

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 71/90 of 20.....

Niyaj Ahmad.....Applicant(S)

Versus

.....U.O. 9.....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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Certified that the file is complete in all respects.

B-C file needed to destroy

Signature of S.O.

10/2/12

Signature of Deal. Hand

22/6/12

CONT'D. L. ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

1-3-90.

Registration No. 71 of 1969
90(4)

APPLICANT(S)

N. Ahmed

RESPONDENT(S)

U.C.

	<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1.	Is the appeal competent ?	Y
2.	a) Is the application in the prescribed form ?	Y
	b) Is the application in paper book form ?	Y
	c) Have six complete sets of the application been filed ?	Y
3.	a) Is the appeal in time ?	Y
	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 authorisation/ Vakalatnama been filed ?	Y
5.	Is the application accompanied by B.O./Postal Order for Rs.50/-	Y
6.	Has the certified copy/copies of the order(s) against which the application is made been filed ?	Y
7.	a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Y
	b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Y
	c) Are the documents referred to in (a) above neatly typed in double space ?	Y
8.	Has the index of documents been filed and paging done properly ?	Y
9.	Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Y
10.	Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	NO

Final and present
for verbal
examination

(A2)

Particulars to be ExaminedEndorsement as to result of examination

11. Are the Application/duplicate copy/extra copies signed ? *Y*

12. a) extra copies of the application with Annexures filed ? *Y*
 b) Identical with the Original ?
 c) Defective ?

13. Mailing in Annexures
 Nos. _____ pages Nos. _____ ?

14. Are the file size envelopes bearing full addresses of the respondents etc. filed ? *No*

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

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

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 ? *Y*

18. Have the particulars for interim order prayed for indicated with reasons ? *Yes*

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

Answer

71/90 (L)

(14)

4.10.90

No setting Adj to 20.12.90

(14)

20.12.90

No setting Adj to 29.01.91

6/11

(A)
20.12.90

29.1.91

No setting Adj to 1.4.91

(P)

OR
Sri N. K. Varma
files power on behalf
of O.P. but no counter
S. P. H.

h
27/3

Received Copy
Riaz Ahmad
09/1/91
Applicant

1.4.91
D.R.

Both the parties are
present today. Respondent
has filed counter today.
Now applicant will
file Rejoinder by 18.4.91.

18.4.91
D.R.

Dr
7/11

Applicant's side is present
O.P. is absent today. C.A/R.A.
have been exchanged. Hence,
this case is listed before
the Hon. Bench, Dr. 27/1/91
for f.H. (L)

(A5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.71 of 1990 (L)

Niyaj Ahmad Applicant

Versus

Union of India & Others..... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicant who is railway employee has filed this application against the ex parte punishment order dated 12.5.89 passed by the Sr. DOS Moradabad and the appellate order dismissing the appeal. A chargesheet was given to the applicant on 13.3.89. The charges against the applicant were :

" Shri Niaz Ahmad while functioning as TI/HRI in the month of February, 1989 committed serious irregularities in as much as -

(i) He was caught red handed while travelling in AC 2 T of 51 UP on 16.2.89 on berth No.15 with 2nd class duty card pass No.20828. He was charged Rs.298/- (Rs.161/- + Rs.137/-) at NRS station vide EFT No.580614.

(ii) Shri Niaz Ahmad misused the 2nd class duty card Pass No.20828 as he did not perform any official duty during the course of his entire journey upto NRS. He also did not attend DRM's office/MB on 16.2.89 for any official work."

By the above acts of omission and commission on the part of Shri Niaz Ahmad, he violated Rule 3(1) (i), (ii) and (iii) of the Railway Service Conduct Rules, 1968 as he failed to maintain absolute integrity, devotion to duty and acted in unbecoming manner of a Railway servant."

(Pb)

2. The applicant was required to submit his reply. The applicant submitted his reply on 23.3.89. He also demanded certain relied upon and additional documents for preparation of his reply of the memo of charge/sheet but no reply or documents were provided and ex parte punishment order without supplying documents was passed.

3. The respondents case is that the applicant was given full opportunity of hearing and he was also allowed to inspect the documents and if need be he may also copy out of the same but he could not do so. The applicant did not submit his defence/reply, instead he asked for documents which were not relevant. The grievance of the applicant is that he was not given the copies of the documents for which he is entitled to get. The learned counsel for the applicants states that the applicant will now file his defence reply within fifteen days. In view of the fact that the applicant may be given reasonable opportunity and both the orders 12.5.89 passed by the Sr.DOS Moradabad and the appellate order dismissing his appeal are quashed and the disciplinary authority is directed to fix a reasonable date for submission of his reply and the applicant shall file his reply within fifteen days and thereafter after giving a personal hearing to the applicant, the disciplinary authority may proceed with the matter. The respondents will also make available all the required documents to the applicant to inspect and if need be he may be allowed to copy out the same. With these observations the application is disposed of without any order as to costs.

transcript
Dated the 3.7 July, 1991
RKM

Member (A)

Vice Chairman

Macum Copy (P)

Before The Central Administrative Tribunal, Circuit Bench,

Lucknow.

Central Administrative
Circuit Bench, Lucknow
Date of Filing 1-3-90
Date of Receipt by Post

CSA 71/90

Case No. Register No.

Niaj Ahmad..

..Claimant.

Vs.

Union of India & oths..

..Respondents.

Dept. N.Rly.

Claim against Order Dt. 12.5.89 imposing

Penalty of Withholding Increments.

Compilation No. I

I N D E X

Sl. No.	Description of Documents	Page No.	Remarks
1.	Memo of Claim Petition	1 to 11	
2.	Annexure No. A1 Punishment Order Dt. 12.5.89	12	
3.	Annexure No. A2 Appellate Order Dt. 31.7.89 passed by Appellate Authority.	13	
4.	Vakalatnama	14	

Compilation No. II bounded Separately

Noted for 5/3/90

Filed Through :-

Ally

1/3/90.

LUCKNOW: DATED:

1st March
Feb., 1990

A. K. DIXIT,

ADVOCATE,

509/28-Ka, Old Hyderabad,

LUCKNOW.

Meem (Copy)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.BENCH

LUCKNOW.

1-3-90

REGISTRATION NO. 71

OF 1989

Niyaz Ahemad aged about 37 years, son of Shri Moinuddin, working as Traffic Inspector Northern Railway/Hardoi, Resident of Rly. Quarter No. T-4-F Rly. Colony Hardoi District Hardoi.

..

..Applicant.

Versus.

1. Union of India, through G.M./N.Rly. Baroda House
New Delhi.

2. The Addl. Divisional Railway Manager, Northern Rly.,
Moradabad.

3. Shri Devi Prasad Pandey, Sr. D.O.S., N.Rly. Moradabad.

..

..Respondents.

1. Particulars of the order against which the application is made.

That this application is made against the orders of imposition of Ex-Party punishment order No. OPTG/MISC/89(NA) dated 12.5.89 passed by Senior D.O.S./N.Rly./ Moradabad Shri Devi Prasad Pandey respondent no. 3. Copy of the order is enclosed as ANNEXURE NO. I to this petition. The applicant also submitted his appeal

Niyaz Ahemad

to A.O. R.M. Moradabad Respondent No.2, who also rejected the appeal and thus Ex-Party Punishment for I.I.T. Two years is to be imposed from 1.5.1990. Copy of appeal rejection order of A.O. R.M. Respondent No. 2, is attached as Annexure No. 2 to this Petition. which was rejected Vide A.O.R.M. Order No. OPTG/MISC/89 (NA) dated 31.7.89 served on the applicant on 21.8.89.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:

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

4. Facts of the Cases

4.1. That applicant was required to submit the joint note regarding Banner Flags with other connected works to D.O.S./Moradabad as per instructions of D.O.S./Moradabad on 16.2.89 and so in order to deliver that Note, applicant who is Traffic Inspector posted at Hardoi travelled by

SL from Hardoi to Moradabad on duty on

May 3 Almooch

Alp

his Duty Card Pass Issued by the Rly.

Administration and obtained a certificate for its delivery from D.O.S./Moradabad which is Annexure No. 3 to this Petition.

