

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

VOA/TA/RA/CP/MA/PT ..329.....of 20.....90

Meenagali.....Applicant(S)

Versus

U.O.S. &amp; others.....Respondent(S)

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Certified that the file is complete in all respects.

.....*Genk (Ab.)*..... Destroyed .....

Signature of S.O.

Signature of Deal. Hand

B-C. Writing cont  
*P*  
14-6-12

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

D.A. / T.A. No. 329/40 of 199

Name of Parties

Mangali. Riaz

Applicant

Versus

Union Of India & Others .....

Respondents

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PART A

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PART B

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PART C

CERTIFICATE

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

COUNTER SIGNED : 16-7-94

(Signature of Dealing Asstt.)

Dated:-

V.K. MISHRA

(SECTION OFFICER/COURT OFFICER)

16-7-94

(C) (CB)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing ..... 25.19/90  
Date of Receipt by Post .....  
7/11  
Deputy Registrar (J)  
OSR/ 25/9

Registration No. 329 of 1989/90 (L)

APPLICANT(S) Shri Mangali Prasad

RESPONDENT(S) U.O.-I through C.M. N.E Rly. C.R.Kp.

Particulars to be examined		Endorsement as to result of examination
1.	Is the <del>appeal</del> competent ?	yes
2.	a) Is the application in the prescribed form ?	yes
	b) Is the application in paper book form ?	yes
	c) Have six complete sets of the application been filed ?	yes
3.	a) Is the <del>appeal</del> in time ?	No
	b) If not, by how many days it is beyond time ?	
	c) Has sufficient cause for not making the application in time, been filed ?	No
4.	Has the document of authorisation/ Vakalatnama been filed ?	yes
5.	Is the application accompanied by B.D./Postal Order for Rs.50/-	yes Postal order 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 pageing done properly ?	yes Two sets
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

Affested by counsel

C

Particulars to be ExaminedEndorsement as to result of examination

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

dinstch/

05  
25/9

Register  
The Petition is  
time barred. Application  
Court has moved  
an application of  
condonation of delay.  
Petition before  
the Hon'ble Bench on  
5-10-82 for a decision.

28-3-82

OA-320196

(2) 1

Manjiv Pd. vs U. O. Smelva  
Exp. Judge dated 15/12/73

11-294

~~Han. M.~~

OR  
The cause has  
been decided  
Ent. on 15/12/93  
by the Hon'ble D.B.  
Bench for  
the County has  
decided to  
move on 25/12/93  
for Recalling of the  
Ent. of judgment  
15/12/93  
same is submitted  
for order  
  
  
10/12/93

is to be decided exparte. (S.C.)  
List this case for ~~decision~~  
~~the case~~ exparte <sup>hearing and disposal</sup> on 24/8/93.

A.M.

J.M.

24.8.93

No. 31999 Q.D.B. adj. no  
11.10.93

Done

2

11.10.93

of  
(R.W.H.)  
GPO  
D  
2/12/93

No. 31999 Q.D.B. adj  
20.12.93

Done

2/12/93

Hon-Mr. Justice R.K. Varma, V-e.  
Hon-Mr. V.K. Seth, A.M.

of  
(R.W.H.)  
GPO  
D  
2/12/93

Shri W.H. Haidari, learned  
counsel for the petitioner is  
present. List this case on  
15/12/93.

W.H.  
A.M.

R.K.  
V-e.

15/12/93

Hon. Mr. S.N. Purohit, J.M.  
Hon. Mr. V.K. Seth, A.M.

of  
(R.W.H.)  
GPO  
D  
2/12/93

Heard the learned counsel for  
the applicant. Judgment dictated  
separately.

A.M.

J.M.

(S) 4

3.8.94

Lawyers abstain from Judg. until 10.9.94

Proc

19-9-94

Hon Mr. Justice D.M.  
Hon Mr. D. C. Verma, J.M.

None for hearing  
List for hearing on 27.10.94

J.M.

W.K.  
A.M.

27/10/94

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

Smti W.H. Haidari, counsel for  
the applicant is present. A  
perusal of the record shows  
that an application dt 17/9/94  
filed by the respondent for  
recalling up the Ex Parte order  
dated 15/9/94. The application  
be listed for consideration  
on 6/11/94.

J.M.

W.K.  
A.M.

2/2/95

DR  
3.7.95

This file has been placed  
today by the office. Office  
to be more careful in future  
regarding listing.

List it for orders on  
2.2.95 as requested

DR

1126

13-5-96

P  
D.L.NS/CCS  
64

## बकालतनामा

Before Central Administrative Tribunal के समक्ष  
Bench, Lucknow के न्यायालय में  
O A no 329/90(L.)

वादी प्रतिवादी	Mangali Pd.	दावेदार अपीलार्थी
प्रतिवादी वादी	वनाम Union of India	अर्जीदार प्रत्यायी
भारत के राष्ट्रपति द्वारा श्री S. Siddharth Verma, Rly. Adv. C. of Lucknow		

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ को और से उपर्युक्त होते, कार्य करने, आवेदन करने, अभिव्यवत्तन करने और और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और नापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपशा वापस लेने और उसका निश्चय करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनिधित्व करने और भारत संघ के लिए इस प्रकार उपर्युक्त होने, कार्य करने, आवेदन करने, अभिव्यवत्तन करने और आगे कार्यवाही करने की अनुबांधिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यायी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिव्यवत्तन करेगा, न एसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल एसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री S. Siddharth Verma, Rly. Advocate  
..... Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी और से इस विलेख को आज तारीख को सम्पूर्ण रूप से निर्धारित किया जाता है।

तारीख..... 19

ACCEPTED  
NER-84850400-8000- 4 7 84

S. Siddharth Verma

ADVOCATE  
C-16, K-Road  
Mahanagar Extension  
Lucknow-226 006

S.M. N. Islam  
निष्पादन करने वाले अधिकारी का पदनाम

दस्तावेज़ अंकित किया गया है।  
मुमिन दस्तावेज़ अंकित किया गया है।  
मुमिन दस्तावेज़ अंकित किया गया है।

46

OK 329/90

2-2-95-

Care not reached. adj to

17-7-95.

MP 251/94  
fixed for recall  
the entry order  
14/7/95

17-7-95

No sitting of D. Bench.  
Case adj to 29-9-95.

the  
Bee

201

26-09-86

Hon. Dr. Justice B. C. Saksena, V.C.  
Hon. Dr. V. K. Singh, A.M.

Mr. W. H. Haideri, learned  
counsel for applicant is on leave.  
Arr. on 15-10-86 for hearing.

W.S.  
A.M.

BC  
V.C.

15-10-86

28

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

Hon'ble Mr. D. C. Verma, J.M.

Mr. W. H. Haideri, learned  
counsel for applicant is on  
leave.

Arr. on 08-11-86 for hearing

A  
J.M.

W.S.  
A.M.

8/11/86

Hon. Mr. V. K. Singh, A.M.

Hon. Mrs. D. C. Verma, J.M.

for applicant Shri W.H. Haideri  
for respondents None

Recd Shows that the OA has thoroughly  
been looked for hearing today, as the  
OA was already disposed of by the judgment  
and order dated 15-12-83. It may now  
be listed for orders on M.P. 25/9/86 with  
reference to our directions 28-9-85.  
but for orders on 3-1-87.

B

J.M.

W.S.  
J.M.

9

04329/90

3.1.93

No. 31/93 of D.O. adjm.  
24.2.93

B.M.

02  
st not  
filled  
B.M.  
24.2.93  
24.2.93

Hon. Mr. M. Seth, A.M.  
Hon. Mr. D.R. Verma, J.M.

For applicant: Sri W. K. Harday, Alee  
For respondent: Sri S. Verma, Alee.

Heard on 251/93 seeking recall of order  
dt. 15.12.93 passed by the tribunal in O.P. 329/90  
The aforesaid m.p. prays for recall of judgment  
& order passed ex parte.

The notice that the judgment in question  
was decided on O.A. on merit of course  
was passed in the absence of  
the same was passed in the absence of  
the reply from the respondent. Nonetheless no  
good grounds have been made in the  
aforesaid m.p. We do not find any justi-  
fication to review & recall the judgment  
& order dt. 15.12.93. The m.p. is, therefore,  
rejected.

J.M.

L 15

A.M.

Recd  
Seth  
26.2.93  
SIC  
25.2.93

15  
HIGH COURT OF UTTAR PRADESH

LUCKNOW, U.P., LUCKNOW

EA 325/90 (L)

Date of Decision 15/12/83

Mangali Pradeep.... Petitioner

W.H. Haideri.... Adv. for the Pet.

Union of India & others.... Respondents

..... Adv. for the Respondents.

The Hon'ble Mr. S.N. Prasad, J.M.

The Hon'ble Mr. V.K. Seth, J.A.M.

whether the name of local names may be allowed to  
the judgment. (By S.N. Prasad, J.M.)

Is referred to the Reporter or not.

whether the learned Counsel wish to see the fair copy of  
judgment?

Is referred to be circulated to all other Benches?

Signature

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

.....

Original Application No. 329 of 1990 (L)

Mangali Prasad ..... Applicant

Versus

Union of India  
& others ..... Respondents

Hon'ble Mr. S.N. Prasad, Judicial Member  
Hon'ble Mr. V.K. Seth, A.M.

( By Hon. Mr. S.N. Prasad, Judicial Member)

The applicant has approached this Tribunal  
mainly for directing the respondents to refund his 5 days  
salary Rs. 324/- which has been deducted from  
his salary for Sept. 1987 despite the facts  
that the applicant was on duty from 7.11.87 to  
11.11.87; and further the respondents be directed  
to pay Rs. 364/- against his T.A. claimed made  
by him for the period from 2.9.87 to 12.9.87  
during which he had been on duty at out station.

2. Briefly, stated the facts of the case  
interalia are that the applicant was deputed to  
escort damaged coach No. 5006 GS Ex. Aishbagh  
Junction, N.E. Railway; to IZN Workshop as per  
order of the respondent No. 2. The applicant  
and two other persons namely Garjoo, Carriage  
Fitter and Sri Ayodhya Prasad, Khalasi, were  
also deputed to escort the same coach and the  
coach was attached with Dn. Juglar Goods Train  
on 2.9.87 and reached at Izat Nagar Shop on 10.9.87  
as per details given below :-

2.9.87 By Dn. Juglar Ex-ASH at 16.20

3.9.87 Reached MLN at 10.36

(18)

4.9.87 Halt at MLN as there was no power.

5.9.87 Left MLN at 21.40 by BC Spl.  
6.9.87 Reached BC at 4 hrs.  
6.9.87 Left BC by KSJ Spl. at 4.20 as  
coach was not detached by CTNL -  
order reached KSJ at 8.30 hrs.

