

FORM NO. 21

(See rule 114)

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

OA/TA/RA/CP/MA/PT ...325.....of 20.1.990 (U)

.....Harish Chandra.....Applicant(S)

Versus

.....U.O.I. & others.....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Check List	A1 - A2
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3	Judgment dt. 17.9.91	A - 6.
4	Petition.	A7 - A18.
5	Power	A 19
6	Annexure	A 20 - A38.

Certified that the file is complete in all respects.

.....B.C. file Beded out & destroy.....J
Signature of S.O. Rajesh Signature of Deal. Hand

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 24/1/9
Date of Receipt by Part 24/1/9
Deputy Registrar 24/1/9

Registration No. 325 of 1990 (C)

APPLICANT(S) Shri Harish Chandra

RESPONDENT(S) U.C.I

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

Particulars to be ExaminedEndorsement as to result of examination

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

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

a) Identical with the Original ? *yes*

b) Defective ? *no*

c) Wanting in Annexures *x*

Nos. _____ pages Nos. _____ ?

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

14. Are the given address the registered address ? *yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N.A.*

17. Are the facts of the case mentioned in item no. 6 of the application ? *yes after Noy*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) numbered consecutively *yes*

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

18. Have the particulars for interim relief prayed for indicated with reasons ? *No*

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

dinush/24/9

Regd
Received before
Put up before
at the Hon'ble Bar
on 5-10-90
24/9

ORDER SHEET

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

(2) (P)

Off

No.

325

OF 1990

Hanish Chaudhary vs.

Vol

Sl.No.	Date	Office Report	Orders
(8)	8.3.91	Original order of the main petition. <i>On Notice issued - 8/3/91</i> <i>Notice of O.P. No 2 sent to the party on 21/4/91</i>	Hon. Mr. Justice A.C.S. V.C. Hon. Mr. Justice B.L. Dutt, Jt. Ct. Issue notice counter may be within six weeks of the date of order. List before O.P. 27.4.91 for fixing a date. S.C. V.C.
(9)	25.4.91	D.R. Shri K.P. Srivastava As counsel for the applicant files an application for orders on the available records on the file. Hence, this case is not listed before the Hon. Bench on 7/5/91 for orders. O.P. is also absent today. <i>✓</i>	

Notice of O.P. No 2
has been returned back
with particulars
et al et seq.
No reply filed
S.P.O. h
6/5/91

GHANSHYAM/

OA 325/90-C

(P)

16.9.91

Shri. Mr. D. B. S. Srivastava I.C.
Shri. Mr. D. B. S. Srivastava I.C.

On the request of learned
Counsel for the appellants, we
adjourn to 17.9.91

by
V.C.

1
D.M.

Received copy
Copy
27/9

An. Copy of Act
28/9/91
28/9/91

(A)

CHANDRA KUMAR CHANDRA, A.I.D.F.M.
LUCKNOW CIRCUIT BENCH

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/ected in Fitter grade I in Carriage and Wagon Superintendent (Goods), Northum Railways, 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 or withholding of increment for one year. But the appellate authority let out the two other persons namely Chandra Lal 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 suspending order and did not apply his mind and reduced the penalty or 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-6 to the application and direct the appellate authority to pass a suspending order on the points raised by the applicant in appeal.

Dated: 17th Sept., 1991. *[Signature]* . . . Vice-Chairman

(A) *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 form	1 to 9
2.	Annexure No: A-4 3. Photo-stat copy of punishment imposed by Disciplinary authority.	10
3.	Annexure No: A-6. Photo-stat copy of the appellate Order.	11
4.	Vakalatnama.	12.

21/4/2025

Signature of the applicant

For use in Tribunal's office.

Date of filing.

Signature for Registrar.

(AC)

Central Administrative Tribunal
Circuit Bench, Lucknow
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
Date of Recd. 24/2/90
LUCKNOW CIRCUIT.

21/2/90
Deputy Registrar

S/No 24/9
1990 L.

Registration No. OA

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) Appeal 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.

(P)

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 No.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.

