FORM NO. 21

(*See* rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ...BENCH

~~OA~~/TA/~~RA/CP/MA/PT~~ ...19.....of ~~20~~ 90

.....K. P. Pandey.....O.S.....2.11.04.....Applicant(S)

Versus

.....U. O. S. & Ors.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

.....

Signature of S.O.

.....

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. No. 19/90

(O.S.No. 21/84)

Kamla Pati Pandey — Petitioner/plaintiff

versus

Union of India & Others — Respondents/defendents

Shri Prashant Mathur, Counsel for Respondents.

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

The case is ripe for hearing and is being disposed of finally.

2. This transferred application arises out of Suit filed by the applicant/plaintiff before the Court of Civil Judge, Lakhimpur Kheri praying that the defendants be restrained by a decree of permanent injunction from making any recovery from the plaintiff and imposing any liability and a decree for Rs 300/- be passed in favour of the plaintiff and against the defendants for sum already recovered.

3. The applicant was working as Booking Clerk at N.E. Railway and was also looking the duties to book the live stock whichincluded Pigs also. According tothe applicant he was charging the rate at the old rates and there was no information that the old rates were not applicable with effect from 1.6.81 and the new rates were applicable from this date. ~~According to the applicant~~ and that it was the duty of Railway Administration to send

the revised rates but no such information was given to the plaintiff/applicant at Mailani Railway Station. It was on 15.11.83 an information was received by the applicant vide letter dated 27.10.83 that an amount of Rs 20,875/- was recoverable from the applicant's pay. According to the applicant, under theprovisions of Indian Railway Commercial Manual Volume I Rules 115 to 119 responsibility of any under charge, is on the station Master and Supervisor Incharge of the Booking, and as such the applicant was not responsible for the alleged under charge. He made representation to the Railway Administration and the recovery was ordered to be made without calling for the explanation of the plaintiff.

4. The respondents resisted the claim of the plaintiff andfiled the written statement and it has been stated that the Indian Railway Commercial Manual it has been provided that all staff members of the Commercial branch should be acquainted with the relevant rules and new rates were published in the monthly Gazette of N.E.R. and the circulars were distributed along with other circulars at Mailani section and at Mailani station itself andit is not correct to say that there was no information regarding the revised rates and the applicant haswrongly and negligently charged the old rates. He is responsible for the loss and that is why recovery was rightly made from from the applicant was acting as booking clerk andunder

para 104 of the Indian Railway Commercial Manual all members of the commercial staff must make themselves fully conversant with the rules and regulations and Manuals/Circulars issued from time to time.

3. In his replication the applicant stated that no direct intimation is sent to the Booking clerk as provided under the Railway Commercial Manual. The notification etc. if any are received by the Station Master and such such communication was given to the applicants by the Station Master. It was the duty of the Station Master to send the same to the plaintiff ans as such he was not responsible.

4. It is clear that the rates were revised in 1981 and as such it can be safely presumed that the circulars were issued and they were sent to the Station Master and it cannot be accepted that the applican was not aware of the same and because of the negligence of the applicant, Government suffered a lot and so the amount was recovered from him. Application deserves to be dismissed and the same is dismissed with the observation that the defendants may recover the amount from the D.C.R.G. of the applicant after giving one hearing to him, in case the same has not been done. No order as to costs.

Lucknow: Dated: 9.11.92.

Vice Chairman.

Central Administrative Tribunal
Lucknow Bench

Cause Title 1993

..... Applicant

Versus

..... Respondents

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B. File

C. File

Tr. 14-90

ORDER SHEET

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

_____ NO. _____ OF 19

Kamla Pati Pandey Vs. U O I

Sl.No.	Date	Office Report	Orders
	7-1-91	The O.S. 21 of 84 has been received on transfer from Jt Addl Civil Judge Kheri. Submitted for D.R.(J) for fixing a date. sd/- 7/1/91	
		OR In compliance of D.R.(J)'s order dt. 14-1-91 notice issued by Regd post for 15-3-91. No undeliver notice has been received so far. Submitted sd/- 14-3-91	14.1.91 Same office Report dt. 7.1.91. Issue notice to the respondents fixing 15.3.91. sd/- DR.
			15/3/91 Same office Report dt. 14.3.91. Notices were issued and no undelivered notice has been received so far. Now list this case before court for hearing on ~~15/7/91~~ 16/5/91 sd/- DR.

GHANSHYAM/

T.A. No. 19 of 1990

Dt. 23.9.1991

Hon'ble Mr. A.B. Gorthi, A.M.
Hon'ble Mr. S.N. Prasad, J.M.

None for the applicant. Shri Prashant Mathur learned counsel for the Railway Administration is present in the court. He is directed to take notice. He requests for time to obtain instructions from the department. This is an old case of 1984 and it should not be unnecessarily delayed any further. List this case for hearing on 10.12.1991. Copy of this order may be given to Shri Prashant Mathur for official use.

Received
24/9/91

J.M. A.M.

(rka)

10.12.91

No sitting. Adjourned to 11.3.92 for hearing.

24.12.91

The case relates to territorial Jurisdication of Lucknow Bench, hence, transferred to Lucknow Bench vide Hon. V.C.'s order dated 18.12.91.

S.O. (JA)

C.R.

case is s. f M.

Sm 4/11/92

4/11/92

एस० सी० डी० प्रपत्र सं० ६६, भाग ६

प्रपत्र संख्या ६

सामान्य सूची

(अध्याय ५, नियम २६)

प्रारम्भिक वाद संख्या

मूलवाद संख्या

सन् १९ ई०

बनाम

अभिलेख

भाग

पत्रावली फ, फ-२, ख ग अथवा घ	पत्र की क्रमिक संख्या	पत्र का वर्णन	पत्र में पन्नों की संख्या	न्यायालय शुल्क: मुद्राओं की संख्या	न्यायालय शुल्क: मूल्य	अभिलेख में पत्र के प्रवेश किये जाने का दिनांक	प्रलेख की दशा	विशेष विवरण
१	२	३	४	५	६	७	८	९
	1		1					
	2		17					
	3		8	2	50-50			
	4		1					
	5		1					
	6		1					
	7		1					
	8		1					
	9		1					
	10		1					
	11		3					
	12		5					
	13		1			16 5 84	"	
	14		1			8 5 84		
	15		5			6 11 84		
	16		1			26 2 81		

[illegible]
सूची 21 [illegible]

[illegible] वेतन [illegible]

(1)

22.2.84
1.3.84

आदेश दिनांक 22-2-84 मु० अ० मु० की
सं० 22 [illegible] 1983 के अनुसार यह
वाद मूलवाद [illegible]

आदेश

मुख्य निलंबित दिनांक 7.3.84
का आदेशाधीन [illegible]

[illegible]

W.S. with (2)
2 month
Issue on 16/5

7-3-84

पुकार पर उभय पक्ष उपस्थित ।

आज की तिथि वादी द्वारा व्यवहारप्रक्रिया संहिता के आदेश 39 नियम 1 के अन्तर्गत आवेदन 10 ग2 के निस्तारण हेतु नियत है। अपने इस आवेदन के समर्थन में वादी की तरफ से शपथ पत्र 11 ग2 प्रस्तुत है। प्रतिवादी गण की तरफ से यह कहा गया ~~आवेदन प्रस्तुत हुआ है~~ कि उन्हे वादी के आवेदन पर आपत्ति प्रस्तुत किये जाने का समय दिया जाय। प्रतिवादी गण को आज की तिथि की जानकारी पहले से थी । आपत्ति पत्र आज प्रस्तुत न किये जाने का कोई उचित स्पष्टीकरण प्रतिवादी गण की तरफ से नही है। अतः प्रतिवादी गण ~~आवेदन प्रतिवादी गण~~ अस्वीकृत ।

