOW-226005.

To,

The General Manager,
(Personnel) Northern Railway,
Baroda House NEW DELHI.

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 a 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.Rly. 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 4-9-1983 to 24-9-1986 worked
continuously under the A.I.E. Loco Shed Lucknow.

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

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 20X 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.

ANNEXURE 8

In the Central Administrative Tribunal
of Circuit Court Gandhi Bhawan Lucknow
(6) 26

~~Page 6~~ 6

ANNEXURE P

ANNEXURE P-74 P. 8
P. 2 11/188

ANNEXURE

(i) Notice U/S. 80 CPC dt $\frac{2}{20}$ / 1 / 88
(ii) Postal receipt of Notice No 1786 dt
20.2.1988 and acknowledgement
of Respondent received on 1-2-88
in original.

1786 Stamps affixed except in case of unsu-
red letters of not more than the initial
weight prescribed in the Post and Telegraph
on which no acknowledgement is made
R. P. 51(a) 1/3
EXHIBIT 15/2

Sant Ram

Lucknow : Dated :
3. 7. 1939.

Sant Ram
Applicant
(Sant Ram)

26

ANNEXURE 9

LucknowPage, ~~28~~ ~~29~~ 7-8

To,

The Asstt. Mech Engineer (I)
Northern Railway,
Lucknow.

A

DATED: - 18-3-1988.

Sir,

SubJ:- Re : SF 5. No Vig/102/A/C/87/ISSDt; 2-3-1988
to Sri. Sant Ram.Application under D.A.R. 1968 Rule NO 9(5)(1) road
with note below Sub Clause (5)(ii).

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) road 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

Sant Ram
18/3/88

1. Certified photostat extract of the said voucher bearing A.B.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 (Gcl-1980)

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. NEWDELI.

Lucknow: Dated:

18-3-1988.

Sant Ram
(Sant Ram)
Charged employee
N.R. Loco Shed, LKO.

Lucknow: Dated

3.7.1988

(Sant Ram)
Applicant.

Sant Ram
18/3/88

Advocate
Sant Ram

loop, 20 19

(9)

P
M

ANNEXURE: P

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 theiron.

That I have been placed under Suspension vide your letter No. V/9/34/C/86/Lc9 dt. 25-9-1980 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 studing 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 concered officer to forward my case to yours goodself for your gonsideration 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 ~~work~~ moral duties to wards 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 ~~to~~ 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)
GEETAPALI
ALAMBAGH
LUCKNOW

Dated: 13/2/1988

ANNEXURE B S

No. 374

Stamps affixed except in case of uninsured articles. P. red 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 Chief Vigilance Officer

Sig. 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)	weights	rates
		grams	

Porter
G. S. Sacana, 18/8/88
MANAGER, GPO
LUCKNOW

10

P-2

20

In C.A.T. Circuit Court Lucknow

ANNEXURE P.7

Regd Post A.D

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,

Sant Ram
18/8/88

17. S. Suman, I.C. 1000
M. MANDIR, ALAMBAKH
GEETAPALLI, LUCKNOW

Lucknow! Dated

22.7.88

Yours faithfully,
Sant Ram

(S.RAM)
GEETAPALLI, ALAMBAKH
LUCKNOW

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

Sant Ram

Lucknow! Dated:

3.7.89

Applicant - (S.RAM)
GEETAPALLI, ALAMBAKH
(Sant Ram) LUCKNOW

In The C. A. T. Circuit Court Lucknow (12) ~~2020~~ ~~2020~~ ~~2020~~
From:- Sant Ram Singh 12 Any Annexur: P. 12
S/O. Late Sri. Babu Lal,
Sub. Cleaner, Loco Shed,
Northern Railway, Lucknow.

