

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ~~lucknow~~ BENCH

OA/TA/RA/CP/MA/PT ..319/90.. of 20.....

.....*L.K. Sarwanwala*.....Applicant(S)

Versus

.....*L.O. Hand*.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B/C where de dicto / destroyed

Signature of S.O.

19

Signature of Deal. Hand

19/12/2002

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 319 of 1983 Ad. L. 18/9/96

APPLICANT(s) Shri P. S. Sivastava

RESPONDENT(s) U.P. Govt.

Syed

18/9

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	no
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	application No
3. a) Is the appeal in time ?	Suspension Order dated 15/6/87
b) If not, by how many days it is beyond time ?	15/6/87
c) Has sufficient cause for not making the application in time, been filed ?	no
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 sc
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	no
9. Have the chronological details of representation made and the date 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 ?	yes

Particulars to be Examined

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

12. Are several copies of the application with Annexures filed ?

13. Is it in line with the Original ?
Defective ?

14. Is it in the annexures
defective or incomplete ?

15. Are the file size envelopes
bearing full addresses of the
respondents being filed ?

16. Are the given address the
registered address ?

17. Do the names of the parties
stated in the copies tally with
those indicated in the applica-
tion ?

18. Are the translations certified
to be true or supported by an
affidavit affirming that they
are true ?

19. Are the facts of the case
stated in item no. 16 of the
application ?

1) Concise ?

2) Have distinct heads ?

3) Numbered consecutively ?

4) Printed in double space on one
side of the paper ?

20. Are the particulars for interim
order prayed for indicated with
crosses ?

21. Whether all the remedies have
been exhausted.

Endorsement as to result of examination

Early Main and Bensel's copy

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Dear Mr. G.

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6th
1819

26.9.90

Due to death demise of Hon'ble
Chief Justice of India Mr. B.S. Mukherji
the Case is adjourned to 4.10.90

4.10.90

No Sittings. Adjourned to 25.10.90
S

*D*25.10.90

No sitting Adi to 23.11.90

~~27.11.90~~ Hon'ble Justice K.Nath, V.C.
Hon'ble Mr. M.M. Singh, A.M.

*D*23.11.1990

Hon'ble Mr. Justice K.Nath, V.C.
Hon'ble Mr. M.M. Singh, A.M.

Heard the counsel.

ADMIT. Issue notice to file counter within
4 weeks, rejoinder within 2 weeks thereafter. *x*
List before D.R. on 25.1.91 for fixing a date
if possible.

Sd/

Sd/

A.M.

V.C.

Not. C.S. 319/78-3
S
26-12-90

Sd/

25.1.91
D.R.

Both the parties are
absent today. Counter
has not been filed. Respondent
is ordered to file
counter by 31.1.91

S

(13)

C.A. 319/90

4.12.91

D. R.

Counsel for applicant
representative is present
CA/RA have been
exchanged. Hence,
this case is listed
on 21/2/92 for
final hearing before
the Hon. Benetin

21.2.92 No Siting adj'n
10.4.92 2

10.4.92 No Siting of D.R.
adj'd to 14.5.92
2

14.5.92 No Siting adj'd to 21.7.92
R

21.7.92 No Siting of D.R. adj'n
22.9.92 2

22.9.92 No Siting of D.R. adj'n
19.11.92 2

2
H.T.

(S)
6. P. No. 3189/90

21-7-93 Hon. Mr. Justice R.K. Verma, V-C.
from Mr. B.K. Singh, A.M.

Shri L.P. Shukla, Counsel
for the applicant seeks
adjournment. List
this case on 17/9/93

W.L.

B
A.M.

V-C.

11-7-93 Case is adj. on 16/11/93

~~11-7-93~~ 11-7-93 Case is adj. on 16/11/93

Pass

22/11/93

Hon. Mr. S.N. Prasad, T.M.
Hon. Mr. V.K. Sehgal, A.M.

None for the Parties
List this case on 16/2/94
for hearing & disposal.

W.L.

A.M.

C.

T.M.

16-2-94
P.L.

No sitting of P.S. Case is
adjourned to 6-5-94 for
hearing & disposal.

P.L.

O.A. No. 319/95

06/3/95

D.R.

✓

Place before the Hon'ble
V.C. for fixing the date.

AD

✓
D.R.

21/4/95

Hm-Mr. Justice B. e. Salisena, V-e.

List the O.A. for final
hearing on 26/5/95.

Bdr
V. e.

26-5-95

D.R.

Applicant present in person.
None for the respondents.
Concerned Bench is not
available. Place before
the Hon'ble Bench on 05-7-95
for hearing if concerned
bench is available.

AD

✓
D.R.

Concerned Bench
not available
Alternative
Office
05/7/95

OT. M. 319/90

22-9-95

Hon'ble Mr. V. K. Seth, A.M.
Hon'ble Mr. D.C. Verma, J.M.

None for the applicant.
Shri. S. Verma, learned Counsel
for the respondents is on leave.
List on 01-11-95 for
hearing.

J.M.

A.M.

1-11-95

Hon'ble Mr. Justice B.C. Saksena V.C.
Hon'ble Mr. V. K. Seth A.M.

The learned Counsel for
the applicant has intimated
adjudication on personal
basis.

Shri Sudhesh Verma, learned
Counsel for the respondents
is present.

List on 4-12-1995.

K.R.

A.M.

B.C.
V.C.

Shri Mr. V. K. Seth A.M.
Shri Mr. D.C. Verma J.M.
List will remain open
till 16/12/95
L.V.
D.M.

671 31816

2.21076

Hon. Mr. V.K. Seth. A.M.
Hon. Mr. D.C. Verma, J.A.

Sr. Atul Kumar learned counsel
stated that Sh. S. Verma is
not available today.

List for hearing on
17/10/76.

2/

J.M.

V.L.
A.M.

12.10.76

No hearing of D.M. before
09.10.76

12.10.

12.10.76

No hearing of D.M. before
10.10.

12.10.

12.10.76

No hearing of D.M. before
14.10.76

12.10.

13.10.

Hon. Mr. V.K. Seth. A.M.
Hon. Mr. D.C. Verma, J.A.

Sh. Atul Kumar learned
counsel filed application
on 12.10.76 on 13.10.76

12.10.

12.10.

12.10.

12.10.

CA No 319/90 (L)

Y6

24-11-97

Hon. Mr. V.K. Seth, A.H.
Hon. Mr. D.C. Verma, J.H.

Li. S. Verma, became
cannot for respondents
& on leave.

list on 08-1-98 for
hearing.

J.H.

A.H.

AB

8-1-98

Lawyers are absent from
court work. Acy to 3-3-98

AB
Bac

09-3-98

Hon. Mr. D.C. Verma, J.H.
Hon. Mr. S. Doyal, A.H.

Li. A. Hussain, became
cannot for applicant pray
for adjournment. Li. S. Verma, for
respondents.

list on 06-7-98 for
hearing.

J.H.

J.H.

AB

6-7-98 - No setting of QB- only
to 18-9-98

AB

08-07-99

Yr
due to the sad demise of Sri B A Naqvi,Adv,
case is adjourned to 02-8-99 for hearing.

BGC

02-8-99

No sitting of D.B. & S.
to 07-9-99.

VAM
BGC07.9.99

No sitting of D.B. carried
over to 07.10.99 for hearing.

VAM
BGC07-10-99.

Hon'ble Mr D. C. Verma - DM

Hon'ble Mr A K Misra - AM

Sri Ratnesh Lal Counsel for applicant
No objection
List for hearing on 17/11/99.

R.L.
DMJ
J.M.17-11-99

Hon'ble Mr D. C. Verma - DM

Hon'ble Mr A K Misra - AM

Sri Ratnesh Lal Counsel for applicant
Sri S Verma Counsel for respondent
List for hearing on 08/12/99

R.L.
AMJ
J.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 319 of 1990.

this the 4th day of February 2000.

Hon'ble Mr. A.V. Haridasan, Vice-Chairman,

Hon'ble Mr J.L. Negi, Admn. Member.

P.K. Srivastava, aged about 40 years, S/o Sri M.M. Srivastava, TTE under Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow.

Applicant.

By Advocate: Sri Ratnesh Lal.

Versus.

Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. The Additional Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

3. The Senior Divisional Commercial Superintendent, Northern Railway, Hazratganj, Lucknow.

Respondent.

By Advocate: Sri S. Verma.

O R D E R.

A.V. HARIDASAN, V.C.

The applicant while working as Travelling Ticket Examiner (TTE in short) under the Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow was placed under suspension by order dated 15.6.87 in contemplation of disciplinary proceeding. He was thereafter served with a memorandum of charges dated September '87 (Annexure-3). The articles of charges read as follows:-

"That he allowed one freedom fighter, two MLAs alongwith their 3 companions holding impropr tickets to travel in 1st ACC of 415 up unauthorisedly.

2. He allowed as many as six passengers without tickets to travel in AC Chair car and failed to regularise them upto Kunda Harnamganj.

3. He misbehaved with the VIs by sending mussle man to threatend the VIs to stop the check and leave the train.

4. He destroyed the evidence collected by the

VIs against him by snatching the seized documents and not depositing the reservation chart used in the train."

2. The applicant denied the charges. An enquiry was held. The disciplinary authority finding that charge no. 2 was proved imposed on the applicant by the impugned order Annexure-10 a penalty of reduction to the lower grade of Ticket Collector in the scale Rs.950-1500/- fixing his pay at Rs.950/- effecting his future increments for a period of three years. The applicant filed an appeal raising various grounds including that the enquiry was not properly held in as much as he was not supplied with documents demanded by him to enable him to make a proper defence. The appellate authority vide his order Annexure-12 confined the finding but reduced the penalty to one of reduction in the same pay-scale of Rs.1200-2040/- at Rs.1200/- for two years without cumulative effect:-

3. Aggrieved these orders, the applicant has filed the present Original Application. The applicant has also impugned Annexure-1 to the O.A. by which he was placed under suspension.

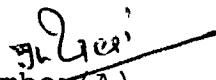
4. The applicant has alleged that he has not given been / reasonable opportunity to defend himself inasmuch as he was not supplied with the relevant documents which he had demanded to enable him to give the proper defence. It is further alleged that the order of the disciplinary authority as also of the appellate authority are devoid of application of mind. The applicant, therefore, seeks to set-aside the impugned orders.

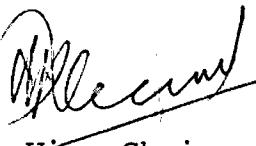
5. The respondents have filed a detailed reply Statement in which they contest the claim of the applicant.

✓

6. We have heard the learned counsel on either side. The learned counsel for the respondents taking note of the fact that the enquiry officer did not allow the applicant to adduce defence evidence as is evident from Annexure-8 and as the orders of the disciplinary authority as also the appellate authority are non-speaking suggested that the orders may be set-aside permitting the disciplinary authority to have a further enquiry held from the stage of defence evidence within a reasonable time. The learned counsel for the applicant also agreed to this suggestion.

7. In the result, in the light of the submission of the learned counsel at the Bar and in view of the fact that the applicant did not have a reasonable opportunity to adduce evidence in defence, we dispose of this application setting-aside the impugned orders and permitting the respondents to have a further enquiry held from the stage of defence evidence. The further enquiry as above shall be held and completed as early as possible and at any rate within a period of six months from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman.

Lucknow:Dated; 4.2.2000/-

Girish/-

EXCELSIOR PAPER MILLS LTD. & ORS. V. P. K. SRIVASTAVA
CIRCUIT COURT, LUCKNOW.

P. K. Srivastava ... Applicant.

Versus

Union of India & others ... Respondents.

FOR-I
(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

For use in Tribunal's Office:

Date of filing _____

Registration No. _____

12/1/85
18/9
1/10/85
1/10/85
1/10/85
1/10/85

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

O.A. NO. 319 OF 1990 (L)

P.K. Srivastava ... Applicant.

Versus

Union of India & others ... Respondents

Application under Section 19 of the
Administrative Tribunals Act, 1985.

DETAILS OF APPLICATION:

1. Particulars of the applicant:)

(i). Name of the applicant.)

(ii). Name of father :)

(iii) Age of the applicant.)

(iv). Designation & parti-)
culars of office in which)
employed)

(v) Office address:)

P.K. Srivastava, aged
about 40 years, son of
Sri M.M. Srivastava,
T.T.E. under Divisional
Chief Inspector of
Tickets, Northern Railway
Charbagh, Lucknow.

2. Particulars of the respondents:

(i) Name or designation of the)
respondents)

(ii) Office address of the res-)
pondents.)

(iii) Address for service of)
all notices.)

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
NEW DELHI.

