

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ...O.A. 307.....OF ...1990.....

NAME OF THE PARTIES .....Jeet Ram.....Applicant

Versus

.....Union of Ind'9.....Respondent

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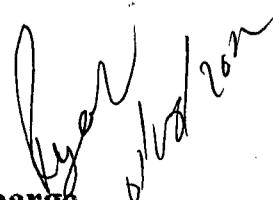
CERTIFICATE

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

B/C- needed not destroyed.

Dated ...8/4/2011.....

Counter Signed.....



Signature of the  
Dealing Assistant

Section Officer/In charge

12.9.1990

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

(A)

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

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

See original  
order  
on main  
Petition

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/

Notices Issued

Recd  
18-9-90

26.9.90 Due to sudden demise of Hon'ble Chief Justice of India Mr. J.S. Mukherji the case is adjourned to 4.10.90

OR  
Notices were issued on 18-9-90.  
Neither reply nor any comment received.  
Case has been returned back.  
S.F.A

4.X.90 No Sittings Adj. to 23.X.90

4/X/90

23.10.90 No Sittings Adj. to 8.11.90

M.P. 605/90(L) filed  
& Mr. A. Asthaler also power filed

8.11.90 Hon. Mr. M.Y. Prakhar A.M  
Hon. Mr. D.K. Agarwal T.M.

Mr. J. Asthaler files power on behalf of respondents.  
Applicant has also filed M.P. 605/90(L)  
but not duly served on the applicant.

S.F.A/0

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

W  
R.P.C.

17/12

(W)

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/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

*DK signature*

(A3)

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 Agarwal*

(S)

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~~ 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.

Dr. G. S. Agarwal  
J.M. 24.4.91.

Shakil

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

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

R. 808

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 11/9/94  
Date of Receipt 11/9/94  
Post...  
Deputy Registrar (U)

Registration No. 307 of 1994 (C.L.)

APPLICANT(S) Shri Jeet Rani

RESPONDENT(S) U.C. S.

<u>Particulars to be examined</u>		<u>Endorsement as to result of examination</u>
1.	Is the <del>appellate</del> 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>application</del> in time ?	yes
	b) If not, by how many days it is beyond time ?	yes
	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. 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 space ?	yes
8.	Has the index of documents been filed and pageing 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

(A)

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Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application with Annexures filed ? *yes*

a) Identical with the Original ? *yes*

b) Defective ? *x*

c) Wanting in Annexures *x*

Nos.        pages Nos.        ?

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

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 ? *N.A.*

17. Are the facts of the case mentioned in item no. 6 of the application ? *yes 9th - Nov*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) Numbered consecutively *yes*

d) Typed in double space on one side of the paper ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *yes*

19. Whether all the remedies have been exhausted. *yes*

Dinosh

Regd. file in  
Registration Register  
of stamp  
Fee of  $\frac{1}{2}$  Rs. 5/-  
for relief  
Prayer for  
7/11/95

(R2)

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*  
*5/5/91*  
CLAIM AGAINST ORAL ORDER OF CEASATION  
OF EMPLOYMENT FROM POST OF KEYMAN N.  
RAILWAY.

..... COMPIILATION NO. I .....

<u>Sr. No.</u>	<u>Description of documents</u>	<u>Page No.</u>	<u>Remarks</u>
1.	Memo of Claim petition	1 To 12	
2.	Vakalanama	13	
3.	Other document filed in compilation No. II		

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Lucknow

Dated 5 ~~Sept~~, 1990

लखरी  
Signature of Applicant

For use in Tribunal's office

Date of filing

Jeet Ram

or

through counsel

Date of Receipt by Post

S. N. Saxena

Registration No.

( S.N. Saxena)  
Advocate, Lucknow.

Signature of Registrar.

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing .....  
Date of Receipt by Post .....  
AO

Deputy Registrar (J)  
SAR

9.9.90

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

Recd by  
12-9-90  
S. N. Sarker  
11-9-90

Officer

(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 Gangman since 3.10.1964.

U/11/21/84

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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

गोपनीय

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true copy of the order of the Tribunal is being filed 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 to the court and complaining against him. A true copy of the transfer order dt. 21.5.90 received on 24.6.90 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. Chabbi, Bolt, Pin, bearing plate etc. He was given supervision of

-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 /vide his letter dt. 13.6.90 and 23.6.1990, the relevant letter 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. 4 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 geting the work done. He has also to supervised that tools have not been left at the site or track. Thus it is clear that the Keyman is not given any charge of tools and other ~~your~~ goods and he is

5/1/2018

AM

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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. A10. 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

the petitioner on 25.7.90 stating therein that the petitioner is absent from his duties without any intimation and the petitioner required to present himself before him within 3 days for duties, Otherwise it will be presumed that the petitioner 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 dt. 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.

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 affecting 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 liable to be 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 cessation 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 inwriting 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-II <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 madamus 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>and are</sup> Gangeman, but they are being permitted to work as acting mate on the post of Mate <sup>without considering that</sup> the 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 <sup>in the</sup>

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 ENCLUSES:**

1. Demand Draft /Postal Order. Indian Postal order

B 02 414785

2. Index of Compilation No.1 date 31-8-90

and Vakalatnama

P.O. High Court Bench Lucknow

(P20)  
-12

3. Compilation No. 2 along with application.

जीतराम

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.

