

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~ ...325.....of 20...1990(C)

.....Applicant(S)

Versus

U.O.I. Others.....Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	check list	A1-A2
2	order sheet	A3-A5
3	Judgment dt. 17.9.91	A-6.
4	Petition.	A7 - A10.
5	Power	A19
6	Annexure	A20-A30.

Certified that the file is complete in all respects.

B.C. file Boded out & destroyed

Signature of S.O. Signature of Deal. Hand

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow

Date of Filing 24/9
Date of Receipt by Post

Deputy Registrar

Registration No. 325 of 1989 90 (4)

24/9

APPLICANT(S) Shri. Harish Chandra

RESPONDENT(S) U.O. I

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent?	yes
2. a) Is the application in the prescribed form?	yes
b) Is the application in paper book form?	yes
c) Have six complete sets of the application been filed?	yes
3. a) Is the appeal in time?	yes
b) If not, by how many days it is beyond time?	yes
c) Has sufficient case for not making the application in time, been filed?	yes
4. Has the document of authorisation/ Vakalatnama been filed?	yes
5. Is the application accompanied by B.D./Postal Order, for Rs.50/-	yes Postal Order 50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	yes
c) Are the documents referred to in (a) above neatly typed in double space?	yes
8. Has the index of documents been filed and paging done properly?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	No

Endorsement as to result of examination

x

N.A

2.A.

yes or no

2

24

Ne

yes

24/9

Register
 2
 Received from
 the Honolulu Branch
 5-10-90
 24.9

(1)

(43)

(1)
8.10.90

No setting Adj to 25.10.90

(2)
25.10.90

No setting Adj to 23.11.90,

(3)

23.11.90

from Mr. Tulee to Mr. A. V. C.
from Mr. M. M. Singh to Mr. A. V. C.

Issue notice to show -
cause why the petition be
not admitted and sent
for admission on 11-1-91

M. M. Singh
AM

V. C.

Notice served
6-12-90

(4)

11.1.91

No setting Adj to 29.1.91.

OR

(5)

29.1.91

No setting Adj to 8.2.91
Gr

OR

Notice were issued
on 6/12/90
Notice of OP No. 1
has been served on
with postal return. DKH
at of Govt. of
No reply have
been filed by other
parties
S F DH
L
7/2

OP No 2 has been
served on
2/12

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

2 AM

OT

No.

325

OF 1995

Ganish Chandra

vs.

101

Sl.No.	Date	Office Report	Orders
8	8/3/91	<p>(Original order of the main petition.)</p> <p>OR Notice issued - 8/3/91</p> <p>Notice of OP No 2 has been taken back - 2/4</p>	<p>Hon. Mr. Justice J.C.S. V.C. Mr. J.S. A.S. Jadhav, J.C. - 15.</p> <p>Issue of order counter may be with six copies of order within two days of the date. List before D.7 25.7.91 for fixing a date.</p> <p>S.L. V.C.</p>
9	25.4.91	<p>D.R. Shri K.P. Srivastava is counsel for the applicant files an application for orders on the available records on the file. Hence, this case is to be listed before the Hon. Bench on 7/5/91 for order. D.P. is also absent today.</p> <p>Notice of OP No 2 has been taken back with postal remark "No reply filed" SFO 6/5/91</p>	

(A)

CENTRAL DISCIPLINARY AUTHORITY, ALL INDIA
RAILWAY SERVICE

Registration: C.A. No.325 of 1990

Harish Chandra Applicant

versus

Union of India & Others Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.L. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant and two other persons were charged in Fitter grade I in Carriage and Wagon Superintendent (Goods), Northern Railway, Lucknow Yard, Lucknow. No opportunity was given to defend themselves before passing the punishment order. The applicant's punishment order was passed on 15.2.90 for withholding of three years increments with effect from 1.2.91. The applicant preferred an appeal dated 31.3.90 to the appellate authority who reduced the punishment of withholding of increment for one year. But the appellate authority let out the two other persons namely Chandra Pal and Raja Ram. The applicant's grievance is that he has been discriminated although the same reply to the chargesheet was given by the aforesaid two persons and in this way the applicant has been discriminated. The learned counsel for the applicant stated before us that the appellate authority has passed a non speaking order and did not apply his mind and reduced the penalty of withholding of increment for one year without considering the points raised in appeal. In the circumstances, we quash the appellate order dated 11.7.90 as contained in Annexure-16 to the application and direct the appellate authority to pass a speaking order on the pleas raised by the applicant in appeal.

[Signature] [Signature]
Member (A) Vice Chairman

DO: 17th Sept., 1991.

(A7)

1st copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW CIRCUIT.

Application under section 19 of the Administrative
Tribunals Act 1985.

Harish Chandra Applicant.

Versus

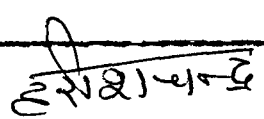
Union of India and others. Respondents.

O.A.No: 1990 L.

COMPILATION NO: 1.

INDEX.

S.No:	Description of documents relied Upon.	Page No.
1.	Application from	1 to 9
2.	<u>Annexure No: A-4 3.</u> Photo-stat copy of punishment imposed by Disciplinary authority.	10
3.	<u>Annexure No: A-6.</u> Photo-stat copy of the appellate Order.	11
4.	Vakalatnama.	12.



Signature of the applicant

For use in Tribunal's office.

Date of filing.

Signature for Registrar.

(12)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Receipt 24/9/90
211 24.9.90
Deputy Registrar
24/9/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW CIRCUIT.

Registration No.OA

1990 L.

Harish Chandra son of Shri Chhotey Lal,
resident of C-3/7 Geeta Palli, Alambagh, Lucknow,
Fitter Grade I, Ticket No.204 under Carriage &
Wagon Superintendent, (Goods), N.Railway, Lucknow
yard, Lucknow.

Applicant.

Versus.

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Chief Depot Officer, N.Railway, Lucknow.
3. Divisional Mechanical Engineer (C&W), N.Rly.,
Hazratganj, Lucknow.

.... Respondents.

