

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Deputy Registrar

Registration No. 486 of 1987/0(L)

27/12/90

APPLICANT(S) B. N. Ram

RESPONDENT(S) State

Particulars of the examined

Endorsement as to result of examination

1. Is the appeal competent? *Application*
2. a) Is the application in the prescribed form? *old format*
b) Is the application in paper book form? *Yes*
c) Have six complete sets of the application been filed? *Yes*
3. a) Is the appeal in time? *Application*
b) If not, on how many days it is beyond time? *Yes*
c) Has sufficient case for not making the application in time, been filed? *Yes*
4. Has the document of authorization/Vakalatnama been filed? *Yes*
5. Is the application accompanied by E.D./postal Order for Rs.50/- *Yes*
6. Has the verified 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 copies? *Yes*
8. Has the index of documents been taken and paginated properly? *Yes*
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? *Yes*
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal? *No*

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Particulars to be Examined

Endorsement as to result of examination

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

5. Set

Yes,

No

Pageing

No. 6 clor (rec) orma

Yes

No

dinesh

Put up before the Bench
6/27/12

27/12/90

ORDER SHEET

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

No. 426 OF 1996(21)

B.N. Ram Vs. U.O.I.

Sl.No.	Date	Office Report	Orders
	27.12.96	<p>Petition finally disposed of by vacating order made Mr. D. K. Agarwal Jm on 27/12/96</p> <p>BSS/n</p>	

(AM)

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI.

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 426 of 1990(L)

Shri Ram Ram Applicant.

Versus

Union of India & others Respondents.

Hon'ble D.K. Agrawal, J.M.

1. Heard the learned counsel for the applicant.

2. The applicant, posted as Chief Parcel Supervisor, North Eastern Railway, Varanasi, has been transferred vide an order dated 31.8.1990 from Varanasi to Prayag in the same capacity.

3. Aggrieved with the transfer order, the applicant has filed this application before the Tribunal under Section 10 of the Administrative Tribunals Act, 1985. Number of grounds have been raised in the application seeking relief for cancellation of the order of transfer. The applicant has also made a representation dated 12.9.1990 to the Divisional Railway Manager (DRM), Northern Railway, Lucknow, which, it is alleged, has not yet been disposed of. It is further alleged that the applicant is still working as Chief Parcel Supervisor, Varanasi. If it be so, DRM, Northern Railway, Lucknow may dispose of the representation dated 12.9.90 at an early date keeping in view the relevant rules on the subject and particularly the Railway Board's instruction regarding transfer of SC/ST candidates, as contained in extract of order No. S.B.S.336/85 published in the Book of Railway Board's Orders on

D.K. Agrawal

Recd. Copy

27/12/90

(K5)

-: 2 :-

Establishment, 1985, on page 336, and the impugned transfer order shall be implemented on the decision of the representation of the applicant. However, before parting with this application it may be mentioned that the applicant will be liable to obey the order of DCM, Northern Railway, Lucknow, after the disposal of the representation.

4. The application is disposed of accordingly at the admission stage with no order as to costs.

5. The office is directed not to register an application if the same is not in accordance with the rules further.

Dr. C. J. Singh
Member (J.) 27.12.90.

Dated: December 27, 1990.

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(Hc)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

CAT No. 426 of 1990.(4)

B E T W E E N,

Ehrigu Nath Ram Applicant.

AND

Union of India through General
Manager, Northern Railway, Baroda
House, New Delhi and others Opp. Parties.

I N D E X

Sl. No.	Description of papers	Page Nos.
1	2	3

1. Memo of petition 1 to 17
2. Annexure No. 1: Copy of transfer order dated 20.3.1990. 18 to 19
3. Annexure No. 2: Copy of application dated 6.12.1990 regarding keeping pending transfer of the applicant. 20
4. Annexure No. 3: Copy of transfer order dt. 10.4.1990. 21 to 22
5. Annexure No. 4: Copy of order dated 13.8.90 regarding cancellation of transfer of the applicant. 23
6. Annexure No. 5: Copy of transfer order dated 31.3.90 of the applicant. 24
7. Annexure No. 6: Copy of order dated 11.9.90 regarding transfer of the o.p. no. 5 in place of the applicant. 25
8. Annexure No. 7: Copy of order dated 14.9.90 regarding asking to give charge to the applicant. 26
9. Annexure No. 8: Copy of representation of the applicant. 27-28

At 12 9-90

*Filed today
27/12/90*

Circuit Bench, Lucknow

Date of Filing ...27-12-90...

Date of Receipt by Post....

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Deputy Registrar

27/12/90

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1 2 3
.....


10. Annexure No.9: Copy of circular
letter dated 24.12.85
regarding instructions
for the transfer of
SC/ST candidates. 29 to 30

11. Annexure No.10: Copy of certificate
regarding posting of
the applicant at his
present place of
posting. 31

12. Vakalathnama 30

Lucknow: Dated:

Dec. 20, 1990.


