

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

**INDEX SHEET**

CAUSE TITLE OA 307 OF 1990

NAME OF THE PARTIES Jeet Ram Applicant

Versus

Union of Indis Respondent

**Part A.**

Sl.No.	Description of documents	Page
1	Order sheet	A-1 <del>2</del> ✓
2	Final Judgement, 24-4-91	A-2 to 4 ✓
3	check List	A-5 to 6 ✓
4	Petition copy with power	A-7 to 20 ✓
5	Annexure	A-21 to 42 ✓
6	Counter Affidavit	A-43 to 44 ✓
7	Counter Reply	A-45 to 54 ✓
8	Replication to the reply	A-55 to 64 ✓
9	Application Praying Execution Interim	A-65 to 74 ✓
10	Notice	A-75 to 79 ✓
11		
12		
13		
14		
15		
16		
17		
18		

**CERTIFICATE**

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated 8/4/2011

Counter Signed.....

Section Officer/In charge

Signature of the  
Dealing Assistant

12.9.1990

O.A.NO.307/90(L)

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

Hon'ble MR. M.M.Singh A.M.

Issue notice to respondents to show cause why the petition may not be admitted. List for admission hearing on 26.9.90. In the mean time the respondents shall assign proper duties to the applicant. They shall also produce the record. The case may be disposed of finally on the date fixed. Copy of the order may be given to the learned counsel for the applicant within twenty four hours.

Sd'

A.M.

Sd/

V.C.

Sd/

See original  
order  
on main  
Petition

Notices served

18-9-90

OR

Notices were served  
on 18-9-90.  
Neither reply nor  
any record sent.  
Case has been return  
back S.F.A

4.10.90

No sitting Adj. to 23.10.90

h  
4/10/90

23.10.90

No sitting Adj to 8.11.90

h

M.P 605/90, filed  
by M.A. Ashtakkar also  
power filed

h  
21/9

8.11.90

Hon. Mr M.V. Pralokar AM  
Hon Mr P.K. Agrawal JM.

OR

S. J. Ashtakkar files  
power on behalf of respondents.  
Applications also filed M.P 605/90b  
but not duly removed  
on the affidavit.  
S.F. A/O.

Due to dissolution of Bar  
Association case is adj  
to 17.12.90.

h  
17/12

h

Bore

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW.

O.A. No. 307/1990

Jeet Ram

Applicant.

versus

Union of India & others

Respondents.

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

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

(Hon. Mr. D.K. Agrawal, J.M.)

This application can be understood in the context of O.A. No. 300/1989 decided on 20.3.90. The applicant was a Keyman. He was transferred from Gang No. 1 to Gang No. 2. However, he did not handover charge in Gang No. 1 and therefore, he was not allowed to join in Gang No. 2. O.A. No. 300/89 was filed by the applicant alleging that his services have been orally terminated. The employee denied that the services of the applicant were terminated at any point of time. They placed the correct facts before us. It was stated that the applicant was absconding and avoiding to handover charge in Gang No. 1, nor he was joining in Gang No. 2. It was further pleaded by <sup>them</sup> that he cannot be allowed to join in Gang No. 2 unless he hands over the charge in Gang No. 1. Therefore, we passed an order to treat the applicant on duty in Gang No. 2 with effect from the date he joins there after handing over the charge in Gang No. 1. We further directed that the applicant will not be paid salary for the period

*Dr. Aggarwal*

A36

he has actually not worked. A further direction was made that the period for which the salary is not paid, will, however not be treated as break in service either for seniority purpose or for counting the continuity of service of the applicant for future promotions. The state of affairs remained the same i.e. the applicant has neither handed over the charge in Gang No. 1, nor joined Gang No. 2, instead the present application has been filed alleging the same facts that his services have been orally terminated. A further prayer is that he is entitled to promotion as Mate.

2. We have carefully considered the pleadings of the parties. However, we were deprived of the benefit of hearing the learned counsel for the applicant. Neither the applicant, nor his counsel appeared on the date of hearing. Opposite party No. 4 only appeared before us on the date of hearing.

3. Having given our careful consideration to the pleadings of parties, we are of the opinion that the present application is barred by principle analogous to res-judicata, as regards the relief contained in Clause I. As to relief contained in Clause II i.e. the promotion to the post of Mate from Gangman, we only observe at this stage that the applicant is not in employment as on date. He must first comply with our orders passed earlier referred to above, hand over the charge in Gang No. 1 and join Gang No. 2. Thereafter, he should make representation to the competent authority for promotion, if due. He can approach the Tribunal only

DK Agnani

151

after exhausting the departmental remedy. Therefore, we are not expressing our opinion about the question of promotion. We may also mention that necessary facts as to how the applicant was ~~not~~<sup>✓</sup> entitled for promotion, has not been set out before us, therefore, we cannot consider the question of promotion in the present petition.

4. Therefore, the claim petition is disposed of as above in the light of above observations. No order as to costs.

A.M.

*[Signature]*

*[Signature]*  
J.M. 24.4.91.

Lucknow Dated: April, 24<sup>th</sup>, 1991.

Shakil

(45)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 307 of 1988 (10/4)

APPLICANT(S) Shri Jeet Ram

RESPONDENT(S) V.C.S.

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 11/9/88  
Date of Receipt 11/9/88  
Deputy Registrar(U)

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the <del>appeal</del> <sup>application</sup> 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 <del>appeal</del> <sup>application</sup> in time?	yes
b) If not, by how many days it is beyond time?	
c) Has sufficient case for not making the application in time, been filed?	yes
4. Has the document of authorisation/ Vakalatnama been filed?	yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	yes Postal order 50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	certified by the court
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 Attested by court
c) Are the documents referred to in (a) above neatly typed in double sapce?	yes
8. Has the index of documents been filed and paging done properly?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	no

(A6)

Particulars to be Examined

Endorsement as to result of examination

- |   |  |
|---|--|
| <p>11. Are the application/duplicate copy/spare copies signed?</p> <p>12. Are extra copies of the application with-Annexures filed?</p> <p style="margin-left: 20px;">a) Identical with the Original?</p> <p style="margin-left: 20px;">b) Defective?</p> <p style="margin-left: 20px;">c) Wanting in Annexures</p> <p style="margin-left: 40px;">Nos. _____ pages Nos _____?</p> <p>13. Have the file size envelopes bearing full addresses of the respondents been filed?</p> <p>14. Are the given address the registered address?</p> <p>15. Do the names of the parties stated in the copies tally with those indicated in the application?</p> <p>16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?</p> <p>17. Are the facts of the case mentioned in item no. 6 of the application?</p> <p style="margin-left: 20px;">a) Concise?</p> <p style="margin-left: 20px;">b) Under distinct heads?</p> <p style="margin-left: 20px;">c) Numbered consecutively?</p> <p style="margin-left: 20px;">d) Typed in double space on one side of the paper?</p> <p>18. Have the particulars for interim order prayed for indicated with reasons?</p> <p>19. Whether all the remedies have been exhausted.</p> | <p>yes</p> <p>yes</p> <p>yes</p> <p>x</p> <p>N.A.</p> <p>yes</p> <p>yes</p> <p>N.A.</p> <p>yes after Neg</p> <p>yes</p> <p>yes</p> <p>yes</p> <p>yes</p> <p>yes</p> <p>yes</p> |
|---|--|

Dinesh

Registered in  
 Institution Register  
 True up on 12-9-90  
 before the Honble  
 Bench for order  
 11-9-90

17/9

47

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW.

FORM I  
( See Rule 4)

APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985

Jeet Ram ..... Applicant  
Vs.  
Union of India ..... Respondents

*Filed today*  
*54P*  
*18/9/90*

CLAIM AGAINST ORAL ORDER OF CEASATION  
OF EMPLOYMENT FROM POST OF KEYMAN N.  
RAILWAY.

..... COMPILATION NO..I.....

Sl. No.	Description of documents	Page No.	Remarks
1.	Memo of Claim petition	17 to 12	
2.	Vakalanama	13	
3.	Other document filed in compilation No.II		

*6/10/90*

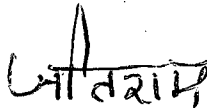


148

-2-

Lucknow

Dated 5 ~~Sept~~ <sup>Sept</sup>, 1990

  
Signature of Applicant

For use in Tribunal's office

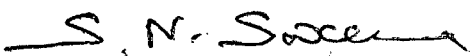
Date of filing

Jeet Ram

or

through counsel

Date of Receipt by Post



Registration No.

( S.N. Saxena)  
Advocate, Lucknow.

Signature of Registrar.

Date of Filing .....

Date of Receipt by Post .....

Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT  
BENCH LUCKNOW.

Jeet Ram, aged about 44 years, son of Munna,  
Resident of Village Kondari Khera, Post Berua, Tehsil  
Sandila District Hardoi.

..... Applicant.

Vs.

1. Union of India, through Secretary to Department  
of Railways New Delhi.
2. Divisional Rail Manager, Northern Railway,  
Moradabad.
3. Assistant Engineer, Northern Railway, Sitapur  
City.
4. Permanent Way Inspector, Northern Railway Balamau,  
District Hardoi.

..... Respondents.

DETAIL OF APPLICATION

1. PARTICULARS OF ORDER AGAINST WHICH APPLICATION IS  
MADE: \_\_\_\_\_

The application is made against the following  
orders:-

(i) Order No.

Nil

read to  
12-9-90  
S. N. S. S. S.  
4-9-90

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A10

-2-

(ii) Date Nilk  
(iii) Passed by Nil

Since no specific order is writing has been passed it is not possible to give details of any such order. Applicant has been orally ordered by respondent No. 4 not to resume duties with effect from 2.9.89 and has accordingly not been permitted to resume his duties from such date.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declare that the application is within limitation prescribed in Section 21 of the Administrative Tribunal's Act 1985.

4. FACTS OF THE CASE:

4.1 That applicant/ petitioner after working as casual labour from 1961 to 1964 was made Regular Gangnan since 3.10.1964.

१२  
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-3-

4. 2. That having regard to petitioner's seniority and merit, suitability and performance he on 27.4.89 vide order No. E-6/Keyman passed by Assistant Engineer N.Rly. Hardoi (under whose administrative control at the relevant time) on the higher post of Keyman against existing vacancy in the scale of Rs. 800-1150 per month from post of Gangman. This promotion was made after due ~~procedure~~ of selection.
- 4.3 That the applicant is at present working as Keyman in the scale of Rs. 800-1150 per month under the administrative control of opposite party No.3 and is working under supervision and control of Opposite Party No.4.
4. 4 That the previously applicant was ordered orally by the Respondent No. 4 on 2.9.89 not to work as his services had been terminated by oral order of the Opposite Party No. 4.
4. 5 That after exhausting of departmental remedies he had to prefer a claim petition before this Hon'ble Tribunal which was allowed vide orders dt. 23.3.90 and the Opp.Parties stated specifically that they had no objection to allow the applicant to take back in service and allowed him to resume his duties. A  
~~true~~

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49

true copy of the order of the Tribunal is being filled herewith as Annexure No. A-1

4.6 That in compliance of the Hon'ble Tribunal's order the petitioner was reinstated and was transferred from Gange No. 1 to Gange No. 2 and joined there. But the Opp. Party No. 4 Sri R.K. Sharma become annoyed with the success of the petitioner in court case and it increased the personal illwill malafide of Opp. Party No. 4 towards the petitioner and he said that he will give a lesson to this Harijan low caste for daring to go <sup>to</sup> the court and complaining against him. A true copy of the transfer order dt. 21.5.90 received on 24.5.90 is being filed as Annexure No. A-2.