DETAILS OF APPLICATION:

1. Particulars of the order against
which the application is made.
 - i) Order No.R/12/90 dated 15.2.90
passed by Chief Depot Officer, N.Railway,
Lucknow, who awarded the punishment
of stoppage of increment for a period
of three years without postponing future
increments with effect from 1.2.1990.
 - ii) Appellate Order No.RS/12/90 dated 11.7.90
passed by Divisional Mechanical Engineer/
(C&W), N.Railway, Hazratganj, Lucknow, who
reduced the punishment from 3 years to
one year with holding of increment
temporarily in appeal.

Contd....2.

2. JURISDICTION OF THE TRIBUNAL:-

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

3. LIMITATION:

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

4. FACTS OF THE CASE:-

1. That the applicant is at present working as highly skilled fitter grade I in grade Rs.1320-2040 (RPS) Ticket No.204 under Carriage & Wagon Superintendent(Goods), Northern Railway, Lucknow Yard, Lucknow
2. That the applicant was served with Minor Penalty Memorandum No.RS/12/89 dated 18.11.1989 for alleged disobedience of order and thereby violating Para 3.(i) & (ii) of Railway Servants Conduct Rules 1966. Photo-stat copy of the Memorandum is Annexed as Annexure No: A-1.
3. That the applicant submitted reply to the Memorandum on 9.12.1989. Photo-stat copy of the reply is annexed as Annexure No:A-2
4. That the applicant stated in the reply that the applicant came back to Up-yard along with Shri Raja Ram and Sri Chandra Pal, as Up-train being detained there for staff and Carriage & Wagons Supdt. (Goods) Shri R.S.Lal, ordered the

Annexure A.1.
Memorandum of
Minor Penalty.

Annexure No.A-2.
Reply of Memorandum

(A/c)

~~the~~
applicant to come back to Up-yard leaving
bearing spring on N.E.Railway platform.

5. That it was also stated in the reply that the applicant carried the orders of C.W.S. (Goods) and took the spring and the jack to N.E.Railway platform. As the applicant was recalled to Up yard by Sri R.S.Lal, CWS/ Goods to avoid detention to M/Up trains, the spring ~~g~~ could not be taken back and the Head TXR Control cancelled the programme. Engine attached to T/Couplings deficient in M/Up at 19.00 hrs. only break down staff are called for.
6. That the applicant denied the charges levelled in the Chargesheet. No letter or authority was given to the applicant or to my colleagues Sri Chandra Pal and Sri Raja Ram, to carry the bearing spring from yard to N.E.Rly. platforms. As CRT Bearing spring is to be brought back from platform no.4 of N.E.Railway to Up yard TXR office by road, so the ^{issue of} Memo by Shri K.N. Saxena, CWS(Goods) was necessary so that the applicant and others may not be altercated by the Police or R.P.F.Staff. No such memo was issued to the applicant as well as to my other colleagues.
7. That the applicant further submitted in the reply of the chargesheet that the applicant did not disobey the order and none of the supervisors namely Sri R.S.Lal, C.W.S.(Goods) night, Sri Kali Charam, Head TXR Up Yard and Sri K.N.Saxena, CWI, did not give any

22/2/52

(11)

statement or verified the facts of the case.

Annexure A-3.
Punishment imposed
by Disciplinary
authority.

8. That the Disciplinary authority stopped the increment temporarily for Three years with effect from 1.2.1991. Photo-stat copy of the punishment order is annexed as Annexure No. A-3.

Annexure No:A-4.
Copy of Appeal
dated 31.3.90.

9. That the applicant aggrieved with the decision of the Disciplinary authority preferred an appeal on 31.3.1990 challenging the order of punishment imposed by Disciplinary authority. Photo-stat copy of the appeal dated 31.3.90 is annexed as Annexure No: A-4.

10. That it was stated in appeal that the copy of report of Carriage & Wagon Inspector (Goods) dated 23.10.89 was not supported by any witness.

11. That it was also stated in appeal that the punishment is without inquiry and so it attracts the provision of Article 311(2) of the Indian Constitution and provisions of Discipline & Appeal Rules for Railway Servants 1968.

12. That the Disciplinary authority violated the order of the Railway Board issued by the General Manager, N.Railway, New Delhi, under Printed Serial No. 8949 for not communicating the brief reasons for the final decision regarding the guilt of the employee where no inquiry is held. A photostat copy of the order dt.17.2.86 from Deputy Director

22/2/92

Annexure No. A-4-5
Copy of Printed Serial
No. 8949.

(Establishment) Railway Board is annexed as
Annexure No: A-5.

13. That the applicant as stated in appeal that the C.D.C. did not apply his mind to the facts and circumstances of the case explained in the reply to the Memorandum; hence the punishment imposed by the Disciplinary authority is illegal unjust and against the principles of natural justice. x

Annexure No: A.6.
Photo-stat copy of
Appellate order.

14. That the appellate authority reduced the punishment of W.I.T. from three years to one year and this punishment is not in speaking order, because the appellate authority has a legal obligation to pass an speaking order indicating proper and detailed application of mind to the various points raised in the appeal. *Photostat of the order is annexed Annex. A-6*

15. That order of appellate authority only stating that the appeal has been duly considered is in non-speaking order and not in conformity with the condition laid down under Rule 27(2) of C.C.S. Rules.

16. That similar charges were also levelled against Sri Chandra Pal and Sri Raja Ram, who were working along with the applicant on that particular date, but the Discipline & Appellate authorities pardoned Sri Raja Ram and Censured Sri Chandra Pal, while the applicant has been punished. In this way the Disciplinary and Appellate authorities both differentiated the similar

-ly situated employees. ~~Exhorta~~

13. That the punishment order as well as appellate order is liable to be quashed being unjust, illegal and against the principles of natural justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

1. Because the applicant did not disobey the orders of his superiors.
2. ~~Because~~ no written order was given to the applicant by Carriage & Wagon Superintendent (Goods) to carry the B.G. Spring from yard to N.E. Railway platform.
3. ~~Because~~ the charges of the Memorandum were not supported by any statement or witness.
4. Because the Disciplinary authority as well as the appellate authority did not apply their minds to the facts and circumstances of the case explained therein so these orders are in non-speaking.
5. Because the punishment order is illegal, unjust and attracts the provisions of Article 311(2) of the Constitution of India and Railway Servants Discipline & Appeal Rules 1968.
6. Because there is complete denial of natural justice.
7. Because treatment and award of punishment to the similar situated employees attracts the provision of Article 14

CE 21-11-79

and 16 of the Indian Constitution.