(Vinay Shanker)

Advocate.

Counsel for the Applicant.

The petition is on old paper
it may be filed on new paper.
S-C
27/12

(AS)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

CAT No. 426 of 1990.(C)

B E T W E E N

Bhriagu Nath Ram aged about 50 years son of
late Sri Sukh Ram Ram at present posted as
Chief Parcel Supervisor, Northern Railway,
Varanasi.

.... APPLICANT.

AND

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern
Railway, DRM Office, Hazratganj, Lucknow.
3. Senior Divisional Commercial Superintendent,
Northern Railway, D.R.M. Office, Hazratganj,
Lucknow.
4. Senior Divisional Personal Officer, Northern
Railway, DRM Office, Hazratganj, Lucknow.
5. Sri Param Hans, Chief Parcel Supervisor,
Northern Railway, Varanasi.

.... OPPOSITE PARTIES

DETAILS OF APPLICATION

- 20/2/91*
1. Particulars of the applicant:

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- a) Name of the applicant - Bhrigu Nath Ram
- b) Name of father - Late Sri Sukh Ram Ram
- c) Designation & Office in which employed - Chief Parcel Supervisor, Northern Railway, Varanasi.
- d) Office Address - Parcel Office, Railway Station, Northern Railway, Varanasi.

2. Particulars of the respondents/opp. parties:

- a) Name and designation of the respondents:-
 - i) Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
 - ii) The Divisional Railway Manager, Northern Railway, DRM Office, Hazratganj, Lucknow.
 - iii) Senior Divisional Commercial Superintendent, Northern Railway, DRM Office, Hazratganj, Lucknow.
 - iv) Senior Divisional Personal Officer, Northern Railway, DRM Office, Hazratganj, Lucknow.
 - v) Sri Param Hans, Chief Parcel Supervisor, Northern Railway, Varanasi.

b) Office address of the respondents:

As above.

c) Address for service of all notices:

As above.

3. Particulars of orders against which application is made.

The application is against the following orders:

- a) Transfer orders nos. 941 E/6-5/Periodical Transfer, no. 941 E/6-5/Periodical Transfer-9, and no. 941 E/6-5/P/Transfer.
- b) Dates - 20.3.1989, 10.4.1990 and 31.8.1990.
- c) Passed by Senior Divisional Personal

B N Ram

Officer, Northern Railway, DRM Officer,
Hazratganj, Lucknow.

- d) Subject in Brief - The applicant was taken over charge of Chief Parcel Supervisor at Railway Station, Varanasi on 1.1.1987 on his being transfer from Barabanki to Varanasi where he was working as Chief Parcel Supervisor at Varanasi. His work and conduct was found throughout satisfactory and for his good work and conduct, the applicant was awarded cash award from DRM Office, Lucknow and also was issued appreciation letter from Railway Administration, DRM Office, Lucknow and the applicant was performing his duties with due care and entire satisfaction to his superior officers, but due to the discipline and hard working of the applicant, his other colleague and some traders, who use to visit the office of the applicant in connection with their business and want to pressurise the applicant to give them undue advantage in their daily transactions, which was always objected by the applicant which make the applicant isore of them, was started making false complaints against the applicant to his higher authorities as well as Hon'ble Railway Minister and and tried on their level best to harass

12.2.1988

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and to get him transferred from his present place of posting.

On great persuasion of the staff members of the applicant as well as some traders whose illegal works was not done by the applicant persuaded the Railway Administration with their malacious intention and placed wrong picture before the superior officers of the applicant and on the basis of frivoluous and false complaints the Railway Administration without calling any explanation from the applicant or without affording any opportunity to him passed a punitive transfer order of the applicant alongwith several other employees vide its transfer order dated 20.3.1989. In that transfer order the name of the applicant finds at Sr. No. 5.

Further the said transfer order of the applicant was pend by the Railway Administration till 31.3.1990 vide its order dated 6.12.1989 and subsequently again vide its order dated 10.4.1990 an fresh transfer order was passed against the applicant and subsequently on 13.8.1990 all the previous ^{transfer} order of the applicant were cancelled by the Railway Administration. But again to harass and victimise the applicant, the Railway

S n Ram

Administration again makes an transfer order on dated 10.4.1990 from which alive his earlier transfer order dated 31.7.1989 and the applicant was asked to handover the charge of the present place of posting by the Station Superintendent, Varanasi vide order dated 14.9.1990, but till date the Railway Administration has not relieved from the post of Chief Parcel Supervisor, Varanasi and the applicant is still holding charge of the saidpost and is performing his duties.

4. Jurisdiction of the tribunal:-

The applicant declared that the subject matter of the orders against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:-

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

6. Facts of the case:-

The facts of the case are given as follows:-

B. n. Ram

a)

That the applicant is a Scheduled Cast candidate and at present is working on

the post of Chief Parcel Supervisor, Northern Railway, Varanasi under the control of the opposite party no. 2.

