

cause file T-A210/92 (T.L.)

in o.A. 970190

Malvika Krishnigan

U.S. & Others

Check List — A 1 to A 2

— A 3 to A 5

Final Judgment dated — A 6 to A 7

Petition on 11th Nov — A 8 to A 18

Annexes — A 19 to A 21, A 24 to A 29, A 38

to A 42 A 48

Counter with 11th — A 30 to A 37

Remainder of affidavit — A 43 to A 47

Power — A 22, A 48

PART (B) B1 to B-39

PART (C) C1 to C4

DATED

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

23-A THORNHILL ROAD ***

ALLAHABAD U.P. ***

1990

REGISTRATION No. 77C OF

APPLICANT (S) Nikesh Narain NigamRESPONDENT (S) U.C.H. & O.G.

(N.R.)

ENDORSEMENT AS TO

RESULT OF EXAMINATION.

1* Is the appeal competent? : Yes

2* (A) Is the application in the prescribed form? Yes

(B) Is the application in paper book form? Yes

(C) Have complete sets of the Application been filed? Yes

3* (A) Is the appeal in time? Yes

(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? Yes

5* Is the application accompanied by: B.O./Postal Order for Rs.50/- (Fifty). Yes

6* Has the certified copy/copies of the order(S) against which the application is made been filed? Yes

7* (A) Have the copies of the Documents/raised upon the applicant and mentioned in the application, been filed? Yes

(B) Have the documents referred to in (a) above duly attested by a Gazetted officer and numbered accordingly? Yes

(C) Are the documents referred to in (a) above neatly typed in double space? Yes

22/53/883 of 17/11/90 Rs.50/-

PARTICULARS TO BE EXAMINED

*24

9* Has the index of documents been filed and paging done properly?

9* Have the chronological details of representation made and the outcome of such representations been indicated in the application?

10* Is the matter raised in the application pending before any court of law or any other Bench or Tribunal?

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 file size envelopes bearing full addresses of the respondents been filed?

14* Are the given addresses, the registered addresses?

15* Do the names of the Parties 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.4 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?

20* Classification of cases

21* Cause of Action:

ENDORSEMENT AS TO
RESULT OF EXAMINATION

(A2)

Ys.

Die - Ys.

No

Ys

Ys

Ys

Ys

Ys

Ys

Ys

DN.A.

Ys

Ys

Ys

Ys

Ys

Dismissal from Service

No

Yes

Bench Case

Dismissal from Service

27/11

Register as O.A. and list this case before Hon'ble Court. on 10/12/90.

Fe
30/11/1990
D.R.O.

Plankaj/

28.9.90

ORDER - SHEET

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD)OA No. 970 OF 1990
M. N. Nigam VERSUS UOI & Others

S.I. No.	Date	OFFICE REPORT	ORDER
1	2	3	4
	8/4/90	OR Incompliance with Hon'ble Bench's Order dated 10.12.90. Notices issued to ② respondents by Regd Post on 13.12.90. Neither any reply nor any undelivered cover has been received back so far.	<u>9/4/91</u> seen office Report dt. 8/4/91. vacation has been filed today. Let the counter be filed by 5/6/91. per DR.
		Ans OR-13-6-91	<u>24-6-91</u> DR Seen office report. Put up today as the case was listed during vacation. Reply has not been today. Let the same be filed by 29-8-91 per
		OR 13/6/91	DR.J.
		Office report dt- 13-6-91 is re-submitted per 28/8/91	<u>DR (J)</u> 29-11-91 Seen the office report. CA is on record. RA has not & not been filed today. Let it be filed by 7-11-91 per
		OR No. RA has been filed so far	DR (J)

Re
6/11/91

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

7A 210/92 TIL

ORDER SHEET NO.

O.A./T.A. No 970/90

OFFICE REPORT * DATE /

ORDER

30/4/92

Register the case on T.L.

T.R.

This file has been received
after transfer from the
Alakabed C.A.T. Issue
Notice to ~~both~~^{both} the parties
list for orders before the
Hon'ble Bench on 4/12/92.

Office issued
on 13-11-92

91

Date

4/12/92

Hon'ble Mr. S N Basu & J.M.

case called out. A witness of
the record reveals that notices were
delivered to the ~~respondent~~ ^{defendant} and
Ad received and issued to the ~~respondent~~ ^{defendant} and
of applicant for both the parties. Mr R K Nigam
convinced that the case for the applicant is
present but cannot be the respondent
present but present from the fermint
is not present from the records, it is not clear as to
whether notice was given by the
court or not.

consider the defendant or not.
list this case for hearing & final
disposition on 7/12/92 before single
member Bench.

J.M

S. MANISH

4/12/92

O.A. No. 970/92

AG

7.1.93

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

Case called out several times for intervals.

Non-response on behalf of the either of the parties.

admission
List this case for hearing on ~~disposal~~ /
final disposal on 28.1.93.

J.M.

(Jlw)

28.1.93 Case not reached adj't.

11-3-93.

B.O.C

11.3.93 Case not reached adj't
20.3.93

Prse

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 970 of 1990

Versus

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

The applicant has approached this tribunal praying that a direction in the nature of mandamus commanding the respondents may be issued to release the balance amount of gratuity i.e. Rs. 2223.20 together with interest which was calculated to Rs. 4011.00 @ 12% and also to pay interest pendentilite and future till actual payment is made to him.

2. The applicant was retired on 30.9.1975 as Station Master Vyas Nagar, N. Railway. On his retirement, a sum of Rs. 9240/- was worked out as D.C.R.G., but he was paid only a sum of Rs. 7216.80. Thus, the balance amount of Rs. 2232.20 was not paid to the applicant. The applicant filed an application under section 33-C(2) of the I.D. Act before the Central Govt. Industrial Tribunal cum-Labour Court, which vide its award dated 28.5.1990 dismissed the application and computation made even in favour of the applicant. Against this order, the applicant has approached this tribunal. The applicant has questioned the deduction of a sum of Rs. 29.20 for a loss of station earning, debits and a sum of Rs. 88/- on account of coaching debits and a sum of Rs. 70/- on account of shortage of store items. These are said to be in possession of the applicant.

3. According to the applicant, he was only paid a sum of Rs. 4496.80 + a sum of Rs. 2520/- i.e. total

Contd..2/-

iii

(A)

:: 2 ::

amount of Rs. 7116.80 only.

4. In the written statement, a sum of Rs. 7116.80 ~~xxx~~ has been admitted and it has been stated that before making deduction of 10% in the death cum-retirement gratuity, which could have been done under the rules, the applicant was given a show cause notice and the applicant submitted his reply and it was thereafter, the said order was passed. The admissible death cum-retirement gratuity was reduced to 10%.

5. The Industrial tribunal was of the view that deduction in gratuity was made on account of loss of station earning etc. The tribunal came to the conclusion that as a matter of fact the total amount payable was Rs. 8,120/- and thus balance remained 1103/-. It is true that 10% deduction has been made. As the tribunal has taken the view that dispute remains only in respect of Rs. 1103/- and as such the application was dismissed on the ground that order may be legal or illegal, the same can not be questioned in procuring under section 33(C) (2). The view taken by the tribunal is quite correct, but factually it appears that the tribunal had committed mistake and that's why this application is allowed to the extent that the deduction so made will to the extent of Rs. 1103 only and not to Rs. 2223.20 and the respondents will pay back the said amount to the applicant within a period of three months alongwith interest as payable under the rules. No order as to costs.


Vice-Chairman

Lucknow Dated: 20.3.1993.

(RKA)

B/C I

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

10/12

**COMPIRATION
APPLICATION PAPER BOOK**

O.A. No. 970 ~~1989~~ 1990

Mahe sh Narayan Nigam PETITIONER

VS

U. O. India RESPONDENT

E. S. Nigam
**R. K. NIGAM
ADVOCATE**

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD.

O.A. No. 970 /1990

Mahesh Narayan Nigam

..... Petitioner

Versus

Union of India and another

..... Respondents

COMPILATION BOOK

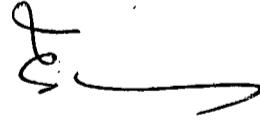
S.No. | Description of documents | Pages

Ist Compilation

1.	Petition.	1 - 10
2.	<u>Annexure A-III</u> - Impugned judgment of CGIT Kanpur.	11 - 13
3.	Postal order.	14
4.	Vakalatnama.	15

2nd Compilation

1.	<u>Annexure A-I</u> - Application filed before the CGIT Kanpur.	16-18
2.	<u>Annexure A-II</u> - WS filed by the Respondents.	19-20


(RAM KUMAR NIGAM)
COUNSEL FOR THE PETITIONER

Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing... 15/11/90

OR

Date of Receipt
By Post

Re
15/11/90

By Registrar.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD.

O.A. No. 970 /1990.

Central
Narayan
Mahesh Kumar Nigam aged about 72 years son of
Shri Shambhoo Saran Nigam, R/O 45 Duprapur,
Unnao (U.P.)

..... Petitioner

Versus

*Filled Today
Mated
10/12/90*

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Lucknow.

..... Respondents

15/11/90

1. DETAILS OF THE PETITION:

This petition is being directed for release of part of the gratuity amount which is admittedly withheld by the Respondents without any reason or rhyme and for no fault of the petitioner.

2. JURISDICTION:

The humble petitioner retired as Station Master, Vyasnagar, Northern Railway from 30-9-75, ~~and has been working since 1928/9 to 1975/6~~, and the Respondent No. 2 is headquartered at Lucknow, hence it is declared that this Hon'ble Tribunal has territorial jurisdiction to try this petition.

.....2/-

*S/ Mahesh Narayan
Nelam*

3. LIMITATION:

Since the impugned order was passed by the Central Govt. Industrial Tribunal-Cum-Labour Court, Kanpur on 28-5-90 thereby dismissing the ~~appeal of~~ ~~the~~ petitioner under Sec. 33 C (2) of the I.D. Act, hence it is declared that this petition is within time.

4. FACTS OF THE CASE:

4.1 That the humble petitioner retired as SM Vyas Nagar, N.Rly. on 30-9-75. On his retirement a sum of Rs. 9240/- was worked out as DCRG (Death-Cum-Retirement gratuity).

4.2 However, the Respondent No. 2 only paid the gratuity amount as follows:-

Amount due - Rs. 9240/-

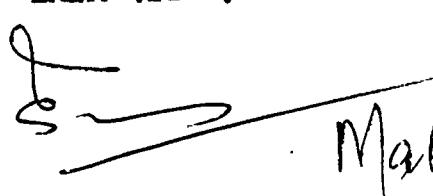
Debits due - NIL

Payment of DCRG actually made - Rs. 7216.80

Balance due - Rs. 2223.20

4.3 That a claim for the above amount was filed under Section 33 -C (2) of the I.D. Act before the Central Govt. Industrial Tribunal-Cum-Labour Court, Kanpur where the Respondents filed their WS also. The true copy of the claim application as well as the reply filed by the Respondents are being filed and marked as Annexure A-I and A-II to the 2nd compilation.

4.4 That in the instant case, provision of IREM (1235, 1236 and 1237) applies and while deducting

 Contd....3/-

Mahesh Nagar Nejau

JKW

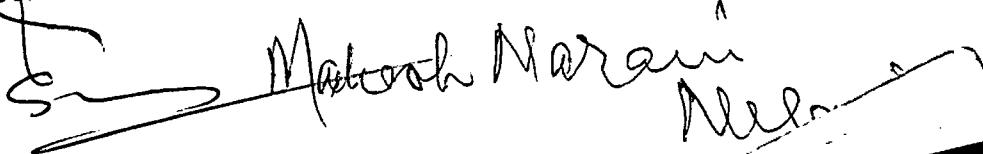
- 3 -

the amount, the Respondents have honoured the above statutory and mandatory provisions with total breach inasmuch as the humble petitioner has been given no opportunity of being heard for any deduction out of the DCRG payable to the petitioner and, therefore, the deductions made by the Respondents are totally without jurisdiction, arbitrary, illegal and non-est and the petitioner is entitled not only to the principal amount but also to the recurring interest as per law.

4.5 That it is needless to mention that the gratuity is not a bounty so that the Respondents could deduct a sumptuous amount ~~six~~ out of the same at their own free-will and in any case it is submitted most respectfully that the humble petitioner has rendered quite un-impeachable service with utmost honesty and integrity and there was no occasion to forfeit any part of the gratuity amount nor there was any liability for which the amount could have been attached or deducted out of the DCRG.

4.6 That in the State of Kerla and other Vs. M. Padmanabhan Nair (AIR 1985 Supreme Court - page 356) it was held that over the Govt. dues which have been delayed, abnormal interest should be awarded at market rates and the same commence from the expiry of 2 months from the date of retirement.