8. Because the Disciplinary as well as appellate authorities violated the order of the Railway Board detailed in Printed Serial No. 8949 (Annexure A-5).

9. Because the applicant has not violated Rule 3(1)(ii) of the Railway Servants Conduct Rules 1966.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he preferred an appeal against the punishment order dated 3 (Annexure A-4 to the application) and the Appellate authority reduced the punishment from 3 years to 1 year (Annexure No: A-6).

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

~~this applicant~~

8. RELIEF SOUGHT:

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

1. To issue writ, order or direction in the nature of ~~mandamus~~ certurari to quash the Disciplinary order as well as appellate order contained in Annexure No. A-3 and A-6 annexed to this application
2. Any other order or direction as deemed fit in the circumstances of the case.
3. Cost of the ~~suit~~ suite be awarded.

GROUNDS.

Contd...

GROUNDS.

1. Because the ~~statement~~ the report and imputation of charges were not supported by any statement of the Supervisors.

2. Because the Disciplinary authority as well as appellate authority did not apply their mind to the facts and circumstances of the case explained therein so these orders are in non-speaking.

3. Because there is complete denial of principles of natural justice.

4. Because the Disciplinary and Appellate authorities differentiated the applicant with other similarly situated employees on that particular day thereby it attracts the provision of article 14 and 16 of the Indian Constitution.

5. Because the punishment order is illegal and unjust and attracts the provisions of Article 311(2) of the Constitution of India and Railway Servants Discipline and Appeal Rules 1968 and also there is violation of Statutory Rules framed by the Railway Board in the Printed Serial Annexure A-5.

9. INTERIM ORDER IF ANY PRAYED FOR: NIL.

10. NIL.

11. PARTICULARS OF POSTAL ORDER FILED IN RESPECT OF THE APPLICATION:

1. No. of Postal order. B D 2 409285

2. Date of Postal Order. 21-9-90

3. Name of Issuing Post Office: RMS, Chabughat, Lucknow

4. Payable at Head Post Office, Allahabad.

AK

12. LIST OF ENCLOSURES:

A-1 to A-6.


Verification.

I, Harish Chandra son of Sri Chhotey Lal working as highly skilled fitter grade I, Ticket No: 204, under Carriage & Wagon's Superintendent, (Goods), N. Railway, Lucknow Yard, Lucknow resident of C-3/7 Geeta Palli, Alambagh, Lucknow, do hereby verify that the contents of para 1, & 4, 6, ~~10~~ 11 and 12 are true to my personal knowledge and paras 2, 3, 5, 7, ~~and~~ 9 and 10 believed to be true on legal advice and that I have not suppressed any material fact.

Place: Lucknow

Dated:

Signature of the Applicant.


Harish Chandra

Sub : - Railway Servants (Discipline & Appeal) Rules 1968-Serving of "Speaking orders" on the Railway Servants in disciplinary cases.

Ref : - Railway Board's letter No. E(D&A)78 RG6-11 dated 3.3.1978.

Attention is invited to this office letter No. 52E/0/26-VIIE(D&A) dated 11.4.78 (P.S. 6966) where in a copy of Railway Board's letter No. E(D&A) 78 RG6-11 dt. 3.3.78 was circulated to all concerned for information and necessary action. It was clearly mentioned by the Board in their above letter that in all disciplinary cases (whether of minor penalty or major penalty), the Disciplinary Authority should invariably pass speaking orders indicating the reasons for the conclusion arrived at. The same procedure should also be adopted by the Appellate Authority while passing orders on the appeals of the Railway servants.

2. The following two court cases have come to the notice of this office wherein speaking orders were not passed by Disciplinary/Appellate Authority. As such Hon'ble Justice delivered the judgement in favour of employees quashing the orders of disciplinary/appellate authorities.

1. Regular second appeal No. 1520 of 1972 in the High Court at Chandigarh. Union of India V/s Shri Krishan Kumar S/o Shri Ratti Ram. Ticket No. 885B-Type Jagadhri W/Shop.
2. L.P.A. No. 185 of 1981—Union of India V/s Shri Jugal Kishore Sharma and others in the High Court, Delhi.

3. Law requires that the Disciplinary Authority imposing the penalty must apply its mind to the facts, circumstances and record of the case and then record its findings on each imputation of misconduct & misbehaviour. The Disciplinary Authority should give brief reasons for its findings so as to show that it has applied its mind in the case. The reasons recorded by the Disciplinary Authority should be comprehensive enough to give a chance to the delinquent Railway Servant to explain his case in his appeal. All the relevant provisions of D&AR Rules should be ensured to be complied with and this fact where deemed necessary may be recorded in the orders. All the points raised by the delinquent railway servant in his defence/appeal be considered and it should be recorded by the Disciplinary Authority/Appellate Authority as to why the said points are not tenable.

This fact must be brought to the notice of all officers for compliance in D&AR cases.

क्रम संख्या 8025-A

सं० 52-ई/०/२६/७७ (डी एण्ड ए)-४० (d)

दिनांक ८-४-१९८२

विषय : - रेल कर्मचारी (अनुशासन और अपील) नियम १९६८ अनुशासनिक कार्रवाई

N.R.

Genl. 725
Form No. 4

Orders of imposition of penalty under Rule 6 (IV) of the Railway Servants
(Discipline and Appeal) Rules, 1968

No. RS/12/90

Place of Issue Office of the

Dated 15/2/90

To

Sbri. Harish Chandra

H.S. P. H. G. I. T. No. 204

(THROUGH)

I have carefully considered your representation dated 10/12/89
reply to the Memorandum of Charge Sheet No. RS/12/89 dated 15/11/89
not find your representation to be satisfactory due to the following reasons

Reply of the offence committed by him is not convincing and I do
not agree with his views as he has bent upon establishing the
I therefore hold you and guilty of the charge(s) viz. as per 2f/11

levelled against you and have decided to impose upon you the penalty of with
holding of increment. Your increment raising your pay from Rs. 1500 to
Rs. 1530 in the Grade Rs. 1500 normally due on 12/91
is, therefore, with held for a period of three years. X months will not
be without postponing your future increment.