2. The Additional Di-
visional Railway -
Manager, Northern -
Railway, Hazratganj,
Lucknow.

1819190
21/10/1919
Rec'd & Regd
S.S. 1819

3. The Senior Divisional Commercial -
Superintendent, Northern Railway,
Hazratganj, LUCKNOW.

3. Particulars of the orders against
which application is made:

1. Order No. Vig/56/C/87/LCS dated 15.6.1987
passed by the respondent no. 3 (Annexure-A-1)
2. Order No. Vig/45/D/87/LCS dated 31.8.1988
passed by the respondent No. 3 (Annexure-10).
3. Order No. Vig/45/D/87/LCS dated 6.6.1989
(served on 26.9.89) passed by the respondent
No. 2. (Annexure No.A-12).

1. Subject in brief:

Against illegal suspension and penalty
imposed as a consequence of disciplinary action
in an illegal manner and in violation of the de-
partmental rules and Principles of Natural Justice.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that the
application is within the limitation prescribed in
Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case:

(a). That checking staff cadre is one of the cadres of Commercial Branch of Northern Railway managed by the opposite party no. 1. The opposite parties no. 2 and 3 are the officers of Lucknow Division under the opposite party no. 1.

(b). That the initial post in the aforesaid cadre is the post of Ticket Collector grade Rs. 950-1500. The Ticket Collectors, by virtue of their seniority, are promoted to the post of Senior Ticket Collector grade Rs. 1200-2040 and thereafter they are promoted as Travelling Ticket Examiner herein-after referred T.T.E. in the same grade of Rs. 1200-2040.

(c). That the Ticket Collectors (T.C.) work at the stations of their posting under the direct supervision and control of Chief Inspector of Tickets (Station)(C.I.T.)/ Station Superintendent (S.S.)/ Station Master (S.M) as the case may be. The nature of their duty is stationary. Similar is the case with the Senior Ticket Collectors (Sr. T.C.) but in casualties, they are utilised as Travelling Ticket Examiner (T.T.E.).

(d). That on the other hand, the T.T.Es work on trains according to their roster of duty and they work under the direct supervision and control of the Divisional Chief Inspector of Tickets/S.S. Their nature of duty is travelling.

(c). That the applicant was initially appointed as a Ticket Collector (T.C.) under the respondents and thereafter, by dint of his hard labour, strict obedience, and devotion to duty and seniority, he rose to the post of Travelling Ticket Examiner (T.T.E.) in grade Rs. 1200-2040 under Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow.

(f). That on 26.3.1987, the applicant, while working as a T.T.E. to manage lower class coaches of Train No. 415 Up ex. Allahabad to Lucknow, observed that the Conductor deputed to manage higher class coaches of the said train had not turned up; and as such the passengers of that classes had been facing various difficulties. Just to avoid public complaints & assist the passengers of that higher class coaches wherein political leaders including M.L.As and other respectable persons were travelling, made the applicant, being the senior T.T.E., made an attempt to attend those coaches also in addition to his assigned duties in respect of lower class coaches. Although it was not his assigned duty yet the applicant, in the interest of the Railway Administration, did so being a loyal and faithful servant.

(g). That while the aforesaid train was in its way, a Vigilance Team, with a prejudice mind, made a check and the applicant gave the correct position to the said team and explained his position. Nothing malafide was detected on the part of the applicant to warrant any disciplinary action against him.

(h). That when the aforesaid train arrived Lucknow, the applicant deposited the reservation charts as usual and after signing 'off duty' went to his residence.

(i). That after about 2 months and 21 days, the applicant, by means of an order bearing No. Vig/ 56/C/87/LCS dated 15.6.1987 passed by the respondent no. 3, was placed under suspension on the ground that a disciplinary proceeding against him was contemplated/pending. A true photo stat copy of the said suspension order is filed herewith as ANNEXURE No. A-1 to this application.

(j). That when no chargesheet, in pursuance of the aforesaid suspension, was served, the applicant, by means of an application dated 29.6.87, requested respondent no. 3 to revoke the order of his suspension. No action was taken on the said application.

(k). That thereafter when no chargesheet was issued, the applicant, by means of an another representation dated 11.8.1987, requested the respondent no. 3 to revoke the order of his suspension and give the very same treatment which was given to S/Shri P.K. Puri, T.T.E. and R.H. Naik, T.T.E., who were also placed under suspension in the same case but later on, their suspension was revoked. No action on this application was taken. A true copy

Amrit

Enclosure
-2.

of the said representation dated 11.8.1987 is filed herewith as ANNEXURE NO. A-2 to this application.

Enclosure A-3.

(1). That thereafter on 15.9.1987, the applicant made further representation requesting the respondent no. 3 to revoke the order of his suspension or in the alternative, to issue the chargesheet so as to enable him to prefer an appeal to the competent authority against the said suspension as provided under rule 12(i) of the Railway Servants (Discipline & Appeal) Rules, 1968.

(2). That thereafter, the respondent no. 3, without forming his own opinion, as required under rule 9(2) of the aforesaid rules and without due application of mind to the facts and circumstances of the case, as required under Railway Board's Letter No. E(D&A)70-RG-13 dated 2.6.1970 (Printed Serial No. 5049), issued Chargesheet No. Vig/D/45/87/LCS dated September, 1987 in a routine manner and at the instance of the Vigilance as evident from Letter No. Vig/Visc/58/87/TFC dated 14.9.87 referred to in the Chargesheet. Therefore, the respondent no. 3 was merely a signing authority of the chargesheet. A true photo stat copy of the said Chargesheet dated September, 1987 is filed herewith as ANNEXURE NO. A-3 to this application.

(3). That alongwith the aforesaid chargesheet, there was a list of documents by which and list of witnesses by whom the charges levelled

against the applicant were to be sustained in the enquiry proposed to be held under rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968. The said lists were Annexure No. III and IV to the Chargesheet.

(o). That in the aforesaid list of documents (Annexure No. III to the chargesheet), a letter bearing No. Sr. C.I.T./Stn/1/87 dated 26.3.1987 purported to have been issued by the Senior Chief - Inspector of Ticket, Lucknow on the aforesaid date showing that the reservation charts of upper classes of train no. 415 Ex Dm. of 26.3.1987 were not deposited by the staff was relied upon. A true copy of the said letter dated 26.3.1987 is being filed herewith as Annexure A-4. ANNEXURE NO. A-4 to this application.

(p). That the aforesaid letter (Annexure no. A-4) speaks about the reservation charts of 415 DN whereas the chargesheet (Annexure No. A-3) speaks about the reservation of charts of 415 Up.

(q). That in the aforesaid list of witnesses (Annexure No. IV to the chargesheet), one Shri Jamil Ahmed, Vigilance Inspector (one of the members of the Vigilance team which conducted the check) was also cited as one of the prosecution witnesses for being examined in the enquiry proposed to be held under rule 9 of the aforesaid Rules.

(r). That since the aforesaid Chargesheet dated September, 1987 was not served on the applicant without copies of relied upon documents as mentioned in Annexure No. III to the chargesheet, the applicant, by means of an application dated 6.10.1987, demanded copies of documents and on 15.10.1987 when no documents were supplied, an interim reply dated 15.10.1987 challenging the validity of the chargesheet was filed. A true photo stat copy of the said interim reply dated 15.10.87 is being filed herewith as ANNEXURE NO. A-5 to this application.

(s). That on 18.11.1987, the applicant, by means of an application, denied the charges contained in the aforesaid chargesheet (Annexure No. A-3).

(t). That thereafter, the respondent no. 3, by his order No. Vig/45/D/87/LCS dated 21.10.1987, revoked the order of applicant's suspension.

(u). That thereafter, the respondent no.3, by his order dated 19.11.1987, appointed Sri K.M. Lal, A.C.S (II) as Inquiry Officer to inquire into the charges levelled against the applicant.

(v). That on 4.1.1988, the applicant moved an application before the Inquiry Officer for making arrangement to produce all those documents which were referred to in Annexure No. II to the chargesheet and

were relied upon though they were not cited in the list of documents viz Annexure No. III to the charge-sheet. Looking into the nature of the charge levelled against the applicant, F.I.R., if any lodged at the Police Station by the Vigilance team, was also demanded for being produced in the enquiry before the examination of the prosecution witnesses listed in Annexure No. IV to the chargesheet.

(v). That on 12.1.1988, the applicant submitted an application to the Inquiry Officer again demanding the relevant documents referred to in Annexure No. II to the Chargesheet as well as the F.I.R. for being produced in the inquiry for effective cross-examination of the prosecution witnesses. For the preparation of his defence, the applicant also desired certain information relating to the case. The said application dated 12.1.1988 is being filed herewith as ANNEXURE A-6 to this application.

(x). That on 20.1.1988, the Inquiry Officer, in a routine and arbitrary manner rejected the requests of the applicant for documents etc as contained in Annexure No. A-6 to this application and thereby caused serious prejudice to the defence case. It may be mentioned that rules provide that the power to refuse access to official records should be very sparingly exercised. The question of relevancy should be looked at from the point of view of the defence and if there is any possible line of defence to which the documents

may, in some way, be relevant, though the relevance is not clear to the disciplinary authority at the time the request is made, the request for access should not be rejected.

The Inquiry Officer, while rejecting the request of the applicant, did not take the above rule, printed at page 38 (para 2) of Brouchure on Railway Servants (Discipline & Appeal) Rules, 1968 into consideration. The order dated 20.1.1988, by means of which the request of the applicant has been turned down by the Inquiry Officer, is filed herewith as ANNEXURE NO. A-7 to this application.

Annexure A-7.

(y). That in the inquiry, only Sri A.A.Jaisi, T.T.E. and two Vigilance Inspectors namely S/Sri S.K.-verma and R.K. Bajaj, who were the cited witnesses of the chargesheet were examined. Despite request made by the applicant, Sri Jamil Ahmed, Vigilance Inspector, who was a material witness of the case and was cited as one of the prosecution witnesses was not produced. Similarly, the Sr. Chief Inspector of Tickets, Lucknow, who was the material witness of the case as his alleged letter dated 26.3.1987 was relied upon by the prosecution was also not produced and ^{got} cross-examined by the defence. Without affording an opportunity to the applicant to cross-examine the said witness, his letter dated 26.3.87 was relied upon by the Inquiry Officer, punishing authority and appellate authority and on that basis it has been concluded that the reservation charts

in question were not deposited by the applicant and , thus, the applicant was punished.

z). That after the examination of the aforesaid three witnesses of the prosecution, the Inquiry Officer abruptly closed the prosecution case and called the called applicant with his defence evidence.

(z.1). That on 11.5.1988, the applicant submitted the list of defence witnesses and requested the Inquiry Officer to examine them after arranging their attendance in the inquiry and also to allow time to the applicant to call for those defence witnesses, who were not serving in the Railway. A photo stat copy of the list Annexure A-8. dated 11.5.1988 is filed herewith as ANNEXURE A-8 to this application.
(z.2).

(z.2). That the Inquiry Officer did not accept the list of defence witness said above and rejected the same in an arbitrary manner. The order dated 11.5.88 of the Inquiry Officer rejecting the request of the applicant is available at the margin of Annexure A-8.

(z.3). That by the aforesaid act of the Inquiry Officer, the defence case suffered serious prejudice and the applicant was deprived of his right to defend his case properly even at this stage.

(z.4). That on 17.5.1988, the applicant was examined by the Inquiry Officer and thereafter the entire case was closed

Annexure - A-9

(z.5). That thereafter on 28.6.1988, the Inquiry Officer submitted his report and finding wherein the applicant was partly held guilty and partly not guilty of the charges levelled against him. However, report submitted by the Inquiry Officer was not in accordance with the provisions contained under sub rule 19(1) of rule 9 of the Railway Servants Discipline and Appeal Rules, 1968. A True Copy of the said report dated 28-6-88 is Annexure No. A-9 to this application.

Annexure A-10

(z.6). That thereafter, the respondent no. 3, without affording an opportunity to the applicant to show cause against the report of the Inquiry Officer, as required under rule 10 of the aforesaid Rules, imposed the so called penalty of reduction to lower grade of Rs. 950-1500 (RPS) at the initial pay of Rs. 950/- per month affecting his future increments for a period of three years vide order No. VIG/45//D/87/LCS dated 31.8.1988 which is being filed herewith in the shape of its photo stat copy as ANNEXURE NO. A-10 to this application.

(z.7). That no such penalty, as imposed upon the applicant, is defined in rule 6 of the Railway Servants Discipline and Appeal Rules, 1968; and as such the imposition of such penalty was illegal and without jurisdiction and un-enforceable under the law.

(z.8). That by means of an appeal dated 4.10.1988 under rule 18 of the aforesaid Rules, the applicant challenged the validity of the aforesaid

order of punishment before the respondent no. 3. A true copy of the said appeal dated 4.10.1983 is being filed herewith as Annexure No. 11.

Annexure
No. 11

(z.9). That on the facts and circumstances mentioned in the aforesaid appeal, the punishment awarded to the applicant, being contrary to law, rules and violative of the Principles of Natural Justice, was liable to be quashed, but the respondent no. 2-the appellate authority, without due application of mind as required under rule 22 of the aforesaid Rules, rejected the same in a routine manner and held the applicant guilty of charges, but on consideration of peculiar circumstances of the case and his past ^{& of the applicant} service record, the punishment was reduced into his reduction in the same time scale of pay that is Rs.- 1200-2040 at Rs. 1200/- per month for a period of two years without cumulative effect vide his order No. Vig/45/D/87/LCS dated 6.6.1989. A true photo stat copy of the said order dated 6.6.89 is being filed herewith as ANNEXURE NO. 12 to this application.