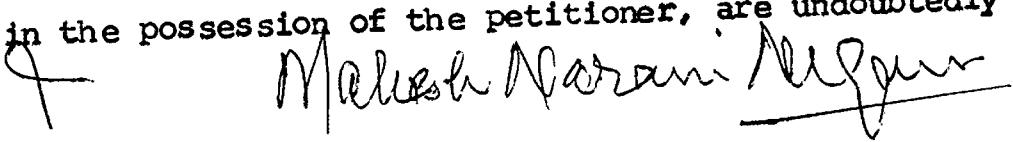
Contd..4/-


Mahesh Narain Nair

4.7 That the humble petitioner retired on 30-9-75 and, therefore, to much period expired from 30-9-75 to 30-11-75 (and it is this date from which the humble petitioner is entitled for interest on the amount of DCRG balance (Rs. 2223.20) which comes to Rs. 4011/- approximately and, therefore, the total amount due to the humble petitioner is now Rs. 6234.20 paise.

4.8 That from the WS filed by the Respondents before CGIT Kanpur, it would be clear that the balance amount of DCRG i.e. Rs. 2223.20 paise is fully admitted to the Respondents but they have justified the deductions by quite arbitrary action of deduction on various heads. The humble petitioner begs to submit that the deductions out of the DCRG are quite arbitrary, illegal and without taking the petitioner into confidence at any stage. and it is also one of the pleas taken that the petitioner services were not satisfactory and on this account 10% of the DCRG was deducted. This is absolutely a false plea taken in the WS. The service book of the petitioner may kindly be summoned before this Hon'ble Tribunal and the same will be observed to be quite un-blemished.

4.9 Further the deduction of Rs. 29.20 for the alleged loss of station earning and Rs. 88/- on account of coaching debits and Rs. 70/- on account of shortage of stores items which are said to be in the possession of the petitioner, are undoubtedly



quire arbitrary, illegal and without following the principles of natural justice.

4.10. It is admitted in para 3 of the WS that the petitioner was only paid an amount of Rs. 4496.80 + Rs. 2520/- and the actual payment made till 1985 vide C07 No. 050375 dated 2-7-85 comes to Rs. 7116.80, whereas the amount due to the petitioner as calculated by the Administration was Rs. 9240/- as admitted in para 1 of the WS.

4.11 That the humble petitioner is quite a poor man with liabilities over his head because of his eldest son having expired in a very serious accident who was in a very lucrative Managerial service of a big concern and after his death, he is badly in shattered condition and had his son alived he would not have claimed this paltry amount and he would not have continued for his claim in CGT or before this Hon'ble Tribunal. He is filing this petition with high hopes that justice shall be awarded to him looking the diplorable conduct of the Railway Administration inasmuch as it is feeling proud of having deducted a substantial part of the gratuity amount of the humble petitioner without any show cause notice or even without taking him into confidence for the deductions made and in this view of the matter, the deductions are tantamount to

Contd... 6/-

Mahesh Narayan
Nigam

nothing less than robbery and the humble petitioner is, therefore, fully entitled to the interest @ 12% per annum as already held in the State of Kerla and others vs. P.M. Padmanabhan Nair (AIR 1985 Supreme Court page 356).

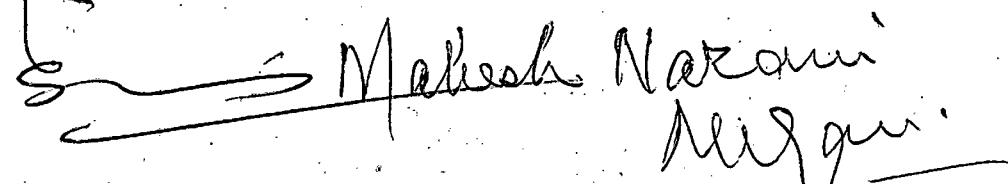
4.12 That the humble petitioner further claims interest pendentilite and future also till the payment is actually made by the Respondents in addition to the amount claimed and the arrear of interest due so far and likely to further fall due.

4.13 That the above case law (AIR 1985 Supreme Court page 356) has been relied upon by the Railway Board in their letter No. F (E) III/79/PNI/15 dated 23-1-87 (NR Sr.No. 9168) and excerpt condensed in B.S. Mene's Railway Establishment Rules and Labour laws is reproduced below:-

" The Supreme Court in its judgment reported in AIR 1985 at page 356, held that Pension and Gratuity are no longer bounty to be distributed by the Govt. to its employees on their retirement but have become, under the decision of the court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment".

4.14 That since the Railway Board's letter dt. 23-1-87 and which has the force of law also, the applicability of para 313 of the Railway Pension and Rules is not attracted/in any case no law permits that the deductions out of the retiral benefits

Contd....7/-


Mahesh Nakorn
Aligarh

without show cause notice and following the principles of natural justice.

4.15 That the judgment dt. 28-5-90 given by the Learned CGIT is erroneous as the Learned Tribunal seems to have been mis-led due to misleading pleadings by the Railway Administration. In the instant case the application under Section 33 C (2) was for an admitted claim of the DCRG amount and there is no question of framing any industrial disputes. Moreover, the Assistant Labour Commissioner (Central) does not entertain any application for framing industrial disputes individually as per Govt. instructions and such dispute can only be raised when it is espoused by registered and recognised Unions. The true copy of the judgment dt. 28-5-90 is being filed and marked as Annexure A-III to the Ist compilation.

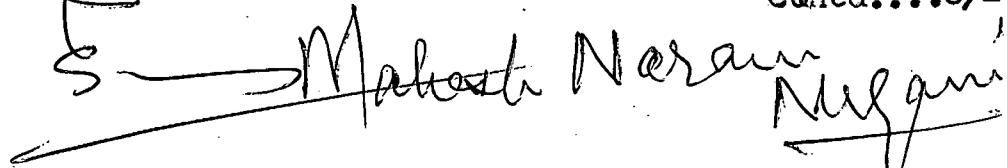
5. GROUNDs :

5.1 Because the action taken by the Respondents is arbitrary.

5.2 Because the principles of natural justice have not been followed.

5.3 Because the petitioner does not owe any liabilities towards the Railway Administration and his services were quite satisfactory and there was no occasion for arbitrary cutting through the DCRG.

Contd....8/-


Mahesh Narain Mehta

5.4 Because the mandatory provisions of IREM have not been followed.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The humble petitioner has already filed a claim under Section 33 C (2) before CGIT Kanpur in LCA case No. 234/89 which was decided on 28-5-90 which has given the cause of action for this petition.

7. MATTER NOT PENDING WITH ANY OTHER COURT ETC:

The humble petitioner declares that the matter regarding which this petition has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

8. RELIEF (S) SOUGHT FOR:

In view of the facts mentioned in paras 4 & 5 above, the humble petitioner prays for the following relief (s):-

(a) to issue a writ, order or direction in the nature of MANDAMUS thereby commanding the Respondents to release the balance amount of gratuity i.e. Rs. 2223.20 together with interest which is calculated to Rs. 4011.00 (@ 12%) - and also to pay interest pendentilite and future till actual payment is made to the petitioner.

Contd... 9/-


Mahesh Narayan
Negi

(b) to issue further order in favour of the humble petitioner which this Hon'ble Tribunal may deem fit as per facts and circumstances of the case.

(c) Award cost of the petition in favour of the humble petitioner.

(9) INTERIM ORDER IF PRAYED FOR:

At present no interim relief is being sought for.

10. PARTICULARS OF POSTAL ORDER IN RESPECTION OF THE APPLICATION FEE:

No.

(a) Name of Indian Postal order. - DD 531883 Rs. 50/-
(b) Name of issuing Post Office. - H. C. P. O. ALD.
(c) Date of issue of Postal order. - 15/11/96
(d) Post office at which payable. - H. C. P. O. ALD.

11. DETAILS OF COMPILATION BOOK:

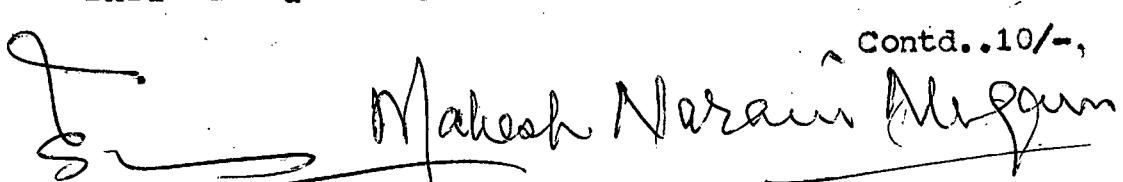
A compilation book containing the details of the documents to be relied upon is enclosed.

12. LIST OF ENCLOSURES:

(a) Details of compilation book.
(b) Documents detailed in the compilation book.
(c) Indian Postal order No. Dt.
(d) Vakalatnama.

13. This petition is being processed through
Shri Ram Kumar Nigam, Advocate.

Contd.. 10/-,


Mahesh Narain Nigam

AA18

- 10 -

In verification:

I, Mahesh Narayan Nigam aged about 72 years son of Shri Shambhoo Saran Nigam, R/O 45 Duprapur, Unnao, do hereby verify that the contents from para 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts. The copies of the documents annexed are true to their respective originals.

Mahesh Narayan Nigam

PETITIONER

Dt. 23/16/96

To

The Registrar,
Central Administrative Tribunal,
Allahabad.

ANNEXURE III

Before Shri Arjan Dev Presiding Officer
Central Government Industrial Tribunal
cum Labour Court Pandu Nagar, Kanpur.

L.C.A. No. 234 of 1989

Shri Mahesh Narain Nigam
And

The E.R.M. LUCKNOW DIVISION
NORTHERN RAILWAY LUCKNOW.

ANNEXURE NO. III
Petitioner

Respondent

Order

1. This is a petition under sec.33C(2) I.L.R.C. for computation of money benefits amounting to Rs.3623.30 paisa and for payment of interest on the amount so computed. The applicant's case in short is that he retired as Station Master Northern Railway Lucknow division on 30.9.75 with unblamished career. As per Rules a sum of Rs.8120/- was payable to him as LORG but out of ~~which~~ the respondent had paid him only Rs.4496.80 paisa leaving a balance of Rs.3623.20 paisa. He has, therefore, prayed that the said amount of Rs.3623.20 paisa be computed in his favour and respondent be ordered to pay him interest on the said amount.

2. The case is contested by the respondent. The respondent while admitting the fact that the applicant retired as Station Master on 30.9.75 plead that the sum of Rs.9240/- was worked out as LORG payable to the applicant but as per Rules prevalent at that time two months emoluments were deducted on account of family pension payments. Thus the amount payable to the applicant as LORG came to Rs.8120/-. The respondent further pleads that as per Rules full payment of LORG is due to an employee on his good faithful and satisfactory service. Since the services of the applicant were not satisfactory, an amount equal to 10 percent of LORG viz. Rs.924/- was deducted on the order of General Manager (P) Head Quarters Office Baroda House New Delhi. Besides a sum of Rs.29.20 paisa on account of loss of station earning, Rs.80 on account of Coaching Debts and Rs.70/- on account of shortage of store items under applicant's possession were deducted from the amount of LORG payable to him. After deducting the amounts by means of ~~on~~ on 1st.26.4.85, the applicant was advised to collect the balance amount of LORG in the presence of Station Sup.

Shri Mahesh Narain Nigam

492

The applicant had never made any representation regarding the non receipt of the said amount. As such the applicant is entitled to no relief.

3. In this case, the applicant also filed a rejoinder in which he admitted the receipt of Rs.7016.80 paise towards DCRG. Treating the total amount of ICRG as Rs.9240/- he had worked out the balance amount payable to him as Rs.2223.20 paise. He has denied that ~~the services~~ ^{his} services were not satisfactory. He has also challenged the order of GM(P) on the ground that there is no speaking order nor any show cause notice was issued to him before ordering such ~~deductions~~ deductions from the amount of his DCRG.

4. In support of his case, the petitioner has filed his own affidavit. On the other hand, in support of his case, the respondent has filed two documents.

5. From the main petition and the rejoinder, filed by the applicant it appears that after looking to the defence set up by the respondent in para 1 of his written statement, the applicant cleverly enhanced the amount of ICRG to Rs.9240/- i.e cannot be allowed to do so in view of the specific case set up by him in the petition under sec.33C(2) I D Act ^{That} as per Rules, upon his retirement, Rs.8120/- were payable to him as DCRG. The respondent in para 1 of the written statement has shown how under Rules, the amount of Rs.9240/- came ~~out~~ to Rs.8120/-. Therefore, I treat the total amount of ICRG that was payable to the applicant on his retirement as Rs.8120/-. In his main petition the petitioner admitted to have received Rs.4496.80 paise towards DCRG but in the light of the defence set up by the respondent in his rejoinder he admitted to have received Rs.7016.80 paise towards ICRG as has been pleaded by the respondent in his ~~written~~ ^{33C} statement.

6. In his cross examination also he has admitted the fact that the amount of ICRG payable to him was Rs.8120/- out of which he had received Rs.7016.80 paise.