4.2. That the applicant as Traffic Inspector on duty checked F.S.L.R. between Bareilly and Nagarua Sadar of Train No. 51 U.P. Loading and unloading of Assistant Guard Shri Shiv Singh working 51 U.P. Train Ex-Lucknow to Moradabad and also collected tally sheet of Loading and unloading which is marked as Annexure No. 4 and 5 to this petition.

4.3. That after checking Loading and unloading of Assistant Guard of 51 up between Bareilly and Nagarua Saadat Stations, the applicant went to get 2 Tier A.C.Sleeper Coach of 51 up dated 16.2.89 checked in his presence. The applicant directed Shri S.D.Gupta Captain to arrange its checking in his presence between Nagarua Saadat and Rempur. Shri A.K.Tyagi T.C. travelling in 2 Tier A.C.Sleeper coach declared himself on duty for checking of this Train and so he was asked to show his Authority for which he refused and used un-parliamentary language and demanded applicant's duty Card as in which was shown to him immediately. He became rude and demanded dues for travelling in 2 Tier

Niaz Ahmed

(AS)

A.C. Sleeper coach despite of the applicant instructions, he disobeyed his orders and forcibly and wilfully recovered unlawful dues and forced to give in writing under the threats of arrest which he had to give in writing under the threats of arrest which he had to give in writing under his dictation to save his prestige and also managed the amount through his acquaintances in the Train till Moradabad.

4.4. That the applicant submitted his report to D.C.S./Moradabad demanding refund of this illegal recovery of unauthorised amount of Rs. 298/- Vide Excess Fare Ticket No. 580614 of 16.2.89 immediately which was suppressed under the instructions of Sr.D.O.S./ Moradabad rather Shri Tyagi T.C. was directed to assault the applicant on for which report was submitted to higher authorities and there after Shri Tyagi T.C. was placed under suspension. Copy of his report is Annexure No. 6 to this Petition which was submitted to D.C.S./Moradabad.

4.5. That since Shri Tyagi T.C. was closely connected with Sr.D.O.S. and others, a memorandum charge sheet No. OPTG/

Niaz Ahmad

MISC/89 (NA) dated 13.3.89 was served to the applicant on false and fabricated allegations copy of the said Memorandum charge sheet is enclosed as Annexure No. 7 to this petition.

4.6. That the applicant submitted his reply to the Memorandum charge sheet dated 13.3.89 on 23.3.1989 endorsing also report submitted to D.C.S. and also delivered one copy personally to Sr.D.U.S./Moradabad and One Reply to the Memorandum charge sheet sent by registered A.D. Post on 28.3.89 vide 4915 received in DRM Office on 29.3.89. The applicant also demanded certain relied upon and additional documents for preparation of his reply of the memorandum chargesheet copy enclosed as Annexure No. 8 to this Petition, but no reply or documents were provided and Ex-Party punishment order without supplying documents or replying his representation was awarded to the applicant on account of extreme prejudices which is has already been attached as Annexure A-1 to this petition.

4.7. That the applicant submitted his appeal to A.D. R.M. Respondent No.2, copy of which is attached as Annexure No. 9 to this petition, but the applicant was neither afforded

Mian Ahmad

personal hearing along with his defence helper or self but Ex-Parte punishment of Sr. D.O.S. was confirmed by A.D.R.M. Moradabad Annexure No.2.

4.8. That applicant is being harrassed in various ways like his transfer in the middle of sessions for which he has moved a representation which has been filed as Annexure A-10.

4.9. That true Photocopies of Registered Postal Receipt and A.D. by which reply of charge sheet was sent and its reminder Dt. 10/12.4.89 are attached as Annexure-A-11 and A-12.

5. Grounds For Belief with Legal Provisions:

(A) That the Disciplinary Authority as well as Appellant Authorities both failed to pass self contained, speaking and reasoned orders as mandated Vide Rly. Board Letter No. E9D&A) 78 RG 6-11 dated 3.3.78 as well as Government of India Ministry of Home Affairs Department of Personal and Administrative Reforms Office Memorandum No.134/1/81-ADV-1 dated 13.7.81 issued on the observations of the Hon'ble Supreme

13/7/81
Almael

(P)

Court of India orders in Case of Mahavir Pd.

Vs. State of U.P. (A.I.R. 1970) Page 1302.

(B) That the reminder sent by Sr.D.C.S./Moradabad dated 6.4.89 was also replied on 10.4.89 and there after copy of the report submitted to D.C.S. was also again delivered to Sr.D.O.S. Moradabad and he was requested to supply the copies of the documents but no reply in this connection was given and Ex-parte punishment Under was awarded violating Rly. Board Letter No. E (D&A) 77 RG 6.20 dated 12.6.78 N.R. Serial No. 7039 where in it has clearly been ordered that if the charged Officer demands copies of the document in case of minor penalty charge sheet, he should not be refused but should be supplied and if the same are refused reasons for such refusal should be quoted and there after action should be taken, but in this case all such rules were violated by learned Sr. D.O.S./Moradabad. The Rly. Board vide its order No. E9 D&A) 86 RG 6-3 dated 11.2.86 also issued instructions that if charged officer demands enquiry in case of minor penalty charge sheet it should not be refused, but in this case enquiry demanded by the applicant was refused.

(C) That rules of natural justice and reasonable

Muz Ahmad

opportunities Guaranteed under Article 311(2) of the Constitution were also violated in this case and Ex-parte punishment order was issued.

(D) That Article 20 of the Constitution Guarantees that no one can be punished without affording reasonable facilities, but in this case this article too was violated and thus the punishment is liable to be cancelled.

XXX

6. 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.

(A) That the applicant submitted his report dated 16/17.2.89 to D.C.S./Moradabad against Shri T.C.Tyagi T.C./Moradabad for refund of amount charged illegally ANNEXURE No. 6 , but no action was taken against him.

(B) The applicant submitted reply to the charge sheet Annexure No. 8, demanding copies of certain documents but neither documents were supplied despite of his reminders dt. 10.4.89, but still none of the document was supplied and Ex-parte punishment was awarded.

Kiaz Ahmed

(No)

(C) The applicant submitted his appeal Annexure No. 9 to the A.O.R.M. Moradabad which too was rejected and no personal hearing was granted along with his Defence Helper.

7. Matters no previously filed or being pending with any other court.

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

8. Relief Sought :-

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

(A) The impugned punishment order passed Ex-parte be quashed and the applicant be exonerated from the allegations.

(B) Since the punishment has been awarded Ex-parte on prejudicial basis and no one can be punished twice in one case. The

Muzaffar

ALL

applicant was charged illegally Rs.298/-

under S.F.T. No. 580614 of 16.2.89,

amount of which has not been refunded and

second punishment of W.I.T. Two years

has been awarded by Sr.D.O.S. which was

confirmed by the A.D.R.M. Moradabad.

(C) That no one can be punished without providing him facilities permissible under the Rules.

(D) That applicant was on duty and is authorised to exercise the Check of the Sleeper Coaches while was on duty.

(E) That the duty of the applicant was verified by D.O.S. Moradabad as well as by Assistant Guard working 51 up Train on 16.2.89.

(F) Because both authorities violated Rly. Board Orders already quoted in the Para noted above as well as disregarded the directives of the Ministry of Home Affairs on the observations of Hon'ble Supreme Court order.

9. Interim Order, If any Prayed for:-

Pending Final decision on the application,

the Ex-parte punishment order passed by respondent No. 2 and 3 affecting from 1.5.1990, be stayed as the punishment has not been implemented as yet.

Muzaffar

10. The Applicant shall present this application in person and shall get his case pleaded through an Agent Shri I.P.Gupta Retd. Captain TTE/N.Rly.Bareilly.

11. Particulars of Bank Draft in support/respect of the application for Rs. 50/- numbering OT/A/88 911011 Dt. 01.02.90 issued in favour of Registrar Central Administrative Tribunal Lucknow dt. 01.02.90 is attached with this application.

12. List of enclosures attached.

Applicant

Lucknow:
Dt. 1st Feb., 1990

Niaz Ahmad
(Niyaz Ahmad)

Signature

Verification.