Page ~~2020~~ ~~2020~~

Any

P-8

To,
21/11 The Sr. Divil. 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 Application ., 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 reasonable time after the suspension of the substitutes, regret ~~that~~ 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 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 prosecution 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. Srivastava 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

R. S. Saxena
Advocate
NIRALA MANDIR, GATE P.
ALAMBAGH, LUCKNOW
18/11/2020

13

AM 6

25/5

25/5

-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. Mithila Saran Towari "

3. Dherendra Kumar "

4. S. Z. Menhdi "

5. Vejay Kumar Saxena "

6. Bhashkar Sherma. "

7. Sita Ram. "

8. Fazlur Rahman.

9. ~~Subhash Singh~~

Subhash Singh

R. S. Sareen
SAKHA MANDIR, GEMMA
LAMBAGH, LUCKNOW

Lucknow: Dated:

3. 7. 89

(Sant Ram)
Applicant.

Before Central Administrative Tribunal
Circuit Court Lucknow.

(34)

Case No.

84

ANNEXE P-14

Sant Ram

Petitioners

verses

Union of India Ministry of P&G

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

68, 69, 70, 71, 72, 73, 74
19. 20. 21. 22. 23. 24. 25.

ब अदालत श्रीमान् श्री बद्रुल २७ डीभिंग्स द्वयपुरा अस्सी २२ काशीखण्डीदय

[वादी] अपीलान्ट

प्रस्तुतिपादी [रिपोर्टर]

श्री अन्न राम पुराण लाल कालितनामा



(वादी अपीलान्ट)

अन्न राम

प्रतिवादी (रेस्पान्डेंट)

भारत सरकार रेलोव इंडिया

सन् १९४९ पेशी की ताता १६ ई०

नं० मुकद्दमा

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

श्री. सुरेश कालितनामा ज्ञानीजी पा. न्यू डिक्ट. क्र० १३२२१२३० न्यू दिल्ली
वकील अर्थात् विवरण वकील विवरण विवरण विवरण