7.9.87 Left KSJ by AB 2 Up for BC at  
2 hrs.

7.9.87 Reached B.C at 16.40

8.9.87 Stayed at B.C for want of power.

9.9.87 Left B.C at 21.55 for IZN.

9.9.87 Reached IZN at 22.15

10.9.87 By shunting Pilot to IZN-Shop

On 11.9.87 the applicant made over the charge of the  
damaged coach to the workshop authorities and after  
receiving letter No. M/2077 dated 11.9.87 from Works  
Manager/IZN Workshop, left for Lucknow by 25 Up at 23  
hrs. for IZN and reached at HQ at 10 hrs. (<sup>vide</sup> Annexure-2).

3. The main grievance of the applicant appears  
to be that despite several representations, made to the  
authorities concerned, dated 12.1.88 and 1.6.88 which are  
Annexure A-8 & A-9 respectively, nothing materialised  
sofar; the applicant has approached this Tribunal.  
/ ~

4. This is noteworthy that despite ample  
time and opportunity having been afforded to respondents  
for filing C.A., no C.A. has been filed and as such the  
averments made by the applicant in the O.A. to the effect  
that the above representations i.e. Annexure A-8 & A-9  
having not been decided sofar, remain uncontroverted.

5. Having considered all the facts and  
circumstances of the case and all aspects of the matter  
we find it expedient that the ends of justice would be



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served if the respondents are directed to decide above representations of the applicant (Annexure A-8 & A-9) by reasoned and speaking order in accordance with the extant rules and regulations and to redress the grievance of the applicant <sup>accordingly</sup> within a period of two months from the date of receipt of the copy of this judgment, and we order accordingly.

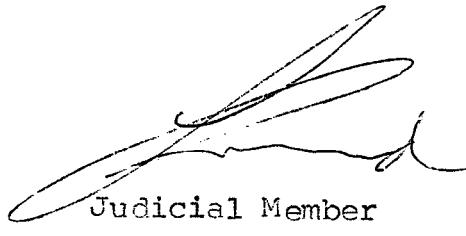
6. It is made clear that in case if the above representation i.e. Annexure A-8 & A-9 are not readily available with the respondent No. 3 i.e. Sr. Divisional Personal Officer, N.E. Railway, Hazratganj, Lucknow then in that case, the applicant <sup>will</sup> <sup>may</sup> furnish a copy thereof to the respondent No. 3 within a period of 10 days from the date of the receipt of the copy of the judgment to enable <sup>the respondent</sup> <sup>him</sup> to decide the above representations within the aforesaid specified period of time.

7. The application of the applicant stands disposed of as above. No order as to costs.

  
Admin. Member

Girish/-

Ducknow; Dated 15.12.93

  
Judicial Member

15.12.93

14/10

OA 329/90 (L)

10.8.92

D.R.

Applicant is present.

Respondent to file counter

by 16.10.92

16.10.92

D.R.

Both the parties are absent.

Counter has not been filed.

Respondent is directed to file counter by 10.12.92

10.12.92

D.R.

Applicant is present infers

Last opportunity is given to respondents to file counter if

they do not file counter on the fix date the case will be proceed for ex parte hearing listed for filing counter by 20.1.93.

20/1/93

D.R.

Respondent to file counter

by 29/3/93.

29/3/93

D.R.

Both the parties are present. C.A. has not been filed. Respondent are directed to file it by 12/5/93.

OK

(A. 10th/10/92)

(S. 10th/10/92)

OK

(A. 10th/10/92  
before DR (1))

10/10/92

26/3/93

8.10.90

No sitting Adm to 25.10.90

25.10.90

No sitting Adm to 8.11.90

8.11.90  
B

Hon. Mr. M.V. Desai - Adm

Hon. Mr. D.K. Agarwal - G.M.

Due to resolution of Bar  
 Association case is adjourned  
 to 20.11.90

20/11/90

Hon. Mr. Justice K. Nath, re  
 Hon. Mr. M.M. Singh, Adm.

R  
B.C.

Heard the learned counsel for the  
 applicant.

Issue notice to respondent to  
 show cause why the petition may  
 not be admitted and in particular  
 to indicate why no progress had  
 been made with the enquiry  
 proceedings under the Chargesheet  
 dated 9/9/87, Annexure-4. The  
 respondent will also produce the  
 record.

In the matter of condonation  
 of delay issue notice and list for  
 admission on 15.1.91 when the  
 case ~~will~~ <sup>may</sup> be disposed of finally.

M. T. D.

Adm.

R

V.C.

Notice issued

R  
3-12-90

(17)

(18)

O.A. 329/90 (C)

11.4.91

D.R.

Applicant's side is present. O.P. is absent. Counter has not been filed till today. Sufficient opportunity has also been granted to O.P. This will be last opportunity.

case is listed on 26.7.91

for filing counter

26.7.91

D.R.

Sri W.H. Haidar is present for the applicant. Respondent is directed to file counter reply by 27/8/91.

27.8.91

D.R.

Applicant is present.

O.P. is absent. Respondent to file counter by 31/8/91.

31.8.91

D.R.

Applicant is present.

O.P. is directed to file counter by 18/11/91.

AKD

In The Central Administrative Tribunal, Allahabad.  
Circuit Bench, Lucknow.

Claim No. 329 of 1990. (2)

Mangali Prasad ... Applicant  
versus  
Union of India and others... Respondants.

I N D E X

s.No.	Particulars	Page No.
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3.	Affidavit in support of application for delay	11 to 13
4.	Power	14
5.	Annexure No.1 (complaint of Garjoo & Ayodhya Pd. D/8-9-87) " No.1A (Letter of CWS/LJN No. M/Conf/87 D/8-9-87)	15
"	No. 2 (Copy of W/S Manager Izathnagar No. M/2077 Dt. 11-9-87)	16
"	No. 3 (Report D/12-9-87 to CWS/LJN)	17
"	No. 4 (Minor Memo of Charge Sheet No. M/54/2/DRM CNW Dt. 9-9-87)	18
"	No. 5 (Pay slip of 5 days)	19
"	No. 6 (T.A Bill for 9/87)	20
"	No. 7 (Defence Statement D/24-2-88)	21 to 29
"	No. 8 (Representation D/12-1-88)	30
"	No. 9 ( " 1-6-88)	31
"	No. 10 (Notice u/s 80 CPC)	34-35

Lucknow:  
Dated : 26-9-1990

Manoraj  
Applicant

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing ... 25.9.90  
Date of Receipt by Post ...

Deputy Registrar (J)

S.W.P  
25/9

In The Central Administrative Tribunal, Allahabad,  
Circuit Bench, Lucknow.

Claim No. of 1990.

Mangali Prasad, aged about 43 years son of late BALLI,  
resident of Railway quarter No. L-36-A, MOWAIYA, Railway  
Colony, Charkiagh, Lucknow, at present working as H.TXR  
under C.W.S/LIN, N.E.Rly., Lucknow

...

Applicant.

versus

1. Union of India through G.M., N.E.Rly.,  
Gorakhpur.
2. Divisional Mechanical Engineer, C & W, N.E.Rly.,  
Hazratganj, Lucknow.
3. Sr. Divisional Personal Officer, N.E.Rly, Hazratganj,  
Lucknow.

Respondents.

1. Details of Application.

Particulars of order against which application is  
made.

- i. Un-disposed Memorandum of Charge Sheet No.  
M/54/2/DRM/C & W dated 9-9-87 under Rule 11  
of R.S (D & A) Rule 1968, with reference  
to Annexure No.4.
- ii. Deduction of 6 days salary Rs.324/- from 7-9-87  
to 11-9-89 with reference to Annexure No.5.

*Mangali*

iii. Non-payment of T.A bill amount Rs.364/- payable with the salary of October, 1987 with reference to Annexure No.7.

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 this Hon'ble Tribunal.

3. Limitation.

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

4. Facts of the Case.

i. That the applicant was deputed to escort damaged coach No.5006 GS Ex.Aishbagh Junction, N.E.Rly., to IZN workshop as per order of the Respondant-2.

ii. That two other persons namely Garjoo, Carriage Fitter and Sri Ayodhya Prasad, Khalasi, were also deputed to escort the same coach.

iii. That the coach was attached with Dn.Juglar Goods Train on 2-9-87 and ~~XXXXXXXXXX~~ reached at Izat Nagar Shop on 10-9-87 as per details given below : -

2-9-87 By Dn.Jugglar Ex-ASH at 16.20.

3-9-87 Reach MN at 10.36.

4-9-87 Halt at MN as there was no power.

*Mangal Pal*

-3-

5-9-87 Left MIN at 21.40 by BC Spl.

6-9-87 Reached B.C at 4 hrs.

6-9-87 Left B.C by KSJ Spl. at 4.20 as coach was not detached by CTNL order reached KSJ at 8.30 hrs.

7-9-87 Left KSJ by AB 2 Up for BC at 2 hrs.

7-9-87 Reached B.C at 16.40

8-9-87 Stayed at B.C for want of power.

9-9-87 Left B.C at 21.55 for IZN.

9-9-87 Reached IZN at 22.15.

10-9-87 By shunting Pilot to IZN-Shop.

4. That on 11-9-87 the applicant made over the charge of the damaged coach to the workshop authorities and after receiving letter No.M/2077 dated 11-9-87 from Works Manager/IZN Work Shop, left for Lucknow by 25 Up at 23 hrs. for IZN and reached at HQ at 10 hrs. The photostat copy of WM/IZN is annexure forming part of this application Annexure No.2. *✓*
5. That on reaching HQ at Lucknow, the applicant submitted his report along with the Work Shop Manager's letter cited above to GWS/CJN. The photostat copy of the report is Annexure forming part of this application is Annexure No.3.
6. That the aforesaid 2 men S/Sri Garjoo, Fitter and Ayodhya Prasad, Khalasi, who were also deputed to escort the damaged coach, went upto Bareilly City only and returned back by encashing return journey E.D Pass. on 6-9-87 by 25 Up without informing the

*Manoj Singh*

applicant under a conspiracy against the applicant.