संक्षेप में वादी का यह केस है कि प्रतिवादी गण द्वारा उनके ऊपर 20875/- रुपये की विभागीय क्षति का जो दायित्व

न्यायालय [illegible] जज, [illegible]

[illegible]

कमलापत - पार्टी बनाम [illegible] आदि सन्दर्भ

8/8

16-5-84 सुनवाई प्रारम्भ।

उपस्थित:- श्री शीतला प्रसाद श्रीवास्तव
एडवोकेट -- वादी

श्री डी० एन० सिन्हा D.G.C. Civil -- प्रतिवादीगण
की ओर से

प्रतिवादी के वकील ने प्रार्थनापत्र दिया
कि प्रतिवादपत्र मुझे प्राप्त नहीं हुआ है।
अतः प्रतिवादपत्र दाखिल करने हेतु
समय दिया जाये।

आदेश

प्रार्थनापत्र स्वीकार किया गया।
[illegible] को तामील हेतु भेजा जाये।

[illegible]

6/11

9.8.84 प्रकरण पुकारा गया।
उपस्थित: वादी के वकील [illegible]
वकील प्रतिवादी ने पूर्व स्थगन पत्र का
प्रस्तुत किया जो सरकारी कार्यालय द्वारा प्राप्त
नहीं प्राप्त हो सका है। जिला कार्यालय
तहसील प्रस्तुत नहीं किया जा सका है।
तथा लिखित कथन प्रस्तुत करने हेतु
किसी कार्यालय से याचना की।
पूर्व स्थगन पत्र स्वीकार किया।

आदेश

प्रकरण पेश दिनांक 6.11.84 को
तामील के साथ हो।

[illegible]

न्यायालय [illegible] जिला खोरी
धारा 21-बी
[illegible] बनाम [illegible]

26.3.15 रोपी की उम्र 20=17 वर्ष की आर-
से दाखिल किया गया। [illegible]

1.5.15 [illegible]

आज P.C. [illegible]

आदेश

[illegible] 16.07.15 को
तय किया जाता है।

16/7

[illegible]

[illegible] 16-7-15 [illegible]
आदेश — [illegible]
[illegible]

20/8

P.O. [illegible]
[illegible]

आदेश

[illegible] 20-8-15 को
तय किया जाता है।

[illegible]

न्यायालय [illegible]
प्रकरण सं. 21 [illegible]
[illegible]

(15)
25-11-85

[illegible]
अपीलार्थी — [illegible]
[illegible]
P.O. [illegible]
[illegible]

आदेश

[illegible] 5-2-86 को
[illegible] हेतु पेश हो।

[illegible]

(13) 5-2-86

[illegible]
अपीलार्थी — [illegible]
[illegible] P.O. [illegible]
[illegible]
[illegible]

आदेश

[illegible] 25-3-86
को [illegible] आदेश [illegible]
है।

(14)
[illegible]

[illegible]

H. C. J. Form no. 20. Part IX

न्यायालय श्रीमान [illegible] [illegible]

[illegible] -74

मुकद्दमा (जारी) [illegible] vs. [illegible]

कथन

(18)

17-5-76 [illegible]

वकील वादी उपस्थित हैं।

[illegible] 10 [illegible]

[illegible]

आदेश

उभय पक्ष दिनांक 10-7-76 को वास्ते [illegible] सुनवाई पेश हों।

[illegible]

(19) 10/7/76 [illegible]

[illegible]

पी० एस०यू०पी०(आर०ई०)069 रा० न्याय/480-11-9-82-12,50,000.

In the Court of Addl. C.J.(Sr.Div.)
C.S. No. [illegible] 21/14 [illegible]
[illegible]

12 (33)

[illegible] दिनांक 12-11-16 को [illegible]
[illegible] हड़ताल [illegible]
[illegible] उपस्थित [illegible]
[illegible]

सूचना दिनांक 23-12-16 को [illegible]
[illegible] सूचना [illegible]

Addl. C.J.(Sr.Div.)

(32)
23.12.16

[illegible]
उपस्थित वकील वादी [illegible]
[illegible] R.O. [illegible]

आदेश

[illegible] 22-1-17 को [illegible]
[illegible] एक पक्षीय सुनवाई [illegible]

(34)
22-1-17

सूचना [illegible]
[illegible]
[illegible]
[illegible] Administrative Tribunal
[illegible]

आदेश

[illegible] Tribunal [illegible]

Addl. C.J.(Sr.Div.)

Suit of Ref. of Sh
R.S. No 21-84
Kanla Pati Reddy & another of Delhi

30-4-04 Case called out several time. Plaintiff present with his Counsel and Defendant is not present and no one also is present on behalf of the defendants. Today case is fixed for Ors. In the absence of the defendant, case shall proceed Exparte against the defendants. Rep 17-5-06 for Exparte hrg

17-5-06 Case called out. Plaintiff Counsel present. ~~[illegible]~~ Plaintiff moved an adjournment application from No 18 Kal. Application allowed and fix 10.7.06.

In the Court of Adm. C.J.C.
C.S. 21-14.
[illegible]

21/12/06 Today the pleadings. The Counsel not be produced in the hearing as the Employees were on strike. Pleadings have been completed being as already heard on 23-12-06

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

22/1/07 Case called out. Present both is counsel.

<u>ZOC</u> Recd moves an application to set aside order of exhaustion

This case is triable by Adm-initrative Tribunal, Allahabad.

office to sent the file to Adm Tribunal as per rules

22-1-2007

Rs 500

FIVE HUNDRED RUPEES

COURT FEE

ONE RUPEE

TA-19-90

In the Court of CIVIL JUDGE : Lakhimpur Kheri

1. Compensation = 500-00
2. Court fee = 5-00
505-00

Kanhaiya Lati Pandey, aged 53 years son of Lt. Yadunandan Pandey, resident of village Pandey-ana 1, Tehsil Dhaona Jobana, Tehsil Lakhimpur, District Kheri, posted as Assistant Parcel & Booking Clerk, North Eastern Railway, Gola Gokaran Nath, Distt. Kheri.

...PLAINTIFF

Versus

1. Union of India through General Manager of North Eastern Railway, Gorakhpur, U.P.

2. General Manager, North Eastern Railway, Gorakhpur, U.P.

....DEFENDANTS

INDIA COURT FEE 30 Rs.

तीस रुपये

सत्यमेव जयते

भारत

INDIA

THIRTY RUPEES

३०रु. 30Rs.

102/2

[illegible]

The above named plaintiff [illegible] submits as under:-

1. [illegible] plaintiff [illegible] employee of North Western [illegible] which is [illegible] for the Head [illegible]

2. [illegible] of [illegible] defendant No.2 who [illegible]

.....2

3. That the plaintiff was posted at Mailani station in [illegible] as Booking Clerk and worked there from 21st January 197[illegible] to 20th July 1982.

4. That one of the duties assigned to the plaintiff was to book the live stock which [illegible] PIGS also.

5. That the old rates which were prevalent at that time according to rate circular were in use and the plaintiff honestly and with good faith booked certain pigs in Parcel Van by Passenger train between July 1981 and middle of November 1981.