Under Rule 18 of the Railway Servant (Discipline and Appeal) Rule
1968, in appeal against these orders lies to none provided :-

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

3. Please acknowledge receipt of this letter.

Signature

Name

Designation of the
Disciplinary Authority

Amr - A-6

उत्तर रेलवे
NORTH EAST RAILWAY

प्राप्तम्
मी जीओ/३२/जल.

आर एस/१२/९०
दिनांक ११/७/९०

प्रेषित
श्री हरीश चन्द्र

मिटर ६१ टन २०५

विषय:- एडमोडिस सं. आर एस/१२/९० अ. १३/२९०
निमित्त WAIT १५०० years
तत्पर:- आपकी अपील दिनांक ३/३/९०

-X-

रेल वर्कर्स की अनुशासन एवं अपील निमत १९६८
के निमत २५२ के अनुसार अपील अधिकारी
एम.ई. (CEW) के द्वारा उपरोक्त भादेश के विरुद्ध
आपके द्वारा की गई अपील पर ध्यान रखते
निम्न निम्न लिखित निष्कर्ष व्यक्त
किया है।

" Punishment is reduced as
WAIT ००० years."

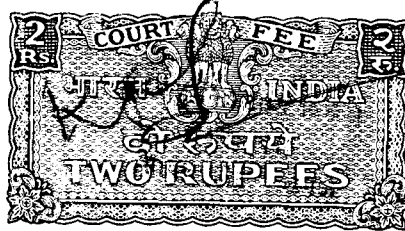
Received
11/7/90

Signature
Date
11/7

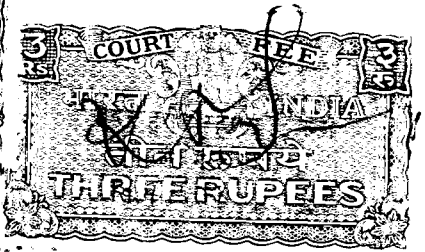
प्रतिलिपि :- सम्बन्धित लिपि प्रामाणिक
अनुशासन मण्डल प्रामाणिक अलग से।

True Copy
Attested
KPS/NavarCal

ब अदालत धोमान [वादी अपीलान्ट] श्री the Central Adm Tribunal महोदय का West. High Court वकालतनामा प्रतिवादी [रेस्पाडेन्ट]



टिकट



Harish Chandra

1-8

Union of India and others

बनाम

प्रतिवादी (रेस्पाडेन्ट)

न० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

K. P. Srivastava

152/23 Block 20 Moti Ghur Colony
Lucknow

एडवोकेट

नाम अदालत
मुकद्दमा न०
नाम फरीकत

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 पंरबी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पंरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पंरबी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर हरीश चन्द्र

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

(721) 187 Ch 7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

LUCKNOW CIRCUIT.

Application under Section 19 of the
Administrative Tribunals Act 1985.

Harish Chandra.

..... Applicant.

Versus

Union of India and others

..... Respondent.

O.A.No:

1990 L.

Compilation of No: 2.

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S.No:	Description of documents relied upon.	Page Nos
1.	<u>Annexure No.A-1.</u> Photo-stat copy of Memorandum of Minor Penalty.	13 to 14
2.	<u>Annexure No.A-2.</u> Photo-stat copy of reply of the Memorandum.	15 to 16
3.	<u>Annexure No: A-4.</u> Photo-stat copy of the appeal of the applicant dt. 31.3.90	17 to 18
4.	<u>Annexure No.A-5.</u> Photo-stat copy of Printed Serial No.8949.	19 to 20

हरीश चन्द्र

Signature of the applicant.

इस दस्तावेज़ को तैयार करने के लिए भारतीय रेलवे के कर्मचारियों के विरुद्ध (अनुशासन और अपील नियम, १९६८ के नियम ११)
 Subject: Form No. 11/Standard Form No. 11 for imposing minor penalties (Rules 11 of RS (D&A) Rules, 1968)

सं./No. KS/2129

रेल प्रशासन का नाम/Name of Railway Administration

निर्देशन स्थान/Place of issue दिनांक/Dated 15/11/2014

जापन

MEMORANDUM

श्री हरीश चन्द (पदनाम पिरर जी), (कार्यालय रि. २०५)
 को सूचित किया जाता है कि रेलवे बोर्ड/रेल प्रशासन द्वारा जारी किए गए नियम, १९६८ के नियम ११ के अंतर्गत कार्रवाई करने की प्रस्तावना की गई है।
 हस्ताक्षर का यह कार्य के माध्यम से एक विवरण संलग्न है, जिस पर उपर्युक्त कार्रवाई करने की प्रस्तावना है।

श्री हरीश चन्द (Designation) (Office in which working) is hereby informed that the President/Railway Board/undersigned propose(s) to take action against him under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. A statement of the imputation(s) of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is attached.

१. श्री हरीश चन्द को सूचित किया जाता है कि इस प्रस्तावना के विरुद्ध कोई भी अपवाद नहीं देना है। अपवाद यदि देना हो, निम्न हस्ताक्षरों के द्वारा देना होगा।
 के माध्यम से। इस तरह प्रस्तुत किया जाना चाहिए ताकि वह इस जापन की प्राप्ति के दस दिन के भीतर उक्त महाप्रबंधक के पास पहुंच सके।

Shri हरीश चन्द is hereby given an opportunity to make such representation as may wish to make against the proposal. The representation, if any, should be submitted to the undersigned (through the General Manager, रि. २०५ Railway, so as to reach the said General Manager) within ten days of receipt of this Memorandum.

३. यदि श्री हरीश चन्द पर १ से विनिर्दिष्ट अवधि के भीतर अपवाद प्रस्तुत नहीं करते तो वह मान लिया जाएगा कि उन्हें कोई अपवाद नहीं देना है और श्री हरीश चन्द के विरुद्ध एक पक्षीय आदेश पारित किए जा सकेंगे।

If Shri हरीश चन्द fail to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri हरीश चन्द ex-parte.

४. श्री हरीश चन्द इस जापन की पावती दे।
 The receipt of this Memorandum should be acknowledged by Shri हरीश चन्द.