- b) That the applicant was performing his duties with utmost satisfaction of his superior officers and considering his hard working and honesty, the applicant was awarded a cash award of Rs. 200/- and also in regard to that an appreciation certificate was issued to the applicant by the Railway Administration in the year 1987.
- c) That the applicant has taken over the charge of the present place of posting i.e. at Varanasi after his transfer from Barabanki on 1.7.1987 and there was nothing against the working of the applicant, but some of his colleagues and traders of the Varanasi were not happy with the hard work and discipline of the applicant and due to that reason they started making false and frivoluous complaints against the applicant to his superior officers as well to the Railway Minister, Government of India, New Delhi which was considered correct by the Railway Administration ignoring hard ~~and~~ working and good conduct of the applicant makes an transfer order on the basis of false and frivoluous complaints only to harass and victimise the applicant as the opposite parties has

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passed the transfer order of the applicant from Varanasi to Prayag alongwith other several persons through an transfer order dated 20.3.1989, in which name of the applicant finds at Sr. No. 5. A copy of the aforesaid transfer order dated 20.3.89 is annexed herewith as Annexure No. 1 to this application.

ANNEXURE NO. 1.

- (d) That subsequently the said transfer order of the applicant was kept pending till 30.3.1990 vide order dated 6th December, 1989, a copy of which is filed herewith as Annexure No. 2 to this application.

ANNEXURE NO. 2.

- e) That again the matter was persuaded by those persons onwhose complaints the earlier transfer order was passed of the applicant, the opposite parties in continuation to earlier transfer order dated 20.3.1989 passed an fresh transfer order of the applicant from Varanasi to Prayag vide transfer order dated 10.4.1990 in which the applicant's name is shown at Sr. No. 2. A photo copy of the same is annexed herewith as Annexure No. 3 to this application.

ANNEXURE NO. 3.

- f) That the matter was again taken up by the higher authorities of the Railway Administration and as the earlier transfer

B n Ram

order of the applicant were passed in haste without any foundation and also inviolation of certain Railway Board's Circular which protect the rights of the applicant, the opposite party no. 2 i.e. Divisional Railway Manager, Northern Railway, DRM Officer, Hazratganj, Lucknow has cancelled all the previous transfer order of the applicant and the applicant was allowed to continue at his present place of posting vide order dated 13.8.1990. A photo copy of the abovesaid order dated 13.8.1990 is annexed herewith as Annexure No. 5 to this application.

ANNEXURE NO.4.

- g) That as the opposite parties were bent upon to transfer the applicant from the present place of posting on the basis of false and frivoluous complaints and adamant to punish the applicant revived the earlier transfer order dated 10.4.1990 which was already cancelled by themselves and again transferred the applicant from Varanasi to ~~Ayaz~~ Prayag vide its transfer order dated 31.8.1990, which clearly indicates vindictive and harassing attitude of the opposite parties to the applicant and they were adamant to transfer the applicant from their present place of posting to punish and harass him ~~for the~~ on the basis of false and frivoluous complaints.

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ANNEXURE NO.5.

A photo copy of the abovesaid transfer order dated 31.8.1990 is annexed herewith as Annexure No. 5 to this application.

- h) That vide order dated 11.9.1990 one Sri Param Hans has been ordered to be posted as Chief Parcel Superintendent, Varanasi by the opposite parties. A photo stat copy of the same is annexed herewith as Annexure No.6 to this application.

ANNEXURE NO.6.

- i) That the applicant was asked by the Station Superintendent, Varanasi vide its letter dated 14.9.1990 to hand-over charge above post to Sri Param Hans. A photo copy of the abovesaid letter dated 14.9.1990 is annexed herewith as Annexure No. 7 to this application.

ANNEXURE NO.7.

- j) That against the said transfer order [✓] of the applicant makes an representation ¹²⁻⁹⁻⁹⁰ to the opposite party no. 2 i.e. Divisional Railway Manager, Lucknow on which no decision has been taken so far. A photo copy of the said application/representation is annexed herewith as Annexure No.8 to this application.

ANNEXURE NO.8.

- k) That as per circular of Railway Board No. 85-E(SCT)1-43/1, dated 24.12.1985, wherein it was desired that the transfer

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of the Scheduled Cast/Scheduled Tribes candidates should be transferred ~~very~~ finds ~~xxx~~ to their native districts or adjoining districts or placed where the Administration can provide residential quarters and they should be transferred very ~~rarely~~ rarely and for very strong reasons. The applicant being the Scheduled Cast candidate is fully protected with this circular of the Railway Board and belongs to Ghazipur district which is adjoining district of Varanasi where the applicant is presently posted, but the opposite parties have passed his transfer orders in utter violation of the said circular, and as such the action of the opposite parties in transferring the applicant from Varanasi to Prayag is totally against the clear instructions and guidelines of the Railway Board's itself. A true copy of the said Circular dated 24.12.1985 is annexed herewith as Annexure No. 9 to this application.