जीतराम

Lucknow

Signature of the Petitioner

Dated

5 ~~Sept~~, 1990

S. N. Sarker

(0-9-90)

Amritalal

To,

caused for me drawn

The Registrar,  
Central Administrative Tribunal Allahabad  
Circuit Bench,  
L U C K N O W

41

ब अदालत श्रीमान

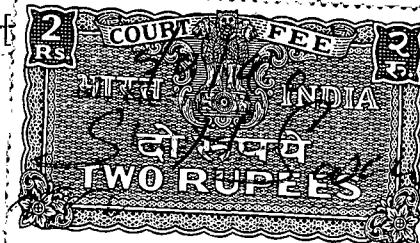
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[वादी] अपीलान्ट

Jeet Ram

वकालतनामा

प्रतिवादी



13

लान्ट

नं० मुकदमा

सन्

बताम

पेशी को ता०

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इ०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

S. N. Sekera<sup>214, Divyoyagang, Ludhiana</sup>  
वकील

N. K. Sekera<sup>164, Tasi Khanan, Ludhiana</sup>  
महोदय  
वकील

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 हप्ता वसूल करें या सुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार हैं और हौगी 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 विलफ़ फ़सल हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर (गोलांभ)

साक्षी (गवाह) ... ... ... ... साक्षी (गवाह) ... ... ... ...

दिनांक ... ... ... ... महीना ... ... ... ... सन् १६ इ०

स्वीकृत

S. N. Sekera  
4-9-90

(A21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH  
LUCKNOW.

Jeet Ram

Petitioner/ Applicant

Vs.

Union of India & Others.

Opp. Parties/ Respondents

COMPILATION NO. II

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10. Annexure No. A-10  
Letter dt. 4.7.90

11. Annexure No. A-11  
Letter dt. 8.7.1990

12. Annexure re A-12  
Affidavit

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Lucknow

Dated:-

5-9-90

Filed by:

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

Advocate

(A22) 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. Obayya, AM

*True Copy*

This application u/s. 19 of the Administrative

*S. N. Saxena*  
Smt. Narayan Saxena

M.A., L.L.B. Advocate  
214, Durvijaya Gunj  
LUCKNOW-226004  
*010210*

aggrieved 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.

424

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-2-

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 ~~xx~~ 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)

23.3.90  
MEMBER (J)

Dated 23.3.1990

Attested

C.T.C.

Sd/-

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

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S. N. Saxena

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

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K25 ८३

इन दि सेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्कित वेन्च लखनऊ ।

जीत राम

— पिटीशमर

बनाम

यूनियन आफ इण्डिया तथा अन्य

— अपोपाटीज,

अनैकजर नं०- 2

दि० 21-5-90

सेवा में,

ई १२

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 । बीएस को गैग नं० 2 बीएस में चाभी मैन के पद पर उसी केतनमान 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

ता० 24-5-90

सत्य प्रतिलिपि

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S. N. S.

Som Narayan Saxena

M.A., LL.B. Advocate

214, Durvijay Gunj

LUCKNOW-226004

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इन दिन सेन्ट्रल एडमीनिस्ट्रेटिव बिल्डिंग लखनऊ

जीत राम

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपो०पाटीज,

अनैकजर नं०-३

श्री जीत राम पुत्र श्री मुन्ना

की मैन गेंग नं० २ बी एस

बेनी गंज दिन 23-6-90

आपको यह भली भाँति मालूम है कि हर एक चाबी वाला अपना पूरा इलाका देखते के बाद रोजाना दो छांडा की सभी फिर्टिंग टाइट करता है तथा अपनी डायरी में जो भी फिर्टिंग कम पाता है वह भी अंकित करता है। अपने आज दिन 23-6-90 तक अपने चार्ज का पूरा इलाका देख लिया है कि ०मी० १७ से २२ तक कृपया आप यह बताए कि आपके इलाका कि ०मी० १७ से २२ तक कितना सामान है चाबी, वोल्ट, काटर, फ़िल्म पिन गोल पिन तथा वीयरिंग प्लेट आदि कम है। इस प्रकार की एक लिस्ट बनाकर दे ताकि वह सभी सामान पूरा किया जा सके। जिससे लाईन में कोई छारा न हो सके।

आप इसे अंति आकर्षक समझे। अन्यथा कोई भी दुर्घटना हुई तो आप ही उसके जिम्मेदार होगे।

छांडा दो टाइटकरने के बारे कभी सामान हो/- रेल पथ निरीक्षण सूचना शाम को मेट को दूगा। दुर्घटना की रक्षा बालामु करूगा। हो जीत राम की मैन २ बी एस 23-6-90

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Som Narayan Saxena

M.A., LL.B. Advocate

214, Durvijaya Gunj

LUCKNOW-226004

सत्य प्रतिलिपि

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इन दि सेन्ट्रल एडमीनिस्ट्रेटिव टिब्बूनल सर्किट वेन्च लखनऊ।

जीत राम

बनाम

--- पिटीशसर

यूनियन आफ इण्डिया तथा अन्य

---- अपोपाटीज,

अनेकर नं०-४

श्री जीत राम पुत्र श्री मुन्ना की मैन

नं० २ बी एस बैनी गं 23-6-90

आपको सूचित किया जाता है कि चाबी मैन 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 मैन

ह०/-

2 बी एस 23-6-90

रेल पथ निरीक्षक  
बालामऊ

सत्य प्रतिलिपि

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

428 ८२

इन दि सेन्ट्रल एडमीनिस्ट्रेटिव ट्रिब्यूनल सर्किट बैन्ड लखनऊ।

जीत राम

--- पिटीशर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोपाटीज,

अनैकजर नं०-५

उत्तर रेलवे

श्री जीत राम पुत्र श्री मुन्ना

की मैन 2 बी एस बेनी गंग

दि० 23-6-90

आपको मैंग नं० 2 बी एस में चाबी मैन की जगह पोर्टिंग कर दिया गया है। आप श्री कल्लू पुत्र श्री चैनू मैंग मैन जो कि पहले से चाबी मैन की जगह कार्य कर रहा था आप उससे चार्ज लेकर जो सामान लाईन में कम है वूँ चाबी, वोल्ट, पिन, बीयारिंग प्लेट काटर आदि वूँ की लिस्ट बनाकर हमारे कार्यालय बालामऊ श्री मौर्या पी डब्लू ३ बालामऊ के बाध्यम से भेजे ताकि सामान लाईन में पूरा किया जा सके। जिससे लाईन में कोई छतरा न होने पाये। आप इसे आवश्यक समझे।