((प्रारूपित के आदेश द्वारा और उसके नाम से)) (By order and in the name of the President)

हस्ताक्षर/Signature P. S. Shand

नाम/Name (पी. सी. शान्द)

समान प्राधिकारी का नाम और पदनाम

Name and Designation of the Competent Authority

वहां से, श्री हरीश चन्द पिरर जी रि. २०५ (रेल कर्मचारी का नाम, पदनाम और कार्यालय)

To Shri हरीश चन्द पिरर जी रि. २०५

(Name, designation and office of the Railway Servants.

*जहां कहीं यह जापन रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाए वहां इसे प्रतिधारित किया जाय।

*To be retained wherever this Memorandum is issued by the Railway Board/the President.

†जहां राष्ट्रपति अनुशासन प्राधिकारी हो।

†Where the President is the disciplinary authority.

Photo Shal Galy
 attested
 K. S. Shand

Page A 1 (14)
 179

भारतीयों का विद्रोह

एस/पुल्ल पुरा ने अपनी रिपोर्ट 23/11/89 के माध्यम से सूचित किया है कि दिनांक 23/11/89 को जब श्री मन्मोहन आसानी के साथ श्री हरीश चन्द्र पिल्लू जी दिनांक 20/11/89 को आनंदपुर जेल के पास CIRA भवन पर आक्रमण के लिए जाते थे उस समय इन्होंने आक्रमण का व्यवस्था किया तथा श्री मन्मोहन आसानी को बंधन में ले लिया और आदेश मानने से इन्कार किया। श्री हरीश चन्द्र पर आरोप है कि वे ही वक्ता जो सी लाइन OVERLY के फ्लैट पार्क से CIRA By Sky वापस आते हैं उस वक्ता को इन्कार किया। इन्होंने पुनः पुनः सनकापा जय्य आचार्य ने भी आदेश मानने का आग्रह किया परन्तु हरीश चन्द्र पिल्लू ने जिन वक्ताओं को उन्हे श्री मन्मोहन आसानी के आदेश का पालन नहीं करना है।

इस प्रकार यह रेल सेवा आचरण संविदा के नियम 1966 के अनुच्छेद 3(1)-(11) में निहित कर्तव्य निषा का पालन करने के अभाव में है।

Photo stat by
 attached
 Xerox

23/11/89
 CIRA

To,

The Divisional Mechanical Engineer,
A. Railway, Lucknow.
(C & U).

Sir,

Re.: Explanation to your memorandum (SF II) No. RS/12/89
dated 18.11.89 to 20.11.89.

Reference above, I most respectfully beg to submit as under:-

1. That a recent D & R proceedings have been initiated against me contravening Article 309 of Indian Constitution as neither for good and sufficient reasons had accrued to place me under suspension or issue of SFII cited above. The report of CWS/goods is infructuous and none of the superiors viz S/Sri H.S. Lall CWS/night goods, Kaili Charan D TIR up yard and Banta S.N. Saxena CUI who have been mentioned in the report did not give any statement or verified the facts as witnesses.
2. That SF I was issued on 27.10.89 and served on me 14.11.89 which also is illegal as per extant rules in terms of model roster for taking action under D & R. SFII was issued after as a one month.
3. That orders of suspension issued while initiation action for major penalty lent by issuing SFII it has been established that I was illegally placed under suspension as such the period should be treated as on duty and subsistence allowance be treated into full salary and allowances.
4. That fractional position in was not conveyed to your honour as I had to come back to up yard along with S/Sri Raja Ram and Chandrapal as N/up train being detained there for staff and CWS/goods Shri R.S. Lall ordered me to come back to up yard leaving Bg. Spring or NE Rly. Platform.

contd...2

- Yours faithfully,

इशान चन्द्र

3.Sri Chandrapal Fitter Tp No. 760

Letter To No. 760

Order State Agency
attested
K. J. Barrett

To

Div. 321 M
Div. 321 M
DIVISIONAL
The Assistant Mechanical Engineer, (C&W),
Northern Railway,
Lucknow.

Sir,

17
1126
Re:- Appeal against the punishment of with-holding
of Increment for 3 years imposed by CDO/Lucknow
vide Notice No. RS/12/90 dated 15.2.1990.

With due respect I beg to say that the Chargesheet for minor penalty was issued by CDO Lucknow vide Memorandum No. RS/12/89 dated 13.11.1989 in which it was alleged that I did not carry out the order of CWS/Goods Yard and misbehaved with him. I replied the chargesheet denying the charges supported by facts and figures but the CDO punished me without applying his mind. The CDO has imposed a penalty of W.Y.T. for 3 Years without going into the basis and the facts of the case as explained in the chargesheet.

Now I beg to appeal against the aforesaid punishment order which was received by me on 17.2.90 on the following grounds:-

1. That it was incorrect that I did not obey the order of CWS/Goods and I always obeyed the orders of my superiors.
2. That the copy of the report of the CWS/Goods dated 23.10.89 supported by any of the supervisors viz. S/Sri R.S. Lal, CWS Night-Goods, Kali Charan, Hd. TMR Up Yard and K.N. Saxena, CWS was not attached with the chargesheet.
3. That the Statement of Shri K.N. Saxena, supported by the witnesses on the basis of which the alleged charges were framed was not annexed in the chargesheet.
4. That I had to come back to Up Yard along with Sri Rajendra and Chandrapal on the order of Shri R.S. Lal. CWS/Goods because the train was being detained for want of staff.
5. That though the train passing duty staff are not sent to out stations for such jobs, because this will affect the train operation yet I carried out the order of CWS/Goods and took the spring and jack to NE Ry. platform.
6. That no written order was given to me by CWS/Goods to carry the 10 Spring from yard to NE Railway platform.
7. That I deny the charges mentioned in the chargesheet because it has no foundation and is not based on any evidence.
8. That a list of witnesses or the documentary evidences were not annexed with the chargesheet.
9. That the CDO did not apply his mind to the facts and circumstances of the case explained in the reply to the chargesheet.
10. That the punishment imposed is illegal, unjust and

Contd.....2.

Photo 2 litary
attested
K.S. Advocate

Ans. A. 4 (18)
A27

2

attracts the provisions of Article 311(2) of the Constitution of India.