ANNEXURE NO. 9.

- 1) That the Railway Administration without taking into consideration the work and conduct of the applicant for which he was awarded a cash award by the Railway Administration ~~and presently working on the said post~~ ^{in spite of it} itself have passed frequent 3 transfer orders against the applicant which clearly shows that the same has been passed under some undue pressure and also the same is passed with a colourful exercise

S. N. Rame

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ANNEXURE No 10

of powers of the opposite parties. A photo copy of the certificate regarding posting of the applicant is annexed herewith as Ann. No. 10 to this application.

7. Reliefs sought:

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

- (a) That on the basis of grounds mentioned hereinafter, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to quash the impugned order of transfer dated 20.3.1989 passed by the opposite parties as far as it relates to the applicant in which his name shown at Sr. No. 5 (contained in Annexure 1 to the application from transferring the applicant from Varanasi to Prayag passed by the opposite parties .
- (b) To pass any such other order in favour of the applicant, which this Hon'ble Tribunal may deem fit and proper in the case.
- (c) Cost of the case be also awarded.

Bm Ram

G r o u n d s

- (1) Because the transfer orders passed by the Railway Administration is in utter violation of the Railway Board's circulars and

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guidelines relating to the transfers of the SC/ST candidates from one place to another.

- (2) Because the Railway Administration was not taken into consideration the work and conduct of the applicant for which he was awarded a cash award including appreciation letter by the Railway Administration itself have passed frequent 3 transfer orders against the applicant which clearly shows that the same has been passed under some undue pressure and also the same is colourful exercise of powers by the opposite parties.
- (3) Because the impugned transfer orders have been passed by the Railway Administration on the ground of periodical transfers on administrative ground, but the true fact is that the same has been passed only to harass and victimise the applicant on the false and frivolous complaints made against the applicant and before passing the said vindictive transfer the applicant never afforded any opportunity.
- (4) Because the applicant's services comes into the category of 'Commercial Supervisor' and as such his services are protected

Shawyer

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by the Railway Board's circular No. E-(NG) II-1978-TR/85, dated 27.4.1975 (NR Serial No. 7278) which provides that the Commercial Supervisor should ~~not~~ be shifted to a different section or area on the same station provided he has put in 5 years continuous services on the specific post. But in the present case the applicant has taken over the charge of the present place of posting on 1.1.1987 and just after 2 years, he was ordered to be transferred from Varanasi to Prayag in utter violation of the said circular of the Railway Board, and as such the action of the opposite parties is liable to be quashed.

- (5) Because as per circular of Railway Board bearing No. 85-E(SCT) 1-83/1 dated 24.12.1985, wherein it was desired that the transfer of the SC/ST candidates should be transferred ~~from rarely~~ find to their native districts or adjoining districts or places where the administration can provide residential quarters and they should be transferred from rarely for very strong reasons. The applicant is being Scheduled Cast candidate is fully protected with this circular of the Railway Board and belongs to Ghazipur district which is adjoining district of Varanasi where the applicant is presently

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posted, but the opposite parties have passed his transfer orders in ~~utterly~~ utter-violation of the circular and as such the action of the opposite parties in transferring the applicant from Varanasi to Prayag is totally against the clear instructions and guidelines of the Railway Board itself.

- (6) Because the impugned ~~transfer~~ transfer orders of the applicant have been passed by the opposite parties only on the basis of false and frivolous complaints without affording any opportunity to the applicant which is utter violation of the provisions of Article 311(2) of the Constitution of India and also is unsustainable in the eye of law.
- (7) Because the impugned transfer orders is punitive in nature and have been passed by the opposite parties under colourful exercise of powers.
- (8) Because the impugned transfer order has been passed in utter violation of clear-cut circulars and guidelines issued by the Railway Board from time to time relating to the SC/ST candidates, and as such the same is illegal, arbitrary and unsustainable in the eye of law.

Sharma

- (9) Because as per the various circulars and orders of the Railway Board, the transfer in mid term educational session is prohibited to avoid any adverse effect upon the studies ~~xxxx~~ of the School going children.

I N T E R I M R E L I E F

Pending final decision of the application, the applicant seeks the following interim orders in his favour:

To pass ad-interim order staying the operation and enforcement of the impugned transfer orders dated 10.4.1990 and 31.8.1990 respectively (contained in Annexure No. 3 and No. 5 to the application) passed by the opposite parties transferring the applicant from Varanasi To Prayag till the pendency of the case on the following grounds:

- (a) That the order is punitive in nature by way of punishment.
- (b) That the order of transfer is passed by way of punishment without giving any opportunity of being heard to the applicant.
- (c) That the transfer orders has been issued in utter violation of Railway Board's circulars mentioned itself.
- (d) That the applicant is still holding charge of peresent place of posting

B. N. Ram

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at Varanasi and he has not been relieved till date from his present place of posting and holding the charge of the same.