7. That Sri Baleshwar ~~Prasad~~ Tewari CWS/LJN has been keeping mal intention against him since long, managed to pressurise S/Sri Garjoo and Ayodhya Pd. to give false complaint and submitted a false report to implicate him which are annexed forming part of this petition as Annexure No.1 and 1-A.
8. That the said Sri Baleshwar ~~Pd.~~ Tewari CWS/LJN also managed to get issued a Memorandum of Charge Sheet No.M/54/2/DRM/C & W dated 9-9-87 for minor penalties RII of R.S. <sup>D+A</sup> (DA 9A) Rule 1968 containing false allegation of his absence while escorting the damaged coach. A copy of the said Charge Sheet is annexed forming part of this application as Annexure No.4..
9. That a deduction of Rs.324/- was also made from the salary bill for the month of September, 1987 for his alleged absence from duty from 7-9-87 to 11-9-87. A copy of the Pay Slip is annexed forming part of this application as Annexure No.5.
10. That Sri Baleshwar Tewari CWS/LJN also managed to disallow his T.A bill for Rs.364/- for the month of September concerning to the period he was duly escorting the damaged coach. A photostat copy of the T.A bill is annexure forming part of this application as Annexure No.6.

*Mangat Pd*

11. That the applicant submitted his defence statement to the Memorandum of Charge Sheet referred to above ( after receipt of the necessary documents ) on 24-2-88. ( the delay in submission of the defence statement is Respondant No. 2. A photostat copy of the defence statement is annexed herewith forming part of the application as Annexure No. 7. )

12. That respondents Nos. 2 and 3 have neither finalised the Memorandum of Charge Sheet nor paid his deduction of Salary Bill and T.A bills referred to above in paras 8, 9 and 10 of this application.

13. That the payment of his T.A Bill amount and the refund of his 5 days salary are inter-linked with the disposal of Memorandum of Charge Sheet by the Respondants Nos. 2 and 3 which they have differed <sup>been</sup> up till now i.e even after a lapse of 2½ years.

5. Grounds of Reliefs with legal provisions.

1. Because the applicant had been on duty from 2-9-87 to 12-9-87 F.N and deduction of 5 days pay from the salary for the month of September, 1987, has no justification and it is arbitrary actions of the Respondants Nos. 2 and 3.

2. Because the applicant has submitted his T.A bill supported by the certificate from the Guard of each and every train on which he travelled during the escorting of the damaged coach, withholding and non-payment of his T.A bill amount is a

*Mangatpal*

malafide action against him.

3. Because the payment of salary and T.A bill is a civil right which can not be denied in an arbitrary manner.
4. Because the respondents have failed to dispose of the minor Memorandum of Charge within 6 months and even after the lapse of 2½ years, the imputation charge can not be used against the applicant.
6. Details of Remedies exhausted.  
The applicant declares that he has availed of all the remedies available to him under the relevant service rules.
  - (1) That the applicant made his first representation against the deduction of 5 days salary on 12-1-88. The copy of the representation is annexed to this application forming part thereof as Annexure No.8.
  - (2) That the applicant made his second representation dated 1-6-88 to the Respondants Nos. 2 and 3 for the non payment of his T.A amount Rs.364/- and for refund of his 5 days salary amount Rs.324/- to respondents Nos. 2 and 3. A copy of his representation is annexed herewith forming part of this application as Annexure No.9.
  - (3) That the applicant served upon the Respondants Nos. 1 to 3 a registered notice under Section 80 C.P.C. through his counsel for the payment of his pay and T.A. A photocopy of the said notice is annexed as

forming part of this application as Annexure No.10.

(4) That besides the above cited representation and notice, the applicant has been seeking regular interviews with the Respondents Nos. 2 and 3 for the disposal and finalisation of the Memorandum of Minor Charge Sheet, but all the time, there had been verbal assurances, with no result.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he has not previously filed and application, writ petition or suit regarding the matter in respect of this application has been made, before any court, or any other authority or any other Bench of this Tribunal, nor any such application or suit is pending before any of them.

8. Relief Sought:

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

(i) That this Hon'ble Tribunal be pleased to direct the respondents to refund his 5 days salary Rs.324/-, arbitrarily deducted from his salary for Sept.1987, because the applicant was on duty from 7-11-87 to 11-11-87.

*PLWV/14/6/14*  
(ii) That this Hon'ble Tribunal be further pleased to direct the Respondents to pay Rs.364/- against his T.A claimed by him for the period from 2-9-87 to 12-9-87 during which he had been on duty at out station.

(iii) To set aside or quash the impugned Memorandum of Charge <sup>sheet</sup> for Minor penalties, issued by Respondant No.2 vide his No.N/54/2/2/DAR dated 9-9-87 under Rule 11 of R.S (D & M) Rule 1968 on false and concocted grounds.

(iv) To award the applicant the cost of the application.

9. Interim order, if any, prayed for.

That this Hon'ble Tribunal be pleased to restrain the Respondants from imposing any penalty on the basis of the impugned Memorandum of Charge <sup>sheet</sup> (with reference to Annexure No.4) because on the receipt of the notice from the Hon'ble Tribunal, the Respondant No.2 may impose minor penalties against him to defeat the ends of justice in the present application.

10. Mode of Filing this application.

Presented personally in Office.

11. Particulars of Bank Draft/Postal Order Filed in respect of application fee:

Postal Order No. 02 415768

Value Rs. 5/-

Dated: 20.9.90

Mangal D

(27)  
(28)12. List of Enclosures:

<u>S.No.</u>	<u>Particulars</u>	<u>Page No.</u>
	Annexure No.1 Complaint of Garjoo & Ayodhya Pd. D/8-9-87	1
"	No.1 A copy of letter of CWS/LJN No. M/Conf/87 Dt.8-9-87	1
"	No.2 Photostat copy of W/Shop Manager, Izat Nagar No. M/2077 Dt.11.9-87	1
"	No.3 Photostat copy of report Dt.12-9-87 by applicant to CWS/LJN.	1
"	No.4 Minor Memorandum of Charge Sheet No. M/54/2/DRN CNW Dt.9-9-87.	1
"	No.5 Pay Slip deduction of 5 days pay.	2
"	No.6 T.A bill for 9/87 (enclo:7)	2
"	No.7 Defence Statement of applicant D/24-2-88	2
"	No.8 Representation Dt.12-1-88	1
"	No.9 "	1-6-88
"	No.10 Notice 80 CPC	2

VERIFICATION:

I, Mangali Pd. s/o BALAI, aged 43 years working as HTKR in the office of C.S/LJN N.L.Rly., R/o Rly. Quarter No. L-36-A MOWAIYA Railway Colony, Charbagh, Lucknow do hereby verify that the contents of paras 1,2 (4-1 to 4-13), 6,7, 9 to 12 are true to my personal knowledge and paras 3, 5, 8 and 9 are believed by me to be true on legal advice and thzt I have not suppressed any material fact.

Date: 20-9-90

Place: LUCKNOW

  
 Signature of applicant.

(20/38) No 10  
10

In The Central Administrative Tribunal, Allahabad,  
Circuit Bench, Lucknow.

Claim No. of 1990.

Mangali Prasad ... Applicant

versus

Union of India and others... Respondants.

Application for Condonation of Delay.

For the facts and circumstances mentioned in the accompanying affidavit, it is most respectfully prayed that the delay in filing the aforesaid application before this Hon'ble Tribunal under Section 19 of the Administrative Tribunals Act, 1985, may kindly be condoned, in the interest of justice.

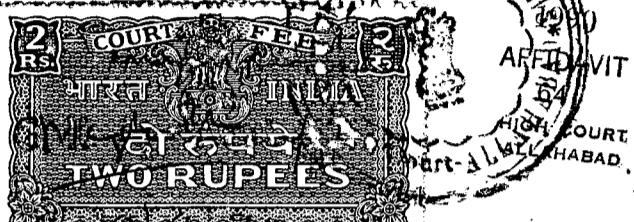
Lucknow:

Dated : 20 -9-1990.

✓  
W. H. Hader  
Counsel for the Applicant.

In The Central Administrative Tribunal, Allahabad,  
Curcit Bench, Lucknow.

J.A No. of 1990.



Mangali Prasad ....., Applicant.

versus

Union of India, through The General Manager, Northern <sup>EASTERN</sup> Railway, Gorakhpur and others.

...

Respondants.

AFFIDAVIT in support of the application

Under Section 19 ( Act No.13 of 1985 )

To The Central Administrative Tribunal,

Lucknow for condonation of delay.

I, Mangali Prasad, aged about 43 years son of late BALAI, resident of Railway quarter No.L-36-A MOWAIYA, Loco Colony, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under : -

1. That the deponent is the petitioner in the aforesaid application and as such he is well conversant with the facts and circumstances of the case deposed hereinafter.
2. That the deponent was served with a Memorandum of Charge Sheet No. N/54/2/DRM/C & W dated 9-9-1987 for minor penalties under Rule 11 of R.I ( D & A.I ) Rule 1968, containing fake allegations about his absence from duty while escorting 5006 S damaged coach Ex.AISHBAGH-IZN Work Shop.

*Manesli*

-2-

3. That the deponent in his defence statement on 26-2-88 has alleged that Sri Baleshwar Tewari CWS/LJN had been keeping mal intention against him, and so he has got him implicated on false charge of absence from duty with consequential deduction of 5 days pay from 7-9-87 to 11.9.87 and non-payment of his T.A bill for September, 1987.
4. That the respondents nos. 2 and 3 had been assuring the deponent all the time to look into his case, and the deponent believing their assurances as a gentleman's promise, could not file application before this Hon'ble Tribunal with the period of 1 also prescribed in Section 21 of the Administrative Tribunal Act, 1985.
5. That the delay in filing the present application before this Hon'ble Tribunal is not intentional, but owing to his reliance on the false assurances of the respondents nos. 2 and 3, who have not even after a lapse of 2½ been able to dispose of minor Memorandum of Charge-Sheet pending against the deponent for their disposal.
6. That now the applicant has no efficacious remedy available but to revoke the jurisdiction of this Hon'ble Tribunal to meet the ends of justice.

-3-

7. That it is expedient in the interest of justice that this Hon'ble Tribunal be pleased to condone the delay in filing this application, otherwise the deponent will suffer irreparable loss.

DEPONENT.

Verification.

I do hereby solemnly affirm and declare that what is stated in paras 1 to 7 above are true to my own knowledge and that I have not suppressed any material fact. This verification is signed by me at on the 19 day of September, 1990.

DEPONENT

I identify the the signature of the deponent who has signed before me.