I, Niaz Ahmad son of Shri Moinuddin, aged about 37 years, working as Traffic Superintendent, Northern Railway Hardoi, Resident of Quarter No. T-4, F-Railway Colony/ N.Rly./Hardoi do here by verify that the contents of paras 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Lucknow:

Dt. 14 Feb., 1990

Niaz Ahmad
Sig. of the applicant.

(13)

24.11.1988 (W) 22.11.1988 (T) 23.11.1988 (W)

24.11.1988 (T) 25.11.1988 (W) 26.11.1988 (T)

27.11.1988 (W) 28.11.1988 (T) 29.11.1988 (W)

30.11.1988

31.11.1988 (T) 01.12.1988 (W) 02.12.1988 (T)

03.12.1988 (W) 04.12.1988 (T) 05.12.1988 (W)

06.12.1988 (T) 07.12.1988 (W) 08.12.1988 (T)

09.12.1988 (W) 10.12.1988 (T) 11.12.1988 (W)

12.12.1988 (T) 13.12.1988 (W) 14.12.1988 (T)

15.12.1988 (W) 16.12.1988 (T) 17.12.1988 (W)

18.12.1988 (T) 19.12.1988 (W) 20.12.1988 (T)

21.12.1988 (W) 22.12.1988 (T) 23.12.1988 (W)

24.12.1988 (T) 25.12.1988 (W) 26.12.1988 (T)

27.12.1988 (W) 28.12.1988 (T) 29.12.1988 (W)

30.12.1988 (T) 31.12.1988 (W) 01.01.1989 (T)

02.01.1989 (W) 03.01.1989 (T) 04.01.1989 (W)

05.01.1989 (T) 06.01.1989 (W) 07.01.1989 (T)

08.01.1989 (W) 09.01.1989 (T) 10.01.1989 (W)

11.01.1989 (T) 12.01.1989 (W) 13.01.1989 (T)

14.01.1989 (W) 15.01.1989 (T) 16.01.1989 (W)

17.01.1989 (T) 18.01.1989 (W) 19.01.1989 (T)

20.01.1989 (W) 21.01.1989 (T) 22.01.1989 (W)

1/1/89

Attista

D

General Manager

J.P. Sauzé 3rd Cor
Unit - H24 01

Page No 13
(114)

1. The following are the main findings of the investigation:

2. The following are the conclusions:

3. The following are the recommendations:

4. The following are the observations:

5. The following are the conclusions:

6. The following are the recommendations:

7. The following are the observations:

8. The following are the conclusions:

9. The following are the recommendations:

10. The following are the observations:

11. The following are the conclusions:

12. The following are the recommendations:

13. The following are the observations:

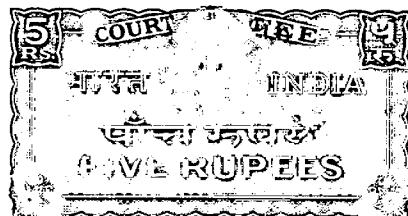
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Attested



Page 14
14/2

द अदालत श्रीगांधी Central Administrative Tribunal
[वादी अपीलान्ट] अधिकारी मिशन ऑफिस का दस्तावेज़ [लिंगमिति]
प्रतिवादी [रेस्पाइन्ट]



वादी (अपीलान्ट)

Miyankumar वनाल १९८८ प्रतिवादी (रेस्पाइन्ट)

नं० मुकदमा लगाया गया वादी की ताता० १६ रु०

ऊपर लिखे लुप्तदाता ले अपनी ओर श्री PRABHAYA KUMAR वकील

लिखा गया लुप्तदाता की लिंगमिति अधिकारी महोदय एडवोकेट

अदालत	वकील
मुकदमा नं०	नाम फरीद्दीन

को अपना वकील नियुक्त करके लिंगमिति (इकारार) करता हूँ और लिखे लिता हूँ इस लुप्तदाता ले वकील अहोदय एवं अथवा अन्य वकील द्वारा यो कुछ पैरपी व जदावदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हुमारी ओर से डिग्री घारी करावें और रूपथा कसूत करें या सुलहनामा व एकदाता दाता तथा अपील निगरानी हुमारी ओर से हुमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपथा घासा करें या हारी विष्की (फरीकसानी) व दाखिल किया हुआ रूपथा अपने या हमारे हस्ताक्षर युक्त (दस्तावेज) रसीद से लेके या पंच नियुक्त करें-वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह यो खबील करता हूँ कि मैं हर पेशी पर एवं या किसी अपने परोक्षार को अत्यर रहूँगा अगर मुकदमा अदालत पैरदी ले एक तरफ मेरे विलाप नहीं है तो उसकी जिम्मेदारी मेरे वकील पर नहीं होगी यह एकालतनामा लिख दिया श्रवाण रहे और जमाय पर काल अ

Accepted.

मुक्ति

१.३.१०

हस्ताक्षर

लाल्ही (गवाह)

लाल्ही (गवाह)

दिवांक

लाल्हीना

१६ रु०

खबीलत

Main Copy

Before The Central Administrative Tribunal, Circuit Bench,

Lucknow.

bx 71/90 Ch

Niaj Ahmad..

..Claimant.

vs.

Union of India & oths..

..Respondents.

COMPIILATION NO.II

I N D E X

Sl.No.	Description of Documents	Page No.	Remarks
1.	Annexure No.A-3 Certificates of DOS Moradabad.	15	
2.	Annexure No.A-4 Certificate of Astt.Guard of Sl 4	16	
3.	Annexure No. A-5 Copy of Loading and Unloading checking statement.	17	
4.	Annexure No. A-6 Report of Petitioner against Anur Tyagi.	18-19	
5.	Annexure No. A-7 Charge sheet Dt. 13.3.89	20-21	
6.	Annexure No. A-8 Reply of Ch.sheat Dt.23.3.89	22-23	
7.	Annexure No. A-9 Copy of Appeal Dt. 3.7.89	24-27	
8.	Annexure No. A-10 Representation against Trustee	28-29	
9.	Annexure No. A-11 Regd. Postal Receipt No.4915 and its acknowledgement Due.	30	
10.	Annexure No.A-12 Reminder Dt. 10/12.4.89	31	

Lucknow:
Feb. 1-3, 1990

Ali
Niaj Ahmad
Claimant.

Paper No 18

Annexure No 3

(15)

Certified that Mr. Nazir Ahmad
T.I.H.R attended my office on 16-2-89
in connection with official work and
submitted Staff Note & S.D.S. M.B..

16-2-89
M. Q. J.

Nazir

Attested

Amir

AB

ग्राहनिकार्यालय के अधिकारी के द्वारा दिया गया अधिकारी का दस्तावेज़ 2/22
संख्या 5701 के FISLR की वटी D.T. 1 अगस्त 1976/T1-HR,
प्रतिशत दर के दृष्टि से विवरण दिया गया है। इसका उत्तराधिकारी का वर्णन
निम्नान्त तरिके से दिया गया है। इसका उत्तराधिकारी का वर्णन
निम्नान्त तरिके से दिया गया है।

Shri Singh
Alc. d. 5701/Expt
Lko - MB
16-2-89

Certificate of Asset Guard

Attested

Abhay


General Manager
U.P. Govt. Sugar Corporation
N.H. - India

(A/P)

SIU/Sep. - Urate MB F/Sig. Dte 110-6714/E & 16/2/89

Flr. KR1: (13) BB/S, U/L.

SPN = (17) - 1M/S-1M/Bag 1mag Ball. 1... B/S F/L, U/L.

LDGSPN = (1) 07 e/c a/c PTK.

BE = (8) - 4B/S Fv. 2Rms 2m/s Bldg + 1Rm = (7) U/L.

BE = (16) a/c SAT / LDG.

RMN = (3) - 3G/Ball U/L.

MB = (27) - 4Rms - 1cycle - 6G/S dis. 2m/s Bldg + 2G/S 12G6.

NBP = (1) - 1Rms.

SRE = (36) - 35B/S Fv. U/L. 1Rms

OMB = (1) - 1Rms

LDH = (55) - > B/S Fv. 48 e/s FF

JVC = (2) - 2BK/S FF

*JAT = (31) - 14B/S Fv. 1cycle 5B/S 2... BK/S FF

R2, RK = (2) - 2BK/S FF.