- (e) That there is every likelihood that the charge of the charge of the present place of posting of the petitioner can be taken forcibly ~~and by~~ or by adopting coercive method by the opposite parties on any time and if they succeed in doing so, the whole purpose of filing the present application will be frustrated.

9. Details of the remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

10. Matter not pending with any other court, etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of law or any other authority or any other bench of this Hon'ble Tribunal.

to be removed

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

1. Name of the Bank on which drawn:

Oriental Bank of Commerce, Hazratganj

2. Demand Draft No. C.B. 374612

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12. Details of Index:

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

13. List of enclosures: T.D. No. C B 374612.

V e r i f i c a t i o n

I, Bhrigu Nath Ram son of Sri (late) Sukh Ram Ram aged about 50 years at present working as Chief Parcel Supervisor, Northern Railway, Varanasi do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow: Dated:

Dec. 20, 1990.

B N Ram
APPLICANT.

Through —
— Khanna —
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhrigu Nath Ram ..Vs.. Union of India & others

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ANNEXURE NO. 1

NORTHERN RAILWAY

Divisional Office,
Lucknow, Dt/- 20.3.89

No. 3941 E/6-5/Periodical Transfer

NOTICE

The following transfers are hereby ordered with immediate effect :-

Sl. No.	Name	Present working			Posted			Remarks
		Design	Stn	Grade	Design	Stn	Grade	
1	2	3	4	5	6	7	8	9
	S/Shri							
1.	Kedarnath	CBS	BSB	2000-3200	Ch.Chg. Supr.	KEI	2000-3200	
2.	C.D.Ram	CBS	BSB	-do-	-do-	BBK	-do-	
3.	G.S.Chauhan	Ch.Chg. Supr.	KEI	-do-	CBS	BSB	-do-	
4.	Paramhans	CPS	BSB	-do-	CBS	BSB	-do-	
5.	B.N.Ram	CPS	BSB	-do-	Ch.Chg. Supr.	PRG	-do-	
6.	H.D.Singh	CPS	LKO	-do-	CPS	BSB	-do-	✓
7.	P.C.Ram	Ch.Chg. Supr.	PBH	-do-	Ch.Chg. Supr.	RBL	-do-	
8.	A.S.Jauhari	-do-	RBL	-do-	-do-	PBH	-do-	
9.	N.K.Srivastava	-do-	FD	-do-	-do-	JNU	-do-	
10.	P.N.Srivastava	-do-	ON	-do-	-do-	FD	-do-	
11.	Jialal	-do-	JNU	-do-	-do-	ON	-do-	
12.	Salig Ram	Chg.Supr.	FD	1600-2660	Chg.Supr.	SLN	1600-2660	
13.	T.C.Tripathi	-do-	SLN	-do-	-do-	FD	-do-	
14.	S.N.Pandey	-do-	KEI	-do-	BS/T.Stock	BSB	-do-	
15.	Ab.Qadir. X	PS	BSB	-do-	CS	RBL	-do-	
16.	V.D.Tewari	CS	RBL	-do-	PS	BSB	-do-	X
17.	M.I.Ahmad	CIC/TBS	BSB	-do-	PS	BSB	-do-	X
18.	Saraswati Singh	PS/TBS	BSB	-do-	PS	BSB	-do-	X
19.	Prabhakar Pandey	CS	SHG	-do-	PS	BSB	-do-	γ
20.	R.K.Verma	CS	RBL	-do-	CS	SHG	-do-	
21.	M.G. Ram K	PS	BSB	-do-	CS	SHG	-do-	
22.	R.P.Dubey X	PS	BSB	-do-	CS	RBL	-do-	
23.	Trilok Singh	BS	LKO	-do-	PS	LKO	-do-	
24.	Lallan Ram	BS	LKO	-do-	PS	LKO	-do-	
25.	M. Basnir	PS	LKO	-do-	BS	LKO	-do-	

B. N. Ram

Contd....

Attested by
[Signature]

(20) #26

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhrigu Nath Ram ..Vs.. Union of India & others

ANNEXURE NO. 2

Northern Railway

No.941E/6-S/P-Transfer

Divl. Office,
Lucknow.

December 6, '89

NOTICE

In partial modification of this office notice of even number dated 20.3.1989, the transfer orders of Sri B.N.Ram to Prayag are pending till 31.3.1990 and Sri B.N.Ram is allowed to continue at BS in his present status. This has the approval of DRM/LKO.

L. V. Prasad
Divl. Personnel Officer,
Lucknow.

Copy to:- SS/BSB & PRG.

Sr DAO/LKO

Supdt. (PG) LKO

B. N. Ram

After read

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhriagu Nath Ram ..Vs.. Union of India & others

ANNEXURE NO. 3

NORTHERN RAILWAY

No.941E/6-5/Periodical Transfer/90

Divl. Office
Lucknow.