W. H. Hade  
Advocate.

~~Kim Kishor Sandor~~  
Advocate  
Oath Commissioner  
Alchated High Court  
Civil Bench Lucknow  
No. 1321.D d.e. 19/9/90

Solemnly affirmed before  
me on 19/9/90 at 10.20 A.M.  
by the deponent who is  
detained by Sri. W. H. Hade  
Advocate High court Lucknow

I have satisfied  
myself that the deponent  
understands the content  
of affidavit which  
have been read over  
and explained to him  
by me.

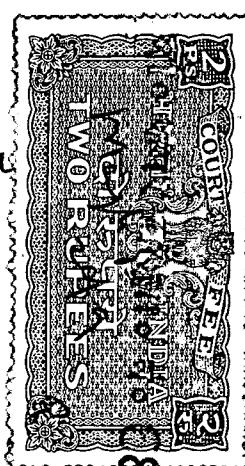
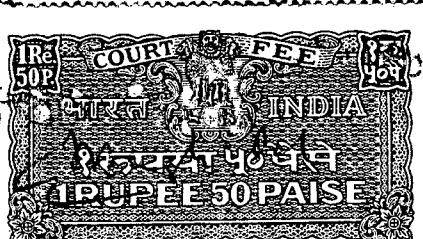
19/9/90

प्रदाता खोमान् Central Admnistrative Tribunal Rule Ben. महोदय

(धारा) अमीलम्प. Mangal Re. 474 - Union of India / Government  
Mangal Re. 474 - वी. W. H. Hardam का

प्रतिवादी रेस्पांडेन्ट

द्विवालितनामा



Mangal Re. पनाम

नं० मुकदमा

सन्

पेशी को सा०

१९

वकील

महोदय

एडबोकेट

को अपना वकील नियुक्ति परके प्रसिज्जा इपराए फरता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंचवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी और से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दाखा तथा अपील निगरानी हमारी और से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब फार्मबाही हमको सर्वथा स्थीकार है और होगा। मैं यह भी स्वीकार फरता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पंचोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर लाइ होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

Mangal Re. 474  
एस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

पर्याप्ता

सन् १९

६०

*W. H. Hardam  
20. 9. 90*

*(Signature)*  
P. No 15

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. of 1990.

Mangali Prasad ... Applicant

versus

Union of India and

others ...

Respondents.

ANNEXURE NO. 1 of 1 A

B NINE + ONE NY 41  
A copy of the complaint made by Son  
Sas Ayodhya Dc - Khanan & S. George Fitter addressed  
to C.W.S.L.D. on 8/9/87

ଏହାରାହି ।

जिवदा है कि उन्होंने अंगाली उसाद उल्लंघन  
करने गए उसाद, किंतु कि रात्रि 21/9/87 को 5:30 AM - 6:55  
AM तक अलगाड़ी से रेलवे गाड़ी से उत्तरांचल के लिए  
रुपानी, हुर्दा की अंगाली उसाद सीलिंग के दूसरे छोटे अंगाली उसाद  
ने छोटा किया था तो गलत ही राया नाम से लोग चालो तो  
दूसरा वक्तव्य के लो रहा है / कि लोग 31/9/87 को  
गाड़ी लोक में अंगाली उसाद गए / फिर हमें लाइन चुकाया

3/9/87 से 5/9/87 तक तम आपने बाहु की रास्ता  
दूरकोः रहे अब वह अपने तो ५०० की लेख बोले हैं  
लिख दल गए।

गाड़ी भैलाली से ५९/८७ की रात के बारे में १०७५  
वर्तमान दिन वर्तमान ६/९/८७ की सुबह बारे में ५ बजे  
पहुंचे। ताहती मुलाज के लाए जाने वाले मिले। इन लोगों की  
रात के देर तक आव नहीं आये। तो इन गाड़ी-मार्ग परस्त  
की बताया। ताहती २५ अप्रैल ६/९/८७ की बातें याल  
में ५/९/८७ के दौरे ताहती आपके द्वारा दिये गये। ताहती  
६/९/८७ का भी बहुत कम दूरी का था। अंगामी रसायन नहीं  
मिले किसी गोठ में। दूर दूर का था। इतना ही आपकी  
दृष्टि वाले द्वितीय ५/९/८७ को देखा करने के बाद नहीं  
मिले। अपनी हाथियाँ वी उत्तराखण्ड की ओर दूरी,

Ex - 31214479334  
01/01/2022

2. 125

8/9/82

ATTESTED

Wester

W. H. HARRI  
Admiral H. L. Eddy

Copy of CWT/TS's letter to my Cen/87 Dt 0/9/87  
addressed to DRM (my LTN)  
On the basis of which the memo in question has  
been issued.

विषय :- श्री अगली उसाद उमा

प्रियम्:- दुष्टिना गुरुने उदास 65 वा उत्तमतम्  
गुरुना गुरु

देवानं G-5 के लेख संख्या २०, राजास्थी राज राज किंवद्दि के संग्रह  
द्वी अंगली उसाद उपाधिक २१९/४७ के १६.१८ पर अंगली ने २० अगस्त  
से उत्तराखण्ड वाराणसी राजकी दुरुर / तत्परता ३१९/४७ के श्री  
गरजू राज संहत अधीक्षा उसाद ने अपनी लिपिभृत शिक्षाकृत में बताया  
कि श्री अंगली उसाद अंगली के आगे के तो उन्हें आगे गरजू की  
न पापसी में उक्ती सम्भव अपूर्व / असहाय वर्षिया उठाने G-5 की  
विली सिली याद वे वी दौड़ाने लगने थे यहां अपूर्व / श्री गरजू  
राज श्री अधीक्षा उसाद राज के अपने कलाभृतदावयन के कला  
हृ कि श्री अंगली उसाद सीलियूर्न उनके बताया कि एक गलत  
वना है दूसरा लोक जा रहे हैं मगर उपरावत जनवारी अ  
की वह न मिले उन्हें जाए पहुंचे श्री गर्ज अंगली वापस  
भी आ गए मगर उन्हें अंगली उसाद की आजंतक एता  
नहीं है ३१९/४७ से ३१९/४७ तक अंगली विली में  
पुराना विली है / अंगली अंगली उसाद में पहुंचे /

वेद ग्रन्थों के समान लिखना पड़ रहा है किंतु  
उत्तरदाता यद्यकि ही है उन्होंने अंगाली छसा, उत्तर  
ने ग्रन्थ लिखते ही अतिकृत किया है/ किंतु २००६  
उधान गाड़ी पर्याप्त के लिए यहाँ वही है  
क्षेत्र, जो आपको समझ रख किया है/ उत्तरदाता का

गोदावरीनामात्मा, गोदावरी देवी तांत्रि देवी, वामदेवी, वामदेवी के संकुप्त वर्णन के भाव गोदावरी देवी

୨୭ ॥ ୫୫ ମାତ୍ରାମ୍ବଦ୍ୟ ରହିବ ରହିବ

ମୁଖ୍ୟ ବିଷୟ କାହାର କାହାର କାହାର

proposed in A

ATTESTE

卷之三

Re: ~~John~~ 201

W. H. HAB

### *Adroca. High C*

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. of 1990.

Mangali Prasad ... Applicant

versus

Union of India and

others ... Respondants.

ANNEXURE NO.

2

## ANNEXURE NO 2

कस्तुर पर ही दोनों तरफ स्थित हैं।  
Use both sides if required.पूर्वोत्तर रेलवे  
N. E. RAILWAYN.E.-G. 40  
RB-GL. 19

नंबर (No.) २०/अन्नेक्यूरे/७ दिनांक (Dated) ११-७-८७  
 प्रेषक (From) उप मुक्ता प्रबन्धक सेवा में To  
 विषय (Sub.) फूलजतलगांव ग्राम पंचायत प्रबन्धक  
 नम्रता (No.) उपर्यांत ग्राम पंचायत ५०६६/८८

अन्नेक्यूरे ग्रामीण ग्राम आज श्री  
 महात्मा गांधी प्रबन्धक द्वारा इस  
 ग्रामपाली में लाया गया।  
 इसके विविध ग्राममत के लिए  
 महा. प्रबन्धक (ग्राम) / ग्रामपाल की कृपा  
 पक्ष प्राप्त नहीं हुई है उन्होंने न की  
 इसके अन्य दिल्ली की तरह कोई  
 उप ग्राम नहीं है विंद्रु ने यह ग्राम  
 उप ग्राम तक ऐसे लिया जा बनवाया  
 जब तक कि ग्रामपाल (ग्राम) / ग्रामपाल की  
 अद्वितीय ने प्राप्त हो।

यह दिल्ली ग्राम ग्राममत की  
 गोप्य जस्ती है। इसे द्वारा दी  
 ग्रामपाल ने ग्राम की जीज दी।

पारिदृश्य  
 की दृष्टि की गई। इसके लिए  
 किया जा रहा।

प्रतिक्रिया  
 की शुरूआती (ग्राम) प्रबन्धक (ग्राम) / ग्रामपाल  
 की दृष्टि की गयी। इसके लिए दृष्टि की  
 दृष्टि अनुकूल प्रबन्धक / ग्रामपाल

मानो (Pd)

ATTESTED

W. H. HATDARI 7/2  
 Advocate - High Court

16

18

(38)  
W.C

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. of 1990.

Mangali Prasad ... Applicant

versus

Union of India and

others ... Respondants.