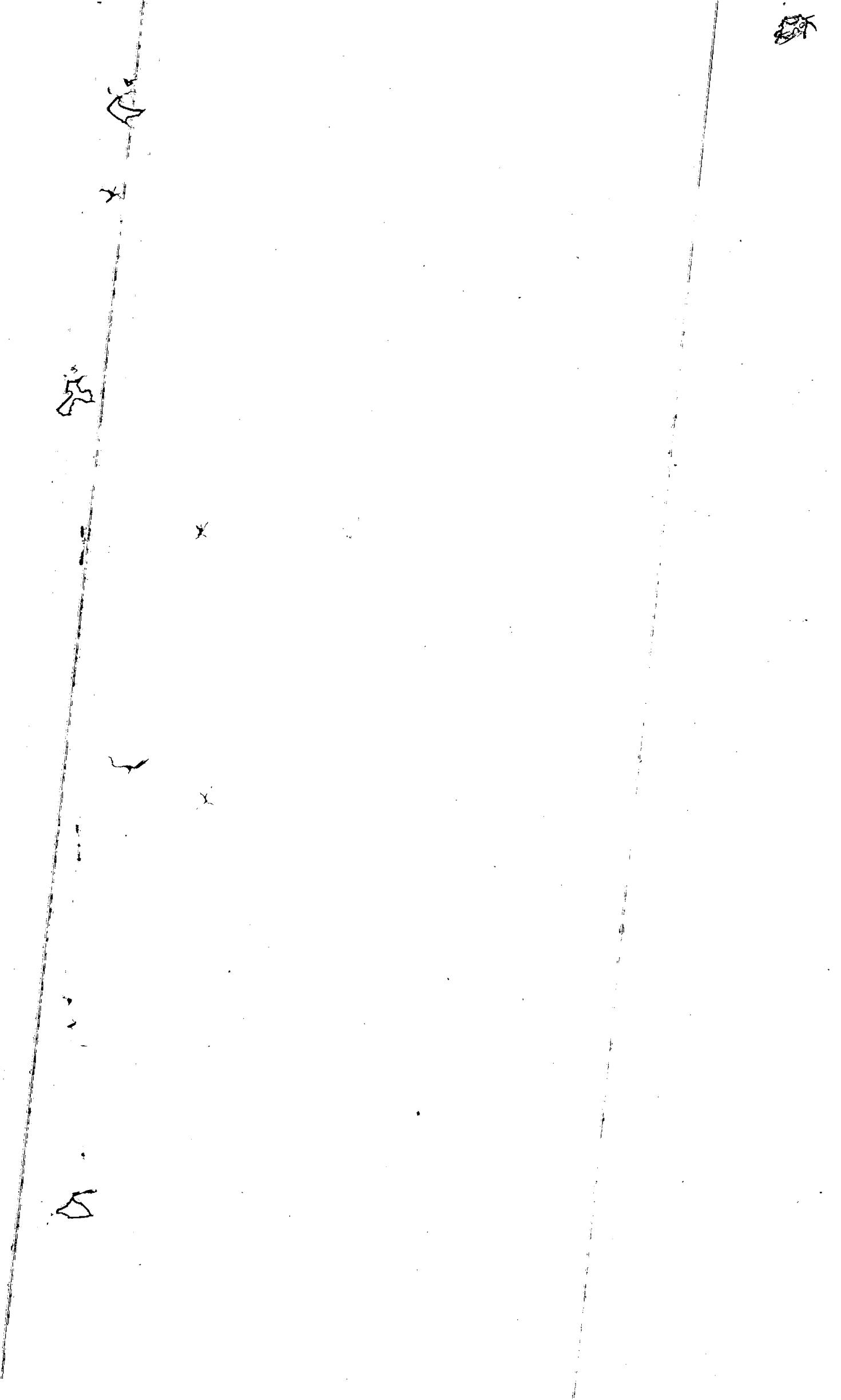
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ
इस मुकद्दमा में वकील मंहोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व
जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी
ओर से डिगरी जारी फरावे और रूपया धन्सूल करें या सुलहनामा व इकबाल
दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से
दाखिल करें और तसदीक करे मुकद्दमा उठावें या कोई रूपया जमा करें या
हमारी विष्क्षी (फरीकसावी) का दाखिल किया हुआ रूपया अपने या हमारे
हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील मंहोदय
द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी
स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता
रहूँगा अगर मुकद्दमा अदम पैरबी में एक तरफा मेरे खिलाफ फँसला हो जाता है
उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिखा
दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *Signature* *Signature*

साक्षी (गवाह) ... सुरेश कालितनामा साक्षी (गवाह) ...

दिनांक ३-७-४९ महीना July सन् १६ ई० ४९ ई०

स्वीकृत ३/७/४९



Aug 19 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 ~~xxxmik~~ 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
Sant Ram
4/12/91*

Aug 31/10/91

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.e.f. 5.8.'83 and not 3.5.'83 as alleged on the basis of his name appearing as casual in the year 1979, 1980 and 1981. He was continuously engaged from 5.8.'83 to 24.9.'86, when he was placed under suspension w.e.f. 25.9.'86. He was re-instated w.e.f. 25.4.1991 as per directions of the Hon'ble Tribunal. Since he had worked against permanent staff leave/sickness vacancies, he was allowed CPC 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 5.8.'83 to 24.9.'86 till he was put under suspension w.e.f. 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

M. J. Jain
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 ~~ac~~quire 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

Alpesh 31/10/91

- 4 -

Para 4.3: That in reply to the contents of paragraph 4.3. of the application, the issue of suspension order dated 25.9.1986 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 21.4.1986 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. Engg. (II) Lko are totally denied. The action of the

Alpam
31/10/91

- 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 independant 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(193) of R.S.(DkA) 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.

Majeem
31/10/91

ASY

- 6 -

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 of the application, the issue of memorandum of charge sheet no. Vig/102/A/c 87 dated 2.3.88 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. LF/E/90/Vig/Rs dated 8.3.90 to inspect the required documents in vigilance branch H.Qr. Baroda house New Delhi.