SRE = (7) - 7BK/S FF.

UMB = (2) - 2BK/S FF

LDH = (6) - 5BK/S FF

JVC = (10) - 10BK/S FF

JAT = (2) - 2B/S FF 6BK/S FF 4G/S FF

Final Sign
A/P S/17
140 - 118
16/2/89

*loading & Unloading
Checking Statement*

Attested

dated

General Manager
U.P. State Sugar Corporation
Units - Jardol

Date - 16/17-2-89.

To,

The D.C.S. N.Rly -
MORADABAD.

C/- Sr.D.O.S.N.Rly-MB.

SUB:- Refund of Rs 298-00, Illegally Charged by
Srv. ARUN KUMAR TYAGI - TC-MB, working
51-UP. train on 16-2-89 when asked him to Check
2-tiers A.C. Sleeper Coach in my presence

Sir,

I was travelling from HRI to MB by 51-UP train
on 16-2-89 for delivering the Joint Notes, Banner Flags with other Centre
- this works to Sr.D.O.S.N.Rly-MB.

That I Checked FSLR between BE & NRS by
51-UP on 16-2-89 and Checked Loading of Asstt Guard - Srv. Sheo Singh
working 51-UP train ex-LKO to MB.

That at NRS, I went to get 2-tiers A.C. Sleeper
Coach of 51-UP Checked in my presence and accordingly I asked
Conductor Srv. S.D. Gupta and Srv. A.K. Tyagi - TC-MB who were -
travelling in - 2-tiers A.C. Sleeper Coach at NRS.

That Srv. A.K. Tyagi - TC-MB, who was on duty
to Check the train, refused to Check - 2-tiers A.C. Sleeper Coach of
51-UP of 16-2-89 and rather demanded my Duty Card Pass, which
I showed him immediately on demand.

That I was at loss to understand that instead
of Checking the 2-tiers A.C. Sleeper Coach, he demanded from me
Rs 298-00 for travelling in 2-tiers A.C. Sleeper Coach and insisted to
Board No 15 and sit there. I also accompanied him on Board No
15 and again I instructed him to Check the Coach but he refused
and used impolite and very language and demanded Rs 298-00
as fare and penalty for travelling in 2-tiers A.C. Sleeper Coach when
I was travelling on duty and had gone there to get it Checked
in my presence.

That he forcibly and inefficiently tried to
me to hand me over to Police to which I first refused to

Lokendra

Contd to Page-2

General Manager
U.D. State Govt Corporation Ltd
C-1 - 1989

Pg No 19

Contd from Page(1) - Page No(2)

(29)

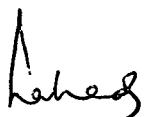
the Illegal dues demanded by him and thereafter showed my inability to pay such huge amount having no such money available with me. He again threatened to get me prosecuted and forced me to write under his dictation which I gave in writing showing my inability to pay the illegal dues.

That he dissolved my Instructions in Chauri 2-tier A.C. Sleeper Coach and Illegally and unlawfully recovered Rs 298.00 which I had to collect from my acquaintances for payment.

Please take suitable action against Sh. A.K. TYAGI - Ticket Collector - Moradabad and also arrange to refund the unlawful and illegal amount recovered from me while performing my legitimate duties and Intimate the action taken in this case.

Attested


General Manager
U.P. State Sugar Corporation Ltd
Unjha - Hardoi


Niaz Ahmad

Niaz Ahmad
(NIAZ AHMAD)
Traffic Inspector
N. Aly - HARDOI.

AP

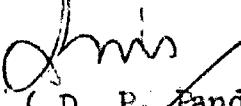
Statement of the imputation of misconduct or misbehavior on which action is proposed to be taken against Shri Niaz Ahmad, T.I./HRI.

Shri Niaz Ahmad while functioning as T.I./HRI in the month of February, 1989 committed serious irregularities in as may much as -

- 1) he was caught red handed while travelling in AC 2 T of 51 Up on 16.2.89 on berth No. 15 with 2nd class duty card pass No. 20828. He was charged Rs. 298/- (Rs. 161/- + Rs. 137/-) at NRS station via EFT No. 580614.
- 2) Shri Niaz Ahmad misused the 2nd class duty card pass No. 20828 as he did not perform any 2 official duty during the course of his entire journey upto NRS. He also did not attend DRM's office/MB on 16.2.89 for any official work.

By the above acts of omission and commission on the part of Sri Niaz Ahmad, he violated Rule 3.(1), (i), (ii) and (iii) of the Fly. Service Conduct Rules, 1986 as he failed to maintain absolute integrity, failed to maintain devotion to duty and acted in an unbecoming manner of a Fly. servant.

1968


(D. P. Pande)
Sr. Divl. Engg, Superintendent,
Moradabad.

Attested

Rtd on 15/3/89

Ran

ANNEXURE NO 8

THE S.R.O. S.O., MARY,

ORADABAD

Sub:- MEMORANDUM CHARGE SHEET NO 0748/2056/89 dated 13.3.89.

Re: Inviting reference of your above referred memorandum charge sheet, I have the honour to submit the following representation preparatory to the submission of my defence statement:-

1. "Please kindly provide me the authenticated copies of the following documents to enable me to submit my defence statement:-
 (a) A photocopy of the report of Shri Arun Yagnik, Officer in charge of Oradabab with his duty card pass number, ticket checking and safety issued to him.
 (b) A photocopy of the statement of Major 2 S.C. S. Gopalakrishnan or Shri S.D. Gupta H.Q./Oradabab who conductor of 51 P.M. upto Oradabab on 16.2.89.
 (c) A photocopy of the Roll of Shri Arun Yagnik 060/2 of 16.2.89.
 (d) A photocopy of the attendance certificate for submission of "Officer in charge of S.O.S./Mary/Oradabab as desired by the M.C./Mary/Oradabab for 16.2.89 through the sum certificate in my attendance for S.O.M. Officer on 16.2.89 has been granted by the learned S.O.S./B on 20.3.89 which is with me and can be produced if so desired and also the certificate of assistant conductor of 51 P.M. for my presence and checking of boarding in S.O.M.R. of 51 P.M. on 16.2.89 between BE and Nagarpur Roads.
2. "In case of minor triviality charge sheet, copies of the documents are permissible as such may kindly be provided which is well within the knowledge of your honour.
3. "The railway Board has also issued the instructions via letter no -(D)-86 LG 6-3 dated 11.2.86 where in it has been clearly mentioned that if charged officer requests for enquiry, it should not be refused as such it is requested that your honour may please direct the enquiry before submission of my defence statement.

P29

ANNEXURE NO 8

may please order to conduct enquiry before submission of my defence statement.

In the end it is prayed that your honour will kindly afford me reasonable opportunity permissible under rules and provide me the desired photocopies of the documents demanded vide page 4 (a), (b), (c) and (d) to enable me to submit my defence statement.

Thanking you.

Yours faithfully,
Md. MAZAHIRUL

23rd 23 of March 1989.

201/202 Y.

HARDOI.

Attister

Hired

D.

80
THE ADDITIONAL INSPECTOR GENERAL OF MILITARY
POLICE, CHENNAI (TADDAKO)

(A24)

20. Appeal under Rule 130, of the Military "Gazette Date
20/10/1970, against the order of inspection of quality of
J.D.S. for year, issued by T.D.O. of Military of 13,
Report No 130 dated 10/10/1970/20/10/1970 dated
12.6.70 served as the application on 23.6.70.

Opposed Moto :-

A copy of the appeal is also being sent under
Rule 21 (2) of the D.A.Rules to S.P. D.G.C. and the
order here by appealed against, to enable him to promul-
gate further action under rule 21 (2) of the D.A.Rules, to
enable the appellate authority to decide this appeal in
the one month, time fixed by the Military Board under the
Order No S.D.(D.A.) 71 RG 6-22 dated 11.6.71 D.O. Serial No
1232.