Annexure A.1.
Memorandum of
Minor Penalty.

Photo-stat copy of the Memorandum is
Annexed as Annexure No: A-1.

Annexure No.A-2.
Reply of Memorandum

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 thereby for staff and Carriage & Wagons Supdt. (Goods) Shri R.S.Lal, ordered the

110

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 & 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 issue of office by road, so the 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 Charan, Head TXR Up Yard and Sri K.N.Saxena, C.W.I, did not give any

12/15/68

statement or verified the facts of the case.

Annexure A-3.
Punishment imposed
by Disciplinary
authority.

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

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.
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 Servents 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

(A)

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

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

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

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. #

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

1/2/1967
1/2/1967

-ly situated employees. ~~that~~

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 ~~that~~ 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 Contd...7.

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(i) (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.

The 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 ~~quash~~ cirturari 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 be awarded.

GROUNDS.

Contd...

(AIS)

= 8 =

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 409285
 2. Date of Postal Order. 21-9-90
 3. Name of Issuing Post Office: RMS, Charbagh Lucknow
 4. Payable at Head Post Office, Allahabad.

12/21/90

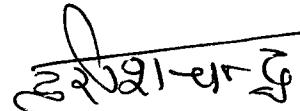
(S)

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 & Wagons 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, ~~and~~ 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

Signature of the Applicant.

Dated:



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-VII-E(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

सं. 52-E/0/26/VII (टी एण ए)-40 (d)

दिनांक 8-4-1982

विषय :— रेल कर्मचारी (अनुशासन और अपील) नियम 1968 अनुशासनिक कार्रवाई

N.R.

Annex. A-3

(AIO)
Genl. 225
Form No. 4

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

No. R.R./12/90

Office of the

Place of Issue C.R. Lucknow

Dated 15/2/90

To

Sri. Harish Chander

H.S. Filter, G.I.T.R. 204.

(THROUGH)

I have carefully considered your representation dated 10/12/89, reply to the Memorandum of Charge Sheet No. R.R./12/109, dated 14/11/89, got find your representation to be satisfactory due to the following reasons
Reply of the offence committed by him is not convincing and does not agree with his views so he was bent upon distributing the X

I therefore hold you and guilty of the charge(s) viz. ~~as per 2 F/11~~

..... Dr. 10/12/90

levelled against you and have decided to impose upon you the penalty of withholding of increment. Your increment raising your pay from Rs. 1550 to Rs. 1530, normally due on 1/2/91 is, therefore, withheld for a period of three years, i.e. months without postponing your future increment.

Under Rule 18 of the Railway Servant (Discipline and Appeal) Rules 1968, an appeal against these orders lies to ~~DRD/CR~~ 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.

Reckon

17/2/1990

Signature.....

Name..... (P. D. Sharma)

Designation of the
Disciplinary Authority

C.R./L.

N.R.P./R. Rd. (Pb. Bg.), Delhi-35-2, 144/17-11-98-39,000 F.

K.D. Mohorale

Amr.-A-6 (11)

— रेलवे
NORT. ER. RAILWAY

आरसस/१२१९०
दिनांक ११/८/१९०

प्रेषित

प्राप्तिक्रिया
मी. री. अ/३२/७८.

मी. हरीश-कर्त्ता

मुख्य G & I T.O. २०५.

विषय:- दायकादिरा सं. आरसस/१२१९० वा १२२१९०

निमित्त WIT three year.

उत्तर:- आपकी अपील दिनांक ३/३/१०

रेलवे क्षेत्रीय कानूनासत इवं अपील निम्न १९८४
में निम्न २२२ के अनुसार अपील अधिकारी
समिति (CEW) द्वारा उपर्योग आदेश के विकल्प
आपके द्वारा दिये गए अपील पद व्यापक
निम्न अनुसार निम्न लिखित विवरों पर
राखा गया है।

“ Punishment is reduced as
WIT one year...”