ANNEXURE NO. 3

सोवा भी

શ્રીમતી સમાચિત આધ્યક્ષન  
દુર્વેલિલ દેલાદે  
દેરવાના જાં

प्रियोगम् :- दुर्घटना व्यवस्थापन सम्बन्धी 5006 ई/२०८० कीच की  
प्रदूषकों की संक्षेप से

ପାତ୍ରବିଦ୍ୟା

सर्वत्र यह दिनांक अद्य ही रहे तथा अपने आवश्यक सार  
 दुर्घटना घटना अन्तर्गत रु. 5006 रुपये/रुपये की लेनदेन स्पेशल राशि  
 न. ७.८७ वां दिनांक/दो दो २५ दिसंबर अवधि तक लाभ  
 दर्शन दिनांक दिनांक १६/१० वां दिनांक दिनांक १६/१०  
 अवधि दिनांक दिनांक १६/१० वां दिनांक दिनांक १६/१० अवधि दिनांक १६/१०  
 अवधि दिनांक दिनांक १६/१० वां दिनांक दिनांक १६/१० अवधि दिनांक १६/१०

ਕੁਪਰੀ ਚੱਤ ਦੇਣੀ ਵਾਡੀ ਚਾਰੀ ਵੱਡੀ ਰਿਕਾ ਕੁਪਾਂ ਕੇਵਿੰ ਕੁਝ ਰਾਹਿਤ  
 ਦੀ ਕਾਨੂੰਨ ਹੋ ਜਾਂਦੀ ਹੈ ਤਾਂਕੇ ਕੁਝੀਂ ਕਾਨੂੰਨੀ ਹੀ ਕੁਹੀਤ ਨਾ ਹੋਣਾ  
 ਆਤ 5006 ਸਾਲ/੧੯੮੦ ਵੀ ਕੁਝੀਂ ਕਾਨੂੰਨੀ ਹੋਰਖਾਨੀ ਕੇ ਅਨੁਕੂ  
 ਪ੍ਰਦੱਤਾ ਹੈ। ਆਤ ਜੀ ਪ੍ਰਦੱਤਾ ਕੇ ਵਾਲੇ ੨੫੬੮ ਦੀ ਕੁਝੀਤ ਨੰਬਰ  
 ਦੀ ਕਾਨੂੰਨੀ ਦੀ ਜਾਂ ਪਲ ਕੁਝੀਤ ਨੰਬਰ ਦੀ ਕੁਝੀਤ ਨਾਰੇ ਦੀ ੨੩ ਲਿਤੀ 11.9.87  
 ਦੀ ਪ੍ਰਦੱਤ ਹੈ 12.9.87 ਵੀ ਲੱਗਦੇ 10 ਲਈ ਪ੍ਰਦੱਤ ਹੈ, 3714 ਦੀ  
 ਕੁਝੀਤ ਹੈ ਜਾਂ ਕੁਝੀਤ ਹੈ। ਜਾਂ ਕਾਨੂੰਨੀ ਹੀ ਹੈ। ਕਾਨੂੰਨੀ  
 ਦੀ ਜੀ ਕੁਪਾਂ ਹੀ ਦੇ ਕੁਝੀਤ ਹੈ।  
 ਆਇਕੀ ਪਾਸ ਤੀਨੀ ਨੰਬਰ ਦੀ ਹੈ ਪ੍ਰਦੱਤ ਹੈ।

Manel Ad

5727

44/172 21/3 72/145

REG 1350

86-1125 - 12.9.87

ATTESTED

W. H. HADARI  
Advocate High Court  
11-12-1990

(40/12)  
P.No. 19

20

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. ... of 1990.

Mangali Prasad ... Applicant  
versus  
Union of India and  
others ... Respondants.

ANNEXURE NO. 1

पर्वत रेलवे  
NORTH EASTERN RAILWAY

21

PN 1019

५० रा--३० ३७३

N.E.R. 373

प्रतिक्रिया नं. ११

STANLEY T. RAILWAY

प्रतिक्रिया नं. ११ के लिए इस दस्तावेज़ के दायरा में आवश्यक है।  
प्रतिक्रिया नं. ११ के लिए इस दस्तावेज़ के दायरा में आवश्यक है।

R. S. (D & A) Notes, 1968.

दा. ३१/५४/११ ता. १२.३०/११  
No.

(रेल प्रशासन का नाम)  
(Name of Railway Administration)  
(विर्गन स्थान)  
(Place of issue) **काशीपुर** (काशीपुर) dated **९/९/८८**

गायत्री  
MEMORANDUM

दायरे ही) **मंगली पुराण** (प्रधान) — **काशीपुर** (प्रतिक्रिया नियमों द्वारा दायरे ही) को यह दायरा सुनिश्चित करता है कि राज्यपति/रेलवे विधायक नियमों द्वारा दिए गए विवरणों का अनुसार यह दायरा ११ के अनुसार कार्यवाई करने का प्रस्ताव करता है/दर्तते हैं। इन्हें यह दायरा को प्रतिक्रिया नियमों का अनुसार कार्यवाई का प्रस्ताव 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 mis-conduct or mis-behaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. श्री **मंगली पुराण** को एतद्वारा यह यवस्तर दिया जाता है कि इस प्रस्ताव के विषद् के द्वारा दायरे का अनुसार दायरा को (रेलवे विधायक नियमों के प्रतिक्रिया नियमों से, जिसमें दायरा महाविद्यालय\* के दायरे पर्याप्त है) इस दायरे की प्राप्ति के दायरे दिन के भीतर प्रस्तुत किया जाता।

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

3. यदि श्री **मंगली पुराण** ने दायरे के वित्तिकालीन विधियों के भीतर शामाजिक प्रस्तुत नहीं करते तो यह दायरा किया जायेगा कि उसके द्वारा अन्यायिक नहीं देना है और श्री **काशीपुर** के विषद् एक परीक्षा यारेग पारित किये जा सकें।

3. If Shri \_\_\_\_\_ fails to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and order will be liable to be passed against Shri \_\_\_\_\_ ex parte.

4. श्री **मंगली पुराण** दायरे की पावती है।

{प्रधान के प्राप्ति के प्राप्ति द्वारा योर उनके नाम से)  
(By order and in the name of the President).

(हस्ताक्षर)  
(Signature.)

नाम \_\_\_\_\_  
(Name) \_\_\_\_\_

सभीमें प्रधान के नाम से प्रधान के नाम से  
Name and designation of the Competent Authority.

श्री \_\_\_\_\_ (रेल कर्मचारी का नाम, पदनाम और कार्यालय)  
(Name, designation and office of the Railway servant).

जहाँ कहीं यह दायरे द्वारा/प्रधान की द्वारा दायरा दायरा किया जाये वहाँ इसे प्रतिधारित किया जाय।  
\* To be retained wherever this Memorandum is issued by the Railway Board/the President.

जहाँ प्रधान की द्वारा दायरा किया जाये वहाँ इसे प्रतिधारित किया जाय।  
↑ Where the President is the disciplinary authority.  
NER-86870280-30.000 Forms Aug '86;

ATTESTED

W. H. HADDALE  
Advocate High Court

श्री विग्रहली उसाद प्रभाद/प्राप्ति विद्या लाल शुभरताम्

गंगली श्री गंगली पुस्तक दुर्गा/प्राप्ति दिल्ली द्वि

लाइन की दिनांक ११/११/८७ के तुदविना ग्रस्त ५८०६-०१  
५८०८ की ताकर शक्तिशाली रुप्त रूप्त लिट्टल के बारे १६-१०  
ए अधिकारी श्री डॉ चागलर अंग नियातवग्र लक्ष्मीनाथ भजा  
गया ७८।

श्री भगवती-पुस्तक उपाय के भीतारु प्रदत्ते हैं विवरोंसहायता।  
तभा छिद्र के यह तत्त्वावर किंवद्ध गतित तजा है तथा पुस्तक गता  
होने वा रहने के लक्ष्य कर कामरा रखे जाए। श्री सरकार छिद्र द्वारा  
श्री अग्निपत्नी पुस्तक उपाय (१९०६) ५००६ वी पुस्तकोंमें विवरोंसहायता।  
तदा वार्ता-तत्त्वा वर्त्ती दोस्रे वा तीसरे ओर जरुर वा श्री वेगती प्रसाद  
पापरो वर्त्ती गहरा उत्तम, उत्तम दोस्री वर्त्ती चाहे जो ने अपनी दो  
अपनी तत्त्व की अंगतों उपराह ले) प्रतिका अलावा अभी नहीं रहे।  
किसी श्री वेगती पुस्तक उपाय वार्ता-वर्त्ती वर्त्ती दोस्री वर्त्ती सहायता  
तदा उत्तमी वा वार्ता अभी तदा कहा जाए।

21/2/13 (२३/३) १०१९

ATTESTED  
W. H. SIDABR  
Advocate of Courts -

23

P. A. 10 20

(43)  
(43)

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. of 1990.

Mangali Prasad . . . . . Applicant  
versus  
Union of India and  
others . . . . . Respondents.

ANNEXURE NO. A + NO 5

P.NO 20

A KINIE UR C NO 5

(49)

PAY BILL FOR SEPTEMBER 1981

NORTHEASTERN RAILWAY SRL. NO  
1000 DEPT MECH.

1. RUL. R. 12	MANGI PRASAD	PAY	1800.00	PERIODS	150.00	NET PAY	1780.00
2. PEN 16-MTXR 03898102-472	AYCOK SCALE	PA	650.00	PERIODS	450.00	NET PAY	400.00
3. HORSES L.J.N	PA	650.00	PERIODS	450.00	NET PAY	400.00	
4. UNITS 03-472	PA	650.00	PERIODS	450.00	NET PAY	400.00	
5. DEPT MECH.	PA	650.00	PERIODS	450.00	NET PAY	400.00	
6. T.O. 1000	PA	650.00	PERIODS	450.00	NET PAY	400.00	
7. M. H. MANGI DAY	PA	650.00	PERIODS	450.00	NET PAY	400.00	
8. A.O.D. D.A.	PA	650.00	PERIODS	450.00	NET PAY	400.00	
9. 1200	PA	650.00	PERIODS	450.00	NET PAY	400.00	
10. ELECT. INSTN.	PA	1450	PERIODS	1000	NET PAY	1000	
11. GROUP INSTR. SCH	PA	1450	PERIODS	1000	NET PAY	1000	
12. 2000	PA	2000	PERIODS	1500	NET PAY	1500	

NET PAY 1780.00  
GROSS PAY = 2935.40 TTL. DEONS. = 1213.40

NET PAY RS 1780.00 SIGNED

MANGI PRASAD

MANGI DAY

NET PAY 1780.00

ATTESTED

20/9/81  
M. H. MANGI  
Judge, High Court

MANGI PRASAD

4/21  
PN 21

25'

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Civil Petition No. 1000.

Kangali Prasad . . . . . Applicant  
versus  
Union of India and  
others . . . . . Respondents.

ANNEXURE NO. 6

ANNEXURE No 6 -

पश्चिमी रेलवे N. E. RAILWAY

३०३०—३०६८

84

किस नियम से गाभित Rule by which governed.  
साता भता विवरण TRAVELLING

## ALLOWANCE JOURNAL

N. E.—G. 6A  
२०८०—जी० ४०-३।  
R B—G A-3।

गार्ड  
Branch, ——————  
भूमि अधिकारी ——————  
35 मिनी

दिवीनन्द/जिल्हा नांग मर्दर मकाम  
*Divisional District Institute, Nang Marmer Makam*

卷之三

काम का विवरण जिसमें लिखे गये हैं औ Journal of duties performed by

ने लिया तो वह 1987 का पता चारा है जिसका दावा किया जा रहा है।

पद Designation 5000/- देतन Pay 1860/- वेतन की दर Scale of Pay

नियुक्ति की तारीख Date of appointment ११/१८६९

ASTRID

W. H. HADARI  
Advoc. H. K. Cours

1. *Leucosia* *leucosia* (L.) *leucosia* (L.) *leucosia* (L.) *leucosia* (L.)