7. Thus the dispute is left with regard to the

Wt

S

Mohabat Naseem on May 20

1921

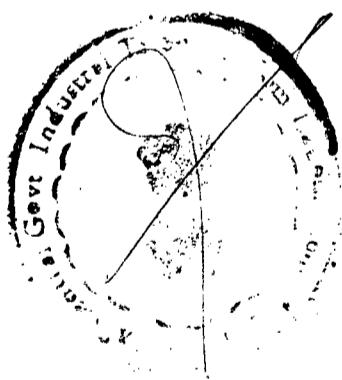
balance amount of Rs.1103.20 paisa.

8. The respondent has filed the copy of para 313 of the Railway Pension Rules according to which if the service of a railway employee has not been thorough satisfactory the authority sanctioning the pensionary benefits could make such deductions in the amount of pensionary benefits as it thinks proper. The respondent has further filed the copy of letter dated ~~Oct, 1977~~ ^{SS} from GM(P) to DRM Northern Railway Lucknow, informing him that the General Manager had given sanction for deduction of 10% of the dues payable to the applicant by way of pensionary benefits. Whether the order is legal or illegal cannot be questioned in proceedings under sec.33C(2) I.L.A. Similarly the legality of the deductions made on account of station earning, coaching debits and shortage of store items cannot be examined in proceedings under sec.33C(2) I.L-A. The applicant should better raise an industrial dispute in respect of all these. It is therefore, clear that no amount is due towards PCRG. As observed above in respect of the amounts withheld he may raise an industrial dispute by challenging the orders under which these amounts were deducted from the amount of his PCRG.

9. The petition under sec.33C(2) I.L.A. is therefore, dismissed and the computation is made zero in favour of the applicant.

34/1-28-5-90
(Argan Dev)
Presiding Officer

Rt. 26.5.90



CERTIFIED COPY

S. S. Sharma
21-6-90
(S. S. SHARMA)
Secretary

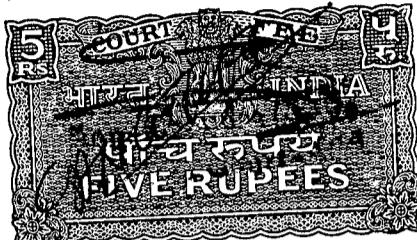
Central Government Industrial Tribunal
Court of Labour Court-Kanpur

1921
S
Tao

Machine by M. A. Rayamajhi

C. A. T. A. L. D. - 14 - (A.M.)

इन दी हाई कोर्ट आफ एट इलाहाबाद



[अभिभाषक पत्र वकालतनामा]

अपेली नं. ०. A. N. ० ९७० सन् १९९०

निगराना Mahesh Narai Nigam

वादी/प्रतिवादी
अपीलान्ट

बनाम

वादी/प्रतिवादी
रेस्मान्डैन्ट

म
कि
हम

U. O. J. . .

Maheesh Narai Nigam ८१० Sambher
Naeain Nigam १० Damparapur Unnao

उपरोक्त प्रकरण (मुकदम) में—प्रपना पक्ष समर्थन हेतु
हम

R. K. Nigam Ad'

C. S. K. Keeley Adlan

करता है

कानूनी शुल्क (केहनताना), नियत करके अना/हमारा अभिभाषक (वकील) नियुक्त—और यह स्वीकार करता है

कि उक्त सज्जन हमारी ओर के वाद-बत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी) वाद स्वीकार पत्र, विवाद पत्र, पुनरवलोकर एव पुनर्निर्णय प्रार्थना पत्र (दरख्वास्त) शापथिक क्यना (हलफनामा) प्रवर्तन-पत्र (दरख्वास्त इजराय) मुख्यत अपील निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एव लेखादि की प्रतिलिपिया अने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यक-रानुसार शापथिक पुष्टीकरण करे और आवश्यक जवाब करे और लेखादि की प्रतिलिपियां एव हमारे प्राप्त धन को अपने हस्ताक्षरी पाप्ती देकर प्राप्त करे हमारी ओर से किसी को मध्यस्थ तथा साथी (गान्धा) माने और उससे सम्बन्धित प्रार्थना पत्र प्रस्तुत करै तथा उसका समर्थन करै तथा तस्वीक करै वाद पत्र उठावे छोड़े अवदा समझौता करै तथा सुलहनामा दाखिल करै तथा उसके सम्बन्ध में प्रार्थना पत्र दाखिल करके उक्तका समर्थन करै अर्थात प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री ये भर पाई होने के समय तक स्वतः या संयुक्त करै आवस्यकता होने पर किसी अन्य वकील महोदय को करै।

हम को

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये मार्गि—सर्वथ स्वीकार मुझ को

मैं कानूनी

होगी। अगर—शुल्क तथा विशेष शुल्क आखिरी बहस के बक्त उक्त सज्जन, को न दूँ/दे तो उसको हम निश्चत

अधिकार होगा किंवद्दन हमारी ओर से मुकदता को पैरवी मरै उपरोक्त दशा में उक्त सज्जन, का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि २३ माह १० सं १९९०

Maheesh Narai Nigam

APB

Committee 2

ANNEXURE I

ANNEXURE NO. I

BEFORE THE PRESIDING OFFICER CENTRAL GOVT.
INDUSTRIAL DISPUTES TRIBUNAL-OUM-LABOUR COURT KANPUR.

L.C.A. No. 234 /89.

Mahesh Narayan Nigam son of Shri Shambhu Saran
Nigam, resident of 45 Duppapur, Unnao.

..... Applicant

versus

Divisional Railway Manager, Northern Railway,
Lucknow.

..... Opposite Party.

APPLICATION UNDER SECTION 33 O 2 OF THE INDUSTRIAL
DISPUTES ACT.

The applicant is entitled to receive gratuity
to the tune of Rs. 8120/- from the OP while the latter
has only paid Rs. 4496.80, thereby leaving a balance
of Rs. 3623.20.

Contd... 2/-

Alleged

FC
S
TDS

Mahesh Narayan Nigam

AN-25

- 2 -

2. The applicant further states that he served the OP with a demand notice dt. 28-9-80 followed by several reminders, personal requests and personal visits in the DRM's Office, but the remaining amount of gratuity has not been released. The details of the amount and the facts of the case are stated in the accompanying enclosure.

3. As a matter of fact the applicant has been making persistent efforts to find the reasons of with-holding of his gratuity amount by the OP and the other officials have done nothing in the matter so far. As a matter of fact there is no liability against the applicant nor any debits are outstanding against him. His retirement is quite clean and there was no order as to with-holding of gratuity under the rules nor any opportunity was ever given on the subject for any reason whatsoever.

4. The other counter-parts have received the payment of full gratuity. It is, therefore, prayed that the aforesaid sum may kindly be recovered from the OP and paid to the applicant.

APPLICANT

Mukeshwar Naikay an Naikay

A. 26

The applicant retired as Station Master, Vyas Nagar, Northern Railway, Lucknow Division on 20-9-1975 with un-damaged career. As per DCRG (Death-cum-retirement Gratuity) Rule an amount of Rs. 6120/- was payable to the applicant towards which the OP paid only Rs. 2223.4496.80 leaving a balance of Rs. 3623.20 under the curb of future debits.

There are no debits against the applicant outstanding against him nor the OP has ever disclosed as to what was the future debit.

The amount of Rs. 3623.20 is thus treated as admitted wages and the OP cannot deny this fact.

The applicant is, therefore, entitled to the principal amount of Rs. 3623.20 along with interest.

31-5-89.

APPLICANT

Allesled SPC

E
T

Mukesh Kumar Mehta

ANNEXURE II
ANNEXURE NO. II

REPORT THE PRESIDING OFFICER, GENERAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT KANPUR.

For work
11/19-

L.C.A. No. 234 /09

Makesh Narayan Nigam son of Sri Shambhu Saran
Nigam, resident of 45 Buprapur, Unnao.

Applicant.

VERSUS

Divisional Railway Manager, Northern Railway,
Lucknow.

Opposite party.

WRITTEN STATEMENT ON BEHALF OF THE OPP. PARTY.

The Opposite party submits as under:-

Para. I. That the contents of para 1 of the application are denied. It is submitted that Shri M.N. Nigam was retired from service on 30.9.73 as Station Master, Vayamnagar. On his retirement a sum of Rs. 924/- was worked out on account of D.C.R.G. (Death Current Retirement Gratuity) but as per rules prevalent at that time the two months encumbrance were more less on account of family pension payments and thus the amount of D.C.R.G. comes to Rs. 8120/-. The relevant para 3703 of Railway Pension Manual is enclosed as Annexure I of the

Para 2.

That the contents of Para II are denied. It is submitted that the applicant filed a case in the Court of City Magistrate, Jhansi for the same relief in the year 1981 which was contested by the Railway Administration and the case was dismissed by the City Magistrate, Jhansi. Hence the present application is not legally maintainable and barred by the principle of Res. Judicata.

Para 3.

That the para contents of Para III are denied. The applicant has failed to explain the delay in filing the present application. Thus the case is barred by the principle of Laches. It is further submitted that as per prevalent rules the full payment of D.C.R.G. is done to an employee on his good, faithful and satisfactory services. Since the services of Sri M.N. Nigam were not found entirely satisfactory an amount equal to 10% of the D.C.R.G. viz. Rs. 924/- was deducted on the order of General Manager (P), Headquarters Office, Baroda House, New Delhi. Thus 90% of the D.C.R.G. became due to him instead of 100%. The extract of para 343 of Railway Pension Manual is annexed of the V.S. It is further submitted that the D.C.R.G. payable was worked out to Rs. 8120/- (-) Rs. 924/- viz. Rs. 7196/- (as per Annexure II) & sum of Rs. 29,20/- was recovered for loss of station of

Cont.-/2.

28-11-89

Mukeshwar Narayan
M/s

X 28

earning, Rs. 50/- on account of Coaching debits and Rs. 70/- on account of shortage of Store Items under his possession and Rs. 4496.80 Paisa (Paid as admitted by him) Rs. 2320/- was paid under C.O. No. 0500375 dated 2.4.65 for payment which he was advised through a registered letter No. 7203/Per/IR dated 26.4.65 to receive the same in presence of Station Superintendent Lucknow. The applicant had never made any representation regarding the nonreceipt of the aforesaid amount and thus it appears that the said amount has been received by him. The recovered amount mentioned above were adjusted from the I.C.R.C. and the payment was made to him i.e. Rs. 4496.80 Paisa plus Rs. 2320.00 = Rs. 7016.80 Paisa and therefore no amount are due against the Railway administration.

Para 4. That the allegations contained in the Para 4 are baseless and as such denied.

That the avarure are not admitted as alleged. It is submitted that the recoveries shown in the para (3) have fully in the knowledge of the applicant and the adjustment were made as per rules.

Para 5. That the present application is not legally maintainable because under this proceeding the Court can not adjudge the matter without the reference order under Sec. 16 of the I.D. Act.

That the applicant has intentionally concealed the facts regarding the case which was decided by the City Registrar, Jhansi and as such he is not entitled to get any relief by this Court.

Para 6. That the application is not maintainable under Sec. 334(4)(II) of I.D. Act and the Honourable Court has no jurisdiction to decide the present application.

In view of the above the application of the applicant which is based on false and baseless allegation are liable to be dismissed with cost.

JM
Opposite Party.

AP
कृते मंडल रेलवे प्रबन्धक
उत्तर रेलवे, काशी

VERIFICATION.

I J.N. Srivastava, A.P.O. do hereby verify that the contents of Para 1 to 6 are true to my knowledge on the basis of the official records and also on the basis of the legal advice.

Signed and verified this on _____ at Lucknow.

Alleged

for RA
13/1/68.

JM
Opposite Party.

AP
कृते मंडल रेलवे प्रबन्धक
Counsel for the Opp. Party.
उत्तर रेलवे, काशी

STC
ES

Michael Nayak
AS
Nayak

22/7/1991
X-20

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD.

Written Statement on behalf of Respondents.

IN

O. A. NO. 970 OF 1990.

Mo (T)
Mahesh Narayan Nigam. - - - - - Petitioner.

Versus

~~Keep on record~~ Union of India and others. - - - - - Respondents.

Received
copy Habibullah
cl. S. R. K. Nigam
Ad.

Written Statement on behalf of
- Rajiv Keshav
serving as - Ass'tt Personnel Officer
Northern Railway, Lucknow.

22/7/1991

1. That I am serving as - Ass'tt Personnel Officer Northern Railway, Lucknow and have been authorised and deputed to file the present written statement on behalf of the respondents.
2. That the contents of paragraph nos. 1, 2, and 3 of the petition are not admitted.
3. That in reply to the ~~various~~ averments made in para 4(1) of the petition it is stated that the averments made therein are admitted to the extent that the petitioner retired on 30.9.1975 on

X-20
Ass'tt. Personnel Officer
N. R. Lka.

Thus no amount on account of death cum
retirement gratuity is left to be paid to the petitioner.