4.7 That the Opp. Party No. 4 posted the petitioner under his control and supervision and required him to watch K.M. 17 to 22. The Opp. Party No. 4 issued and served on the petitioner three letters separately on 23.6.90. The copies of the said letters are being filed as Annexures No. A-3, A-4, and A-5.

4.8 That vide letter dt. 23.6.90, he was posted in Gange No. 2BS as Keyman he was further required to send list of parts i.e. Chabhi, Bolt, Pin, bearing plate etc. He was given supervision of

A13

-5-

Area K.M. 17 to 22 . Accordingly he reported the matter to the authorities, asking required supply of the articles, which were necessary for proper maintenance <sup>of Railway line</sup> vide his letter dt. 13.6.90 and 23.6.1990. The relevant letter in to this respect are being filed herewith as Annexure No. A-6 (letter dt. 13.6.90) and as Annexure No. A-7 ( letter dt. 23.6.90). As a result of annoyance of P.W. 4 the petitioner was served a so called charge sheet on 2.5.90 showing some shortage ( i.e. Annexure No. A-8) The petitioner explained his position in detail. He could not know yet what had been the fate of the so called charge sheet . The true copy of the said charge sheet and its reply has been filed as Annexure No. A-9 and A-10

4.9 That according to departmental rules the Keyman is never given charge of any spare parts or tools but it is the duty of P.W. & and Mistri to & Mate get utilized the tools by the Keyman and Gange man . It is clearly provided in the rules that the Mate will take charge of the tools and keep them properly after getting the work done. He has also to supervised that tools have not been left at the site or track. This it is clear that the Keyman is not given any charge of tools and other ~~for~~ goods and he is

जितराम

-6-

not allowed to take them home. It is a false pretence that the petitioner was avoiding to give the charge as nothing is given him to in charge which he should give in charge to other man, in fact and practice. In fact the Keyman is issued at the time of work, tools and other parts which are taken back at the closing of the day.

4.10 That being annoyed the P.W. 1 i.e. Opp. Party No. 4 by oral order like the past ordered the Mate not to allow the petitioner to work and thus the petitioner has again been deprived of his employment which is only source of his livelihood. A true copy of Mate's letter dt. 4.7.90 is being filed as Annexure No. A-10. Since then the petitioner though he goes to attend his duty daily but not allowed to work and is being marked absent.

4.11 That the petitioner submitted a representation narrating all the facts to Mandal Rail Prabandhak Moradabad vide letter dt. 8.7.1990 and sent its copy to Assistant Sitapur city as well. The true copy is being filed as Annexure No. A-11.

4.12. That the Opp. Party No. 4 sent a registered letter dt. 27.6.90 which was received by the

जतिराज

47

45

-7-

the petitioner on 25.7.90 stating therein that the petitioner is absent from his duties without any intimation and the petitioner<sup>is</sup> required to present himself before him within 3 days for duties. Otherwise it will be presumed that the petitioner<sup>is</sup> not inclined to resume duties.

4.13. That though the petitioner was going on his duty every day but was not allowed to work and his services terminated by oral order ~~at~~ of Opp. Party No. 4. The petitioner in compliance of the letter dt. 19.7.90 presented himself before the Opp. Party No. 4 for duty. The Opp. Party No. 4 humiliated him and declined to allow the petitioner to work saying that the letter sent by him was simply a papers transaction and peshbandi to save himself and his action and deprive the applicant from complaining before the higher authorities or the court.

4.14. That the petitioner submitted an other representation dt. 4.8.90 narrating all the facts and praying that he will be allowed to work and his service be deemed continued from 4.7.90 on records and he is being illegally not allowed to work due to arbitrary oral orders of the Opp. Party No.4. A true copy of the representation dt. 4.8.90 is being filed herewith as Annexure No. A-12.

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14/10

-8-

4.17. That inspite of lapse of considerable period of time the petitioner could not get any relief from the departmental higher authorities and could know nothing about the decision of the said representation. The petitioner has been deprived of his only source of livelihood and hence he having no other effecting the remedy seeks the protection of this Hon'ble Court and challenges the validity of the oral order of P.W. No. 4 terminating his services which were given effect to and communicated vide letter dt. 4.7.90 of the Mate Sri Gadan ; amongst other on the following grounds:-

G R O U N D S

- A) Because the oral orders of O.P. No. 4 terminating the petitioner's services communicated vide letter dt. 4.7.90 of the Mate Sri Gadan are arbitrary and illegal and are lible to to set aside.
- B) Because the oral orders terminating the services of the petitioner are malafide and also against the principles of natural justice.
- C) Because action of respondents in ordering oral ceasation of petitioner employment from

post of keyman is highly arbitrary, high handed and illegal.

- D) Because petitioner's employment can not be put to an end, nor it can be curtailed or minimised without having full and fair re-course to rules i.e. reasonable opportunity of hearing, enquiry, show cause etc. in absence of which such sort of action is unwarranted in law.
- E) Because action of respondent is contrary to the principles of natural justice, equity and fair play as well as it is contrary to rules.

6. Details of Remedies exhausted:-

The applicant declares that he has availed all the remedies available to him under rules ( It may be stated that since no specific order in writing has been passed, legally no appeal can be filed, even then ) applicant has preferred a representation on 8.7.90 by mean of Annexure No A-11 <sup>A-13</sup> which has not been responded.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

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

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

8. RELIEFS SOUGHT:-

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs:-

- (i) a declaration, direction or order in the nature of mandamus be issued in favour of applicant to the effect that he shall be deemed to have continued on post of Keyman in Gang No. 2BS under respondents as usual and entitled to all consequential benefit of salary etc.
- (ii) a direction or order in the nature of mandamus be issued directing the Opp. Parties to consider the petitioner's name for promotion to the post of mate from the due date according to the seniority and suitability, <sup>though they</sup> the persons junior to the petitioner, <sup>with out considering</sup> and are Gangeman, but they are being permitted to work as acting mate on the post of Mate <sup>the</sup> petitioner is the senior most Keyman and belongs to schedule caste.
- (iii) Costs of the claim petition and such other relief as may be deemed fit and proper in the

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41

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-11-

in the circumstances of the case may be also granted to the petitioner.

9. INTERIM ORDER IF ANY PRAYED FOR:

Pending final decision on the petitioner's application, the petitioner seeks the following interim relief:-

" Respondents be ordered to permit petitioner to continue him to work on post of Keyman in Gang No. 2 BS under P.W.I. Balamau and to make him Regular payment of salary for the post of Keyman".

10. APPLICATION IS presented through counsel Sri S.N. Saxena, Advocate, Lucknow.

11. PARTICULARS OF BANKDRAFT/ POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:

1. Name of Bank on which drawn:

2. Demand Draft No. :

or

1. No. of Indian Postal Order: B 02 414785

2. Name of issuing Post Office: High Court Bench Lucknow

3. Date of issue of Postal Order: 31-8-90

4. Post Office at which payable:-

12. LIST OF ENCLOSURES:

1. Demand Draft /Postal Order.

2. Index of Compiliation No.1

and Vakalatnama

Indian Postal order  
B 02 414785  
dated 31-8-90  
P.O. High Court Bench  
Lucknow.

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A20

-12

3. Compilation No.2 along with application.

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Signature of the petitioner

VERIFICATION

I, Jeet Ram, Son of Sri Munna Resident of Village Kondari Khera, Post Berua, Tehsil Sandila District Hardoi do hereby verify that the contents of para 1 to 7, 10 are true to my personal knowledge and contents of paras 8, 11 to 12 are believed to be true on legal advice and that I have not suppressed any material fact. So help me God.

जतिराम

Lucknow

Signature of the Petitioner

Dated

5 Sept 1990

10-9-90

S. N. Sreenivasiah  
Counsel for the petitioner

To,

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

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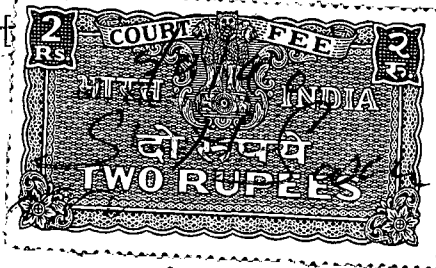
A-20

ब अदालत श्रीमान *The Central Administrative Tribunal* महोदय  
*Arbit Bench*

[वादी] अपीलान्त *Jeet Ram*

### वकालतनामा

प्रतिवादी :-



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लान्त

*Jeet Ram* बनाम प्रतिवादी (रेस्पान्डेंट)  
*Union of India Delhi*

नं० मुकदमा सन् पेशी को ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री *S. N. Saxena*  
*N. K. Sood* 214, Durgayagunj, Ludhiana 4  
वकील  
महोदय

*164, Tase Khanna, Kalsat Gurgaon Ludhiana*  
एडवोकेट  
*Heer court chauran 36, Ludhiana*

नाम अदालत  
मुकदमा नं० नाम  
फरीकत  
बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम-पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *जीत राम*

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १६ ई०

स्वीकृत  
*S. N. Sood*  
*4-9-90*

(121)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH  
LUCKNOW.

Jeet Ram

Petitioner/ Applicant

Vs.

Union of India & Others.

Opp. Parties/ Respondents

COMPILATION NO. II

I N D E X

S.No.	Particulars of Documents	Page No.
1.	Annexure No. A-1 Tribunal Order dt. 23.3.90	14 and 15 16
2.	Annexure No. A-2 Transfer order dt. 21.5.90	17
3.	Annexure No. A-3 Letter dt. 23.6.90	18
4.	Annexure No. A-4 Letter dt. 23.6.90	19
5.	Annexure No. A-5 Letter dt. 23.6.90	20
6.	Annexure No. A-6 Letter dt. 23.6.90	21
7.	Annexure No. A-7 Letter dt. 23.6.90	22 to 23
8.	Annexure No. A-8 Charge Sheet dt. 2.5.90	24 to 27
9.	Annexure No. A-9 Charge Sheet Reply	

422

-2-

10. Annexure No. A-10

28

Letter dt. 4.7.90

11. Annexure No. A-11

29 To 31

Letter dt. 8.7.1990

12. Annexure No. A-12  
Affidavit

- 32 - 33  
34 - 35

Lucknow

Dated:-

5-9-90

Filed by:

S. N. Saxena  
( S. N. Saxena )

Advocate



(A23) 88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW.

Jeet Ram ... Petitioner

Vs.

Union of India & Others. ....Opp.Parties.

Annexure No. 1

Court Order

Central Administrative Tribunal, Allahabad  
Circuit Bench, Lucknow.

Registration O.A. No.300 of 1989 (L)

Jeet Ram ... Applicant

Vs.