रेल पथ निरीक्षण 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। हः जीत राम कीमैन

*True copy*

2 बी एस

*S. N. S.*

*Som Narayan Saxena*

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

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इन दि एडमीनिस्ट्रेटिब टिब्यूनल सर्किट वेन्च लखनऊ ।

जीत राम

--- पिटीशसर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपो०पाटीज,

अनैकजर नं०- 6

मेट मैस नं० 2 बी एस श्री गेंदन

कभी सामान पूरा कराने के लिए सहायक अभियंता सीतापुर के आदेश  
ता० १२-६-९०

१- बैरिंग प्लेट ४।

२- बोल्ट १३।

३- जावा २३।

४- कुत्तार्पिन ४९।

५- बोल्ट क्रासिंग १०।

६- चाभी ४५२।

७- पुल नं० २५ के स्लीपर बदले जाय

८- क्रेसिंग नं० के-२ बदला जाय।

स्लीपर खराब है।

मै लिखकर दे रहा

द० गेंगन मेट

ह: जीत राम कीमैन

१३-६-९०

२ बी०एस०

ता० १३-६-९०

सत्य प्रतिलिपि

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LUCKNOW-226004

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इन दिन एडमीनिस्ट्रेटिव ट्रिब्यूनल सर्किट वेन्च लखनऊ।

जीत राम

--- पिटीशसर

बनाम

यूनियन आफ इण्डिया तथा अन्य

--- अपोलोटीज,

अनैकर नं०-7

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

1 - वोल्ट 124

2 - जवा 23

3 - बेरिंग ज्लेट 43

4 - बोल्ट क्रासिंग 10

5 - चाभी 954

6 - पुल नं० 25 के सलीपर बदले जाय।

7 - क्रासिंग नं० 2 के 0 2 बदला जाय

क्योंकि सलीपर खराब है।

ह० जीत राम कीमैन

2 बी०एस० बेनीगंज

द: गेंदन मेट

ता० 23-6-90

23-6-90

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S. N. Saxena

Som Narayan Saxena

M.A., LL.B., Advocate

214, Purvijayi Gunj

LUCKNOW-226004

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इन दि सेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

बनाम

----- रिप्रेष्टेन्ट विठ्ठल पिटीशनर

यूनियन आफ इण्डिया तथा अन्य

----- अपो० पार्टीज

अनैकजर नं०- 8

नं० टी/ १-९० दिनांक २-५-९०

श्री जीत राम पुत्र श्री मुन्ना

कीमैन । बीएस

दिन २-५-९०

आपने आपने हल्का । बी०एस० जो कि किमी० ३-०० से १२-०० तक है का चार्ज जो दिया उसमें जो सामान कम पाया गया है उसकी पूर्ति आप आठ दिन के अन्दर अन्दर अक्षय कर दे ताकि आपका स्थानान्तरण गेंग नं० २ बी०एस० दो बी०एस० में रिक्त पद पर कर दिया जा सके ।

आप आठ दिन के अन्दर अगर सामान की पूर्ति कर देंगे तो ठीक है अन्यथा आपको दोषी मानकर गेंग नं० २ बी०एस० 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- बोल्ट 43 कम

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Som Narayan Saxena  
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214, Durvijaya Gunj  
LUCKNOW-226004

3- काटर 1126 कम

4- बीयरिंग प्लेट 55 कम

5- कुत्ता घिन 1023x 367 कम

431

23

-2-

6- गोल पिन= 1023 कम

इसके अलावा आपने चाबी मैन 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 मैन

बालामऊ।

4-5-90

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214, Durvijaya Guej

LUCKNOW-226004

प्राप्त किया

इन दिन सेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट बैन्च लखनऊ।

जीत राम

पिटीशमर

बनाम

यूनियन आफ इण्डिया तथा अन्य

अपोपार्टीज,

अनैकजर नं-१

सेवा में,

श्रीमान रेल पथ निरीक्षक,  
उ०प्र० बालामऊ।

जिला हरदोई।

श्रीमान जी,

विषय:- पत्रांक जे/।-१० दि० २-५-९० प्राप्त दि० ४-५-९०  
का उत्तर।

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

१- यह कि चावी तथा जावा के सम्बन्ध में जो कथित आरोप पत्र संख्या ई/।२ दिनांक २३-६-८९ 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 जाता गया है कि यदि मैं एफ०आई०आर० न करायी तो अनुशासनात्मक कार्यवाही की जायेगी। इसके सम्बन्ध में दि० २८-७-८९ को आपको २१४, Durvijaya Gunj LUCKNOW-226004 सूचना दी जा चुकी है कि जो याचका सं ३००-८९ रुपये में संलग्न संख्या ए-३ के रूप में है।

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

जीत राम

कार्यवाही प्रतीत होती है।

2- यह कि मेट इन्वार्ज किमी 0 0-3/0 से 12/0 में प्रार्थी जीत राम गेंग मैन का ता 0 18-8-88 को इलाके को देखे के लिए कार्य परभेजा क्योंकि श्री नरपति की मैन बीमार हो गये थे। प्रार्थी को इलाके में चाभी जावा काटर व जोड़ वोल्ट वगैरह को छाली स्थानों का कोई ज्ञान नहीं कराया गया था, जबकि बहुत स्थान छाली पड़े थे न ही किमी 03/0 से 12/0 के कमी मैटारियल का चार्ज भी नहीं दिया गया था।