April 10, 1990

NOTICE

1. The transfer orders of the following Chief Coaching Supervisors grade Rs.2000-3200 which were issued vide Order No.941-E/6-5/Periodical transfer dated 20.3.89 and pended till 31.3.90 stand valid and they should carry out their transfers to the place of their posting as indicated below :-

	<u>From</u>	<u>To</u>
1. Sri C.D.Ram, CBS/BSB		Ch.Chg.Superivisor/BBK - On Admn.ground
2. " B.N.Ram CPS/BSB		" " /PRG
3. " P.C.Ram, Ch.Chg.Supr/PPH		" " /RBL
4. " A.S.Jauhari " /RBL		" " /PBH
5. " N.K.Srivastava " /FB		" " /JNU
6. " H.S.Meena " /BBK		CBS/Varanasi - On Admn.grounds.

(2) The transfer orders of Sri Jia Lal, Ch.Chg.Supr/JNU to Unnao issued vide orders referred to above and pended till 31.3.90 is now modified and Sri Jia Lal, Ch.Chg.Supr./JNU is transferred and posted at Faizabad vice Sri N.K.Srivastava transferred to JNU.

(3) The transfer orders of Sri P.N.Srivastava, Chief Chg.Supr/ON to FB is cancelled.

(4) Sri G.S.Chauhan, CBS/BSB is posted as CPS/BSB as per his request against vacancy.

(5) Sri N.N.Misra, CBS/LKO is posted as CPS/LKO and Sri M.L.Malik, CPS/LKO (presently under suspension) is posted as CBS/LKO to be utilized in Computer Section.

For compliance the above transfers S/Sri C.D.Ram, CBS and Sri G.S.Chauhan will move first.

B) The transfer orders of the following staff issued vide order No. 941-E/6-5/Periodical transfer dt. 20.3.89 and pended till 31 stands valid. The staff concerned should move to join at their place of posting as below:-

	<u>From</u>	<u>To</u>
1. Sri K.C.Ram, BS/LKO		Parcel/LKO
2. " Mohd. Bashir PS/LKO		BS/LKO
3. " Abdul Qadir PS/BSB		CS/RBL

B N Ram

File of

-----2

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhriagu Nath Ram ..Vs.. Union of India & others

ANNEXURE NO. 4

NORTHERN RAILWAY

NO: 941E/6-5/P. Transfer

Divisional office
Lucknow: Dt. 13/8/90.

NOTICE

The transfer orders issued vide this office notice of even number dated 10.4.90, 30.5.90 and 14.6.90 are hereby cancelled.

This has the approval of ADRM(11)/Lucknow.

[Signature]
For Divl. Rly. Manager,
Lucknow.

Copy to:-

- Recd*
m/4-8-90
Genl office
BSB
1. SS/LKO, BSK, SLN, RBL, FD, ABP, SHG, JNU, PRG. *BSB*
 2. Divl. Secretary, NRMU/URMU, Lucknow.
 3. CMI/LKO, Hdqr. LKO, BSB, PRG, FD.
 4. Supdt. (P/Bill) in office.
 5. Sr. DAO/N.Rly./Lucknow.

.....

BN Ram

FILE

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhriku Nath Ram ..Vs.. Union of India & others

ANNEXURE NO. 5

NORTHERN RAILWAY

No.941-E/6-5/P.Transfer

Divisional Office,
Lucknow Dt. 31/7/8/90

N O T I C E

In partial modification of this office notice of even no. dated 10.4.90., 30.5.90 and 14.6.90, the following revised orders are issued with immediate effect.

- 1) The transfer order which have been carried out before 7.7.90 (Scholister session etc) stand.
- 2) The transfer order which issued vide this office notice of even no. dated 10.4.90 stand.
3. The transfer order issued on Vis/Complaint/administrative ground also stand.
4. The transfer orders issued at the same station from one place to another placed should be carried out.
5. Transfer order other than item No. 1,2,3 above are cancelled.

This has the approval of competent authority.

for Sr.Divl.Personnel Officer.,
R.N.Rly/Lucknow.

Copy to : SS/LKO, BBK, FD, SHG, ABP, JNU, ZBD, BSB, PBH, RBL, SLN.OH.
CPS/LKO, BSB, CBS/LKO, BSB
Sr.DAO/LKO
Supdt (Pay-Bill).

B. N. Ram

File No. 2-8

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
CIRCUIT BENCH AT LUCKNOW.

Bhrigu Nath Ram ..Vs.. Union of India & others

ANNEXURE NO. 6

INDIAN RAILWAYS

100/1000-4/4-5/700-600

Dist. Office
Lucknow

Sept. 11, '80

NOTICE

In pursuance of this office notice no. even dated 7.9.80 the following revised orders are issued :-

- 1- Sri Panchanan, CBS/B & Gr.B.2000-3200(MPS) is posted as
CPA Lucknow/DSB in his same capacity.
- 2- Sri C.D. Ray, CBS Lucknow/DSB grade B-2000-3200(MPS) who
was previously transferred to DSB in Lucknow vide D.O. No. 1000/1000 dated 10.9.80

for Sr.DM, Personnel Officer
Lucknow.

