

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

.....OA/TA/RA/CP/MA/PT 329 of 20-90
Mangali Prasad Applicant(S)

.....Versus
U.O.-2-2 others Respondent(S)

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Certified that the file is complete in all respects.

.....
Signature of S.O.

.....
Signature of Deal. Hand

B.C. Winding and
14-6-12

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A. / I.A. No. 329/90 of 199

Name of Parties

Mangali. Red
Versus

Applicant

Union Of India & Others

Respondents

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PART B

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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 :- 16-7-90

Dated:-
V.K. MISHRA

(Signature of deeling Assn.)

(SECTION OFFICER / COURT OFFICER)

(1) (15)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 25/9/90
Date of Receipt by Post

211
Deputy Registrar(J)

25/9

Registration No. 329 of 1989 90 (L)

APPLICANT(S) Shri Mangali Prasad

RESPONDENT(S) U.O.-I Through G.M. N.E Rly. C.K.P.

Particulars to be examined

Endorsement as to result of examination

- application
1. Is the appeal competent ?
 2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
 3. a) Is the application in time ?
b) If not, by how many days it is beyond time?
c) Has sufficient case for not making the application in time, been filed?
 4. Has the document of authorisation/ Vakalatnama been filed ?
 5. Is the application accompanied by B.D./Postal Order for Rs.50/-
 6. Has the certified copy/copies of the order(s) against which the application is made been filed?
 7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?
c) Are the documents referred to in (a) above neatly typed in double space ?
 8. Has the index of documents been filed and paging done properly ?
 9. Have the chronological details of representation made and the out come of such representation been indicated in the application?
 10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

yes

yes

yes

No

No

yes

yes Postal order 50/-

yes

yes

Attested by Counsel

yes

yes Two sets

yes

No

Particulars to be Examined

Endorsement 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? | |
| | c) Wanting in Annexures | |
| | Nos. _____ pages Nos. _____? | |
| 13. | Have the file size envelopes bearing full addresses of the respondents been filed? | N.A. |
| 14. | Are the given address the registered address? | yes |
| 15. | Do the names of the parties stated in the copies tally with those indicated in the application? | yes |
| 16. | Are the translations certified to be true or supported by an Affidavit affirming that they are true? | N.A. |
| 17. | Are the facts of the case mentioned in item no. 6 of the application? | yes No |
| | a) Concise? | |
| | b) Under distinct heads? | yes |
| | c) Numbered consecutively? | |
| | 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 |

Delay in filing the Application

disch/

Registrar
The Petitioner is
time barred. Appeal
Case has moved
an application for
condonation of delay.
Put up before
the Honble Bench on
5.10.92 for order.

548
25/9

24/10/92

[OA.329/96]

(7) (1)

Mangli Pd. vs u. o. Smdwa

Exp. Judge. Dated 15/12/93

OR

11-2-94

~~11-2-94~~

The case has
been decided
Exp. on 15/12/93
by Jhon/bld (D.B.)
Dewch
The Countel for
re-handled has
moved MP 20/94
for Recalling of the
Exp. Judge. Dated
15/12/93. The
same is submitted
for order

ch
10/2/94

is to be decided ex parte.

List this case for ~~deciding~~ ^{hearing and disposal} ~~the case~~ ex parte on 24/8/93.

A.M.

J.M.

24.8.93

No sitting old m. d. j. n
11.10.93

noe

of 12.10.93
C.A. 24/12/93
for

No sitting old m. d. j. n
20.12.93

man

of 2/12/93
for

2/12/93

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

of 15/12/93
for

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

A.M.

R.K.V.
V.C.

15/12/93

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

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

A.M.

J.M.

of 13/12/93
for

(S) 4

3.8.94

Lawyers abstain from Jull. work only
to 19.9.94

Doc

19-9-94

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

None for parties.
List for hearing on 27/10/94

J.M.

A.M.

27/10/94

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

Sri A.H. Haidari, Counsel for
the applicant is present. A
perusal of the record shows
that an application dt. 7/1/94
filed by the respondent for
recall of the Ex-Parte order
dated 15/12/93. The application
be listed for consideration
on 6/12/94.

J.M.

A.M.

File could not
be traced out
on 19/9/94
Submit of
21/10/94

2/2/95

D.R.
3-1-95

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.

D.R.

(133)

1126

13-5-86

re
Dr. E. S.

NS/CCS
64

वकालतनामा

Before Central Administrative Tribunal के समक्ष
Bench Lucknow के न्यायालय में
OA no 329/90(L)

वादी	Mangali Pd.	दावेदार
प्रतिवादी		अपीलायी
	बनाम	
प्रतिवादी	Union of India	अर्जीदार
वादी		प्रत्यार्थी
भारत के राष्ट्रपति इसके द्वारा श्री Siddharth Verma, Rly. Advocate Lucknow		

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक 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/प्रत्यार्थी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिव्यजन करेगा, न ऐसा 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 ऐसा 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 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 ओर से इस विलेख को आज तारीख को सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

ACCEPTED
NER-84850400-8000-4784

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

Sw2
(S.M.N. Islam)
निष्पादन करने वाले अधिकारी का पदनाम
मुख्य जज, सी.आर.पी.ए.
ए.पी.टी.सी.
13-5-86

(4)(6)

DA 329/90

2-2-95

Case not reached adj to

17-7-95.

MP 251/94
filed for recall
the party order
14/7/95

17-7-95

No sitting of D. Bench.

Case adj to 29-9-95.

~~to~~
Bee

~~to~~
Bee

QA No. 329/90

(27)

26-09-86

Hon. Mr. Justice B. C. Saxena, V.C.
Hon. Mr. V. K. Sethi, A.M.

Dr. W. H. Haidari, learned
counsel for applicant is on leave.

is on 15-10-86 for hearing.

L.S.
A.M.

B.S.
V.C.

15-10-86

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

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

Dr. W. H. Haidari, learned
counsel for applicant is on
leave.

is on 08-11-86 for hearing.

J.M.

L.S.
A.M.