3- यह कि दैनिक डायरी में पहले भी लिखा था जो स्थान छाली पड़े थे प्रार्थी भी छाली स्थानों को दैनिक डायरी में छेली चार छाम्भे सुचारू रूप से देखकर लिखता रहा और अपने इन्वार्ज इलाके के मेट को दैनिक रिपोर्ट भी देता रहा और पहले से छाली स्थान होने के कारण यह पता नहीं लग सकता था कि नये स्थान कितने छाली थे जिससे प्रति हफ्ता में इलाके का इन्वार्ज भी चेक करता रहा और ए०पी०७ब्लू०आई० व पी० ७ब्लू० आई० भी प्रति दोड़ा में चेक करता रहा दस्तखत करते रहे।

आप व्

4- यह कि इन्वार्ज ब्राइफ मेट द्वारा जोड़ वोल्ट लगाये हैं उनमें कुछ स्थान छाली रह गये थे जिनमे वोल्ट लगाने से दिक्कत थी वोल्ट लगाने के बाद मुझे दो कागजों पर दस्तखत कराये थे एक सादा एक छपा हुआ था और दैनिक डायरी में भी वोल्ट कमी नहीं लिखे गये ता 0 15-6-39 से किमी 0 07/6 से 12/0 तक यह क्षेत्र प्रार्थी ने नहीं देखा। इस स्थान पर दूसरा गेंगमैन लगाया गया है 15-6-89 से 30-8-89 तक किमी 0 3/0 से 7/6 तक का क्षेत्र प्रार्थी ने देखा। 31-8-89 से मुझे गेंगमैन। वी०एस० से गैग नं० 2 बी०एस० में की मैन के स्थान पर भेज दिया गया ता 0 2-9-89 को मुझे बैठा दिया गया 31-8-89 से 19-4-90 तक जाठ माह तक दूसरा गेंग मैन व इलाका

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जातक्रम

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का इन्वार्ज 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 तातो 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 बी0एस0 से गैंग नं0 2 बी0एस0 में की मैन के परमोशन पर भेजकर तातो 2-9-88 को डियूटी से बैठा दिया जबकि सहायक अभियुक्त हरदोई केष्ट्वरा 27-4-89 से परमोशन के लिए आदेश हुए हैं प्रार्थी ने श्री राम खेलाड़ी इमार्पी0डब्ल्यू0 आई0 बालामऊ से खुमामद 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 बी0एस0 में की मैन के स्थान पर डियूटी करेगा चार्ज। बी0एस0 का देना होगा प्रार्थी 19-4-90 को मिमी0 3/0 से 12/0 तक खाली स्थानों के कमी मेट्रियल की लिस्ट भी बनवा ली है। कोर्ट का आर्डर न मानकर प्रार्थी को गैंगमैन के स्थान पर गैंग नं0 1 बी0एस0 में कार्य लें रहे हैं और परमीशन पर भेजने को मना कर रहे हैं।

6- की मैन की सरकारी डायरी दिनांक 30-8-89 को श्री *Som Narayan Saxena*  
M.A., LL.B. वार्ता चौथी मैट को चार्ज में दी जा चुकी है। चौथी मैट की दस्तखती रसीद 214, Durvijaya Gurj LUCKNOW-226004 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 अशर्मा चीज का चार्ज में नहीं दी गयी यदि कोई रूप से गायब हुई प्रस्तुत प्रार्थी को कभी भी चार्ज में दी गयी हो तो वह कागज प्रार्थी का देखाया जा य ताकि प्रार्थी अनी जुम्मेदारी से अवगत हो सके।

जातिक्रान्ति

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अतः प्रार्था है कि प्रार्थी को अकारण परेशान व हतोत्साहित  
न किया जाय और उसे न्यायालय के आदेशानुसार गैंग नं 2 वी0एस0  
में कीमैन के पद पर भेजकर उसे उचित स्केल देने की कृपा की जाय।

प्रार्थी

दि0 21-5-90

जीत राम  
पुत्र मुन्ना

की मैन / वी0एस0 अन्डर रेपोन्टिंग

बालामऊ

ह: जीत राम की मैन

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Som Narayan Saxena

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जातरभा

इन दिसेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

बनाम

पिटीशन

यूनियन आफ इण्डिया तथा अन्य

अपपै0पार्टीज,

अनैक्यर नं0- 10

सेवा में,

जीतराम की मैन 2 बीएस बेनी गंज  
मैं लिखित कर दे रहा हूं 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 मेंदन म्यूट

2 बी एस बेनीगंज

4-7-90

निं०आ० सोहन लाल

द: छेदा लाल गैंग मैन

नं० 2 बी एस बेनीगंज

द/ गंगली

द: किशन पाल

द: श्याम बिहारी गैंग मैन

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Som Narayan Sahoo

214, U. V. J. Y. Bajaj

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सत्य प्रतिलिपि

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इन दिन सेन्ट्रल एडमीनिस्ट्रेटिव ट्रिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

— पिटीशनर

बनाम

शून्यिन आफ इण्डिया तथा अन्य

— अपोपार्टीज,

अनैकजर न०- ।।

सेवामें,

मंडल रेल पुबन्धक,  
उ०र० मुरादाबाद ।

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

महोदय,

सर्विनय निवेदन इस प्रकार है कि प्रार्थी कर्तमान समय में रेपोन्सिंग बालामऊ के अधीन गैग सं० 2 बी०एस० बेनीगंज स्टेशन पर की मैन के पद पर कार्यरत है। प्रार्थी को जब फ़िक की मैन के पद पर प्रोन्नति की गयी थी तब प्रार्थी को अपने इलाके का चार्ज नहीं दिया गया था। इलाके में जो अर्थात् सामान कम था उसकी सूचना