१२१८/८/१९०

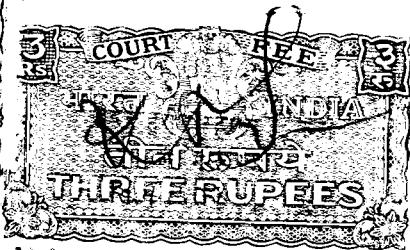
राज्य सरकार
कानूनी विभाग
कानूनी विभाग
कानूनी विभाग

प्रतिलिपि:- सरकारी लिपिका वाली
कानूनी विभाग द्वारा वापिस लाभतात्।

True Copy
Attested

K.P. / Hars Cale

ब अदालत श्रीमान् *Harish Chandra* महोदय
[वादी अपीलान्ट] विवादी अपीलान्ट का वकालतनामा
प्रतिवादी [रेस्पाइन्ट] *Shri K. P. S. Narayan*



टिकट

1-8

Union of India
and others

बनाम

प्रतिवादी (रेस्पाइन्ट)

न० मुकद्दमा

सन्

पेशी की तात्र

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

17123 Block No Moti Ghul Colony
Lucknow

K. P. Narayan

महोदय

एडवोकेट

अदालत न० कर्ता
मुकद्दमा न० कर्ता

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 जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौठावें या हमारी ओर से डिगरी जारी करावे और रूपया बसूल 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 रूपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) 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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पंरोकर को भेजता रहूँगा अगर मुकद्दमा अदम पंरवी 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 *कर्णशाला*

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

(AP) 181 Cdt

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 Nos 2.

INDEX.

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

20/3/90
Signature of the applicant.

Ex No. K512439

रेलवे अधिकारी का नाम / Name of Railway Administration

लगान स्थान/Place of note तिथि/Dated

...FAT, Dated .../.../...

आषन

MEMORANDUM

१८२४

Sri (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 of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

२. या हृषीकेश के लिये जाता है कि इस प्रकाशन के विवर दर्शाएं जो अस्य दृश्य देता है, वे हैं। कैम्बियन यदि देता है, तिन्हा हृषीकेश के लिये जापन के लिये विवर देता है, इन दोहरे प्रत्युत किया जाता चाहिए ताकि वह इस जापन की प्राप्ति के दस दिन के भीतर उक्त महाप्रबन्ध के लिये उपयोग करें।

..... 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, Railway, so as to reach the said General Manager) within ten days of receipt of this Memorandum.

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.

४. श्री वृषभनाथ देव इस वाप्तन की पत्तती दे

१०८ अंतर्मुख विवरण विवरण १०८

ग्रंथपति के द्वारा दिया और इसके दाम ३। (By order and in the name of the President)

TESTIMONY/Signature

नाम/Name _____

कृष्ण विविधार्थी द्वारा दिल्ली विद्यालय

Name and Designation of the Competent Authority

द्वं द्वा मे श्री दुष्टीश्वर चन्द्र पिरू गुरी रिने २०५ (रत्न कर्मचारी का नाम, पदनाम और कार्यालय)

(Name, designation and office of the Railway Servants

*जहाँ कहीं यह शाप्त रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाए वहाँ इसे प्रतिशारित किया जायेगा।
*To be retained wherever this Memorandum is issued by the Railways Board/ the President.

जहाँ राष्ट्रपति अनुशासन प्राधिकारी हो ।
Where the President is the disciplinary authority.

N P R (R R 1 Y P B R 1) Delhi-3-2077/17-6-88-1-10,000 E.

वहाँ इसे प्रतिध्वनित किया जाय
Railway Board/the President
Photo attested
Ex-18/Baru

Annex A 1 : (15)
(25)