8-11-86

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

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

For applicant Dr. W. H. Haidari
for respondents None.

Recd. Show that the OA has wrongly
been listed for hearing today, as the
OA was already disposed of by the judgment
and order dated 15-12-85. It may now
be listed for order on MP 25/86 with
reference to our direction of 28-9-85.
but for order on 3-1-87.

J.M.

L.S.
A.M.

QA
CA have not been
listed for hearing
10/10/86.

QA
CA have not been
listed for hearing
10/10/86.

9

OA 329/90

03.1.97

No. 21/97 of D.D. Adm. 1.
24.2.97

Adm.

02
PA not
filled
date
2/2

24.2.97

Hon. Mr. V.D. Sethi, D.M.

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

For applicant: Sri W. K. Harbary, Adm.

For respondents: Sri S. Verma, Adm.

Heard on 25/1/97 seeking recall of orders
dt. 15.12.93 passed by the tribunal in O.A. 329/90.
The aforesaid m.p. prays for recall of judgment
& order passed ex parte.

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

A
J.M.

L 15
A.M.

Recd
Adm
26.2.97

P
25/2/97

THE TRIENAL
LUDHIANA, LUDHIANA

151
ETA 325/80 (L)

Date of Decision 15/12/83

Mingali Bansi... Petitioner

W.H. Haidani... Adv. for the Peti.

Union of India... Respondents

..... Adv. for the Respondents.

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

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

Whether the right of local parties may be allowed to
the court.

Whether referred to the Reporter or not.

Whether their landlords wish to see the fair copy of
judgment?

Whether to be circulated to all other Benches?

Signature

17

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. claim 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 B.C. 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. (ride - 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 ^{hence} 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 have ^{been} 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 ^{~ accordingly ~} 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 ^{~ will ~} ~~may~~ 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 ^{~ the respondents ~} ~~him~~ 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.

Admn. Member

Girish/-

Ducknow; Dated 15.12.93

Judicial Member

15.12.93

CA 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 in person.
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 28.1.93. ✓

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

CA 20/1/93
H. K. J. (R)

92
CA 20/1/93
before DRJ
12/5/93

(14)

329/90 (L)

8-10-90

No sitting Adv to 25-10-90

25-10-90

No sitting Adv to 8-11-90

8-11-90

B

Hon. Mr. M. V. Priolkar. Am
Hon. Mr. D. K. Aggarwal. JM.

Due to resolution of Bar
Association case is Adjourned
to 20-11-90

20/11/90

Hon. Mr. Justice K. Naitik, re
Hon. Mr. M. N. Singh, Am.

to
B O C

Heard the learned counsel for the
applicant.

Issue notice to respondents 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
respondents will also produce the
record.

In the merits of condonation
of delay issue notice and list for
admission on 15/1/91 when the
case ~~will~~ ^{may} be disposed of finally.

M. H. L
Am.

Sh
V.C.

Notices issued
3-12-90

102

(17)

(14)

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 11/11/91.

11.11.91

D.R.

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

AKD

18
20

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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2.	Application for Condonation for delay	10
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)	15
"	No.1A (Letter of CWS/LJN No.M/Conf/87 D/8-9-87	16
"	No.2 (Copy of W/S Manager Izathnagar No.M/2077 Dt.11-9-87)	17
"	No.3 (Report D/12-9-87 to CWS/LJN)	18
"	No.4 (Minor Memo of Charge Sheet No.M/54/2/DRM CNW Dt.9-9-87	19
"	No.5 (Pay slip of 5 days)	20
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"	No.7 (Defence Statement, D/24-2-88)	30 to 31
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"	No.10 (Notice u/s 80 CPC)	34-35

Lucknow:
Dated : 20-9-1990

Mangali Prasad
Applicant

*Filed today
5/10
25/9*

Deputy Registrar(J)

25/9

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

Claim No. of 1990.

Mangali Prasad, aged about 43 years son of late BALI,
resident of Railway quarter No. L-36-A, MOWAIYA, Railway
Colony, Charbagh, Lucknow, at present working as H.TXR
under C.W.S/LJN, 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.

Respondants.

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 Prasad

iii. Non-payment of T.A billamount 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 G 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.Juglari Goods Train on 2-9-87 and ~~XXXXXXXXXXXX~~ 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 Reach ^{2d} MIN at 10.36.
4-9-87 Halt at MIN as there was no power.

Mangal

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 ²⁵25 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. *M*
5. That on reaching Hq at Lucknow, the applicant submitted his report along with the Work Shop Manager's letter cited above to CWS/LJN. 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

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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 ^W 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. ^{D-4 A} (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.

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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. (^{For} the delay in submission of the defence ^{statement} is Respondant No. 2 ^{is responsible} . 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 ^{amount} 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 ^{been} differed uptill 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

Mangt. P. 1

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~~12-8-88~~. 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

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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 Respondants 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.

- Placing G.F.A.*
(ii) That this Hon'ble Tribunal be further pleased to direct the Respondants 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 ^{Sheet} for Minor penalties, issued by Respondant No.2 vide his No.M/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 ^{Sheet} (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 a application fee:

Postal Order No. 02 415768

Value Rs. 50/-

Dated: 20.9.90

Mangal Pd

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 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/DRM 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	1
"	No.10 Notice 80 CPC	2
"	<u>VERIFICATION:</u>	

I, Mangali Pd. s/o BALAI, aged 43 years working as HTKR in the Office of C.S/LJN N.E.Rly., R/o Rly. Quarter No.L-36-A MOWATYA 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

Mangali Pd.
Signature of applicant.

(22) (38)
10 1.10.10

In The Central Administrative Tribunal, Allahabad,
Curcit 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:

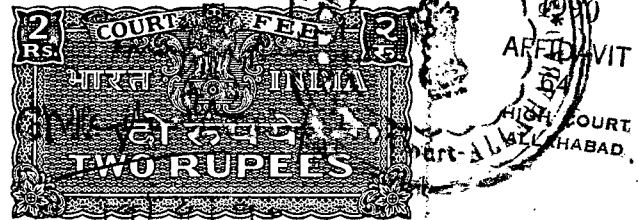
Dated : 20-9-1990.

