

(See rule 114)

OA/TA/RA/CP/MA/PT 04.45/96 of 20.....

*Versus*

## INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Check list	1 to 2
2	Judgment alt. 27-2-90	3 to 9
3	Petition copy	10 to 29
4	Amendments	30 to 63

Certified that the file is complete in all respects

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
LUCKNOW CIRCUIT BENCH

REGISTRATION O.A. No.45 of 1990.

Shri Narain Srivastava       .....       Applicant  
Versus  
Union of India & Others       .....       Opposite Parties.

Hon. Justice K.Nath, V.C.

Hon. K.J.Raman, A.M.

(By Hon. Justice K.Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is for quashing the order dated 8.1.75, Annexure-2 and order dated 17.1.90, Annexure-2A and for direction to reinstate the applicant in service with full benefits of salary, allowances, increments and pensionary benefits as permissible under the Rules.

2.       The applicant Shri Narain Srivastava has addressed this Tribunal in person and the question which has arisen immediately for consideration is whether this claim is within limitation.
3.       The facts stated in the petition are that the applicant was appointed on 22.12.59 in the Railway Service and was working as a Clerk in the office of the Divisional Railway Manager, Northern Railway, Lucknow in 1968. He sent a letter of resignation from service on 1.6.68. Having heard nothing in that regard he made a representation, Annexure-3 on 11.7.68 stating that he had reported for duty on 1.7.68 but was not allowed to join on ground of his having submitted the resignation. He added that since then he had returned to Faizabad and was trying to obtain a

2

a certificate for practicing as an Advocate in Faizabad in case his resignation was accepted. He requested that he may be informed of the result of his resignation.

4. It is alleged that reply to representation dated 11.7.68, Annexure-3 was not received. Annexure-4 dated 25.8.70 is a letter of the Divisional Personnel Officer to the applicant stating that on account of his failure to repay certain advances drawn by him, whose details were given in the letter, the question of acceptance of his resignation did not arise. The letter called upon the applicant to repay the amounts of advances. In the context of that letter, the applicant wrote a letter, Annexure-5 dated 29.12.70 in which he called upon the Divisional Personnel Officer to arrange payment of his salary and admissible allowances with effect from June, 1968 upto date and also to intimate the date on which he could report for duty.

5. Nothing seems to have transpired for sometime. Annexure-I is a chargesheet dated 1.5.71 served upon the applicant for disciplinary proceedings on the charge of his having absented himself unauthorisedly from 1.6.68 which amounted to a failure to maintain devotion to duty punishable under Rule 3(2) of the Railway Servants (Conduct) Rules, 1966. In order to enable him to file a reply to the chargesheet the applicant sent a letter, Annexure-8 dated 10.5.71 by

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which he requested for an opportunity to inspect certain specified documents. According to the applicant, that letter was not replied.

6. While on the one hand, the applicant seems to have been making representations to various authorities from time to time, ultimately on 8.1.75 the impugned order, Annexure-2 was issued by the Divisional Personnel Officer of the office of the Divisional Railway Manager, Northern Railway stating that the applicant had been on unauthorised absence from 1.6.68 and since the period of absence exceeded three months he was deemed to have resigned from service with effect from 29.8.68 (AN) in terms of Note 2 under Exception II of Rule 732 of the Railway Establishment Manual, Volume-I.

7. On 18.2.75, the applicant made representation, Annexure-9 to the Divisional Personnel Officer against Annexure-2 in which he stated inter alia that Rule 732 aforesaid was not applicable and that the order, Annexure-2 was in violation of Article 311(2) of the Constitution of India. According to the applicant, he heard nothing about his representation although he had continued to make further representations to the higher authorities.

8. Ultimately, he received Annexure-2A dated 17.1.90 of the Divisional Railway Manager, Northern Railway which runs as follows :-

" Reg: Re-instatement in service in E Branch of D.R.M. Office, N.Rly, Lucknow.

In reference to your representation dated 4.6.89 it is to inform you that you

46

- 4 -

were on unauthorised absence w.e.f. 1.6.68 and, therefore, you were deemed to have resigned from service w.e.f. 29.8.68 as advised to you vide this office letter No.814-E/EVI/74 dated 8.1.75.

No further action is, therefore, required from this office."

9. This petition was filed on 8.2.90.

10. The applicant has urged that limitation for the present petition is saved because of the appellate order, Annexure-2A in which the original order dated 8.1.75, Annexure-2 merged. While there can be no controversy about the proposition that in an appellate order the original order gets merged, the question is whether the order which is considered to be a appellate order is really an appellate order in which the original order could merge. The applicant admits that an appeal against Annexure-2 dated 8.1.75 could have been filed within a period of three months. No appeal was filed within three months. A representation was made on 18.2.75, Annexure-9 to the D.P.O. who issued the original order dated 8.1.75, Annexure-2. It is not shown that an appeal can be preferred to the very authority which has passed an order. Ordinarily, an appeal can be made only to a superior authority which is prescribed for the purposes of entertaining an appeal. We find therefore that neither Annexure-9 could be treated to be an appeal nor the applicant filed any appeal.

11. The motion on which the letter dated 17.1.90, Annexure-2A was passed by the Divisional Railway Manager

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is described in Annexure-2A to be "a representation" dated 4.6.89 and not "an appeal". A copy of that representation also has not been produced before us and therefore it is not possible to interpret the representation to be an appeal.

12. An important feature of Annexure-2A is that it does not contain any decision. Having referred to the applicant's representation dated 4.6.89 it only informed him that he had already been advised by letter dated 8.1.75, Annexure-2 that he was deemed to have resigned from service with effect from 29.8.68 on account of unauthorised absence with effect from 1.6.68. Indeed, the last sentence of Annexure-2A leaves no manner of doubt that the Divisional Railway Manager purported not to take any action in the matter. In unmistakable terms he had recorded that no further action was required from his office. In other words, Annexure-2A does not constitute a final order in the matter of representation/appeal of the applicant. The original order dated 8.1.75, Annexure-2 continues to be the last and final order on the subject. None of the representations which were made since then would bring any advantage to the applicant from the point of view of limitation.

13. The question whether or not Rule 732 of the Railway Establishment Manual Volume-I could be applied to the applicant's case or whether the order dated 8.1.75, Annexure-2 violates the provisions of Article 311(2) of the Constitution of India need not be

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decided in this petition because, being barred by time, it is not entertainable. The contention of the applicant however is that his grievance is in respect of a continuous cause of action. We do not think that the cause of action which arose by order dated 8.1.75, Annexure-2 could be said to be continuous. It is wholly immaterial that a chargesheet dated 1.5.71 was issued to the applicant and was not pursued. Admittedly, in any case, the applicant had been kept out of employment atleast from 8.1.75 if not also since after 1.6.68 either because of the own conduct of the applicant or because of the silence of the Department.

14. If the impugned order dated 8.1.75, Annexure-2 was illegal or void and under the cover thereof the applicant had been kept out of job the cause of action for his reinstatement, nevertheless, arose atleast on 8.1.75. That cause of action could not be considered to be a continuous cause unless in the meantime he had been allowed to join and did join or the Department had acknowledged his right to join under the provisions of the Limitation Act. The remedy of the applicant to seek redress had expired under the Indian Limitation Act of 1963 itself long before the Central Administrative Tribunal was constituted under the Administrative Tribunals Act, 1985. That expired right could not be revived by enactment of the Administrative Tribunals Act.

Dr


49

- 7 -

15. The applicant admitted that shortly after June, 1968 when he left for Faizabad with a view to practice as an Advocate he got himself enrolled as an Advocate in September, 1968. He appears to have been practicing as an Advocate since then and therefore we have had the benefits of the arguments not only of an applicant but also of an applicant who is an Advocate. We have given our anxious thought to the question and we are of the opinion that the claim is barred by limitation and the petition must fail.

16. The application is dismissed in limine.

  
Member (A)

  
Vice Chairman

Dated the 27th Feb., 1990.

RKM



(A)

0-2-90

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 45 of 1989 (2)

APPLICANT(S) S. N. Smatary

RESPONDENT(S) U. O.

Particulars to be examined

Endorsement as to result of examination

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 appeal in time ?  
b) If not, by how many days it is beyond time ?  
c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorization/ vakalatnama been filed ?
5. Is the application accompanied by S.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/referred 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 paper ?
8. Has the index of documents been filed and pagging done properly ?
9. Have the chronological details of representation made and the outcome 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

Yes

Yes

Yes

Yes

Yes

No

(A2)

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.

Yes

No

Yes

Yes

NA

Yes

Yes

Yes

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GA ~~45~~ of 90 (L)

## INDEX

FT  
L  
01/11/20

President of India (Regtd) dt. 8.9.88

*Received  
File  
Shri Varadachari  
6/9/88*

Shri Varadachari  
Advocate

P.T.O.