Copy to
CPA/DSB
Sr DSO/LKO
Super. '80

Sr Ray

Atto 26-d

Sharma

ANNEXURE - NO. 8

सेवा में,

श्रीमान् मण्डल रेल प्रबन्धक,
उत्तर रेलवे,
लखनऊ ।

विषय:- प्रयाग स्टेशन के लिए किये गये स्थानान्तरण को
निरस्त करने की प्रार्थना ।

=====

संदर्भ:- आपका पत्रांक 94। ई/6-5/पी.टी. 190
दिनांक 10-4-90.

महोदय,

सविनय निवेदन है कि प्रार्थी उ०रे० वाराणसी में मुख्य पार्सल पर्यवेक्षक के पद पर कार्यरत है। प्रार्थी का स्थानान्तरण संदर्भित पत्र के माध्यम से श्रीमान् द्वारा प्रयाग स्टेशन के लिए कर दिया गया है परन्तु छेद के साथ निवेदन है कि प्रार्थी पारिवारिक क्लेशता एवं समस्या के कारण प्रयाग जाने की स्थिति में नहीं है। अतः श्रीमान् से अनुरोध है कि प्रार्थी को प्रयाग के लिए किये गये स्थानान्तरण को निम्नलिखित कारणों के चलते निरस्त करें :-

§1§ प्रार्थी का मुख्य पार्सल पर्यवेक्षक के पद पर वाराणसी में कार्य काल अभी 4 वर्ष पूरा नहीं हुआ है।

§2§ प्रार्थी का कार्य - निष्पादन अधिकारी वर्ग की दृष्टि में अत्यन्त सन्तोष जनक एवं सराहनीय रहा है। प्रार्थी के कार्यकाल में पार्सलों की चोरी की घटनाओं में कमी तथा क्लेम एवं क्षति पूर्ति के मामलों में अप्रत्याशित कमी हुई है।

§3§ प्रार्थी के बच्चों की शिक्षा अधूरी रह गयी है। मेरी एक लड़की बीएए० द्वितीय वर्ष की छात्रा है। एक लड़का इस वर्ष 10वीं तथा दूसरा 8वीं कक्षा में। मेरे प्रयाग जाने पर इनकी शिक्षा की पाठ्य-पुस्तकें, पाठ्यक्रम आदि सभी असमान हो जायेंगे जिसे उनका भविष्य पुनः ऊँचि अनिश्चित हो जायेगा। पठन-पाठन में व्यवधान उपस्थित हो जायेगा।

Bhriagu Nath Ram

17/4/90

क्रमांक:- 2.

S. K. Singh

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433

§4§ प्रार्थी ने सन् 1987 में मुख्य पार्सल पर्यवेक्षक के रूप में कार्य-भार सभाला और पार्सल कार्यालय में व्याप्त अव्यवस्था को समाप्त किया। दादागिरी पर अंकुश लगाया, इस कारण कतिपय दबाव एवं अनुशासनहीन तत्वों का, जिनकी मनमानी एवं भ्रष्ट गतिविधियों के कारण जो अव्यवस्था फैली थी उसका अन्त हुआ। मेरे विरुद्ध धोखा-धड़ी, षड्यंत्र एवं गहरी साजिश के अन्तर्गत छूठी एवं फर्जी नामों से शिकायतें करनी शुरू कर दी तथा छद्म रूप में स्थानीय राजनीतिकों के नाम पर रेल अधिकारियों के कान भर कर विरोध का वातावरण तैयार किया। जहाँ जाँच में फर्जी पाया गया और केस फाइल हो गया।

§5§ प्रार्थी के खिलाफ फर्जी शिकायत पत्रों की फोटोस्टेट कापी के द्वारा श्री एच०डी० सिंह मुख्य पार्सल पर्यवेक्षक एवं श्री कै०एन० सिंह पार्सल लिपिक ने रेल प्रशासन को गुमराह किया एवं स्थानान्तरण करा दिया।

§6§ यद्यपि 1989 एवं 1990 में जितने भी कर्मचारियों का स्थानान्तरण हुआ, ओन रेक्यूरेस्ट वाले कर्मचारियों को छोड़कर कोई भी कर्मचारी स्थानान्तरण स्थान पर नहीं गया। अन्त में प्रशासन ने स्थानान्तरण आदेश स्थगित एवं निरस्त किया। इन स्थानान्तरण आदेशों में सबसे ज्यादा प्रभावित प्रार्थी ही रहा और बार-2 दबाव डाला गया एवं दबाव डाला जा रहा है कि स्थानान्तरण स्थान पर जायें जबकि मण्डल में और भी 2600-3200/- रुपये एवं सभी ग्रेड के कर्मचारियों का स्थानान्तरण हुआ है जिसके लिए प्रशासन मुकदशे बना हुआ है।

वतः उक्त परिस्थितियों में प्रार्थी निवेदन करता है कि सहानुभूतिपूर्वक विचार करके, प्रार्थी का प्रयाग के लिए किया गया स्थानान्तरण आदेश निरस्त किया जाये जिससे प्रार्थी के बच्चों की शिक्षा-दीक्षा पूरी हो सके तथा प्रार्थी उत्साहपूर्वक अपने कर्तव्य का निर्वाह कर सके। इसके लिए प्रार्थी सदैव आपका आभारी रहेगा।

आपका विश्वासपात्र

12-9-80

मुख्य पार्सल पर्यवेक्षक
उ०रे० वाराणसी।

20/9/80

12-9-80

(29) A 30

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
BENCH, AT NEW DELHI

CIRCUIT BENCH, AT LUCKNOW.