5. That the averments made in para 4(3) of the petition are matter of record and hence no specific reply is needed.

6. That in reply to the averments made in para 4(4) of the petition, it is stated that the averments made therein are based on misconception of facts and law and hence the same are denied. It is further relevant to point out that in terms of para 313 of Railway pension manual the amount of death cum retirement gratuity/pension can be reduced by the competent authority for unsatisfactory services, Thus the reduction made @ Rs.10% in death cum retirement gratuity by the competent authority viz General Manager (P) Northern Railway, is within the rules.

7. That the averments made in para 4(5) of the petition are denied. It is further relevant to point out that before making deduction off 10% in the death cum retirement gratuity the petitioner was given a show cause notice. A photostat copy of the show cause notice dated 19.4.1997 is being filed herewith and is marked as Annexure 'C.A.I' to this Written Statement. That in reply the petitioner also

to the facts and circumstances of the instant case.

9. That the contents of paragraph no. 4(7) of the petition are denied. No further reply is needed as the position has already been explained in the earlier paragraph of this written statement.

10. That the averments made in para 4(8) of the petition are denied. No further reply is offered as the position has been explained in the earlier paragraph, of this written statement.

11. That the contents of paragraph no. 4(9) of the petition are denied. It is further stated that the information regarding deduction of Rs.29,90 is well within the notice of the petitioner. It is further stated that as ~~xx~~ regards the recovery of Government dues it is not necessary to inform the retired employees regarding the recovery.

12. That the averments made in para 4(10) of the petition as they stand are denied. As already pointed out the petitioners Death Cum Retirement Gratuity worked out to be Rs.9240.00 (16,1/2 months pay) but from this amount 10% i.e. Rs.924-00 was reduced due to unsatisfactory service and two months pay i.e. Rs.1120.00 was made less on account of admissibility of family pension. Besides a sum of Rs.179.20 was recovered from the petitioner as the

attaining the age of superannuation. It is further stated that the death cum retirement gratuity for 16, 1/2 months pay was calculated to the extent of Rs. 9240.00 but as per rules prevailing at that time two months emoluments (pay last drawn @ Rs. 560 per month) were made less on account of Family pension payment, thus Rs. 9,240.00 - Rs. 1120.00 i.e. Rs. 8,120.00 worked out as payable amount towards death cum retirement gratuity.

4. That the averments made in para 4(2) of the petition are denied. It is further stated that the petitioner has been paid death cum retirement gratuity as under :-

Death cum retirement gratuity- worked out Rs. 9,240.00 but the same was made less by two month emoluments on account of admissibility of family pension in terms of Railway pension rules. The details are as under :-

D.C.R.G.	Amount admissible due	Rs. 8,120.00
----------	-----------------------	--------------

(1) On account of out standing Commercial coaching, outstanding	debits against the	
petitioners.	(-)	Rs. 109.20

(2) Loss of 35 burners (stove items)	Rs. 70.00
--------------------------------------	-----------

(3) For future of 10% of admissible D.C.R.G.	Rs. 924.00
--	------------

D.C.R.G. Net paid.	Rs. 7,016.80
--------------------	--------------

said Government dues were outstanding against the petitioner.

13. That in reply to para 4(11) of the petition it is stated that the averments made therein ~~are~~ ~~if~~ correct, may call for sympathy but such factors are wholly irrelevant for the adjudication of the matter. No further reply is needed as the position has already been explained in detail in earlier paras of this written statement.

14. That the contents of paragraph no. 4(12) of the petition are denied. No further reply is needed, as the position has already been explained in paras 4 and 8 of this written statement.

15. That the contents of paragraph no. 4(13) of the petition as they stand are not admitted. It is submitted the decision of Hon'ble Supreme Court referred to in the para under reply, is not at all applicable in reference to the facts and circumstances of the present case. It is further stated that the petitioner retired in 1975 ~~as~~ and at the relevant time i.e. in 1975 the payment of 100% Death Cum Retirement Gratuity was to be done on good, efficient, faithful and satisfactory services.

16. That the contents of paragraph no. 4 (14)

Nab

-7-

of the petition are not admitted.

17. That in reply to the contents of paragraph no. 4(15) of the petition, it is stated that the judgement dated 28.5.1990 is perfectly valid and suffers from no infirmity whatsoever. The averments made to the contrary are wrong and the same are denied.

18. That in reply to the contents of paragraph no. 5 of the petition, it is stated that none of the grounds are tenable.

19. That in reply to paragraph no. 6 of the petition, it is stated that the matter has been finally adjudicated upon by the ~~Relexx QMM~~ C.G.I.T. Kanpur and the present petition is likely to be dismissed summarily on this ground alone.

20. That the contents of paragraph no. 7 of the petition needs no reply.

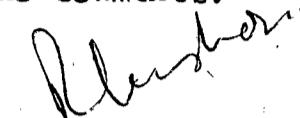
21. That in reply to paragraph no. 8 of the petition it is stated that the petitioner is not entitled for any relief. The petition is devoid of merits and is likely to be dismissed.

Asstt. Personnel Officer
N. R. Eko.



-8-

22. That the contents of paragraph nos. 9, 10, 11, 12 and 13 of the petition need no comments.



Signature

Verification:-

I, - Rajiv Keshav - - - - - Serving as
- Asstt. Commr. of Northern Railway, Lucknow,
do hereby verify that the contents of para 1 of this
written statement are true to my personal knowledge,
those of paras 2 to 12, 14, 15(partly), 16, 20, and
22 are verified from record, those of paras 13,
15(partly), 17, 18, 19 and 21 are verified on the
basis of legal advice.

Date:- 2-5-1991

place. Lucknow


Signature
Asstt. Personnel Officer
M. B. Lko.
Asstt. Personnel Officer
M. B. Lko.

Annexure CA/511

Northern Railway

Spec. copy,

Regd. A/D.

No. 720B/Gen/1B

Dated: 09/4/77

Divisional Supdt.'s Office, (Issuing Office)
Northern Railway, Lucknow

Lucknow - (Place of issue).

(36A)

MEMORANDUM

Whereas Shri Mahesh Narain Nigam S/o Sri S.S. Nigam who was employed as Stn. Master/VYN at station VYN in Lucknow Division, is Pension opted and has ceased to be in Railway service w.e.f. 30.9.75 due to retirement on superannuation.

And Whereas the General Manager, N.Rly., New Delhi on a careful consideration of the case has come to the conclusion that the services of the said Shri Mahesh Narain Nigam have not been thoroughly satisfactory on account of "Booking against restriction and infringement of priority during 1972" and therefore, proposed to with-hold 10% percent DCRG.

NOW therefore, in pursuance of Proviso(1) below Rule 1314(4) RI/Proviso (1) below sub-para (ii) of para 313 of HRPR-1950, the said Shri M.N. Nigam, SM/VYN is hereby given an opportunity of making any representation, which he may wish to make, against the proposed with-holding of 10% percent SC to PF/DCRG for consideration by the General Manager/Northern Rly., New Delhi provided such representation is made in writing and submitted through his immediate officer under whom he was working within fifteen days of the receipt of this Memorandum.

2. Shri Mahesh Narain Nigam is informed that in case no representation as aforesaid, is made within the stipulated period of fifteen days, it will be presumed that no representation is intended to be made and action to finalize the case will be processed accordingly.

[Signature] कैवल वासिक अधिकारी

Name & Designation Genl. Manager
of Issuing Authority.

To.

Shri Mahesh Narain Nigam,
C/o Dr. Sunder Lal Pandey,
Rami Naka, Maujanpur,
Jhansi.

ACKNOWLEDGEMENT

Received Memorandum No. _____ dated _____ from
the _____, N.Rly, Lucknow.

Signature -

Design. -

Date -

Station -

29/4/77.

6/4/91

Sub: 1/4/1977

N. Nigam

Retd. Station Master

Vyasnagar N.Q.

Co. Dr. Sunder Lal Pande

Raoji Naka,

Mauranpur Distt. - Thanesr.

No. M/377 of 15 May-77 To, The General Manager

N. R. Eko.

New Delhi

(Through:- The Civil Servt; N. R. Eko, Lucknow
Appeal of Merit.

your no. 720 E/PEN/1 B of 19/4/77

Gracious Sir,

Referring to your above quoted memo -

Send me, received on 28/4/77, Reg to lay down
the following few points for your kind consider-
ation & useful action :-

1. That I am sorry to learn that my 3
yrs of Service & being a loyal worker
(worked as Son of N. during Strike - 3/5 to
28/5/74) is being rewarded by my holding
of Job.

2. That this a case of 1972, which could
not be finalized upto 1975 during my
Service Period & even still now, when I
am completing 2 yrs of my post retirement
period despite my repeated humble repre-
sentations which all took place in the then
prevailing circumstances.

3. That the Railway Administration
could earn the heat of English on account
of my so called irregularities, whereas I am

Attested

R. Nigam

Asstt. Personnel Officer

N. R. Eko 3/4/91

Asstt. Personnel Officer
N. R. Eko.

being deprived of my life long privilege
of D.P.O. 10

37A.

4. That the infringement of privilege in 1972 as reported by T.I.(A) B&B in 1974, could not have been tolerated, by the Sender, if he would, not have been on operational grounds as already explained.

5. That as a matter of fact, my D.P.O. should have been paid on my retirement in 1978, which has not been paid up ~~so far even~~ after having completed 2 yrs of my retirement. Thus I have incurred a loss of $Rs 156/-$, which I would have earned as interest.

6. That D.P.O. is meant for the post retirement liabilities of an old employee & the payment of which is at the mercy of my honourable officers:-

(1) Two months salary, demanded for the sum of $Rs 100/-$.

(2) 10% of D.P.O. is proposed to be withheld in his connection, when I have already suffered a loss of 200% as I have

(3) A sum of $Rs 100/-$ has been debited against me through an error & which towards forfeiture of Registration Money on wagons whose privilege was infringed as reported by T.I.(A) B&B received after my retirement & is being as objected.

Debtors.

(4) Cash office debts:-
Total amount acknowledged by D.P.M./Lko. 170/-
Total deduction comes to $Rs 2254/-$

Attested

P.T.O.

R. Iko.

Asstt. Personnel Officer

N. R. Iko. 3/4/91

Asstt. Personnel Off.

N. R. Iko

7. That the marriages of my two grown up
daughter is kept in suspense for want of
financial basis after retirement.

8. To Err is human

" + forgiveness is a greatest blessing.
" गमन का गमन
" श्रद्धा का श्रद्धा"

With above facts in view, I would
like to request you to kindly excuse
me considering my pitiable plight in
my old age.

For his act of kindness, I shall ever
pray for your long life & prosperity.

Very sincerely yours.

Mauram Ali

18th May - 1977.

Makesh Veram

Negam

Ram Bahadur Mehta

Attested

Alvin

Personnel Office
N. R. Lko.

23/4/91

Annexe C A "III"

(45)

AM
M

उत्तर रेतवे, प्रधान कार्यालय,
बडोदा हाऊस, बड़े द्विली।

सं०: 342-४ 4280 (ऐक्य-ब)

दिनांक: - 10.10.1976

मंडत अधीक्षक/ उपमुख्य विभिन्न इन्डिपियर,

उत्तर रेतवे।

उत्तर

विषय: -

अधिक्षय निधि में विशेष अंशदाता/ मृत्यु एवं सेवा निवृत्ति उपदान का अनुग्रह देखना।

संदर्भ: -

आप का पत्र संख्या नं० 720 ई/ पै/ 1976

दिनांक: - 29-9-77

श्री मद्रा नारायण निगम

मृत्यु पूर्व स्वेच्छा नाम-संख्या/उपनिधि/उपदान

मात्रे अधिक्षय निधि में विशेष अंशदाता के

10

के से

प्रतिशत

का अनुग्रह देखने के लिए महाप्रबन्धक द्वारा अनुमति/ अधिक्षय मन्त्री के द्वारा दी गई है।

फ्रमारी का सेवा रिकार्ड इस कार्यालय से प्राप्त फर लिया जाए।

इसका कृत्या आनंद अनुग्रह
समर्पण

र. बि. नायर
मुख्य प्रबन्धक (फ्रमारी)

Attested

U. N.

Asstt. Personnel Officer

No. B. M.O.

3/4/91

2000
11 x 11

B/C I

RJA

AKB

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

Killed:

Today

DK

5/2/92

Mahesh Narayan Nigam

.... Petitioner

Versus

Union of India and another.

.... Respondents.

I_N_D_E_X

S. No.	Description of documents	I Pages
--------	--------------------------	---------

1. Rejoinder on behalf of the petitioner. 1 - 4

5/2/92
Date 20/1/92
Dts. 8/1/91.

(RAM KUMAR NIGAM)
COUNSEL FOR THE PETITIONER

S.O. 5

Keep on record

DR 5

08/12/92

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD.

REJOINDER

In

O.A. No. 970/90

Mahesh Narayan Nigam

..... Petitioner

Versus

Union of India and others.

..... Respondents.