11. That there is complete denial of natural justice.
12. That the punishment is not based on any evidence or proof.

11/

It is, therefore, requested that your honour may kindly be pleased to cancel the punishment imposed by the C.D.O. as it will affect my family budget in these hard days.

Personal hearing may also kindly be allowed.
Thanking you,

Yours faithfully,

(Signature)

(Harish Chandra)

Highly skilled Fitter Gr.I
Ticket No. 204.

Lucknow.
Date: 30.1.1990.

*Photo Stl. Copy
attached
K. S. Narverale*

(19)
Anheg A 15

उत्तर रेलवे

428

पत्रांक 52ई/0/26/भाग 5/ई 3.1/71

मण्डल कार्यालय

लखनऊ

दिनांक अप्रैल 86

लखनऊ मण्डल पर सर्व सम्बन्धित

लखनऊ मण्डल के सभी अधिकारी

लखनऊ मण्डल के सभी वरिष्ठ आधीनस्था

कार्मिक शाखा के सभी सम्बन्धित

मण्डल सचिव एनओआरओएमयू0 एवं एन यूओआरओएमयू0 ।

सुद्रित क्रमांक 8949

विषय:- अनुशासन एवं अपील नियम छोटा टण्ड देसे के सम्बन्ध में कार्य विधि

रेल मंत्रालय का पत्र संख्या ई ४डी.एण्ड ए.४86 आर.जी.6.12 दिनांक 17.2.86 नई दिल्ली की प्रतिलिपि जो महाप्रबन्धक कार्मिक उत्तर रेलवे बडौदा हाउस नई दिल्ली के पत्र संख्या 52ई/0/26.4/४डी.एण्ड ए४ दिनांक 25.3.86 सुद्रित क्रमांक 8949 के अन्तर्गत प्रेषित है । की प्रतिलिपि उससे संलग्नक सहित सूचना मार्ग द्वारा एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है ।

उत्तर रेलवे

कृते वरिष्ठ मण्डल कार्मिक अधिकारी
उत्तर रेलवे लखनऊ ।

Photo plat
copy attested

Signature

र/-

8949 (20)

Brv'A 4/5

(429)

Copy of letter No.E(D&A)86R36-12 dated 17.2.86 from
Dy. Director, Estt. (D&A), Rly. Bd., Addressed to the General
Managers, All Indian Railways & copy to others etc, etc.

.....

P.S. - 8949

Sub:- Discipline and Appeal Rules - procedure
for imposition of minor penalties.

.....

In accordance with the instructions contained in
para 3(1) of Board's confidential letter No.E(D&A)69R36-7
dated 3.6.69, which were reiterated vide Board's letter
No.E(D&A)70/R36-17 dated 18.8.70, in cases of imposition
of minor penalties, where no inquiry is held, the disci-
plinary authority, while passing orders should communicate
to the employee concerned the brief reasons for the final
decision regarding the guilt of the employee.

It has been represented to Board that the above
instructions are not being followed by some Railway Admi-
nistrations. It is therefore, desired that the Board's
aforesaid instructions should be re-iterated once again
for strict compliance by all disciplinary authorities.

.....

Photostatic
attested
K. R. S. / Secy.

(A-29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW CIRCUIT.

Registration No: 325/90 L.

FIXED FOR 31.7.1991 FOR EX-PARTE ACTICA

Harish Chandra Applicant.

Vs.

Union of India and others.... Opposite Parties.

The following documents are annexed
as Annexure to ~~the~~ decide the case of the applicant
on the basis of equity:-

<u>S.No: Documents relied upon.</u>	<u>Page No:</u>
1. <u>Annexure No: A-6.</u> Photo copy of Charge sheet No.RS/12/ /89 dt. 20.11.1989 issued to Sri Chandra Pal.	1 & 2
2. <u>Annexure No: A-7.</u> Photo-stat copy of explanation to the charge sheet submitted by Sri Chandra Pal.	3 to 4
3. <u>Annexure No: A-8.</u> Photo-stat copy of the punishment given to Shri Chandra Pal vide notice no. RS/12/90 dated 15.2.90.	5
4. <u>Annexure No: A-9.</u> Photo-stat copy of an appeal dated 31.3.90 submitted by Shri Chandra pal.	6 to 7
5. <u>Annexure No: A-10.</u> Appealate order No.RS/12/90 dated 11.7.90 issued to Shri Chandra Pal. (Photo-state copy).	8
6. <u>Annexure No: A-11.</u> Punishment notice no.RS/12/90 dated 15.2.90 issued to Shri Raja Ram. (Photo-stat Copy).	9

*Filed today
2/7/91*

Dated: 2/7/91
LKO:

in Person
Signature of the Applicant.

छोटी शास्तियां अधिरोपित करने के लिए आरोप के शायन का मानक फार्म रेल सेवक (अनुशासन और अपील नियम, 1968 का नियम 11) (Standard Form of Memorandum of charge for Imposing minor penalties [Rules 11 of RS (D&A) Rules, 1968])

सं०/No. RS/12/88

रेल प्रशासन का नाम/Name of Railway Administration

निगम स्थान/Place of issue, दिनांक, Dated. 28/11/88

जापन

MEMORANDUM

श्री चन्द्र पाल (पदनाम प्रिन्सिपल डिप्टी मैन), (कार्यालय जिसमें काम करता है) को एतद्वारा सूचित किया जाता है कि राष्ट्रपति/स्वतंत्र बोर्ड/निम्न हस्ताक्षरी द्वारा उसके विरुद्ध रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम 11 के अन्तर्गत कार्रवाई करने की प्रस्थापना की गई है। व्यवहार या अधिकार के लांछनी का एक विवरण संलग्न है, जिस पर उपर्युक्त कार्रवाई करने की प्रस्थापना है।

Shri. (Designation) (Office in which working) is hereby informed that the President/Railway Board/undersigned propose(s) to take action against him under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. A statement of the imputations of misconduct or misbehaviour in which action is proposed to be taken as mentioned above, is enclosed.