6. That the rates charged according to the old rates which were current then.

7. That it appears that old rates were revised and the new rates were made applicable with effect from 1.6.81.

8. That according to the rules it was the duty of administration to send about the revised rates to every station master and also to the Chief Booking & Goods Clerk and also to the Goods Clerk of each station.

9. That in so far as Mailani station was concerned, no intimation was given to the knowledge of the plaintiff either to the Station Master concerned or to the goods clerk.

10. That since the plaintiff had no knowledge about the new rates either from station master or [illegible]

11. That the receiving stations also did not send any information regarding the revised rates namely BRIGHT INDIA N.F.RAILWAY & DELHI MAIN RAILWAY (NDLM.) though the officials concerned of these stations were bound to realise the under charges and report the matter to Accounts Office and forwarding station according to rule 962 Indian Railway Commer--cial Manual, Volume I and if it was not done, the responsibility shifts to the receiving station.

12. That on 15.11.83 an information through letter C/408/Mailani/75 from MAND L MAIL M V.MAK (VANIJYA) Lucknow dated 27.10.1983 was received by the plaintiff to the effect that Rs. 20,875/- as under charges by accounts vide error sheet number Ist F.../C/LMO/F.L.-3 of April '82 Rs. 10182 and M./C/LMO/F.L.-4 of April 82 Rs.693/- total Rs.20,875/- in the name of the plaintiff and the aforesaid sum is solely recoverable from the plaintiff and will be debited from the plaintiff at the rate of Rs. 300/- every month from the salary of the plaintiff. The traffic Accounts office debited a sum of Rs.20875/- to the forwarding station that the responsibility was saddled solely upon the plaintiff.

13. That in view of the above rule on account of lack of the information from receiving stations and in the absence of realisation of under charges which they ought to have made, the aforesaid dues become irrecover--able in the hand of forwarding station. [illegible] ceiving and no [illegible] can be recovered [illegible] the under charges.

14. That the aforesaid order was made without giving an opportunity to the plaintiff for representing his case regarding the liability so imposed.

15. That the aforesaid order is unjust and against natural justice and was passed without giving any opportunity to the plaintiff to meet the charges;

16. That under the provisions of Indian Railway Commercial Manual Volume I [illegible] 115 to 119 the responsibility of any under charge according to revised rates is on the station master and the supervisor [illegible] of the holding (if any) and [illegible] from the [illegible] make rules [illegible] future guidance of [illegible] in charges.

17. That nothing was done by the said officers and officials.

18. That [illegible] any responsibility for [illegible] the plaintiff.

19. That the [illegible] from the reliable source that [illegible] Station Master has debitted [illegible] Rs.70/- [illegible] from Hailand station.

20. That thereupon the plaintiff made a representation [illegible] the [illegible] Railway by his letter [illegible] the Chief Commercial Superintendent, Divisional Railway Manager (Commercial), Lucknow, Senior Commercial [illegible],

Case 3/6

Traffic Inspector of Accounts, Lucknow Junction, Station Superintendent Jhansi.

21. That to the utter surprise of the plaintiff without calling for any explanation the defendants' office intimated that the plaintiff was solely responsible for debit charge Rs. 2087/5/- which will be recoverable from the plaintiff's salary at the rate of Rs. 300/- per month.

22. That when the plaintiff received the pay of the month of 16th October to 15th November '83, Rs.300/- were deducted from the salary of the plaintiff.

23. That the defendants in spite of the protest and representations are bent upon making recovery of illegal dues as indicated in the preceding paragraphs of the plaint and that there is every likelihood that the defendants will deduct the aforesaid sum every month. The recovery of the same is time barred in view of Rule 2704 at page 165 Indian Railway Commercial Manual vol II 2nd edition 1972 (Revised) as the error has been undetected not by inspectors of the sta or but the officials of audit department, but by traffic account Agra Nagar.

24. That the plaintiff will suffer irreparable loss if the defendants are not restrained from making illegal recoveries as indicated above and hence the plaintiff has been compelled to institute the present suit, as there is every likelihood that the defendants will again deduct Rs.300/- from the salary i.e. the month which is payable on 19.12.83 and will continue to do so, in future every month. The plaintiff is further entitled to get Rs. 300/- which has been already arbitrarily deducted by the defendants from the salary of the plaintiff for the month 16th October to 15th November '83.

(a23)7

25. [illegible] urgency and if the defendants are not restrained the plaintiff will suffer loss of [illegible] per month and thereby causing irreparable [illegible] to the plaintiff. The recovery of said [illegible] prima facie illegal. No notice has been served on the defendants under the provisions of [illegible], section 80 and a separate application for obtaining leave of the court is hereby given.

26. That the cause of action of the suit arose on 15.11.85, when the defendants for imposing the liability of [illegible] 20875/- [illegible] and subsequently when the defendants demanded on 16th October to [illegible] 15.11.87 despite the [illegible] Del Mohammath, [illegible] Khan, [illegible] the plaintiff [illegible] is working as [illegible] within the jurisdiction of [illegible], and the learned court has [illegible] to try the suit.

27. That the [illegible] of [illegible] Rs. 20,875/- ~~with~~ ~~[illegible]~~ which represents the liability imposed upon the plaintiff and for the purpose of injunction the valuation of the suit is 1/5th of Rs.20,875/-, above noted suit, i.e. [illegible] 4,175/- on which the maximum court fee of Rs. 500/- is hereby ~~[illegible]~~ paid and for the refund of Rs. 30[illegible]/- already deducted the court fee is [illegible].35/- which is also paid herewith.

28. The plaintiff begs for the following reliefs :

(023)

: :

a- That the defendants be restrained by a decree of Permanent Injunction from making any recovery from the plaintiff by deducting his salary or otherwise and imposing any liability for the under charge, as mentioned in preceeding paragraphs, on the plaintiff.

b- That a decree for Rs. 300/- be passed in favour of the plaintiff and against the defendants for the sum already recovered.

c- That the cost of the suit be awarded and any other relief which the circumstances of the case may justify be granted.

Plaintiff:

Kamla Pati Pandey

Kamla Pati Pandey
through his counsels
Sri Sitla Pr Sad, Advocate,
Sri Shiresh Kumar Agrawal, Advocate
Lakhimpur-Kheri.

Sitla Advocate

VERIFICATION:

I, Kamla Pati Pandey, the plaintiff, do hereby verify this the 30th day of November 1982 at Lakhimpur-Kheri in court compound that the contents of paras 1 to 25 of the plaint are true to my own knowledge and belief and those of paras 26 to28 are based on legal advice and are believed to be true.

Kamla Pati Pandey

(Kamla Pati Pandey)
Plaintiff.