Sir,

Most respectfully, the humble applicant has to prefer
an appeal against the above mentioned order as below :-

GROUND S OF APPEAL

1. That the order of the Inspector of D.O.S./Madrashah,
dated by appealed against, is basically invalid and void, by
being violative of the legal presumption of the Hon'ble
Supreme Court of India and the latest statutory directions
of the Government of India contained in G.O.M.R. No
of P.C.C.R. and A.O.R./U.O.D. No 134/1/81-46-1 dated 13.7.81.

With respect to the invalidity of the statutory
authority (S.P. D.O.C. of D.A.) here to after called the D.A., it
is submitted that he has failed to pass a valid commanding
and rotted order, as mandated in the latest G.O.
A.O.R./U.O.D. No 134/1/81-46-1 dated 13.7.81
in compliance of which the Military Board issued similar
directions under Order No 3 (D.A.) 73 RG C.11 dated 30.3.70
to comply the directions & him by the D.O. "Gazette" dated
13.2.70.

P.T.O.

225

- ↪ That the facts of the case are as under :-
- ↪ That the applicant was travelling on duty from B.M. to B. by S.I. W. Train on 16-2-55 for collecting the debt due, Devarapalli with other connected with the S.P. B.M. B.I. But he disclosed that, because B.M. and Devarapalli both in S.I. W. on 16-2-55 had caused owing of Rs. 100/- each, then the S.P. was working S.I. W. Train B.M. to B.I.
- ↪ Being at Devarapalli station the applicant had to get a 2 tier AC sleeper Coach of S.I. W. Train, which is his practice and accordingly the applicant asked the Conductor of the Train Smt. S.D. Gupta and said "A. T. C. T. S. C. I. B., to check the sum in his possession as his ticket and also advised him that he was on duty to check the Train. But A. T. C. T. S. C. I. B. refused to check the 2 tier AC. S. C. I. B. Coach of S.I. W. Train and became furious and demanded the card pass of the applicant which was delivered to him immediately but he demanded "to said" money for travelling in a 2 tier AC sleeper Coach according to RS. 22/- which went not with the applicant and the applicant was properly travelling on duty and was authorised by the M.Y. "Conductor for such checking, but the A. T. C. T. S. C. I. B. for the consequences and to hand over to the "also and forced the applicant to write under his signature, that the applicant had not such amount with him and as he had no other alternative but to write under his signature and there after, the applicant was forced to take "for the payment which he had to do and A.F.C. NO. 500/- for RS. RS. 161/- as fare and RS. 17/- as penalty Total is RS. 18/- collected and delivered to the applicant by the A. T. C. T. S. C. I. B. who recovered this amount illegally and with out justifying as said disobeyed the direction of the applicant agent

Attested

A. T. C. T. S. C. I. B.

of which was finally submitted to Govt. of Sri Lanka
 on 17-2-09 but failed to mention that no action was
 taken by the learned Adm. of Sri Lanka or State "C" and
 only by D.O.C. and the State "B" and the State "C" and a
 C.I.D. Charge on 20th report of State "B" for 8.00 AM was
 sent to the applicant for booking CTC/MSG/09 (V) on 13.3.09
 which was carried to the applicant on 15.3.09.

3o. That the applicant is granted the relief asked for and also provided a copy of the relevant documents to the applicant for his record of what he said in the hearing before the Hon. T.R. Jayarajah, the member of Parliament who is currently presiding and that the applicant is required to bear any costs and that "that the applicant be & no other alternative be given to him the folded up and said additional documents purporting to be the Rules of the representative of the 3-3-3-3 which he sent through registered A.D.P.T. under Article 17 of the said Act is duly received by him on 22/2/20.

4. The Hon. S.P. D.O.W. who has received the reply and
referred to the letter dated 6-4-79 for consideration of copy which
was delivered to the applicant on 10.4.79 which was the only
copy held under application representation dated 10-4-79 to the
State of S.P. D.O.W. under his clear representation dated
18-4-79 and wherein he said, "I am of S.P. D.O.W. that the application
dated 17-12-78 is incomplete hence the application should all
from me be supplied with documents of copy as shown above as
well as number and also supply him copy of the copy of the
application dated 18-12-78 which was sent to me to the State
S.P. D.O.W. and he was requested to furnish such copies of the
documents for preparation of his answer which he did
not absolutely necessary and was permissible only by
Letter NO. IN(DA) 77 RG 6-20 dated 12-6-78 H.M. Bangalore NO
7030, where in it is clearly been stated that if the
Par. 10.

Attested

General M. 1900
State Sugar Co.
Unit

By virtue of this copy of documents in case of their
military charge short, he should not be referred and should
be suspended and if the same are referred no case should be
presented and when it is he should be given the time upto for
the military court case. The notice of case should be given which
are valid upto 15 days for the case of D.O.C./A.I.B. accordingly to upto
15 days for common cases against him and when
the notice is given the same should be given upto 15 days
and the application against the "Case" (Case No. 10/1938) is
to be given 11 days in which notice should be given upto 15 days
and upto 15 days for the case of D.O.C./A.I.B. accordingly to upto
15 days, it should be referred to him. And the order
referring all such orders shall be passed against all
Rules was given to the applicant.

PRAYER

1. It is therefore respectfully prayed that the impugned
Executive Punishment Order passed by S.P. D.O.C./A.I.B. which is "to be
imperative and unchangeable be set aside and execute which
be taken against the "Yagi T.C./A.I.B. for disobeying the order
and which charged illegally be referred to the applicant.
2. That applicant be granted personal hearing upto 15 days
"as soon as possible preceding any order to this effect.

In this case the applicant furtherally pray that
he should be heard along with his defense "before passing
any order in this case.

Respectfully,
Haji Ahmed
(Haji Ahmed)
D.O.C./A.I.B.

Dated 03.7.39.

Recd. on date

Haji Ahmed

15/7/39
15/7/39

handed

General
J.C. State
Officer

File No 28

Annexure No 10

Mr. D. Livel. M. Supt.,
Northern Railways,
Mumbai.

1. :- Irregular and Undesirable transfer during
the Middle of School Session.

Ref:- M's letter No.940-S/0/-IV(Miv) dt. 2.9.86.

Respected Sir,

I beg to lay the following few lines for your kind
consideration and sympathetic orders please.

1. That it has come to my notice that I have been
decentralised and using the administration cause and
effect unknown, and not communicated in writing
so far.

2. That my three children are studying at Chandauli
in different class and they can not get admission at any
other place of existing during mid session, while half yearly
examination is over the head of the children. It will be
a severe set back and loss of academic year and career to
the children.

3. That my ^{old} widow mother is a Heart patient and her
treatment is going on at Chandauli.

4. That I am selected and panelled hand of Rly. Service
Commission secy 117th session in All India Open Competition.
After the completion of training of 3 years as Traffic
Apprentice, securing 2nd position, out of 23 candidates batch,
I was asked to live a question as to which post I want to be posted
I tendered option for the post of T.I. and according to my
option I was posted as T.I. and offer of appointment and the
letter of appointment duly signed by the competent authority as a
written contract between the employer and the employee was
signed and given to me and since then I have been working
successfully in the capacity of T.I. for more than three and
a half year duration ~~which is~~ per rule option once offered is
final and can not be changed.

5. That Shri Sudershan Kumar who has been transferred vice
me is a Allahabad Division hand in grade R.700-900 (Rs) and the
post of R.700-900(Rs) has already been decentralised. In this
reference the case of Sh. Sudershan Johri, Sd/HFJ can be quoted who
has been returned to AB-Div. on this very ground and has been
refused Inter-Divisional transfer.

6. That there are already vacancies of TIs in Gr. I. 700-900
(Rs) at MB ie. TI & DII. C. which is being looked after by one
Sh. G.S. Bhatia, and an unselected and un-pannelled man having
dual charges with him alone, Shri Shri Sudershan Kumar should
have been utilised vice one of these vacancies at MB, without
disturbing me during the School session. Main whereas Rly.
Board's existing orders and policy, FORHIDS MLD CLASSIC Rlys. S. A.