1

नियंत्रक अप्पसर Controlling Officer.

卷之三

of Government local fund of Indian States.

A TESTIMONIAL

नोट—एक रेलवे से दूसरे रेलवे के लिये यह अप्रैल 1950 को दिया गया उत्तर प्रिस में यह स्थान लिया रखा गया है कि सर्वान्वयन के लिये दोनों रेलवे पर नियम सख्त लाया जाये।  
Note.—On T. A. Bills of Locomotives from one Railway to another a certificate whether or not a case pass of Locomotives of Government Railways was issued should be recorded  
NER—1950/9501—5 (ack) July 1950

लाला ने उन्हें शाही देवताओं की तरह अपनी जीवन की अपेक्षा अधिक विद्या और विद्वान् देवता के लिये दीक्षा लिया।

W. H. H. K.

C 28

## ANNEXURE NO 6/1

NER-82000-1000-00

G. E. S. 11

G. E. S. 11

N. E. - G. 11

A. L. Edwards

DRM CO

LNR

1029/1/39

Date

Station  
197

En 55/10/1942 II

✓ SITARASH  
Through CWS/ LNRQ. b. Disposal of Accidental  
Accident by air at A.S.HCrash No 9815 S.M.H and  
5455 G.S. should be immediately  
brought and despatched to C.R.M/GD  
for Repair.Crash No 5006 G.S. and 1059 G.S.  
are to be brought to Ship for Specified  
Repair on Receipt of Permission from C.R.M.Since 1059 G.S. is to be brought  
to Ship for Repair of Proke from air may kindly  
be kept suspended in air so that  
when attaching there is no possibility of  
attaching.al  
DRM COQ. b. CWS/ Control S. Conducting with  
operating S.H. for early disposal.

M. M. G. A. D

ATTESTED

W. H. HADARI  
Advocate High C. S.

29

P. No 23

## ANNEXURE NO 2 X

क्या यह तार आदर्श है? यदि हां, तो इसे छोटा बनाऊं।

20 ३०-४८०८० १  
N.E.-R.T.I.

Class	IS Code	Page	Index	Despatch Date 2-9-80
1	1	1	1	1

Certified that Coach No 500675 was attached by Dr. Tenggalev between Agra to Mysore on 16/8/80 and Mysore to 10/35 on 18/8/80

11/8/80

FROM	TO	SENT AT	SENT AT	SENT AT	Signature
ATM	ATM	10	10	10	10

Is this telegram necessary? If so make it short

इस संदेश को यारे पाठ जाने पर लिखें  
Carry forward this message on reverse

INDIAN RAILWAY

Mangalore

ATTESTED

R-25/9/80  
W. H. HADARI  
Advocate High Court

30

P. No 25

50/5

ANNEXURE NO. 8/6/3

क्षमा यहू तार भ्रवश्यक है। यदि हां, तो इसे छोटा बनाइये।

N.E.R.T. 1

Off. Class.	Off. Code	No. II	Off. M	दिनांक Date
		दारा जाना पाया (checked by)		प्राप्ति स्थान प्राप्ति स्थान (Office Stamp)

Certified that coach no 5006 is was attached  
by S.C. 6 to M.L.N.T. on 5/9/02. Departure  
from M.L.N.T. 21/4, 1000 and arrived at S.C. 4- 1000 on 6/9/02.  
Other coach no 5006 is Escorted by S.M. Mangal Rao H.T.O.A.  
L.G.N. & M.L.N.T. 6/9/02

H.T.O.A.  
C.O.S./B.C.  
M.L.N.T.

प्राप्ति स्थान FROM	को भेजा गया/SENT द्वारा/AT द्वारा/BY	को भेजा गया/SENT द्वारा/AT द्वारा/BY	को भेजा गया/SENT द्वारा/AT द्वारा/BY	को भेजा गया/SENT द्वारा/AT द्वारा/BY	प्रेषक का हस्ताक्षर Signature of Sender

Is this telegram necessary? If so make it short

इस टेलिग्राफ को पाते पृष्ठ पर रिहर्स  
Carry forward this message on reverse

Morning 6/9/02

ATTESTED

W. H. HADARI

Advocate H.C. Court

31  
P. No 25

ANNEXURE NO 6/4

Scot. by

वया यह तारामालवक है? यदि हो, तो इसे छोटा बनाइये

१५० उ०-प्रारंभिक  
N.E.-R.T. 1

देशी Class	रोड Code	प्र० 11	पि.म.	दिनांक Date 06/9/18)
------------	----------	---------	-------	----------------------

from Gid/arksjsh दारा जाता याया Checked by \_\_\_\_\_  
(कार्यालय पुरातात्री Office Stamp)

Certified that Coach no 5006 a)  
was attached in Dr. by Sh. Debach  
at loc 4120 + Ksj Amvel 8/80  
ofc Coach. as per C. & N.Y 124, order

06/9/18

प्राप्ति FROM ट्रॅट ट्रॅट ट्रॅट	दारा याया/10 दारा/AT दारा/AT				
--	------------------------------------	------------------------------------	------------------------------------	------------------------------------	------------------------------------

Is this telegram necessary? If so make it short

इस टेलिग्राफ को यारे पक्का यारे पर लिखे  
Carry forward/this message on reverse  
M.A.V.G.

ATTESTED  
W. H. H. SIDARI  
Advocate High Court  
20/9/90

32

P. No 26

## ANNEXE RÉNU

6/5

व्या यहू तार ध्रावद्यक्ष है ? पाँव हो, तो इसे धोटा बनाइये

30-4720 81  
N.E.-R.T.1

৪২ চৰকাৰ প্ৰক্ৰিয়া প্ৰক্ৰিয়া প্ৰক্ৰিয়া (৩১শে জুন, ১৯৭৯)

soft stormy day with strong winds and rain  
first time of 5006 on 21st

1920-21 PTE  
1920-21 9/12  
1920-21 9/12  
1920-21 9/12

Is this telephone necessary? If so, make it short.

इस दस्तखत को पांच पृष्ठा आगे पर लिखें  
*Carry forward this message on reverse*

Carry forward this  
Mon. 1/26. A.D.

ATTESTED

Net due 201 1/2

W. H. HAIDARI  
Advocate High Court

33

P.W.O. 27

ANNEXURE NO. ~~6/6~~ 6/6  
 क्या यह तार भाइस्फ़र है? यदि हो, तो इसे छोटा बनाइये

N.E.R.T.I.

मूल चार्ट	सेट चार्ट	प० 11	मिनी	दिनांक Date 07/9/88
From	कारा जावा पाया	Checked by	(कार्यालय मार्क Office Stamp)	

Certified that Cash No 5006 as was collected  
 in Ahmedabad on 16/9/88 is to be on date. by AT 200 to be  
 arrived 16/9/88. Above Cash No 5006 is  
 by S. Mangal (H. M. Haidari) on 16/9/88.

W. H. Haidari  
 20/9/88

कार्यालय/SENT टो/AT द्वारा/BY	कारा जावा पाया/TO वर्ते/AT द्वारा/BY	को भेजा गया/TO द्वारा/AT द्वारा/BY	को भेजा गया/TO द्वारा/AT द्वारा/BY	प्रधक द्वारा Signature of Sender
-------------------------------------	--	--	--	--

Is this telegram necessary? If so make it short  
 इस टेलीग्राफ़ को याते पृष्ठ भाग पर लिखें  
 Copy, forward this message on reverse

Moveo 6/6

TESTIMONY

W. H. Haidari 20/9/88  
 Advocate High Court

34

P.N. 28

50

ANNEXURE NO. ~~6/7~~ 6/7

क्षमा यह तार आवश्यक है? यदि हो, तो इसे घोषा बताइये

२० द०-मार्च०८०  
N.E.R.T.I.

ग्रेड Class	रोड Code	No. 11	मिन	दिनांक Date ५/५/८७
			माला गति Checked by	(Signature & Office Stamp)

specified that- coach No 5006 GS. was attached by  
Getup Exp Bcto 134 on dated 9/5/87 BC exp- 28/5/87 is arrived  
2.24 P.M. Above coach No 5006 GS. Escorted by Mr. Mangalipd  
H.T.R. LN Bptc to 107.

19/5/87  
Get. Bc. Twp -

माला गति/SENT	माला गति/TO	माला गति/TO	माला गति/TO	माला गति/TO	Signature of Sender
दर्शी/AT ट्राय/BY	दर्शी/AT ट्राय/BY	दर्शी/AT ट्राय/BY	दर्शी/AT ट्राय/BY	दर्शी/AT ट्राय/BY	

Is this telegram necessary? If so make it short

इस संदेश को आगे पूछ भाग पर फिरे  
Carry forward this message on reverse

M.R.RAILWAY

Mangalipd

ATTENDED

H.H. H.

W. H. HAIDARI  
Advocate High Court

ATTENDED

H.H.

35°

PNs 29

## ANEXOS RÉNOS

~~16~~ 16

संदर्भ (In) \_\_\_\_\_  
प्रियक (From) \_\_\_\_\_

Benefit (or loss) \_\_\_\_\_

सेवा में ५०

It is hereby confirmed that  
Sh Mangali Pati after arrived  
with coach no 5006 on 9.9.87  
and being placed on  
date for duty at 17.00 Hrs.

John B. Dunn

11/9/97.

Planning Grid

W. H. HADDOCK

ATTESTED  
6/6/02  
[Signature]

5/50  
P.M. 30

36

ඩී මිං තොටො මාන්දොරුව සුද්ධිත මාන්දොරු.

කුඩා පිළිගිරියා මාන්දොරු

සුද්ධිත මාන්දොරු මාන්දොරු

නොගැනීම	...	අයිතිවාසිකම
වැඩිහිටි		
බලය යුතු මාන්දොරු		
අයිතිවාසිකම	...	සුද්ධිත මාන්දොරු

අයිතිවාසිකම 7

To  
The Divisional Railway Manager  
(Mechanical)  
C & W N.E. Railway  
Lucknow.