The humble rejoinder of the petitioner
abovenamed MOST RESPECTFULLY SHOWETH:

1. That the contents of para 1e of the reply do not need any comments.
2. That the contents of para 2 of the reply need no comments.
3. That the contents of para 4.3 of the reply need no comments being the matter of record.
4. That sofaras the contents of para 4.1 of the reply are concerned, the same are admitted the rest of the contents are not admitted. It is emphatically denied that no amount of DCRG is left to be paid to the petitioner.
5. That the contents of para 5 of the reply need no comments. However, it is stated that all the

Contd...2/-

S

Mahesh
Narayan
Nigam

Recd 1/1
Cfa
Re 7/12/92

records are available with the Respondents and it is wrong to say that the record is not available.

6. That the contents of para 6 of the reply are not admitted and the earlier allegations are re-iterated. Inspite of protracted litigation on the subject, it was nobody's case that the petitioner has been subjected to cut in the DCRG to the tune of 10% and, therefore, this stand taken at this belated stage by the Railway Administration is not acceptable. However, it is stated that the petitioner has submitted his representation dated 19-4-77 (Annexure CA 2) and the same has not been decided so far.

7. That the contents of paras 7 & 8 of the reply are not admitted. The humble petitioner is fully entitled to the full gratuity as admissible to him.

8. That the contents of para 9 of the reply are not admitted.

9. That the contents of para 10 of the reply are not admitted.

10. That the contents of para 11 of the reply are not admitted.

11. That the contents of para 12 of the reply are not admitted and the same are emphatically denied. The earlier allegations are re-iterated.

Contd.. 3/-

S *Nahesh*
Narayan

12. That the contents of para 13 of the reply are not admitted.

13. That the contents of para 14 of the reply are not admitted.

14. That the contents of para 15 of the reply are not admitted. The petitioner was retired in 1975 and the order in relation to the so called cut from the DCRG has been admittedly issued on 19-4-77 i.e. after much delay on the part of the Railway Administration. As a matter of fact, the humble petitioner is entitled to 100% DCRG and it was quite arbitrary on the part of the Railway Administration to issue the order dated 19-4-77 without any application of mind or following the rules of statutes.

14.1 It is, however, stated that the petitioner has rendered most efficient, dedicated and honest service to the Railway Administration and heavy burden lies on the Respondents to prove that his services were un-satisfactory.

15. That the contents of para 16 of the reply are not admitted.

16. That the contents of para 17 of the reply are not admitted.

R.M.F

17. That the contents of para 18 of the reply are not admitted.

18. That the contents of para 19 of the reply are not admitted. The matter has not been finally adjudicated by C.G.I.T. and the final word has to come from this Hon'ble Tribunal because the humble petitioner has come in a case involving the service matter and that too by exhausting remedies which were open to him in C.G.I.T. etc.

19. That the contents of para 20 of the reply are not admitted.

20. That the contents of para 21 of the reply are not admitted.

21. That the contents of para 22 of the reply are not admitted.

I, Mahesh Narayan Nigam, do hereby verify that the contents of paras 1 to 21 of this rejoinder are true to my personal knowledge and nothing material has been concealed.

Mahesh Narayan Nigam
Petitioner

संग्रह २६

प्रतिवादी

अधिकारी
कालिकाता

Before The Central Administrative Tribunal
Alcalahad.

वादी

मुद्रित

O.A.N.O. 970

७/१९९०

प्रतिवादी मुद्रितनामा

Mahesh Narain Nigam Versus Union

वादी मुद्रित
प्रतिवादी मुद्रित

नं० मुकदमा तन १९ पेशी की तारीख

१९

ई०

मारे लिखे मुकदमा में अपनी ओर से भी

D. C. Jaxen Railways Addressee

एड्रेस्सर
मुद्रित

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता है। लिए देता है। इस मुकदमा में वकील मुद्रित स्वयं अथवा अन्य वकील द्वारा जो कुछ प्रेरणी व जवाब देही व प्रश्न करेगा अन्य कोई लागज दाखिल करें या लौटा दें हमारी ओर से डिक्री जारी करावें और रूपया वसूल करेगा तुलहमा इकलाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने डस्तावेज से दाखिल करें और तसदीक करे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विषय मुकाफिसानी का दाखिल किया रूपया अपने या हमारे डस्तावेज छुटत मुद्रित रसीद से लेवेगा पंच नियुक्त करें वकील मुद्रित सुनिश्चित की गई टड़ कार्यवाही हमको सर्वथा स्वीकार है और डोगी मैं भी यड कडता है। कि ऐ हर पेशी स्वयं या किती अपने फैसला को भेजता रहेंगा अगर मुकदमा अद्य प्रेरणी में एक तरफा भेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी भेरी वकील पर न होगी।

इसलिये यह वकालतनामा लिख दिया कि प्रश्न रहें और समय सम काम आयें।

साक्षी मुगवाड़ी
दिनांक मुद्रीना

डस्तावेज
साक्षी मुगवाड़ी Northern Railway Manager
नाम अदालत Lucknow
नं० मुकदमा
नाम फरीकन

Accepted
D. C. Jaxen
Railways Addressee

for respondent
9.4.1991

(B)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD.

O.A. No. 970 / 1990

Mahe^{sh} Narayan Nigam Petitioner

versus

Union of India and another Respondents

COMPIILATION BOOK

S. No.	Description of documents	Pages
<u>1st Compilation</u>		
1.	Petition.	1 - 10
2.	Annexure A-III - Impugned Judgment of CGIT Kanpur.	11 - 13
3.	Postal order.	14
4.	Vakalatnama.	15
<u>2nd Compilation</u>		
1.	Annexure A-I - Application filed before the CGIT Kanpur.	16 - 18
2.	Annexure A-II - WS filed by the Respondents.	19 - 20

S.
(RAM KUMAR NIGAM)
COUNSEL FOR THE PETITIONER

B/C II

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

**COMPILED
APPLICATION** PAPER BOOK

O.A. No. 970 /1989-1990

MaheSh Narayan Nigam PETITIONER

VS

U. O. India RESPONDENT


R. K. NIGAM
ADVOCATE

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

O.A. No. 970 /1990

Mahesh Narayan Nigam Petitioner

Versus

Union of India and another Respondents

COMPILATION BOOK

S. No. | Description of documents | Pages

1st Compilation

1.	Petition.	1 - 10
2.	Annexure A-III - Impugned judgment of CGIT Kanpur.	11 - 13
3.	Postal order.	14
4.	Vekalatnama.	15

2nd Compilation

1.	Annexure A-I - Application filed before the CGIT Kanpur.	16 - 18
2.	Annexure A-II - MS filed by the Respondents.	19 - 20

RAM KUMAR NIGAM
COUNSEL FOR THE PETITIONER

Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing.....15.11.90.

OR
Date of Receipt
by Post

15.11.90
Dy Registrar.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD.

O.A. No. 970 1990.

Central Narayan
Mahesh Kumar Nigam aged about 72 years son of
Shri Shambhoo Saran Nigam, R/O 45 Duprapur,
Unnao (U.P.)

..... Petitioner

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Lucknow.

..... Respondents

1. DETAILS OF THE PETITION:

This petition is being directed for release
of part of the gratuity amount which is admittedly
with-held by the Respondents without any reason
or rhyme and for no fault of the petitioner.

2. JURISDICTION:

The humble petitioner retired as Station
Master, Vyasnagar, Northern Railway from 30-9-75.
and the Respondent No. 2 is headquartered at Lucknow,
hence it is declared that this Hon'ble Tribunal
has territorial jurisdiction to try this petition.

S - Mahesh Narain Nigam

5

-2-

3. LIMITATION:

Since the impugned order was passed by the Central Govt. Industrial Tribunal-Cum-Labour Court, Kanpur on 28-5-90 thereby dismissing the appeal of the petitioner under Sec. 33 C (2) of the I.D. Act, hence it is declared that this petition is within time.

4. FACTS OF THE CASE:

4.1 That the humble petitioner retired as SM Vyas Nagar, N.Rly. on 30-9-75. On his retirement a sum of Rs. 9240/- was worked out as DCRG (Death-Cum-Retirement gratuity).

4.2 However, the Respondent No. 2 only paid the gratuity amount as follows:-

Amount due - Rs. 9240/-

Debits due - NIL

Payment of DCRG actually made - Rs. 7216.80

Balance due - Rs. 2223.20

4.3 That a claim for the above amount was filed under Section 33 C (2) of the I.D. Act before the Central Govt. Industrial Tribunal-Cum-Labour Court, Kanpur where the Respondents filed their WS also. The true copy of the claim application as well as the reply filed by the Respondents are being filed and marked as Annexure A-I and A-II to the 2nd compilation.

4.4 That in the instant case, provision of IREM (1235, 1236 and 1237) applies and while deducting

Contd....3/-

Mahesh Narayan
Nagam

W

- 3 -

the amount, the Respondents have honoured the above statutory and mandatory provisions with total breach inasmuch as the humble petitioner has been given no opportunity of being heard for any deduction out of the DCRG payable to the petitioner and, therefore, the deductions made by the Respondents are totally without jurisdiction, arbitrary, illegal and non-est and the petitioner is entitled not only to the principal amount but also to the recurring interest as per law.

4.5 That it is needless to mention that the gratuity is not a bounty so that the Respondents could deduct a sumptuous amount ~~exx~~ out of the same at their own free-will and in any case it is submitted most respectfully that the humble petitioner has rendered quite un-impeachable service with utmost honesty and integrity and there was no occasion to forfeit any part of the gratuity amount nor there was any liability for which the amount could have been attached or deducted out of the DCRG.

4.6 That in the State of Kerala and other vs. M.Padmanabhan Nair (AIR 1985 Supreme Court - page 356) it was held that over the Govt. dues which have been delayed, abnormal interest should be awarded at market rates and the same commence from the expiry of 2 months from the date of retirement.

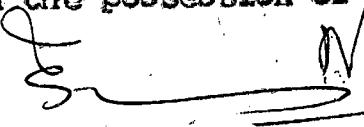
Contd..4/-

S. Michael Noronha N.P.

4.7 That the humble petitioner retired on 30-9-75 and, therefore, to much period expired from 28-09-75 to 30-11-75 (and it is this date from which the humble petitioner is entitled for interest on the amount of DCRG balance (Rs. 2223.20) which comes to Rs. 4011/- approximately and, therefore, the total amount due to the humble petitioner is now Rs. 6234.20 paise.

4.8 That from the WS filed by the Respondents before CGIT Kanpur, it would be clear that the balance amount of DCRG i.e. Rs. 2223.20 paise is fully admitted to the Respondents but they have justified the deductions by quite arbitrary action of deduction on various heads. The humble petitioner begs to submit that the deductions out of the DCRG are quite arbitrary, illegal and without taking the petitioner into confidence at any stage. and it is also one of the pleas taken that the petitioner's services were not satisfactory and on this account 10% of the DCRG was deducted. This is absolutely a false plea taken in the WS. The service book of the petitioner may kindly be summoned before this Hon'ble Tribunal and the same will be observed to be quite un-blemished.

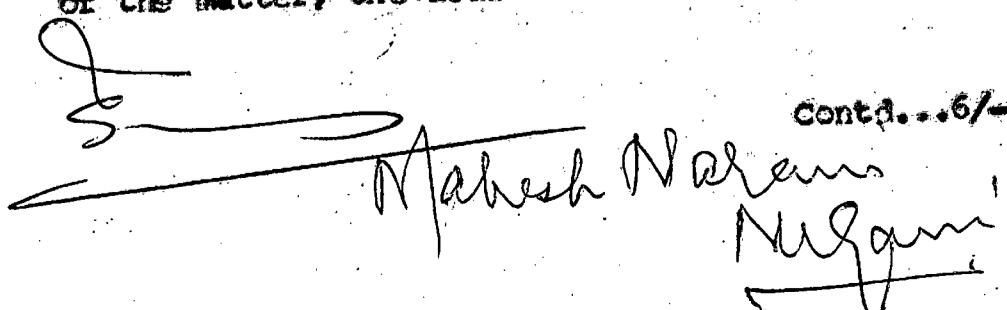
4.9 Further the deduction of Rs. 29.20 for the alleged loss of station earning and Rs. 88/- on account of coaching debits and Rs. 70/- on account of shortage of stores items which are said to be in the possession of the petitioner, are undoubtedly


Mahesh Narain
N. D. Narain

quire arbitrary, illegal and without following the principles of natural justice.

4.10. It is admitted in para 3 of the WS that the petitioner was only paid an amount of Rs. 4496.80 + Rs. 2520/- and the actual payment made till 1985 vide CO7 No. 050375 dated 2-7-85 comes to Rs. 7116.80, whereas the amount due to the petitioner as calculated by the Administration was Rs. 9240/- as admitted in para 1 of the WS.