L. H. Hader
Counsel for the Applicant.

✓

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

J.A No. of 1990.



Mangali Prasad Applicant.

versus

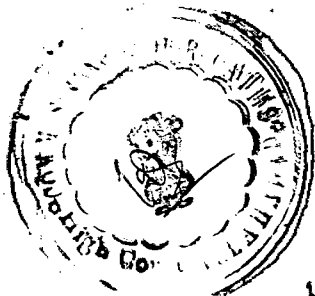
Union of India, through The General Manager, Northern
Railway, Gorakhpur and others.

... 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.M/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 G damaged coach
Ex.AISHBAGH-IZN Work Shop



Mangali Prasad

-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 sonsequential 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 ⁴period of 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.



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-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.

L. H. Hade
Advocate.

Km Kishor Pandey
Advocate
Oath Commissioner
Allahabad High Court
Lucknow Bench Lucknow.
No. 1321.D dt. 19/9/90

Solemnly affirmed before me on 19/9/90 at 10.20 AM by the deponent who is identified by Sri W. H. Hade, Advocate High Court Lucknow. I have satisfied myself that the deponent understands the contents of affidavit which have been read over and explained to him by me.

19/9/90

पदालत श्रीमान्.....Central Administrative Tribunal.....Adm. Bench.....प्रहोदय
Ludhiana
 (बादो) असेल्लम्प - Manoh. Pr. HTR - Union of India / G.M. XIEM
Manoh. Pr......श्री W.H. Hader.....का.....१२

प्रतिवादी रॅस्पॉन्डेंट

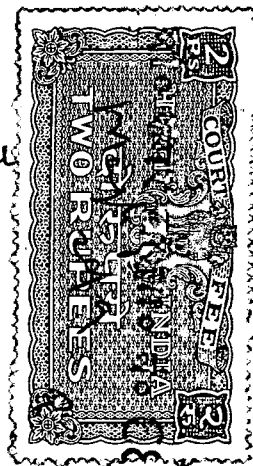
बेकालितनामा



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Union of Ind
Indic thought

Г. М. М. Е. М. Е. К. Р.



Mangh Ra पनाम

प्रतिवादी रैस्पॉण्डेंट

नं० सुषुद्धमा

सन्

पेशी की ता०

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ऊपर लिखे मुद्रापत्र में अपनी ओर से W. H. Hardam

C-1807, Muziris Raja g. Pinar + Lucknow
226017

वकील

महोदय

एडवोकेट

को अपना बकील नियुक्ति फरके प्रतिज्ञा इफराए फरता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहमामा व इकबाल दाघा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा खतावे या कोई रूपया जमा करें या हमारी बिपक्षी (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 फायदाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार फरता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर ही होगी । इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर फाम आवे ।

हस्ताक्षर M. K. Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

पद्मीना

सन् १९

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दिनांक
Accepted
W.H. Standish
Adopted -
20.9.20

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

... Respondants.

ANNEXURE NO. 141A

Copy of CWT/LTN's letter re my con/87 dt 8/9/87
addressed to DRM(M) LTN
on the basis of which the memo. in question has
been issued.

विषय :- श्री अंगली सुसाद गुग्गुलु

• विधि:- पुर्वरतना ग्रहसं ५८६ ६५ का उच्चारण
करनी जाना

[illegible]

A श्री मंगली प्रसाद प्रसाद 21/9/87 को 16.11.87 के आदेश से 500 रुपये से इज्जत नगर कांस्टाबल रवाना हुए। तत्पश्चात् 8/9/87 को श्री गजरा रत्न अयोध्या प्रसाद ने अपनी लिखित शिकायत में बताया कि श्री मंगली प्रसाद मीठापुर के आगे न हो। उनके साथ गुरु जी न पापसी ने उनके साथ आए। असहाय कर्मचारी उठठ-6-65 को पौली सिले यह भी ही होकर लापन कु यहाँ आए। श्री गजरा रत्न श्री अयोध्या प्रसाद रत्न ने अपने कदमबंद वयान में कहा है कि श्री मंगली प्रसाद मीठापुर के उनके बताया कि पास गलत बना है दूसरा लेने जा रहे हैं मगर उपरोक्त कर्मचारी के को वह न मिले और गाड़ी पहुँच भी गई, आदमी लापन श्री आ गुरु मगर इस प्रसाद मंगली प्रसाद का आजंतक पता नहीं है। 3/9/87 से 21/9/87 तक कर्मचारी नौलकी में प्रतीका व्युत्ते रहे। मंगली मंगली प्रसाद न पहुँचे।

वेड आकाशसँ के सखा लिखना पड रहा है कि एक
उत्तरदायी व्यक्ति होते हुए भी श्री भंगाली सखा पुष्पा
ने आकाश सँ लिखे या अतिशयोक्ति किया है। यदि सखा
पुष्पा ने गाड़ी पर सखा की मर्यादा के विरुद्ध कार्य करते हुए
स्वायत्त और शांति के समक सखा बिन्दुओं उभारने के
विचार है।

के संकुल वयन के लिए अग्रणी त्व/

श्री/१) मम पुत्र गणेश रक्त पं
गणेश पिता वा प्रीतिमयः

plausibility

ATTEST:

W. H. H. 2018/7.

Advocate High Court

16

36 34

P. 112. 13

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

जस्तु पर दोनों तरफ लिखें
Use both side if required.

पूर्वोत्तर रेलवे
N. E. RAILWAY

N. E. - G. 40
RB - G. L. 19

W

क्रमांक (No.) 211/2077/7

दिनांक (Dated) 11-9-27

प्रेषक (From) उप मुख्या प्रबन्धक

सेवा में To महानिरीक्षक प्रबन्धक (असाईन) / लखनऊ

विषय (Sub:) पुद्गल गुरुत यात्रा यात्रा

मार्ग (Route) 5006 J.S.