Union of India and others ....Opp.Parties & Respondent

Hon'ble D.K. Agarwal, JM  
Hon'ble K. Chayya, AM

*True copy*

This application u/s. 19 of the Administrative

*S.N. Saxena*  
Som Narayan Saxena

M.A., L.L.B. Advocate  
214, Durvijaya Gunj  
LUCKNOW-226004

Tribunals Act XIII of 1985 was filed on 25.10.89

aggravated with the oral order of termination. The Applicant was working as Keyman and transferred from Gang No. 1 to Gang No. 2. The ~~app~~ allegation is that he did not hand over the charge in Gang No.1 and , therefore, he was not allowed to join in Gang No. 2 The declaration sought is that he be deemed to be Keyman in Gang No. 2.

*गतिराम*

2. We have perused the pleading of the parties and the original records. We are of opinion that the case can be finally disposed of at this stage itself. The reason is that the Respondents have no objection to take work from the Applicant provided he hands over charge in Gang No.1 and joins in Gang No. 2. Since the Applicant wants only employment and the Respondents are prepared to offer him the same, we feel that the interest of justice will be served by making an order forthwith.

3. In view of the above, we direct the Respondents to treat the Applicant on duty in Gang No. 2 w.e.f. the date he joins there after handing over charge in Gang No.1. The Applicant will not be paid ~~aka~~ salary for the period for which he had actually not worked. However, the period for which the salary is not paid, it will not be treated as break in service either for seniority purpose or for counting the continuity of service of the Applicant in future. The petition is disposed of accordingly and there will be no order as to costs.

MEMBER (A)

Dated 23.3.1990

23.3.90  
MEMBER (J)

C.T.C.

Attested

Sdp/

Seal Deputy Registrar,  
Central Administrative Tribunal  
Lucknow Bench, Lucknow.

*True Copy*

*S. N. Saxena*

*Som Narayan Saxena*

M.A., L.L.B. Advocate

214, Durvijaya Gunj

LUCKNOW-226004

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इन दि सेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्व लखनऊ ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपार्टीज,

अनैकजर नं०- 2

दि० 21-5-90

सेवा में,

ई 12

रे०प०नि०तृतीय

रे०प०नि०

बालामऊ ।

बालामऊ

या

मेट

विषय:- स्थानान्तरण व चाभी मैन की नियुक्ति ।

उपरोक्त विषय में श्री जीत राम पुत्र श्री मुन्ना गैगमैन सी० नं० 1बीएस को गैग नं० 2 बीएस में चाभी मैन के पद पर उसी वेतनमान में स्थानान्तरित किया जाता है। यह स्थानान्तरण केन्द्रीय प्राधिकरण लखनऊ के आधार पर किया गया है।

प्राप्त किया

ह० जीत राम कीमैन

। बीएस- ए एस

त० 24-5-90

सत्य प्रतिलिपि

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S. N. Saxena

Som Narayan Saxena

M.A., LL.B. Advocate

214, Durvijay Gunj

LUCKNOW-226004

जीत राम

126 86

इन दि सेन्दल एडमीनिस्ट्रेटिव बिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपार्टीज,

अनैक्जर नं०-3

श्री जीत राम पुत्र श्री मुन्ना

की मैन गैंग नं० 2 बी एस

बेनी गंज दि० 23-6-90

आपको यह भी भाति मालूम है कि हर एक चाबी वाला अपना पूरा इलाका देखने के बाद रोजरना दो छाखा की सभी फिटिंग टाइट करता है तथा अपनी डायरी में जो भी फिटिंग कम पाता है वह भी अंकित करता है। आपने आज दि० 23-6-90 तक अपने चार्ज का पूरा इलाका देख लिया है कि०मी० 17 से 22 तक कृपया आप यह बताए कि आपके इलाका कि०मी० 17 से 22 तक कितना सामान ॥ चाबी, वोल्ट, काटर, पिन गोल पिन तथा वीयरिंग प्लेट आदि कम हैं। इस प्रकार की एक लिस्ट बनाकर दे ताकि वह सभी सामान पूरा किया जा सके। जिससे लाइन में कोई खर्रा न हो सके।

आप इसे अति आवश्यक समझे। अन्यथा कोई भी दुर्घटना

हुई तो आप ही उसके जिम्मेदार होंगे।

अम्भा दो टाईट करने के बार कभी सामान ह०/- रेल पथ निरीक्षक सूचना शाम को मेट को दूंगा। दुर्घटना की रक्षा बालामऊ कलगा। ह० जीत राम की मैन 2 बी एस 23-6-90

सत्य प्रतिलिपि

True Copy  
S. N. Saxena  
Som Narayan Saxena  
M.A., L.L.B. Advocate  
214, Durvijaya Gunj  
LUCKNOW-226004

ADP

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इन दि सेन्दल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

----अपोजीटोपार्टीज,

अनैक्जर नं०-4

श्री जीत राम पुत्र श्री मुन्ना की मैम

नं० 2 बी एस बेनी गंज 23-6-90

आपको सूचित किया जाता है कि चाबी मैम की ड्यूटी लाईन में लगी फिटिंग को पूरा तथा टाईट रखने की जिम्मेदारी है अतः आप जिस इलाका में चाबी वाले की जगह तैनात किये गये है उस इलाका की सारी फिटिंग का चार्ज अपने से पहले वाले चाबी वाले से ले ले यही ही सरकारी आदेश है। इस फिटिंग को लाईन में ठीक प्रकार से रखना ही आपके चार्ज में आता है।

ह० जीत राम की मैम

ह०/-

2 बी एस 23-6-90

रेल पथ निरीक्षक  
बालामऊ

सत्य प्रतिलिपि

*True copy*

*S. N. Saxena*

*Som Narayan Saxena*

M.A., L.L.B. Advocate

214, Durvijaya Gunj

LUCKNOW-226004

जातिशम

428

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इन दि सेन्द्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट बेन्द लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपार्टीज,

अनैक्जर नं०-5

उत्तर रेलवे

श्री जीत राम पुत्र श्री मुन्ना

की मैन 2 बी एस बेनी गंज

दि० 23-6-90

आपको गेंग नं० 2 बी एस में चाबी मैन की जगह पोस्टिंग कर दिया गया है। आप श्री कल्लू पुत्र श्री चैनु गेंग में जो कि पहले से चाबी मैन की जगह कार्य कर रहा था आप उससे चार्ज लेकर जो सामान लाइन में कम है ॥ चाबी, वोल्ट, पिन, बीयरिंग प्लेट काटर आदि ॥ की लिस्ट बनाकर हमारे कार्यालय बालामऊ श्री मौर्या पी डब्लू 3 बालामऊ के माध्यम से भेजे ताकि सामान लाइन में पूरा किया जा सके। जिससे लाइन में कोई खतरा न होने पाये। आप इसे आवश्यक समझे।

रेल पथ निरीक्षक बालामऊ

प्रार्थी को लिखकर दिया जाय कि कीमैन

के सरकारी कानून के मुताबिक कौन -2 से सामान चार्ज में है। उसका

कीमैन चार्ज दे सके। ह: जीत राम कीमैन

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2 बी एस

S. N. Saxena

Som Narayan Saxena

M.A., L.L.B. Advocate

214, Durlvijaya Gunj

LUCKNOW-226004

जीत राम

इन दि एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्व लखनऊ ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपार्टीज,

अनैकजर नं०- 6

मेट मेस नं० 2 बी एस श्री गेंदन

कभी सामान पूरा कराने के लिए सहायक अभियंता सीतापुर के आदेश

तारिख 12-6-90

- 1- बैरिंग प्लेट 41
- 2- बोल्ट 131
- 3- जावा 23
- 4- कुत्तापिन 491
- 5- बोल्ट क्रासिंग 10
- 6- चाभी 452
- 7- पुल नं० 25 के स्लीपर बदले जाय
- 8- क्रासिंग नं० के-2 बदला जाय ।

स्लीपर खराब है।

मै लिखकर दे रहा

द० गेंदन मेट

ह: जीत राम कीमैन

13-6-90

2 बी०एस०

तारिख 13-6-90

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*True Copy*

*S. N. Saxena*

*Som Narayan Saxena*

M.A., I L B, Advocate

214, Durvijaya Gunj

LUCKNOW-226004

जातिशाम

इन दि एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च लखनऊ

जीत राम --- पिटीशनर  
बनाम

यूनियन आफ इण्डिया तथा अन्य --- अपोपार्टीज,

अनैकजर नं०-7

श्री गेंदन मेट 2 बी०एस० बेनी गंज कभी मेटेरिल किलोमीटर 17/0 से 22/0 पूरा करने के लिए लिखकर दे रहा हूँ।

- |                                  |     |
|----------------------------------|-----|
| 1- वोल्ट                         | 124 |
| 2- जवा                           | 23  |
| 3- बेरिंग प्लेट                  | 43  |
| 4- बोल्ट क्रासिंग                | 10  |
| 5- चाभी                          | 954 |
| 6- पुल नं० 25 के सलीपर बदले जाय। |     |
| 7- क्रासिंग नं० के० 2 बदला जाय   |     |
- क्योंकि सलीपर खराब है।

ह० जीत राम कीमैन  
2 बी०एस० बेनीगंज

द: गेंदन मेट  
23-6-90

ता० 23-6-90

सत्य प्रतिलिपि

True copy  
S. N. Saxena  
Som Narayan Saxena  
M.A., J.L.B. Advocate  
214, Durvijaya Ganj  
LUCKNOW-226004

जीत राम



431

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इन दि सेन्दल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

बनाम

----- प्रिंटेड पिटिशर

यूनियन आफ इण्डिया तथा अन्य

----- अपोर्ट पार्टीज

अनैकर नं०- 8

नं० टी/ 1-90 दिनांक 2-5-90

श्री जीत राम पुत्र श्री मुन्ना

कीमैन । बीएस

दि० 2-5-90

आपने आपने हल्का । वी०एस० जो कि कि०मी० 3-00 से 12-00 तक है का चार्ज जो दिया उसमें जो सामान कम पाया गया है उसकी पूर्ति आप आठ दिन के अन्दर अन्दर अवश्य कर दे ताकि आपका स्थानान्तरण गेग नं० 2 बीएस ॥ दो वी०एस० ॥ में रिक्त पद पर कर दिया जा सके ।

आप आठ दिन के अन्दर अगर सामान की पूर्ति कर देगे तो ठीक है अन्यथा आपको दोषी मानकर गेग नं० 2 बी एस के लिए आपको कार्यमुक्त कर दिया जायेगा।

सामान कम

- 1- चाबी तथा जावा के लिए पहले से ही आपको आरोप पत्र दिया जा चुका है।
- 2- बोल्ड 43 कम
- 3- काटर 1126 कम
- 4- बीयरिंग प्लेट 55 कम
- 5- कुत्ता पिन K023x 367 कम

*True Copy*

*S. N. Saxena*

Som Narayan Saxena

M.A., J.L.B. Advocate

214, Duvijaya Gunj

LUCKNOW-226004

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6- गोल पिन= 1023 कम

इसके अलावा आपने चाबी मैं की सरकारी डायरी  
भी चार्ज में नहीं दी है। उसे भी दे दे।