Annexure
No. 12

(z.10). That the aforesaid order passed in appeal was sent to the applicant through Divisional Chief Inspector of Tickets, Northern Railway, Lucknow under whom the applicant, after his reduction as Ticket Collector was not working. Since he was working under Chief Inspector of Tickets/Station, Lucknow, the said order could be served on him on 26.9.89 when he came to know about the same.

15

(z.11). That the orders contained in Annexure No. A-1, A-10 and A-12 are wholly illegal, arbitrary being violative of the departmental rules and Principles of Natural Justice and they are liable to be quashed.

7. Details of remedies exhausted:

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

8. Matter not previously filed or pending with any other court.

That the applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal and not any such application, writ petition or suit is pending before any of them.

9. Reliefs sought:

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

(a) That this Hon'ble Tribunal be pleased to quash the order contained in Annexure No. A-1 and order contained in Annexure No. A-10 and A-12 to this application with all consequential benefits which the appli-

amt would have received had he not been placed under suspension and punished.

(b). Cost of the application may also kindly be awarded to the applicant.

G r o u n d s.

(a). Because the order of suspension has been passed without good and sufficient justification and it has been passed as a measure of punishment.

(b). Because the chargesheet was not issued after due application of mind, as required under the law and rules rather it was issued ~~by~~ by the disciplinary authority at the direction of the interested party namely the Vigilance.

(c). Because the enquiry has been held in violation of rules and Principles of Natural Justice and in that the applicant was denied opportunity to defend his case.

(d). Because the report and findings of the Inquiry Officer are illegal and against the rules and they cannot be made a basis to punish the applicant.

(e). Because the order of punishment passed by the respondent no.3 is illegal, without jurisdiction and against the rules; as such it is no order.

in the eyes of law.

(f). Because the order passed by the respondent no. 2 is also illegal and arbitrary and cannot be termed as speaking order.

10. Interim order if any prayed:

In the facts and circumstances of the case, the applicant prays for no interim order.

11. Particulars of the Postal Order:

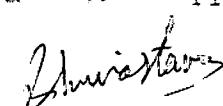
- i). Number of Indian Postal Order: 862 415904
- ii). Name of issuing post office: High Court Branch
- iii). Date of issue of postal order: 17/9/90
- iv). Post office at which payable: Allahabad

12. Details of Index:

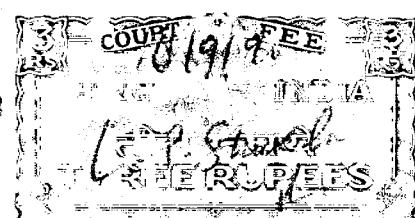
An index in duplicate containing the details of the documents to be relied upon is enclosed.

Verification:

I, P.K. Srivastava, aged about 40 years son of Sri N.B. ^{lal} Srivastava, T.T.E. under Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow, do hereby verify that the contents from paragraphs § 1 to 12 of this application are true to my knowledge and belief and that I have not suppressed any material fact.


Signature of the applicant.

बदलत श्रीमान
(वादी)



प्रतिवादी

टकट

(वादीअपोलान्ट)

C.R. No.

मु १९९०

वकालतनामा

COURT (8) FEE — P.R.C. — Application
वनाम प्रतिवादी (रेस्पान्डेन्ट)
Union of India — Respondents
पेशी को ता० १९ ह०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Chaitanya Attocles
C/o (Managing Director) — वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जचावदेही व प्रश्नोच्चर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करे या सुलहनामा व इक्वालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तमदीक करे या मुकदमा उठावे या कोई रुपया जमा करें या हमारी या बिपश्ची (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंचनियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमारी सर्वदा स्वीकार हैं और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या अपने किसी परोक्तार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिये यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ह०

स्वीकृत

प्रमाणित

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C. I. No. O.F 1990 (L).

P.K. Srivastava ... Applicant.

Versus

Union of India & others ... Respondents.

List of Enclosures:

		Page:
1.	Annexure A-1. Photo stat copy of suspension order dated 15.6.1987.	17
2.	Annexure A-2. Photo stat copy of representation dt. 11.3.87.	18 to 20
3.	Annexure A-3. Photo stat copy of Chargesheet dated September, 1987.	21 to 25
4.	Annexure A-4. Photo stat copy of Letter dt. 26.3.1987 of Sr. CIT/Station/Lucknow.	26
5.	Annexure A-5. Photo stat copy of interim reply dated 15.10.87 to the chargesheet.	27 to 29
6.	Annexure A-6. Photo stat copy List of documents dt. 12.1.1988.	30 to 31
7.	Annexure A-7. Photo stat copy of orders dt. 20.1.88 of the Inquiry Officer.	32 to 33
8.	Annexure A-8. Photo stat copy list of defence wit- nesses dated 11.5.88.	34
9.	Annexure A-9. Photo stat copy of Inquiry report dt. 20.6.88.	35 to 36
10.	Annexure A-10. Photo stat copy of order dt. 31.8.88 of respondent no. 3.	37
11.	Annexure A-11. Photo stat copy of Appeal dt. 4.10.88	38 to 43
12.	Annexure A-12. Photo stat copy of appellate order dated 6.6.89 passed by respondent no. 2.	44

2/iv/89
Signature of the applicant.

N.R.

Genl.184

Standard Form No.1.

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

Confidential
No.Vig756/C/877LCS

Name of Railway Administration ...

Divisional Office,

Place of issue - Lucknow - Dt. 15/6/87.

ORDER

Whereas a disciplinary proceeding against
Shri P.K. Srivastava, TTE(HQ)/Lucknow
(Name and designation of the Railway services)
is contemplated/pending.

Now, therefore, the undersigned (the authority competent
to place the Railway servant under suspension in terms of the
Schedules I, II and III appended to RS(D & A) Rules 1968/ an
authority mentioned in proviso to Rule 5(1) of the RS(D & A)
Rules, 1968, in exercise of the powers conferred by Rule 4/
proviso to Rule 5(1) of the RS(D & A) Rules, 1968 hereby place
the said Shri P.K. Srivastava under suspension with immediate
effect.

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

Signature.

Name - (Baldev Singh)

Sr. Lvl. Comml. Supdt.,
N.Rly., Lucknow.

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

Copy to:- ✓
Shri P.K. Srivastava, TTE(HQ)/LKC (Name and designation of
the suspended Railway servant). Orders regarding subsistence
allowance admissible to him during the period of suspension will
issue separately.

2. Supdt.'E' & PB.
3. CIT(stn.)/NR/Lucknow.

Pls. note & tested/True Copy
✓

L. P. S. & I.A
Advocate

18
The Sr. Divisional Commr. Supdt.,
Northern Railway,
Lucknow.

ANNEXURE NO

A-2

Through : The proper channel.

Representation for revocation of suspension
made under Order No. Vig/56/C/87/LCS dated
15.6.1987 passed by your goodself.

Respected Sir,

Aggrieved by the afore-mentioned order of sus-
pension, the representationist, most humbly and respect-
fully, submits as under :-

1. That on the ground of a disciplinary pr proceeding being contemplated/pending, the representationist, by order mentioned above, was placed under suspension on and with effect from 15.6.1987 and eversince the said suspension is continued without any Chargesheet.
2. That under rule 18 (1) of the Railway Servants - Discipline & Appeal Rules, 1968, the appellant has a right to prefer an appeal against the order of suspension but no such appeal, in the absence of chargesheet can be preferred which is an injustice to ~~me~~ to him.
3. That the representationist, to the best of his knowledge and belief, has committed no wrong or misconduct in the discharge of his duties or otherwise warranting his suspension.
4. That the presence of the representationist on duty, in no way, will be detrimental to the interest of the Rail- way Administration as there is no apprehension of the offi- cial records being mutilated or evidence tampered.

D. N. Patel
Atticus & Co.
Advocates
L. P. S. I. L.
Advocate

5. That the representationist has come to know that S/Shri P.K. Puri and R.N. Nagar, TTEs, who were placed under suspension, have been put back to duty and they have also been served with Chargesheets but in the instant case of the representationist no such action has been taken.

6. That the representationist being similarly placed, is entitled to receive the very same treatment as has been done in the cases of the aforesaid T.T.Es within the meaning of Articles 14 and 16 of the Constitution of India.

7. That there are instructions of the Railway Board that staff must not be suspended indiscriminately and without good and sufficient justification and that it must be appreciated that suspension of an employee, in circumstances which do not actually warrant suspension, is un-economical from administration point of view as the employee has to be paid subsistence allowance for the period of suspension and sometimes full pay and allowances also, without getting any work from him. Besides, the staff under suspension has to suffer considerable mental torture and economic hardship.

In view of the above, the order of representationist suspension is not only painful to the ^{him} undersigned but also detrimental to the interest of the administration in the facts and circumstances stated in this representation.

8. That under the facts and circumstances mentioned above and specially in view of no chargesheet having ^{nor} been served on the representationist till date, the order of suspension, at this stage, is highly unjustified rather ^{punititive} in nature and against all canons of justice.

True
Attested, True Copy,

Shrinivas

9. That the representationist shall suffer irreparable losses and the members of his family will face the days of starvation if the order of his suspension is not revoked which will ultimately cause serious prejudice to the defence case.

10. That in terms of provisions contained under rule 5(5)(c) of the Railway Servants Discipline & Appeal Rules, 1968, your goodself is fully empowered to revoke the order of representationist's suspension in the facts and circumstances mentioned above.

It is, therefore, most respectfully prayed that your goodself may kindly look into the matter with a judicious view and to meet the ends of justice, the order of representationist's suspension be revoked so that an innocent person may not suffer further.

Thanking You.

Yours faithfully,

Srinivas (P.K.Srinivas)

(P.K.Srinivas) TTE/Lko. 1st
(Under Suspension).

Dated 11-8-1987.

Forwarded
S. Srinivas
P. C. Officer
1st
11-8-1987

*Recd
by
11/8/87
(AIPS)*

Forwarded
Attested: *Ch. Secy Cmpt*
V. Srinivas
L. P. 11
A. C. 11

STANDARD FORM OF CHARGE SHEET.

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

No. NIG/D/A5/87/LGS

Divl. Office,
Lucknow

(Name of Railway Administration)

(Place of issue) Dated, Sept., '87....

MEMORANDUM

The President/Railway Board/undersigned propose(s) to hold an inquiry against Shri.... P.K.Srivastava..... under rule 9 of the Rly. servants (Discipline & Appeal) Rules, 1968. The substance of the imputation of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV). Further, copies of documents mentioned in the list of documents, as per Annexure III are enclosed.

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

3. Shri.... P.K.Srivastava..... is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of Railway Trade Union who satisfies the requirements of rule 9(13) of the Railway Servants (Discipline and Appeal) Rules, 1968 and note I and/ or note 2 (1) (under as the case may be) for inspecting the documents and assisting him in presenting his case before the Inquiry Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting railway servant(s) or Railway Trade Union Official(s) Shri.... P.K.... Srivastava..... should obtain an undertaking from the nominee(s) that he (they is (are) willing to assist him during the disciplinary proceedings. The under-taking should also contain the particulars of other case(s) if any.

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

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

Contd.... 2/-

Chauhan
Attested/.....
C. Chauhan
L. P. S.

Contd. --

-3-

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

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

Q. Where the president is the disciplinary Authority.

Q. To be retained whenever president or the Railway Board is the Competent authority.

Q. To be used wherever applicable See Rule-16(1) of the RS (D&A) Rule 1963 not to be inserted in the copy of the Railway Servant.

Amritpal
Attested Copy
V. S. Saini
L. P. C.
Advocate

Articles of charges on the basis of which action is proposed to be taken against Sri P.K.Srivastava-I, TTE/LKO.

Sri P.K.Srivastava-I, TTE/HQ-LKO while working as Captain of the team of the TTEs in train no.415 Up between Kundaharnamganj to Raebareli on 26.3.1987 committed the following misbehaviour and misconduct :-

1. That he allowed one freedom fighter, two MLAs along with their 3 companions holding improper tickets to travel in 1st ACC of 415 Up unauthorisedly.
2. He allowed as many as six passengers without tickets to travel in AC chair car and failed to regularised them upto Kunda Harnamganj.
3. He misbehaved with the VIs by sending muscle man to threatened the VIs to stop the check and leave the train.
4. He destroyed the evidences collected ~~as~~ by the VIs against him by snatching the seized documents and not depositing the reservation chart used in the train.

By the above act of omission & commission he not only failed to maintain the absolute integrity and devotion to duty but also misbehaved with the VIs and acted in a manner of unbecoming Rly.Servant thereby contravened rule no.3.1 (i), (ii) and (iii) of Rly.Services Conduct Rules, 1966.