उल्लिखित यात्री यात्रा आज श्री
महानिरीक्षक प्रबन्धक द्वारा इस
सम्बन्ध में लाया गया।
इसके विषय गुरुमत के लिए
महानिरीक्षक (यात्रा) / लखनऊ से कोई
पत्र प्राप्त नहीं हुआ है और न ही
इसके साथ पुद्गल गुरुत की प्रति
पत्र गैर है। इस कारण मैं यह यात्रा
उप असाईन तक रख दिया जा सकता
है। यह कि गुरुमत (यात्रा) / लखनऊ को
सहायता न प्राप्त है।
यह पुद्गल गुरुत यात्रा गुरुमत के
योग्य नहीं है। इसे असाईन द्वारा ही
निर्वाह कर कंसा की सेवा देना
चाहिए।

दुसरा बीजा ही एसाईन रेलवे
की एक प्रति को नमि इसका/असाईन
किया जा अंक।

प्रतिनिधि महानिरीक्षक (यात्रा) / लखनऊ
की सूचनाएं (यात्रा) / लखनऊ को लाया है।
महानिरीक्षक प्रबन्धक / लखनऊ

Manuscript

ATTESTED

W. H. HAIDAR
Advoca. High Court

16 18 (38) (40)
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

19

सेवा में,

श्रीमान समाधि अधिकारी
सुप्रीम कोर्ट
नएवा नं० ३०

विषय:- दुर्घटना ग्रस्त भवन संख्या 5006 जी०/र०स० कीच की
पहुंचाने की सम्बन्ध में

संदर्भ:-

सविनय निवेदन यह है कि प्राचीन आपकी आवेदनानुसार
दुर्घटना ग्रस्त भवन सं० 5006 जी०/र०स० की लेकर स्पेशल गैरमजदूर
२०.९.८७ को अंशदाता से इजाजतानुसार कारखाने की कारसे
अ.नं० ५००६ स्पेशल री १६/१० वगैरे प्रमाण मिलता है।
मेरे साथ श्री अरजुन सिंह तथा अपोषा प्रसाद खल्लासी भी
मेरे साथ थे।

इससे पूर्व दोनों कर्मचारी मुझे बिना सूचना विधे दुरु शस्त्र
से जागृत हो अंग्रेजी और मुझे अकेले ही दुर्घटना ग्रस्त
भवन 5006 जी०/र०स० को इजाजतानुसार कारखाने की अन्दर
पहुंचाना पड़ा है। भवन की पहुंचाने के बाद २५.८.८७ से इजाजतानुसार
कारखाने से जी० पत्त लिखवाकर मैं इजाजतानुसार से २३ वगैरे ११.९.८७
से प्रमाण कर १२.९.८७ को लखनऊ १० वगैरे पहुंच कर आपकी
क्यालिफ में अंग्रेजी कर दिया है। और कर्मचारियों के जागृत
होने की सूचना भी दे रहा हूँ।

आपकी पास अन्तिम कागजाती है प्रेषित है।

Manish P D

प्राचीन
महेश्वर प्रसाद
(अंग्रेजी प्रसाद)

प्रधान गार्ड प्ररीक्षक
नएवा नं० ५०
दिनांक - १२.९.८७

ATTESTED

W. H. HAIDARI
Advocate High Court

40 42

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

पर्वोत्तर रेलवे
NORTH EASTERN RAILWAY

फ़ॉर्म नं०-373
M.E.-G. 373

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

21

P/1019

(रेल प्रशासन का नाम)
(Name of Railway Administration)
(दिनांक)
(Date of issue)

No.

मेरु (मा.)

दिनांक
dated

9/9/87

MEMORANDUM

श्री मंगलू प्रसाद (पदनाम) उपायुक्त/लातूर (कार्यालय) द्वारा जारी किया गया है कि संयुक्त/रेलवे बोर्ड/निर्देशाधीन उनके विरुद्ध 1968 के नियम 11 के अंतर्गत कार्यवाई करने का प्रस्ताव रखा है/रखें हैं।
दुष्चारा या अव्यवहार के लक्षणों का एक विवरण संलग्न है, जिस पर उपर्युक्त कार्यवाई का प्रस्ताव है।

Shri मंगलू प्रसाद (Designation) उपायुक्त/लातूर (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 मंगलू प्रसाद को अवगत कराया जाता है कि इस प्रस्ताव के विरुद्ध वे दो महीने के अंदर अपना प्रतिरोध प्रस्तुत कर सकते हैं, निम्नलिखित को (अध्यक्ष/उपायुक्त/निर्देशाधीन) के समक्ष प्रस्तुत किया जा सकता है, जिसमें उक्त महाप्रबंधक के पास पहुंच सकें। इस मामले की प्रतिक्रिया के दस दिन के भीतर प्रस्तुत किया जाय।

2. Shri मंगलू प्रसाद 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 मेरु Railway, so as to reach the said General Manager) within ten days of receipt of this Memorandum.

3. यदि श्री मंगलू प्रसाद ऐसा नहीं करे, तो वे निम्नलिखित अवधि के भीतर सम्मानपूर्वक प्रस्तुत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई प्रतिरोध नहीं देना है और श्री मेरु के विरुद्ध एक पक्षीय धारणा प्रारंभ किये जा सकेंगे।

3. If Shri मंगलू प्रसाद 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 मेरु ex-parte.

4. श्री मंगलू प्रसाद इस मामले की जानकारी दें।
4. The receipt of this Memorandum should be acknowledged by Shri मेरु.

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

(हस्ताक्षर)
(Signature.)

नाम
(Name)

जी. ए. ए. (लातूर)

सक्षम प्राधिकारी का नाम और पदनाम
Name and designation of the Competent Authority.

श्री

Shri

(रेल कर्मचारी का नाम, पदनाम और कार्यालय)

(Name, designation and office of the Railway servant).

जहाँ कहीं यह आपन रेलवे बोर्ड/राष्ट्रपति द्वारा जारी किया जाये वहाँ इसे प्रतिधारित किया जाय।
To be retained wherever this Memorandum is issued by the Railway Board/the President.