Rehod

- 2 -

that I am in the middle and as a rule either a
 sci. post is situated at the M.Y. Most ~~of~~ those working
 at the M.Y. is ~~is~~ S.S.C. Most of the T.I's are working
 on basis in Optg. as well as in Safety Branch of
 T.I.

that Amila Lakhan Chaurasia T.I. Hardoi is the
post and has been utilised against the quota i.e. he is
being used against the 75% quota allotted to the
stations from S.T.M.Y. C etc. etc.

F.R.A.Y. 1/1/19

Keeping view the above grievances, I request
 your honour on Muslimarian grounds to kindly consider my
 case sympathetically and direct to get my transfer pended
 till scholastic session, if not cancelled at all.

Yours faithfully,

(NIAZ AHMED)

T.I. Chandausi
 Northern Railway
 Moradabad Divn.

Copy to I.R.M./N.Rly. Moradabad.

Attested

2) General Manager/R.M. N.Rly. office, Laxmi House,
 New Delhi.

Haji Ahmad -Ghulam -Vs. -Union of India -Arbitration -Bengal -31

Annexure No. A-12

(A3)

The Sr. D.O.S. Notif
Memorandum71.HKI
Sect. 10 4.84.Sah - yours Memorandum No. oply/NA/ie/
84 (NA) dated 06-4-84 received on
X-1984

Sir,

This is to bring to your kind
Notice that the necessary reply and the
demands of Concerning document have
been made by me through right
AD. off 23-3-84, the acknowledgement
of Receipt No 4915 which was received by
the Receipt Section off 24-3-84 in DRM Office
MS has been received back to me.

However, I am submitting the
Duplicate Copy of my letter dated 21-3-84
and receipt of Receipt dated 06-4-84 duly
acknowledged by me on 10-4-84 by your hands.

Submitted for your necessary
action, please.

Red

Recd - 3
10/4/84

Received -

Attested True Copy
oply/84
A. A. A.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

JULY

ON BEHALF OF
THE RESEARCHERS

13

REG. NO. 71 OF 1990

112 1140

• • • 62-242

Versus

UNION OF INDIA & OTHERS 1051 CL. 1772.

1. I, O. I. Kal. working as Sr. DoS
Northern Railway, Moradabad, have been
authorised to file this reply on behalf of the
respondents. I have read it and fully understood
the contents of the same.

filed today
E

1/2/91

2. That, the contents of paragraph 2.1 of the application need no comments.

3. That, the contents of paragraph 7(c), 2 of the application need no reply.

4. That the contents of paragraph No. 2 of the

oneida

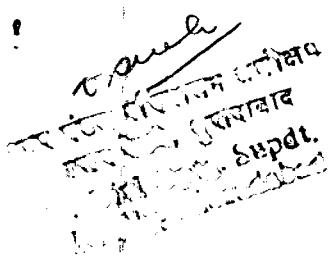
-2-

application need no reply.

5. That, in reply to the contents of paragraph No. 4(A) of the application, it is stated that the same are admitted.

6. That, in reply to the contents of para 4(B) of the application, it is stated that the same are incorrect hence denied. It is not the duty of one Traffic Inspector to help his colleague in the beat of the latter. In any case, it is absurd to allege that it would be physically possible to physically check each package in the heavily loaded SLR between the stoppages from Bareilly (2 minutes), Collector Bucknaj (2 minutes), Bithora (2 minutes) and Nagaria Sadad (2 minutes) i.e. in only 14 minutes. Apparently, the applicant simply collected the tally sheets from the Asstt. Guard.

7. That, in reply to the contents of para 4(C) of the application, it is stated that the same are false and misleading, hence denied. As Traffic Inspector holding a second class duty card pass, the applicant was not entitled to travel in A.C.II tier, nor does any rule permit him to do checking in the said coach. The applicant was caught by the ticket checking staff at Nagaria Sadad travelling unauthorisedly in A.C.II tier and was correctly charged.



8. That, the contents of para 4(E) of the application are false hence denied. No instructions were given to anyone to assault the applicant.

9. That, in reply to the contents of paragraph No. 4(E) of the application, it is stated that the same are false and emphatically denied. It is absurd to allege that Shri Tyagi T.C. was in anyway connected with Senior D.C.S. or other officers. In fact, the charge sheet, issued to the applicant, was based correctly on material facts available on the record and all the charges are correct.

10. That, the contents of para 4(F) of the application are false, hence denied. Smt Jiaz Ahmad did not submit his defence reply, instead he asked for documents which were not relevant. His representation dated 23.03.1989 itself indicates this. On 24.04.1989, the applicant was heard in person by the Senior D.C.S. (Disciplinary Authority) and was shown all the documents that he asked for, in original. He was also allowed to copy out the pages he wanted to. However, he failed to submit his defence reply. In spite of a reminder, being issued (No. Optg/Disc/39 (A) dated 06.04.1989) when he failed to submit any defence reply, an ex parte decision, based on the material facts, available on the record, was taken in

sample
राजस्थान सरकार
संसदीय योग्यता
Civil Optg. Super
L. Reg. 1948

the case and a punishment of M.I.T.2 years was awarded to him, giving suitable reasons, by the Disciplinary Authority (i.e. Senior Divisional Operating Superintendent, Moradabad). A true copy of the reminder is being annexed herewith and marked as ANEXU.E NO. C.... 1 to this reply.

AMERICAN CO. 2

11. That, the contents of paragraph No. 4(G) of the application are false hence denied. The applicant was heard in person by the A.D.R.I., who was the Appellate Authority. A true copy of the applicant's admission to this fact is attached to this reply as EXHIBIT NO. C.A. 2.

AMERICAN NO. C.A.2

12. That, as explained in detail in preceding paragraphs of this reply, the applicant was heard in person, was shown and allowed to copy whatever documents he wanted and, when, inspite of a reminder he failed to submit any reply, when and then, after considering all the material available on record, the ex parte decision had to be taken. No rule of law, natural justice or any provision of the Constitution of India have been violated. The grounds, on which the application is moved, are baseless and the same is liable to be dismissed.

13. That, the contents of paragraph No. 6 of

गोपनी
१०८ वार्षिक विद्यालय
गोपनी यात्रा बुराई ६
१०८ वार्षिक विद्यालय
गोपनी यात्रा बुराई ६
१०८ वार्षिक विद्यालय
गोपनी यात्रा बुराई ६

the application are false hence denied. Under rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968, the applicant could have submitted a review petition before the General Manager. Instead of availing of that alternate remedy, he has wrongly moved the present application before this Hon'ble Court.

14. That, the contents of paragraph No. 7 of the application need no reply.

15. That, the contents of paragraph No. 3 of the application are false and misconceived hence denied. The applicant was correctly charged and punished. He is entitled to no relief and the application is liable to be dismissed.

16. That, the contents of paragraph No. 9 of the application are denied. The applicant is not entitled to any interim order because he was given every opportunity to explain his defence. He has been correctly charged and punished.

17. That, the contents of paragraph No. 11 of the application need no comment.

locuted

J. S. RAY, M. Taudud

18. That, the contents of paragraph No. 12 of
of the application need no comments.

I, O.P. Kala aged
about 38 years, son of S. P. Kala
working as Sr. Div. Opt. Supdt.
Northern Railway, Moradabad do hereby verify
that the contents of paragraph Nos. 1 and 6 -
- - - - - are based on personal
knowledge, those of paragraph Nos. 2, 5, 7 to
13 and 15 - are based on perusal of
record and those of paragraph Nos. 3, 4, 14,
16, 17 and 18 - are based on legal
advice.

versus
(Signed)
(On behalf of the Respondents)
उत्तर रेलवे, मुरादाबाद
Sr. Div. Opt. Supdt.
R. Rly, Moradabad

Date: 31-8-80

Place: Moradabad

Annexure C.A. 1
(A39)

NORTHERN RAILWAY

No: Optg/Misc/89(NA) dt Divl. Rly. Manager's office,
Moradabad.
Dt/- 6.4.1989

Shri Niaz Ahmad,
T.I., Hardoi.

Please refer to this office Memorandum Charge-sheet of even no. dated 13.3.89, acknowledged by you on 15.3.89. You are reminded to send your defence reply, if any, within 3 days, failing which an ex parte action will be taken in the case.