(Y. SINGH)
Sr.Divl.Comml.Suptd.,
Lucknow.

Annexure-II

Statement of imputations on misconduct in the support of article of charges against Sri P.K.Srivastava-I TTE/HQ-LKO.

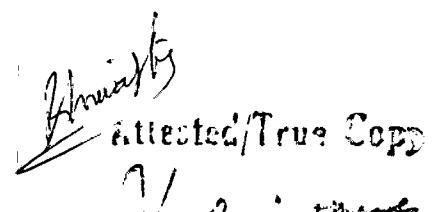
...

During the course of vigilance check conducted by a team of VIs of N.Rly. in upper class of train no.415up between Kunda Harnamganj and Raebareli on 26.3.87. All the TTEs working in the train were found sitting in the 1st ACC Sri Ganesh Datta alias Babaji - M/73, holding 1st class complementary card pass No.025731, issued by D.R.M. Allahabad along with 5 others including two MLAs holding EFT No. 097899 dt. 26.3.1987 issued from Booking Office/PRG in favour of two adults on R.T.C. ex-PRG to LKO and 1st class ticket no.02166 ex-PRG to LKO issued on R.T.C., 2nd class tkt. No.8806 dt. 26.3.87 ex-PRG to LKO were found travelling in 1st ACC unauthorisedly. Sri PK Srivastava-I who was working in the capacity of the Captain of the TTEs from ALD to LKO, was asked as to why he had allowed unauthorised passengers as well as TTEs to travel in 1st ACC, he stated orally that no seat was available in AC chair car. That is why one freedom fighter and two MLAs along with 3 companions were travelling in 1st ACC. As regards unauthorised journey by the TTE he kept mum and directed all the TTEs to go their respective coaches.

On checking the ACC chair car about six, seven passengers were found travelling without tickets. Sri PK Srivastava-I took a plea that he could not regularise them upto Kunda Harnamganj due to pressure of work. He further informed that they all were travelling with the MLA coupons and were not ready to pay the Rly.dues.

However, he was prepared to regularise them excluding 6 passengers travelling 1st ACC on RTC. Subsequently he directed one TTE namely Sri R.K.Saxena TTE HQ PBH to issue the EFT. Sri RK Saxena issued free EFT nos.788900, 306551 to 306554 to those without ticket passengers against RTC.

Names of such passengers including MLAs were noted down in the reservation


Attested/True Copy
L.M.S. & L.A.
Advocate

chart, out of them two passenger could not produce any RTC through Sri A.A. Jaisi, TTE/HQ-BSB in AC chair car vide EFT No.663246 and 663247. Then Sri Srivastava was asked to prepare and produce the position of 1st ACC and AC chair cars and questioned to reply as to why he had failed to stop the entry of unauthorised passengers in AC chair car and to get them regularised before Vig. check upto Kunda Harnamganj. He stated verbally that those without Tkt. passengers were 'gunda' elements of that area that is why he could not stop their entry in AC chair car and 1st ACC. Sri PK Srivastava was asked to state the reasons of the above noted irregularities and to hand over the Resvn. chart for further scrutiny, he started noting down the position of the coaches but disappeared from the place. After two or three minutes in between Unchahar and RBL one mussleman came across to Sri S.K.Verma, V.I. and Sri RK Bajaj, VI and threatened them to kill them. At the same time he took out his revolver and asked the VIs to refund the money paid by the two ~~KKKKKK~~ ticketless travellers viae EFT No.663246 & 663247.

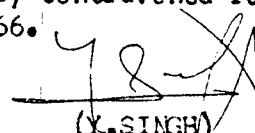
He also threatened that he will kill Sri SK Verma/VI's brother who is employed as J.E. at Kunda Harnamganj if any report was lodged against any of the STEs/TTEs.

As Sri PK Srivastava had concealed his presence somewhere in the train the mussleman threatened the VIs to get down from the train, it was considered by the V.I. to leave the train at RBL to avoid any untoward incident.

On arrival at LKO it was noticed by the VIs that Sri Srivastava had neither reported his arrival in the movement register nor he submitted the reservation chart with the CIT/LKO.

Obviously he did so to destroy the evidence and cover up his irregularities. On the basis of above fact and circumstances there was sufficient reason to believe that it was Sri Srivastava who had sent the mussleman to the VIs to create terror in their mind so that no action be taken against him. It is also mentioned that Sri PK Srivastava snatched the statement recorded in the train against the TTE and seized documents from the VIs.

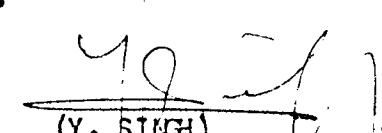
By the above act of omission & commission he not only failed to maintain the absolute integrity & devotion to duty but also misbehaved with the VIs and acted in a manner of unbecoming Rly. servant thereby contravened rule no.3.1 (i), (ii) & (iii) of Rly. services Conduct Rules, 1966.

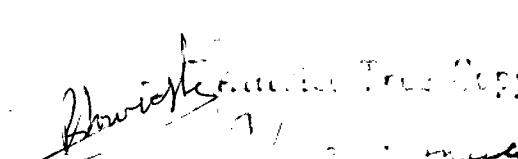

(Y. SINGH)
Sr. Divl. Comml. Supdt., Lucknow.

Annexure-III

List of relied upon documents:

- ✓ 1. Statement of Sri A.A.Jaisi, TTE/HQ BSB
- ✓ 2. Letter No.Sr CIT/Stn/1/87 dt. 26.3.87 issued by Sr.CIT/LKO.
- ✓ 3. Record foils of EFT No.663201 to 663250.
- ✓ 4. Record foils of EFT No.306551 to 306600.
- ✓ 5. Record foils of EFT No.788851 to 788900.


(Y. SINGH)
Sr. Divl. Comml. Supdt.,
Lucknow.

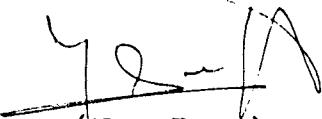

Bhawna Singh (F.I.C.S.)
Lokayukta
Advocate

ANNEXURE-IV

Y.S

List of witnesses:

- ✓ 1. Sri A.A.Jaisi, TTE/HQ/BSB
- ✓ 2. Sri S.K.Verma, VI HQ NDLS
- 3. Sri Jamil Ahmad, , ,
- ✓ 4. Sri R.K.Bajaj , ,


 (Y. SINGH)
 Sr. Divl. Comml. Supdt.,
 Lucknow.


 Nitesh Kumar
 M. A. LL.B.
 L. P. C. C. L.L.B.
 Advocate

RECEIPT NO A-4

EX-P-2

NORTHERN RAILWAY

No. SRCT/STN/11/87

A-26/3/87

from - SRCT/SEN Uco To the K.L./A.D.
 Barod Hse
 N.P.L.C.U.

Subj. Destination Reservation Chart
 of 415201 dt. 25-3-87

The destination reservation chart
 (Upper class) of Said train dt 26/3/87
 has not been deposited by the staff
 who worked as Conductor/Captain
 on the said train of A.D. to Lico
 in this office as per record.

Dr

S. B. M. P. S. S. W.
S. C. T. U. N. V. A.

J. M. D.

2. 2. 1987
 2. 2. 1987
 2. 2. 1987
 2. 2. 1987

Interim reply to Memorandum of chargesheet
(SF/5) No. VIG/D/45/87/LCS dated Sep. nlt, 1987.

Respected Sir,

Without prejudice to my representation dated 6.10.87, I beg to submit this interim reply to the memorandum of chargesheet referred to above. It follows as under : -

1. That with regard to charge no. 1, it is most respectfully submitted that the statements made therein are absolutely incorrect. The V.I.s have presented the facts in colourable exercise of the powers vested in them and that they had done ^{so} with a prejudice mind. Fact is that no person, as alleged, was allowed by me. The charge, therefore, is denied.
2. That the allegations made in charge no.2 are also incorrect, hence denied. The V.I.s have concealed the true facts and with a prejudice mind have given a different slant to the story in their own interest. They have mis-used the powers vested in them in that an innocent person has been implicated for otherwise reason and as a measure of revenge.
3. That with regard to charge no.3, it is most respectfully submitted, that the allegations contained therein are absolutely concocted and manufactured one. In order to make the case grave and to prejudice the minds of the authorities concerned, they have made such false allegations for which they are required to a strict proof. Further it is evident on the face of the charge/allegations itself that

Original Copy

1. Prabhakar

Advocate

they are based merely on presumptions and suppositions and not on any definite and concrete evidence. It is a settled principle of justice that no man would be punished merely on doubt, suspicion, surmises and conjectures. The charge, therefore, is denied.

4. That with regard to charge no. 4, it is most respectfully submitted that the allegations contained therein are absolutely incorrect, baseless rather false and concocted one. The V.I.s are required to a strict proof of their allegations. It would not be justified if a mere presumption is made a basis to punish the undersigned. They ^{have} made these false allegations with a view to make the case grave and prejudice the minds of the authorities concerned. The charge, therefore, is denied.

5. That it is worth mentioning that in the instant case, a differential treatment is being meted out to me and the mere presumptions were made out ^{a basis} to place the undersigned under suspension without any proper investigation through some impartial agency, which was a must in the circumstances of the case and to meet the ends of justice. Material facts and material evidence have also been concealed and withheld purposely with a view to keep the true facts behind the curtain. It is highly unjustified to place reliance on the solitary verdicts of the V.I.s which are not supported by any concrete evidence. Under these circumstances, the issue of chargesheet and to keep the undersigned under suspension for an indefinite period are highly unjustified rather prejudicial. The prolonged suspension ^{of} the undersigned will ultimately cause serious prejudice to the defence case and in that manner the justice is bound to fail.

6. That the abnormal delay on the part of the V.I.s

Filed, 1st Copy

2nd Copy

L. P. D. K. A.
Advocate

in furnishing the material evidence in support of their case to enable the disciplinary authority to make an assessment with regard to issue of chargesheet is indicative of the fact that they have not come with clean hands in the instant case. The concealment of material facts and material evidence on their part are further indicative of the fact of their being biased and their story ^{being} a concocted one.

7. That in the facts and circumstances mentioned in this interim reply which is being filed without going into the relied upon documents, which are still awaited, it is evident that the V.I.s have represented the case in a callous exercise of the powers vested in them with a prejudice mind and as a measure of revenge; and as such the action, which has been taken, without a proper investigation or holding a fact finding enquiry, is discriminatory in the eyes of law and administration of justice.

8. That the undersigned assures your goodself that he is innocent in the matter and has committed no ~~any~~ ^{other} misconduct, as alleged against him, in the discharge of his duties and as such the chargesheet issued to him and the order of his suspension which is still operative are highly unjustified and detrimental to the interest of 'Public Policy'.

It is, therefore, most respectfully prayed that your goodself may kindly be pleased to take a judicious view of the matter and be pleased ^{further} to pass an order revoking the order of my suspension and withdrawing the chargesheet for major penalty, which is not at all merited and unwaranted in the facts, circumstances and evidences of the case.

It is hoped that justice would be done at an early date to save the case from being further prejudiced,

Thanking You.

Dated 15/10/01

Yours faithfully,
(P.K.SARVASTAVA) TTE/LLC (and signature)

Govindasamy
Advocate
E. T. SHRIKANT
Advocate

The Inquiry Officer,
(A.C.S.-II),
Northern Railway,
Lucknow.

ANNEXURE NO.

A-6

X/

Sub : D&AR enquiry against the undersigned.

Ref : 1. My representation dated 4.1.1988,

2. Your Letter No. Vig/45/D/87/108
dated 4.1.1988.

Sir,

With reference to my application and your letter referred to above, I am submitting herewith the consent of Shri P.N. - Tripathi, D.I.I., DRM's Office, Northern Railway, Lucknow, who will act as my defence helper in the instant case.

Further, the under-mentioned documents as already demanded vide my representation dated 4.1.1988 referred to above and information relevant in the case may please be made available in the enquiry and shown to me well before the next sitting to set up my defence and cross-examine the prosecution witnesses effectively :-

I. Documents referred to in Annexure No. II to the Chargesheet & relied upon by the prosecution.

- (a). Records in respect of complementary card pass No. 025731 said to have been issued by 101/110 to Shri Ganesh Dattaji alias Bsc. ji.
- (b). Record/pasenger's foil of B.P.T. bearing no. 097899.
- (c). RTC on which 1st. Class Ticket No. 02166 & 2nd. class Ticket No. 3806 are said to have been issued.
- (d). Movement Register on which reliance has been placed by the prosecution in para 7 of Annexure No. II to the chargesheet.
- (e). Concerned Reservation Charts relied upon.

II. Additional documents:

...2...

Dhurwadkar

Attested/True Copy

N. Krishnamurthy

L. P. I. - 14

Advice

(f). F.I.R., if any lodged by the Vigilance Inspectors in respect of allegations contained in para 4 and 5 of Annexure No. II to the chargesheet.