जहाँ राष्ट्रपति अनुशासन प्राधिकारी हो।
↑ Where the President is the disciplinary authority.
NER-86870280-30.000 Forms, Aug '86

ATTESTED

W. H. HALDAR
Advocate High Court

19/11/19

श्री गंगली प्रसाद प्रसाद/लालकु द्वारा काम के कारनाम

कमिशन श्री गंगली प्रसाद प्रसाद/लालकु-जिसे मैं

कारिग को दिनांक 8/9/87 के सुदृष्टिगत गस्त 5006 जी
प्रसाद को लेकर एक साल की रुब रुब फिटर के साथ 16-10
पर अंशताम से जट जगलर में इज्जत नगर करवाना भजा
गया का।

श्री गंगली-प्रसाद प्रसाद ने सीतापुर मुहल्ले में खोली-खोली
मेम फिटर को यह बताकर कि पास गलत बना है तथा दूसरी गलत
लिने जा रहा है, कहकर वापस चले गए। श्री सरख फिटर एवं
श्री अमिताभ प्रसाद शलाकी 5006 की एस को लाल कुंवर की सिटी
तक गए तथा वहीं दोड़ का कारनामा आ गए पर श्री गंगली प्रसाद
वापस चले गए जब कि इन दोनों का वापसी में 24/8/87 से
24/8/87 तक श्री गंगली प्रसाद को प्रोत्साहन मिला भी नहीं रहे।
किन्तु श्री गंगली प्रसाद इन दोनों का वापसी को लाल कुंवर की सिटी
तक जाते व वापस आते तक काम नहीं मिल।

उस प्रकार के कार्य को श्री गंगली प्रसाद ने अपने
अंतरांगिकता की दृष्टि से अस्वीकार किया है और इनकी
कार्य में लालकुवादी का प्रत्यक्ष है। कार्य में उस प्रकार की
कारनामों को श्री गंगली प्रसाद प्रसाद/लालकु ने स्वी
अपने अंतरांगिकता 1966 के अधिनियम 3(1)(ii) का उल्लंघन
किया है। उपरोक्त कमिशन अमाउंट अमाउंट/लालकु के
पत्रांक मा/का/87-दि 8/9/87 पर आधारित है।

(जी.जी. कुंवर)
महाड (समाधि) लालकु

ATTESTED

20/11/19
W. H. ...
Advocate ...

23

P. 110 20

43

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Claim Petition No. of 1920.

Mangali Prasad

Applicant

VERSUS

Union of India and

others

Respondants.

ANNEXURE NO. A ~~A~~ No 5

P. No 20

42 - MANGLI PRASAD

2

2000

NORTH-EASTERN RAILWAY
INDUSTRY DEPT. MECH. SKL. NO.

P. H. S. S. S.
 P. H. F. I. V.
 S. O. C. I. E. T. Y.
 R. E. N. T.
 E. L. E. C. T. I. N. S. T. N.
 C. R. O. W. D. I. N. S. S. C. H.
 * * * * *
 50.00
 50.00
 200.00
 627.00
 14.50
 1.90
 20.00

25 19 11 10 9 8 7 6 5 4 3 2 1

521034-007
521034-269-000

3497.95 GROSS PAY = 2985.41

TTL-0EDNS. # 1213.40

STIPAL AS STYLO STIPAL

ATTESTED

Vol. 2099/5
W. H. FATHARI
Adwoca. High Court

Memorandum

INDEXED No 6

पूर्वोत्तर रेलवे N. E. RAILWAY

किस नियम से शासित Rule by which governed

यात्रा भत्ता विवरण TRAVELLING ALLOWANCE JOURNAL

फ़ॉर्म नं०-जी० 6 ए
N. E.—G. 6A
रेलवे नं०-जी० 6-31
R. B.—G. A-31

शाखा Branch अंग्रेजी रमाई

डिवीजन/जिले का सदर मकान Division/District Headquarters at मरवाहा अंग्रेजी अंग्रेजी

नाम का विवरण जिससे किया गया Journal of duties performed by मेरा मंदी 2 मंदी

के for which allowance for दिनांक 1987

का भत्ता मांगा है is claimed

पद Designation

507704

वेतन Pay

1800/-

वेतन की दर Scale of Pay

1600/2600

नियुक्ति की तारीख Date of appointment

08/11/69

महीना और तारीख Month and date	गाड़ी/प्लेन/रेलगाड़ी No. of Train/Steamer/Plane	प्रस्थान का समय Time left.	पहुँचने का समय Time arrived.	स्थान Station.		मील Miles.	दिनों/रात Days/Nights	यात्रा का उद्देश्य Object of journey	दर Rate.		दूरी जिसके लिये निजी/मात्राजनिक सवारी का उपयोग किया गया Distance for which private/public conveyance is used.	दूरी प्रत्यक्षी की तरह मं० 20 का हस्ताक्षर Reference to item 20 in schedule of distance.
				से From	तक To				रु० Rs.	पैसे P.		
21/9/87	31.03.87	16/20	—	रमाई	—	70%	70%	35-24	24-	50	—	—
3/9/87	31.03.87	10/35	—	रमाई	—	100%	1	10/7/87 रात्रि	35-	—	—	—
4/9/87	31.03.87	7/01	7/01	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
5/9/87	31.03.87	21/40	—	रमाई	—	100%	1	मरवाहा रात्रि	35-	—	—	—
6/9/87	31.03.87	—	4/1-	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
6/9/87	31.03.87	4/20	8/30	रमाई	रमाई	—	—	मरवाहा रात्रि	—	—	—	—
7/9/87	31.03.87	2/1-	16/40	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
8/9/87	31.03.87	13/22	13/22	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
9/9/87	31.03.87	21/55	22/15	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
10/9/87	31.03.87	01/22	01/22	रमाई	रमाई	100%	1	मरवाहा रात्रि	35-	—	—	—
11/9/87	31.03.87	22/40	—	रमाई	—	100%	1	मरवाहा रात्रि	35-	—	—	—
12/9/87	31.03.87	10/10	—	रमाई	—	70%	70%	मरवाहा रात्रि	24-	50	—	—

ATTESTED

W. H. HAIDARI

Advoca. Hkh Court

PMS 21

Pho 21/1

I hereby certify that the above mentioned bill on railway business has been examined by Government local fund of Indian States.