2. श्री चन्द्र पाल को एतद्वारा यह अवसर दिया जाता है कि इस प्रस्थापना के विरुद्ध वह जो भी अभ्यावेदन देना चाहें, वे दें। अभ्यावेदन यदि देना हो, निम्न हस्ताक्षरी को (यहाँ के महाप्रबन्धक के माध्यम से)*, इस तरह प्रस्तुत किया जाना चाहिए ताकि वह इस ज्ञापन की प्राप्ति के दस दिन के भीतर उक्त महाप्रबन्धक के पास पहुँच जाए।

Shri. is hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any, should be submitted to the undersigned (through the General Manager) of the Railway, so as to reach the said General Manager within ten days of receipt of this Memorandum.

3. यदि श्री चन्द्र पाल पैरा 1 में विनिर्दिष्ट अवधि के भीतर अभ्यावेदन प्रस्तुत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई अभ्यावेदन नहीं देना है और श्री चन्द्र पाल के विरुद्ध एक पक्षीय आदेश पारित किए जा सकेंगे।

If Shri. fail to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri. ex-parte.

4. श्री चन्द्र पाल प्रिन्सिपल डिप्टी मैन 760 इस ज्ञापन की पावती दें।
The receipt of this Memorandum should be acknowledged by Shri.

1 (राष्ट्रपति के आदेश द्वारा और उसके नाम से) / (By order and in the name of the President).

हस्ताक्षर/Signature

नाम/Name

सक्षम प्राधिकारी का नाम और पदनाम

Name and Designation of the Competent Authority

सेवा में, श्री चन्द्र पाल प्रिन्सिपल डिप्टी मैन 760 (रेल सेवक का नाम, पदनाम और कार्यालय)

To Shri. (Name, designation and office of the Railway Servants)

*जहाँ कहीं यह ज्ञापन रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाए वहाँ इस प्रतिधारित किया जाए।

*To be retained wherever this Memorandum is issued by the Railway Board/the President.

†जहाँ राष्ट्रपति अनुशासन प्राधिकारी हो।

†Where the President is the disciplinary authority.

17-11-1966 (183)

अभद्रता एवं दुर्व्यवहार के आरोप का विवरण

CMS/गुणवत् गुणवत् ने अपनी रिपोर्ट दिनांक 23/10/66 के माध्यम से सूचित किया है कि दिनांक 23/10/66 को जब श्री सक्सेना CMS/गुणवत् के साथ श्री चन्द्रपाल धियर दिने 760 को जमानपुर विज के साथ CRT Wagon पर लकड़ें देने के लिए जाया था तब शाम के करीब 5 बजे भी ले जाती थी जिसे वह छोटी लाइन (P.E.Ray) के फ्लोर चार्ज तक ले गई जहाँ पालतु उसी समय उभर आते थे किंगडम निरन्तर हो गया था पलतु स्वयं भी वापस आ गई थी। जिसे चन्द्रपाल धियर तब तक सोझी वापस नहीं लाये और उसे P.E.Ray के फ्लोर चार्ज पर ही छोड़ आये। इसे CMS/गुणवत् द्वारा आदेश दिया गया तब समझाया भी गया कि शम्भु वापस ले आये जायेंगे नहीं आने से कि इनकार ही नहीं किया वालिका। कि श्री सक्सेना जी को उल्टा सीधा लकड़ें कर अभद्रता का व्यवहार किया तब आदेश का पालन नहीं किया।

इस प्रकार यह सेवा आचरण महिला के नियम 1966 के अनुच्छेद 3 (1) (ii) के विहित प्रतीक मानता यह नियम प्रतीक पालन करने के अनुरूप रहे।

Prashant
23/10/66
[Signature]

Amr A-7

A32

To,

The Divisional Mechanical Engineer,
N. Railway, Lucknow.
(C & W).

Sir,

Re.: Explanation to your memorandum (SF II) No. RS/12/89
dated 18.11.89 to 20.11.89.

Reference avbove, I most respectfully beg to submit as under:-

1. That p resent D & AR proceedings have been initiated against me contravening Article 309 of Indian Constitution as neither for good and sufficient reasons had accrued to place me under suspension or issue of SFII cited above. The report of CUS/goods is infractious and none of the supervisors viz S/Sri R.S. Lall CUS/night goods, kali Charan H TXR up yard and Haria K.N. Saxena CUI who have been mentioned in the report did not give any statement or verified the facts as witnesses.
2. That SF I was issued on 27.10.89 and served on me 14.11.89 which also is illegal as per extant rules in terms of model roster for taking action under D & A R. SFII was issued after me a one month.
3. That orders of suspension issued while initiating action for major penalty lent by issuing SFII it has been established that I was illegally placed under suspension as such the period should be treated as on duty and subsistence allowance be treated into full salary and allowances.
4. That fractional position is was not conveyed to your honour as I had to come back to up yard along with S/Sri Raja Ram and Chandrapal as M/up train being detained there for staff and CUS/goods Shri R.S. Lall ordered me to come back to up yard leaving Bg. Spring or NE Rly. Platform.

contd...2

(4)
H33

5. That train passing duty staff are never sent to outstations for such jobs as their absence from up yard is bound to suspend train operation. Despite of this I had carried the orders of CWS/goods and took the spring and the jack to NE Rly. platform. Had I not been recalled to up yard by Shri R.S. Lall CWS/goods to avoid detention to R/up train the spring would have been taken back when MIXR/CNL cancelled the programme. Engine attached 19 hrs. 2 T/couplings deficient in R/up. On such occasions only brake-down staff are called for.

6. That CWS/goods has got a large gang for carrying/springs, hose pipes and other materials as well as collecting materials from the goods yard as such this gang should have been sent on 21.10.89 to bring the Bg. Spring from NE Rly., platform but CWS/goods simply to harass us submitted the concocted report for initiating action.

7. That I deny all the charges as these were not engiend by your honour or any other CWS as fact finding, therefore, the matter stands as cancelled and no action may kindly be taken against me as no letter or authority was given to me or others to carry the Bg. Spring from yard to NE Rly. platform. Even passed for journey or Bg. Spring were given by CWS/goods. In the end I pray that your honour will kindly close the case to win goodwill of the faithful workders.

Yours faithfully,

Lucknow:

Date:-9

9-12-89

1. Sri Harish Chand HSF
Gr. 1 T. No. 204.

2. Sri Raja Ram Fitter T. No. 489

3. Sri Chandrapal Fitter T. No. 760

~~Signature~~
~~Signature~~
402 41M

Orders of Imposition of penalty under Rule 6(1) of Railway
Servants (Discipline & Appeal) Rules 1968.