15. Annexure\_XIV- Hon'ble President of India's letter No. P-I-715 dt.13.9.88 42
16. Annexure\_XV- Letter of respondent no.3 No. E-6-1 dt.8.2.89 to President Bar Association Faizabad. 43
17. Annexure\_XVI- Registered representation dated 26.9.89 to Sri R.K.Jain Chairman Railway Board, Rail Bhawan New Delhi. 44
18. Annexure\_XVII Registered representation to Shri R.K.Jain Chairman Railway Board, New Delhi dt. 2.11.88 45
19. Annexure\_XVIII- Registered A/D reminder to Hon'ble President of India dt. 25.4.89. 46 to 48
20. Annexure\_XIX- Representation dt. 28.9.88 to Sri Rahul Jha, Sri. D.P.O. LKO. 49
21. Annexure\_XX- Visitor's Pass No. 505386 dt. 23.1.89 by office of Railway Board New Delhi. 50

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*Sri Narain Srivastava*  
A Special  
Magistrate  
( Sri Narain Srivastava)

For use in Tribunal Office :

Date of filing or  
Date of receipt by Post. |

Registration No.

45  
45/9064

Signature  
For Registrar.

Before : The Hon'ble Central Administrative Tribunal,  
Additional Bench, Allahabad, Circuit Bench,  
At Lucknow.

Application under section 19 of Act No. 13 of 1935.

Sri Narain Srivastava son of Late Shri Kunj Behari Lal,  
aged about 51 years, ~~case~~ Office Clerk Establishment Branch,  
Divisional Rail Manager's Office, Northern Railway, Lucknow  
U.P. at present resident of Khojanpur, P.O. and District  
Faizabad, U.P. (Since removed from service).

----- APPLICANT/PETITIONER.

Versus.

1. The Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Secretary/Chairman, Railway Board, Rail Bhawan,  
New Delhi.
3. The Divisional Rail Manager, Northern Railway,  
Hazaratganj, Lucknow (U.P.)
4. The Divisional Personnel Officer, Northern Railway,  
Hazaratganj, Lucknow (U.P.)

*S. Narain*  
Advocate

----- RESPONDENTS.

(1) Particulars of the Order against which the application is made. :

This application is against the following order :-

(A) Memorandum letter No. 814-E/1-1A dated 1-5-1971 issued by Shri J. Vesdeva, the then Divisional Personnel Officer, Northern Railway, Hazaratganj, Lucknow (S.F. 5) (Annexure No. 1).

(B) Order No. 814-E/EIV/74 dated 8-1-1975 passed by Shri J.N. Gauha, Divisional Personnel Officer, Northern Railway, Hazaratganj, Lucknow (U.P.)

(Annexure No. 2).

(C) Letter No E/6-1 dt 17-1-90 (Annexure 2A) by respondent No-3, rejecting applicant's request for re-instatement in service in  
Subject in Brief :- Subpara (Supra) this para

item 'A' relates to issue of Chargesheet (S.F. 5) to applicant in which charges against him is mentioned therein for furnishing explanation on account of alleged unauthorise absence from duty.

That of Sub-para (Supra) Order 'B' pertains to that since the applicant absented himself from duty which exceeded more than 3 months with effect from 1-6-1968, so he is deemed to have resigned from service with effect from 29-8-1968 (AN) in terms of note 2

under exception II of Rule 732-R.I, which has further being held confirmed vide respondent No 3 letter Annexure 2A dt 17-1-90 referred to above. In

(2) Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the order against which he wants re-dressal is within the jurisdiction of the Hon'ble Tribunal.

*Shri Venkatesh*  
*Adv*

44

: 3 :

(3) Limitation :-

That the applicant took one month leave on average pay from 1-5-1968 by the Competent Authority which expired on 31-5-1968. On 1-6-1968 applicant submitted resignation to respondent No. 4 from the post of Office Clerk and he was not allowed to resumed duty by the respondent No. 4 on the pretext that the order on resignation would be passed by 15th June 1968.

That when no reply was given to applicant by the respondent No. 4 within the period stipulated, he went to office to report for duty on 1-7-1968 but applicant was not allowed to resume duty and his signatures were cut-out by the then C.C.E. II Shri P.L. Kapoor and he took me before the D.P.O. who told the applicant that since he had resigned from service so no question arises to allow him to resume duty.

That on 11/12-7-1968 the applicant send a application under Certificate of Posting (Annexure No.3) to C.C.E.(II) I/C of the Branch that inform the applicant about the progress and that the applicant is taking license to practice as an Advocate at Faizabad.

That respondent No. 4 vide his letter No. 814-E/1-1A dated 25-8-70 informed applicant that since there are Govt. dues outstanding against him, so no question arises for the acceptance of his resignation dated 1-6-68 and the applicant was asked to pay the

Govt. dues, then the same may be considered (Annexure 4)

*Shri P.L. Kapoor*  
Adv

AS

: 4 :

In between 1968 to 25-8-70 the applicant went to Office respondents ~~MEI~~ and took interview with concerned Officers and requested for allowing the applicant to resumed the duty or settle the matter after setting off the Government dues from the Provident Fund Amount outstanding at the credit of the applicant.

That again the applicant submitted a representation under certificate of posting dated 29-12-70 to respondent No. 4 (Annexure 5) that immediate duty be given to him. Further registered letter on 12-1-1971 was sent to respondent No. 4 and copy to respondent No. (Annexure 6) that the applicant be allowed to resumed duty as his financial condition was worsening and he was not in a position to pay the Government dues in lump sum.

That on 12-2-1971 respondent No. 4 vide his letter No. 814 E/1-1A dated 12-2-71 acknowledge the applicants registered application dated 12-1-1971 and showed the inability to allow the applicant to resumed duty (Annexure 7).

That instead giving duty respondent No. 4 issued a Charge-sheet (S.F.5) for removal from service on account of unauthorised absence from duty (Annexure I) The applicant vide his registered reply dated 11-5-1971 demanded certain Official records for inspection and preparation of his defence and to submit a reply to

*Shivaram*  
AOLV



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his above Charge-Sheet (Annexure 8). The records were not been made available to him till now. Again reminders were sent on 8-7-71 and 5-4-73 and the applicant personally met respondent No. 4 to finalize the Charge-Sheet. It concludes the matter that respondent No. 4 issued Charge-Sheet to applicant just to save himself from the tortious liability of not giving the applicant duty in office. No preliminary enquiry was held by the respondent nor any regular enquiry was conducted into the charges by respondent No. 4.

That the respondent No. 4 vide his letter No. 814-E/EIV/74 dated 8-1-75 passed the order to the effect that since the applicants absence from duty exceeds more than three months on 28-8-1968 (AN), so he is deemed to have resigned from service in terms of rule 732-R(11) of Estt. Code Volume I (Annexure - 2).

That on 18-2-75 grievance under the D.A. and rules 1968 was preferred to the respondent No. 4 (Annexure - 9). Again appeal was preferred to D.S., N. Rly. Lko. on 13-9-75 and copy to G.M.(P), New Delhi. Further on 18-9-75 representation was given by the applicant was reviewing the order dated 8-1-75. In between 1976 to 1980 applicant made representations and personally met many times to concerned Officer to decide the case as the same was becoming old one. They were giving assurance to decide the matter early. It was also requested to them to allow the applicant to

Shivaram Das  
Adv

114

resumed duty in office but the respondents deliberately obstructed applicant not to work in office. Due to this mental tourcher and harrassment by the respondents applicant develop stomach trouble in the year 1983 to 1985 with the result that respondents kept silent and they did not give any interm or final reply to their valid grievance. During the year 1983 to 1985 applicants two daughters became seriously ill and he had to invest a lot of money in their treatment. Applicant was confident that his appeal and grievance pending at the hands of respondents would be decided by them in reasonable time.

That when no decision was given by the respondent about the valid grievance of the applicant, then he made a registered representation to respondent No. 3 on 26-7-1986, to re-instate him in service. The applicant further represented the matter to Hon'ble State Minister for Railway on 8-9-87. Again on 14-7-1987 the applicant made representation to Honourable Prime Minister of India who informed applicant vide his letter No. 337968 dated 20-7-87 that Ministry of Railways shall decide the matter.

That again the applicant made registered A/D representation dated 18-5-87 to Shri K.L. Siccka, C.P.O., N. Rly., Baroda House, New Delhi (Annexure - 10) for re-instatement in service and redressal of his grievance. On 30-3-1987 Mr. Siccka was on Inspection tour of Lucknow Division and applicant met him at Ayodhya Railway Station. He took my representation and

Shri Nara Singh  
Advocate

812

- 7 -

directed Shri H.V. Sharma, Sr. D.P.O. Lucknow to decide the matter early and after seeing the charge-sheet and reply of the letters and order of automatic termination of applicants service he expressed the view that both the orders were wrong. Shri Sharma was taking time to finalize the matter whenever applicant met with him in his office. On 17-8-1987 Mr. Sharma told me in his office that applicants case for re-instatement in service was favourably recommended to respondent No. 1 and on final decision it would be communicated to him. When the applicant enquired from the office of respondent No. 1 then it came to light that nothing was recommended. Thereafter in the last week of August, 1987 Shri Sharma was transferred from Lucknow division to Principal, Training School, Chandausi. In this way Mr. Sharma has deceive applicant in giving a false information about above case.