आरोपीका विवर

ew/good yard ने अपनी फिरी २३.१०.८० के दिन दो विवरण
में दी गयी थी कि १२ दिसंबर १९७७ के जदू और स्कॉर्ट्स के बीच
के साल और इनके बीच ग्री टिक्के २०८ की व्यापारिक वेतन के
पक्ष एवं एवं वाहन वेतन के बीच जाता था उस समय के
अधिकारी वाहन वेतन की वारदात एवं वेतन का
वाहन वेतन आगे जारी रखने का विवर है।
को हाईकोर्ट पर आरोपी के दीर्घीकालीन वेतन लागत में
के बीच वाहन की एवं ग्री टिक्के २०८ वाहन वेतन की व्यापारिक
वेतन के बीच अन्तर्वाला ग्री टिक्के २०८ वाहन वेतन
का विवर है। वाहन वेतन की व्यापारिक वेतन के दिवसीय
की रेहे की वाहन वेतन एवं ग्री टिक्के २०८ वाहन वेतन की व्यापारिक
वेतन के बीच अन्तर्वाला ग्री टिक्के २०८ वाहन वेतन का विवर है।

इस प्रकार यह दोनों विवरणों का विवर
विषय १९६६ (२३ दिसंबर ३८५-८०) के विवित विवरण
दोनों का विवर है।

Photo Star Gey
alleged
Ex-Adm. Officer

23/8/2011
COPR.

To,

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

Annex A. 2
(A2u)

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 at present 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 infractions and none of the superiors viz S/Sri R.S. Lall CWS/night goods, Kali Charan R. SFII up yard and Santi R.R. Saksena CWS 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 me a one month.
3. That orders of suspension issued while initiating action for major penalty i.e. 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 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.

Photo stat Cpy
affested

K.S. Develal

contd...2

7/12/89
9/12/89

(125) (116)
Am. P. A. 2

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 MG Rly. platform. Had I not been recalled to up yard by Shri R.S. till CWS/goods to avoid detention to R/up train the spring would have been taken back when R/TRE/CR cancelled the programme. Engine attached 19 hrs. 2 T/couplings deficient in R/up. On such occasions only brake-down staff are called for.

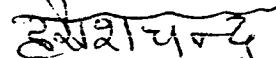
8g.

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 8g. Spring from ME 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 enquired 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 8g. Spring from yard to MG Rly. platform. Even passes for journey or 8g. 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 workers.

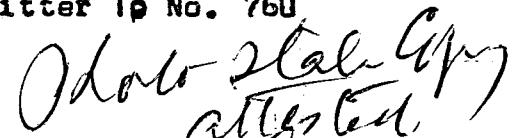
Yours faithfully,

Lucknow: 1. Sri Harish Chand HSF
Date: Gr. 1 T. No. 204.



2. Sri Raja Ram Fitter T. No. 499

3. Sri Chandrapal Fitter Tp No. 760





To
The DGM
To
DIVISIONAL
The Assistant Mechanical Engineer, (C&W),
Northern Railway,
Lucknow.
Sir,

Annex A-4

(17)
1/2G

Regs:- Appeal against the punishment of with-holding
of Increment for 3 years imposed by CDO/Lucknow
vide Notice No.85/12/90 dated 15.2.1990.

With due respect I beg to say that the Chargedict for minor penalty was issued by CDO Lucknow vide Memorandum No.85/12/89 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.I.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.B. Lal, CWS Night-Goods, Kali Charan, Hd.TCR Up Yard and K.N. Suman, CWI was not attached with the chargesheet.
3. That the Statement of Shri K.N. Suman, 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 Smt. Raja Ram and Chandrapal on the order of Shri R.B. 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 Rly. platform.
6. That no written order was given to me by CWS/Goods to carry the DG 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 2nd copy

affested

Kas / Adarsh

Annex-A-5 (18)

- 2 -

(A²X)

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.

186

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,



(Harish Chandra)

Highly skilled Fitter Gr.I
Ticket No. 204.

Lucknow.
Dated 30.1.1990.