No.

RS/12190

Divisional Office,
Lucknow. Dated;

FORM NO.10

15/12/90

TO

Shri

Chandrapal Yadav P.H. G.M.

15/12/90

Loco Shed/NR/

Through the Loco Foreman/NR/

I have carefully considered your representation dated 10/12/90
reply to the Memorandum of Charge Sheet No. RS/12190 Dated; 20/11/90

I do not find your representations to be satisfactory due to the
following reasons; Reply of the officer submitted by him is not
convincing as he was not following the order given
by C.S. / Div. and he was not adhering to the rules of the
Railway. He has not followed the rules of the
Railway. He has not followed the rules of the
Railway.

I therefore hold you guilty of the charge(s) i.e. As per official order

levelled against you and have decided to impose upon you the
penalty of withholding of the privilege of passes or privilege
Ticket Orders or both. Accordingly you Two set of privilege
passes and /or sets of privilege Ticket Orders are
withheld with immediate effect.

2. Under Rule 18 of the Railway Servants (Discipline & Appeal) Rules
1968 an appeal against these orders lies to: Smt. J. C. / NR / 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.

Signature: P. D. Sharma

NAME: P. D. Sharma

Designation: Sr. Divl. Mechanical E
Engineer Northern Railway, Lucknow.

TO

The ~~Director~~ M. R. M. Amx A-9 (6)
W. A. S. S.
DIVISIONAL
The Assistant Mechanical Engineer/C&W,
Northern Railway,
Lucknow.

Sir,

Reg:- Appeal against the punishment of stoppage of
Two sets of Passes for one year, vide notice No
RS/12/90/ Dt.15.2.90—

With due respect I beg to say that the chargesheet
for minor penalty was issued by the CDO/Lucknow vide
memorandum No. RS/12/89 dt. 20.11.89 in which it was alleged
that I did not carry out the order of the CWS/Goods yard
and misbehaved with him. I replied the chargesheet denying
the charges supported by facts and figures but the CDO
punished me without applying his mind. The CDO has imposed
the penalty for stoppage of Two sets of Passes for one year
without going into the basis and facts of the case as explained
in the chargesheet.

2. Now I beg to appeal against the aforesaid punishment
which was received by me on 10.2.1990 on the following ground

1. That it was incorrect that I did not obey the order
of CWS/Goods and I always obeyed the orders of my superiors.

2. That the copy of the report of the CWS/Goods
dated 23.12.89 supported by any of the supervisors viz.
S/Shri R.S.Lal, CWS Night Goods, Kali Charan, Hd. CKR Up yard
and K.M.Saxena, CWI was not attached with the chargesheet.

3. That the statement of Sri K.M.Saxena, supported by
the witnesses on the basis of which the alleged charges
were framed was not annexed in the charge sheet.

4. That I had to come back to Up yard on the order
of Shri R.S.Lal, CWS/Goods as the train was being detained
for want of staff.

5. That though the train passing duty staff are not
throughout to out stations for such jobs because this will
affect the train operations yet I carried out the order
of the CWS/Goods and took the spring and jack to N.E. Rly. platform.

6. That No written order was given to me by CWS/Goods
to carry the BG Spring from yard to N.E. Rly. platform.

7. That I deny the charges mentioned in the chargesheet
because it has no foundation and is not based on any facts.

8. That the list of witnesses or the documentary evidence
were not annexed with the chargesheet.

9. That the CDO did not apply his mind to the facts and
circumstances of the case explained in reply to the
chargesheet.

Contd

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PSC

10. That the punishment imposed is illegal, unfair, unjust and attacks Article 311(2) of the Constitution of India.

11. That there is complete denial of natural justice.

12. That the punishment is not based on any evidence or proof.

It is, therefore, requested that your Honour may kindly be pleased to cancel the punishment imposed by the G.O.

A personal hearing may also kindly be granted.

Thanking you,

Yours faithfully,

चंद्रपाल यादव

Dated: 31.3.1990.

(Chandrapal Yadav)
Pillar Grade III.
S.No: 760.

AT
KV

5

1.
2.
3.

Amulya H. 10

(5)

उत्तर रेलवे
NORTHERN RAILWAY

प्राप्त
श्री जी. को. 32. 1. 1960

आर एस. 11/2/90
दिनांक 11/11/90

प्रेषित,
श्री चन्द्रपाल
पिपरा 60 11/11/90

विषय:- दस नोटिस सं. आर एस. 11/2/90 अ. 5/90
निम्न दस दो सेट पास वत।

सन्दर्भ:- आपकी अपील दिनांक 31/3/90

—X—
बेल प्रमोशन कोडुमासन एवं अपील
नियम 1960 के नियम 22/2 के अनुसार
अपील अधिकारी आर एस. (कम) पर 80 दस
अपील कोडुमासन के निम्न अपील दस वत
अपील पर दस प्रत्येक निम्न अपील
निम्नलिखित निम्न अपील निम्न है।
"I am convinced in this time
the appeal is convincing"

11/11

प्रतिलिपि - सम्बन्धित लिपि जांच
कोडुमासन जंगल अपील वत।

प्रतिलिपि
C. S. 11/11

Divisional Office, Lucknow, Dated; 12/2/70

Loco Phed/NR/-

Through the Loco Foreman/NR/-

I have carefully considered your representation dated 12/1/70 in
reply to the Memorandum of Charge Sheet No. 5.11.1. Dated; 9/11/69
and do not find your representations to be satisfactory due to the
following reasons;

I therefore hold you guilty of the charge(s) i.e.

levelled against you and have decided to impose upon you the
penalty of withholding of the privilege of passes or privilege
Ticket Orders or both. Accordingly you set of privilege
passes and for two sets of privilege Ticket Orders are
withheld with immediate effect.

2. Under Rule 8 of the Railway Servants (Discipline & Appeal) Rules
an appeal against these orders lies to: Me/Sec/NR/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.

Signature; P. S. Chandra

NAME: P. S. Chandra

Designation: Sr./Divl. Mechanical E
Engineer Northern Railway, Lucknow.

2 of TC
bills