10-6-83

पूर्वोत्तर रेलवे

(62)

मंडल रेल प्रबन्धक (वा) कार्यालय

लखनऊ दिनांक 27/10/1983

संख्या सी/408/MLW/75

प्रेषक- मंडल रेल प्रबन्धक (वा)

लखनऊ

To

श्री के. पी. पांडेय

सी. बी. सी

गोला गोकरन नाथ

विषय- under charge raised by Accounts vide error sheet no

1- TM/E/LWO/FL-6 of April 82 Rs 20182.00

2- TM/E/LWO/FL-4 of April 82 Rs 693.00

Total Rs 20,875.00

उपरोक्त डेबिट मैलानीस्टेशन पर कोचिंग में बकाया है। यह Maintain कर दिया गया है और इसके लिये आप जिम्मेदार हैं। अतः आपको सूचित किया जाता है कि उपरोक्त डेबिट की वसूली आपके वेतन से की जा रही है।

कृते मंडल रेल प्रबन्धक (वा)

15/16

[illegible]

[illegible] Civil [illegible]

Civil Suit No. 21 of [illegible]

[illegible] V/s [illegible]

[illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible] The new rates [illegible] by King [illegible] [illegible] I.C.O.I. The [illegible] Gazette of [illegible]. [illegible] and [illegible] plaintiff [illegible] himself [illegible] Tariffs, [illegible] [illegible] Gazette. The copies [illegible] Gazette [illegible] [illegible] the fact that [illegible] [illegible] all the [illegible]. Though the [illegible] given through the Gazette.

[illegible] be submitted that [illegible] the public [illegible] [illegible] circular No. 5 [illegible] [illegible] 17 circulars were [illegible] including [illegible] [illegible] only that [illegible] [illegible] '31. The new i.e. [illegible] '31.

6. [illegible] plaintiff [illegible]

7. [illegible] I.C.O.I.

(Contd ...2...)

15/2/18

[illegible] sent well in [illegible] ction [illegible]

9. [illegible] indemnification was sent [illegible] 26/26.n.01.

10. [illegible] The plaintiff [illegible] knowledge of [illegible] was [illegible] knowledge set out in para 5 [illegible]

11. [illegible] The [illegible] 62 [illegible] explanatory. [illegible] The plaintiff [illegible] charges [illegible] receiving [illegible]

12 [illegible] The plaintiff [illegible] responsible [illegible] charges.

13. [illegible] sent well in time [illegible] The plaintiff [illegible] charges [illegible] loss to [illegible] The plaintiff can [illegible]

14. [illegible] The [illegible] was sent [illegible] 20/12/03 [illegible] 20/12/03 [illegible] by plaintiff [illegible] 12 [illegible] The plaintiff [illegible] in [illegible] plaintiff's [illegible]

15. [illegible]

([illegible])

16. [illegible] particularly 117 [illegible] in the railway [illegible] the plaintiff [illegible] Clerk i.e. superior [illegible] 10% I.R.C.A. 1 yrs [illegible] I.C.A.1. [illegible] equation [illegible] I.R.C.A. [illegible] by [illegible] respective [illegible]

17. [illegible]

18. [illegible] for the [illegible]

19. [illegible]

20. [illegible] in the [illegible]

21. [illegible] given to the plaintiff [illegible] plaintiff [illegible]

22. [illegible]

23. [illegible] by the plaintiff [illegible] against the plaintiff [illegible] to the [illegible]

24. [illegible] The plaintiff is since [illegible] in dim.

25. [illegible] The plaintiff [illegible] Rs. 60 [illegible] the [illegible] the [illegible] for [illegible] Rs. 60 C.C.

Contd....4...

15/4 (a)

[illegible] 271[illegible] of 1[illegible]C.P.C. [illegible] plaintiff [illegible] in April,'82but [illegible] in June,'83 which is [illegible] plaintiff is legally estopped [illegible] of his own conduct.

26. [illegible] cause of action for the suit was [illegible] the jurisdiction to try [illegible].

27. [illegible] court fee paid is insufficient.

28. [illegible] the plaintiff is entitled to any relief.

29. [illegible] objective of bringing [illegible] concerning number of [illegible].

30. [illegible] for the suit in view of [illegible] 4700 of L.A.C.A.

[illegible] with the hope that [illegible] will be [illegible].

DEPUTY REGISTRAR

([illegible])

[illegible]/[illegible](C)/[illegible]

[illegible]

C[illegible]3.....

15/5 (6)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

In the Court of the Civil Judge, Lakhimpur-Kheri.

Civil Suit No. 21 of 1984.

Kamlapati Pandey .....Plaintiff.

Vs.

Union of India.....Defendant.

Fixed for 26.3.85

REPLICAtion on behalf of the plaintiff

Sir,

The allegations contained in paras 1,2,3 & 4 need no reply.

Para 5. The contents of this para are not admitted in so far as they are inconsistent with the plaint allegations. Further, the content-s of this para are absolutely incorre-ct vide the additional pleas

Para 6.- Denied.

Para 7.- Needs no reply.

Para 8.- Denied.

Para 9.- Denied.

Para 10.- Denied vide the additional pleas.

Para 11.- Denied. Rule 962 of the Indian Railways Commercia Manual, Volume 1 doe-s not help the defendant as it deals with t-he receiving stations alone, an not the forwarding stations .

Para 12.- Denied. Plaintiff was not responsible for the under charg-e for the reasons given in the additional pleas.

Para 13.- Denied vide additional pleas.

Para 14.- The contents of this para are not admitted in manne-r it is stated. The plaintiff promptly replied to the notice receiv-ed, and the

deductions were made without giving any opportunity to the plaintiff.

Para 15.- Denied.

Para 16.- Denied vide the allegations of the plaint.

Para 17.- Denied.

Para 18.- Denied.

Para 19.- Needs no reply.

Paras nos. 20, 21 & 22.- Denied.

Para 23.- Denied. Contents are not admitted in the manner stated.

Para 24.-Denied.

Para 25.- Denied. The plaintiff can file the present suit dispensing with the notice under Sec. 80 CPC as the matter was one of urgency which is not open to be questioned now after the admission of the plaint. Para 2714 of the Indian Railways Commercial Manual, Volume II is not relevant for the present suit.

Para 26.- Not admitted. The Hon'ble Court has full jurisdiction to try the present suit as the cause of action has accrued within the jurisdiction of this Hon'ble Court.

Para 27.- Denied.

Para 28.- Not admitted. The plaintiff is entitled to the reliefs claimed for.

Para 29.- The contents of this para are not admitted. The commercial staff of receiving stations is not a necessary party, and the suit is not bad for non-joinder of necessary parties.

Para 30.- Denied vide additional pleas.

Additional Pleas.

Vide Indian Railways Commercial Manual Volume I, no direct communication is made to the Head Booking Clerk which post at that time the plaintiff occupied.

All notif-ications, gazettes and changes in the tarrif rates circulars are rec-eived either by the Station Master, or by the Supe-rvisor incharge.

B- That at Mailani station, there was no supervisor incharge in the Booking Office, and the Station Master was alone authorised to receive correspondence relating to all the recent changes made in the tarrif rates.

C- The plaintiff has no knowledge about the receipt of any changes made in the tarrif rates, nor has any knowledge of the recent circular referred to in the written statement. It was the duty of the Station Master if he had received any such infor-mation to circulate the same to the plaintiff. If the plaintiff had any such knowledge, he would not have under charg-ed.

D- That the knowledge im-puted thr-ough Mukhtiyar Ali is absolutely incorrect, since no information was given by the Station Master, even if he had received any such c-ircular changing the tarrif rates through the Station Master or thr-ough any other agency.

E- That it was the duty of the St-ation Master to circulate the new tarrif rules to the plaintiff and obtain his signatures thereon in token of its receipt as is laid down in para 115 of the Indian Railways Commercial Manual, Vo-lume 1.

F- That it is only on the receipt of the information that the liabi-lity of the plaintiff arises, and not otherwise.