CAT Case No. of 1990.

Between

Bhriagu Nath Ram Applicant.

AND

Union of India and others Opp. Parties.

ANNEXURE No. 9

Extract of order No. R.B.E.336/85 published
in the Book of Railway Board's Orders on
Establishment, 1985. on page 336.

Subject: Posting of SC/ST near their Home town on
initial appointment/promotion/transfers.

Reference: Board's letter No. E(SCT) 70 CM 15/15/3,
dated 19.11.70

(ii) E(SCT) 74 CM 15/50, dated 14.1.75.

(iii) 78-E (SCT) 15/25, dated 6.7.73.

No.85-E(SCT)1-43/1, dated 24.12.1985.

In the Board's letter dated 19.11.70 and
14.1.75 referred to above, it was desired that the
transfer of SC/ST employees should be confined to
their native districts or adjoining districts or
places where the Administration can provide quarters
and that these instructions should be followed to
the maximum extent possible, subject of course to
the exigencies of service. It was also desired that
employees belonging to SC/ST should be transferred ^{reasonably} ~~very rarely~~ and for very strong ^{reasons} ~~clarified~~ that even
at the time of initial appointment, the SC/ST candi-
dates should, as far as practicable, be posted

Bhriagu Nath Ram

H. L. S. G. S.

nearer to their home towns or at a places where the Administration can provide them quarter subject to their eligibility. It was further clarified that these instructions, would equally apply to cases of transfer on promotion, provided the post is available.

A few cases of transfer of SC/ST employees have come to the notice of the Board wherein the above mentioned instructions have not been followed. They, therefore, desire that instructions on the subject should be reiterated to all concerned that due consideration should be given to the above mentioned instructions while ordering transfer/posting of SC/ST employees.

TRUE COPY

GN 2am

Attended
AS 2am

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI.
CIRCUIT BENCH AT LUCKNOW.

Bhriagu Nath Ram ..Vs.. Union of India & others

17/12/80

ANNEXURE NO. 10

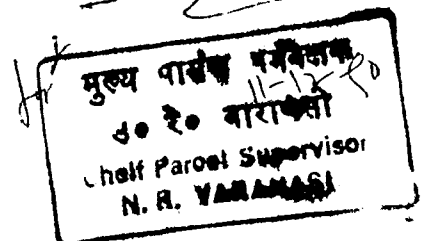


उत्तर रेलवे
NORTHERN RAILWAY

This is to certify that Shri B. N Ram
Chief Parcel Supervisor, Varanasi is working at Parcel
Office N. Rly Varanasi from 27-11-80 to 11-12-80.

He is allowed Restⁿ 12-12-80 and Compensatory Rest on 13-12-80

B N Ram



12/12/80
[Signature]

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बअदालत श्रीमान

Central Adm. Div. No. 10

महोदय

वादी (मुद्दै)

प्रतिवादी (मुद्दालेह)

Applicant

का

वकालतनामा

(H 27)

BN. Ram

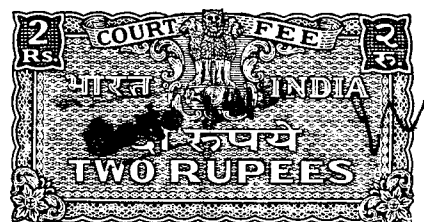
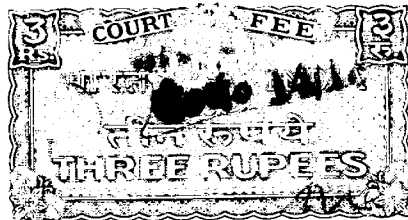
Applicant
वादी (मुद्दै)

U.O I

बनाम

प्रतिवादी (मुद्दालेह)

न० मुकद्दमा सन १६ पेशी की ता० ई० ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर, एडवोकेट १६४, अमीनाबाद रोड, गनेशगंज, लखनऊ महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील अथवा निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें हमारी या विपक्ष हमारे हस्ताक्षर-युक्त वकील महोदय द्वारा और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।



नाम बअदालत
न० मुकद्दमा
नाम फरीकन

हस्ताक्षर

साक्षी (गवाह) साक्षी गवाह

दिनांक 20/12/80

महीना