That Shri Nirmal Khattry, M.P. of applicant's constituency vide his letter No. Nil dated 18-1-88 wrote to Shri K.L. Siccka, C.P.O., N. Rly. Baroda House, New Delhi that applicant's grievance be decided early and he should be helped in re-instatement in service. Again applicant submitted a representation to Shri Rajiv Gandhi Honourable Prime Minister of India on 19-12-88 (Annexure-11) and on 21-2-89 (Annexure - 11) about re-instatement in service and decision of his valid grievance. Shri Sudesh Kumar, Section Officer of P.M.'s Office vide his

Shri Nava Singh  
Advocate

114

- 8 -

letter No. 23/4/88 - PMP-II/344529 dated 29-12-88

(Annexure - 12) informed applicant that the representation has been forwarded to Ministry of Railways for appropriate action. In this way applicant made lot of registered and unregistered representation about his valid grievance to respondents, but all of them have been left undecided by the respondents till now. On personal Interview with the respondents from time to time, they have been giving assurance to decide

favourably at an early date. Now respondent No-3 vide his letter No E/6-1D-17-1-90, replied applicant, rejecting his petition (Annexure 2A)

That lastly the applicant elected relief by way of memorial and review petition to Honourable President of India under the relevant service rule (Annexure No. 13) so the present application is not time barred. The Honourable President vide letter No. PI-715 dated 13-9-88 (Annexure - 14) informed applicant that the representation dated 8-9-88 has been forwarded for appropriate action to the Secretary, Railway Board, Rail Bhawan, New Delhi and any further correspondence, if any, should directly be made from him quoting President's letter No.

Thereafter the applicant sent many registered and unregistered representations to Shri R.K. Jain, Secretary, Railway Board and Shri J.C. Ahuja, Deputy Director Establishment, Railway Board, New Delhi about the above decision of the memorial and re-instatement in service on various legal

Shri R.K. Jain  
Howrah

APB

- 9 -

and factual grounds mentioned therein but no in term or final reply has been giving by the respondent <sup>up to till 17-1-90</sup> ~~to~~ ~~for~~.

That the respondent No. 3 vide his letter No. E-6-1 dated 8-2-89 (Annexure - 15) wrote to President Bar Association, Faizabad about applicant's registration No. as an Advocate and the length of Practice as An Advocate at Faizabad to enable them to decide the

applicants above grievance. Now respondent No. 3 vide his letter No. E/6-10-17-1-90 (Annexure 2A) has replied applicant rejecting his application.

That after expiry of six months from 8-9-88 the date of submission of memorial to Hon'ble President of India, thereafter within one years, this petition is being filed. The cause of action of this petition is recurring and contineous. Hence the same is within prescribed period of limitation u/s 21 of the Act No. 13 of 1985.

(4) Facts of the Case. :-

The facts of the case are given below :-

- (A) That the ap-plicant after the due selection from Railway Service Commission, Allahabad for the post 'Ticket Collector' on N. Rly. was appointed by the D.P.O., N. Rly., Ferozpur (Punjab) on the post of Office Clerk on 22-12-1959 F.N. in his office. He was subsequently transfer from there to Works Manager, N. Rly., Charbagh, Lucknow. Lastly from there he was transferred under respondent No. 3.

Shivarama Prasad Singh

922

(B) That while working under respondent No. 4, applicant submitted resignation on 1-6-1968 the detail of which has been mentioned in para - 3 of this petition. The said resignation has not accepted by him as communicated vide Annexure - 4.

(C) That when the acceptance of the resignation of the applicant was not communicated <sup>and the applicant was not allowed to resume duty</sup> the duty on 1-7-1968 by the D.P.O., N. Rly., LKO. On the pretext that since he has submitted resignation and so ceased to be a Railway servant and further he was pressed to deposit Govt. dues outstanding against him. Soon after about one month from the date of submission of resignation, when no written reply was given within 15 days, applicant always applied orally and in writing to respondents that he may be allowed to resume duty in office, but till now <sup>the</sup> ~~neither~~ duty was <sup>not</sup> ~~given~~ ~~any answer~~ <sup>Now</sup> ~~for~~ final reply was given by the respondents <sup>no-3</sup> about his valid grievance. <sup>vide Annex 2A</sup>

(D) That the movement applicant applied for duty after the resignation was not accepted, the resignation in question stood revoked and consequently Shri J. Vesdeva, D.P.O., N. Rly, Lucknow, issued Charge-sheet (S.F.-5) for removal of service of applicant as mentioned in para 3 of this petition.

Shri J. Vesdeva  
Adv

422

(E) That the applicant demanded certain Official records from respondent No. 4 vide Annexure - 8 to reply the Charge-sheet dated 1-5-1971 but it has not been made available till now with the result that reasonable opportunity of adducing evidence and submitting explanation was not afforded to the applicant.

(F) That the respondent No. 4 failed to constitute an Enquiry Committee in view of the Charge-sheet dated 1-5-1971 with the result that no enquiry was held about the charges levelled against the applicant nor any second show-cause notice under the D.A. & R Rule 1968 was given to applicant. The Charge sheet in question was never withdrawn by the respondent No. 4.

(G) That the respondent No. 4 passed order as per Annexure - 2 that the applicant is deemed to have resigned from service and in this way his services were automatically terminated. Applicant had become permanent employee even at the time of issue of Charge-sheet so the rule cited by respondent No. 4 in Annexure - 2 is wholly in-applicable and unconstitutional.

*S. K. Narasimha*  
*Adv*

(H) That respondent No. 4 once entered into a disciplinary proceeding against the applicant under rule 9

A23

- 12 -

of R.S.(D.A. & Rules 1968), so without exhausting the principles of natural justice as guaranteed under Article 14 and 311(0) of the Constitution of India and under rule 9 to 18 of R.S. D.A. & Rules, 1968, no such order as mentioned in Annexure - 2 and during the pendency of Enquiry against applicant could be passed by the respondent No. 4. The respondent was estopped by his own official records to pass the order of deemed to have resigned, which amounted removal from service of the applicant. It further concludes that respondent No. 4 played fraud upon his own power by exceeding jurisdiction not vested in him by law. Respondent No. 3 rejected applicant's Valid grievance vide Annexure no 2A dt 17-1-90; wholly without any legal force & stated &

(I) That once the applicant's letter of resignation was not accepted by the respondent No. 4, then in the above mentioned facts and circumstances, the order of termination of service of applicant from retrospective effect is void ab initio and casts a cloud upon the right of applicant to hold the post. In this way there is strick breach of statutory obligation on the part of respondent not to allow applicant to resumed duty in office till now with this conclusion applicant could not seek employment out of railway department and only took licence to practice as an Advoczte, to earn a livelihood to maintain himself and the dependent members of his

Shivarabail  
Advocate



family which was but natural in the circumstances of the case.

(5) New grounds for relief with legal provision :-

- (1) That the impugned order, dated 8-1-75<sup>and 17-1-90</sup> is against the principles of natural justice.
- (2) That although Article 14 of the constitution is not the ... begetter of the constitution yet it is the constitutional guardian.
- (3) That the ~~impugned~~ order being volitative of Article 14 and 16 of the Constitution falls with the rule of Mischief.
- (4) That the ~~impugned~~ orders dated 8-1-75<sup>and 17-1-90</sup> is voliative of Article 311 of the Constitution.
- (5) That charges once having being framed without concluding the proceedings, become ineffectual in law.
- (6) That the petitioner is not allowed any reasonable opportunity of defend and was prevented from participating in the proceedi-ng.
- (7) That the proceeding entailing the removal/dismissal of the petitioner are bad abnitio.
- (8) That the ~~impugned~~ order, has been passed on a misunderstanding of the provisions contained in terms of note under exception 11 of rule 732-R.I.
- (9) That an automatic termination of service is against the tenets of judiciality.

*S. Kumar Reddy*  
*Advocate*

125

- 14 -

- (10) That the ~~impugned~~ <sup>impugned</sup> order is bad, defective, illegal improper and unstandable in the eye of law.
- (11) That a resignation without it's acceptance has no significance in the eye of law.
- (12) That the acceptance of the resignation was not a communicated at all nor it was accepted.