जो सामान कीमैन था प्राप्त किया

वह दे दिया है।

रेल पथ निरीक्षक

ह0 जीत राम की मैं

बालामऊ ।

4-5-90

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सत्य प्रतिलिपि

*True copy*

*S. N. Saxena*

*Som Narayan Saxena*

M.A., L.L.B. Advocate

214, Durvijaya Guej

LUCKNOW-2260014

जातिराम

इन दि सेन्दल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च लखनऊ।

जीत राम

----- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

----- अपोपार्टीज,

अनैक्जर नं०-१

सेवा में,

श्रीमान रेल पथ निरीक्षक,

उ०प्र० बालामऊ ।

जिला हरदोई।

श्रीमान जी,

विषय:- पत्रांक जे/1-90 दि० 2-5-90 प्राप्त दि० 4-5-90  
का उत्तर ।

उपरोक्त विषयक पत्र के सम्बन्ध में प्रार्थी निम्न निवेदन करता है :-

1- यह कि चावी तथा जावा के सम्बन्ध में जो कथित आरोप पत्र संख्या ई/ 12 दिनांक 23-6-89 आप द्वारा देना कहा जाता है वह वास्तव में आरोप पत्र नहीं है वरन् अनुशासनात्मक कार्यवाही करने के सम्बन्ध में पूर्ण सूचना है। आरोप पत्र में किसी निश्चित कराचार का विवरण होता है परन्तु कथित आरोप पत्र में केवल इतना ही कहा गया है कि यदि मैंने एफ०आई०आर० न करायी तो अनुशासनात्मक कार्यवाही की जायेगी । इसके सम्बन्ध में दि० 28-7-89 को आपको सूचना दी जा चुकी है कि जो याचका सं० 300-89 एल० में संलग्न संख्या ए-3 के रूप में है ।

इसके अतिरिक्त यह भी उल्लेखनीय है कि जो वोल्ट, काटर बोरिंग प्लेट, कुत्ता पिन तथा गोा पिन कम बताये जाते है उनका कोई विवरण पहले वाले आरोप पत्र में नहीं है। इससे यह स्पष्ट है कि वोल्ट काटर आदि पाँचों आइटम की कमी बाद में को निकाली जा रही है जो शायद मेरे द्वारा झुठमा दायर कर देने के बदले स्वरूप की गयी

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Som Narayan Saxena  
A., L.L.B.

214, Durvijaya Gunj  
LUCKNOW-226004

जीत राम

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कार्यवाही प्रतीत होती है।

2- यह कि मेट इन्वार्ज कि०मी० ०-३/० से १२/० में प्रार्थी जीत राम गैंगमैन का ता० १८-८-८८ को इलाके को देखने के लिए कार्य परसेजा क्योंकि श्री नरपति की मैन बीमार हो गये थे। प्रार्थी को इलाके में चाभी जावा काटर व जोड़ वोल्ट वगैरह को खाली स्थानों का कोई ज्ञान नहीं कराया गया था, जबकि बहुत स्थान खाली पड़े थे न ही कि०मी० ०३/० से १२/० के कमी मेटारियल का चार्ज भी नहीं दिया गया था।

3- यह कि दैनिक डायरी में पहले भी लिखा था जो स्थान खाली पड़े थे प्रार्थी भी खाली स्थानों को दैनिक डायरी में डेली चार खम्भे सुचारु रूप से देखकर लिखता रहा और अपने इन्वार्ज इलाके के मेट को दैनिक रिपोर्ट भी देता रहा और पहले से खाली स्थान होने के कारण यह पता नहीं लग सकता था कि नये स्थान कितने खाली थे जिससे प्रति हफ्ता में इलाके का इन्वार्ज भी चेक करता रहा और ए०पी०डब्लू०आई० व पी० डब्लू० आई० भी प्रति दौड़ा में चेक करता रहा दस्तख्त करते रहे।

आप व

4- यह कि इन्वार्ज ~~अ~~ मेट द्वारा जोड़ वोल्ट लगाये हैं उनमें कुछ स्थान खाली रह गये थे जिनमें वोल्ट लगने से दिक्कत थी वोल्ट लगाने के बाद मुझे दो कागजों पर दस्तख्त कराये थे एक सादा

एक छपा हुआ था और दैनिक डायरी में भी वोल्ट कमी नहीं लिखे गये ता० १५-६-८९ से कि०मी० ०७/६ से १२/० तक यह क्षेत्र प्रार्थी ने नहीं देखा। इस स्थान पर दूसरा गैंगमैन लगाया गया है १५-६-८९ से ३०-८-८९ तक कि०मी० ३/० से ७/६ तक का क्षेत्र प्रार्थी ने देखा। ३१-८-८९ से मुझे गैंगमैन। वी०एस० से गैंग नं० २ बी०एस० में की मैन के स्थान पर भेज दिया गया ता० २-९-८९ को मुझे बैठा दिया गया ३१-८-८९ से १९-४-९० तक आठ माह तक दूसरा गैंगमैन व इलाका

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Som Narayan Saxena  
M.A., L.L.B. (v. rate)  
214, Durvijaya Gunj  
LUCKNOW-226004

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का इन्चार्ज मैट ने देखा 18-8-88 से 30-4-88 तक व 21-6-89 से 30-8-89 तक दस माह 10 दिन में 2 माह 20 दिन निकाल कर प्रार्थी ने इलाका देखा 7 माह 20 दिन ता 18-8-88 से 20-4-90 तक 20 माह होते हैं 13 माह दूसरे लोगों ने इलाका देखा है।

5- यह प्रार्थी को 31-8-89 को गैंग मैन से गैंग 1 बी०एस० से गैंग नं० 2 वी०एस० में की मैन के परमोशन पर भेजकर ता 2-9-88 को डिपूटी से बैठा दिया जबकि सहायक अभियंता हरदोई के द्वारा 27-4-89 से परमोशन के लिए आदेश हुए थे प्रार्थी ने श्री राम खेलाड़ी शर्मा पी०डब्ल्यू० आई० बालामऊ से खुसामद व प्रार्थना किया और बुरी तरीके से पेश आये न सुनने पर प्रार्थी ने कोर्ट की सहायता लिया कोर्ट का फैसला में कहा है कि परमोशन जब से हुआ है वही रहेगा । और 2 वी०एस० में की मैन के स्थान पर डिपूटी करेगा चार्ज । वी०एस० का देना होगा प्रार्थी 19-4-90 को मि०मी० 3/0 से 12/0 तक खाली स्थानों के कमी मेटेरियल की लिस्ट भी बनवा ली है। कोर्ट का आर्डर न मानकर प्रार्थी को गैंगमैन के स्थान पर गैंग नं० 1 वी०एस० में कार्य ले रहे है और परमोशन पर भेजने को मना कर रहे है।

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Som Narayan Saxena

M.A., L.L.B.  
214, Durvijaya Gurj  
LUCKNOW-226004

6- की मैन की सरकारी डायरी दिनांक 30-8-89 को श्री चौथी मेट को चार्ज में दी जा चुकी है। चौथी मेट की दस्तखती रसीद की फोटो कापी संलग्न की जा रही है।

7- इस पूरे प्रकरण में सबसे महत्वपूर्ण बात यह है कि प्रार्थी से उसी चार्ज का चार्ज लिया जा सकता है या जुम्मेदार माना जा सकता है जिसका चार्ज उसको दिया गया हो । प्रार्थी को कोई भी चार्ज का चार्ज में नहीं दी गयी यदि कथित रूप से गायब हुई प्रस्तुत प्रार्थी को कभी भी चार्ज में दी गयी हो तो वह कागज प्रार्थी का दिखाया जाय ताकि प्रार्थी अपनी जुम्मेदारी से अवगत हो सके ।

जातिदास

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अतः प्रार्थना है कि प्रार्थी को नकारण परेशान व हतोत्साहित न किया जाय और उसे न्यायालय के आदेशानुसार गैंग नं० 2 वी०एस० में कीमैन के पद पर भेजकर उसे उचित स्केल देने की कृपा की जाय।

प्रार्थी

दि० 21-5-90

॥ जीत राम ॥

पुत्र मुन्ना

की मैन / वी०एस० अन्डर रे०प०नि०

बालामऊ

हः जीत राम की मैन

। वी०एस०

TTO 21-5-90

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*S. N. Saxena*

*Som Narayan Saxena*

M.A., B.L.B. Advocate

214, Durvijaya Gunj

LUCKNOW-226004

जातिराम

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इन दि सेन्ट्रल एडमिनिस्ट्रेटिव टिब्यूनल सर्किट वेन्व, लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपपेऑपार्टीज,

अनैकर नं०- 10

सेवा में,

जीतराम की मेन 2 बीएस बेनी गंज

में लिखित कर दे रहा हूँ कि आप किलो मीटर 17/0 से  
22/0 तक कमी सामान का चार्ज लिखित में नहीं देगे। तब तक  
आपको डियूटी पर नहीं लिया जायेगा। यह पी० डब्लू०आई०  
बालामऊ का आदेश है।

द० गेदन सूट

2 बी एस बेनीगंज

4-7-90

नि०अ० सोहन लाल

दः छेदा लाल गैंग मेन

नं० 2 बी एस बेनीगंज

द/ गंगली

दः किशन पाल

दः श्याम बिहारी गैंग मेन

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जातिराम

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S. N. Saxena

Som Narayan Saxena

Advocate

214, Duvijay, Gungj

LUCKNOW-226004

सत्य प्रतिलिपि

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इन दि सेन्दल एडमीनिस्ट्रेटिव टिब्यूनलसर्किट वेन्च, लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपार्टीज,

अनैकजर नं०- 11

सेवामें,

मंडल रेल प्रबन्धक,  
उ०रे० मुरादाबाद ।

विषय: - रेल पथ निरीक्षक बालामऊ श्री राम खिलाड़ी शर्मा द्वारा  
हरिजन कर्मचारी को परेशान करना तथा रिश्वत कमाना ।

महोदय,

सविनय निवेदन इस प्रकार है कि प्रार्थी वर्तमान समय में  
रे०प०नि० बालामऊ के अधीन गैंग सं० 2 बी०एस० बेनीगंज स्टेशन पर की  
मैन के पद पर कार्यरत है । प्रार्थी को जब कि की मैन के पद पर  
प्रोन्नति की गयी थी तब प्रार्थी को अपने इलाके का चार्ज नहीं दिया  
गया था । इलाके में जो सामान कम था उसकी सूचना  
प्रार्थी ने गैंग मेट श्री मेहन को लिखित रूप में दी थी, तथा समय समय  
पर अवगत कराता रहा । इसके अलावा पी० डब्लू० आई० साहब भी को  
निरीक्षण के दौरान अवगत कराता रहा तथा वह की मैन की खरी पर  
भी सामान को चैक करके हस्ताक्षर करते रहे इसके बावजूद भी वह लगातार  
प्रार्थी को हरिजन होने के कारण परेशान करते है तथा नौकरी से निकाल  
देने की धमकी देते रहते है। इसके अलावा वह मेट को मौखिक आदेश  
देकर प्रार्थी को ड्यूटी पर से भी हटवा देते है जिससे प्रार्थी को  
आर्थिक हानि उठानी पड़ती है। प्रार्थी के छोटे छोटे बच्चे है तथा  
नौकरी की आय के अलावा कोई दूसरा आय का साधन नहीं है। दि०

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Som Narayan Saxena  
M.A. L.B. Advocate  
214, Duvjya Gunj  
LUCKNOW-226004