Witness my hand at Lucknow this 1st day of March 1907.

Attest:

Secretary to Government

W. H. HADARI
Glasfing T A. b' 1940

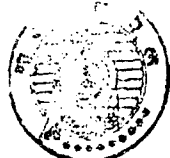
सहायी की वृद्धि का बिली ७१७१।

Note.—Can I. A. Ellis of Bureau of Railway Construction a certificate whether or not a fee paid of Incorporation of Government attorney was returned should be recorded.

NER—79801501—5 Dec—July, 1913

ANNEXURE No 6/1

NER--BEN--AV--NOC--OO--G



SECRET

SECRET

N. L. Kulkarni

DRM

444110

W

444110

444110

444110

444110

444110

1229.7.37

Date

SECRET

SECRET

Through GWS/L

Disposal of Accidental
Accident at Ash

Catch No 9815 SPH and
5455 GS should be immediately
booked and dispatched to CRD/GO
for repairs

Catch No 5006 GS and 1059 GS
are to be booked to Shop for Special
Repair on receipt of permission from 210.

For 12115
Shri Meghaji
Pant

Since 1059 GS is to be booked

to the Shop of Booked item it may kindly
be got reversed in advance so that
no attaching there is no problem for
attaching

SECRET

CI CRD/GO for conducting work
operating 811 for early disposal

Mamga Ad

ATTESTED

W. H. HAIDARI
Advocate, High Court

49
5

29

P. No 23

ANNEXURE No 6 ^h/₂

क्या यह तार आवश्यक है ? यदि हां, तो इसे छोटा बनाइये

20-30-4000 टो 1
N.E.-R.T.1

Class	Code	No.	Date 2-9-8)
Checked by			(Official Office Stamp)

Certified that Cane No 500653 was
attached by Dr. Juggalder between A.H.
to Mr. Scourde & by Mr. Mangal & Mr. H.S.H.
A.H. depl. 16/20 and Mr. In 10/35 of 3/9/85

11/3/85

RECD. FROM	SENT TO	SENT TO	SENT TO	SENT TO	Signature
AT	AT	AT	AT	AT	
BY	BY	BY	BY	BY	

Is this telegram necessary? If so make it short

इस संदेश को प्रागे पण्ड भाग पर लिखें
Carry forward this message on reverse

RAILWAY

Mangal

ATTESTED
W. H. HAIDARI
Advocate H. H. Chaur

50

30

P. 11024

ANNEXURE NO 6/3

क्या यह तार आवश्यक है? यदि हा, तो इसे छोटा बनाइय

For--पारो दे 1
N.E.-R.T. 1

Class	Code	पं. 11	मि. M	Date
द्वारा जांचा गया (checked by)			कार्यालय मुहर (Office Stamp)	

Certified that coach no 5006 is was attached
By BC 414 E. M. N. T. B. on 5/4/07. Departure
from M. L. P. 21/4/1907 and arrived at BC 41- R. R. S. no 6-7
Hence coach no 5006 is Escorted by S. M. M. J. G. J. D. H. 700 A
L. R. N. E. P. M. L. W. T. O. B. C.

HP 414 BC
CO 1 BC
21/4/07

RECD. FROM	को भेजा गया/SENT TO	को भेजा गया/SENT TO	को भेजा गया/SENT TO	को भेजा गया/SENT TO	प्रेषक का हस्ताक्षर/Signature of Sender
AT BY	वजे/AT	वजे/AT	वजे/AT	वजे/AT	
	द्वारा/BY	द्वारा/BY	द्वारा/BY	द्वारा/BY	

Is this telegram necessary? If so make it short

इस संदेश को पांसे पृष्ठ भाग पर लिखें
Carry forward this message on reverse

M. 196/11/2

ATTESTED

22/4/07

W. H. HAIDARI

Advocate High Court

3

P. 110 25

ANNEXURE NO

6/4

Secret by

क्या यह तारा आवश्यक है ? यदि हाँ, तो इसे छोटा बनाइये

पू० उ०-प्रार० टी०
N. E.-R. T. 1

श्रेणी Class

कोड Code

प० H

वि० M.

दिनांक Date 06/9/8)

From Cid/Dr. K. J. Sh. द्वारा जांचा गया Checked by

(कार्यालय मुद्रा Office Stamp)

Certificate that Coach no 5006 a)
was attached in Dr. K. J. Sh. Despatch
at 11:20 AM & K. J. Sh. Arrived 8/30
of Coach. as per C. J. M. 12th order

06/9/8)

प्राप्त/RECEIVED से/AT द्वारा/BY	कौ भेजा गया/SENT द्वारा/AT द्वारा/BY	कौ भेजा गया/SENT द्वारा/AT द्वारा/BY	कौ भेजा गया/SENT द्वारा/AT द्वारा/BY	कौ भेजा गया/SENT द्वारा/AT द्वारा/BY	प्रेषक व हस्ताक्षर Signature of Sender
--	--	--	--	--	--

Is this telegram necessary? If so make it short

इस संदेश को पागे पक्ष पागे पर लिखें

Copy forward this message on reverse

M. V. G.

ATTACHED

W. H. HADARI
Advoca High Court

33

73
54

P/No 27

ANNEXURE No 6/6

क्या यह तार आवश्यक है ? यदि हो, तो इसे छोटा बनाइये

30-4120 610 1
N. E.-R. T. 1

प्रेषण Class	कोड Code	च० H	दि० M	दिनांक Date 07/9/87
से From	द्वारा जांचा गया Checked by			(कार्यालय का Office Stamp)

Certified that Coach no 5006 43 (green) stopped in Ahmedabad on 16/9/87 at 11:00 AM. Above Coach no 5006 43 escorted by S. Mangalji in H.T.M. 4th day to be.