(6) Details of remedies exhausted :-

The applicant declares that he has availed all the remedies available to him under the relevant service rule :-

- (i) Application under certificate of Posting dated 29-12-70 to Shri J. Vesdeva, D.P.O. Lko. (Annexure -5) for allowing me to resumed duty. No reply either by Shri Vesdeva or by Shri T.P. Kapoor, S.P.O., N. Rly. New Delhi.
- (ii) Registered A/D application dated 12-1-71 to D.P.O. N. Rly. Lko. (Annexure - 6), Prayer was made to allow applicant to resumed duty. The D.P.O. vide his letter No. 814 E/1-1A dated 12-2-71 replied vide (Annexure - 7) that the question of acceptance of resignation does not arise.
- (iii) Registered A/D application dated 10/11-5-71 to D.P.O., N. Rly. (Annexure - 8) Lko. for inspection of relevant documents to prepare the defence against the Charge-sheet (Annexure - I), but no reply was given by him.

Shivaram Singh  
Advocate

426

- 15 -

- (iv) Registered A/D application dated 18-2-75 and appeal and review (Annexure - 9) against the order of D.P.O. dated 8-1-75 (Annexure - I) - No reply was given to applicant.
- (v) Application dated 11/12-7-68 under certificate of posting to Shri P.L. Kapoor, C.C.E. II, D.S. Office, Lko. (Annexure - 3) went to report for duty but was not allowed to sign attendance register - No reply.
- (vi) Registered representation to Honourable State Minister for Railways dated 29-9-86 (Annexure -16) copy to G.M.(P), N. Rly. N.D.L.S. & D.R.M., N.Rly. Lko., - No reply.
- (vii) Registered A/D representation to Shri K.L. Siccka, C.P.O., N. Rly., Baroda House, N.D.L.S. dated 18/5/87 (Annexure - 10) - No reply.
- (viii) Registered representation dated 26-9-89 to Shri R.K. Jain, Chairman, Railway Board, N.D.L.S. - No reply. (Annexure - 17).
- (ix) Registered A/D Memorial & representation to Honourable President of India dated 8-9-88 (Annexure No. 13). The Honorable President of India vide letter No. PI-715 dated 13-9-88 replied applicant that Secretary, Railway Board, New Delhi has been directed to take appropriate action on representation and any further

*Shivaram Singh*  
Advocate

A22

correspondance on the subject be made direct to him quoting the reference above (Annexure No. 14)

- (x) Registered application dated 2-11-88 to Shri R.K. Jain, Secretary/Chairman, Railway Board, Rail Bhawan, New Delhi - No reply Annexure No-17
- (xi) Registered A/D representation dated 19-12-88 to Shri Rajiv Gandhi, Honourable Prime Minister of India (Annexure No. 11). The reply of Honourable Prime Minister vide letter of Shri Sudesh Kumar No. 23/4/88-PMP-11/344529 dated 29-12-88 (Annexure No. 12) intimating me that the same has been sent to Ministry of Railway for appropriate action and further correspondance be made.
- (xii) Registered A/D reminder to Honourable President of India dated 25-4-1989 of original memorial of applicant and copy to all concerned - No reply Annexure No-18

- (7) (Xiii) Registered A/D reply letter no E/6-10-17-1-90 (Annexure No 2A) by respondent no-3, rejecting applicant's valid grievance for Matter of Grievance as stated above not previously filed or pending with any other court.

- (1) That the ap-plicants departmental appeal and application about valid grievance <sup>has been rejected on 17-1-90 vide Annexure No 2A</sup> and memorial under the relevant service rule is pending without any final decision before the respondent no-2

- (ii) That the applicant further declares that he had not previously filed any Writ petition or suit regarding the matter in respect of which this

Shivaram Singh  
Advocate

application has been made before any court of law or any other Bench of the Tribunal and nor any such Writ Petition or suit is pending before any of them.

(iii) That vide Annexure No. 15 respondent No. 3 wrote a letter to President, Bar Association, Faizabad for certain quarry, <sup>The</sup> ~~but no~~ final decision has been given by them on the present grievance of applicant. vide ~~respondent's~~ no-3 letter no E/6-18-17-1-90 Annex 2A

(8) Relief Sought :-

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

- (1) As to declare the impugned orders dated 8-1-75 & 17-1-90 as null and void as if it were non-est.
- (2) That the petitioner be restored to service with full benefit of consequential relief i.e. including Salary, allowances, increments, pensionary benefit etc. as permissible under the relevant service rule.
- (3) Any other benefit which the petitioner is entitled under the relevant service rule.

(9) In term order, if any, prayed for :-

Pending final decision of the application, the applicant seeks the following interim relief :

- (i) That till decision of this petition the applicant may kindly be ordered to be restored to service.

*Shri Narain Singh*  
Advocate

129

(10) The application is to be presented personally before the Honourable Tribunal and requests for hearing at admission stage.

(11) Particulars of ~~Bank Drafts~~/Postal Order filed in respect of application.

(1) Postal order no 706-288368 for Rs 20/- issued by Post Master, Dt 6-2-90 from Kachery Distt Faizabad in the name of Registrar CAT

(2) Postal order no 6-2-90 no 706-288367 for Rs 20/- issued by Post Master, Kachery Distt Faizabad in the name of Registrar C.A.T. Allahabad

(3) Postal order Dt 6-2-90 no 610-639926 for Rs 10/- issued by Post Master Kachery Distt Faizabad in the name of Registrar C.A.T. Allahabad

(12) List of Enclosures :-

1. Annex no 1 to 20

2.

3.

4

VERIFICATION.

I, Shri Narain Srivastava son of late Shri Kunj Behari Lal aged about 51 years once Clerk under D.R.M., N. Rly., Hazaratganj, Lucknow, resident of village Khojanpur do hereby verify that the contents of para 1, 3, 4, 6, 7, 10, 11 and 12 are true to my personal knowledge and Paras Nos. 2, 5, 8 and 9 are believed to be true on legal advice and that I have not suppressed any material fact.

Place : Lucknow.

Date : 2-2-90

*Shri Narain Srivastava*

Signature of applicant.

Annexure I

ASD

Register A-1

17

STANDARD FORM NO. 25.

STANDARD FORM OF CHARGE SHEET.

Rule 9 of the Railway servants discipline and appeal rules, 1963).

No. 014-B/1-1A

(Name of railway administration)

(Place of issue) Lucknow

4-1971

MEMORANDUM.

01-5-1971

The undersigned/ railway third/ undersigned person (s) to hold an inquiry against Shri M. Narain under rule 9 of the railway servants discipline and appeal rules, 1963. The substance of the imputations of misconduct or mis-behaviour in respect of which charge is proposed to be held is set out in the enclosed statement of articles of charge (annexure I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed annexure II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (annexure III & IV).

2. Shri M. Narain is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (annexure III) at any time during office hours within five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of railway administration but not mentioned in the enclosed list of documents (annexure III), he should give a notice to that effect to the undersigned/ railway third/ undersigned person (s) within five days of the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The disciplinary authority may refuse permission to inspect all or any such documents as are, in its opinion, not relevant to the case or it would be against the public interest or security of the state to allow access thereto. He should complete inspection of additional documents within five days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to be inspect.

3. Shri M. Narain is informed that request for access to documents in the later stages of the inquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances shown clearly that the request could not have been made at an earlier stage. No request for access

Attested

[Signature]

Assistant

Applicant





15  
Cmt. 12

A32

Page 2  
NORTHERN RAILWAY

Continued from page 1

resignation by the competent  
Authority. That he failed to  
maintain due regard to duties  
incurred by Rule 300 of the Railway  
Services Conduct Rules, 1966

Int. Personal Officer  
R. My Clerk and

Announcement

List of recommendations by which  
the articles of charge framed  
against Shri. Sri Narain Sonawale  
were cleared, as per Office Order

- 1- Application of resignation  
dated 1-6-68 from Shri. Narain  
Sonawale. Clerk - as per the  
order no. Dkt. 11-1A dt. 25-6-68.

Int. Personal Officer

Attested

Advocate  
Applicant

16  
13

183

NORTHERN RAILWAY

Amendment Standard Form No. 5  
Memorandum of Chargesheet under  
Rule 9 of the R.R. (D.D.) Rules, 1968

Amendment

Statement of articles of charges  
passed against Shri. S. Narain  
Srinivasa Clerk.

Article - 1

That the said Sh. S. Narain Srinivasa  
while functioning as office clerk  
in R.R. No. 1000 at C. S. Office during  
the period of June - 1968 absented him  
from duty w/o 01-6-68 leave without notice  
thus he failed to maintain order  
to duty violation of Rule 30 of the  
Railway Services Conduct Rules, 1936.

Simp. Personnel Officer  
A. P. S. (Hucknaw)

Amendment - II

Statement of importation of mis-  
conduct or mis-behaviour in support of  
the articles of charges passed against  
Shri. S. Narain Srinivasa Office Clerk  
AS Officer - Hucknaw

That the said Sh. S. Narain  
Srinivasa Office Clerk while working  
in S. S. Office - C. S. Office nothing but  
misconduct of 1-6-68 absented  
himself from duty w/o 1-6-68 without  
acceptance of his resignation.