जतिशम



दि० 4-7-90 को आज सबेरे प्रार्थी जब अपनी डियूटी पर आया तो प्रार्थी को श्री गेंदन मेट ने लिखित रूप से एक कागज दिया जिसमें प्रार्थी को डियूटी से हटाने के आदेश है। जिसकी फोटो प्रति साथ में संलग्न है तथा प्रार्थी को डियूटी पर नहीं लिया। जबकि प्रार्थी 4-7-90 से लगातार अपनी डियूटी पर जा रहा है तथा मेट अबसेन्ट ॥ गैन् हाजिर ॥ लगा रहा है। प्रार्थी 4-7-90 से डियूटी पर ही माना जाय।

इससे पूर्व भी प्रार्थी को श्री राम खिलाड़ी शर्मा रे० सि० प० नि० बालामऊ, सामान की कमी के बारे में एक झूठा आरोप पत्र दिया उसमें भी प्रार्थी सिद्धोष था इसके बावजूद भी श्री शर्मा ने झूठी रिपोर्ट लिखाने के लिए प्रार्थी को परेशान किया जबकि हेड क्वार्टर बडौदा हु० ह० हाऊस नई दिल्ली से रेलवे सामान की चोरी हो जाने पर एक अधिनियम आया है जिसमें स्पष्ट रूप से लिखा है कि रेलवे सामान की चोरी होने पर प्रवर अधीनस्थ ही रिपोर्ट लिखाने जायेंगे। लेकिन निरीक्षक महोदय अपनी मनमानी करते हैं जिसके परिणाम स्वरूप प्रार्थी बहुत आर्थिक रूप तथा मानसिक रूप से परेशान हो रहा है।

अतः श्रीमान जी से प्रार्थना है कि श्री शर्मा के हरिजन कर्मचारियों के विरुद्ध अत्याचारों को रोककर कहीं दूसरी जगह स्थानान्तरण करने की कृपा करें अगर अबिलम्ब श्री शर्मा के आतंक को न रोका गया और प्रार्थी को आर्थिक तथा शारीरिक रूप से कोई क्षति होती है जिसकी जिम्मेदारी श्री शर्मा तथा सम्बन्धित अधिकारियों की होगी।

प्रतिलिपि-

प्रार्थी

1- माननीय रेल मंत्री, भारत सरकार  
रेल भवन नई दिल्ली को सूचनार्थ  
तथा आवश्यक कार्यवाही हेतु प्रेषित।

॥ जीत राम ॥  
पुत्र श्री मुन्ना  
की मैन 2 बीएस  
बेनीगंज,

2- माननीय श्रम एवं हरिजन कल्याण मंत्री, भारत सरकार नई दिल्ली  
को सूचनार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित।

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S. N. Saxena

Som Narayan Saxena  
Advocate

214, Durvijay Guda  
LUCKNOW-226004

जीतराम

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- 3- श्रीमान जिलाधिकारी महोदय, जिला हरदोई को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।
- 4- श्रीमान सहायक अभियंता सीतापुर सिटी को सूचनार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित ।

प्रार्थी,

॥ जीत राम पुत्र श्री मुन्ना ॥  
उपरोक्त ।

ह0 जीत राम  
की मै न 2 बी एस

सत्य प्रतिलिपि

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*S. N. Saxena*  
*Som Narayan Saxena*  
M.A., L.L.B. Advocate  
214, Durvijaya Gunj  
LUCKNOW-226004

जातिरज

इन दि सेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

--- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य ।

--- अपोपार्टीज,

अनैकजर नं०-12

सेवा में,

श्रीमान सहायक अभियंता महोदय,

उ०रे० सीतापुर सिटी/ सीतापुर।

महोदय,

सविनय निवेदन यह है कि प्रार्थी जीतराम पुत्र श्री मुन्ना नि० ग्राम कोन्डरी खेरा डाकखाना बेरूआ जिला हरदोई का है तथा प्रार्थी बेनीगंज में की मैन के पद पर कार्यरत है तथा प्रार्थी की मैन गैज नं० 2 बी०एस० है। प्रार्थी को दि० 4-7-90 को श्री गेंदन मेट 2 बी०एस० बेनी गंज ने एक लिखित आदेश दिया कि आपको डिप्यूटी पर नहीं लिया जायेगा तथा उसमें यह लिखा कि यह आदेश पी०डब्लू० आई० बालामऊ का है। इसके बावजूद भी प्रार्थी अपनी डिप्यूटी पर जाता रहा लेकिन उपरोक्त श्री गेंदन मेट प्रार्थी की हाजिरी नहीं लेते थे। तब प्रार्थी ने उपरोक्त विषय के संबंध में अपने प्रार्थना पत्र दि० 11-7-90 को श्री एवं हरिजन कल्याण मंत्री, भारत सरकार नई दिल्ली, मण्डल रेलवे प्रबंधक मुरादाबाद, रेल मंत्री, भारत सरकार रेल भवन नई दिल्ली

True Copy

Som Narayan Saxena

L.B. Adv. 214, Duv. ya Gurj LUCKNOW -226003

जातिराम

सहायक अभियंता उ०रे० सीतापुर सिटी एवम् जिलाधिकारी  
हरदोई को दिये। इसके पश्चात् प्रार्थी को दिनांक  
25-7-90 को एक रजि० पत्र पी०डब्लू० आई० बालामऊ उ०प्र०  
कछौना जिला हरदोई से प्राप्त हुआ कि आप बिना किसी  
सूचना के डियूटी से अनुपस्थित है। अतः आप पत्र पाने के  
3 दिन के अन्दर डियूटी के लिए इस कार्यालय में उपस्थित हो।  
इस सूचना के मिलने पर दिनांक 26-7-90 को पी० डब्लू० आई०  
बालामऊ उ०रे० के कार्यालय में डियूटी के लिए उपस्थित हुआ  
परन्तु पी०डब्लू०आई० बालामऊ उ०रे० श्री राम खिलाड़ी शर्मा  
जी ने प्रार्थी को डियूटी पर लेने से इन्कार कर दिया तथा  
प्रार्थी से कहा कि डियूटी आपको नहीं मिलेगी। प्रार्थी  
ने कहा कि डियूटी के लिए आपने रजि० पत्र भेजा था जो कि  
प्रार्थी ने श्री शर्मा को दिखाया भी तब श्री शर्मा जी ने कहा  
कि यह पत्र तो मैंने कागजी कार्यवाही पूरी करने तथा हमारे  
सर्विस पर कुछ न हो इसलिए लिखा पढ़ी की थी। प्रार्थी  
एक हरिजन होने के कारण प्रार्थी को श्री शर्मा जी परेशान  
कर रहे है। प्रार्थी प्रतिदिन पी०डब्लू० आई० बालामऊ  
कार्यालय जाता है।

अतः श्रीमान जी से प्रार्थना है कि प्रार्थी को डियूटी  
पर लिए जाने तथा प्रार्थी को दिनांक 4-7-90 से डियूटी पर  
माने जाने का आदेश प्रदान करने की कृपा करे।

अति कृपा होगी।

प्रार्थी,

दि० 4-8-90

॥ जीत राम ॥

ह: जीतराम पुत्र श्री मुन्ना की मेन गैंग नं०2 बीए  
बेनी गंज ता० 4-8-90

True copy

S. N. Saxena

Som Narayan Saxena

L.L.B.

214, D. V. Jaya G.

LUCKNOW-226000

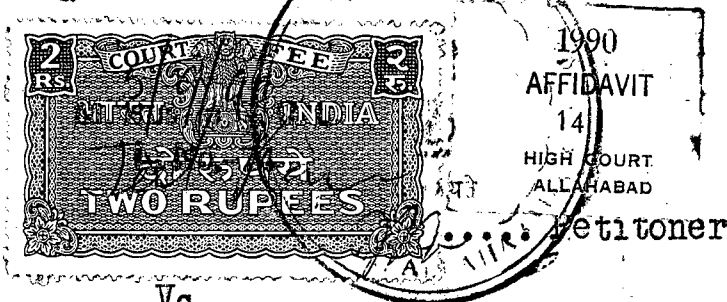
जीतराम

A.C.B. 3/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW.

Claim Petition ..... of 1990

Jeet Ram.



Vs.

Union of India & Others

.... Opp. Parties.

Affidavit

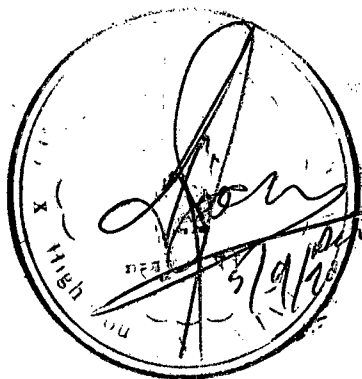
I, Jeet Ram, aged about 43 yrs. Son of Sri Munna R/o Village Kondari Khera, Post Berua, Tehsil Sandila District Hardoi do hereby solemnly affirm and state on oath as under:-

1. That the deponent is claimant in the above noted claim petition and as such he know the fact of this case.

2. That the deponent had been ordered orally by U.P. No. 4 not to work saying that his services stood terminated with immediate effect of Sri Gadan the mate of 2 BS intimated the above fact about oral order of O.P. No. 4 terminating claimant's services vide letter dt. 4.7.90. contain in Annexure No. A-10.

3. That since 4.7.90 the claimant went to attend his duties every day but was not allowed to work and arbitrarily marked absent from duty due to said oral order of the O.P. No. 4.

4. That in this connection when ever the deponent approached the authorities concern he was neither allowed to join duties not salary has in paid to him for the



3/9/90

month of July, 1990 to onwards till date.

5. That inspite of the all efforts Opp. Parties as for neither paid the salary to the deponent nor they have permitted him to resume the duties inspite of the facts that deponent is all along ready and willing to resume and perform his duties It is also submitted that the deponent received no response of his letter ( Representation) dt. 8.7.90 and 4.8-90.

Lucknow

Dated: 5.9.1990

*G. N. Saxena*  
Deponent

verification

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow.

Dated: 5.9.1990

*G. N. Saxena*  
Deponent

I, identify the deponent who has signed before me.

*S. N. Saxena*  
Advocate

Solemnly affirmed before me on 5-9-90 at 10:15 a.m/p.m. by the deponent who has been identified by *B. N.*

S.N. Saxena, Advocate High Court Lucknow bench, Lko.

*(Nareesh Kumar Saxena)*  
OATH COMMISSIONER  
High Court Allahabad.  
Lucknow bench

I have fully satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read out and explain to her.

ALB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL  
BENCH: ALLAHABAD

.....

Counter Reply on behalf of the Respondents

In

Registration No. 307 of 1990

Jeet Ram ..... Petitioner

Versus

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

- - - -

1. That the allegations made in paragraph 1 of the petition are false, incorrect and are denied. No oral or written order has been passed by the Respondents not to allow duty to the petitioner. Infact the petitioner himself is absconding from duty <sup>since 27.6.90</sup> and is not taking over charge of Gang No.2 inspite of the orders of this Hon'ble Tribunal dated 23.3.90 passed in Registration No.300 of 1989 (L): Jeet Ram Vs. Union of India & others.

*Handwritten signature and date*  
23/11/90

*Filed before DR on 23/10/90*

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AMB

:: 2 ::

2. That the contents of paragraphs 2 and 3 of the petition need no reply.

3. That the facts stated in paragraph 4(1) of the petition are not disputed.

4. That the facts stated in paragraph 4(2) of the petition are not disputed.

5. That in reply to the contents of paragraph 4(3) of the petition, it is submitted that the petitioner was transferred as Keyman Grade(800-1150) from Gang No.1 BS to Gang No.2 BS, but the petitioner refused to take charge of his post in Gang No. 2 BS and is at present absconding from duty.

