

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow: BENCH

OA/TA/RA/CP/MA/PT 245 of 20-90 (U)

Vishambhar Singh.....Applicant(S)

## Versus

.....Union of India.....Respondent(S)

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Certified that the file is complete in all respects.

Convinced that the file is complete  
A. L. G. Bedford & Company

Signature of S.O.

Signature of Deal. Hand

(A)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing  
Date of Receipt  
11-8-1992  
S. C. G.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 245 of 1992 (L) dt. 11-8-1992

APPLICANT(S) Shri. Vishwanath Singh

RESPONDENT(S) V.C.G.

|     | <u>Particulars to be examined</u>  | <u>Endorsement as to result of examination</u> |
|-----|--|--|
| 1.  | Is the appeal competent ?  | yes  |
| 2.  | a) Is the application in the prescribed form ?   | yes  |
|     | b) Is the application in paper book form ?   | yes  |
|     | c) Have six complete sets of the application been filed ?  | yes  |
| 3.  | a) Is the appeal in time ?   | yes  |
|     | b) If not, by how many days it is beyond time ?  | <del>N.A.</del>                                |
|     | 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   |

(A2)

(A3)

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 ?

b) Defective ?

c) Wanting in Annexures

Nos. \_\_\_\_\_ pages Nos. \_\_\_\_\_ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ?

yes

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 ?

b) Under distinct heads ?

c) Numbered consecutively ?

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

yes  
11/3

dinush

(A3)

O.A. 245/90 ②

27-8-90 - Division Bench not available  
Adj to 28-9-90

AB

AM  
X

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.245 of 1990 (L)

Vishwambher Singh ..... Applicant

Versus

Union of India & Others ..... Respondents

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

Hon. Mr. K. Obayya, Member (A)

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

We have heard the learned counsel for the applicant. A penalty order of the applicant's reversal from the post of Train Driver to the post of Shunter was passed on 16.6.90. The penalty order, Annexure-3 mentioned that the applicant may file an appeal to the Addl. D.R.M. within 45 days. There is nothing in the application to show whether or not the applicant filed an appeal against the penalty order. The learned counsel for the applicant says that ~~the~~ appeal against the penalty order has not been filed. Under Section 20 of the Administrative Tribunals Act, the applicant should have first filed an appeal. This application is therefore disposed of with a direction that if the applicant files an appeal against Annexure-I within one month from the date of the receipt of a copy of the judgement, the competent authority will consider and dispose of the appeal on merits and not on the ground of limitation or delay which shall be deemed to have been condoned under these orders. Copy of the judgement may be given to the learned counsel for the applicant within a week.

  
Member (A)

  
Vice Chairman

Dated the 28th Sept., 1990.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

O.A. NO. 245 OF 1990 (L)

VISHWAMBHER SINGH

... APPLICANT

VERSUS

UNION OF INDIA & OTHERS

... OPPOSITE PARTIES

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| 2.    | Annexure No.1:- True copy of the reversion order dated 16.6.1990 passed by the opposite party No.2. | 10        |
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LUCKNOW

DATED 31.7.1990.

10/114/2/18  
(VISHWAMBHER SINGH)  
Applicant

Signature of the applicant

For use of the Tribunal's office:

Date of filing :

OR

Date of receipt by

post, Registration No. :

13 B.C.  
For REGISTRAR

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

O.A. NO.

OF 1990 (L)

Central Administrative Tribunal  
Circuit Bench Lucknow  
Date of Filing 11.8.1990  
Date of Receipt Past.....

Deputy Registrar (J)

MSR  
11/8

VISHWAMBHER SINGH, aged about 54 years,  
son of Shri Balwant Singh, at present  
working as trained driver, Loco Shed,  
Northern Railway, Roza, District  
Shahjahanpur, under D.R.M., Moradabad  
Northern Railway.

... APPLICANT

VERSUS

1. UNION OF INDIA, through the D.R.M.  
(Divisional Railway Manager,  
District Moradabad;
2. SENIOR DIVISIONAL MECHANICAL ENGINEER,  
Northern Railway, Moradabad;
3. LOCO FOREMAN, Northern Railway, Roza,  
District Shahjahanpur;
4. SHRI M.L.BAJPAI, FUEL INSPECTOR SET  
in Loco Shed, Northern Railway, Roza,  
District Shahjahanpur;
5. LOCO INSPECTOR, Roza Loco Shed, Roza,  
District Shahjahanpur (Enquiry Officer)  
Shri I.K.Misra.

...OPPOSITE PARTIES

AT

(Signature)

**(i) DETAILS OF APPLICATION**

Particulars of the applicant:-

(i) Name of applicant :- Vishwambher Singh.

(ii) Name of father :- Shri Balwant Singh.

(iii) Age of applicant:- Aged about 54 years.