W. H. Haidari
Advocate

प्रेषण Class	कोड Code	च० H	दि० M	दिनांक Date	प्रेषक का हस्ताक्षर Signature of Sender
से From	द्वारा जांचा गया Checked by	कोड Code	च० H	दि० M	दिनांक Date

Is this telegram necessary? If so make it short

इस संदेश को पार्श्व पृष्ठ भाग पर लिखें
Copy forward this message on reverse

W. H. Haidari

W. H. Haidari
Advocate H.gh Court
20/9/90

34

54
46

P.N.28

ANNEXURE NO ~~6~~ 6/7

क्या यह तार आवश्यक है ? यदि हा, तो इसे छोटा बनाइये

२० ३०-भारतीय
N.E.-R.T.

श्रेणी Class	कोड Code	पं. 11	दिनांक Date 9/9/87
		जांचा गया Checked by	आधिकारिक मुद्रा Office Stamp)

Certified that Coach No 5006 G.S. was attached by
Betrup B. Betr. B.M. on dated 9/9/87 by dep-22/55 12N arrival
22/55 HZ. Above coach NO 5006 G.S. escorted by Sm Mangali'd
HTXR LWN Betr. B.M.

9/9/87
Get. Betr. B.M.

वर्ग/AT हस्ता/BY	को भेजा गया/SENT वर्ग/AT हस्ता/BY	को भेजा गया/SENT वर्ग/AT हस्ता/BY	को भेजा गया/SENT वर्ग/AT हस्ता/BY	को भेजा गया/SENT वर्ग/AT हस्ता/BY	को भेजा गया/SENT वर्ग/AT हस्ता/BY	हस्ता/AT हस्ता/BY
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Is this telegram necessary? If so make it short

इस संदेश को पागे पृष्ठ भाग पर लिखें
Carry forward this message on reverse

Mangali'd

W. H. HAIDAR
Advocate H gh Court

ATTENDED
H. H. HAIDAR
ATTENDED

35

PN 29

ANNEXURE NO 6
6/8

3

सेवा (From)

सेवा (To)

सेवा (From)

सेवा (To)

It is hereby confirmed that
Sh Mangali Polster arrived
with coach no 5006 on 9.9.87
and being spared on
date for duty at 17.00 hrs.

Am

11/9/87.

Mangalid

W. H. HAIDARI
ATTESTED
2/10/87

36

P 1162 30

58/50

In The Central Administrative Tribunal, Allahabad.

Shri. Ram. Prasad

Shri. Ram. Prasad

Magistrate

...

Applicant

versus

State of U.P.

others

...

Respondents.

Page No. 7

ANNEXURE No. 7

PN-30

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, scorting 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 Jagglar 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.

contd..2

ATTESTED

W. H. HAIDARI
Advoca. High Court

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 Dairy of trains passing/ASH on 5-9-87 as to work Shri Brij Nath Ram TXR/ASH to want 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,

Mangli P. d

(MANGLI PRASAD)
HTXR/LJN

Dated: 24/2/88

Encl: 9

Need one
copy with mine
and others.

1/2/88
4/2/88
24/2/88

Mangli P. d

ATTESTED

20/9/90
W. H. HAIDARI
Advoca. H. C. Court

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P 11032

In The Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Mangali Prasad ...

Applicant

versus

Union of India and

others.

...

Respondants.

ANNEXURE NO. 8

60
P.N. 32

ANNIE TORN 8

40

To

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

Sir,

Subj:- Complaint against non-payment
of pay for the period from 7.9.87
to 11.9.1987.

I most respectfully like to state that I had been
deputed officially to escort damaged coaches No. 2006 G-3
to 17H Shop vice T.M.(H)/LJN letter No. W/55/PSR/Pt. III
dated 29.7.87. This coach was attached with IN Jular
on 2/9/87 and the same was handed over to the Dy. W/12N
on 11.9.87. I had obtained an acknowledgement also to
that effect. I was however released for Lucknow on
11. .87 and accordingly returned to Hq 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 here 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 mentioned within
10 days from the date of receipt of this letter.

Thanking you in anticipation,

Yours faithfully,

Lucknow,
Dated: 30-12-1987.

12/1/88

Mang C. Pd
(Mang C. Pd) 30/10/87
HIAV CE LJN 12/1/88

140
12/1
Mang C. Pd
W. H. HAIBARI
Advocate High Court

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In The Central Administrative Tribunal, Allahabad.

Constit. Bench, Lucknow.

Mangali Prasad ...

Applicant

versus

Union of India and

others.

...

Respondants.

ANNEXURE NO. 9

सेवा में,

42

श्रीमान
माउंटले रेल प्रवाचक (आर्थिक)
पूर्वोत्तर रेलवे
लारबनडा,

विषय:- सितम्बर माह में (7.9.87 से 11.9.87) पाँच दिन का
वेतन रु 324 रुल थाहा माला (2.9.87 से 12.9.87)
का रूपमा 364,
द्वारा सभाधि अधिकार लारबनडा जमशेन।

महोदय:-

निवेदन यह है कि श्रीमान दुर्धतना ग्रस्त भान 5006 क.ड
की लेकर 2.9.87 को केशबाग स्टॉ से इन्डो नगर गमा ओर
12.9.87 को वापस आया। जब मुझे सितम्बर माह का वेतन दिया
गया तो उसमें 5 दिन का वेतन (7.9.87 से 11.9.87 तक) काट
लिया गया और जो माला गाला का वेतन (2.9.87 से
12.9.87) का गया बिना भी उसका भी भुगतान रु 364
मुझे नहीं दिया गया। इस संबंध में मैं आपसे चार
बार रुब माउंटले रेल प्रवाचक (आर्थिक) से भी कई बार
मिल चुका मगर अभी तक कोई सुनवाई नहीं हुई है।

कृपया मुझे धारा 48 का वेतन रु 324 तथा थाहा -
माला रु 364 का तुल्य भुगतान का आदेश पारित करें -

दिनांक - 1.6.88.