6. That the allegations made in paragraphs 4(4) and 4(5) of the petition are absolutely false, incorrect and are denied. The petitioner's services have never been terminated nor has any oral order terminating his services been passed as alleged. Infact on 2.9.89 the petitioner was asked to hand over charge of his post in Gang No. 1 BS before proceeding on transfer to Gang No. 2 BS but the petitioner refused to hand over charge in Gang No. 1 BS



Go to 10000

Monat May 1990

Stationer's Name



(117)

:: 3 ::

and absconded from duty. Thereafter he filed a petition in this Hon'ble Tribunal and the Hon'ble Tribunal vide its order dated 23.3.90 (Annexure-1 to the petition) directed the Respondents to treat the petitioner on duty in Gang No. 2 w.e.f. the date he joins there after handing over charge in Gang No. 1. The Tribunal further directed that the petitioner will not be paid salary for the period for which he had actually not worked. After the decision of the Hon'ble Tribunal dated 23.3.90 the petitioner handed over charge in Gang no. 1 but he has refused to take over charge in Gang no. 2 BS.

7. That the allegations made in paragraph 4(6) of the petition are absolutely false, baseless, incorrect and are denied. It is absolutely false to say that the Respondent no.4 became annoyed with the petitioner as a result of the decision of the Hon'ble Tribunal. On the contrary the decision of the Hon'ble Tribunal dated 23.3.90 was perfectly correct and the court infast directed the petitioner to join Gang no. 2 after handing over charge in Gang No.1. and further directed that the petitioner will not be paid salary for the period for which he had not actually worked. The Respondents <sup>No.4 has</sup> have no concern

*(Signature)*  
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Bhilai Bazar


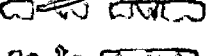
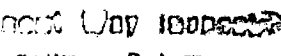

(AMJ)

:: 4 ::

with the petitioners caste and the question of his bearing illwill against the petitioner does not arise.

8. That the facts stated in paragraph 4(7) of the petition are not disputed. The letters referred to therein were issued in the ~~course~~<sup>course</sup> of official correspondence and the petitioner was repeatedly told to maintain a proper diary and report the shortfall of items otherwise in the event of any accident he would be held responsible.

9. That the allegations made in the paragraph no. 4(8) of the petition are false incorrect and denied. The petitioner has never submitted any such letters as referred to in Annexure 6 and 7 of the petition and he is put to strict proof of the same. It is submitted that the petitioner has not taken over charge of Gang No. 2 BS from Sri Kalloo Keyman who is still working in Gang No. 2 BS and as such the question of the petitioner writing the letters Annexures 6 and 7 does not arise. The petitioner was transferred to Gang No. 2 BS in place of Sri Kalloo but since he has not taken over charge of Gang No. 2 BS, Sri Kalloo is still discharging his duties in Gang No. 2 BS and has not been relieved. It is further denied that

  
do to   
- signed by   
- signed by 

(219)

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the petitioner has been issued any chargesheet as stated. Annexure-8 to the petition is only a letter by which the petitioner has been asked to explain the shortages of material in Gang No.1 BS in which the petitioner was working at the time.

10. That the facts stated in paragraph 4(9) of the petition are wholly misconceived, incorrect and are denied. In terms of Permanent Way Manual para 170, the Keyman is responsible for the defects such as loose dog spikes, keys, chairs fish bolts, and fittings on girder bridges and open top culverts, broken or burnt sleepers, broken plates and tiebars and attend to them as and when necessary. As such while joining in Gang No. 2 BS the petitioner was asked to take over charge of these duties but till date he has not taken over charge and is absconding from duty.

11. That the allegations in paragraph 4(10) of the petition are absolutely false, incorrect and are denied. The Respondent no. 4 has not passed any order not to take the petitioner on duty. No such order dated 4.7.90 (Annexure-10 to the petition) has been issued. On the contrary the Mate, Sri. Gaindan has stated in writing that he is an illiterate person and can neither read nor write nor sign his name nor has he written any such

*(Signature)*  
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OFFICIAL USE ONLY

:: 6 ::


ASO

letter dated 4.7.90. A copy of Sri Gaindan's statement under his left thumb impression is attached to this reply as Annexure CA-1. Thus the alleged letter dated 4.7.90 Annexure-10 to the petition, is a letter forged by the petitioner only to mislead this Hon'ble Tribunal.

12. That in reply to the contents of paragraph 4 (11) of the petition, it is submitted that the petitioners representations were suitably replied by registered A.D. post and the petitioner was told to take over charge of Gang No. 2 BS and thereby relieve Sri Kalloo but all the letters were returned unserved. Even after the Hon'ble Tribunal's interim order dated 12.9.90 the petitioner was directed to report for duty vide letter dated 25.9.90 but the petitioner refused to acknowledge the same.

13. That the facts stated in paragraph 4(12) of the petition are admitted.

14. That the allegations made in paragraph 4(13) of the petition are absolutely false, baseless and are denied. It is vehemently denied that the petitioner presented himself before the Respondent no. 4 or that the Respondent no. 4 uttered the words

  
GOVERNMENT OF INDIA  
MINISTRY OF LAW  
NEW DELHI

ASJ

:: 7 ::

attributed to him. The petitioner has not taken over the charge of Gang No. 2 BS and is infact absconding from duty since 27th June, 1990.

15. That the allegations made in paragraph 4(14) of the petition are repetitive and are denied. The petitioner has not taken over charge in Gang No. 2 BS although he was transferred to Gang No. 2 BS vide letter dated 24.5.90, Annexure-2 to the petition, under the direction of this Hon'ble Tribunal dated 23.3.90 and is infact absconding from duty from 27.6.90.

16. That in reply to the contents of paragraph 4(15) of the petition, it is submitted that the petitioner has filed the present petition on wholly false and baseless allegations and forged letter dated 4.7.90 in order to mislead the Hon'ble Tribunal. The present petition is wholly devoid of merits and is liable to be dismissed. The Respondents have not terminated the services of the petitioner and on the contrary it is the petitioner who is not taking over charge of Gang No. 2 BS and is absconding from duty.



OFFICE OF THE  
JUDGE  
CIVIL AND  
CRIMINAL  
COURT  
CALCUTTA

17. That in reply to paragraph 5 of the petition, it is stated that the grounds

(1452)

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mentioned therein are wholly misconceived and without any force.

18. That the contents of paragraph 6 of the petition are denied. The petitioner has been given suitable replies to his representations and the same were sent by means of registered A.D. post but have been returned unserved. The original record shall be duly produced in court as per its direction dated 12.9.90.

19. That the contents of paragraph 7 of the petition need no reply.

20. That in reply to paragraph 8 of the petition, it is submitted that the present petition is wholly devoid of merits and is liable to be dismissed and the petitioner is not entitled to any of the reliefs sought.

21. That in reply to paragraph 9 of the petition, it is submitted that no case has been made out for grant of interim relief and the same is liable to be rejected.



2-10-1990

Do to UNNO

RECORDED BY 10080

1-10-1990

ASB

## Verification

aged about 52 years

Working as Permanent

Way Inspector, N. Railway Belaman Moradabad Division.

do hereby verify that the contents from paragraphs

2,3,4,13,19, ~~to~~ 20 — are true to my personal

knowledge and those of paragraphs 1, 5<sup>to</sup> 12, 14<sup>to</sup> 16, 18<sup>to</sup> 21 are based on <sup>recent</sup> records.

and those of paras 17

are believed true from legal advice, that nothing

material has been suppressed.

**Place:** Allahabad

**Dated:** 22.10.90,

Handwritten signature

.....  
RECEIVED MAY 10 1968  
U. S. CUSTOMS & BORDER PROTECTION

In The Central Administrative Tribunal, Lucknow

Annexure - CA - 1

in  
Registration No. 307 of 1990  
Jeet Ram v/s 401 & others

10/11

आ माव मण्डल रेल प्रवक्ता 30.30  
मुशयबाद

सेवा में -

निवेदन यह है कि आपका जन्म  
पुत्र भार्गव गंगान गंगान 21.5.1955  
मे गीतराम पुत्र मुन्ना का बेटा रहस्यवती गले  
का दुष्ट मे दुष्ट का जाई मे आदेश  
नहीं दिया है। उद्देश्य मेरे फरजी दशम्वत  
बानो वर अपना दुष्ट मे रंगन हर आप  
आपका पठा लिखा नहीं है।

१- आपका 20.5.1955 निवेदन



DTI of  
Gandari

Certified true copy of the  
original.

10.10.2020  
10.10.2020  
10.10.2020  
10.10.2020



(155)

In the Court of Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

Claim No. 307 of 1990

Jeet Ram

... Petitioner

Vs.

Union of India & Others.

... Opp. Parties.

Fixed for 17.12.90

Replication ~~of the Respondent's Affidavit~~ to the  
reply by Sri R.K. Sharma P.W.I. Balamau on  
behalf of the Respondent.

The petitioner respectfully submits as under :-

1. That the contents of para 1 of the aforementioned reply submitted by Sri R.K. Sharma P.W.I., Balamau on behalf of the respondents, which will be referred hereinafter as 'the reply', as stated are denied, and those of the contents of para 1 of the claim petition are reiterated. It is quite incorrect that the petitioner has been absconding from duty since 27.6.90 and the respondents be put to strict proof. That the fact about petitioner's remaining on duty can be established from the attendance register and pay register etc. and other record of the respondents, which the respondents be directed to produce before the Hon'ble Court for perusal on the next date of hearing.

Contd.. 2

Jeet Ram

ASb

-2-

2. That the contents of para 3 to 4 of the reply need no reply, as the facts have been admitted by respondents.

3. That the contents of para 5 of the reply as stated are denied and those of the claim petition are reiterated. It is specifically stated that the petitioner joined as keyman in gang no. 1 BS and then after as result of transfer he also joined in gang no. 2 BS and worked there from 25.9.90 to 3.7.90 and on 4.7.90 he was not allowed to work as per oral orders of the answering opp. party i.e. the P.W.I. and the said orders depriving him to work on duty from 4.7.80 were communicated to him by Sri Gedan the mate of gang No. 2 BS vide his letter dt. 4.7.90 which is annexure No. 10 to the petition. The record of the gang No. 2 BS for working of May to July, 1990 be kindly summoned and perused.

4. That the contents of para 6 of the petition as stated are not correct and are denied. The answering respondents has tried to place the facts in distorting manner with a view to misguide and confuse the Hon'ble Court. It is emphatically denied that the petitioner has ever refused to take over the charge in Gang No. 2BS. He did join and work in compliance of the order of the Hon'ble Tribunal and the authorities concerned in Gang No. 2 BS from 25.5.90 to 3.7.90.