प्रार्थी ने गैग मेट श्री मेंदन को लिखित रूप में दी थी, तथा समय समय पर अवगत कराता रहा। इसके अलावा पौँ० डब्लू० आई० साहब भी को 214, दुव्या गुप्ती निरीक्षण के दौरान अवगत कराता रहा तथा वह की मैन की अरी पर भी सामान को चैक करके हस्ताक्षर करते रहे इसके बावजूद भी वह लगातार प्रार्थी को हरिजन होने के कारण परेशान करते हैं तथा नौकरी से निकाल देने की धमकी देते रहते हैं। इसके अलावा वह मेट को मौखिक आदेश देकर प्रार्थी को डियूटी पर से भी हटवा देते हैं जिससे प्रार्थी को आर्थिक हानि उठानी पड़ती है। प्रार्थी के छोटे छोटे बच्चे हैं 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, Duvya Gup

LUCKN. - 226004 निरीक्षण के दौरान अवगत कराता रहा तथा वह की मैन की अरी पर

जीत राम

दिन ० ४-७-९० को आज सबैरे प्रार्थी जब अपनी छियूटी पर आया तो प्रार्थी को श्री गेंदन मेट ने लिखित रूप से एक कागज दिया जिसमें प्रार्थी को छियूटी से हटाने के आदेश है। जिसकी फोटो प्रति साथ में संलग्न है तथा प्रार्थी को छियूटी पर नहीं लिया। जबकि प्रार्थी ४-७-९० से लगातार अपनी छियूटी पर जा रहा है तथा मेट अब्सेन्ट है गैन हाजिर है लगा रहा है। प्रार्थी ४-७-९० से छियूटी पर ही माना जाय।

इससे पूर्व भी प्रार्थी को श्री राम खिलाड़ी शर्मा रेंटल पॉनिंग बालामऊ, सामान की कमी के बारे में एक झूठा आरोप पत्र दिया उसमें भी प्रार्थी निर्दोष था इसके बावजूद भी श्री शर्मा ने झूठी रिपोर्ट लिखाने के लिए प्रार्थी को परेशान किया जबकि हेड क्वार्टर बडौदा हुक्म हाउस 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 जायेगा। लेकिन निरीक्षक महोदय अपनी मनमानी करते हैं कि जिसके परिणाम त्वरूप प्रार्थी बहुत आर्थिक रूप तथा मानसिक रूप से परेशान हो रहा है।

अतः श्रीमान जी से प्रार्थना है कि श्री शर्मा के हारिजन कर्मचारियों के विस्तृत अत्याचारों को रोककर कहीं दूसरी जगह स्थानान्तरण

S. N. Sarker करने की कृपा करें अगर अबिलम्ब श्री शर्मा के आतंक को न रोका गया

Son of Norway in Sarker और प्रार्थी को आर्थिक तथा शारीरिक रूप से कोई क्षति होती है

214, Durvijay Ganj, जिसकी जिम्मेदारी श्री शर्मा तथा सम्बन्धित अधिकारियों की होगी।  
LUCKNOW - 226004

प्रतिलिपि-

प्रार्थी

1 - माननीय रेल मंत्री, भारत सरकार  
रेल भवन नई दिल्ली को सूचनार्थी  
तथा आकर्षक कार्यवाही हेतु प्रेर्जित।

१५ जीत राम १५  
पुत्र श्री मुन्ना  
की मैन 2 बीएस  
डेनीगंज,

2 - माननीय श्रम एवं हारिजन  
कल्याण मंत्री, भारत सरकार नई दिल्ली  
को आकर्षक सूचनार्थी तथा आकर्षक कार्यवाही हेतु प्रेर्जित।

ज्ञातराम

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3- श्रीमान जिलाहिकारी महोदय, जिला हरदोई को सूचनार्थ  
एवं आवश्यक कार्यवाही हेतु प्रेषित ।

4- श्रीमान सहायक अधिकारी सीतापुर लिटी को सूचनार्थ लिथा  
आवश्यक कार्यवाही हेतु प्रेषित ।

प्रार्थी,

४ जीत राम पुत्र श्री मुन्ना ४  
उपरोक्त ।

१० जीत राम  
की मैन 2 बी एस

सत्य प्रतिलिपि

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Som Narayan Saxena  
M.A., LL.B. advocate  
214, Durvijaya Gunj  
LUCKNOW-226004

गोतरभ

इन दिसेन्ट्रल एडमीनिस्ट्रेटिव टिब्यूनल सर्किट वेन्च, लखनऊ।

जीत राम

---- पिटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य।

---- अपोपार्टीज,

अनैक्यर नं०-१२

सेवा में,

श्रीमान सहायक अध्यक्ष महोदय,

उ०र० सीतापुर सिटी/ सीतापुर।

महोदय,

सर्विन्द्रिय निवेदन यह है कि प्रार्थी जीतराम पुत्र श्री मुन्ना निं० ग्राम कोन्डरी खेरा डाकघाना बेरुआ जिला हरदोई का है तथा प्रार्थी बेनीगंज में की मैन के पद पर कार्यरत है तथा प्रार्थी कहि मैन गैग नं० २ बी०एस० है। प्रार्थी को दिन ४-७-९० को श्री गेंदन मेट०२ बी०एस० बेनी गंज ने एक लिखित आदेश दिया