4.11. That the humble petitioner is quite a poor man with liabilities over his head because of his eldest son having expired in a very serious accident who was in a very lucrative Managerial service of a big concern and after his death, he is badly in shattered condition and had his son alived he would not have claimed this paltry amount and he would not have continued for his claim in CGIT or before this Hon'ble Tribunal. He is filing this petition with high hopes that justice shall be awarded to him looking the diplorable conduct of the Railway Administration inasmuch as it is feeling proud of having deducted a substantial part of the gratuity amount of the humble petitioner without any show cause notice or even without taking him into confidence for the deductions made and in this view of the matter, the deductions are tantamount to


Contd... 6/-

nothing less than robbery and the humble petitioner is, therefore fully entitled to the interest @ 12% per annum as already held in the State of Kerla and others Vs. D.M.Padmanabhan Nair (AIR 1985 Supreme Court page 356).

4.12 That the humble petitioner further claims interest pendentilite and future also till the payment is actually made by the Respondents in addition to the amount claimed and the arre of interest due so far and likely to further fall due.

4.13 That the above case law (AIR 1985 Supreme Court page 356) has been relied upon by the Railway Board in their letter No. F (E) III/79/PNI/15 dated 23-1-87 (NR Sr.No. 9168) and excerpt condenced in B.S.Mene's Railway Establishment Rules and Labour laws is reproduced below:-

" The Supreme Court in its judgment reported in AIR 1985 at page 356, held that Pension and Gratuity are no longer bounty to be distributed by the Govt. to its employees on their retirement but have become, under the decision of the court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment".

4.14 That since the Railway Board's letter dt. 23-1-87 and which has the force of law also, the applicability of para 313 of the Railway Pension and Rules is not attracted/in any case no law permits that the deductions out of the retiral benefits

Contd... 7/-


Mahesh Narayan
Negi

8

without show cause notice and following the principles of natural justice.

4.15 That the judgment dt. 28-5-90 given by the Learned CGIT is erroneous as the Learned Tribunal seems to have been mis-led due to misleading pleadings by the Railway Administration. In the instant case the application under Section 33 C (2) was for an admitted claim of the DCRG amount and there is no question of framing any industrial disputes. Moreover, the Assistant Labour Commissioner (Central) does not entertain any application for framing industrial disputes individually as per Govt. instructions and such dispute can only be raised when it is espoused by registered and recognised Unions. The true copy of the judgment dt. 28-5-90 is being filed and marked as Annexure A-III to the 1st compilation.

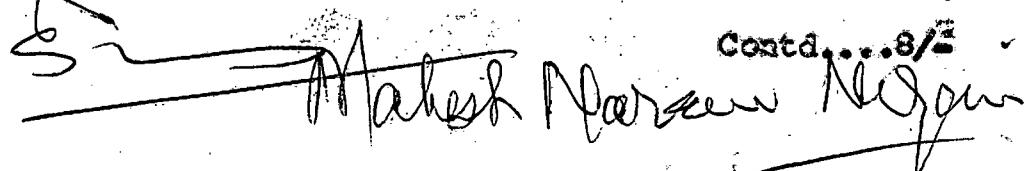
5. GROUNDs :

5.1 Because the action taken by the Respondents is arbitrary.

5.2 Because the principles of natural justice have not been followed.

5.3 Because the petitioner does not owe any liabilities towards the Railway Administration and his services were quite satisfactory and there was no occasion for arbitrary cutting through the DCRG.

Contd....8/2


Mahesh Narayan N. Joshi

5.4 Because the mandatory provisions of IREM have not been followed.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The humble petitioner has already filed a claim under Section 33 C (2) before CGIT Kanpur in ICA case No. 234/89 which was decided on 28-5-90 which has given the cause of action for this petition.

7. MATTER NOT PENDING WITH ANY OTHER COURT ETC:

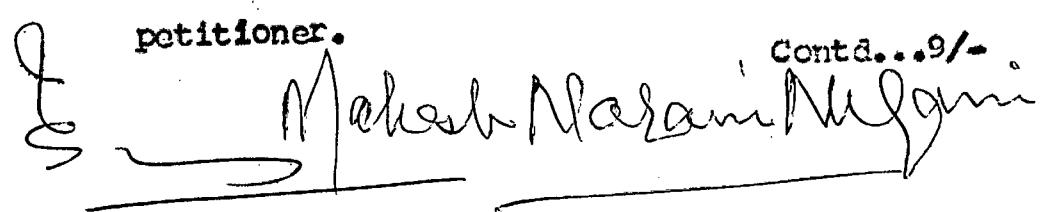
The humble petitioner declares that the matter regarding which this petition has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

8. RELIEF (S) SOUGHT FOR:

In view of the facts mentioned in paras 4 & 5 above, the humble petitioner prays for the following relief (s):-

(a) to issue a writ, order or direction in the nature of MANDAMUS thereby commanding the Respondents to release the balance amount of gratuity i.e. Rs. 2223.20 together with interest which is calculated to Rs. 4011.00 (@ 12%) - and also to pay interest pendentilite and future till actual payment is made to the petitioner.

Contd...9/-


Mahesh Narain Nigam

(10)

- 9 -

- 2 -

(b) to issue further order in favour of the humble petitioner which this Hon'ble Tribunal may deem fit as per facts and circumstances of the case.

(c) Award cost of the petition in favour of the humble petitioner.

(9) INTERIM ORDER IF PRAYED FOR:

At present no interim relief is being sought for.

10. PARTICULARS OF POSTAL ORDER IN RESPECTIVE OF THE APPLICATION FEE:

NO.	
(a) Name of Indian Postal order.	- D.D. 531889 Rs. 5/-
(b) Name of Issuing Post Office.	- H.C. P.O. ALP.
(c) Date of issue of Postal order.	- 15/11/96
(d) Post office at which payable.	- H.C. P.O. ALP.

11. DETAILS OF COMPILATION BOOK:

A compilation book containing the details of the documents to be relied upon is enclosed.

12. LIST OF ENCLOSURES:

(a) Details of compilation book.

(b) Documents detailed in the compilation book.

(c) Indian Postal order No. D.t.

(d) Vakalatnama.

13. This petition is being processed through Shri Ram Kumar Nigam, Advocate.

Contd., 10/-


Mahesh Kumar Nigam

In verification:

I, Mahesh Narayan Nigan aged about 72 years son of Shri Shambhu Saran Nigan, R/O 45 Duprapur, Unnao, do hereby verify that the contents from para 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts. The copies of the documents annexed are true to their respective originals,

Mahesh Narayan Nigan
PETITIONER

Dt. 23/10/90

To

The Registrar,
Central Administrative Tribunal,
Allahabad.

ANNEXURE III

Before Shri Arjan Dev Presiding Officer
Central Government Industrial Tribunal
cum Labour Court Pandu Nagar, Kanpur.

L.C.A. No. 234 of 1989

Shri Mahesh Narain Nigam
Petitioner

ANNEXURE NO. III

And

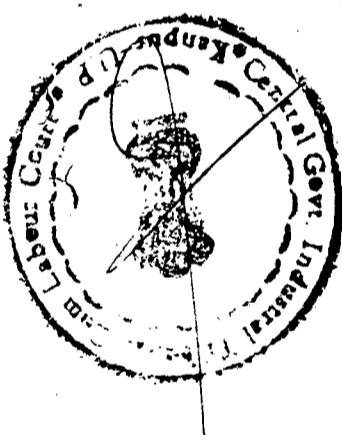
The P.R.M. LUCKNOW DIVISION
NORTHERN RAILWAY LUCKNOW.

Respondent

Order

1. This is a petition under sec.33C(2) I.L.Act, for computation of money benefits amounting to Rs.3623.30 paisa and for payment of interest on the amount so computed. The applicant's case in short is that he retired as Station Master Northern Railway Lucknow Division on 30.9.75 with unblamed career. As per Rules a sum of Rs.8120/- was payable to him as LCRG but out of ~~it~~ the respondent had paid him only Rs.4496.80 paisa leaving a balance of Rs.3623.20 paisa. He has, therefore, prayed that the said amount of Rs.3623.20 paisa be computed in his favour and respondent be ordered to pay him interest on the said amount.

2. The case is contested by the respondent. The respondent while admitting the fact that the applicant retired as Station Master on 30.9.75 plead that the sum of Rs.9240/- was worked out as LCRG payable to the applicant but as per Rules prevalent at that time two months emoluments were deducted on account of family pension payments. Thus the amount payable to the applicant as LCRG came to Rs.8120/-. The respondent further pleads that as per Rules full payment of LCRG is due to an employee on his good faithful and satisfactory service. Since the services of the applicant were not fully satisfactory, an amount equal to 10 percent of LCRG viz. Rs.924/- was deducted on the order of General Manager (P) Head Quarters Office Baroda House New Delhi. Besides a sum of Rs.29.20 paisa on account of loss of station earning, Rs.80 on account of Coaching Debts and Rs.70/- on account of shortage of store items under applicant's possession were deducted from the amount of LCRG payable to him. After deducting the amounts by means of or let dt.26.4.85, the applicant was advised to collect the balance amount of LCRG in the presence of Station Supt.



SC
J.S
S

Mahesh Narain Nigam



The applicant had never made any representation regarding the non receipt of the said amount. As such the applicant is entitled to no relief.

3. In this case, the applicant also filed a rejoinder in which he admitted the receipt of Rs.7016.80 paisa towards DCRG. Treating the total amount of LCRG as Rs.9240/- he had worked out the balance amount payable to him as Rs.2223.20 paisa. He has denied that the services were not satisfactory. He has also challenged the order of GM(P) on the ground that there is no speaking order nor any show cause notice was issued to him before ordering such deductions from the amount of his LCRG.

4. In support of his case, the petitioner has filed his own affidavit. On the other hand, in support of his case, the respondent has filed two documents.

5. From the main petition and the rejoinder, filed by the applicant it appears that after looking to the defence set up by the respondent in para 1 of his written statement, the applicant cleverly enhanced the amount of LCRG to Rs.9240/- ^{That}. He cannot be allowed to do so in view of the specific case set up by him in the petition under sec.33C(2) ID Act, as per Rules, upon his retirement, Rs.8120/- were payable to him as DCRG. The respondent in para 1 of the written statement has shown how under Rules, the amount of Rs.9240/- came out to Rs.8120/-. Therefore, I treat the total amount of DCRG that was payable to the applicant on his retirement as Rs.8120/-. In his main petition the petitioner admitted to have received Rs.4496.80 paisa towards DCRG but in the light of the defence set up by the respondent in his rejoinder he admitted to have received Rs.7016.80 paisa towards LCRG as has been pleaded by the respondent in his written statement.

6. In his cross examination also he has admitted the fact that the amount of LCRG payable to him was Rs.8120/- out of which he had received Rs.7016.80 paisa.

7. Thus the dispute is left with regard to the

L. S.

Maleghaliarajam

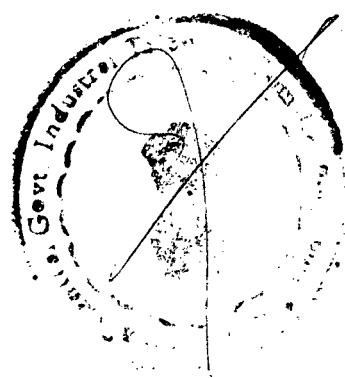
balance amount of Rs.1103.20 paisa.

8. The respondent has filed the copy of para 313 of the Railway Pension Rules according to which if the service of a railway employee has not been thorough satisfactory the authority sanctioning the pensionary benefits could make such deductions in the amount of pensionary benefits as it thinks proper. The respondent has further filed the copy of letter dated ~~Oct, 1977~~ from GM(P) to DRM Northern Railway Lucknow, informing him that the General Manager had given sanction for deduction of 10% of the dues payable to the applicant by way of pensionary benefits. Whether the order is legal or illegal cannot be questioned in proceedings under sec.33C(2) I.L. Act. Similarly the legality of the deductions made on account of station earnings, coaching debits and shortage of store items cannot be examined in proceedings under sec.33C(2) I.L-Act. The applicant should better raise an industrial dispute in respect of all these. It is therefore, clear that no amount is due towards DCRG. As observed above in respect of the amounts withheld he may raise an industrial dispute by challenging the orders under which these amounts were deducted from the amount of his DCRG.

9. The petition under sec.33C(2) I.L. Act, is therefore, dismissed and the computation is made zero in favour of the applicant.

30/1-28-5-90
(Argan Dev)
Presiding Officer

1.1.28.5.90



CERTIFIED COPY

21-6-90
(S. S. SHARMA)
Secretary

Central Government Industrial Tribunal
- Com. Labour Court - Kanpur

Attested

SC

SS

RS

Mallesh Mallesh Mallesh Mallesh

✓ Aufgabe 2

ANNEXURE I

ANNEXURE NO. I

BEFORE THE PRESIDING OFFICER CENTRAL GOVT.
INDUSTRIAL COMMISSIONER TRIBUNAL-CUM-LABOUR COURT KANPUR.

1676

L.C.A. No. 234 /89.

Mahesh Narayan Nigam son of Shri Shambhu Saran
Nigam, resident of 45 Duprapur, Unnao.