G- That the refere-nce of Rule 104 of the Indian Rail-ways Commercial Manual , and other par-as of the said Manual in the written statement are wholly irrelevant and have no bearing in the case.

H- That the plaintiff had uptodate knowledge of the Rules which were provid-ed to him about the rates when he took charge as a Booking Clerk, but in sofar as the amended rates are co-ncerned no information was given to the plaintiff, and as such no liabilit-y can arise against the plai-ntiff for under charge.

Whe-refore this replication is being presented in repl-y to th-e written statement filed by the defendants dated 5- 11- 1984.

Plaintiff

Kamlapati Pandey

Through his counsel
Sri Sit-la Pras-ad
Advocate.

Dated:
26. 3. 85

Verif-ication.

I, Sri Kam-lapati Pandey, the plaintiff do hereby solemnly affirm in the court concerned that the contents of th e replies of paras Nos. 1 to 30, a nd the Addi-tinal plea-s Nos. A to H of the replic ation above in so far as th e interpr-etation of the various rules is concerned are true to my perso-nal knowle-dge. The plaintiff believes them to be true from the adv-ice rec-eived by the counsel of t-he plaintiff an-d which the plaintiff bel-ieves to be true. No relevant an-d impor-tant matter has been concealed, and t -he contents of the paragraphs are correc-t.

(KAMLAPATI PANDE)
Plaint-iff.

Date. 26.3.85

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
1 [illegible]	[illegible]	—	—
2 [illegible]	[illegible]	—	—
3 [illegible]	[illegible]	—	—
4 [illegible]	[illegible]	—	—
[illegible]	[illegible]	[illegible]	[illegible]

Remarks

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 22

Sital [illegible]

Kamla Pati Pandey aged 57 years S/o Sri Vadhamanan Pandey T/o Village Pandey Patti, Pargana Sidhan, Tahsil [illegible] Pratapgarh Distt. Deoria, Posted at present as Chief Parcel & Booking Clerk North Eastern Railway Gola Gokaran Nath Distt Kheri

Petitioner

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur, U.P.
2. General Manager, North Eastern Railway, Gorakhpur, U.P.

Opposite Parties

[illegible] 1381

[illegible] 23/87

[illegible]	[illegible]	[illegible]	रकम
[illegible] कुरकी	535 00	[illegible] कुरकी	रु. पै. 1 50
[illegible]	1 50		
[illegible]	2 00		
[illegible]	1 00		
[illegible]	555 50	[illegible]	1 50

ORDER

This case is transfer by Administrative Tribunal

Allahabad

S.M. Abbasi

[illegible]

[S.M. Abbasi]

[illegible]

[सर्व साधारण में विक्रय]

वादी / प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

(आदेश १३ नियम १)

न्यायालय [illegible] स्थान [illegible] जिला

वाद संख्या सन १९) ई० वादी

[illegible]

बनाम

[illegible] प्रतिवादी

बाद पत्र के साथ

.....वादी/~~प्रतिवादी~~ की ओर से..... पेश किए गए दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को ने आज सन १९८३ ई० को 22 के 2 के दिवस को पेश किया

१	२	३	४		५
	कागज क्या हुआ				
क्रम संख्या	दस्तावेजों का अनावर्णन और उसकी तारीख जो कोई हो	यदि अभिलेख में सम्मिलित किया/गया तो प्रदर्श चिन्ह जो उन पर डाला गया	यदि मन्जूर हुआ को पक्षकार तारीख और पक्षकार या उनके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया गया।	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफे में बन्द किया गया तो लिफाफे में बन्द किए जाने की तारीख	विवरण
1.	[illegible]				
2	[illegible]				
3	[illegible]				

न्यायालय का नाम
वाद संख्या
पक्षकारों के नाम

सूची को पेश करने वाले पक्षकार/अभिवक्ता के हस्ताक्षर

N.E. Railway
Lucknow

51-6

Sub: Minor irrigation no objections
dt 27-10-82

Sub: Limited changes made by Accounts
Nil. Case should be closed.

1. Total of P.L. - [illegible] 82 Rs 5693 -
2. Total of P.L. - 6 of [illegible] 82 Rs 2182/82 -
Total Rs 20875 -

Respectfully beg to state that the pay has been drawn on 1/1/83 in the month of July 82 for Sanjeevan EMU as per attendance roll available at this station. Revision of scales of pay were received late from HQ by EMU comes into effective from 1-6-81. This revision on regular basis commencing in Sanjeevan train due since from office of non affecting station staff.

The revised pay fixation has not been made in the earlier received on MLR on receipt of final order.

The revised P.L. recovery details on the revised pay is noted below.

In this connection I would like to invite your kind attention on the provisions of Rule 762 of Indian Volume 1 appendix of Rules to the effect that in case of unauthorised overstayed on French line or the stock received at the receiving station should be reported to the Traffic Accounts office and to the Forwarding station. But in the case Sanjeevan EMU did not report for duty life to the Accounts office and Sanjeevan

Therefore the receiving station (Sanjeevan EMU) has to make recovery on the basis when intimation to the Traffic Accounts' office of the forwarding station (Sanjeevan EMU) when it is declared

In the Court of Civil Judge Kheri

Ramla Pati Pandey ——— Plaintiff

vs

Union of India and others ——— Defendants

Witnesses of Plaintiff

Name and father's name	R/o	Pargana	Tehsil	Distt
Ramla Pati Pandey S/o Yadunandan Pandey Chief Parcel and Booking Clerk Gola	N.E.R Gola	Haidrabad	Gola	Kheri

[illegible]

30.11.83

वकालतनामा

न्यायालय श्रीमान् [illegible]

75 COURT FEE INDIA 75 PAISE

75 COURT FEE INDIA 75 PAISE

[illegible]

बनाम

वादी/अपीलान्ट

[illegible]

प्रतिवादी/रेस्पान्डेन्ट

वादग्रस्त [illegible] N.E. Railway [illegible]

व मुकदमा मुन्दर्जे उनवान में श्री [illegible]

को वकील अपना मुकर्रर करके इकरार करता हूं और लिखे देता हूं कि वकील साहब ममदूह मुकदमा मजकूरा बाला में जो कुछ पैरवी व बयानदेही करें या सवाल जवाब करें या कोई कागजात सनद असनाद वगैराह पेश करें या मिनजानिब हमारे इजराय डिग्री कराके रुपया याफितानी वसूल करें या राजीनामा या अकबाल दावा मिनजानिब हमारे दाखिल करें और तसदीक करें या रुपया दाखिल किया हुआ फरीकसानी को वजरिये रसीद दस्तखती हमारे या अपने दस्तखत से लेवें या किसी मुकदमा में पच मुकर्रर करें या मिनजानिब हमारे अपील दायर करें व बहस करें व हस्ब साख्ता या परदाख्ता मिसल करदाजात उनका हमको कबूल व मन्जूर होगा लिहाजा वकालतनामा लिख दिया कि सनद रहे और वक्त जरूरत काम आवे।

Kamlapati Tandy

अकबूल ..... अकबूल ..... अकबूल .....