कि आपको डियूटी पर नहीं लिया जायेगा तथा उसमें यह लिखा कि यह आदेश पी०डब्ल० आई० बालामऊ का है। इसके बावजूद भी प्रार्थी अपनी डियूटी पर जाता रहा लेकिन उपरोक्त गेंदन मेट प्रार्थी की हाजिरी नहीं लेते थे। तब प्रार्थी ने उपरोक्त विषय के संबंध में अपने प्रार्थना पत्र दिन ११-७-९० को श्रम एवं हरिजन कल्याण मंत्री, भारत सरकार नई दिल्ली, मण्डल रेलवे प्रबंधक मुरादाबाद, रेल मंत्री, भारत सरकार रेल भवन नई दिल्ली

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Som Narayan Saksena

M. L.B. Adv. No. 214, Durgaya Gurj LUCKNOW - 226005

जाटकरूप

सहायक अधिकारी उरोरो सीतापुर सिटी एवं जिलाधिकारी हरदोई को दिये। इसके अक्षम पश्चात् प्रार्थी को दिनांक 25-7-90 को एक रजिस्टरेट पत्र पी०डब्लू० आई० बालामऊ उ०प्र०० कछौना जिला हरदोई से प्राप्त हुआ कि आप बिना किसी सूचना के डियूटी से अनुपस्थित है। अतः आप पत्र पाने के ३ दिन के अन्दर डियूटी के लिए इस कार्यालय में उपस्थित हो। इस सूचना के मिलने पर दिनांक 26-7-90 को पी०डब्लू० आई० बालामऊ उ०रो० के कार्यालय में डियूटी के लिए उपस्थित हुआ परन्तु पी०डब्लू०आई० बालामऊ उ०रो० श्री राम छिलाड़ी शर्मा जी ने प्रार्थी को डियूटी पर लेने से इंकार कर दिया तथा प्रार्थी से कहा कि डियूटी आपको नहीं मिलेगी। प्रार्थी ने कहा कि डियूटी के लिए आपने रजिस्टरेट 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 हारिजन होने के कारण प्रार्थी को श्री शर्मा जी परेशान कर रहे हैं। प्रार्थी प्रतिदिन पी०डब्लू० आई० बालामऊ कार्यालय जाता है।

अतः श्रीमान जी से प्रार्था 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 करें।

अंति कृपा होगी।

प्रार्थी,

दिनांक 4-8-90

जीत राम

ह: जीतराम पुत्र श्री मुन्ना की मैन गैंग न०2 बीए  
बेनी गंज ता० 4-8-90

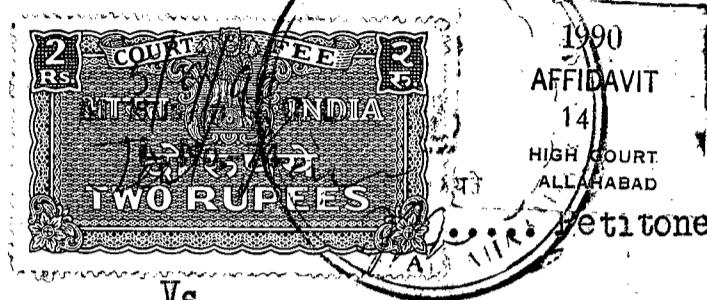
जीतराम

(A) 3/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW.

Claim Petition ..... of 1990

Jeet Ram.



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 nor salary has in paid to him for the

month of July, 1990 to on wards 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. S. 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. S. 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 *S. N. Saxena*, Advocate High Court Lucknow bench, Lko.

*(Naren 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.

No 14/90

Date 5/9/90

ARS

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.

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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 <sup>since 27.6.90</sup> is absconding from duty 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.

Filed before DR on  
23/10/90

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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. In fact 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

  
D. S. Gopala  
Do. to. Gopala  
MORCOT Way 10000  
- Ballari Dist.

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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 infact 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

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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 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

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\*\* Excluded Day Report  
\*\* Excluded Date

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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. Gaindhan 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

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letter dated 4.7.90. A copy of Sri Gaindhan'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

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G. V. CHAVAN  
Go. of MHRD  
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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 24.5.98, Annexure-2 to the petition, under the direction of this Hon'ble Tribunal dated 23.3.98 and is infra-ct absconding from duty from 27.6.98.

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.

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

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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.

*John*  
John Doe  
123 Main Street  
Anytown, USA

PGS

:: 9 ::

Verification

I, R.K. Sharma

aged about 52 years

Son of Sri. Badan Singh

Working as Permanent

Way Inspector, N. Railway Balman Moradabad Division,  
do hereby verify that the contents from paragraphs

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

knowledge and those of paragraphs 1, 5 to 12, 14 to 18<sup>21</sup> are based on record  
and those of para 17

are believed true from legal advice, that nothing

material has been suppressed.

Place: Allahabad

Ran

महाराजा

Dated: 22.10.90,

..... द्वा प्राप्त  
22.10.90 द्वा प्राप्त  
महाराजा राजेन्द्र

In The Central Administrative Tribunal, Lucknow,

Parvopur - C.A - 1

Registration No. 307 of 1990

Teet Ram & Sons & others

માન માર્ગ રોડનાં ૩૬૨૦  
નુંબાંસાં

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(R.S.)

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 Petitioner~~ ~~affidavit~~ to the  
reply by Sri R.K. Sharma P.W.I. Balamau on  
behalf of the Respondent.

PK  
17.12.90

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.

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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

Gedan

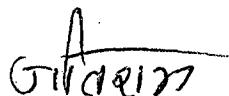
(P.S.X)

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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.

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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 illiterate person. or The Annexure No. 10 is a forged document. Mate Gedan is a ~~littered~~ literate person and the letter Annexure 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

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(X)

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 maintenance 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. Sri Gedan studied at a lower IV class in Prathmik Adhars, Vidyadaya village near Kuchchawar, Dist. 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 B S 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

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A/C

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.....