Photo atttched
attested by
K.S. Harneale

119

Archie A. ~~St.~~

उत्तर रेलवे

पत्रांक 52 दिन 5/1/71

मण्डल कार्यालय

लखना

दिनांक - अप्रैल ८६

ਲਖਾਨਤ ਪ੍ਰਣਾਲੇ ਪਰ ਰਾਵੀ ਸਮਾਂ ਨਿਧਾਤ
ਲਖਾਨਤ ਪ੍ਰਣਾਲੇ ਕੇ ਸਮਾਂ ਅਧਿਕਾਰੀ

लखानउ गङ्गड़ल के सर्वांगी वरिष्ठ आदीनस्था

कार्यिक इट्टाछा के सभी सम्बन्धित

ਸਣਡਲ ਸਚਿਵ ਏਨਝਾਰੋਝਾਈਂਡੂ ਏਵੇਂ ਏਨ ਝ੍ਵੋਆਰੋਝਾਈਂਡੂ ।

मुद्रित क्रमांक 8949

विषयः— अनुशासन एवं अपील नियम छोटा दण्ड देसे के सम्बन्ध में कार्य. **विषय**

रेल मंत्रालय का पत्र संख्या इन्हें ४३१.४३८ रु. ४८६ आर.जी.६.१२ द्वितीयं

17.2.86 नई दिल्ली की प्रतिलिपि जो महापृष्ठन्धार का मिक्रो उत्तर रेलवे

बड़ौदा हाउस नई दिल्ली के पत्र संख्या 52ई/0/26.4/१५८८ एण्ड ए १५ दिनांक

25.3.86 रुपुद्धिक रूपांक 8949 रु के अन्तर्गत देखित है। की प्रतिलिपि उसके

ਸੰਲਗਨਕ ਸਹਿਤ ਸੂਚਨਾ/ਮਾਰਗ ਕੱਢਨਿ ਅਤੇ ਆਕਸ਼ਯਕ ਲਾਈਬ੍ਰਾਰੀ ਵੇਤ੍ਨ ਪ੍ਰੇ਷ਿਤ ਕੀ ਜਾ

रही है ।

flavonflavins

ਕਤੇ ਪੇਰਿਛਠ ਬਣਕੱਲ ਕਾਮਿਕ ਅਧਿਕਾਰੀ

उत्तर रेलवे लहानऊ ।

Photo plä

City contrasted

र/-

8949 (20)

Am 6/12/75

(K.M)

Copy of letter No. E(D&A)86R36-12 dated 17.2.76 from
Dy. Director, Estt. (D&A), Rly. Bd., Addressed to the General
Managers, All Indian Railways & copy to others etc. etc.

..... Ref. No. 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)70/256-17 dated 18.8.70, in cases of imposition of minor penalties, where no inquiry is held, the disciplinary 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 Administrations. It is therefore, desired that the Board's aforesaid instructions should be re-iterated once again for strict compliance by all disciplinary authorities.

.....

Photostat City
attested
K.N. Adv.

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 ~~to~~ decide the case of the applicant
on the basis of equity:-

<u>S.No:</u>	<u>Documents relied upon.</u>	<u>Page No:</u>
1.	<u>Annexure No: A-6.</u> Photo copy of Charge sheet No.RS/12/189 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

Dated: 2/7/91

Signature of the Applicant.

LKO:

छोटी शास्तियां अधिरोपित करने के लिए अरोप के शायद का मानक फार्म रेस सेबैक (यन्त्रशासन 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])

सं/No... RS/12/62

३३३ रेल प्रशासन का नाम/Name of Railway Administration
नियंत्रण स्थान/Place of issue दिनांक, Dated १०.१.१९८५

ज्ञाप

MEMORANDUM

श्री चतुर्पाल (पद्माम प्रियं इन्), कार्यालय विद्यमान काम करता है) एवज़ प्रोफ़ेसर को एतद्वारा सचित विद्या जाता है कि राष्ट्रपति/स्वतं द्वारा/नस्ति हस्ताक्षरी द्वारा उसके विश्वद रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम १ के अन्तर्गत करवाई करने की प्रस्थानता की गई है। चर्चा वहाँ या अद्वार के लाइट्सों का एक विवरण संलग्न है, जिस पर उपर्युक्त द्वारांवाई करने की प्रस्थानता 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 on which action is proposed to be taken as mentioned
above, is enclosed.