Attested  
Sd/-  
New  
applicant

A34

Northern Railway

Divil. Supdt.'s Office,  
Lucknow.

No.814-E/EVI/74.

Dated: 8.1.75

Shri S.N. Srivastava,  
Clerk 'E',  
Vill: Khajanpur,  
P.O. & Distt. Biazabad.

You have been on unauthorised absence with effect 1-  
and since the period of absence has exceeded 3 months  
are deemed to have resigned from service with effect  
29-8-1968(AN) in terms of note 2 under exception I  
732, R.I.

— *sd* — *delegable*  
Divisional Personnel Officer,  
Lucknow.

Copy forwarded for information and necessary

- 1) The Divisional Accounts Officer, Lucknow.
- 2) Asstt. Supdt. (Pay Bill).
- 3) Hd. Clerk (Settlement)
- 4) Law Asstt. in office.
- 5) The Manager, O & R Rly. Coop. Society, Lucknow.

*Attested*  
*Sd/-*  
*Asstt. Secy.*

Northern Railway

Divl. Supdt.'s Office,  
Lucknow.

No. 814-N/EVL/74.

Dated

12/1974-8-1-75

Shri S.N. Srivastava,

Clerk 'E',

Vill: Ahajampur,

P.O. & Distt. Mirzapur.

Your <sup>has</sup> had been on unauthorised absence with effect 1-6-1968 and since the period of absence exceeded 3 months, you are deemed to have resigned from service with effect from 29-8-1968 (AN) in terms of rule 2 under exception II of Rule 732, R.I.

Divisional Personnel Officer,  
Lucknow.

Copy forwarded for information and necessary action to :-

- 1) The Divisional Accounts Officer, Lucknow.
- 2) Asstt. Supdt. (Pay Bill).
- 3) Hd. Clerk (Settlement).
- 4) Law Asstt. in office.
- 5) The Manager, O & R Rly. Socp. Society, Lucknow.

Attested

NO <sup>Admission</sup>  
21/8/75

1935

Annex NO-2

Delayed

A36

ANNEXURE NO- 2 A.

REGISTERED/ A.D.

NORTHERN RAILWAY  
DIVISIONAL OFFICE,  
LUCKNOW.

No.E/6-1  
Dt.17 January, 1990

Shri Sri Narain Srivastava  
Vill. Khojanpur  
Near Sadar Railway Station  
P.O. & District- FAIZABAD.

Reg: Re-instatement in service in E Branch  
of D.R.M. Office, N.Rly, LUCKNOW.

In reference to your representation dated 4.6.1988  
it is to inform you that you were on unauthorised absence  
nce w.e.f. 1.6.1968 and, therefore, you were deemed to  
have resigned from service w.e.f. 29.8.68 as advised to  
you vide this office letter No. 814-E/EVI/74 dated  
8.1.75.

No further action is, therefore, required from  
this office.

(RAHOO RAM)

For Divl. Railway Manager, N.Rly.  
LUCKNOW.

attested  
Sd/-  
H.W.  
Attested

Annexure No. 2A

REGISTERED/AD.

NORTHERN RAILWAY  
Divisional Office  
Lucknow

No.E/6-1  
Dt.17 January, 1990

Shri Sri Varain Srivastava  
Vill. Krojanpur  
Near Sader Railway Station  
P.O. & District - FAIZABAD.

Reg: Re-instatement in service in E Branch  
of D.R.M. Office, N.Rly, Lucknow

In reference to your representation dated  
4.6.1989, it is to inform you that you were on  
unauthorised absence w.a.f. 1.6.1968 and, therefore,  
you were deemed to have resigned from service w.a.f.  
29.8.68 as advised to you vide this office letter  
No.814-E/LVI/74 dated 8.1.75.

No further action is, therefore, required  
from this office.

( RAGHOO KARI )  
for Divl Railway Manager, N.Rly,  
Lucknow.

Attested  
S/S  
Admitted  
Applied

170

Under Certifying Postage

Annex No. 3

From - Shri Narain Swastani  
 Clerk 'E' Section  
 D.S. Office, N.Phy  
 Lko

To Shri P. L. Kapoor  
 CCE-II (D/CEIA) D.S. Office  
 N.Phy, Hazratnagar, Lko

Sir,

Respectfully I beg to submit that one month LAD was expired on 31-5-68 and on 1-6-68 I submitted resignation from the post. No reply has been given time about the resignation and when I went to report for duty on 1-7-68, you and DPO told me that since I have resigned, so no question arises to allow me to resume duty; so I return back to Faizalbad and now I am trying to obtain Certificate to do Postoffice work at Faizalbad if resignation is accepted otherwise inform me so that I may think further with points.

About more than one month likely to pass but reply by post has been sent time about my letter of 1/6/68. Kindly look into it and say how the matter stands. You & DPO has told me verbally that the same shall be accepted.

Hoping an early reply  
 Yours faithfully  
 Shri Narain Swastani

11-7-68  
 12

Attested  
 Sd/-  
 Head  
 D/S. Secy.

A39

## ANNEXURE NO.-4

No. 814-E/I-I A.

Dated<sup>1</sup>/<sub>2</sub> 25.8.1970

From:

To:

Divisional personnel officer<sup>#</sup>  
N. Railway,  
LUCKNOW.

Shri Sri Narain Sriwastava<sup>Va</sup>  
Village- Khojanpur,  
P.O. & Distt. Faizabad.

Sub: Your letter No Nil dated 8.7.1970 endorsed to the  
Divisional Superintendent N. Railway, Lucknow,

## Reference:

The following amounts of advances and loans etc. as  
indicated against each are still to be paid by you as  
per records of this office.

- |  |  |
|--|--|
| 1- Cycle Advance.                                    | Rs. 120/- -- Interest @4 <sup>1</sup> / <sub>2</sub> %.                    |
| 2- Draught Advance                                   | Rs. 265/-  |
| 3- Festival Advance                                  | Rs. 40/-   |
| 4- ECCS Loan against<br>Loan account No.<br>HX.16/23 | Rs. 630/- + Interest @8 <sup>1</sup> / <sub>4</sub> % from<br>April, 1968. |

You have not cleared the above mentioned amounts  
though asked to do so repeatedly during your personal  
interview with my predecessors.

The question of acceptance of your resignation before  
you repay the above mentioned amounts in full does not  
arise.

You are therefore, advised to repay all the above  
mentioned outstanding amounts in full immediately in  
your own interest.

Attested  
Sd/-  
[Signature]  
Approved -

[Sign illegible].  
Divisional Personnel officer.  
LUCKNOW.



Annexed-4

Registered A.D.

O.L. 10  
G.L. 101

No. 814-E/I-IA.

Dated 25. 8. 1970

From :

To :

Divisional Personnel Officer.  
N. Railway,  
Lucknow.Shri Sri Narain Srivastava,  
Village Khojanpur,  
P.O. & District Faizabad.Subject : Your letter No. Nil dated 8.7.1970 endorsed to the  
Divisional Superintendent, N. Railway, Lucknow.

Reference :

The following amounts of advances and loans etc as indicated against each are still to be paid by you as per records of this office.

- |   |   |
|---|---|
| 1. Cycle Advance. ....                                | Rs. 120/- + Interest @ 8.4%.                |
| 2. Draught Advance. ....                              | Rs. 265/-                                   |
| 3. Festival Advance. ....                             | Rs. 40/-                                    |
| 4. ECCS. Loan against Loan Account No. HX.16/23. .... | Rs. 630/- + Interest @ 8% from April, 1968. |

You have not ~~clarified~~ ~~the~~ cleared the above mentioned amounts though asked to do so repeatedly during your personal interview with my predecessors.

The question of acceptance of your resignation before you repay the above mentioned amounts in full does not arise.

You are therefore, advised to repay all the above mentioned outstanding amounts in full immediately in your own interest.

*[Signature]*  
Divisional Personnel Officer.  
Lucknow.

*Attested*  
*Sd/-*  
*Advises*  
*Applicant*

Transfer of [unclear] to [unclear]  
 [unclear] [unclear] [unclear]  
 [unclear]

[unclear]  
 Dated 12-12-70

(141)

To Sh. S. Vaidya

(1) Personal to some extent  
 No. 100 Railway  
 Hazratganj  
 Lucknow

D/Sir,

Reg. Acceptance of resignation.

Reference - my resignation letter dated 1-9-70 and subsequent letter dated 12-10-70.

Your letter no 8145/1-11 dated 15-8-70 addressed to me was received vide my letter and subsequent reminders referred to above, but no further development has been intimated to me.

Please arrange my salary plus administrative allowances from June 1968, till now, and intimate me by return of date when and where I should report for duty in your office.