III. Information sought for:

(g). Names of TTEs, who are said to have been travelling in Ist. AC vide para 1 of Annexure No. II to the chargesheet.

(h). Names and full particulars of 5 passengers referred to in para 1 of Annexure No. II to the chargesheet. Since these passengers are not being produced as prosecution witnesses, I would like to examine them as defence witnesses in the enquiry to state the facts, so information sought for is necessary.

(i). Names and full particulars of the 2 M.I.s referred to in para 1 of Annexure No. II to the chargesheet. Since these persons have not been named as prosecution witnesses, the defence, on receipt of their full particulars, will examine them as defence witnesses in the enquiry to state the facts.

The aforementioned documents and materials asked for are relevant in the case and most of them are the referred documents of the chargesheet on which prosecution has placed reliance. Therefore, their production in the enquiry is a must to follow the rules of Natural Justice.

It is, therefore, requested that the consent of my aforesaid defence helper may kindly be accepted and his attendance arranged in the enquiry on the date fixed and so on and to afford the reasonable opportunity of defence to the undersigned, the aforementioned documents and information may be made available well before the date of next sitting of the enquiry.

Thanking You.

Yours faithfully,

(Signature)
(P.K. Srivastava) TTE/LC
defendant.

Enc./One.
Dated 12.1.1988.

Shrivastava
Attested to be Copy
P. K. Srivastava
L. P. I. - 514
Address

Re: - Your representation dated 11.1.88
in D.M.R. Enquiry no. 191/101/88
for a copy of movement register. We are
answering to the charge sheet in
the following documents as well as the information
~~not~~ for sought for.

1) Complementary Rail Pass No. 02-731 issued in
favour of Sri Ganesh Dutt alias Babaji

Disposal - The validity of the Rail Pass for
1st class is not in question and
not required.

2) Record/Passenger's book of BPT bearing
No. 0917899

Disposal - The BPT not valid 1st class and
this fact is not in dispute whence not
required.

3) RTC of 1st class ticket No. 02166 - in Pass
Ticket no. 8806.

Disposal - Same as under ② & ③ above.

4) Movement Register, although this is not
very relevant record because the
presence of on the Train is not disputed
rather the cause of the fall.

5) Reservation chart

Disposal - It has not been submitted by the
employee himself as alleged in Page 7 of
charge II

*Ministry
of Railways
7/1/1988
Cops
A.7*

6) F.I.R. & any charge by vigilance committee.

Disposal - There being nothing in record, copy of F.I.R. if lodged will be made available when vigilance committees attend the ~~the~~ ^{next} inquiry on the next date.

D) Information sought

Disposal - These can be brought about by the defence during the cross examination of the prosecution witnesses.

T. D. M
d.f/p
Acc/H.K.V.
20.1.88.

B. Mistry
Affected, True Copy
B. Mistry
L.L.B., I.A.
Advocate

The Inquiry Officer,
(Asstt. Commr. Supdt.),
Northern Railway,
Lucknow.

34

ANNEXURE NO.

A-8

X9

Sub : D&AR enquiry against the undersigned
arising out of Memorandum of Chargesheet
(SF/5) No. VIG/D/45/87 dated sept.-, 1987.

Ref : Your Letter No. VIG/45/D/87/LCS dated
15.4.1988.

Sir,

With reference to your letter referred to above, I have to say that since the M.L.As proposed to be examined in the enquiry as defence witnesses, due to their non availability and my being busy in the discharge of my duties, could not be contacted earlier, the list of defence witnesses could not be submitted in time as desired.

Now I am submitting herewith the list of defence witnesses as under :-

*No further trial
will be allowed
at this stage
as it is clear
at the enquiry
will be held
at a later date*

1). Sri S.B. Singh,)	T.T.Es/BSB.
2). Sri M.L. Gupta-II,	}	
3). Sri Abdul Aziz,	}	
4). Sri R.K. Sen, ..	T.T.E./PRG.	
5). Sri A.N. Singh, ..	M.L.A.(UP)	
6). Sri R.K. Mishra, ..	M.L.A.(UP).	

It may be mentioned that the witnesses mentioned above are the material witnesses of the case as they know the true facts.

It is, therefore, requested that some suitable date may kindly be fixed in the enquiry and arrangements may please be made to arrange the attendance of the witnesses cited against the serial nos. 1 to 4. The witnesses cited against serial nos. 5 and 6 will be requested by me to attend the enquiry on the next date

Thanking You.

Dated 11-5-1988

Yours Faithfully,

Srivastava
(P.K. Srivastava) TTEZLKO
Allecto, Lucknow

Srivastava

DAR ENQUIRY REPORT IN CASE NO. VIG/45/D/87/LCS AGAINST SHRI P.K. SRIVASTAVA, T.T.E., LUCKNOW :

In terms of Order No. Vig/45/D/87/LCS dated 19th November 87, the undersigned was appointed as Enquiry Officer to enquire into the charges brought out in Memorandum of Charge Sheet No. Vig/D/45/87-LCS dated 24th September 87.

The case was given to the undersigned on 15.12.87 for going ahead with the enquiry. In all 8 sittings were held on different dates and the progress made is as under :

1st date was fixed for 4.1.88. The employee attended without any defence counsel and appealed for 15 days more time which was allowed in order to be fair and 20.1.88 was fixed.

2nd date was fixed for 20.1.88. Enquiry started. The request of defence for inspection of documents and their copy was disposed off. The defence denied the charges.

3rd date was fixed for 4.2.88. Statements of Shri S.K. Verma VI and Shri A.A. Jaisi, TTE (PW) were recorded.

4th date was fixed for 22.2.88. ~~Shri R.K. Bajaj~~ None of the V.I. R.K. Bajaj and Jamil Ahmad attend. Letter issued for their attendance.

5th date was fixed for 9.3.88. Shri R.K. Bajaj attended but due to absence of defence, the enquiry had to be postponed.

6th date was fixed for 6.4.88. Statement of Shri R.K. Bajaj VI was recorded.

7th date was fixed for 11.5.88. Defence failed to attend with the D/O and required more time for the same which had to be denied as they were not able to arrange their presence during the last four months. The defence then requested for time to prepare defence before giving statement before the Enquiry officer which was allowed.

8th date was fixed for 17.5.88. The employee gave his prepared statement and was cross-examined.

The case and the finding :

The employee has been charged with allowing one freedom fighter and two MLAs with 3 companions holding ~~improper~~ tickets to travel in 1st AC of 415 on 26.3.1987.

The defence has taken the plea that the charge is an act of revenge or account of charging of brother of Shri S.K. Verma, V.I. by one of employee's colleagues. The plea may be right or wrong but it will not change the facts and the fact is that on check, the VI's team did find one freedom fighter and two MLAs with 3 companions travelling irregularly in 1st AC of 415 on 26.3.87. This charge has not been disproved by the defence. Indeed no effort was made to disprove it.

Z. Hussain

However, it is to be seen whether the employee allowed them or did they misused their position and occupied 1st AC on their own and the employee felt helpless. Seeing the atmosphere these days, it is unlikely that the employee got any pecuniary or other benefit out of it and hence there is no vigilance angle to it.

The second charge against the employee is that he allowed six passenger without tickets to travel in AC chair car and failed to regularise them till KHNW. Out of those 4 were regularised on RTC and two on cash payment. This fact is borne out by the statement of Sri A.A. Jaisi TTE who charged two passengers on being asked by the VI and issued them a PI No. 663246 and 47. This charge has not been properly refuted except on ground as stated in answer to first charge. This is not proper defence. It might not have been with active connivance of the employee, but the fact remains that these passengers were so detected by the VIs on the train which was being captained by the employee. Hence this charge stands proved but it is also noteworthy that at no stage, prosecution has insinuated that the passengers were allowed on some monetary consideration by the employee. It is dereliction of duty not corruption.

The third charge against the employee is misbehaving with the VIs and sending musclemen to threaten them.

No evidence of misbehaviour has been given by the two VIs who appeared before the enquiry. They have only stated that the employee pointed out to the VIs that the ticketless travellers are local unsocial elements which cannot be construed as misbehaviour. As for sending musclemen by the employee, the charge is based purely on surmise and presumption which is not evidence. The muscle men could have been and most likely were sent by the charged passengers who as the VIs were told by the employee earlier, were local unsocial elements. No FIR was lodged either at Raebareli or any other place by the VIs so threatened as is normally required under such conditions. This charge therefore, is not proved.

The last charge against the employee is that he snatched and destroyed the evidence collected by the VIs against him. The evidence as such has not been specified by Sri B.K. Bajaj, V.I. when asked vide Q. No. 5. It is also to be kept in mind that both the VIs have not given out even in their statement as to what was the basic content, if any, of that evidence. On the facts as brought out this appears to be far fetched as how could anyone snatch a document from other's hand unless it is being carelessly held by other person.

However, the employee has not been able to explain his non-submission of completed reservation chart at destination for whatsoever reason and hence this part of the charge stands proved.

K.M. Lal 20/6/00
Enquiry Officer
Asstt. Comml. Supdt. - II
Lucknow.

Chintan
Editor, The C.
C. Chintan
L. P. I. I. A.
Aga

No. VIG/45/0/87/LCS

Divl. Office,
Lucknow.

ANNEXURE NO. A-10

August 11, 1988

Sri P.K.Srivastava-I,
T.T.E., Lucknow.

THR:DCIT/LKO

A D&AR enquiry into the charges contained in the memorandum no. even dated 24.9.1987 was conducted by the Enquiry Officer (ACS(II LKO) who submitted his findings. and have decided your case as under :-

1. Sri P.K.Srivastava, TTE was working as Conductor 416. The train is a very sensitive train and so it is really difficult for the Conductor to have turned out the companions of the M.L.A. and freedom fighters and under the prevailing political set up it is unlikely that the ulterior motives were involved in this case.

"Regarding the 2nd charge i.e. of taking 6 passengers free till Kundaharnamganj. He is definitely responsible for not checking them up for full one hour. He also did not deposit the reservation chart at destination. Hence for this omission he should be reduced to lower grade of Rs.950-1500(RSP) at the initial pay of Rs.950/-p.m. affecting his increment for a period of three years cumulatively."

I, therefore, hold you guilty of the charges levelled against you and have decided to impose upon you the penalty of reduction to a lower grade. You are, therefore, reduced with immediate effect to the lower grade of Ticket Collector in the scale of Rs.950-1500(RSP) at the initial pay of Rs.950/- per month affecting your increment for a period of three years cumulatively.

2. Under rule 18 of the Railway Servants(D&A) Rules, 1968, an appeal against these orders lies to Addl.Divl.Railway Manager (T), ~~Lucknow, Lucknow, provided -~~

- i) the appeal is submitted within 45 days from the date you receive the orders; and
- ii) the appeal does not contain improper or disrespectful language.

Please acknowledge receipt of this order.

DA-Finding attached.

(ASHIMA SINGH)
Sr.Divl.Comml.Suptd.,
Lucknow.

Copy to:-

1. GM(VIG) ND LS for information in reference to his letter No. VIG/MIGC/58/87/TFC dated 14.9.1987.
2. Supdt. E ..
3. DCIT/LKO
4. CIT/Station/NR/Lucknow } for information and necessary action.

Ramwati

Attested/T. e Copy

11

Shivam Mehta

C. L. S. (I.A.)

Advocate

The Addl. Divl. Rly. Manager,
Northern Railway,
LUCKNOW:

XCM

Through : Proper Channel.

APPEAL under rule 18 of D&A Rules, 1968 against Order No. Vig/45/D/87/LCS dated 31.8.1988 passed by Sr. DCS/Iko imposing the penalty of reduction to lower grade of Ticket Collector in the scale of Rs. 950-1500 (RSP) at the initial pay of Ra. 950/- per month affecting my increments for a period of 3 years cumulative.

Respected Sir,

Aggrieved by the order above, the appellant prefers this appeal under rule 18 of D&A Rules, 1968 for your kind consideration and justice into the case. It is respectfully submitted as under :-

(1). That the appellant, prior to imposition of penalty under appeal, was serving as Train Ticket - Examiner (TTE) on pay Rs. 1410/- in grade Rs. 1200-1800 (RSP).

(2). That in terms of the punishment order under appeal :-

(a). the status of the appellant has been lowered down from T.T.E. to T.C.;

(b). the appellant's pay scale has been reduced from Rs. 1200-1800(RSP) to scale Rs. 950-1500 (RSP);

(c). the pay of the appellant has been reduced from Rs. 1410/- to Rs. 950/- i.e. at the initial stage of the grade of T.C; and

(d). the increments of the appellant has been also been stopped permanently for

1. *.....*
2. *.....*
3. *.....*

.....
.....

(2)

a period of 3 years.

2). That as per findings of the punishing authority (photo stat copy enclosed) as available in the order under appeal, the afore-mentioned punishments have been imposed upon the appellant for two reasons indicated below :-

- (i) For not checking up the 6 passengers for full one hour and
- (ii) for not depositing reservation chart at destination.