2. श्री—**चतुर्पात्र**..... कर्त्तव्यदारा जह अस्तु दिया जाता है कि इस प्रस्थापना के विद्वान् दह औ भी अध्यावदन देना चाहूँ वे दें। अध्यावदन यदि देना ही, निम्न हस्तालिरी को दि
नेवाले के महाप्रबन्धक के सम्मति से^१ । इस तरह प्रस्तुत किया जाना चाहिए ताकि वह इस अस्तेन की प्राप्ति के दस दिन के शीत्तर उत्तर महाप्रबन्धक के पास पहुँच जाए।

Shri..... is here 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) Railway, so as to reach the said General Manager) within ten days of receipt of this Memorandum.

3. यदि श्री**चन्द्रपात्र** 1 में विनिदित अवधि के भीतर अध्यावेदन प्रस्तूत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई अध्यावेदन नहीं दिया है और श्री**चन्द्रपात्र** 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.

..... ex-parte. श्री चंद्र पाल पिंडी नं ७६० इस जापन की पावती है।
The receipt of this Memorandum should be acknowledged by Shri.

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

प्रस्तावना/Signature:

नाम/Name..... संजय शर्मा..... दिनांक..... २०१५

प्राचीन सामिकार्यों का वास्तविक अवलोकन

Name and Designation of the Competent Authority

संघ में श्री (उपर्युक्त) राजनीति परिषद् विभाग (रेल कर्मचारी का नाम, पदनाम और कार्यालय)
 To
 Shri श्री (उपर्युक्त) Ch. M. G. R. & Co. Ltd. Yards,
 (Name, designation and office of the Railways Servants)

*जहाँ कहीं यह शापत रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाए, वहाँ इस प्रतिष्ठानित किया जाए।
*To be retained wherever this Memorandum is issued by the Railways Board/President.

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

जहाँ राष्ट्रपति अवश्यकता आविकारी हो ।

जहां प्रबन्धपात्र अनुशासन प्राप्तिकर्ता हो।
Where the President is the disciplinary authority.

Free At (P)

अमृत राज सर्वे पुस्तकालय के ज्ञानीय दो दिन

CWSI good yard of अपनी रिपोर्ट दिनांक 23/10/06 के
माध्यम से शुभचित्र दिया है कि दिनांक 20/10/06 की तारीख
संक्षेपना CWSI good के साथ स्थीरत्व पाल दिन 266 की
लालपुर विजय के साथ CRT Wagon के लिए की तरीके
जाना जा रहा इसके CRT By 8pg भी जानी जी. जिसे
एह द्वारा बाबत विवरित के लिए जाना जाए परन्तु
उसी समय उसके जाने का program निरन्तर हो जाया जा सकता
है 8pg विवरण जानने की जानी जी। विजय परमाल
लालपुर जाने के साथ वापस नहीं जाये जाए उनके NED
के लिए जाने की जाए। इसे CWSI good द्वारा
आदेश दिया जाया जाना समझाया जाए ताकि इस program
के लिए जाने के लिए जाने के लिए इनकार जी नहीं
किया जाए। इस जी संक्षेपना जी जो उन्होंने जीवन
से जुड़े अभियानों का विवरण दिया तो जो दोषों का
प्राप्ति जी (जी)

इस ग्रन्थार्थ पर इति सर्वा आचरण की दिति वे
निधि 166 के अनुच्छेद 3 (1) (ii) की दिति
प्रतिवेदन का नियम इसी प्रकार प्राप्ति का
आचरण जी

P.Dehuri
C.Dehuri


To,

Amz AJ
3
A32
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 above, I most respectfully beg to submit as under:-

1. That present 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 CWS/goods is infractious and none of the supervisors viz S/Sri R.S. Lall CWS/night goods, kali Charan H TXR up yard and Zain K.N. Saxena CWI 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 isnt 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 Ras and Chandrapal as H/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

(4)
(A23)

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 Riy. 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 KTXR/CHL cancelled the programme. Engine attached 19 hrs. 2 T/couplings deficient in R/up. On such occasions only break-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 Riy., 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 enquired 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 Riy. 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 workers.