THROUGH PROPER CHANNEL

Sir,

Sub: Representation against Minor Memo  
No. M/54/2/DRM/C&W dt. 9-9-1987

The following submissions are made for your perusal and judicious orders :-

1. That the allegation has been based on the joint complaint of S/Sri Ayodhya Prasad, Khalasi and Garjoo, Carriage Fitter, which contains false facts.
2. That I along with the above staff went to Bareilly city, scoring 5006 GS. I was in the Guard's Brake whereas they went in 5006 GS. However, they did not see me in Bareilly city and came back without informing me.
3. That the ED Pass was jointly prepared for us as per requisition No. 872185 Ex ASH to BC. E.D. Pass No. 836926 was issued by BC/ASH on 2/9/87. Requisition for Return journey ED Pass was given to Sri Garjoo who got it encashed on 7/9/87 by 25 Up. It is wrongly stated that the E.D. Pass Acquisition was encashed by them on 6/9/87.
4. That I being responsible supervisory staff had not to leave the assignment undone and therefore, had to complete it. The datewise workdone by me from 2/9/87 to 12/9/87 is given as under :-

2-9-87	By Dn Jagalsr Ex-ASH at 16.20
3-9-87	Reached MLN at 10.35
4-9-87	Halt at MLN - as there was no Power.
5-9-87	Left MLN at 21-40 by BG Spl.
6-9-87	Reached BC at 4 hrs.
6-9-87	Left BC by KSJ Spl at 4.20 as Coach was not detached by CTNL's orders
6-9-87	Reached KSJ at 8.30 hrs
7-9-87	Left KSJ by AB 2 Up for BC at 2/- hrs.
7-9-87	Reached BC 16/40
8-9-87	Stay at BC for want of Power
9-9-87	Left BC 21-55 for IZN
9-9-87	Reached IZN at 22-15
10-9-87	By shunting Pilot to IZN Shop
11-9-87	It was given writing by Dy Chief Mech. Engineer/ IZN that there was no instructions from the G.M./Mech/GKP
11-9-87	Left IZN by 25 Up at 23/00 hrs
12-9-87	Reached LKO at 10 hrs.

5. That for each and every item of work shown above I am enclosing certificates from Guards of all and each concerned train and work Manager/ IZN (Eight documents). These documents will prove that both the documents, i.e. complaint dated 8/9/87 of S/Sri Ayodhya Prasad and Garjoo and CWS's letter No. M/Con/87 dated 8/9/87 contain false facts.

ATTESTED

contd..2

W. H. HAIDARI  
Advoca. H. C. Court  
20/9/92

38

PN. 31

50 (C)

6. That Sri Baleshwar Tewari, CWS/LJN has been keeping mal-intention against me since long and therefore managed to pressurise S/Sri Ayodhya Prasad and Garjoo to give false complaint to implicate me.

7. That with mal-intention and to give it a colour Sri Baleshwar Tewari CWS/LJN managed to disallow my TA Bill for September 1987 and deduct my pay for 5 days from 7/9 to 11/9/87. This shows his prejudice against me. Moreover CWS/LJN failed to collect the information through CTNL/LJN, IZN regarding the movement of the above Damaged Coach and between the statement given by the staff who all are working under me. Further CWS/LJN entered in the Diary of trains passing/ASH on 5-9-87 as to work Shri Brij Nath Ram TXR/ASH to work in place of me and I was ordered to work at LJN.

8. Again the same was entered in the same thing in the same Diary on 10/9/87 charging me as absent from duties. When I was send on duty to IZN. Is not it a plan of CWS/LJN to blame me as responsible Supervising Staff.

9. Further the statement of mine may please be confirmed from trains movement records at LJN/IZN control.

10. Hope your kindself will take this much of trouble to confirm the fact from the trains movement official Record and punished the correct man who is in fault and tried to Blame the others.

Submitted with the hope that your honour would exonerate me of the allegation and allow my TA for September 1987 and pay for 7/9 to 11/9/87 as the allegation is false.

Yours faithfully,

Dated: 24/2/88

Mangli P. D  
( MANGLI PRASAD )  
HTXR/LJN

Encl: 9

Send one  
copy without one  
and one.

Mangli P. D  
24/2/88

Mangli P. D

W. H. HAIDARI  
Advoca. H. C. W. C.  
20/9/88

STESTED

39

Par 32  
59/60

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Mangali Prasad ... Applicant

versus

Union of India and  
others. ... Respondants.

ANNEXURE NO. 8

(60)  
P.W. 32

# ANNEXURE NO. 8

40

To

The Divisional Railway Manager,  
N.L.Railway, Lucknow.

Sir,

Sub:- Complaint against non-payment  
of pay for the period from 7.9.87  
to 11.9.87.

I most respectfully like to state that I had been  
deputed officially to escort damaged coaches No. 5006 G-8  
to 37H Shop vice T.P.445/LJM letter No. W/52/PSR/Pt.III  
dated 29.7.87. This coach was attached with TN JUGLR  
on 2/9/87 and the same was handed over to the W.W/IZH  
on 11.9.87. I had obtained an acknowledgement also to  
that effect. I was however released for Lucknow on  
11.9.87 and accordingly returned to W.W by 25 UP or  
12.9.87.

I like to say in this respect that my wages  
for 5 days from 7.9.87 to 11.9.87 had been illegally  
deducted from my wages. It is also added more that  
I had acted as per orders of my Superior and there  
was nothing wrong in my claim.

However, I like to request you to kindly arrange  
to refund my five days wages as above entered within  
10 days from the date of receipt of this letter.

Thanking you in anticipation.

Yours faithfully,

Lucknow,  
Dated: 30-10-1987.  
12/11/88

Mangal Pd  
(Mangal Pd 8/8/87) 30/10/88  
HTAR CB LJM  
12/11/88

145  
12/11  
Mangal Pd  
ATTEND  
W. H. HABIBA  
Advocate High Court  
12/11/88

(61) (63)  
P.M. 33

41

In The Central Administrative Tribunal, Allahabad.

Government Bench, Lucknow.

Mangali Prasad ... Applicant

versus

Union of India and  
others. ... Respondants.

ANNEXURE NO. 9

संक्षेप

42

शोमाल

गोडल रेल यात्रावक (आमिक)

मुवालिक रेलवे

लाइनडे,

विषय- सितम्बर माह के (7.9.87 से 11.9.87) पाँच दिन का लेतन रु 324 रुपये घाला भाल (2.9.87 से 12.9.87) का रुपया 364, दिरा. समाजिक आधिकार लाइनडे, जनरान।

महादप-

लिवेदन अद्वैत द्वारा दुर्घटना घटना मात्र 5006 ग्र. 5 की लाइन 2.9.87 की फैसालाडा डॉ से इंडियन रेल जमी उमेर 12.9.87 की वापस आगरा डॉल तुक्के लितम्बर माह का लेतन दिया गया तो 352 रु 5 रुपये का लिया (7.9.87 से 11.9.87 तक) वह लिया गया तो 364 रुपये भाला गया तो 364 (2.9.87 से 12.9.87) का लिया गया तो 364 रुपये भाला गया तो 364 रुपये भाला गया तो 364 रुपये भाला गया। इस सम्बन्ध में कोई आपसी चर भर रुपये गोडल रेल यात्रावक (आमिक) से कोई कोई भर भी नहीं दिया गया। इस सम्बन्ध में कोई आपसी चर भर भी नहीं दिया गया।

दिनांक - 1.6.88.

प्रमाण

गोडल यात्रावक

प्रमाण दिया गया

मार्च 1988

1.6.88

प्रमाणित दस्तावेज़: गोडल रेल यात्रावक नामिक (समाजिक) 50

दिनांक - 1.6.88.

ATTESTED

Memorandum

on 20/9/90  
W. H. HADARI  
Advocate High Court

गोडल यात्रावक

1.6.88.

63  
63  
63

Pr. No. 33

43

In The Central Administrative Tribunal, Allahabad.

Chandit Barai, Lucknow.

Mangali Prasad ... Applicant

versus

Union of India and

others. ... Respondents.

ANNEXURE NO. 10

ANNEXURE NO 10

(Contd.)  
PN. 35

FROM:  
Sri MANGLI PRASAD  
HTXR  
N.E. Rly Junction  
Lucknow

64

THROUGH: Sri W.H. Hardani Advocate  
C-1807 Rajajipuram  
Lucknow 226 017

To

1. The General Manager,  
N.E. Railway  
Gorekhpur.
2. The Divisional Railway Manager (Personnel)  
N. E. Railway Hazratgunj  
Lucknow.

Sir,

Under instructions from my client above named, I  
hereby serve upon you with the Notice under Sec. 80 CPC  
to the following effect :-

1. That my client vide his application dated 30/12/87  
(copy enclosed) for ready reference, requested you to refund  
him 5 days wages Rs 324/- for the period 7 - 9-87 to 11-9-87  
deducted from his pay for the month of Sept. 1987.
2. That he has not been also paid his T.A. claim amount-  
ing to Rs 364/- submitted through T.A. Journal for the month  
of October 1987 by CWS/LJN on 4/10/87.
3. That for the dates, he has been marked absent, he  
was on duty at out station. He left Lucknow 2/9/87 for IZN  
escorting 5006 GS and returned to Lucknow on 12/9/87 as per  
following journey performance :-

2-9-87 By Dn Jagller Ex-ASH at 16.20

3-9-87 Reached MLN at 10.35

4-9-87 Halt at MLN - as there was no power

5-9-87 Left MLN at 21-40 by BC Spl.

6-9-87 Reached BC at 4 hrs.

6-9-87 Left BC by KSJ Spl at 4.20 as Coach was not  
detached by CTNL's orders.

Mangli Rd

ATTESTED

20/9/92  
W. H. HARDANI  
Advocate, High Court

6-9-87 Reached KSJ at ~ 2 ~  
8.30 hrs. PN.85

7-9-87 Left KSJ by AB 2 Up for BC at 2/4 hrs

7-9-87 Reached BC 15/40 45

8-9-87 Stay at BC for want of Power.

9-9-87 Left BC 21-55 for IZN

9-9-87 Reached IZN at 22-15

10-9-87 By shunting Pilot to IZN Shop

11-9-87 It was given waiting by Dy Chief Mech. Engineer/IZN  
that there was no instructions from the GM/Mech/GKP

11-9-87 Left IZN by 23 Up at 23/00 hrs

12-9-87 Reached LKO at 10 hrs.

4. That it is expedient in the end of justice that my client be paid immediately his five days deducted salary Rs 324/- together with his TA claim amounting to Rs 364/- without further delay.

With the above facts, you are requested to pay to my client his dues amount to Rs 693/- immediately failing which my client would be constrained to take legal recourse.