Thus the aforesaid two reasons are the sole basis of the punishment order under appeal.

3. That at the very outset, the appellant submits that the punishments imposed upon him with amounts to triple punishments within the meaning of rule 6 of the Railway Servants Discipline & Appeal - Rules, 1968. A minute observation of the said rule will further reveal that the appellant has been awarded four punishments in one case and for one cause of action/^uset forth in the chargesheet. The appellant has been reduced to a lower post from T.T.E. to T.C., which is one of the major penalties as specified in sub rule (vi) of rule 6 of D&A Rules, 1968. The appellant has further been reduced to a lower time scale of pay i.e. from 1200-1800 (RSP) to a time scale of Pay Rs. 950-1500 (RSP), which is also one of the major penalties specified under rule 6(vi) of the said rules. The pay of appellant has further been reduced at a lower stage in the reduced pay scale which is also one of the major

Attested/True Copy

R. M. S. A.

L. P. S. C. L. A.

Advocate

penalties as specified in sub rule (v) of rule 6 of the D&A Rules, 1968. The increments of the appellant have also been stopped permanently for a period of 3 years, which is one of minor penalties as specified in sub rule (iv) of rule 6 of the said rules. In this way, the appellant has been awarded 3 major penalties and one minor penalty which are not only in violation of the departmental rules but also violative of Article 20 of the Constitution of India. Therefore, the punishments order is bad in law and rules both and liable to be quashed in this appeal.

4. That rule 6 of the Railway Servants (Discipline & Appeals) Rules, 1968 provides that every punishment as specified in the rule (major or minor) shall be imposed for good and sufficient reasons upon a railway servant. It goes to show that quantum of punishment would depend upon the gravity of offence, which stands proved by the evidence. In the instant case, your honour will observe that the appellants ^{has been punished} ~~for~~ ^{no good} ~~such~~ reason and cause i.e. for not checking up the 6 passengers for full one hour and not depositing the reservation chart which also do not stand proved by the evidence on the record in the enquiry. Thus imposition of such capital punishments is further violative of the departmental rules and the principles governing the administration of justice. Therefore, the order of punishment is further liable to be quashed by your goodself in this appeal.

5. That with regard to first finding of the

Alleged True Copy

A. M. J. A.

L. M. A. & C. A.

Advocate

Signature

punishing authority for not checking the 6 passengers for full one hour, it is respectfully submitted that initially the appellant was not conductor. He was simply a T.T.E of the train in question. While working the said train ex. Allahabad to Lucknow, the appellant noticed that the coaches of upper classes were un-manned as the booked Conductor had not attended. In order to avoid public complaints and the complaints of politcal leaders travelling in the train, the appellant, being senior to other T.T.Es working the train, preferred to work as conductor in the wider interest of the Rly., Administration, which was purely casual in the circumstances mentioned above. In such circumstances, the appellant started to work as a conductor of the train. Obviously it took time in checking the upper class coaches. The appellant had also to get other coaches of lower classes managed through other T.T.Es, which also consumed time as the train was badly packed. Under these circumstances, the delay occurred in the checking but in this act, there was nothing malafide on the part of the appellant as also observed by the punishing authority in the opening para of its findings.

In the circumstances explained above, the appellant has committed no wrong in the discharge of his duties warranting for such heavy punishments. The observations of the punishing authority with regard to appellant's failure in checking the 6 passengers for full one hour is highly prejudicial and against the practical difficulties which are often faced by the checking staff in such circumstances. The appellant, therefore, is entitled to a clear acquittal of the allegation, which has been made a basis to

Attest/T-2 Copy

Amrit Singh

L.L.B. M.A.

Advocate

punish him. XG

6. That with regard to second observation of the punishing authority that the appellant did not deposit the reservation chart at the destination, it is most respectfully submitted that the reservation chart in question, ^{per} as/procedure prescribed by the Railway Administration, was deposited at the destination in the very same manner as is always done. Fact is that the chart in question was picked up by the Vigilance and since there was nothing favourable to it, it was withheld so as to defeat the defence. Here it is relevant to mention that in this connection a fact finding enquiry was also ordered to be held by the P.C.I. wherein ^{the appellant} Y was afforded an opportunity to explain his conduct. On demand, a duplicate chart of reservation was filed by the appellant. It may be mentioned that conductors maintain and preserve a duplicate of the original chart for various purposes. The said duplicate might be available in the concerning file.

From the above-mentioned fact, it is quite clear that the appellant was never guilty conscious and that he deposited the chart in question at the destination. The Vigilance failed to lead any evidence to support the allegation in the enquiry. The Vigilance further failed to lead any evidence to specify the evidence which it had collected and the appellant, by snatching the same, had destroyed. This aspect of the case clearly indicates the prosecution case being false.

Attended the Copy

P. S. Mehta

L. M. Mehta
Advocate

Shivnath

7. That in the facts and circumstances mentioned above, your goodself will see that the appellant is innocent in the matter and has committed no wrong in the discharge of his duty warranting for such heavy punishments.

In the name of justice, it is most respectfully prayed that your goodself may be pleased to consider this appeal with a judicious view and to meet the ends of justice the punishments awarded to the appellant may be quashed as they are contrary to law and rules. The appellant further prays that a personal hearing may also be granted to the appellant alongwith his defence helper on this appeal.

Thanking You.

Yours faithfully,

P.K. Srivastava
(P.K. Srivastava),
TTE now reduced as T.C.
under Sr. C.I.T./Stn./Lko.

Dated 3.10.1988.

*Pradeep
Srivastava
C.I.T./Lko.*

*Pradeep
Srivastava*
F. I. A. (2)
C. I. T. (2)
L. I. (2)
Advocate

44
उत्तर रेलवे
NORTHERN RAILWAY

No.Vig/45/D/87/LCS

Divl. Office,
Lucknow.

अन्तर्ल 99/वडा
संल. ०८८८

June 6, 1989

Sri P.K.Srivastava-I,
T.C./Lucknow.

ANNEXURE NO. A-12

✓ Thru DCIT/LKO.

Re: Appeal against punishment notice of even no. dated 7.8.88.

Ref: Your appeal dated 9.10.1988.

• • •

In terms of Rule 20(2) of the Railway Services (U.P.) Rules, 1961, Adel.Divl.Railway Manager, N.Dly., Lucknow, appellate authority, has carefully considered the appeal preferred by you against the orders of Divl.Comml.Supt., N.L. Lucknow and has passed the following orders:-

- "1. The employee was given a personal hearing on 19.5.89.
2. During the hearing, he stated that he was asked to work as a conductor for the first time due to shortage of staff.
3. There is no doubt that the employee stands guilty of charges that :-
 - (i) he carried two freedom fighters and two MLAs with 3 companions with improper tickets to travel in I AC of 415 "m on 26.3.87.
 - (ii) he allowed six passengers to travel in A.C. chair car free upto KHNM.
 - (iii) non-submission of reservation chart at the destination.

" However taking into fact the peculiar circumstances of the case and his past service record, his punishment is reduced to :

Reduction in the same time scale i.e. Rs.1200/- p.m. for a period of two years without cumulative effect."

Sd/- ADMR " 24.5.89

PK Khatua
for Divl.Railway Manager
Lucknow.

Copy to:- 1. GM(Vig)NDS for information in ref.to his case no. Vig/Misc/56/87/TFC.
2. Supdt. 'E' for necessary action.

L...

Adm...

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

O.A.No.319/90(L)

Sri P.K.Srivastava

....Applicant

Versus

Union of India and others

....Respondents

REPLY ON BEHALF OF RESPONDENTS No.1 TO 3

I, N. K. Jain, presently posted as ~~Ass'tt~~ ^{Asstt} Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, solemnly state as under:-

1. That the undersigned is presently posted as ~~Ass'tt~~ ^{Asstt} Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, and is looking after the above mentioned case on behalf of the Respondents. The undersigned is competent and duly authorised by the Respondents to file this reply on behalf of them and has read and understood the contents of the application moved by the applicant under the provisions of Section 19 of the Administrative Tribunal Act, 1985 (hereinafter referred as 'application') and is well conversant with the facts stated hereunder.
2. That the contents of paragraphs 1,2,3,4 and 5 of the application need no comment from the respondents.
3. That the contents of paragraphs 6(a),6(b),6(c),6(d) of the application are admitted.
4. That the contents of paragraph 6(e) of application are admitted that the applicant was initially appointed as Ticket Collector (T.C.) and was later promoted to the post of Travelling Ticket Examiner (T.T.E.) in the grade Rs.1200-2040(RPS).
5. That the contents of paragraph 6(f) of application, as stated, are not admitted. It is most respectfully submitted that the applicant on 26.3.1987, the applicant, who was on duty as T.T.E., was deputed to man Lower Class

Coaches of Train No.415 UP, was supposed to look after the Upper Class Coaches also in the exigencies of service, as when the Conductor of a particular Class of Coach is absent for any reason, the seniormost person amongst the T.T.E. deputed on the train, is also required to work as Captain T.T.E., and in that capacity, he is supposed to look after the Upper/Lower Class also. It was the case with the applicant also on 26.3.1987.

6. That the contents of paragraph 6(g) of application, as stated, are not admitted. It is, however, admitted that that the said train was subjected to a check by a Vigilance Team during its run, and the applicant was duty bound to give correct factual position to the Vigilance Team. It is specifically denied that the Vigilance Team checked the said Train No.415 UP on 26.3.1987 with a prejudiced mind.

7. That the contents of paragraph 6(h) of application are denied.

8. That the contents of paragraph 6(i) of application are admitted.

9. That the contents of paragraph 6(j) of application are admitted only to the extent that the applicant submitted a representation for revocation of his suspension order as mentioned in the paragraph under reply.

10. That in reply to the contents of paragraph 6(k) of the application it is most respectfully submitted that the suspension of Sarva Sri P.K.Puri and R.N.Nagar, T.T.E.s and its subsequent revocation has no relevance whatsoever with the case of the applicant as each case is examined by the Competent Authority on its own circumstances and merit and the application moved by the applicant for revocation of his suspended order was considered by the Competent Authority on its own merit and it was decided accordingly.

11. That the contents of paragraph 6(l) of application are admitted.

12. That the contents of paragraph 6(m) of application,

being incorrect and contrary to the facts, are denied. It is most respectfully submitted that the Disciplinary Authority, after due consideration of the Report submitted Vigilance Branch, Northern Railway, Head Quarters Office, New Delhi, as envisaged under Rule 9(2) of the Railway Servants (Discipline & Appeal) Rules, 1968 and the Railway Board's Circulars on the subject, found a *prima facie* case against the applicant, and therefore, a Charge Sheet was issued against him.

13. That the contents of paragraph 6(n) of application are admitted.

14. That the contents of paragraph 6(o) of application are admitted. It is most respectfully submitted that the letter No. Sr.C.I.T/Stn./1/87 dated 26.3.1987 issued by the Senior Chief Inspector of Ticket was a vital document to substantiate and prove the allegations made against the applicant.

15. That in reply to the contents of paragraph 6(p) of the application it is most respectfully submitted that only due to inadvertent clerical error, the number of the train was mentioned as Train No. 415 DN instead of 415 UP, which had no significance, as there was no other train numbered as Train No. 415 DN from Allahabad to Lucknow on that day.

16. That the contents of paragraph 6(q) of application need no comment from the answering Respondents.

17. That the contents of paragraph 6(r) of application, as stated, are not admitted. It is, however, admitted that the applicant moved his applications dated 6.10.1987 and 15.10.1987, and was given all the copies of documents which were relied upon, and he received the same under his clear acknowledgement dated 2.11.1987.

18. That the contents of paragraphs 6(s), 6(t) and 6(u) need no comment from the Respondents.

19. That the contents of paragraph 6(v) are admitted. It is further submitted that the applicant, vide his application dated 4.1.1988, desired 15 days' time, which was allowed by the Enquiry Officer.

20. That the contents of paragraphs 6(w) and 6(x) are denied. In reply to the contents of paragraphs under reply it is most respectfully submitted that that the Enquiry Officer considered the representation/application moved by the applicant on 12.1.1988, and after due application of mind, he disposed of the same pointwise on 20.1.1988, and a copy thereof was made available to the applicant, who, at no point of time raised any objections against the said order of the Enquiry Officer during the course of Enquiry.

21. That the contents of paragraph 6(y) of application, as stated, are not admitted. In reply thereto, it is most respectfully submitted that out of 4 witnessses cited, 3 attended the Disciplinary Enquiry, and they were thoroughly cross examined by the applicant and/or his defence helper at length. The fourth one, Sri Jamil Ahmad, Vigilance Inspector, did not attend the enquiry despite the best effort of the Railway Administration. It is submitted that all the witnessses cited were witneeses of the same incident, and even if Sri Jamil Ahmad, V.I., could not be examined, it did not effect the case against the applicant, nor any prejudice was caused to the applicant, as the nature of the testimony of Sri Jamil Ahmad, V.I. would have been similar to those witnessses who were examined during the course of Disciplinary Enquiry. Further, the letter of Sr.Chief Inspector of Tickets dated 26.3.1987 was a material piece of document which was relied upon, but Sr.C.I.T was never cited as a witness against the applicant, hence his examination was not essential. Moreover, if the applicant so desired, he could have named him as a defence witness, and should have produced him as such.