Immediate reply with your faith fully subject is expected.  
 Dated 29-12-1970

Copy forwarded to Sh. T. V. Kapoor, S.D.O. N. Ry. Baroda House New Delhi. This is in reference to his letter no 720-E/31 dated 18-8-70 which was replied vide my letter and subsequent reminders referred to above.

Attested

[Signature]  
 Applicant



(413)

Annexure - 6

Shri Narain Srivastava  
Advocate  
Delhi

To

To

The Divisional Personnel Officer  
Northern Railway, Haridwar  
U. S. R. S. V.

Dear Sir:

Subj:- Non-acceptance of my resignation.  
Ref:- 1. Your letter No. E-4-S/1-13 dated  
25.12.70.  
2. My registered A/D letter no 281  
dated 1-12-70.  
3. My further reminders dated 12.12.70.  
4. My letter under certificate of  
posting dated 28-12-70 addressed  
to you and copy to GM(P) N.R.S.

It appears that you are not interested to deal my case  
as it is evident that no reply to my aforementioned letters are  
forthcoming till now.

Due to non-acceptance of my resignation dated 1-12-70 as  
intimated vide your letter referred to above I could not apply for  
appointment to the post of labour officer at Jampur and to the post  
of law Assistant which was advertised in Railway Service Commis-  
sion Allahabad.

Secondly you did not intimate me to invite my application  
like other eligible Railway Employees for the post of law Assistant  
over N.Railway the Selection of which was held in U.S. R. S. V. at  
New Delhi in the year 1969. In this way my better prospects of  
Employment and emoluments has been hampered.

Since you have not accepted by my resignation referred to  
above, I may be given duty to my post and salary for a period of  
more than two years immediately.

Immediate reply on the subject is solicited.

Yours sincerely,

Dated : 12-1-1971.

( Shri Narain Srivastava )  
Advocate.

Copy forwarded to General Manager ( Personnel )  
N.Rly. Baroda House, New Delhi for information  
and necessary action. He is requested to kindly  
advise D.P.O./ LKO to decide the case judiciously  
at an early date.

Attested  
by  
T. A. S. V.  
Official

224

Amex 4 Nov 77  
Genl. 13

**Gent. 13**

Registered A/D

**NORTHERN RAILWAY**

Dwt Suppl's Office

Question 02-2-71

N., 8147E / 1-1A.

Sho, Sri Narain Sankar

Village - Khogampur;

PO2 DISH - Fairabad

Reg. - Your letter No. N.L 5712-1-71

As per contract rules the G.O.

Dues out-standing against you can  
not be recovered from the amount  
of Provident Fund standing at your  
credit even at your written  
consent given vice your letter no. 411  
of 1-2-70.

Please, therefore, note that  
Question 7. accepting your resignation  
before you repay the outstanding  
amounts already estimated & you  
vide the office letter of even number  
ST 25-8-70 in full, does not arise.

Dir. Personnel Office  
N. Ry. Division

N. Ry. Ticket now

Attached  
Suf  
Held  
applicant

Registered A/D

Shri Narain Srivastava

Khojampur

Jaizabad

Dt 10-5-1971

15

To

The Divisional Personnel Officer  
Northern Railway, Huzratpur

Sir

Lucknow

Sub:- Disciplinary proceedings

Ref - your Memorandum No 814-E/1-1A dated  
01-5-1971 addressed to me

I beg to submit that I may be allowed to inspect the following documents at your end so that I may be able to reply your above quoted memorandum dt 1-5-1971 at an early date.

Particulars of documents for inspection

- ① Attendance register for the month of May, June & July 1968 of Personnel branch, DS office Nrbly Lko
- ② The office file on which my resignation letter dt 01-6-1968 was dealt with.
- ③ Pay sheet of Personnel branch Clerks DS, Lko for the month of May, June & July 1968.
- ④ My Service record and leave account maintained in your office
- ⑤ My letter no nil dated 1-7-1970 under registered A/D in reply to your letter no 814E/1-1A dt 25-8-70.
- ⑥ My letter registered A/D no nil dt 12-1-1971 to DPO/Lko
- ⑦ your letter no 814E/1-1A dt 12-2-71 addressed to me.
- ⑧ My registered A/D letter no nil dt 2-4-71 addressed to you.
- ⑨ My - DO - - - - - dt 24-4-71 addressed to Chairman, Railway Board and copy to DPO, Nrbly, Lko
- ⑩ My Registered A/D letter no nil dt 28-3-70 addressed to Shri - Premnath, DS, Nrbly, Lko and copy to G.M(P) N.D.L.S
- ⑪ your office file no 814E/1-1A
- ⑫ my notice no nil dt 28-4-1968 to DPO/Lko for leaving the service.

Attested

Huzratpur

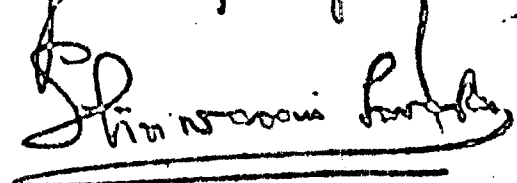
(2) Continued from Page (1)

Further I may mention that I may be informed that among the C.C.E.I & C.C.E.-II in Personnel, who was assigned with the dealing of office clerk of the said <sup>Section</sup> in the year 1968. The letter no and authority may also be quoted to me to this effect.


It is also prayed that I may be given free pass as may be admissible under rules for the inspection of the above documents in your office in Faizabad to & back plus other allowances as may be admissible under the rules. Secondly if the aforementioned documents as referred be shown to me at Railway Station Faizabad it would be a great convenience to me. I will be able to reply your aforementioned memorandum on 1-5-1971 if all the reasonable opportunity to inspect the above documents and given bond in early date.

Kindly acknowledge receipt of this letter.

Hoping an early reply

Yours faithfully  
  
Shri Narain Singh

10-5-71

Attested  
  
 Anil

417

AID

By a. or Insurance Receipts on reverse

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Rs. \_\_\_\_\_ Date-stamp \_\_\_\_\_

Received a registered Divisional Personal office

ressed to M. R. Hazrat

12/12/1910

Write here "letter", "postcard", "order" or "parcel" with the word "insured" above it and the amount.

Insured for Rs. (in figures) 177 (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ P. \_\_\_\_\_ Weight (in words) \_\_\_\_\_ Rates \_\_\_\_\_ Grams \_\_\_\_\_

10 and 15

Acted  
 80  
 And  
 applied



APD

Regd. No. 117

Amr-9

To  
The Divisional Personnel Officer  
N. Railway, Hazratnagar  
Lucknow

Reference your letter no DUE/EM/1448-1-75

Sub - Non acceptance of resignation and issue  
of S.E.S. (charge sheet)

Respectfully I beg to submit as under

- (1) I am sorry to note that repeated wrong and illegal  
is committed in my case and your order of 8/1/75  
the D.A.R. Enquiry started is proceeding under  
by you, then without holding an Enquiry without  
giving second chance no order is possible under  
law about my termination of service. D.O. 732 & 7  
is totally inapplicable & the because I am not  
employed under you and the same against the provision  
of Article 311(2) of the Constitution under Rule 176 of  
D.A.R. Rule 1968.
- (2) That my repeated representation to the Railway  
C.M.C. No. NPL/NDS to Chairman Railway is  
conclusive proof that you are not holding any  
avoiding to read my representation to the office. The  
above order of 8/1/75 has been passed by you & it  
save yourself from the charges of law.
- (3) That this application is again against your  
above illegal order on which you may have  
de-consider the matter and recall your order  
order of 8/1/75 or if not possible then this application  
be treated as appeal as per law under Rule 176 of  
D.A.R. 1968 and get it cancelled by the  
D.S. since you are my superior & I am  
directly work in your office. There is no  
Circular that Rule of termination is  
inapplicable in my case. I did not seek employment  
on the side of the Railway, I am not a  
employed who is not taken by you and I am not  
It is there for prayer that order under  
appeal may be cancelled and I may be given  
a personal hearing with you or D.S. on the subject  
and immediately. Since he is allowed to  
resign his duty with effect from 1/1/75  
benefit of past service under D.A.R.

Hoping an early reply  
Date 18-2-75

Attested  
Sd/-

Applicant

(Sd/-) S. N. Srivastava  
once again I am  
D.S. District F.T.

Registered A/D

A49

To

Shri K. d. Sickle

Chief Personnel Officer

N Railway Baroda House  
New Delhi.

Annex No-10

Sir

Sub: - Non-acceptance of my resignation.

Reference: - My last representation personally handed over to you on 20-3-87 at Ajodhya Railway Station while you were on inspection tour of LKO Division.