गवाह [illegible]

तारीख 30.11.03

1.12.03

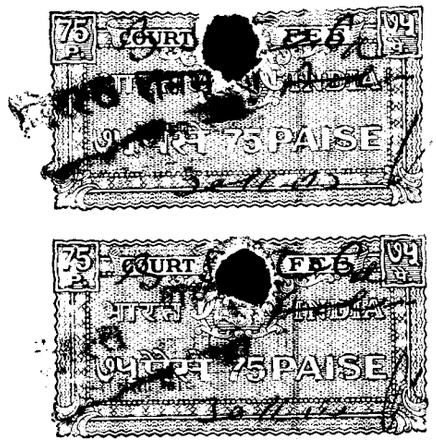
हिन्दुस्थान प्रिंटिंग प्रेस, लखीमपुर-खीरी फोन : २६१९

Accepted

30-XI-03

[illegible]

[illegible]



Kamla Pati Pandey, aged 53 years, son of Pt.Yadunandan-Pandey, resident of village Pandey-pur, Pargana Sidhawa Jobana, Tehsil Palia, District Lewaria, posted at present as Chief Parcel and Booking Clerk, North Eastern Railway, Gola-Gokaran Nath, District Lakhimpur-Kheri.

...PLAINTIFF-APPELLANT

Versus

1. Union of India, through General Manager of North Eastern Railway, Gorakhpur, U.P.

2. General Manager, North Eastern Railway, Gorakhpur, U.P.

...DEFENDANTS-OPPOSITE PARTIES

APPLICATION UNDER ORDER XXXIX RULES 1 & 2 C.P.C.

Sir,

In the above noted case the detailed facts have been mentioned in the plaint and a brief summary of the same is given as under :-

1. That the plaintiff was Head Looking Clerk [illegible]

section, District Kheri from 21.1.78 to 20.7.82.

2. That when the plaintiff took charge, the tarrif rates which were prevelent then and which have been described in the plaint as old rates were enforced.

3. That no information was ever supplied to the plaintiff through any agency about the revision of rates with the result the plaintiff had been continuing to charge the live stocks at old rates.

4. That the Account Office debited Rs. 20,875-00 according to new rates as representing the under charges and the Divisional Rail Manager (Commercial) N.E. Railway, Lucknow fixed arbitrarily the sole responsibility on the plaintiff.

5. That no opportunity was given to the plaintiff and the representation made voluntarily was turned down without stating any reasons.

6. That under provisions of Indian Railway Commercial Manual, Volume I, rule 962, it was the bounden duty of the receiving station to recover the under charge and give the information to the forwarding station and also to the Accounts Office, if it is not done then the dues become irrecoverable against the forwarding station.

7. That despite the fact that the order is illegal, the administration has started making deductions of Rs.300/ per month from the salary of the plaintiff and has already deducted Rs. 300/- from the salary of plaintiff for the month of 16th October to 15th November 1982.

Ms. K/3

8. That there is prima facie case and the defendants have no case by which they can defend their claim of deduction.

9. That the balance of convenience lies in favour of plaintiff and the plaintiff will be worst sufferer if the defendants are allowed to deduct the amount of Rs. 300/- from the salary of plaintiff any more.

10. That the plaintiff will suffer irreparably if no injunctions are granted.

11. That the defendants have already deducted from the salary of the plaintiff for the month of October to 15th March 1983 Rs. 300/- and they are bent upon to deduct every month as under-charge without any justification according to the rule 962 of Indian Railway Commercial Manual Vol. I.

12. That the said charges are purely illegal and irrecoverable as mentioned in the plaint.

In view, it is respectfully prayed that the Hon'ble court be pleased to issue an ad-interim injunction restraining the defendants from deducting Rs. 300/- or any other sum from the salary of plaintiff by way of deduction as under charge.

Since the matter of this application is of urgency, the notice of this application may kindly be ~~dispensed with~~ served on the Union of India & N.F.Rly. for an early date for disposal ~~and an interim order of injunction be passed as prayed.~~ before 15.12.83 by Hon'ble

Applicant:

Dated: November 30, 1983.

Kanla Pati Pandey
through his counsels
Shri Bala Prasad, Advocate
Shri Dinesh Kumar Prasadi, Advocate
Bahraich-Kheri.

30/11/83

COURT FEE 75 PAISE

COURT FEE 75 PAISE

COURT FEE 75 PAISE

CF=2/-

1983
AFFIDAVIT
48 IM
DISTT. COURT
U. P.

IN THE COURT OF CIVIL JUDGE : LAKHIMPUR KHERI

Kamla Pati Pandey .. Plaintiff-Applicant.

Vs.

Union of India and another .... Defendants-opp.parties

30/11/83

Affidavit on behalf of Kamla Pati Pandey, aged 53 years, son of Pt. Yadunandan Pandey, resident of village Pandey patti, Pargana Oel Chhamb Sobra, tehsil Paurauna, District Kheri, posted as present as Chief Parcel and Booking Clerk, North Eastern Railway, Gola-Gokarnath, District Lakhimpur - Kheri.

I, the above named deponent do hereby solemnly affirm and state on oath as under :-

1. That the deponent was Head Booking clerk at Nailani station, district Kheri from 21.1.78 to 20.7.82.

2. That when the plaintiff (de cuius) took charge, the tariff rates which were prevalent then and which have been described in the plaint as old rates were enforced.

3. That no information was ever supplied to the deponent through any agency about the revision of rates with

Kamla Pati Pandey

N²311/2

the result, the deponent have been continuing to charge the live stock at old rates.

4. That the Accounts Office [illegible] Rs. 10,875-00 according to new rates as referred to the under charges and the Divisional Railway Manager (Commercial) N.R. Railway, Lucknow [illegible] are illegally the sole responsibility on the deponent.

5. That no opportunity was given to the deponent and the referred letter dated 8.8.83 was illegally was turned down without stating any reasons.

6. That under the provisions of the Railway Commercial Manual, Volume II, rule 208, it was the bounden duty of the receiving station to recover the under-charge and give the information of the same to the forwarding station and also to the Accounts Office, and if it is not done then the dues become irrecoverable against the forwarding station. No such information was done at any material time by the receiving station and the dues became irrecoverable from the forwarding station.

30.11.83

7. That despite the fact that the order is illegal, the administration has started making deductions of Rs.300/- per month from the salary of the deponent and has already deducted Rs. 300/- from the salary of deponent for the month of 16th October to 15th November 1983.

8. That there is prima facie case and the defendants have no case by which they can defend their claim of deduction.

Kamlakant Singh

9. That the balance of convenience lies in favour of deponent and the deponent will be worst sufferer if the defendants not allowed to deduct the amount of Rs. 300/- from the salary of plaintiff (deponent) any more.

10. That the deponent will suffer irreparable loss if no injunctions are made.

11. That the defendants have a [illegible] deducted from the salary of the complainant for the month 15th October to 14th November 1983 Rs. 50/- and they are bent upon to deduct every month as their charge without any justification according to the rule 962 of Indian Railway Commercial Manual Volume I.

12. That the said charge is wrongful, totally illegal and irrecoverable as stated in the plaint.

13. That the contents of paras 1 to 12 of the affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed.

Verified this 30th day of November 1983 at Lakhimpur-Kheri in court compound.

Kamlapati Pandey
Deponent.