22. That the contents of paragraph 6(z) of application are denied. It is most respectfully submitted that after the examination of 3 witnessses from the side of prosecution, the next date of inquiry was fixed on 11.4.89 on which date, the applicant was required to produce defence witnessses and bring them in the inquiry as was said by him on the previous date, i.e.on 6.4.1988.

23. That the contents of paragraphs 6(z.1) and 6(z.2) of the application, as stated, are denied. It is most respectfully submitted that the applicant did not produce

any defence witness on the relevant date as was promised by him on the earlier date fixed in the Disciplinary Enquiry, and submitted a list of witnesses instead of producing them and asking the Enquiry Officer to make arrangements for their production. It is worthwhile to mention that the Disciplinary Enquiry is not a proceeding like a court of law, and the Enquiry Officer is not vested with enough powers to summon any witness and/or to procure any witness taking coercive measures against any witness to procure his attendance in a Disciplinary Enquiry, hence, it was clear that the applicant was adopting dilatory tactics to prolong the enquiry proceedings unnecessarily, hence he was not allowed further time.

24. That the contents of paragraph 6(z.3) of application are not admitted in view of the fact that the applicant did not produce any defence witness despite the specific instructions given to him on 15.4.1988.

25. That the contents of paragraph 6(z.4) of application need no comment.

26. That the contents of paragraph 6(z.5) of application are admitted only to the extent that the Enquiry Officer submitted his Inquiry Report on 28.6.1988. The rest of the contents of paragraph under reply are denied.

27. That the contents of paragraph 6(z.6) of application are denied. It is most respectfully submitted that under the provisions laid down by Rule 10 of the Railway Servant (Discipline & Appeal) Rules, 1968, it was not necessary to give any notice/opportunity to the applicant before inflicting punishment on him.

28. That the contents of paragraph 6(z.7) of application are not admitted.

29. That the contents of paragraph 6(z.8) of application need no comment.

30. That the contents of paragraph 6(z.9) of application are not admitted. It is most respectfully submitted that the Appellate Authority, after due consideration of all

the material and facts and after due application of mind, passed the order dated 6.6.1989.

31. That in reply to the contents of paragraph 6(z.10) of the application, it is most respectfully submitted that the orders passed in appeal which was preferred by the applicant was routed through the Divisional Chief Inspector of Tickets, who sits in the same office in which the applicant, but there was nothing wrong/illegal in it, nor it is proscribed.

32. That the contents of paragraph 6(z11) of application are denied. The undersigned is advised to state that the orders contained in Annexures No.A-1, A-9 and A-11 are in accordance with law.

33. That the contents of paragraphs 7 and 8 of the application need no comment.

34. That in view of the submissions already made in this reply, the undersigned is advised to state that the applicant is not entitled for any relief sought by him in paragraph 9, nor, the grounds mentioned therein are tenable in law.

35. That the contents of paragraphs 10,11 and 12 of the application need no comment.

Lucknow, Dated :
August , 1991.

VERIFICATION

I, N.K.Jain, presently posted as ~~Asstt~~ ^{SS11},
Personnel Officer in the Office of the Divisional Railway
Manager, Northern Railway, Lucknow, hereby verify that the
contents of paragraph 1 of this reply are true to my
personal knowledge and those of paragraphs 2 to 31 ~~are~~
33 and 35 are based on record and the same are believed to
be true. The contents of paragraphs 32 and 34 are based on

1/2/91

legal advice and the same are believed to be true. That no part of this reply is false and nothing material has been concealed. So help me God.

Lucknow, Dated :
August , 1991.

M. A. Khan
M. A. Khan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. 319 of 1990 (I)

P.K. Srivastava _____ Applicant.

Versus

Union of India & others _____ Respondents.

REJOINDER TO THE COUNTER REPLY FILED
ON BEHALF OF RESPONDENTS.

I, P.K. Srivastava, aged about 40 years, son of Sri M.M.Lal Srivastava, T.T.E. under Divisional Chief Inspectors of Tickets, Northern Railway, Charbagh, Lucknow, do hereby state as under :-

Filed today
✓
SPW
2/12/91

1. That the undersigned is the applicant in the above case and as such is fully conversant with the facts of the case. He has read the counter reply filed on behalf of the respondents and understood its contents.
2. That the contents of para 1 of the counter reply call for no remarks.
3. That the contents of para 2 of the counter reply call for no remarks.
4. That since the contents of paras 6 (a) to

6(d) of the application have been admitted by the respondents, the contents of para 3 of the counter reply call for no reply.

5. That the contents of para 4 of the counter reply call for no remarks.

6. That in reply to contents of para 5 of the counter reply, averments made in para 6(f) of the application are reiterated.

7. That the contents of para 6 of the counter reply which are contrary to the facts mentioned in para 6(g) of the application are denied. Rest are admitted.

8. That the contents of para 7 of the counter reply are denied and the averments made in para 6 (h) of the application are reiterated.

9. That the contents of para 8 of the counter reply call for no remarks.

10. That in reply to contents of para 9 of the counter reply, averments made in para 6 (j) of the application are reiterated.

11. That the contents of para 10 of the counter reply are denied as stated and the averments made in para 6(k) of the application are reiterated. The respondents are required to produce the records before this Hon'ble Tribunal to establish their contention that each case of suspension was considered on its merit. Fact is that

the case of the applicant was neither considered for revocation of his suspension nor dealt with in accordance with rules, by the respondent no. 3.

12. That the contents of para 11 of the counter reply need no reply.

13. That the contents of para 12 of the counter reply are vehemently denied and the averments made in para 6(m) of the application are reiterated. The respondents are required to produce the report submitted by the Vigilance Branch before this Hon'ble Tribunal to establish their contention that the chargesheet was issued to the applicant after due application of mind and not as per direction of the Vigilance.

14. That the contents of para 13 of the counter reply need no reply.

15. That since the contents of para 6(o) of the application have been admitted, the contents of para 14 of the counter reply call for no remarks.

16. That the contents of para 15 of the counter reply are denied as stated and the averments made in para 6 (p) of the application are reiterated particularly when no such submission, as made in the para under reply, has been given by the Sr. C.I.T./ Station, Charbagh, Lucknow who had issued the letter. It is further respectfully submitted that the Sr. CIT/ Station, Charbagh, Lucknow, despite request made by

Subm.

the applicant, was not produced in the inquiry and no opportunity to cross-examine him was afforded to the applicant.

17. That the contents of para 16 of the counter reply call for no reply.

18. That the contents of para 17 of the counter reply are denied as stated and the averments made in para 6 (r) of the application are reiterated. It is further respectfully submitted that no document was given to the applicant for filing written statement. The applicant, in such circumstance, had to file his written statement on 15.10.1987 without going through the documents relied upon.

19. That the contents of para 18 of the counter reply need no reply.

20. That the contents of para 19 of the counter reply call for no remarks.

21. That the contents of para 20 of the counter reply are denied as stated and the averments made in paras 6(w) and 6(x) of the application are reiterated. It is further respectfully submitted that the application dated 12.1.1988 was rejected by the Inquiry Officer by Annexure A-7 to the application in an arbitrary manner and without due application of mind to the facts and circumstances of the case as well as rule available in para 2, page 38 of Brochure on Railway Servants (Discipline & Appeal) Rules, 1968

Annexure A-7

reproduced below :-

" 2. The right of access to official records is not unlimited and it is open to the Government to deny such access if, in its opinion, such records are not relevant to the case, or it is not desirable, in the public interest to allow such access. The power to refuse access to official records should, however, be very sparingly exercised. The question of relevancy should be looked at from the point of view of the defence and if there is any possible line of defence to which the documents may, in some way, be relevant, though the relevance is not clear to the disciplinary authority at the time the request is made, the request for access should not be rejected. The power to deny access on the ground of public interest should be exercised only when there are reasonable and sufficient grounds to believe that public interest will clearly suffer. Cases of the latter type are likely to be very few and normally occasion for refusal of access on the ground that ' it is not in public interest ' should not arise if the document is intended to be used in proof of the charge and if it is proposed to produce such a document before the Inquiry Officer, if any enquiry comes to be held. It has to be remembered that serious difficulties arise when the Courts do not accept as correct the refusal by the disciplinary authority of access to documents. In any case, where it

is decided to refuse access, the reasons for refusal should be cogent and substantial and should invariably be recorded in writing."

22. That the contents of para 21 of the counter reply which are not contrary to the facts mentioned in para 6(y) of the application are not denied. Rest are denied and the averments made in para 6 (y) of the application are reiterated.

It is further respectfully submitted that Sri Jamil Ahmed, Vigilance Inspector being the material witness of the case was cited as one of the prosecution witnesses for being examined in the inquiry. He was deliberately withheld and not produced in the enquiry and as such no action was taken against by the Railway Administration for disobedience of administrative orders in not attending the enquiry. The contention of the respondents that the nature of testimony of Sri Jamil - Ahmed, Vigilance Inspector would have been similar to those witnesses who were examined during the course of disciplinary inquiry is self indicative of the fact that the inquiry was un-fair and against the rules of Natural Justice.

It is further respectfully submitted that the prosecution was bound to produce the Sr. C.I.T. in the inquiry for being cross-examined by the applicant as his alleged letter dated 26.3.1987 was relied upon and made basis to punish the applicant. In such circumstance, he was not to be produced as defence witness as suggested by the respondents in the para under reply.

Abdul

23. That the contents of para 22 of the counter reply are denied as stated and the averments made in para 6 (z) of the application are reiterated. It is further respectfully submitted that the prosecution case was abruptly closed after the examination of three prosecution witnesses and no effort was made to produce and examine Sri Jamil Ahmed, Vigilance Inspector, who was also one of the prosecution witnesses.

24. That the contents of para 23 of the counter reply are denied as stated and the averments made in paras 6 (z.1) and 6 (z.2) of the application are reiterated. It is further respectfully submitted that the Inquiry Officer rejected the list of defence witnesses in an arbitrary manner and while doing so, did not follow the instructions contained under para (9) pages 43/44 of the Brochure of Railway Servants (Discipline & Appeal) Rules, 1968 whereby he should have called the relevant witnesses cited by the defence.

25. That the contents of para 24 of the counter reply are denied as stated and the averments made in para 6 (z.3) of the application are reiterated. It is further respectfully submitted that the applicant, in his application dated 11.5.1988 (Annexure A-8 to the application) has submitted the reason and circumstances under which the list of defence witnesses could not be submitted by the required date and ^{the} said reason and circumstance, in the interest of justice, should have been considered by the Inquiry Officer judiciously instead of rejecting the same in an arbitrary manner.

Amrit Singh

Thus by such act of the Inquiry Officer, the defence case suffered serious prejudice and the inquiry was held in violation of the Principles of Natural Justice.

26. That the contents of para 25 of the counter reply call for no comments.

27. That the contents of para 26 of the Counter reply which are not contrary to the facts mentioned in para 6(z.5) of the application are not denied. Rest are denied and the averments made in para 6(z.5) of the application are reiterated.

28. That the contents of para 27 of the counter reply are vehemently denied and the averments made in para 6(z.6) of the application are reiterated. It is most respectfully submitted that the Hon'ble Supreme Court of India in the case of Union of India Versus Mohd. Ranjan Khan (AIR 1991 SC 471) has made it clear that whenever there has been an inquiry officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires, and non furnishing of the report would amount to violation of rules of Natural Justice and make the final order liable to challenge hereafter.

It may be mentioned that the above principle laid down by the Hon'ble Supreme Court has not been followed in the case of the applicant.

29. That the contents of para 28 of the counter reply are denied and the averments made in para 6 (z.7) of the application are reiterated.

30. That the contents of para 29 of the counter reply call for no reply.

31. That the contents of para 30 of the counter reply are denied and the averments made in para 6(z.9) of the application are reiterated. The appellate order dated 6.6.1989 (Annexure No. A-12 to the application) is self explanatory of its being a non-speaking order.

32. That the contents of para 31 of the counter are denied as stated and the averments made in para 6(z.10) of the application are reiterated. The applicant, after the imposition of penalty, was not working under the Divisional Chief Inspector of Tickets but was working under the Sr. C.I.T./Station, Lucknow.

33. That the contents of para 32 of the counter reply are denied and the averments made in para 6(z.11) of the application are reiterated.

34. That the contents of para 33 need no reply.

35. That the contents of para 34 of the counter reply are denied and the averments made

in para 9 of the application are reiterated. In the facts and circumstances of the case, the applicant is entitled to the reliefs claimed.