Respectfully I beg to submit as under:-

- (1) That I personally met you at Ajodhya Rly station on 20/3/87 and had given you a representation that I may be allowed to resume duty in DRM's office - N Rly LKO as my resignation was not accepted by DPO - LKO in 1971. You had given me a very submissive hearing and had seen the chargesheet & reply in my file and had assured me that my representation handed over to you personally shall be replied after seeing the remarks from DRM's office at an early date and you were pleased to express your view that after issue of chargesheet by DPO for removal from service, the order of automatic termination of my service in 1975 was not possible.
- (2) That I personally met Shri H. V. Sharma Sr. DPO/LKO who told me that my representation dt 20/3/87 which was given to you was handed over to him for proper action & reply on the points raised but more than two months have passed, no reply has been given to me. The matter is becoming very old and due to the fault of DRM's office staff neither I am allowed to resume duty nor any reply is given to me. As per Serial No 6110 (Ry Boarding) and AIR 1971 S.C. Page 1409 the order of DPO dt 1-75 about automatic termination of my service is against law & above law rule.
- (3) That for so many years I am consistently writing to your other superior & inferior authorities on the subject but no positive or negative reply is given nor I have been allowed to resume duty in office so far. You are the Chief Administrative Officer of P Branch of N. Rly and I am the Employee of your department, whose welfare is also a matter of great consideration for you. I have no alternative except to knock your door that a illegal order of DPO in 1971 automatic termination of service may kindly be reviewed and cancelled so that I may be saved from further harassment and trouble.
- (4) That kindly refer to my representation dt 20/3/87 and say how the matter stands "Democracy is of the people for the people and by the people".  
 Hoping an early reply  
 Yours faithfully,  
 V. K. Gupta

Dt 18-5-1987

Attested

Sd/-

A. S. N.

2/10/1987

V. K. Gupta  
Post Box No. 1, FAIRVAHAD (UP),  
C. S. N. SRIVASTAVA

Registered A/11

10,

Shri Raju Gandhi,  
Hon'ble Prime Minister of India,  
Prime Minister's House,

NEW DELHI

Honourable Sir,

Subj - Representation in service under  
D.P.O. Railway, LUCKNOW.

Reference :- (1) Your letter No. 37733 dated  
20/7/87.

(2) My Registered application  
dated 8/9/87 to Shri Raju  
Hon'ble Minister for  
Railway and copy to you.

Respectfully I beg to submit as under :-

- (1) That after your reply as referred above, I made lot of  
registered and unregistered representations to Secretary  
Railway Board, Rail House, NEW DELHI and D.P.O. and  
D.P.O. Railway, Lucknow that I may be allowed to  
remain in office pending decision on all my  
representations so that I and my family members do  
not suffer from starvation and further trouble and harassment  
, but sorry to inform you that they have not given any  
interim or final reply as far.

I personally met to many times D.P.O. Railway,  
New Delhi and other concerned officers at Lucknow on the  
subject but they did not speak any thing and say that  
reply shall be given to you as far as 7 years who  
have not given any thing in reply. Your above  
order for disposal of my case has also been ignored by

Contd....2

Attested  
Sd/-  
1/88

प्रधान मन्त्री कार्यालय  
PRIME MINISTER'S OFFICE

नई दिल्ली-110011  
NEW DELHI-110011

23 DEC 1988

(In all replies, please quote  
this letter number and date)

No 23/4/88-RMP-II/344529

Dear Sir,

I am desired to acknowledge the receipt of  
your letter dated 19.12.88 to the Prime Minister and  
to say that it is being forwarded for appropriate  
action to the Ministry of Railways, New Delhi.

Yours faithfully,

(SWADESH KUMAR)  
SECTION OFFICER

Sh. Narain Srivastava,  
Vill: Khojahpur,  
Near Sadar Rly Station,  
PO: & Distt. Faizabad.

Received

Sd/-  
A-2/11/1988

Annex No-1913

Registered A.D.

His Excellency, The President of India,  
Rashtrapati Bhavan,  
New Delhi.

Honourable Sir,

Subject: Re-instatement in service in the office of  
Divisional Rail Manager, Northern Railway,  
Hazaratganj, Lucknow U. P. in Establishment  
Branch.

May it please your honour, I beg to submit memorial  
on the following facts for your honour's kind and sympathetic  
consideration:-

1. That after putting about 10 years continuous service as  
Clerk of 'E' Branch of Divisional Rail Manager's Office,  
N. Rly., Hazaratganj, Lucknow (U. P.). I resigned from the  
said post on 1-6-1968 which was not accepted by DFO-N. Rly.  
Lko. vide his letter No. 814-E/1-1 A dt. 25-8-70. Con-  
sequently, I applied for duty to D. P. O., who instead of  
giving me duty issued me a Charge-sheet for removal from  
service on 1-5-71. The Charge-sheet remained unfinished  
till now. I made representation that I may be allowed to  
inspect documents for preparation of my defence against  
the Charge-Sheet which was not made available to me by  
DFO - Lko. DFO - N. Rly. Lko. passed another order vide  
his letter No. 814-E/ERV/74 dt. 8-1-1975 that since my  
absence from duty exceeds more than 3 months, so I am  
deemed to have resigned from service in terms of Rule  
732 Exception II of R. I.

(2) That when the DFO noticed that Charges against me are  
not liable to be proved he passed the arbitrary and  
illegal order on 8-1-75 just to save himself from the

Attested  
Applicant

- 3 -

Agodhya Railway Station on 20-3-1987 who took my representation and had assured me that my case for Re-instatement in service will be decided at an early date. Further I met Sr. DPO-N.Rly. LKO and other Officers in D.R.M's Office LKO to decide my case and I was allowed to resume duty in office but they have not decided my case so far nor they have allowed me to resume duty in office.

(4) That I joined the profession of Advocate at Faizabad (U.P.) just to maintain the livelihood of eight members in my family. I have four daughters and 2 sons whose livelihood is in question and due to non-acceptance of resignation, I could not seek a better employment anywhere. Any how I am pulling in the said profession which is not a service. I was not allowed to resume duty by Sr. DPO.-LKO. so I started to do dignified profession just to maintain peace and tranquility in my life. The Railway Administration is unjust to my cause.

(5) That I could not knock door of the Court because my mother and two daughters were confined to bed on account of long illness and my mother also expired. I had to go a lot of expenses in the treatment of my daughters and mother, so I could not arrange money to challenge the illegal order of DPO-LKO. I am so financially handicapped that I am unable to maintain four young daughters and two sons for last so many years. Secondly I thought that since my appeal before the Dis-

Attested  
Sd/-  
A. K. Singh  
2/1/1988

.....4.

ASU

4. Rly. LKO. is pending, he shall definitely decide the matter.

6) That your honour is the Supreme Head of the Railway Administration and nation as well and I have no alternative except to knock your door that the order of DSO-LKO dt. 8-1-75, may kindly be recalled and cancelled and I may be saved from further mental tourcher and harassment. I am due retirement from service in 1987 and I shall always writing you that I may be allowed to resumed duty in DSO's office as my services continues because I have not been removed/Dismissed/Retired from service in accordance with law.

7) That the abovepetition may kindly be treated as review petition under <sup>old</sup> rule 1735 and 1738 of the Railways Servants Conduct and Disciplinary and Appeal and Rules of 1960.

It is, therefore, respectfully prayed that your honour may kindly consider the fair and genuine grievance and review and cancell the order of DSO-LKO dt. 8-1-75 and allow me to resumed duty on the post legally I am entitled in DSO's office, N. Rly. Lucknow with full benefit of continuity and seniority in service.

Yours faithfully,

Shri Narain Srivastava  
(Shri Narain Srivastava)  
Village - Khojanpur  
Near Sador Railway Station,  
Post & District Faizabad (U.P.)

Dated 8-9-1988.

Attested  
Sd/-  
Hd/-  
Applicant

1955

Annexure No. 14

राष्ट्रपति सचिवालय

PRESIDENT'S SECRETARIAT

Rashtrapati Bhavan,  
NEW DELHI-110004.

No. .... 131/88..

Dated... 13.7.58..

Dear Sir,

I am directed to acknowledge receipt of your letter dated 27.7.58. addressed to the President and to inform you that the same has been forwarded to the Secretary to the Government of India, Ministry of ... (Railways) ...).

Ministry of .....  
(Department of ..... appropriate action.  
New Delhi, for communication on the subject may please be  
Any further communication on the above reference number.

2. Any further communication the above reference number.  
addressed to him direct quoting the above reference number.

Yours faithfully, -

*[Signature]*  
for Secretary to the President.

Noted  
G.D.  
A=



156

Annexure-15

उत्तर रेलवे  
Northern Railway

No. E-6-1

Dated 8-2-89

Genl office

N. Rly

Lucknow.

The President  
Civil Bar Association  
Faizabad.

sub { Verification of date of  
Registration of Sn'  
S.N. Srivastava, Advocate  
Faizabad.

The date of Registration and No. of the  
aforesaid Advocate, who is practising  
in the Civil Court Faizabad is  
urgently required in the office of the  
undesignated for the disposal of some official  
matter.