J/102128

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### VERIFICATION

I, the above named ~~my~~ 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



(462)

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

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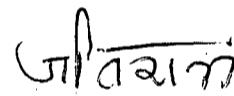
application dated 20.9.90 the opp. parties have knowingly wilfully committed the contempt of the Hon'ble Court's interim order dt. 12.9.90 and they are liable to be punished for contempt of the said court's order dt. 12.9.90.

Wherefore it is most respectfully prayed that after issuing the notice to the opp. parties and 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



#### VERIFICATION

I, the above named petitioner do hereby verify that the contents of paras 1 to 2 of the petition are true ~~as aforesaid~~ 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.



# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

न्यायालय The Court of Central Administrative Tribunal Allahabad  
वाद संख्या claim 301/90 नियम १३, नियम १४  
सन् १९ ई० अदान ब्रॅन्च ब्रॅन्च ब्रॅन्च ब्रॅन्च

..... Teet Ram ....., वादी

..... बनाम  
Union of India & Others ....., प्रतिवादी

..... Teet Ram ....., वादी प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची।

प्रथम सुनवाई के समय

इस सूची की Teet Ram ....., ने आज सन् १९ १९८० के १२ के १७ दिवस को पेश किया।

१	२	३	४
क्र. सं०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो	कागज क्या हुआ	
1-	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया	यदि नामजद हुआ तो पक्षकार को लौटाये जाने की तारीख और पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख

न्यायालय का नाम.....

वाद संख्या.....

पक्षकारों का नाम.....

सूची पेश करने वाले पक्षकार का अभिवक्ता के हस्ताक्षर

जीत राम

A65

In the Court of Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.  
Claim No. 307 of 1990

Jeet Kumar

... Petitioner

Vs.

Union of India & Others.

... Opp. Parties.

प्रधानाध्यायक

प्रधानाध्यायक किया गया है।  
गाजू कछीना (ह-द-ई)

गोपनीय श्री मार्गुनलाल  
गोपनीय श्री निवाल शाम - बड़ाल  
संस्कृत - इंद्रिय के भवित्व  
प्रा० पा० गाजू में १५.२२ का तक  
कहा है मैं कहा गुण की है।

इनकी गत्तमतिथि विद्यालय  
की उद्देश्य प्रेजिना के आवार दर  
२०.१२ का (लैस दिसम्बर २०११ तक) में  
दिया गया है।

ज्ञानोदय, लालूपुरी-३१३०११  
प्रधानाध्यायक २०.११.२०११

प्राथमिक शास्त्रादिक विद्यालय  
गाजू कछीना (ह-द-ई)

अप्र०

A65

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALD.

CIRCUIT BENCH SITTING AT LUCKNOW.

IN RE

M. P. No. 605/90~~65~~

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 ~~age~~ 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 ~~taxi kowshik mxta~~ 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

#62

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-  
tionin 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 hisletter 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 ~~not~~ papers in the office of  
the O.P. No. 3 and the clerk concerned wrote  
endorsement' received ' on the copy of the letter  
dt. 16.9.90ofthe Vice President of the Union.  
After perusal ofthe said papers by the office  
personal, the all said papers were returned to  
the applicant . The endorsement was also cut.

..3

J/1/12M

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-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 <sup>applicant's</sup> 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.P. parties.

*U/1/2017*  
Lucknow  
Dt. 20.9.90

*U/1/2017*  
(S. N. Saxena) Adv.  
Counsel for the Applicant  
*S. N. Saxena Adv.*

PGV

-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

Signature of Applicant.

S. N. Saces  
A.M.

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

(X70)

बादेश १३, नियम ६  
the central Administrative Tribunal court Bench  
वायालय स्थान जिला मेल्सर

वाद संख्या

सन् १६

₹०

— Jeet Ram —

वादी

बनाम

— Union of India vs. —

प्रतिवादी

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

प्रथम सुनवाई के समय

इस सूची को Applicant Jeet Ram 20-9-90 से आज सन् १६ के दिवस को पेश किया।

१	२	३	४
दस्तावेज का अभिवर्णन और उसकी नं० सं० यदि लौटी हो	कागज क्या हुआ		
यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह 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 विनिश्चय 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 - Blood-sight copies of 1 - Court order dated 12-9-90			
2 - Application Application dated 15-9-90			
3 - Registered letter Postal receipt			
4 - Letter dt 16-9-90 of Vice President of A. M. Union Showing endorsement of received			
			वादात्मक नं० नाम सुनवाई करने का दराम
			वादात्मक नं० नाम सुनवाई करने का दराम

S. N. Sardar  
Advocate  
[सूची को पेश करने वाले पक्षकार या अधिवक्ता के हस्ताक्षर]

जातरा

(21)

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.

11 TRUE COPY 11

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

Sd/

T.C.

Umar

८३१

सेवा में,

श्रीमान पी० डॉ. आर्ह ॥ रेल पथ निरीक्षा ॥ महोदय,  
उत्तर रेलवे बालामऊ।

महोदय,

निवेदन है कि श्रीमान जी के मौछिक आदेश के अनुपालन में मुझे गैग न० 2 बी.एस. में अपने कीमैन पद पर कार्य करने से विचित कर रखा गया है मैं बराबर डयूटी करने जाता हूँ रहा और आपके रजिस्टर्ड पत्र के अनुपालन में पत्र में दी हुई अवधिके अंदर भी आपके समक्ष भी डयूटी प्राप्त करने हेतु उपस्थित हूँ परन्तु प्रार्थी को डयूटी ज्वाहन करने नहीं दी गयी । फलत : प्रार्थी ने सेंट्रल एडमिस्ट्रेटिव ट्रूबुल सरकिट बैच, लखनऊ के समक्ष क्लेम पिटीशन दायर की जिसमें माननीय न्यायालय ने ज़क्की ज़क्की तारीछा पेशी 26-9-90 नियत करते हुए प्रार्थी को अकिञ्चन डयूटी पर लिये जाने का आदेश प्रदान करने की कृपा की है। उक्त आदेश दिनो 12-9-90 की प्रमाणित प्रतिलिपि इस प्रार्थना पत्र के साथ संलग्न है ।