D. P. Pande
Sr. DOS/MB.

I have already sent Reply to
S. DOS. MS by Registered A.D. and
acknowledgment have been received
by me also. However - duplicate shall be
sent to you.
Dated
THURSDAY
10/4/89.

T C Affairs
Mr. War

Annexure CA 2

440

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SS .005/RD.

Sir,

I got the ADRA on 10/0/09 in connection with my appeal against punishment of BJT-2 yester in case No.0ptg./Rloc/09 (NA) dated 12/5/09. He was very kind to grant me a personal hearing with the case on 10/8/09. Kindly arrange to put up the case to him. I am hereby reporting to the D&Vl. Office for the personal hearing.

Niaz Ahmad
16-8-09
(Niaz Ahmad).
TII/Mardan 06 RD.
10/8/09

Jc Alford
Niz, Mardan

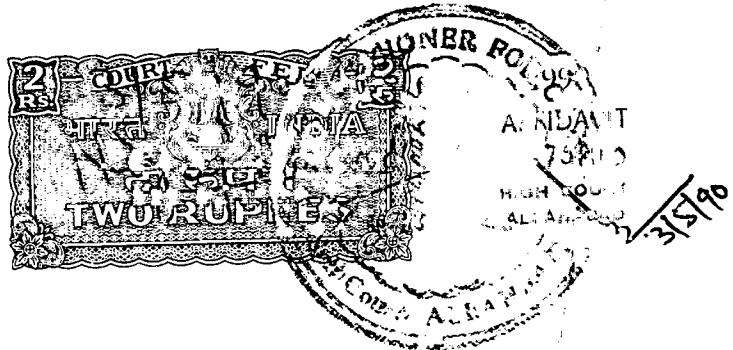
Moin Cotry

Q11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW:

O.A.NO.71 of 90(L)

Fixed on 23-5-90.



Niyaj Ahmad.

.....Claimant:

Versus.

Union of India & Others.

....Respondents

SUPPLEMENTARY AFFIDAVIT OF CLAIMANT:

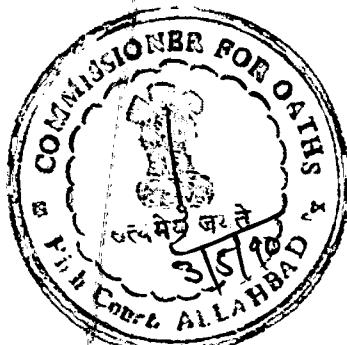
I, NIYAJ AHMAD, aged about 38 years, S/o Sri Moinuddin, R/o T.4-A Railway Colony, Hardoi, do hereby solemnly affirm & state on oath as under in name of Almighty God: -

1- That deponent being claimant is fully conversant with the facts of case. As ordered by the Hon'ble Tribunal under its order dt: 6-4-90 and 3-5-90 he is furnishing this supplementary affidavit.

2- That as a Traffic Inspector deponent is also authorised to Check Tickets under authority of S.R 1/1 General and Subsidiary Rules Pt I and II of the Northern Railway.

Relevent true photo copy of such rule is attached herewith as Annexure "A" to this affidavit.

Niyaj Ahmad



contd---2/

242

:- 2 :-

3- That on 16-2-89 while deponent was on duty in 51 Up. Express Train, he in persuance of his duties directed Sri S.D.Gupta Captain to arrange checking of 2 Tier A.C.Sleeper Coach of said Train. One Sri A.K. Tyagi T.C. (Ticket Collector) who was travelling in said Coach declared himself on duty, for checking of Train. As a T.C. is generally not authorised to perform duties of Travelling Ticket examiner (T.T.E), deponent being a Superior Ranked Staff (Pay Scale of T.C. being Rs.260-480 and that of deponent being Rs.455-700) asked him to show his authority for which Sri A.K. Tyagi refused and dispute between deponent and Sri A.K. Tyagi arose as already detailed in para 4.3 of claim petition.



4- That duties of Traffic Inspector (T.I) include Supervision and checking of All types of irregularities in Rail Traffic, Inspection of Station etc., including ^{that of} guards and drivers.

5- That as submitted above deponent in persuance of performance of his bonafide duties, asked for checking of 2 Tier A.C Coach of 51 Express on 16-2-89 and he

Nayak Ahmed

-: 3 :-

entered in said Coach in furtherance of his duties and not with an intention of just travelling in the said Coach .

Lucknow

dt: 3 May, 1990

DEPONENT:

Niyaj Ahmad
(Niyaj Ahmad)

VERIFICATION:

I, Niyaj Ahmad, deponent named above do hereby verify the contents of paras 1 to 5 of this affidavit to be true from personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow

dt: 3 May, 1990

DEPONENT:

Niyaj Ahmad
(Niyaj Ahmad)

I know & identify the deponent who has signed on this affidavit in my presence.

A.K. Dixit Ad. 315190

Solemnly affirmed by the deponent Sri Niyaj Ahmad on . . . 3rd day of May, 1990 at 3:15 a.m/p.m. who is identified by Sri A.K. Dixit, Advocate, High Court, Lko.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been readout and explained by me to him.

31/5/90
(K.P. SRIVASTAVA)

Advocate Oath Commissioner

· Allahabad High Court

· Executive Bench, Lucknow

· 0075116

· Date 31/5/90

OATH COMMISSIONER

31/5/90

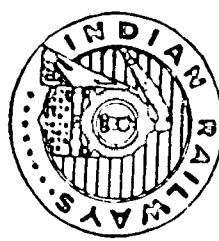
(24)

NORTHERN RAILWAY

General Rules for Indian Railways

with the

Subsidiary Rules of the Northern Railway.



PART I.

Rules for the guidance of railway servants.

CHAPTER I

PRELIMINARY

GENERAL

AND

SUBSIDIARY RULES

WITH APPENDICES

31/12/90

1. Short title—These rules may be called the open line (Railways in India) General rule, 1929.

1.A Definitions.—In these rules, unless there is anything repugnant in the subject or context—

- (1) "Act" means the Indian Railways Act, 1890 (IX of 1890), as amended from time to time;
- (2) "adequate distance" means the distance sufficient to ensure safety;
- (3) "approved special instructions" means special instructions approved of or prescribed by the Additional Commissioner of Railway Safety;
- (4) "authorised officer" means the person, who is duly empowered by general or special order of the Railway Administration, either by name or by virtue of his office, to issue instructions or do any other thing;

Embodying upto correction slip No. 98 dated 16.12.80

1931

CHAPTER I

CARRIAGE OF PASSENGERS

1. **Passengers' tickets.**—(1) Tickets issued to passengers shall be available only from the date and for the period specified by the Railway Administration by which they are issued.

(2) If any guard, or any other railway servant who may be empowered by the authorized officer to take action under this clause has reason to suppose that any passenger is travelling without a ticket, or not in the proper class of carriage, he shall request the passenger to show his ticket and report to the Station Master any irregularity which he may detect.

1A. **Reservation of seat or berth.**—A Railway Administration may reserve a seat, a berth, compartment or carriage, as the case may be, in a passenger train, in accordance with conditions published in the Time Tables in force from time to time, and no person or persons other than for whom the accommodation is so reserved shall occupy such accommodation except with the permission of railway servant as may be appointed in this behalf by the authorised officer.

S.R. 1/1. **Staff Authorized to check Tickets.**—The Chief Commercial Superintendent is the Authorized Officer for the purposes of this rule, and the following are the other railway servants who are hereby empowered to take action under this rule:—

All Gazzeted Officers of the railway.

Commercial Inspectors.

Traffic Inspectors.

Travelling Inspectors of Accounts.

All ticket-examining, checking and collecting staff.

Station Masters

Signallers or Station Clerks doing the work of ticket collection.

S.R. 1/2. **Sufficient Train Accommodation to be provided.**—Station Masters, Guards and Station staff are to see that passengers get train accommodation according to the classes of tickets held, and that passengers are distributed as evenly as possible throughout the train.

S.R. 1/3. **Overtopping.**—The staff are warned against overtopping carriages and are not to allow this even at the request of passenger. The number of passengers which each compartment is to carry is marked on every carriage. These numbers are not to be exceeded.