Lucknow: 1. Sri Harish Chand HSF
Date:-9 Gr. 1 T. No. 204.

9-10-89 2. Sri Raja Ram Fitter T. No. 489

3. Sri Chandrapal Fitter Tg No. 760

Yours faithfully,




9/10/89 41M

Bronx A-8 A

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

RS/12490 FORM NO.10
Divisional Office, Lucknow. Dated: 15/2/90

To
Shri-Chandrapal Yadav - Film Gx III

Loco Sheet NR/

Through The Loco Foreman/NR/ - - - - -

I have carefully considered your representation dated 10/12/48 in reply to the Memorandum of Charge Sheet No. 114141 dated 20/11/48. I do not find your representations to be satisfactory due to the following reasons; "Reply of the Defence Amended by him to my Conviction to be taken into consideration in order given by CAGI O.H.C. and he was addressed to tell him the both of the CAGI G.I. by him self of whom are adopted for you".

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

३८८ विद्युत्संकेत

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: DRD or 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.

Received
Aug 21 1910

Signature: *P. B. Shanks* 1572
NAME: *P. B. Shanks*

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

To

N.L.K.S.

DIVISIONAL
The Assistant Mechanical Engineer/Ex.
Northern Railway.
Lucknow.

Sir,

Regrt:- 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/12/90 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 23.10.89 supported by any of the supervisors viz.
S/Shri R.S.Lal, CWS/Goods, Kali Charen, Rd.CCR Up yard
and K.N.Saxena, CWI was not attached with the chargesheet.
3. That the statement of Sri K.N.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 ~~xx~~ order
of Shri R.S.Lal, CWS/Goods as the train was being detail
for want of staff.
5. That though the train passing duty staff are not
thoroughly to out stations for such jobs because this will
affect the train operations yet I carried out the order
of CWS/Goods and took the spring and jack to N.E.Rly. p/
6. That No written order was given to me by CWS/GC
to carry the BG Spring from yard to N.E.Rly. platform.
7. That I deny the charges mentioned in the charge sheet
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

(2)
RSC

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 F.T.O.

A personal hearing may or may kindly be granted.

Thanking you,

Yours faithfully,

चंद्रपाल यादव

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

Dated: 31.3.1990.



Amulya Rao/10

(5)

उत्तर रेलवे
NORTHERN RAILWAY

मुमुक्षु
सी. डी. बी. ३२/लख.

आर एस। १२१९०

दिनांक ११/८/९०

प्रिया

सी. एट्ट. पाल

फैल गो ११ दश ७८०

विषय:- दूर्ज चौधरी सं. आर एस। १२१९० फैल ७८०/९०
निकल दर दो से घास वत्ते।

सन्दर्भ:- आपकी अपील दिनांक ३१/३/९०

कल अपीली अनुग्रहन एवं अपील
का १९८० के दिन २२/२ के अनुग्रह
अपील अधिकारी बी. ए. ए. (सी) ने दूर्ज
चौधरी के लोदेश के विषय आपकी दूर्ज
चौधरी एवं दूर्ज रुक्मि निराम लाइ
लाइनीला निर्माण वक्ता द्वारा
“It is evident in this case
the appeal is convincing”

एस.

एस.

प्रिया - राजनीति लिपि निर्माण
सुनामा अवाल अपील अपील

प्रिया
सूल

Order of imposition of penalty under Rule 6(i) of Railway Servants (Discipline & Appeal) Rules 1968.

FORM NO.10

Divisional Office, N.W.R. Lucknow, Dated;

13/2/79

Loco Shed/NR/- - - - -

..... by the Loco Foreman/NR/ - - - - -

I have carefully considered your representation dated 10/1/79 in reply to the Memorandum of Charge Sheet No. 10/1/79 Dated; 20/1/79. I do not find your representations to be satisfactory due to the following reasons;

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

I have travelled 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.

Under Rule 8 of the Railway Servants (Discipline & Appeal) Rules 1968 an appeal against these orders lies to: N.W.R./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:.....

NAME:.....

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

TC
DKL