कमलापतिपाण्डे
11.20

दयाशंकर मौर्य

मैं श्री कमलापतिपाण्डे को
व्यक्तिगत पहचानता हूँ इन्होंने
ये कागज दस्तखत किये हैं।
दयाशंकर मौर्य

30/11/83

[illegible] न्यायाधीश महोदय [illegible]

[illegible] सं० [illegible]/८४

पेशी [illegible]

COURT FEE — RS. 1

50 COURT FEE — INDIA — 50 PAISE

वादी

बनाम

प्रतिवादी

[illegible] धारा [illegible] सिविल प्रोसीजर कोड के अन्तर्गत आदेश [illegible] नियम ७ [illegible] के अन्तर्गत धारा [illegible] सिविल प्रोसीजर कोड

[illegible]

श्रीमान,

सेवा में निवेदन है :—

धारा १— यह कि [illegible] तबादले के बाद दिनांक २०-७-९६ को वादी [illegible] अनुपस्थित में निरस्त हो गया था।

धारा २—यह कि उक्त तिथि से [illegible] वादी ने वाद के पुनर्स्थापन हेतु [illegible] प्रार्थना [illegible] के सम्बन्ध में कोई नोटिस या सूचना प्रतिवादी गण को नहीं प्राप्त हुई।

धारा ३—यह कि आज दिनांक [illegible]-९-९६ को ज्ञात हुआ कि उक्त वाद पुनर्स्थापित हो चुका है और [illegible] सुनवाई हेतु नियत है।

धारा ४— यह कि प्रतिवादी गण [illegible] की पिछली तिथियों में अनुपस्थिति [illegible] सूचना अथवा कार्यवाही का ज्ञान न होने के कारण [illegible] हुई। प्रतिवादी गण की ओर से कोई जानबूझ कर नहीं हो पाया।

धारा ५—यह कि वाद के [illegible] प्रकरण [illegible] किया जाने से प्रतिवादी गण को [illegible] हानि पहुँचेगी।

वादी

प्रतिवादी गण

70/2002

धारा 6- [illegible] के प्रतिवाद [illegible] तथ्य स्थित आज न्यायालय [illegible] में आने पर ज्ञात हुई ।

अतः [illegible] में निवेदन है कि प्रतिवादगण के स्वयं [illegible] कार्यवाही [illegible] वाद का प्रतिरोध करने की अनुमति प्रदान करने की कृपा करें ।

प्रतिवादगण-

[illegible] आदि

द्वारा [illegible]

[illegible] एडवोकेट लखनपुर

जिला राज्य अधिवक्ता वादगण

सोनभद्र

दिनांक 3-1-06
23-1-07

सत्यापन

मैं [illegible] वास्तव [illegible] पूर्वोत्तर रीति से सत्यापित करता हूँ कि उपरोक्त प्रार्थना पत्र [illegible] धारा 1 ता 6 के तथ्य मेरे ज्ञान एवं विश्वास के सत्य हैं ।

[illegible]

जगदीश वास्तव

लखनपुर

3-1-06
23-1-07

13-E1

In the Court of Civil Judge Khai
C.S 21 of 84

Kamlapath Pande vs Union of India & others

Sir,
In the above said Case the W.S. duly signed & verified has yet received
Wherefore it is prayed that the Case be adjourned & time be allowed to file W.S.

Applicant
Defdts through
Dr. Indra Advocate
D.G.C (Civil) Khai

11-5-84

Allowed
N
C.J. Khai
16-5-84

न्यायालय श्रीमान सिविल जज महोदय

लखीमपुर खीरी

C.S. 21 सन् 04

वाद सं.

वादी

श्रीमती आशा द्विवेदी ——— ——— ——— प्रतिवादी

श्रीमान जी

निवेदन है कि उक्त वाद में आज लिखित बयान प्रस्तुत करने हेतु नियत है परन्तु सम्बन्धित विभाग से आवश्यक कागजात प्राप्त न हो सके हैं ऐसी स्थिति में प्रार्थी आज लिखित बयान प्रस्तुत करने में असमर्थ है।

अतः श्रीमान जी से प्रार्थना है कि उक्त वाद की अग्रिम तारीख पेशी बाद प्रस्तुत करने लिखित बयान नियत किये जाने की कृपा करें।

प्रार्थी

श्रीमती आशा द्विवेदी — प्रतिवादी

द्वारा

[illegible] एडवोकेट

जिला जज सिविल खीरी

दि. 8-8-02

सत्यापित

प्रार्थी

16/41

IN THE COURT OF CIVIL JUDGE : KHERI

Civil suit No. 21/ 1984.

Kamla Pati Pandey ... Plaintiff

Vs.

Union of India and others... Defendants

Sir,

In the above noted case the defendant has filed Written statement and have raised many complicated questions and ~~refuxxxxxx~~ referred to various paragraphs of I.R.C.M. and certain circulars and correspondence. Under the circumstances, in the interest of justice it is necessary that Replication may be filed to clarify pleadings.

WHEREFORE, it is prayed that time may be allowed to plaintiff to file replication.

Petitioner

Dated: 26. 2. 85

Kamla Pati Pandey
through his counsel
Sri Sitla Prasad, Advocate

[illegible]
[illegible]
[illegible]
C.S. 21 [illegible]

COURT FEE

COURT FEE

COURT FEE

5/3/00 [illegible] 19/5/06

[illegible] वादी

[illegible] बनाम

[illegible] प्रतिवादी

[illegible] उपरोक्त वाद में नालिश पेश हुआ था। वादिनी एकतरफा तथा मुकदमा डिक्रीयत है परन्तु वादी, वादग्रस्त मकान का कब्जा नहीं मिला है। [illegible] है कि वादिनी एकतरफा डिक्री मुकदमा में कोई हर्जा नालिश लगाने की कृपा करें।

[illegible]

[illegible]

17-5-06

[illegible]

[illegible]

$\frac{601}{27}$

$\frac{150}{250}$

Addl

21/8/4

Kamla Pati Pandey . ~~H.Q.~~ Union of India

10.7.86

Printed Form H.C.J. No. 85 —Part -VI

प्रपत्र संख्या 14

(प्रेष्टक विविध)

(अध्याय 5, नियम 160)

प्रारम्भिक न्यायालय का नाम	मामले की रजिस्टर संख्या तथा प्रस्तुत करने का दिनांक	मामले के प्रारम्भिक (मूल) पक्षकारों के नाम	वाचक का प्रकार
अपर मिश्रित जज कोर्ट	मु० दी० 16-06 17-7-16	कमला पति पांडे बनाम रामेश आफ इंडिया	निर्णय - 18-10-16
अपर मिश्रित जज कोर्ट	प्र० दी० 21-14 कमला पति पांडे बनाम रामेश आफ इंडिया	निर्णय - 10-7-16	

बी० ए० यू० पी० (आर० ई०) 1105 उच्च न्यायालय/928--15-2-83-3,60,000

मोहित
३०-४-५८

(नियम 4, नियम 4)

वर्ष 1983

उ० वी० 16-86

कागजों पाने पाने बनाने अनिवार्य किया है

धारा 12 नियम 1 के अनुसार पत्रावली का प्रकार

क्रम संख्या	कागजात का प्रकार	नकी (क) या नकी (ख)	दाखिल किए गए कागजात के पन्नों की सं०	टिकटों (स्टाम्पों) की सं०	मूल्य	कागजात की पत्रावली में सम्मिलित किए जाने का दिनांक	अभ्यावेदन
1	2	3	4	5	6	7	8
1	सूची	क	1	—	—	17-7-86	
2	वकालतनामा	ख	1	—	—	"	
3	प्रार्थना पत्र	ख	1	3	1-50	"	
4	शपथ पत्र	ख2	1	2	2-00	"	
5	पत्रावली	ख2	1	—	—	"	
6	अन्य कागज	ख	1	—	—	25-7-86	
			7	5	3-50		