Yours faithfully,

Dated: 12-2-39

W. H. HAIDARI  
Advocate - High Court  
20/9/90  
WITNESSED

Before the Central Administrative Tribunal

Circuit Bench, Lucknow

46  
Cp. Misc. Application No 251/94

Ex parte judgement

15.12.93

In Re :

Ori. Application No. 329/90

Mangali Prasad .. . . . . Applicant

Versus

Place before the Union of India & others .. . . . Respondents

Hon'ble. *Benches*

for orders on 11.12.1993

Dy. Registrar 9-2

APPLICATION ON BEHALF OF THE OPPOSITE

PARTIES FOR RECALL OF THE EX PARTE ORDER DATED  
15.12.1993 PASSED BY HON'BLE MR. S.N.PRASAD  
JUDICIAL MEMBER AND HON'BLE MR. V.K.SETH  
ADDITIONAL MEMBER

*Bill today*  
9/2  
It is most respectfully submitted as  
under :

1. That the above mentioned original application was filed by the applicant against the charge sheet dated 9.9.1987. It was also prayed that the opposite parties be directed to refund five days salary deducted by them.

*Shri*  
एवं पंच जागिर वालारा,  
दूर्गासर रेल्यॉ, सल्लु  
Mr. Divisional Personnel Officer  
R. Railway, Lucknow

2. That the above mentioned original application was listed on 2.12.1993, but the case could not be taken up due to paucity of time and the above mentioned case was adjourned, on enquiry the Counsel for the opposite parties came to know that the next date fixed in the above mentioned original application was 11.1.1994.

3. That on 3rd January 1994, a letter dated 28.12.93 was received by the opposite parties from Sri W.H.Haidery, Advocate, alongwith the copy of judgement and order dated 15.12.1993 issued on 15.12.1993 passed by this Hon'ble ~~Court~~ Tribunal.

4. That on receiving the copy of the judgement and order dated 15.12.93, the applicant came to know about the passing of the ex parte judgement and order dated 15.12.1993.

5. That on enquiry it transpired that the above mentioned original application was listed on 15.12.1993 and on the said date the case was heard and disposed off.

6. That immediately thereafter the opinion of the counsel for the opposite parties was sought. The opinion of the Counsel for the opposite parties was received on 17.1.1994 and immediately thereafter a decision was taken to move an application for recall of the ex-parte order.

SNR  
क्षेत्र अंतर्गत वायिक परिवार  
पुरोहित रेलवे, मुमुक्षु  
Sr. Divisional Personnel Officer  
R.R. Railway, Lucknow.

7. That the above mentioned original application was immediately thereafter drafted and was been moved without any further delay.

8. That the delay, if any, in moving the present application is bonafide and is ~~likely~~ to be condoned.

9. That by means of ex-parte order dated 15.12.93, this Hon'ble Tribunal has been pleased to direct the opposite parties to decide the representations of Sri Mangali Prasad contained in Annexure No.A-8 and A-9 to the original application. In the said representations, it was prayed by applicant to refund him the salary for the period mentioned therein. It is submitted that the period for which the salary has been claimed by Sri Prasad is the period for which he was found absent without leave.

10. That in case the payment for the said period is made to the applicant, the whole case against him including the charge sheet would automatically go.

11. That in view of what has been said it is necessary in the interest of justice that the ex parte order dated 15.12.93 be recalled and the above mentioned original application be disposed off on merits after affording opportunity of hearing to the opposite party.

*SMD*  
एवं दोष परिवर्तन अधिकारी,  
सुनील देव, समाज  
Sr. Divisional Personnel Officer  
R. P. Railway, Lucknow

12. That in case the ex-parte order dated 15.12.93 is not recalled, the applicant shall suffer irreparable loss.

## PRAYER

Wherefore, it is most respectfully  
prayed that the ex-parte order dated 15.12.1993  
be recalled and the above mentioned original  
application be heard and disposed off after  
affording an opportunity of hearing to the  
opposite parties.

Mr. Divisional Personnel Officer  
R. E. Railway, Lucknow

## VERIFICATION

I, S.M.N.Islam, do hereby verify that the contents of paragraph 1 to of the application are true to my personal knowledge and those of paragraph 1 to 1✓ are believed to be true on the basis of record and those of paragraph are believed to be true on legal advise No part of it is false and nothing material has been concealed.

Dated : Feb 2 1994

## Lucknow

SMU  
Respondent  
एवं पंजाब प्राप्ति प्राप्त्यादी,  
द्वारा संस्करण संस्कृत  
B. Divisional Personnel C.   
P. B. Railway, Ludhiana

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Before the Central Administrative Tribunal at Allahabad

Circuit Bench, Lucknow

Application No. /93

In Re :

O.A.NO. 329/ 1990

Mangali Prasad .. .. Applicant

Versus

Union of India & others .. Respondent

REPLY ON BEHALF OF THE OPPOSITE PARTY NO.1 & 2

I, S.M.N.Islam aged about 35 years son of Late Sri S.M.Owais resident of Clay Square, Lucknow do hereby solemnly affirm and state as under :

1. That the deponent is at present working as Senior Divisional Personal Officer North Eastern Railway, Lucknow and is the opposite party no.3 to the above mentioned application, and as such is fully conversent with the facts and circumstance of the case. He is authorised to file this reply on behalf of the opposite party no.1 and 2 also.

2. That in reply to the contents of para 1 of the application, it is submitted that the application is highly belated and is liable to be rejected on ground alone.

*S.M.N.Islam*  
एवत्तर प्रौद्योगिकी विभाग,  
प्रौद्योगिकी रेलवे, लखनऊ  
Divisional Personnel Officer  
N.E. Railway, Lucknow

3. That the contents of paragraph 2 of the application do not call for any reply.

4. That in reply to the contents of paragraph 3 of the application, it is submitted that the application is highly belated and is liable to be rejected on this ground alone.

5. That the contents of paragraph 4(1) a of the application are not denied. However, it is submitted that the applicant remained absent from duty without leave and is liable to be punished for the same.

6. That the contents of paragraph 4(iii) of the application have not been correctly stated and denied. The applicant has not produced any evidence in support of his averment.

7. That in reply to the contents of paragraph 4(iv) of the application, the fact that the file was handed over to Works Manager, Izatnagar is not denied. The rest of the contents of the paragraph under reply are denied for want of knowledge.

8. That in reply to the contents of paragraph 4(v) of the application, the fact that the applicant submitted a report to C.W.J./LJM is not denied. The rest of the contents of the paragraph under reply are denied for want of knowledge.

9. That the contents of paragraph 4(vi) are

(29)

application are denied for want of knowledge. However it is submitted that no report was made by the applicant against Sri Garju, Fitter and Sri Ayodhya Prasad, Khallasi. On the contrary both Sri Garju and Ayodhya Prasad have submitted a complaint against the applicant that he left Sitapur on 3.9.87 and did not return upto 5.9.87 when Sri Garju and Sri Ayodhya Prasad left the coach at Bareilly and came back to Lucknow. The applicant is, thus, guilty of dereliction of duties in an unauthorised manner.

10. That the contents of paragraph 4 (vii) of the application are absolutely wrong and incorrect and are denied. It is submitted that Sri Mangali Prasad was initially appointed as Class IV employee and since the date of his appointment he remained at Lucknow Station. Sri Baleshwar Tewari was posted as C.W.S. at Lucknow Station in the year 1987. Prior to 1987 the applicant never worked under Sri Baleshwar Tewari. It is denied that Sri Baleshwar Tewari was bearing any grudge against the applicant.

11. That the contents of paragraph 4 (viii) of the application have not been correctly stated and hence denied. The applicant who was the Head Train Examiner was entrusted, the duty to Escort the Coach to Izatnagar Railway Workshop for repair on priority on account of clearing off the summer rush during the season, but he remained absent from duty in an unauthorised manner. The charge sheet dated 9.9.87 was issued to the applicant on the basis of the complaint received and after examining the entire facts and circumstances of the case.

Shweta

जनरल पर्सोनल अधिकारी,  
रुक्मीदार रेलवे, लखनऊ  
Mr. Divisional Personnel Officer  
" E Railway, Lucknow.

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12. That in reply to the contents of paragraph 4 (ix) of the application, it is submitted that the applicant remained absent from duty for the period mentioned in the paragraph under reply and as such the deduction was made from his salary bi

13. That in reply to the contents of paragraph 4(x) of the application it is submitted that the Travelling Allowance Bill was rightly disallowed as the applicant was absent from duty without le

14. That in reply to the contents of paragraph 4(xi) of the application, it is submitted that enquiry officer has been appointed to conduct a enquiry against the applicant. The enquiry officer could not submit his report as he has to collect the relevant records from different stations and offices. To a large extent, the applicant is responsible for the delay as he has submitted reply much beyond the time given to him. It is submitted that enquiry shall be completed shortly and as soon as the enquiry officer submits his report, suitable action will be taken by the competent authority against the applicant.

15. That in reply to the contents of paragraphs 4(xii) and 4(xiii) of the application, it is submitted that to a large extent the applicant is himself responsible for the delay in completion of the enquiry and as soon as the enquiry officer submits his report, action would be taken against the applicant.

S. N. S. K.  
एवं दूसरे अधिकारी,  
दूसरे दिन, लखनऊ  
Mr. Divisional Personnel Officer  
R. E. Railway, Lucknow.

16. That in reply to the contents of paragraph 1 of the application, it is submitted that none of the grounds urged in the application are tenable in law and the application is liable to be rejected with costs.

17. That the contents of paragraph 6 & 7 of the application do not call for any reply.

18. That in reply to the contents of paragraph 8 of the application, it is submitted that in the facts and circumstances of the case, the applicant is not entitled to any relief whatsoever as claimed in the original application.

19. That the contents of paragraph 9 of the application are absolutely false and incorrect and are denied. The applicant is not entitled to any interim relief as claimed in the paragraph under reply.

20. That the contents of paragraph 11 and 12 of the application do not call for any reply.

Lucknow :

Dated :

S.M.N.Islam  
Respondent  
G. R. No. 1000  
Dr. Director Personal  
G. R. Railway, Lucknow

VERIFICATION

I, S.M.N.Islam do hereby verify that the contents of paragraph 1 to 12 of the reply are true to my personal knowledge of the facts and those

paragraph 2 to 15 to 17 to ware believed by me to be true on the basis of record and those of paragraph 16 are believed to be true on legal advise. No part of it is false and nothing material has been concealed.

Dated :

Lucknow :

*S. N. S. Chakraborty*  
मेरा दिल्ली अधिकारी,  
Correspondent  
Co. Director Personnel (COP).  
R. R. Railway, Lucknow.