Contd..3

गुलशन

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-3-

5. That the contents of para 7 of the reply as stated are denied and those of paras of the petition are reiterated. The petitioner has been advised to state that the illwill of the answering opp. parties is evident from the following facts-

- a) That even after the order of the Hon'ble Tribunal dated 23.3.90 quashing his oral orders depriving the petitioner to work and directing to allow the petitioner to resume duty, the petitioner was again deprived from working on his duty, again, by oral orders on 4.7.90.
- b) That inspite of interim orders of the Hon'ble Tribunal dated 12.9.90 directing the respondents to allow the petitioner to resume the duty the petitioner was not allowed to work. The said action of Opp.Party amounts to contempt of court.
- c) That the petitioner intimated the Hon'ble Court about the disobedience of courts order dated 12.9.90 vide his application dated 20.9.90 and prayed that the respondents to directed to comply the court's order dt. 12.9.90 and not to further continue to commit the contempt of court's interim orders. After moving the said application there has been several hearing dates and the respondents are aware of the contents of the said application.

Contd.. 4

G. Adarsh

ASD

-4-

But having almost no regard about court's orders even, the respondents have not yet allowed the petitioner to resume the duty. Though the petitioner approached the authorities concerned several times after moving the said application.

6. That the contents of para 10 of the reply as stated are not admitted. The last sentence of the reply shows that the petitioner joined in Gang No. 2 BS and thus falsifies the respondents own statements. It is specifically stated that it is quite ~~incorrect~~ that the petitioner has not taken over the charge in 2 BS or as absconding from his duty.

7. That the contents of para 11 of the reply as stated are incorrect and are denied. The annexure No. CA-1 to the reply is a false fabricated documents and got manufactured under undue influence and durass. It is incorrect to say that Mate Gedan is an illatrate person. or The Annexure No. 10 is a forged document. Mate Gedan is a ~~litterer~~ lititerer person and the letterAnnexure No. 10 was written by Mate Gedan himself in his own hand writing and in presence of three persons who signed the same as witnesses. It is important to mention that only educated

Contd. 5

जतिराम

persons are appointed on the post of Mate as they have to maintain attendance register of Gang Men etc. and requirements of material and defects etc. for proper maintainance of the Railway line in their charge. The fact education of the Gedan mate can be ascertained if the attendance register, pay register and other records of Gang No. 2 BS are summoned which contain hand writing and signature of Sri Gedan Mate. *in gedan studied at least upto IV class in Prathama Adharik Vidyalyaya Village Jagu Kuchchaury Distt Hardoi.*

8. That the contents of para 12 of the reply as stated are denied. The petitioner joined and worked in Gang No. 2 B S till 3.7.90 after transfer from Gang No. 1 B S which is apparent from the annexure No.1 to 7 to the petition. The answering respondents knowingly and willfully and disobeyed the courts interim order dt. 12.9.90, the details of which are given in petitioner's application dated 20.9.90.

9. That the contents of para 13 need no reply.

10. That the contents of para 14 of the reply as stated are incorrect and denied and those of the petition are reiterated.

10. That the contents of para 15 & 16 of the petition as stated are incorrect and denied and those of the petition are reiterated. It is incorrect to say that the petitioner did not join in Gang No. 2 BS or absconding from duty since 27.6.90. The facts are that the petitioner joined and worked in Gang No. 2 B S from 25.5.90 to 3.7.90 and on 4.7.90 when he went to work, he was not allowed to work

G/S 2177

due to oral orders of the answering opp. party and thus he was put to great hardship and justice.

Additional Pleas

11. That it is necessary in the interest of justice that the attendance register, pay register various letters regarding work done or required to be done or material required for proper maintainance of Railway Lines and other records, be summoned for perusal of the Hon'ble Court and its inspection be allowed to the petitioner's and his counsel, before the argument in the case.

12. That the petitioner joined and worked in Gang No. 2 B S from 25.5.90 to 3.7.90 and on 4.7.90 when he went to work, he was not allowed to work under oral orders of answering opp. party which is -apparent from Annexure No.A-10 to the petition.

13. That the answering opp. party has knowingly and wilfully disobeyed the interim orders dt. 12.9.90 the details of which are mentioned in the petitioner's application dt. 20.9.90, the action of answering opp. parties amounts to contempt of court and opp. parties are liable to be punished for the same.

13. That the claim petition is liable to be allowed with costs throughout and the opp. parties are liable to pay all the emoluments to the petitioner for the period he is not allowed to work.

Lucknow

Petitioner

Dt.....

*Signature*

-7-

VERIFICATION

I, the above named ~~am~~ petitioner do hereby verify that the contents of paras 1 to 10, 12 are true to my own knowledge based on perusal of records information and legal advise and those of paras 11, 13 & 14 are believed by me to be true on the basis of legal advise.

Lucknow

Dated 17/12/96...

Petitioner

उपनिवेश

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH LUCKNOW

Civil Misc. Case No..... of 1990

( Contempt of court case no..... of 1990)

In re

Claim Petition No. 307 of 1990

Jeet Ram

..... Petitioner

Vs.

Union of India & Others

..... Opp.Parties.

The applicant/ petitioner respectfully  
submits as under :-

1. That inspite of best efforts and approaching the respondents opp.parties several times and showing the certified copy of the interim order dated 12.9.90 passed by the Hon'ble Tribunal, the petitioner was not allowed to work . Thus the opp. parties have knowingly and wilfully committed the disobeyed disobedience of the Hon'ble Court's interim orders dated 12.9.90.
2. That the details about approaching the opp. parties for compliance of interim order dt. 12.9.90 and some of the necessary evidence regarding the same has already been furnished in the petitioner's application dt. 20.9.90 filed before the Hon'ble Court.
3. That the petitioner contends for the reasons and circumstances briefly stated above in the petitioner's

5/10/21/77



application dated 20.9.90 the opp. parties have knowing wilfully committed the contempt of the Hon'ble Court's interim order dt. 12.9.90 and they are liable to be punished for contempt of the said court's order dt. 12.9.90.

Wherefore it is most respectfully prayed that after issuing the notice to the opp. parties ~~and~~ and after proper enquiry according to law the respondents be punished for committing contempt of court or other suitable action be taken against them which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Applicant/ Petitioner

Lucknow

Dt. 17/12/90

जतिराम

VERIFICATION

I, the above named petitioner do hereby verify that the contents of paras 1 to 2 of the petition are true ~~and true~~ to the petitioner's knowledge and those of para 3 are believed to be true on the basis of legal advise. Signed and verified day of in the court compound at Lucknow.

Lucknow

Dt. 17/12/90

Petitioner/ Applicant.

जतिराम

AM

..... Test Run ..... वादी

..... Test Row ..... वादी प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची.

इस सूची की Test Kar ..... ने आज सन् १९ 98 ई० के 12 ..... के 17 ..... दिवस को पेश किया।

न्यायालय का नाम.....  
वाद संख्या.....  
पक्षकारों का नाम.....

जो नदी

165

In the Court of Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.  
Claim No. 307 of 1980

Jeet Ram

... Petitioner

Vs.

Union of India & Others.

... Opp. Parties.

प्रधानाध्यापक

प्राथमिक शाला विद्यालय  
गंज कछौना (हन्दाई)

प्रमाणित किया जाता है कि  
गोदन लाल पुत्र श्री मारुन लाल  
जाति दास निवासी ग्राम - बहाईन  
संकेत - हरदोई नं १२ विद्यालय  
शां शां गंज में १५.१२.६६ तक  
कक्षा ४ में शिक्षा ग्रहण की है।  
इन्को जन्म तिथि विद्यालय  
की प्रवेश पत्रिका के आधार पर  
३०.१२.६६ (तीस दिसम्बर १९६६) को  
दिया गया है।

जयशाम

अध्यापक, प्राथमिक शाला  
प्रधानाध्यापक ३०.१२.६६

प्राथमिक शाला विद्यालय

गंज कछौना (हन्दाई)

A66

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLD.

CIRCUIT BENCH SITTING AT LUCKNOW.

IN RE

M. P. No. 605/90

O.A. No. 307 of 1990 (L)

F.F. 26.9.90

Jeet Ram

... Applicant

Vs.

Union of India & Others.

... Opp. Parties.

APPLICATION PRAYING EXECUTION INTERIM

ORDERS DATED 12.9.90

The applicant above named respectfully submits as under :-

1. That in compliance of the interim orders dt. 12.9.90 the applicant sent a photostat true of the order dt. 12.9.90 alongwith to the O.P. No. 3 by regd. post on 15.9.90. vide R.L. No. 2547.
2. That on 15.9.90, the applicant appeared personally before the O.P. No. 4 and ~~was~~ gave him the certified copy of the order dt. 12.9.90 alongwith an application praying to allow him to join duties of his post ~~to allow him to~~ of Keyman . But the O.P. No. 4 declined to receive the copy of the court's order dt. 12.9.90 and the application or to allow him to join the

Filed today  
20/9/90

21/9/90

Put up before Hon. Bench  
on fixed date 26/9  
21/9/90

467

duties . The O.P. No. 4 issued ~~under~~  
~~in~~ undesirable language towards the courts  
order and the applicant.

3. That thereafter on 16.9.90, the applicant  
in this regard met the O.P. No. 4 and tried to  
give him the certified copy of orders dt. 12.9.90  
and the application and told him about the said  
action of O.P. No. 4 . The O.P. No. 3 directed  
him to give the copy of the orders and the applica-  
tion in the office.

4. That there after the applicant met Vice  
President of the Railway Mazdoor Union Branch  
Hardoi and told him about his difficulties.  
The Vice President the R.M. Union also wrote  
a letter to the O.P. No. 3 and advised him to  
give his letter also alongwith copy of application  
and the court's order. The said could not be  
given in office on 17.9.90, as the staff was  
said to be on inspection.

5. That on 18.9.90, the applicant submitted  
all the three said ~~let~~ papers in the office of  
the O.P. No. 3 and the clerk concerned wrote  
endorsement 'received ' on the copy of the letter  
dt. 16.9.90 of the Vice President of the Union.  
After perusal of the said papers by the office  
personal, the all said papers were returned to  
the applicant . The endorsement was also cut

5/12/90

468

-3-

by the clerk concerned on the copy of the applicant, that on 19.9.90, the applicant sent the true copy of the court's order dt. 12.9.90 and the copy of the application to the O.P. No. 4 by regd. post. True certified copy of the court's order dated 12.9.90 was already shown to the O.P. No. 4 on 15.9.90, after perusal of the same declared to receive the same .

6. That the said action of O.P. amounts to knowingly commission of contempt of court's orders dated 12.9.90.

7. That the true photostat copies of regd. post receipts dated 15.9.90, and 19.9.90 and the applicant's the/application dated 15.9.90 are being filed herewith alongwith the list of documents.

Wherefore it is respectfully prayed that this Hon'ble Court may kindly be pleased to issue necessary directions to the opposite parties to move compliance of the court's interim orders dt. 12.9.90 and not to further continue to commit the contempt of courts' interim orders, dated 12.9.90 other necessary orders which this Hon'ble court may deem fit and proper in the circumstances of the case, be also kindly passed & communicated to the O.Parties.

Lucknow  
Dt. 20.9.90

*S. N. Saxena*  
(S. N. Saxena) Adv.  
Counsel for the Applicant  
*S. N. Saxena Adv.*

*वर्तमान*

ACV

-4-

VERIFICATION

I, Jeet Ram S/o Shri Munna aged about -- yrs.  
Gange No. 2 B.S. Beneganj Balmau Hardoi also  
was working as Keyman under the O.P. No. 3 and 4  
R/o V. Kondri Khera Post Berva Tehsil Sandila  
Distt. Hardoi , do hereby verify that the  
contents of paras 1 to 5 are true to my personal  
knowledge and para 6 to believed to be true  
on legal advice and that I have not suppressed any  
material of fact.