(iv) Designation and particulars of office (Name and station) in which employed or was last resided before ceasing to be in service-

- Trained Driver, Loco Shed,  
Northern Railway, Roza,  
District Shahjahanpur, under  
Divisional Railway Manager,  
Northern Railway, Moradabad.

(v) Office address - Divisional Railway Manager,  
Northern Railway, Moradabad,  
Loco Shed, Northern Railway,  
Roza, District Shahjahanpur.

(vi) Address of service  
of notices - Vishwambher Singh, aged  
about 54 years, son of  
Shri Balwant Singh, Trained  
driver, Loco Shed, Northern  
Railway, Roza, District  
Shahjahanpur, under  
Divisional Railway Manager,  
Northern Railway, Moradabad.

**II. PARTICULARS OF THE RESPONDENTS:**

(i) Name of the Respondents - 1. UNION OF INDIA; through  
Divisional Railway Manager,  
District Moradabad.

Total 14/12 Pts

2. SENIOR DIVISIONAL  
MECHANICAL ENGINEER,  
Northern Railway,  
Moradabad;

3. LOCO FOREMAN, Northern  
Railway, Roza, District  
Shahjahanpur;

4. SHRI M.L.BAJPAI, Fuel  
Inspector Set in Loco  
Shed, Northern Railway,  
Roza, District Shahjahanpu

5. LOCO INSPECTOR Shri I.K.  
Mishra, Roza Loco Shed,  
Roza, District Shahjahanpu  
(Enquiry Officer).

(ii) Name of father - Need no reply.

(iii) Age of the  
respondents - Need no reply.

(iv) Designation and  
particulars of  
office (name and  
station in which  
employed). - Given as above.

(v) Office address - Given as above.

(vi) Address for  
service of  
notices - Given as above.

(III) PARTICULARS OF THE ORDER AGAINST WHICH  
APPLICATION IS MADE:

The application is against the following orders:-

|                        |   |  |
|------------------------|---|--|
| (i) Order No.          | - | Order of reversion of the applicant from the post of Trained driver to the post of Shunter dated 16.6.1990.  |
| (ii) Date of order     | - | 16.6.1990.   |
| (iii) Passed by        | - | Senior Divisional Mechanical Engineer, Northern Railway, Moradabad. (opposite party No.2).   |
| (iv) Subject in brief- |   | Reversion order has been passed by the Senior Divisional Mechanical Engineer, Northern Railway, Moradabad (opposite party No.2), which has still not been implemented and the applicant is holding charge of his post of Trained Driver. |

IV. JURISDICTION OF THE TRIBUNAL:

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

V. LIMITATION:

The applicant further declares that the

application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985, as the cause of action accrued to the applicant on 16.6.1990.

## VI. FACTS OF THE CASE:

(1) That the applicant is working as trained driver in Loco Shed, Roza, District Shahjahanpur under the Divisional Railway Manager, Moradabad.

(2) That the applicant has been reverted from the post of trained driver to the post of Shunter by an order dated 16.6.1990, passed by the opposite party No.2, and a copy of the same is received by the applicant on 20.7.1990. A photostat copy of the impugned order of reversion dated 16.6.1990 is being annexed hereto as ANNEXURE NO.1.

(3) That the pay scale of trained driver is Rs. 1480 to 2200 and the pay scale of Shunter is Rs. 1200 to 2000/-only.

(4) That the order dated 16.6.1990 has not so far been implemented and the applicant is still holding the charge of trained driver.

(5) That the copy of enquiry report, on which basis the applicant has been reverted has not been supplied to the petitioner/applicant.

(6) That the applicant has not been given an

opportunity to defend his case as the entire papers including oral and documentary evidence has not been supplied to the applicant.

(7) That the applicant at various occasions wrote letters to the Divisional Railway Manager, Northern Railway, Moradabad to change the enquiry officer and the said applications have not been disposed off. As the enquiry officer was demanding Rs. 2,000/- as bribe from the applicant and applicant was not in a position to pay the same, hence the reversion order has been passed ex parte in a very revengeful manner.

(8) That the applicant has not been afforded any opportunity of personal hearing.

(9) That the impugned order of reversion is without jurisdiction and also in violation of principles of natural justice.

#### VII. DETAILS OF THE REMEDIES EXHAUSTED:

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

#### VIII. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or

Parasitic life

any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

In case the applicant had previously filed any application, writ petition or suit, the stage at which it is pending and if decided, the gist of the decision should be given with reference to the annexure.

**IX. RELIEF(S) SOUGHT :**

In view of the facts mentioned in para VI above, the applicant prays for the following relief(s):-

- (a) to issue directions to the opposite parties to quash and set aside the impugned order of ~~xxx~~ reversion of the applicant dated 16.6.1990 passed by the opposite party No.2.
- (b) allow the application with costs.
- (c) This Hon'ble Tribunal be pleased to issue other suitable order or orders, direction or directions as deems fit and proper in the circumstance of the case.