..... Applicant

versus

Divisional Railway Manager, Northern Railway,
Lucknow.

..... Opposite Party.

APPLICATION UNDER SECTION 33 OF THE INDUSTRIAL
DISPUTES ACT.

The applicant is entitled to receive gratuity
to the tune of Rs. 8120/- from the OP while the latter
has only paid Rs. 4496.80, thereby leaving a balance
of Rs. 3623.20.

Contd... 2/-

alleged ^{to}

Mechanic Meenakshi

- 1/25

- 2 -

2. The applicant further states that he served the OP with a demand notice dt. 28-9-80 followed by several reminders, personnel requests and persona visits in the DRM's Office, but the remaining amount of gratuity has not been released. The details of the amount and the facts of the case are stated in the accompanying annexure.

3. As a matter of fact the applicant has been making persistent efforts to find the reasons of with-holding of his gratuity amount by the OP and the other officials have done nothing in the matter so far. As a matter of fact there is no liability against the applicant nor any debits are outstanding against him. His retirement is quite clean and there was no order of with-holding of gratuity under the rules nor any opportunity was ever given on the subject for any reason whatsoever.

4. The other counter-parts have received the payment of full gratuity. It is, therefore, prayed that the aforesaid sum may kindly be recovered from the OP and paid to the applicant.

alleged

S
S

APPLICANT

Mohabir Naryan Meijee

- 18218

~~CONFIDENTIAL~~

The applicant retired as Station Master, Vyas Nagar, Northern Railway, Lucknow Division on and from 30-9-1975 with un-damaged career. As per DCRG (Death-cum-retirement Gratuity) Rule an amount of Rs. 6120/- was payable to the applicant towards which the OP paid only Rs. 2623.4496.80 leaving a balance of Rs. 3623.20 under the curb of future debits.

There are no debits against the applicant outstanding against him nor the OP has ever disclosed as to what was the future debit.

The amount of Rs. 3623.20 is thus treated as admitted wages and the OP cannot deny this fact.

The applicant is, therefore, entitled to the principal amount of Rs. 3623.20 along with interest.

31-5-89.

APPLICANT

SC
Attested
S

T

Mukeshwar Narayan Nagay

ANNEXURE II

ANNEXURE NO. II

BEFORE THE PRESIDING JUDGE OF THE CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT KANPUR.

L.C.A. No.234

109

Mahesh Narayan Nigan son of Sri Shambhu Saran
Nigan, resident of 45 Durgapur, Varanasi.

Applicant.

VERSUS

Divisional Railway Manager, Northern Railway,
Lucknow.

Opposite party.

WRITTEN STATEMENT ON BEHALF OF THE OPPO. PARTY.

The Opposite party submits as under:-

Para 1. That the contents of para 1 of the application are denied. It is submitted that Shri M.N. Nigan was retired from service on 30.9.75 as Station Master, Vyasnagar. On his retirement a sum of Rs. 924/- was worked out on account of D.C.R.C. & (Death Cum-retirement Gratuity) but as per rules prevalent at that time the two months enclosures were made less on account of family pension payments and thus the amount of D.C.R.C. came to Rs. 8120/-. The relevant para 3703 of Railway Pension Manual is enclosed as Annexure I of the application.

Para 2. That the contents of Para II are denied. It is submitted that the applicant filed a case in the Court of City Magistrate, Jhansi for the same relief in the year 1981 which was contested by the Railway Administration and the case was dismissed by the City Magistrate, Jhansi. Hence the present application is not legally maintainable and barred by the principle of Res Judicata.

Para 3. That the pure contents of Para III are denied. The applicant has failed to explain the delay in filing the present application. Thus the same is barred by the principle of Laches. It is further submitted that as per prevalent rules the full payment of D.C.R.C. is done to an employee on his good, faithful and satisfactory services. Since the services of Sri M.N. Nigan were not found entirely satisfactory an amount equal to 10% of the D.C.R.C. viz. Rs. 924/- was deducted on the order of General Manager (P), Headquarters of Bereda House, New Delhi. Thus 90% of the D.C.R.C. became due to him instead of 100%. The extract para 343 of Railway Pension Manual is annexed of the V.S. It is further submitted that the sum payable was worked out to Rs. 8120/- (-) Rs. 29.50/- which is recovered for last 21 station

cont

Pluridhara Meher Gopal D

- 26 (2)

(2)

earning, Rs. 30/- on account of Coaching debits and Rs. 70/- on account of shortage of Store Items under his possession and Rs. 4496.00 Paisa (Paid as admitted by him) Rs. 2320/- was paid under C.O. No. 0300375 dated 2.4.53 for payment which he was advised through a registered letter No. 7203/Per/IR dated 26.4.53 to receive the same in presence of Station Superintendent Lucknow. The applicant had never made any representation regarding the nonreceipt of the aforesaid amount and thus it appears that the said amount has been received by him. The recovered amount mentioned above were adjusted from the I.C.R.C. and the payment was made to him i.e. Rs. 4496.00 Paisa plus Rs. 2320.00 = Rs. 7016.00 Paisa and therefore no amount are due against the Railway administration.

Para 4. That the allegations contained in the Para 4 are baseless and as such denied.

That the aforesaid are not admitted as Alleged. It is submitted that the recoveries shown in the para (3) have fully in the knowledge of the applicant and the adjustment were made as per rules.

Para 5. That the present application is not legally maintainable because under this proceeding the Court can not adjudicate the matter without the reference order under Sec. 16 of the I.D. Act.

That the applicant has intentionally concealed the facts regarding the case which was decided by the City Magistrate, Jhansi and as such he is not entitled to get any relief by this Court.

Para 6. That the application is not maintainable under Sec. 33(4)(II) of I.D. Act and the Honourable Court has no jurisdiction to decide the present application.

In view of the above the application of the applicant which is based on false and baseless allegation are liable to be dismissed with cost.

JK
Opposite Party.

A.P.

कुर्ते मंडल रेलवे प्रबन्धक

कुर्ते रेलवे, काशी

VERIFICATION.

I J.N. Srivastava, A.P.O. do hereby verify that the contents of Para 1 to 6 are true to my knowledge on the basis of the official records and also on the basis of the legal advise.

Signed and verified this on _____ at Lucknow.

JK
Opposite Party.

A.P.

कुर्ते मंडल रेलवे प्रबन्धक

कुर्ते रेलवे, काशी, Opp. Party.

13/1/58.

Mohinder S.

Natalay on Major

A. T. S. G.

Mohinder S.

Natalay on Major

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD.

Written Statement on behalf of Respondents.

IN

C. A. NO. 970 OF 1990.

Mahe sh Narayan Nigam. - - - - - Petitioner.

versus

Union of India and others. - - - - - Respondents.

Written Statement on behalf of

-- Ravi Kishan --
serving as AS811 Personnel Officer

Northern Railway, Lucknow.

1. That I am serving as AS811 Personnel Officer

Northern Railway, Lucknow and have been authorised
and deputed to file the present written statement
on behalf of the respondents.

2. That the contents of paragraph nos. 1, 2, and
3 of the petition are not admitted.

3. That in reply to the averments
made in para 4(1) of the petition it is stated that
the averments made therein are admitted to the
extent that the petitioner retired on 30.9.1975 on

3

attaining the age of superannuation. It is further stated that the death cum retirement gratuity for 16, 1/2 months pay was calculated to the extent of Rs.9240-00 but as per rules prevailing at that time two months emoluments (pay last drawn @ Rs.560 per month) were made less on account of Family pension payment, thus Rs.9,240-00 - Rs.1120.00 i.e. Rs.8,120.00 worked out as payable amount towards death cum retirement gratuity.

4. That the averments made in para 4(2) of the petition are denied. It is further stated that the petitioner has been paid death cum retirement gratuity as under :-

Death cum retirement gratuity- worked out
Rs.9,240.00 but the same was made less by two
month emoluments on account of admissibility
of family pension in terms of Railway pension
rules. The details are as under :..

D.C.R.G. Amount admissible due Rs.8,120.00

(1) On account of out standing

Commercial coaching, outstanding

expenses debits against the

petitioners.

(-) Rs. 109.20

(2) Loss of 35 burners (stove items) is. 70.00

(3) For future of 10% of admissible
D.C.R.Q.

D. C. R. G.

Rs. 924.00

D.C.R.G., No. 1

(R 200)

Thus no amount on account of death cum
retirement gratuity is left to be paid to be petitioner.

5. That the averments made in para 4(3) of the
petition are matter of record and hence no specific
reply is needed.

6. That in reply to the averments made in para
4(4) of the petition, it is stated that the averments
made therein are based on misconception of facts
and law and hence the same are denied. It is
further relevant to point out that in terms of para
313 of Railway pension manual the amount of death
cum retirement gratuity/pension can be reduced by
the competent authority for unsatisfactory services.
Thus the reduction made @ Rs. 10% in death cum
retirement gratuity by the competent authority
viz General Manager (P) Northern Railway, is with
in the rules.

7. That the averments made in para 4(5) of the
petition are denied. It is further relevant to
point out that before making deduction of 10% in the
death-cum-retirement gratuity the petitioner was
given a show cause notice. A photostat copy of the
show cause notice dated 19.4.1997 is being filed
herewith and is marked as Annexure 'C.A.I' to this
written Statement. That in reply the petitioner also

put his defence. A Photostat copy of the aforesaid reply is also filed herewith and is marked as Annexure 'C.A.2' to this written Statement.

It is, further pertinent to point out that the General Manager (P) Northern Railway, New Delhi, the competent authority after considering the petitioner's representation, reduced the admissible Death cum retirement gratuity Rs.9,240.00 by 10%. A photostat copy of the order passed by the General Manager (P) Northern Railway, New Delhi is annexed herewith and is marked as Annexure-'C.A.3' to this written statement. Besides a sum of Rs.109.20 on account of commercial coaching which debits and Rs.70.00 towards the loss of store items has correctly been recovered the same being Government dues.

3. That the averments made in para 4(6) of the petition are denied. It is further stated that the payable amount of death cum retirement gratuity Rs.8,120.00 has already been paid as per position explained in earlier paragraph of this written statement. In the circumstances of the case no question of payment of any interest what so ever arises. It is further submitted that the decision of the Hon'ble Supreme Court referred to in para under reply is not all applicable in reference

(Signature)
Date: 26/10/2020
Place: New Delhi
R. Chaturvedi
Advocate

2/26

-6-

to the facts and circumstances of the instant case.

9. That the contents of paragraph no. 4(7) of the petition are denied. No further reply is needed as the position has already been explained in the earlier paragraph of this written statement.

10. That the averments made in para 4(8) of the petition are denied. No further reply is offered as the position has been explained in the earlier paragraph of this written statement.

11. That the contents of paragraph no. 4(9) of the petition are denied. It is further stated that the information regarding deduction of Rs.29.90 is well within the notice of the petitioner. It is further stated that as regards the recovery of Government dues it is not necessary to inform the retired employees regarding the recovery.

12. That the averments made in para 4(10) of the petition as they stand are denied. As already pointed out the petitioner's Death Cum Retirement gratuity worked out to be Rs.9240.00 (16, 1/2 months pay) but from this amount 10% i.e. Rs.924.00 was reduced due to unsatisfactory service and two months pay i.e. Rs.1120.00 was made less on account of admissibility of family pension. Besides a sum of Rs. 179.20 was recovered from the petitioner as the

Asstt. Personnel
D. R. Bko

said Government dues were outstanding against the petitioner.

13. That in reply to para 4(11) of the petition it is stated that the averments made, therein if correct, may call for sympathy but such factors are wholly irrelevant for the adjudication of the matter. No further reply is needed as the position has already been explained in detail in earlier paras of this written statement.

14. That the contents of paragraph no. 4(12) of the petition are denied. No further reply is needed as the position has already been explained in paras 4 and 8 of this written statement.

15. That the contents of paragraph no. 4(13) of the petition as they stand are not admitted. It is submitted the decision of Hon'ble Supreme Court referred to in the para under reply, is not at all applicable in reference to the facts and circumstances of the present case. It is further stated that the petitioner retired in 1975 and at the relevant time i.e. in 1975 the payment of 100% Death Cum Retirement Gratuity was to be done on good, efficient, faithful and satisfactory services.

16. That the contents of paragraph no. 4(14)

29/1

-7-

of the petition are not admitted.

27. That in reply to the contents of paragraph no. 4(15) of the petition, it is stated that the judgement dated 28.5.1990 is perfectly valid and suffers from no infirmity whatsoever. The averments made to the contrary are wrong and the same are denied.

28. That in reply to the contents of paragraph no. 5 of the petition, it is stated that none of the grounds are tenable.

29. That in reply to paragraph no. 6 of the petition, it is stated that the matter has been finally adjudicated upon by the Razia Sam C.G.I.T. Kanpur and the present petition is likely to be dismissed summarily on this ground alone.

30. That the contents of paragraph no. 7 of the petition needs no reply.

31. That in reply to paragraph no. 8 of the petition it is stated that the petitioner is not entitled for any relief. The petition is devoid of merits and is likely to be dismissed.