Lucknow.

Dated:- 20.9.90

Jeet Ram

Signature of Applicant.

S. N. Saccu  
AOW.

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

1470

आदेश १३, नियम ६

आयालय

स्थान

जिला

बाद संख्या

सन् १६

ई०

Teet Ram

वादी

बनाम

Union of India

प्रतिवादी

वादी/प्रतिवादी की ओर से बाद-पत्र के साथपेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को Applicant Teet Ram 20-9-91 से आज सन् १६ के दिवस को पेश किया।

१	२	३	४
दस्तावेज का अभिवर्णन (और उसकी तारीख यदि कोई हो)	कागज क्या हुआ		
क्र. सं.	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन बिन्दु जो उस पर डाला गया	यदि नामजद हुआ तो पक्षकार को लौटाये जाने की तारीख और पक्षकार या उसके अधिवक्ता के हस्ताक्षर जिसको कागज लौटाया गया	यदि वाद के दिनिश्चय के पश्चात कागज अधिनियम में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख
			टिप्पणी
1- Endorment copies of 1- Court order dated 12-9-90			
2- Applicants Application dated 15-9-90			
3- Regd letter postal receipt			
4- letter dt 16-9-90 of Vice President of A. M. Union bearing endorsement 'received'			

नाम बदलत  
मुद्रमा नं०  
नाम फरीकत

S. N. Sarker

[सूची को पेश करने वाले पक्षकार या अधिवक्ता के हस्ताक्षर]

जातिशम



(A71)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

O.A.NO. 307 of 1990(L)

Jeet Ram ... Applicant.  
Versus  
Union of India & Others... Respondents.

12.9.1990

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

Hon'ble Mr. M.M. Singh, A.M.

Issue notice to respondents to show cause why the petition may not be admitted. List for admission hearing on 26.9.90. In the meantime the respondents shall assign proper duties to the applicant. They shall also produce the record. The case may be disposed of finally on the date fixed. Copy of the order may be given to the learned counsel for the applicant within twenty four hours.

Sd/

Sd/

A.M.

V.C.

// TRUE COPY //

Md. Umar Khan  
Court Officer,  
Central Administrative Tribunal,  
Circuit Bench,  
LUCKNOW.

Sd/



Checked by  
17/9/90

T.C.  
J. Ram

सेवा में,

श्रीमान पी० डब्लू० आई ॥ रेल पथ निरीक्षक ॥ महोदय,  
उत्तर रेलवे बालामऊ।

महोदय,

निवेदन है कि श्रीमान जी के मौखिक आदेशों के अनुपालन में मुझे गैंग नं० 2 बी.एस. में अपने कीमैन पद पर कार्य करने से वंचित कर रखा गया है मैं बराबर ड्यूटी करने जाता रहा और आपके रजिस्टर्ड पत्र के अनुपालन में पत्र में दी हुई अवधि के अंदर भी आपके समक्ष भी ड्यूटी प्राप्त करने हेतु उपस्थित रहा परन्तु प्रार्थी को ड्यूटी ज्वाइन करने नहीं दी गयी। फलतः प्रार्थी ने सेंट्रल एडमिस्ट्रिटिव ट्रिब्यूनल सरकिट बेंच, लखनऊ के समक्ष क्लेम पिटीशन दायर की जिसमें माननीय न्यायालय ने सक्कि तारीख पेशी 26-9-90 नियत करते हुए प्रार्थी को अक्विम्ब ड्यूटी पर लिये जाने का आदेश प्रदान करने की कृपा की है। उक्त आदेश दि० 12-9-90 की प्रमाणित प्रतिलिपि इस प्रार्थना पत्र के साथ संलग्न है।

अतः सादर प्रार्थना है कि प्रार्थी को अक्विम्ब गैंग नं० 2 बी.एस. में कीमैन पद पर ड्यूटी पर लिया जावे और कार्य करने की अनुमति प्रदान की जावे।

प्रार्थी

दिनांक - 15-9-90

॥ जीत राम ॥  
पुत्र श्री मुन्ना  
कीमैन, गैंग नं० -2 बी.एस.  
बेनीगंज, बालामऊ, उ० रेल०

T.C.  
जातिराम

जीतिराम

A73

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० पं०  
Amount of stamps affixed Rs. P.

क्रमांक/No.

3499

एक रजिस्ट्री..... ६/..... प्राप्त किया

तारीख-मोहर  
Date-stamp

Received a Registered

पाने वाले का नाम..... The P.W.I. N.R.Ly

Addressed to..... Salama

Handwritten signature

पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer



बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० पं०  
Amount of stamps affixed Rs. 7/5

क्रमांक/No.

2547

एक रजिस्ट्री..... प्राप्त किया

तारीख-मोहर  
Date-stamp

Received a Registered

पाने वाले का नाम.....

Addressed to.....

पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

T.C.  
Handwritten signature

A74

# Uttariya Railway Mazdoor Union

Registered, Recognized & Affiliated to National Federation of Indian Railwaymen.

166/2 PANCHKUIYAN ROAD, NEW DELHI

(HARDOI BRANCH)

उत्तरीय रेलवे मजदूर यूनियन हरदोई शाखा

Railway Station

Ref. No. URMU/HRI/Amg/90

Hardoi 16/9/90 19

To

The ASST Engineer

N.R. ~~Hardoi~~ C.C.

Reg: Jait Ram So Munna Kuy man  
Gang No-2 B.S. Beniganj  
Bm / N.R.

Sr,

The above named employee was removed from the above post by Divy Bm, on which the employee has filed a suit in the central Administration tribunal court bench decision on which the Honorable court gave order for putting him on duty on the same post on 14/9/90 whose copy is attached along with his representation. But Divy Bm is not putting him & the court order, which may cause contempt of court order please look into the matter & inform me in advance to this branch.

Thank you

Yours faithfully  
V.P. Singh  
Bm

T.C.

G. K. Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCULAR BENCH

Gandhi Bhawan, Opp. Presidency, Lucknow

No. C.A.T./A.L.D./JUD

dated the 28.9.90

Registration No. 307 of 1990 (L)

Jeel-Ram

APPLICANT

-VERSUS-

Union of India & Ors

RESPONDENT

- ① U.O. I through Secretary to Deptt. of Railways, New Delhi.
- ② D. K. M. Nobly, Moradabad.
- ③ Asstt. Engineer, N. Rly. Sitapur city.
- ④ Permanent Ways and Structures Pector, N. Rly. Balamau District Haridwar.



Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 26 day of 9 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this

14 day of 9 1990.

DEPUTY REGISTRAR

\*\*\*\*\*  
Encl = copy of petition with Court's order dated 12-9-90

76

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

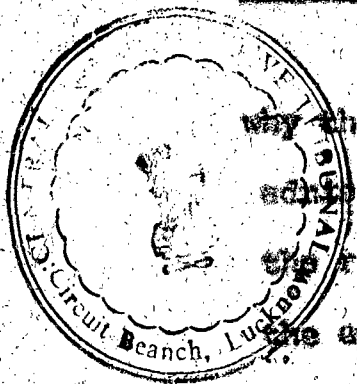
O.A.NO. 307 of 1990 (B)

Jest Ram ... Applicant.  
Versus  
Union of India & others... Respondents.

12.9.1990

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

Hon'ble Mr. M.M.Singh, A.M.



Issue notice to respondents to show cause why the petition may not be admitted. List for admission hearing on 26.9.90. In the meantime the respondents shall assign proper duties to the applicant. They shall also produce the record. The case may be disposed of finally on the date fixed. Copy of the order may be given to the learned counsel for the applicant within twenty four hours.

Sd/

Sd/

A.M.

V.C.

// TRUE COPY //

Mohd. Umar Khan  
Comm Officer,  
Central Administrative Tribunal,  
Circuit Bench,  
LUCKNOW.

Checked by  
[Signature]

Sd/

FF 04.10.90

77

SPECIAL POWER OF ATTORNEY.

In the ~~Central~~ Administrative Tribunal Allahabad Bench  
- Regd. No. 307/90 - - - - - (Lucknow)

Jeet Ram

Plaintiff  
Appellant  
Petitioner

Versus

Union of India & Others

Defendant  
Respondent  
Opposite Party

KNOW all men by these present that I Yashpal Gupta ADRM/Moradabad  
Northern Railway, Moradabad do hereby appoint and authorise  
S/Shri Amit Sathlaker ad-valet, 32, Nyaya Marg, Allahabad,  
and act for me jointly or severally in the above noted case  
and to take such steps and proceedings as may be necessary  
for the prosecution and defence of the said matter, as the  
case may be and for the purpose to make sign, verify and  
present all necessary plaint petitions, written statements  
and other documents to compromise the suit admit the claims  
and to lodge and deposit money in court and to receive payment  
from the court of money deposited and to file and withdraw  
documents from court and Generally to set in the premises and  
in all proceedings arising thereout whether by way of execution  
appeal or otherwise or in any manner connected therewith  
as effectually to all intents and purposes as I could act if  
personally present I hereby agree to ratify and confirm what-  
ever shall be lawfully done by virtue of these presents.

In witness whereof I hereinto set my hand this  
day of 1990.

Yashpal Gupta  
(Yashpal Gupta)

Addl. Divl. Ry. Manager  
Northern Railway  
Moradabad

Accepted  
Amit Sathlaker  
Counsel for Respondent

MAT

Before the Central Administrative Tribunal  
Lucknow.

78

CH

9m  
C.T.A. claim petition no. 307 of 90  
Dutt Lucknow v.P.

Teel-Rem \_\_\_\_\_ claimant

Union of India & others \_\_\_\_\_ O.P.

F.F. 26-9-90

(last date 12-9-90  
(as fresh petition))

Application praying change of date of hearing

The applicant/claimant respectfully submits  
that the above-mentioned case was seen yesterday  
filed for hearing on 26-9-90.

The counsel for the claimant will remain  
out of station since 22-9-90 to 2-10-90,  
on account of Dasehra Vacations in North  
High Court.

Wherefore it is respectfully prayed  
that the date 26-9-90 be kindly changed  
to be fixed after 2-10-90.

Office to

fix 4.10.90 instead of 26.9.90

13.9.90

S.N. Saxena

Advocate

Counsel for claimant

Dated 13-9-90



GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF RAILWAYS/RAIL MANTRALAYA  
(RAILWAY BOARD)

79 EG-1

No. E (G) 90

LL3— 3 (11)

New Delhi, Dated 4-10-80

To,

The Registrar, Central Administrative Tribunal,

Lucknow

Sub

CA No. 307/K/80

Ch. Teet Ram

I am directed to refer to your summons/orders dated 30/5/80 on

the subject mentioned above and to state that the General Manager, N Railway  
is the competent authority to deal with this matter. The summons/orders in  
question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA : Nil.

Phandel  
for Secretary, Railway Board.

No. E (G) 90

LL3—3

New Delhi, Dated 4-10-80

Copy together with the summons/orders received from the Tribunal/ Court are  
forwarded in original to the General Manager, Northern Railway  
for further necessary action.

The next date of hearing is.....

DA/As above.

R.B. Press. July-89. 10,000 F.

Desk Officer, Establishment,  
Railway Board.