You are therefore requested to kindly  
let this office know correct date of his  
registration, his Reg. No. as an Advocate  
as well as the specific period since  
when he is practising as an Advocate  
in the Civil Court Faizabad or before.

for Genl Rly Manager.

Attested

22/2/89

महेश प्रसाद शर्मा  
अधीक्षक, न्यायिक  
अधीक्षक संय, न्यायालय

Attested

Sis

Adv

ASD

31.10.1989, 21.10.1989, 21.10.1989, 21.10.1989

Registered.

F. No. 26-9-89

26-9-89

Annex-2  
16

To,

Shri, R.K. Jain  
Secretary-Chairman Railway Board  
Rail Bhawan  
New DelhiSubj - Re-registration of "Est" Branch of D.M.'s Office  
N.P. Nagar, Gurgaon, Haryana (U.P.)Reference: ① Honorable President of India's letter no. P-715  
dt 13-9-89 to your copy to me

② Honorable Prime Minister's of India letter no.

③ My last P/A/D representation to Honorable President  
of India dt 25/4/89 and C.P. to you.④ My reg. to A/D representation dt 11-1-89 by you  
name and further reg. to A/D representation to  
Shri J.C. Ahuja, D.D.E., Esttmt. Railway Board  
New Delhi dt 20-3-89

Sir,

Respectfully I beg to draw your kind  
attention to the above quoted letters of Honorable  
President of our nation and subsequent reg. to  
A/D letter to you & you D.D.E. Shri Ahuja about the  
validity of appointment to service.Even on the receipt of your President you  
have not decided the memorial submitted to him  
under the Pledge, servants, Disputes & Appeal Act 1968  
so far nor you have given me a personal hearing.I met so many times to D.M. Rao and C.M. Rao of  
all of whom says that you will decide the matter  
and they shall follow it. No interim or final reply  
has been given by you so far about my personal  
grievance. There is no law which may automatically  
terminate my service even if I am not a permanent  
employee. I am a permanent employee since 1975  
as per my service record and I am a permanent employee  
which is not temporary nature.It is the fact that you are not giving me  
that I may be a permanent employee in service and my other  
grievances are decided and there is no law which may  
terminate my service even if I am not a permanent  
employee. I am a permanent employee since 1975  
as per my service record and I am a permanent employee  
which is not temporary nature.I am hoping early reply. Yours faithfully,  
Shri N. S. Gupta

Attested

S.N.S.

Advocate



Annexure: 257/18

REGISTERED A/D.

To,  
The Honorable President of India,  
Rashtrapati Bhawan,  
New Delhi.

Honorable Sir,

Subject: Re-employment in service in  
Establishment Branch of DPM's Office,  
N. Rly. Hazratganj, Lucknow.

Reference: (1) Your letter No. P-I 715 dated  
13-9-88 to me and copy to  
Secretary, Railway Board, Rail  
Bhawan, New Delhi.

(2) My registered representation  
dated 25-11-88 and 31-1-1989 to  
you.

Most humbly and respectfully I beg to submit in  
confirmation of my above registered representation to  
you as under:-

- (1) That I made representation about my valid grievance  
to your honour on 8-9-1988 to cancel the illegal  
order of D.P.O., N. Rly., Lucknow dated 6-1-1978  
on the various legal and factual grounds mentioned  
therein under your sovereign power vested of virtue  
of constitutional provisions. I was intimated vide  
your letter referred above that Secretary/Chairman,  
Railway Board, Rail Bhawan, New Delhi has been  
directed to take appropriate action on my above  
representation. I made lot of registered and  
unregistered correspondence to Shri R.K. Jain,  
Secretary, Railway Board, who did not reply me any  
thing about my valid grievance represented to you.
- (2) That I made two subsequent representation to your  
honour after original representation on the subject

Contd.....2.

Attested  
S/N  
A/W

100

and more than 6 months likely to pass but I have been remain unheard by the Secretary, Railway Board, New Delhi. I tried to meet him but he was not available. I applied for personal interview with him which remained unreplyed till now.

(3) That for so many years I am writing continuously on the above subject to all the concerned Officers of the Railway Administration, but they are silent because they feel that wrong has been committed on their end in my case and they are trying to avoid my valid grievance so that I may keep silent, but I will leave no stone unturned to get my valid grievance decided. Sir, you are the sovereign Head of Indian Administration and your direction dated 13-9-88 to Secretary, Railway Board, Rail Bhawan, New Delhi to decide my representation has been left undecided till now. It would not be out of place to mention that speedy justice to every grievance is a natural and fundamental right of every individual in a democratic Administration.

(4) That Sir, it is mostly settled principle of law that a Railway servant getting more than 16 years service could not be automatically terminated without compliance of Article 311(2) of the Constitution of India. I was issued Charge-sheet for removal from service by D.P.O., Lucknow in 1971 but the same remained undrawn till now and no such any order which deprives fundamental right to me could not be passed on 2-1-73 by D.P.O. concerned.

Attested  
Sd/-  
H/LV

Contd.....

48

It is, therefore, respectfully prayed that  
 by all the representations on the subject may kindly  
 be connected and I may be re-instated in service so that  
 I and my family members be saved from further searchers  
 and harassment.

Your's faithfully,

Shri Naran Prasad  
 (Shri Naran Srivastava)  
 s/o Village Bhojanpur  
 P.O. & District - Palwal  
 (U.P.)

Dated 25 April . 2018

(Under Certificate of Posting) Copy forwarded for Information and necessary action to -

- (1) Shri R.K. Jain Secretary/Chairman  
 Railway Board, Rail Bhawan, New Delhi  
 is requested to kindly say how the matter  
 stands. I may be allowed a personal  
 interview on the subject at your convenient date  
 which may be intimated to me by return of  
 post.
- (2) Shri Raghu Ram Senior Divisional Personnel  
 Officer, N. Rly. Lucknow, is requested to  
 Lucknow. Since you are my appointing  
 authority - so my presence may be addressed  
 at an early date and say how the matter  
 stands.

Attested  
 SRS  
 Hudu

Yours faithfully

Shri Naran Prasad

25/4/18

Annex-20W

19

From: Shri Narsin Srivastava  
Rhojanpur, Raizabad.

10.

Shri Rahul Jha  
Sr. D.P.O. N. Ry.  
Raizabad  
Ludhiana

Dear Sir,

Reg :- Re-instatement in 'B' Branch of your office.

Ref :- Hon'ble President of India's letter No. PI-715  
Dated 13.9.88

When I lastly met you in the last week of this month you had told me that proper reply to GPO on the subject as asked by him shall be sent within a week. I may inform you that I have represented to the Hon'ble President of India by way of memorial for re-instatement in service in your office. He has intimated me vide letter referred above, the photo state state copy of which is attached herewith that Secretary Ry. Board has been directed to decide the matter. I think since you have reminded me Sr. DPO in the month of Sept. 1987, I met you about 30 times about the progress and grievance of my above case but you have not given any final or interim reply till now. It is your statutory obligation to dispose of my lot of representation pending in your office.

I shall highly grateful to you if you kindly reply me by hand today or return of date, whether you have submitted the necessary documents and service record to GPO N. Ry. MDLS as the matter is still pending in your office.

R 28-9-88

Yours sincerely

(Shri Narsin Srivastava)

28/9/88

Attested  
SAS  
Adv

50

103

Ammono-20

505386

संरक्षित का कार्ड  
VISITOR PASS NO.

भारत सरकार/GOVT. OF INDIA

परिवहन विभाग, रेल विभाग (रेलवे)  
Ministry of Transport, Dept. of Rlys (Rly)

परिवहन विभाग, रेल विभाग (रेलवे)  
Ministry of Transport, Dept. of Rlys (Rly)

एक अधिकारी के प्रकाशन की गई है कि वह एक बार यात्रा अधिकारी की सेवा में  
(The Officer visited should return the pass to the Reception Officer)

दिनांक/Date

28 JAN 1985

अधिकारी का नाम और पता  
Visitor's Name and Address

Dr. M. N. Srinivasan

उन अधिकारी का नाम और पता  
नाम और प्रकाशन की जाती है।  
Name & Designation of Officer to be visited.

M. S. C. Arora

उद्देश्य/Purpose

Dr. M. N. Srinivasan  
M. S. C. Arora

अधिकारी/Official

प्राप्ति/Received

हस्ताक्षर/Signature  
को यह है, इसके द्वारा  
Signature (Of the visitor)

Dr. M. N. Srinivasan  
प्राप्ति/Received

Dr. M. N. Srinivasan (Dr. M. N. Srinivasan)  
01-86 10,000 days

Dr. M. N. Srinivasan  
प्राप्ति/Received

Dr. M. N. Srinivasan  
प्राप्ति/Received

Dr. M. N. Srinivasan  
प्राप्ति/Received