**GROUND**

- (A) Because the applicant has not been supplied with the copies of oral and documentary evidence.
- (B) Because the petitioner/applicant has not

been afforded an opportunity to be heard personally.

(C) Because the copy of enquiry report has not so far been given to the applicant.

(D) Because the applicant has not been given an opportunity of defending his case as the copies of documentary and oral evidence has not been supplied to him.

(E) Because the impugned order of reversion has been passed ex parte.

(F) Because in a revengeful manner the impugned order of reversion has been passed.

(G) Because in utter violation of the principles of natural justice, the order of reversion of the applicant has been passed.

(H) Because the applications of the applicant have not been disposed off and the reversion order has been passed ex parte.

(I) Because the order of reversion has been passed without jurisdiction.

X. INTERIM ORDER, IF ANY, PRAYED FOR:

This Hon'ble Tribunal be pleased to stay the operation of the impugned order of reversion of the applicant dated 16.6.1990 from the post of Trained driver to the post of shunter passed by the opposite party No.2.

XI. LIST OF PARTICULARS OF BANK DRAFT/POSTAL ORDERS  
IN RESPECT OF THE APPLICATION FEE :

- (i) Indian postal order for Rs.
- (ii) Postal order Nos.
- (iii) Date of postal orders:
- (iv) Issuing post office:

XII. LIST OF ENCLOSURES:

- (1) Annexure No.1:- True copy of the reversion order dated 16.6.1990.

VERIFICATION

I, Vishwambher Singh, aged about 54 years, son of Shri Balwant Singh, at present working as Trained Driver in Loco Shed, Northern Railway, Roza, District Shahjahanpur, under the Divisional Railway Manager, Moradabad, Northern Railway, do hereby verify that the contents of paras I to XII of this application are true to my personal knowledge and on legal advice and that I have not suppressed any material facts.

LUCKNOW

DATED 31.7.1990.

Taljinder Singh  
(VISHWAMBHER SINGH)  
Applicant.

Signature of the Applicant.

To,

The Registrar,  
Central Administrative Tribunal,  
Allahabad,  
Circuit Bench,  
Lucknow.

AIK  
5  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ADDITIONAL BENCH, ALLAHABAD,

CIRCUIT BENCH, LUCKNOW.

O.A. NO.

OF 1990 (L)

VISHWAMBHER SINGH

...

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...

OPPOSITE PARTIES

APPLICATION FOR STAY

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

That for the facts, reasons and circumstances narrated in the accompanying application, it is most respectfully prayed that this Hon'ble Tribunal may very kindly be pleased to stay the operation of the impugned order of reversion of the applicant dated 16.6.1990 as contained in Annexure No.1 to the accompanying application and further be pleased to order to the opposite parties to continue the applicant as Trained Driver during the pendency of the instant application.

LUCKNOW

DATED 31.7.1990.

B.K.C.  
APPLICANT

7/91/90 RTA

• A16

15/2

← ~~प्राप्ति विवेद~~

तामांय-२२९

रेस कांस्थारी (प्रत्याशान तथा अपील) नियम, 1968 के नियम 6 (VI) के प्रत्यक्षार  
शास्ति देने का आदेश ।

राजा  
G.O. 4/F.R.A.C.  
(मानक वर्ग का) / राजा

(i) ग्राम मिलन में 45 दिन के आवश्यक विधिवत् योगोन की जांच करा दी जाएगी।

Arrested

Portuguese

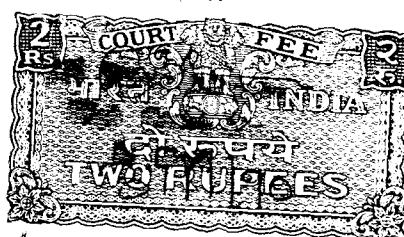
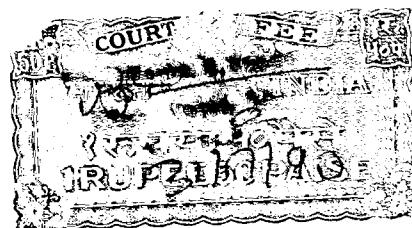
371728

वादी

(मुहूर्त)

प्रतिवादी (मुद्दाबलेह)

का वकालतन मा



१० रोपण-१०

वादी (मुद्दा)

बनाम प्रतिवादी (मुद्दाबलेह)

नं० मुकद्दमा सन् १० पेशी की ता० १० ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से ई० BK द्वारा

British Court Lucknow

एडवोकेट महोदय

जगदीश्वर नाथ मार्कोफ़ द्वारा दिया गया

वादी अदालत  
नं० मुकद्दमा  
नाम फरीद

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा वा इकबाल दावा तथा दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष [फरीकसानी] का दाखिल किया रूपया अपने वा हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी इस लिए यह वकालतवामा लिख दिया है कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी[गवाह] साक्षी[गवाह]  
दिनांक "महीना" सन् १०