36. That the contents of para 35 of the counter reply call for no remarks.

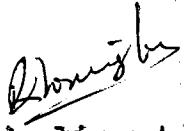
Lucknow:
Dated - 10-1991.


Applicant.

Verification.

I, the above-named applicant, do hereby verify that the contents of paras 1 to 36 of this rejoinder are correct to my knowledge and believe and nothing material has been suppressed.

Lucknow:
Dated: - 10-1991.


Applicant.

BEFORE THE CENTRAL PUBLIC SERVICE TRIBUNAL, LUCKNOW BENCH
LUCKNOW.

C.A.No. 319/90 (L)

1994
AFFIDAVIT
43 IM
DISTT/COURT
U.P.

1252
R.K.Srivastava Appellant
Versus
Union of India & others..... Respondents.

SUPPLEMENTARY AFFIDAVIT IN SUPPORT OF APPLICATION

I, R.K.Srivastava, aged about 42 years son of Late R.K.Lal, resident of 1617 Newa Ram Banj, Karahi, Lucknow do hereby solemnly affirm and state as under:-

1- That the deponent is the Applicant in the abovenoted case and is fully conversant with the facts of the case.

2. That the deponent has stated in para 6 of the Application that the Conductor deputed to manage Higher Class Coaches of the train no. 415 UP had not turned up and in the interest of Railway Administration and to avoid the public complaint and also to assist the passengers of those Higher Class Coaches which were supposed to have been managed by the Conductor of the train, the deponent made an attempt to attend those Higher Class Coaches in addition to his assigned duties to attend lower class coaches.

3. That it is pertinent to inform here that this fact is also admitted by the Respondents vide in their para 5 of the Counter filed by them.

4. That due to inadvertence the deponent could not bring on record a very material fact that the said train

i.e. Train No. 415 UP when ~~it~~ left the Allahabad Station, the deponent did not know that there is no Conductor in the Higher Class Coaches and it is only when the train reached Prayag Station that deponent came to know about the absence of the conductor of the train and also certain passengers of higher class complained to the deponent that the AC Chair Car as also 1st AC Coaches are without any Conductor, as such the deponent went to the AC Chair Car and took the Reservation Chart from A.C.C.I. (Attendant of the coach).

5. That when train left the Prayag Station, the deponent started checking the Full AC Chair Car coach and by the time the train reached the station Kunda Harnamganj station, which is a ~~run~~ of about 45 minutes from Prayag to Kunda Harnamganj, the deponent had approximately made about 40 tickets of the passengers who were travelling in the said Full AC Chair Car Coach.
6. That the deponent was yet to complete the checking of the said Full AC Chair Car Coach, when the deponent was given a call by the Vigilence people who were in the adjacent coach which ~~earlier~~ consist of I AC Class and II AC Chair Car at Kunda Harnamganj station.
7. That it is pertinent to inform here that the alleged irregularity which was detected and framed by the Vigilence people was in respect of I AC Coach and of half AC Chair Car both of which were in that adjacent coach, where the deponent was yet to reach for the purposes of checking the passengers because, as has already been stated above, the deponent was doing the checking of Full AC Chair Car which was altogether a different coach and the deponent had already made about 40 tickets in the said coach where he was checking, within a period of 45 minutes. This fact

can be clarified from the Excess Fare Ticket Book (E.F.T.) which was used by the deponent at that time and later on in the due course was deposited in the Ticket Collector's office at Lucknow and from the monthly returns which was submitted by the deponent in the office of Chief Inspector of Tickets, Lucknow. These both the documents are submitted in the Ticket Collector's office and in the office of Chief Inspector of Tickets and since no copy for the personal record of the T.T.E.s are provided, the deponent does not have the details in respect of those E.F.T.s which he made in the Full AC Chair Car but definitely the Lucknow Division of the Northern Railway is in a position to produce those E.F.T.s used by the deponent in the said train on the said date as also they can produce their accounts statements in respect of the ~~deponent~~ deposit from the passengers of the train and deposited with the Respondents alongwith other E.F.T. books and monthly statements.

9. That in para 6 of the Annexure No. A-11 the deponent had specifically informed the Railway Administration that the Reservation Chart in question was deposited by him at the destination in the same manner as prescribed by the Railway Administration, i.e. by putting the Chart in a box which is kept in the Ticket Collector's office at Lucknow. It is worthwhile mentioning here ~~see~~ that no acknowledgement or receipt is made or given to the T.T.E.s while the Chart is been put in the said box. Moreover, in the same para i.e. para 6 of Annexure no. A-11, the deponent further informed the Railway Administration that to the knowledge of deponent the Chart in question was picked up by the Vigilence and in that connection a fact-finding enquiry

was also ordered to be held by the Public Complaint Inspector by the Divisional Commercial Superintendent and the said Public Complaint Inspector's name is Munna Singh Srivastava, who is still the P.C.I. with the respondents at Lucknow and no irregularity was found by the said Enquiry Officer in respect of the said Chart and even on demand, the deponent had also filed a duplicate Reservation Chart to the said Enquiry Officer.

9. That in view of the aforesaid facts, it would thus be seen that the deponent ~~had~~ did not commit any irregularity to warrant any action or punishment by the Respondents and that the deponent is totally innocent in the matter.

10. That in the event the aforesaid facts are to be verified, it is necessary that the records in respect of E.F.T. book and monthly Chart of statement with the Cash Deposit "receipts deposited by the deponent in respect of the period 26.3.87 with the Respondents at Lucknow and the Enquiry Report alongwith it's record which ~~as~~ was conducted by the Public Complaint Inspector, Sri Munna Singh Srivastava at the instance of the Respondents should be ordered to be produced before this Hon'ble Tribunal for just and speedy disposal of the present case as the said records are very material and important facts having an ~~important~~ important bearing in the case.

Lucknow

Dated: 5/1/94

H. M. Khan
Deponent.

VERIFICATION

I, the deponent abovenamed do hereby verify that the contents of para 1 to 10 of this Affidavit are true to my own knowledge. Nothing material has been concealed and no part of it is false.

Lucknow

M. M. Khan
Deponent.

Dated: 5/5/94

Incident file deposited No 2
is given below
M. M. Khan
(A. L. Sonwane)
Adu

C 610430/94
11.11.1994
Santacruz
Mumbai
India

05/5/94

Mr. D. R. Roy Chowdhury

Central Administrative Tribunal
Lokpal

M. P. No 2562 / 14 O. R. No. 319 / 90 (L)
F. R. 11/7/94 S. & S.

P. K. Sivadas Venkatesh Balakrishnan
N. P. C.

The above case abandoned
respectfully submitted, as under:-

1. That the above noted case
was fixed in 11/7/94 and
due to longon break
the case was put on next
date vide order of 11/7/94.

2. M.L. The counters & records
have been exchanged and the
case is fixed for final
hearing on 4/12/94 vide
order of 4/12/94.

3. That it is necessary in
the ends of justice that the
case should be listed of
further on before the
final hearing.

Wherefore it is most respectfully
prayed that the above abandoned
case may kindly be fixed
and listed before the
number.

Lokpal
20/12/94

Amritlal
(P. K. Sivadas Venkatesh
Balakrishnan)

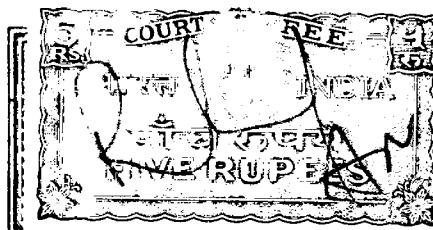
22/1998

जून २०१८ - Allahabad Central Administration Tribunal
अदालत श्रीमान् लखनऊ - महोदय

(वादी अपीलान्ट)
श्री
प्रतिवादी (रेस्पाडेन्ट)

वकालतनामा

O.A.N. No. 319/90 (L)



(वादी अपीलान्ट)

Pramod Kumar Srivastava - Advocate
बनाम

Union of India & others (प्रतिवादी रेस्पाडेन्ट)

नं. मुकद्दमा सन् पेशी की तात् १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Rakesh Lal Advocate

इमाम नगर जारी Road वकील
लखनऊ महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा 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 सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी पैरोकार को भेजता रहूँगा अगर मुकद्दमा औद्दम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको जिसदृष्टि पर वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रेमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) (गवाह)

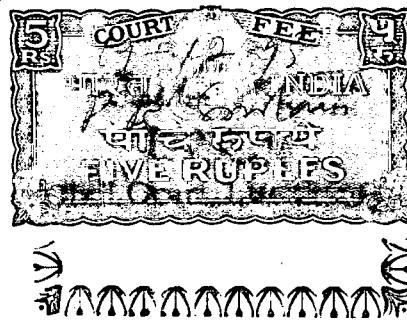
दिनांक महीना सन् ई० १६

स्वीकृत,

१८८

In the Central Administrative Tribunal
ब अदालत श्रीमान् Bench at Lucknow महोदय

(वादी अपीलान्ट) श्री Applicant वकालतनामा
प्रतिवादी (रेस्पांडेन्ट)



(वादी अपीलान्ट)

P. K. Bhuvaneshwar बनाम Applicant

Union of India vs. (प्रतिवादी रेस्पांडेन्ट)

OA. नं. मुकद्दमा ३१९ सन् १९९० पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Achlaq Husain, Advocate

द्वारा १९. Hazman Market, Victoria Street, Lucknow वकील
महोदय एडवोकेट

19/2
ब अदालत श्रीमान् एकान्त
मुकद्दमा नं. नाम

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

हस्ताक्षर 

साक्षी (घबाह) (घबाह)
दिनांक १९ महीना १२ सन् १६९५ ई०

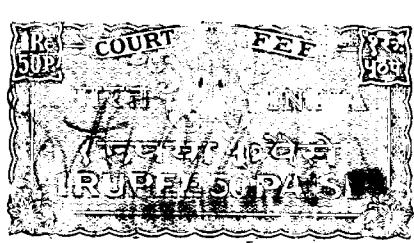
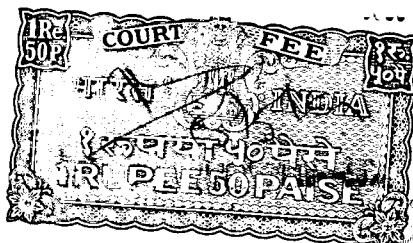
स्वीकृत

Accepted

Achlaq Husain

Advocate

ब अदालत श्रीमान [वादी अपीलान्ट] [कानूनी वकील का नाम] का वकालतनामा
प्रतिवादी [रेस्पाइन्ट] [कानूनी वकील का नाम] [महोदय]



बनाम १०१.

प्रातवादा (रेस्पाइन्ट)

नं० मुकद्दमा ३११ सन १९८८

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर थी

वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करे और तसदीक करें मुकद्दमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमोण रहे और समय पर काम आवे ।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन

स्वीकृत

१०/१०/१९८८

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

* * * * *

No. OA/TA/ 5592 to 5594 dated the 26/12/90

G.A.NC.319/90(I)

Registration no.-----of 1990

APPLICANT

VERSES

SECTION OF INDIA & OTHERS

RESPONDENT

1. UNIT OF INDIA THROUGH MR. GENERAL MANAGER N.R.I.Y. BARODA HOUSE NEW DELHI
2. THE AMRITNARAYAN DIVISIONAL RAILWAY MANAGER N.R.I.Y. HAZRATGANJ LUCKNOW.
3. MR. SENIOR DIVISIONAL COMMERCIAL SUPERINTENDENT N.R.I.Y. HAZRATGANJ

14C NO₃

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 25 day of 01 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

27 day of 11 1990.

SECURITY REGISTRAR

RECEIVED CITY OF PETALUMA WITH COURT'S ORDER DATED 23.11.99

1/1

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.
O.A.NC. 319 of 1990 (L)

P.K.Srikastava ... Applicant.

Verusus

Union of India & Others ... Respondents.

23.11.1990

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

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

Heard the counsel.

AL 1T. Issue notice to file counter within
4 weeks, rejoinder within 2 weeks thereafter. &
List before L.R. on 25.1.91 for fixing a date
if possible.

Sd/

A.C.J.

Sd/

V.C.

//True Copy//

Sd/

checked by
[Signature]

To

Central Administrative Tribunal
Lucknow Bench
Date of Filing..... 22/11/88
Date of Receipt by Post.....

The Deputy Registrar,
Central Administrative Tribunal,
Moti Mahal,
Rana Pratap Marg,
Lucknow.

1/24

1/24/88
R

Ref: Vakalatnama in Original Application

No. 319/9.

Pramod Kumar Srivastava

Versus

Union of India and others

Sir,

Enclosed please find with the Vakalatnama duly signed by the applicant and accepted by the undersigned also affixed with court fees for Rs.5/- only.

The same may kindly be taken on record and the name of undersigned may be shown as Counsel for the applicant, whenever and wherever, the case is listed/ shown in any cause list.

Lucknow

Dated 24.1.99.

Ratnesh Lal
(Ratnesh Lal)
Advocate