अत : सादर प्रार्थीहीक प्रार्थी को अकिञ्चन गैग न० 2 बी.एस. में कीमैन पद पर डयूटी पर लिया जावे और कार्य करने की अनुमति प्रदान की जावे ।

प्रार्थी

दिनांक - 15-9-90

जीत राम ॥  
पत्र श्री मुन्ना  
कीमैन, गैग न० -2 बी.एस.  
बैनीगंज, बालामऊ, उ० रे०

T.C.  
गैग/१०८/११

निवेदन

A73

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु. १० पै.०

Amount of stamps affixed Rs. P.

क्रमांक/No.

3499

एक रजिस्टरेड प्राइवेट फ़िल्म

Received a Registered

तारीख-मोहर  
Date-stamp

पाने वाले का नाम The P.W.I. N.R.L.

Addressed to

Bala Maa

Haveli

पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer



बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु. १० पै.०

Amount of stamps affixed Rs. P.

क्रमांक/No.

2547

तारीख-मोहर  
Date-stamp

एक रजिस्टरेड प्राइवेट फ़िल्म

Received a Registered

पाने वाले का नाम

Addressed to

C 33

पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

T.C  
G/1207

APR

# 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

Ref. No. URMU/HRI/Engg/90

Railway Station

Hardoi 16/9/90 19

To

The Asstt Engineer  
M.R.L. ~~Hardoi~~ S.P.C.

Ref: I am to inform you that  
I am S/o Munna Karmal  
Gang No. 2 B.S. Bhilai  
Bihar/India.

Sr,

The above named employee was  
removed from the above post by P.W.S.  
B.M. on which the employee has  
filed a suit in the Central Adminis-  
trative Tribunal circuit bench decision  
on which the honorable court gave  
Chas order for interim order and  
on the same post on 14/9/90 where  
copy is attached along with his  
representation. But P.W.S.B.M. is  
not returning him to the court-  
order, which may cause contempt  
of court order please look into  
the matter I do need your kind  
advice in this branch.

DAP

Thakur *you're faultless*  
V. Prakash *you're faultless*

T.C.

Uttar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Qazi's Residency, Lucknow

No. C.A.I/ALD/Jus

5090-5101

Dated the

28.9.90

Registration

307

of 1990

(L)

o/c

Jeet Ram

APPLICANT

14.9.90

VERSUS

Union of India & Others

RESPONDENT

① U.O.I through Secretary to Deptt. of Railways, New Delhi.

② D. R. M. Nally, Moradabad.

③ Asstt. Engineer, N. Rly. Sitalpur city.

④ Permanent Wayman, Sector, N. Rly. Balamau  
District Hardoi.

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 or your pleader 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.

*Mulya*  
DEPUTY REGISTRAR

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

(C) 76

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CIRCUIT BENCH, LUCKNOW.**

O.A.R.C. 307 of 1990 (L)

Debt. No. .... vs. .... Applicant.

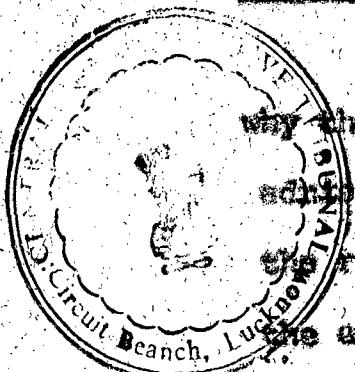
Versus

Union of India & others.... Respondents.

12.9.1990

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

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



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/

A.J.J.

Sd/

V.C.

// TRUE COPY //

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

Sd/

*Checked by  
Umar Khan*

FF 04.10.90

SPECIAL POWER OF ATTORNEY.

CC

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

Jeet Ram Plaintiff  
Versus Appellant  
Union of India & others Petitioner

Defendant  
Respondent  
Opposite Party

KNOW all men by these present that I Yashpal Gupta ADRM/Moradab  
Northern Railway, Moradabad do hereby appoint and authorise  
S/Shri Amit Sathake & ad. resalt, 32, Naya 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

Address: Divi - Rly. Manager  
Northern Railway

--- Moradabad ---

Accepted  
Paint Sthalchar  
Council for Respondent

Before the Central Administrative Tribunal  
Lucknow

78

78

9th  
C.T.A. claim petition no. 307 of 90  
Destt Lucknow v.p.

Teet Ram —————— claimant

Union of India 2nders v — 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  
fixed 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 Dashain 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 16

~~fix 4.10.90 instead of 26.9.90~~  
fix 13.9.90

26.9.90

S. N. Sircara

Advocate

counsel for claimant

Dated 13-9-90

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

EG-1

No. E (G) 90

LL3-3 (11)

New Delhi, Dated.....

4-10-1980

To,

The Registrar, Central Administrative Tribunal,

*(auto off)* .....  
*SS 4(1)* .....  
*Sub* .....  
*DR. AIC* .....  
*12/10/80* .....

*Lucknow* .....

*Case No. 307 (1) 80*

*Ch. Teet Ram*

I am directed to refer to your summons/orders dated *22/10/80* on the subject mentioned above and to state that the General Manager *No* 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,

*Phani*  
for Secretary, Railway Board.

DA : Nil.

No. E (G) 90

LL3-3

New Delhi, Dated.....

4-10-1980

Copy together with the summons/orders received from the Tribunal/ Court are forwarded in original to the General Manager *Statkern* 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.