प्रार्थी
गुलाम अली
(मंगला प्रसाद)
प्रधान गाड़ी चालक
लारबनडा स्टॉ
1.6.88

प्रतिनिधि सूचनाएं: माउंटले रेल प्रवाचक आर्थिक (सभाधि) लाठ स्टॉ

दिनांक - 1.6.88.

मंगल 1/6

ATTESTED
W. H. HAIDARI
Advocate High Court

(मंगला प्रसाद)

1.6.88.

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In The Central Administrative Tribunal, Allahabad.

Current Bench Instruction.

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

Annexure No. 10

ANNEXURE NO 10

PN 34

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

44

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 amounting 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 In Jaggler 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 CTML's orders.

Mangli Prasad

ATTESTED

W. H. HARDANI

Advocate, High Court

65/1
P.N. 85

6-9-87 Reached KSJ at - 2 -
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 22-13
10-9-87 By shunting Pilot to IZN Shop
11-9-87 It was given writing by Dy Chief Mech. Engines/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.

4. That it is ^{expedient} in the end of justice that my
client be paid immediately his five days deducted salary
is 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 688/- immediately failing which
my client would be constrained to take legal recourse

Yours faithfully,

Dated: 12-9-89

W. H. Haidari
(Advocate, High Court)
C-1807 Rajajpur
Lucknow 226 017

भारत में डाक टिकटों का मूल्य रु.
Stamps affixed Rs.
प्राप्त किया
Received
पते वाले का नाम
Addressed to
"Write here 'Letter' or 'Parcel' or 'Railway Receipt' before it when necessary."
प्राप्तकर्ता के हस्ताक्षर/Signature of the receiving party
Amount to be recovered रु.
the addressee
केवल जब डाक वस्तु का बीमा करना हो उसी समय भरा जायेगा
बिछोड़ लाइन द्वारा काट दिया जाए।
To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.
हो (अंकों में) (शब्दों में)
Insurance for Rs. (in fig.) (in words)
बीमा शुल्क रु. वजन (शब्दों में)
Insurance for Rs. Weight (in words)
ग्राम Grams

0320
तारीख-माह-दिनांक
Date-stamp
म/नं.
Rs.
प्राप्त किया
Received
पते वाले का नाम
Addressed to
"Write here 'Letter' or 'Parcel' or 'Railway Receipt' before it when necessary."
प्राप्तकर्ता के हस्ताक्षर/Signature of the receiving party
Amount to be recovered रु.
the addressee
केवल जब डाक वस्तु का बीमा करना हो उसी समय भरा जायेगा
बिछोड़ लाइन द्वारा काट दिया जाए।
To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.
हो (अंकों में) (शब्दों में)
Insurance for Rs. (in fig.) (in words)
बीमा शुल्क रु. वजन (शब्दों में)
Insurance for Rs. Weight (in words)
ग्राम Grams

ATTESTED
20/9/90
W. H. HAIDARI
Advocate, High Court

46
Before the Central Administrative Tribunal
Circuit Bench, Lucknow

Cd. Misc. Application No. 251 /94

Ex parte - Judgement -
15.12.93

In Re :

Ori. Application No. 329/90

Mangali Prasad Applicant

Versus

Union of India & others Respondents

Place before the
Hon'ble. B. N. Prasad
for orders on 11.12.94

9-2-95
Dy. Registrar

APPLICATION ON BEHALF OF THE OPPOSITE
PARTIES FOR RECALL OF THE EXPARTE ORDER DATED
15.12.1993 PASSED BY HON'BLE MR. S.N. PRASAD
JUDICIAL MEMBER AND HON'BLE MR. V.K. SETH
ADDITIONAL MEMBER

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.

Recd today
9/12

Shw

वरद प्रसाद पांडेय, सहायक
Sr. Divisional Personnel Officer
E. Railway, Lucknow

2. That the above mentioned original application was listed on 2.12.1993, but the case could not 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 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 D 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 exparte 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.

7. That the above mentioned original application was immediately thereafter drafted and has 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 the 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, the above mentioned original application be considered and disposed off on merits after affording opportunity of hearing to the opposite party.

Sd/-
Sr. Divisional Personnel Officer,
M. P. Railway, Lucknow

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

P R A Y E R

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.

SMD
उपर्युक्त पक्षीय पक्षीय,
Respondent
पूवार्थ सेवे, लखनऊ
Sr. Divisional Personnel Officer
P. B. Railway, Lucknow

V E R I F I C A T I O N

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 12 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 7, 1994

Lucknow

SMD
Respondent
उपर्युक्त पक्षीय पक्षीय,
पूवार्थ सेवे, लखनऊ
Sr. Divisional Personnel Officer
P. B. Railway, Lucknow.

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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 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 conversant 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 paragraph 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
प्रति दाता जजिष्ठ पण्डित,
पुर्वोत्तर रेलवे, लखनऊ

Divisional Personnel Officer
N.E. Railway, Lucknow.

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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) 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 are denied. The applicant has not produced any documentary evidence in support of his averment.

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

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.

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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 relevent records from different stations and offices. To a large extent, the applicant is a 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 paragraph 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.

Shri. S. K. Singh
 Sr. Divisional Personnel Officer,
 E. Railway, Lucknow.

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

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 of the application, it is submitted that in the facts and circumstances of the case, the applic. 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 : the application do not call for any reply.

Lucknow :

Dated :

Smt. Z. Khan
Respondent
In. Districtal Personnel Office
G. B. Railway, Lucknow.

V E R I F I C A T I O N

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

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paragraph 2 to 15 ~~to 17~~ were believed
by me to be true on the basis of record and those
of paragraph 16 are believed to be true
on legal advice. No part of it is false and not
material has been concealed.

Dated :

Lucknow :

Smt. Zila
~~for the Officer in Charge,~~
~~the Superintendent~~
Off. Divisional Personnel Officer,
G. B. Railway, Lucknow.