Asst. Personnel Off
T. T. Dept.

329

-8-

22. That the contents of paragraph nos. 9, 10, 11, 12 and 13 of the petition need no comments.

Munshi
Signature
Ass't. Personnel Officer
N. L. Bldg.
N. L. Bldg.

Verification:-

I, - *Rajv Krishan* - - - - - Serving as
Ass't. *Panel Officer* Northern Railway, Lucknow,
do hereby verify that the contents of para 1 of this
written statement are true to my personal knowledge,
those of paras 2 to 12, 14, 15(partly), 16, 20, and
22 are verified from record, those of paras 13,
15(partly), 17, 18, 19 and 21 are verified on the
basis of legal advice.

Date:- 2.5.1991

place. Lucknow

Munshi
Signature
Personnel Officer
N. L. Bldg.

M

Annexure CA. "I"

Spare Copy

Northern Railway

Recd. A/D.

No. T20E/Pen/1B

Dated: 19/4/77

Divisional Supdt.'s Office, (Issuing Office)
Northern Railway, Lucknow

Lucknow - (Place of issue)

MEMORANDUM

Whereas Shri Mahesh Narain Nigam S/o Sri S. S. Nigam who was employed as Stn. Master/VYN at station VYN in Lucknow Division, is Pension optee and has ~~ended~~ to be in Railway service w.e.f. 30.9.75 due to retirement on superannuation.

And Whereas the General Manager, N.Rly., New Delhi on a careful consideration of the case has come to the conclusion that the services of the said Shri Mahesh Narain Nigam have not been thoroughly satisfactory on account of "Booking against restriction and infringement of priority during 1972" and therefore, proposed to withhold 10% percent DCRD.

NOW therefore, in pursuance of Proviso(1) below Rule 1314(4) RI/Proviso (1) below sub-para (ii) of para 313 of HRPR-1950, the said Shri M. N. Nigam, SM/VYN is hereby given an opportunity of making any representation, which he may wish to make, against the proposed withholding of 10% percent SC to PF/DCRG for consideration by the General Manager/Northern Rly., New Delhi provided such representation is made in writing and submitted through his immediate officer under whom he was working within fifteen days of the receipt of this Memorandum.

2. Shri Mahesh Narain Nigam is informed that in case no representation as aforesaid, is made within the stipulated period of fifteen days, it will be presumed that no representation is intended to be made and action to finalize the case will be processed accordingly.

R.D. 31/4/77
Signature of Issuing Authority

Name & Designation of Issuing Authority

To

Shri Mahesh Narain Nigam,
S/o Dr. Sunder Lal Pandey,
Rami Naka, Mauryanipur,
Jhansi.

ACKNOWLEDGEMENT

Received Memorandum No. _____ dated _____ from _____
the _____ N.Rly., Lucknow.

Signature _____

Date _____

Station _____

21/4/77

3/4/77

Annexure CA "II"

(P.M.)

Anti-certificate of Honesty

Mr. N. K. Agar

With Station Master

Uttasagar N.R.

Mr. Sunder Lal Pauday

Raoji Naka,

Mauranpur/Atk. - Thane.

No. M/37) of 15th May-77 to, The General Manager

N. Rly.

New Delhi

(Through:- The Civil Subdi, N. Rly, Lucknow)

An Appeal of Merit

Four No. 720 E/PEN/1 B of 19/4/77

Respected Sir,

Referring to your above quoted memo -

Sanction, received, on 28/4/77, I beg to lay down
the following few points for your kind consider-
ation & useful action:-

1. That I am sorry to learn that up to

the end of Services and leaving a hospital working
as a worker. as Son of N. during Strike - 3/3 to
28/5/74) is being rewarded by withholding

of P.R.

2. That this a case of 172, which could
not be finalized upto 1975 during my
Service Period & even still now, when I
am fulfilling a part of my post retirement
period despite my repeated humble repre-
sentations which all took place in the then
prevailing circumstances.

3. That the Railway Administration
could earn the heat of English on account
of my so called irregularities, whereas I am

Attested

P. T. O.

Mr.

20th May 1991

R. R. Lko. - 21/4/91

Asstt. Personnel Officer
R. R. Lko.

(C 212)

II

Decr. 1st 1991 of my life long property
of J. C. G.

37A.

1. That the misappropriation of property in 1972
as reported by T.1(A) B. 85 in 1973, should not
have been tolerated by the Board as it
was not being done on operational ground
as already explained.

2. That as a matter of fact, the D.C.R.C. could
have been paid on his retirement in 1970,
which has not been paid up to date
after leaving Govt. Job & as my retire-
ment thus I have calculated below if
(Rs. 100/-), which should have received
as interest.

3. That D.C.R.C. is ready for his fresh election
- much difficulties of an old employee &
the retirement of which is at the expense of
my immovable effects:-

(1) 100 Month & 2 days, delayed for his
final pension.

(2) 10% of D.C.R.C. is proposed to be lost
out in his connection, when I have
already suffered a loss of 20% as interest

(3) A sum of Rs. 100/- has been deducted
against me through an order of Bank to
ward's forfeiture of Registration Money
on various whose property was misappropriated
as reported by T.1(A) B. 85, received after
my retirement & is being as objected
below:-

(4) Cash office Details:-
Month ended by 31/12/90, Rs 17/-
Total Deductions comes to Rs 22.54/-

Attested

P. T. O

Asst. Accountant Officer

At 3/4/91

Asst. Accountant Officer
B. B. B. B.

Annexure CA III

80: 342-3 4280

(॥ ४ ॥)

ପାଇଁରେ ଅଧୀଷ୍ଟାତ୍ରୀ/ କୁଟୁମ୍ବରୀତିକାନ୍ତିକ ହଳାଧିପତି,

ગુરુદ રેતાવે ।

५०८४७३१

ਤੁਟ ਤੇਟ ਰੈਲਾਈ, ਪ੍ਰਾਣਾਵ ਕਾਈਤਿਹਾ, ਬਡੋਵਾ ਹਾਉਸ, ਗੁੜ ਟਿੱਕਾਈ।

ପ୍ରେସିପ୍ପି

• 10.1076

में देखा गया था। इसके बाद वह अपने दोस्तों के साथ अपनी गाड़ी के साथ विदेश की ओर चला गया।

अप्पा पत्र संख्या बं० 720 दृष्टि 11 अ०

दिनांक: - 29-9-77

श्री महेश्वर नारायण ०१३१८

- श्रृंगार पूर्व - त्रिवेणी नदी - अन्ध्रप्रदेश/35315

१०५५
१०५५

10

351

ਫਾਊਨਡੇਸ਼ਨ ਰੋਕਨੇ ਕੇ ਲਿਏ ਮਹਾ ਪ੍ਰਬੰਧਕ ਦੁਆਰਾ ਅਨੁਮਾਨ / ਅਤਿਮ ਮਨੁਹਾ ਦੇ ਵੀ ਗਈ ਹੈ।

ફર્જિયારી લા રેયા રિફાઈ હુસ ફાર્યલિય રે પ્રાયા ફર લિયા જાએ।

५५ इस बोली के बाहर "अमरा न" अन्य वाक्यों

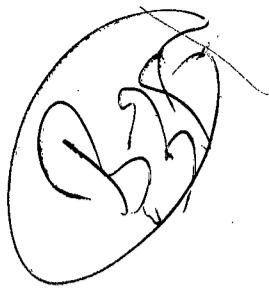
ST. PET. MVR

१११५। अस्ति तद्विषयम् । (वृग्वेदः)

卷之三

~~04~~ 3/4/9

Ass'tt. Commissioner Officer
N. B. M. S.



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

C.A. No. 970/90

Mahesh Narayan Nigam

.... Petitioner

Versus

Union of India and another.

.... Respondents.

I_N_D_E_X

S.No.	Description of documents	Pages
-------	--------------------------	-------

1. Rejoinder on behalf of the petitioner. 1 - 4

S/2/92
Dk 28/1/92

Dt. - 2-1991.

S
(RAM KUMAR NIGAM)
COUNSEL FOR THE PETITIONER

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

REJOINDER

In

O.A. No. 970/90

Mahesh Narayan Nigam

..... Petitioner

Versus

Union of India and others.

..... Respondents.

The humble rejoinder of the petitioner
abovenamed MOST RESPECTFULLY SHOWETH :

1. That the contents of para 1 of the reply
do not need any comments.
2. That the contents of para 2 of the reply
need no comments.
3. That the contents of para 4 of the reply
need no comments being the matter of record.
4. That sofaras the contents of para 4.1
of the reply are concerned, the same are admitted
the rest of the contents are not admitted. It is
emphatically denied that no amount of DCRG is
left to be paid to the petitioner.
5. That the contents of para 5 of the reply
need no comments. However, it is stated that all the

Contd...2/-

S _____
Mahesh
Narayan Nigam

records are available with the Respondents and it is wrong to say that the record is not available.

6. That the contents of para 6 of the reply are not admitted and the earlier allegations are re-iterated. Inspite of protracted litigation on the subject, it was nobody's case that the petitioner has been subjected to cut in the DCRG to the tune of 10% and, therefore, this stand taken at this belated stage by the Railway Administration is not acceptable. However, it is stated that the petitioner has submitted his representation dated 19-4-77 (Annexure CA 2) and the same has not been decided so far.

7. That the contents of paras 7 & 8 of the reply are not admitted. The humble petitioner is fully entitled to the full gratuity as admissible to him.

8. That the contents of para 9 of the reply are not admitted.

9. That the contents of para 10 of the reply are not admitted.

10. That the contents of para 11 of the reply are not admitted.

11. That the contents of para 12 of the reply are not admitted and the same are emphatically denied. The earlier allegations are re-iterated.

Contd.. 3/-

(Signature)

12. That the contents of para 12 of the reply are not admitted.

13. That the contents of para 14 of the reply are not admitted.

14. That the contents of para 15 of the reply are not admitted. The petitioner was retired in 1975 and the order in relation to the so called cut from the DCRG has been admittedly issued on 19-4-77 i.e. after much delay on the part of the Railway Administration. As a matter of fact, the humble petitioner is entitled to 100% DCRG and it was quite arbitrary on the part of the Railway Administration to issue the order dated 19-4-77 without any application of mind or following the rules of statutes.

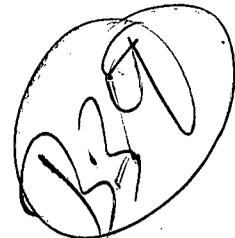
14.1 It is, however, stated that the petitioner has rendered most efficient, dedicated and honest service to the Railway Administration and heavy burden lies on the Respondents to prove that his services were un-satisfactory.

15. That the contents of para 16 of the reply are not admitted.

16. That the contents of para 17 of the reply are not admitted.

Contd....4/-

*Manohar Narayan
M.Jam*



17. That the contents of para 16 of the reply
are not admitted.

18. That the contents of para 19 of the reply are not admitted. The matter has not been finally adjudicated by C.G.I.T. and the final word has to come from this Hon'ble Tribunal because the humble petitioner has come in a case involving the service matter and that too by exhausting remedies which were open to him in C.G.I.T. etc.

19. That the contents of para 20 of the reply
are not admitted.

20. That the contents of para 21 of the reply
are not admitted.

21. That the contents of para 22 of the reply
are not admitted.

I, Mahesh Narayan Nigam, do hereby verify that the contents of paras 1 to 21 of this rejoinder are true to my personal knowledge and nothing material has been concealed.

Post-itsheet

Petitioner:
Mahesh Varan
Nigam

THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

No. CAT/CB/LKO/JUDL 291 - 2912

DATE:

13-11-92

REGISTRATION NO. 199 (L)

Applicant(s)

VERSUS

Respondent(s)

Please take notice that the applicant above name has presented an application a copy of _____ thereof is enclose herewith which has been registered in the Tribunal and the Tribunal has fixed _____ day of _____ to Show Cause as to why the Petition be not admitted. Counter may be filed within _____ weeks. Rejoinder, if any, to be filed within _____ weeks thereafter.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this day of _____

FOR DEPUTY REGISTRAR

(M. Mehrotra)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH)
ALLAHABAD.

Regd. A/D.

23-A, Thornhill Road,
ALLAHABAD-211001.

REGISTRATION NO. O.A. NO. OF 1990
CAT/Alld/Jud. 970

• Rakesh. Banain. Vigan..... APPLICANT(S)

VERSUS

..... RESPONDENT(S)
U.D.T. & Others

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi
2. Divisional Railway Manager, Northern Railway, Lucknow.

Please take notice that the applicant above named has presented an Application a Copy where of is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed

9th

Day of April 1991 For before DR(A) for completion of pleadings. Counter can be filed 3 weeks from 10.12.90.

if, no appearance is made on your behalf, your pleader or by someone duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this Day of December 1990.

13th

Sh. K. J.
FOR DEPUTY REGISTRAR (J)

GHANSHYAM/