उपरोक्त के अलावा कोई कागज नहीं है। कुल 7 कागज तथा 5 टिकट मौजूद हैं। 3-50 रु० का भुगतान पत्रावली में उपस्थित है। अन्य कागज का पालना संलग्न का आदेश है।

[illegible]
[illegible] -06

पृष्ठा / क्रमांक (जांच) [illegible] पार्टी [illegible] इंडिया

17-7-06 / 1

[illegible] ए.टी.ए. [illegible] जांच [illegible] व कार्यालय [illegible]

आदेश

पंजीकृत हो एवं पत्रावली 2-8-06 को पेश हो। मूल पत्रावली आकृत है।

2/8/06 / 2

~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] मूल पत्रावली तलब [illegible] [illegible]

3/8

(3/8)

[illegible]

~~आदेश हुआ कि~~

~~[illegible] 30/8/06 को मूल पत्रावली के साथ पेश हो। मूल पत्रावली की तलबी के पेशी अन्दाज तक स्थगित की जाती है~~

[illegible]

~~[illegible]~~ 30-11-06 ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] ~~आदेश हुआ कि~~ ~~[illegible] 4.X.06 को मूल पत्रावली के साथ पेश हो। मूल पत्रावली तलब है पेशी की तारीख~~

(4/10)

[illegible]

[illegible]

न्यायालय सिविल जज जी०सी०
Form नं० 8 नियम 16

वादी

बनाम

प्रतिवादी

(जारी)

दिनांक 10-16 पक्ष के अधिवक्ता उपस्थित

आदेश

पीठासीन है

सिविल जज
जी०सी०

[illegible] अदालत में पेश की।

COURT FEE 50 PAISE

COURT FEE 50 PAISE

COURT FEE 50 PAISE

कमला पति पान्डे पुत्र यदुनन्दन पान्डे सा० पान्डे पट्टी वारिद हाल चीफ पोस्ट व तहसील बेलसंडी जिला गोण्डा गोरखनाथ जिला खीरी। प्रार्थी

बनाम

यूनियन आफ इन्डिया - द्वारा जनरल मैनेजर पूर्वोत्तर रेलवे गोरखपुर।

२- जनरल मैनेजर पूर्वोत्तर रेलवे गोरखपुर। विपक्षीगण

प्रार्थना पत्र दाखिल आर्डर ९ रूल ४ सी०पी०सी० मुकदमा कमलापति पान्डे बनाम यूनियन आफ इन्डिया वादि दीवानी वाद सं० २९ सन् ८४ ता० फै० १०-७-८६

- - - - - - - - - - - - - - -

श्रीमान जी,

प्रार्थी की प्रार्थना निम्नलिखित है :-

धारा १- यह कि उपरोक्त वाद एकतरफा सबूत के लिये दिनांक १०-७-८६ को न्यायालय श्रीमान में नियुक्त था।

धारा २- यह कि उसी पूर्व पेशी पर गलत फहमी के कारण प्रार्थी गलती से ता० १६-७-८६ नोट कर गया और इसी कारण १०-७-८६ को न्यायालय नहीं आया और आज उपस्थित न्यायालय आने पर पता चला कि वास्तव में ता० १०-७-८६ थी और उसी दिन मुकदमा बरूम पैरवी में निरस्त हो गया।

धारा ३- यह कि प्रार्थी ने गैर हाजिरी जान बूझकर नहीं की है बल्कि गलत फहमी में गलत तारीख नोट कर लेने के कारण हुई है जो कि क्षमा योग्य है।

अतः निवेदन है कि आदेश दिनांक १०-७-८६ निरस्त करके मुकदमा पूर्व स्थिति में स्थापित करके पैरवी का अवसर दिया जाये।

प्रार्थी:-

कमला पति पान्डे
द्वारा

कमलापति पाण्डेय

२६-७-८६ को

श्री शीतला प्रसाद श्रीवास्तव एडवोकेट लखीमपुर।

Sitla Prasad

अदालती

(56)

न्यायालय अतिरिक्त सिविल जज
मु० क्र० 16-06
कमला पति पाण्डे
बनाम
प्रेमिका आफ इंडिया
डिक्री दिनांक 10-10-16

डिक्री

प्रार्थी	रकम	विपक्षी	रकम
	रु० पै०		रु० पै०
1- प्रा० पत्र शुल्क	1-50		
2- शपथ पत्र शुल्क	2-00		
योग	3-50	योग	कुल

Order

Order dated 10.7.06 in Suit No. 21-14 is set aside and suit is restored to its original number.

Sd.
S.C. Mangla
Addl. Civil Judge
Khen
10-10-16

(एस. सी. मंगला)
अतिरिक्त सिविल जज
25-10-16

न्यायालय श्रीमान अतिरिक्त सिविल जज महोदय

खीरी।

COURT FEE 50 पैसे

कमला पति पान्डे — प्रार्थी

बनाम

यूनियन आफ इन्डिया — आदि — विपक्षीगण

1986
AFFIDAVIT
72 IM
DISTT COURT
O. P.

बयान हल्फी मिनजानिब कमला पति पान्डे पुत्र यदुनन्दन पान्डे नि० पाण्डे पट्टी वा० हाल पार्सल व बुकिंग क्लर्क गोला गोकर्णनाथ जिला खीरी।

मैं शपथकर्ता शपथ पूर्वक कथन करता हूँ कि :-

धारा १- यह कि उपरोक्त वाद एकतरफा सबूत के लिये दिनांक १०-७-८६ को न्यायालय श्रीमान में नियुक्त था।

धारा २- यह कि इससे पूर्व पेशी पर गलत फहमी के कारण शपथकर्ता गलती से ता० १६-७-८६ नोट कर गया और इसी कारण १०-७-८६ को न्यायालय नहीं आया और आज उपस्थित न्यायालय आने पर पता चला कि वास्तव में ता० पेशी १०-७-८६ थी और उसी दिन मुकदमा अदम पैरवी में निरस्त हो गया।

धारा ३- यह कि शपथकर्ता ने गैर हाजिरी जान बूझकर नहीं की है बल्कि गलत फहमी में गलत तारीख नोट कर लेने के कारण हुई है।

धारा ४- यह कि विषय धारा १ से ३ शपथ पत्र शपथकर्ता के निजी ज्ञान से सही है।

शपथकर्ता:- कमलापति पाण्डेय

16-7-86

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

16. 7. 86

17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad-211001

No. CAT/Alld/Jud/ 647 dated the 5/2/91

T.A. No. 199

Ramla Pala Pandey .....Applicant(s)

Versus

....Respondents(s)

Pandey S/o Pt. Yadunandan Pandey Pathi Pargana Sukhara Tehsil Padarauna Dist. Deoria (UP)

Whereas the marginally noted case(s) has/have been transferred by.....Under the Provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

O.Suit No. .....
Writ Petition No.
of the Allahabad High Court,
Allahabad.

The Tribunal has fixed date of 15.3.1991 for hearing of the matter. If no appearance is made on your behalf by some one duly authorised to act and plead on your behalf the matter will be heard and decided in your absence.

Given under may hand seal of the Tribunal this day of February 1991.

Divisional Personnel Manager of North Eastern Railway Gorakhpur (UP)

FOR DEPUTY REGISTRAR

SSG/