S.R. 1/4. **No Room in train.**—Guards in charge of passenger trains must wire forward as soon as there is no more room for passengers, and also warn Control if on a controlled section. If extra vehicles cannot be added, Station master must warn intending passengers of the crowded state of the train so that they can postpone their journey if they so wish. It is, however, illegal to refuse to issue tickets even if there is no room in a train though passengers may legally be prevented from entraining.

S.R. 1/5. **Increase in Passenger Traffic.**—When a Station Master expects an unusual number of passengers, he must apply for extra accommodation.

S.R. 1/6. **Passengers Left-behind.**—Station Master and Guard will report when passengers are left-behind from any cause whatever to Control or to the Controlling Station Master (in case of non-controlled sections) for appropriate action.

S.R. 1/7. **Coaching Stock is to be given preference to goods stock** on mixed trains.

S.R. 1/8. **Preference to Ticket Holders over Pass-Holders.**—Passengers with tickets have preference over persons with passes at starting station.

S.R. 1A/1. The undermentioned staff are hereby authorized to grant permission to a person to occupy a berth previously reserved for another passenger—

(a) At train originating stations or stations where through carriages are attached. The official in charge of reservation present on the platform or in his absence, the Station Master on duty.

(b) At other stations. The Station Master on duty or the Conductor Guard, if there is one on the train.

Niaz Ahmed

(24)

In The Central Administrative Tribunal, Lucknow Bench
LUCKNOW
Through

The Deputy Registrar (Judicial)
Central Administrative Tribunal
Lucknow Bench
LUCKNOW.

M. P. No. 210191 (L)

Niyaj Ahmad Applicant.

Vs.

Union of India & oths Opp. Parties.

O A No. 71 of 1990 (L)

In view of Hon'ble Tribunal's order Dt. 23.5.89
the above noted case in which CA & RA have been exchanged,
deserves to be fixed before court for disposal of Interim
Relief matter.

It is therefore most respectfully prayed that
above noted case may kindly be ordered to be listed before
court for hearing on Intrim relief.

Lucknow.

Counsel for Applicant

Dt. 10 April 1991


A K Dixit

Advocate.

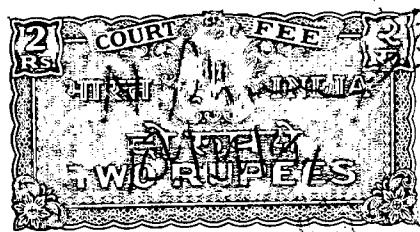
(p2)

In The Central Administrative Tribunal, Lucknow.

Rejoinder Affidavit on behalf of applicant

Inre.
O A No. 71 of 1990 (L)

Fixed on 18.4.91.



1991
AFFIDAVIT
70
HIGH COURT
ALLAHABAD

Niyaj Ahmad

... Applicant.

Versus.

Union of India & ors

.... Respondents.

AFFIDAVIT

I, Niyaj Ahmad aged about 38 years, son of Sri Moinuddin, resident of 7-4-B-Railway Colony Hordoi, do hereby solemnly affirm and state on oath as under in the name of almighty God :-

1- That contents of Para 1 of reply are not admitted. In the present claim petition Sri Devi Prasad Pandey Sri DOS N Rly Mooradabad who has been impleaded in his personal capacity and against whom allegations of malafidies have been made by applicant/deponent has not come forward to lender any reply as such in absence of any specific proof of authority (general or special power of attorney) the affidavit filed by Sri O P Kala can not be deemed to have been filed by Devi Prasad Pandey.

2- That contents of paras 2 to 5 of reply need no comments.

3- That contents of para 6 of reply are quite evasive and hence denied. It is quite irrelevant, on part of respondents to plead before this Hon'ble Tribunal that it was not physically

(F5)

possible to check the package the relevant station. It is pertinent to note that no shortcoming has ever been reported in the checking of deponent and such irrelevant plea has been taken just to misguide the court.

It is further submitted that there are no paragraphs like 4A, B, C etc in the claim petition as respondent have mentioned in the reply.

4- That contents of para 7 of reply are denied. In view of submissions made by supplementary Affidavit (to which respondents have choosed to furnish no reply) a T.I. is also authorised to check tickets under authority of ~~the~~ ^{rule} of S.R.I/1 General and subsidiary Rules Pt I and II of N.Rly (already annexed with supplementary Affidavit). Deponent entered into AC couch as a part of his duties and not for travelling purposes. It is not denied by respondents that Sri A K Tyagi Ticket Collector (and not T.E) was travelling in AC coach (who claimed himself on duty), the deponent in furtherence of his duties asked Sri Tyagi to show authority for travelling in AC coach to say that ~~he~~ T.I. is not even entitled to enter into AC coach is just to put ^{the} cart before ~~the~~ horse because just for the reason that a TC or T.E who are below in rank and pay scale than T.I. do travel in AC coach in connection with their duties, how it can be said that a T.I. ~~ear~~ ^{can not} enter into AC coach for performance of his duties.

5- That contents of paras 8 and 9 of reply are denied and those stated in claim petition are re-iterated to be correct.

6- That contents of para 10 of respondent's reply are specifically denied. Whether the documents demanded by deponent for submission of reply of charge sheet were relevant or irrelevant, was not a matter to be decided

(P.M.)

according to sweat will of respondents. respondents before reaching to the conclusion that documents were irrelevant (which conclusion has, for the first time, been disclosed only before this Hon'ble Court), should and ought to have atleast taken the trouble to enquire from deponent about the relevency of documents or they should have tendered any reply regarding refusal to supply the documents on the ground of so called irrelevency.

It is specifically denied that deponent was shown any documents and/or allowed to copy out the wanted pages. It is beyond imagination that respondents (or concerned authority) would not have taken care to take in writing from deponent that he has made inspection of documents. In absence of any proof to this effect just statement of respondents (which not even on affidavit and not even by the concerned official) can not be beleived particulary when deponent once again denies the same in clear terms.

Deponent could not submit any reply of charge sheet just because he received no response from respondents regarding supply or non-supply of documents.

7- That contents of para 11 of reply are not admitted. Since appeal was already rejected on 31.7.89 (Anx. 2 of claim petition), relevency of Annexure CA 2, which has refrcence of 10.8.89, becomes redundant. Deponent as a matter of fact met A.D.R.A for re-consideration of earlier rejection of appeal. It is specifically submitted that deponent was not given any sort of personal hearing by the A.D.R.A- the appellate authority before rejecting appeal by his non speaking and unreasoned order contained in Anx 2 of claim petition.

8- That contents of para 12 of reply are denied and facts stated in claim petition, supplementary affidavit
...&...

(ASC)

and as well as in this rejoinder affidavit are re-iterated to be correct.

9- That contents of para 13 of reply are not admitted as written. Deponent is required to avail substantive remedy of appeal which he has availed, ^{under this} not mandatory to avail remedy of Review.

10- That contents of para 14 of reply need no comments.

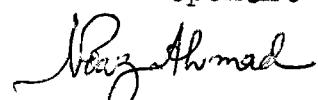
11- That contents of paras 15 and 16 of reply are not admitted. Deponent is entitled to the reliefs prayed, as well as interim relief.

12- That contents of paras 17 and 18 reply need no comments.

Lucknow

Dt. 18/4/91

Deponent



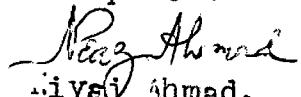
Niyaj Ahmad.

VERIFICATION

I, deponent named above do hereby verify contents of paras 1 to 7 of this affidavit to be true from my personal knowledge and contents of para 8 are believed to be true by me. Contents of paras 9 to 12 are also believed to be true. No part of it is false and nothing material has been concealed. So help me God.

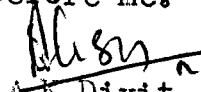
Dt. 18/4/91

Deponent



Niyaj Ahmad.

I, know and identify the deponent who has signed on this affidavit before me.


A K Dixit.

Solemnly affirmed before me by the deponent Sri Niyaj Ahmad on day of April 1991 at 10:30 A.M. / P.M. who is identified by Sri A K Dixit, advocate, High Court, Lucknow. I have satisfied my self by examining the deponent that he understands the contents of this affidavit which been read out and explained by me to him. 