ASY
31/10/91

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 House 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.Dwivedi, Vinod Kumar Jai Kishan, Ram Nath Singh Sushil Kumar and B.N.Srivastava ~~was~~ ;
 ;
 ;

Myers 31/10/91
and _____ are not denied. The allegations about discriminatory treatment to the applicant is denied.

- 8 -

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 to 6.6 Only the receipt of letters listed in 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-1994

Respondent

Utpal 31/10/94

Verification

K. Jaiswal, working as Ass'tt. ^{Personnel Officer} in the office of D. Lucknow duly competent and to sign and verify the reply, do hereby state that the contents of paragraph 1 to 13 are to my belief based on information derived from legal advice received.

86.26

A.D. 219/89 15

पदालत योमान्
(धादी) अपीलान्ट Before the Central Administrative Tribunals
संघीय न्यायालय अपीलान्ट Circuit Bench Lucknow



विधालयामा

Shyam Ram
दादी (अपीलान्ट)
८५

Union of India ८०

शतिवादी रेस्पाडेन्ट

११

पनाम

सन्

पेशी की तात्

अपर लिखे मुकदमा में अपनी ओर से

Shyam M.P. Shyam, Ram Shyam, Shyamakar Verma



विकास नगर
महोदय
एडवाकेट

को अपना वर्णील नियुक्ति परके प्रतिज्ञा इपरार फरता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबो 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 सुलहमामा व इकबाल दाया तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (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 पार्यवाही हमको सर्वथा स्वीकार है और होगा। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोक्षार को भेजता रहूंगा अगर मुकदमा अदम पैरबो में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम	अदालत	नाम	फरीक	नाम	वकील
मुकदमा नं०	२१.११				

हस्ताक्षर संन्ति राम

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

पहीना

जन १९

१०

Clearys ✓

Accepted
Shyam Ram

MQ

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ब अदालत श्री मान Central Admnistrative Tribunal
वादी मुद्रद्वारा
प्रतिवादी मुद्रालय का वकालतनामा

Sant Ram
Union of India
नं० मुकद्दमा २१९ सन १९८९ पेशी की तारिख
उपर लिखे मुकद्दमा में अपनी ओर से श्री

ARJUN BHARGAVA

वादी मुद्रद्वारा
प्रतिवादी मुद्रालय
१९ रु०

एडवोकेट
महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखें देता हूँ। इस मुकद्दमा 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 डिक्करी जारी करावें और स्पष्ट वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारें या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठायें या कोई में जमा करें या हमारी या विपक्ष फरीक्सानी का दाखिल किया स्पष्ट अपनें या हमारे हस्ताक्षर युक्त दस्तखती। रसीद से लेचेगा पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं हर पेशी स्वयं या किसी अपने ऐरोकार को भेजता रहूँगा अगर मुकद्दमा अदाय पैरवी में एक तरफा मेरे खिलाफ फँसला 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 २००८
दिनांक महीना हस्ताक्षर
साक्षी गवाह राज्य प्रतिनिधि यांत्रिक
नाम अदालत नाम अदालत
नं० मुकद्दमा नाम फरीकन
नाम फरीकन

Accepted
JNB

11
Before the Central Administrative
Tribunal Circuit Court
Lucknow: 18/3/89

ANNEXURE

K. Y. 51 (a)

No. 1274 Stamps affixed except in case of uninsured-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

ANNEXURE: P. 3

Received a V. P. Registered letter 5-60
addressed to
the Dy GM/Vigilance

Signature of Receiving Officer: Baroda House

22/5 IV Delhi

Insured for Rs. (in figures) _____
Insurance fee Rs. _____

(in words) _____ weight _____ rates _____
(in words) _____ grams _____

Dr. S. S.
ALAMHAKH

Packets
18/3/89

P. S. S. _____

Lucknow: Dated:

18.3.89

Sant Ram

Petitioner