

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 135 of 2990

of.....Applicant(S)

Versus

U. O. g. Bas..... Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1.	Order Sheet - sheet 632	1 to 3
2.	Judgment 13-9-90	4 to 7
3.	Letter	8 to 23
4.	R.F.C.A.	34 to 45

Certified that the file is complete in all respects.

.....Certified that the file is complete in all respects.
B6514 Wedel and S destroyed d
.....

Signature of S.O. 116

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench
Date of filing 10-4-80
Date of R. copy 10-4-80
V
Date of filing 10-4-80

Registration No. 135 of 1980 (L)

APPLICANT(S)

Pratap

RESPONDENT(S)

U.O.

<u>particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Y
2. a) Is the application in the prescribed form ?	
b) Is the application in paper book form ?	
c) Have six complete sets of the application been filed ?	Y
3. a) Is the appeal in time ?	Y
b) If not, by how many days it is beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation/ Yakalatnama been filed ?	Y
5. Is the application accompanied by B.O./Postal Order for Rs.50/-	Y
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Y
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Y
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	
c) Are the documents referred to in (a) above neatly typed in double space ?	Y
8. Has the index of documents been filed and paging done properly ?	Y
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Y
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	Y

(P2)

particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?

Y

12. Are extra copies of the application with Annexures filed ?

No

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Nos. _____ pages Nos. _____ ?

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

No

14. Are the given address the registered address ?

Y

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

Y

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

N/A

17. Are the facts of the case mentioned in item no. 6 of the application ?

Y

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 ?

Y

19. Whether all the remedies have been exhausted.

Y

dinesh/

P3

24/4.1990

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

Hon'ble Mr. K. Obayya, A.M.

Heard, Shri A.K. Dixit counsel for the applicant. The applicant is agreed with the order of removal dated 17.5.1989, served on him on 22.7.89, whereby, the applicant was removed on the ground that he was found medically unfit. The applicants case is that he was medically re-examined Vide Memo dated 24.12.1988 on or after 24.12.1988 and found medically fit. The interim relief is also been prayed in the form of mondamous at this stage. It is not, dispute that the applicant is not in service since 22.7.1989 or so.

Yet, notice be issued to the respondents, to show cause as to why the petition is not been admitted and why the interim prayer made for be not granted. The respondents shall produce the medical examination results in original for purusal of the Tribunal along with the show cause reply.

List it for admission orders on interim relief matter on 13.7.1990.

42
notice
given
to
10-5-90

Sd/-

Sd/-

A.M.

J.M.

rrm/

13-7-90. No sitting. Poly, to 29/8/90

29.8.90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

No cause has been shown by the respondents. List on 13-9-90 alongwith OA 27/1/90
"Mann Lal & Others vs Union of India"

✓ OR Notices were issued on 10-5-90.
Neither reply nor any unanswered regd. cover have been return back.

S. S. A

28/10






(AU)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH, LUCKNOW

Registration O.A. No.135 of 1990.

Pratap

.....

Applicant

Versus

Union of India & Others

Respondents

Hon. Mr. Justice Kamleshwar Nath, V.C.

Hon. Mr. M.M. Singh, Member (A)

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

This application under Section 19 of the Administrative Tribunals Act, 1985 is for quashing of the order of removal passed on 17.5.89 contained in Annexure-A1 with benefits of salary.

2. The respondents have filed counter; Shri A.K. Dixit for the applicant says that no rejoinder is to be filed. The case involves very short matter and therefore as agreed by the parties this petition is disposed of finally.

3. According to the applicant he was working as Casual Labour ^{since} ~~in~~ the year 1965 but according to the respondents the applicant started working since 1973 and after completing 120 days in continuous working he was treated as a ^{casualised} ~~decasualised~~ labour. On 2.1.1984 he was subjected to a medical fitness examination and was declared medically unfit. It does not however appear that any order of termination of his service on that basis was passed in that context. According to the

(AS)

respondents the applicant colluded with the concerned staff and continued to remain in employment despite his medical unfitness. In the screening done in 1988, it came to light that the applicant had failed in medical examination but he continued in service. On 29.7.84 he was sent for medical examination before D.M.O. where he was declared unfit on 2.8.84 and under the Rules he should have been terminated from the service. He was also served with a show cause notice on 6.1.89 to which the applicant replied on 3.2.89 after emphatically denying the contents. The reply was unsatisfactory. He was never sent for medical re-examination in 1988.

4. Annexure-A4 is the ~~reply~~ dated 3.2.89 in which he admitted that he had been declared medically unfit but added that he made an appeal and on a re-examination in consequence of the appeal he was found fit; he prayed that he may be retained in service.

5. However, the applicant, according to the respondents, vide para 12 of the written statement absconded from his duty from 6.1.89 and never joined duty. Ultimately, the impugned order of removal contained in Annexure-A1 dated 17.5.89 was passed in which it was mentioned that the applicant's reply to the show cause notice had been carefully considered but was found unsatisfactory because he had been found medically unfit. The order mentions that for the charge of being medically unfit, the applicant was found guilty and therefore he was removed from service with effect from 18.5.89. This order was undoubtedly passed under the Railway Servants (Discipline & Appeal) Rules, 1968 as ~~is~~ clearly mentioned on the top of impugned order Annexure-A1.

6. The simple grievance of the applicant is that the impugned order of termination by way of penalty, is wholly misconceived, unsustainable in the eyes of law and deserves to be quashed.

7. The learned counsel for the respondents urged in the first instance that the applicant had filed a departmental appeal against the termination order and that appeal is still pending and therefore this petition may not be entertained. The provision of requiring the applicant to exhaust departmental remedy before approaching the Tribunal is not a total bar to the entertaining of the application filed before this Tribunal. ^{Where} / there is a violation of the principles of natural justice, this Tribunal is well within its competence to entertain the petition even during the pendency of the alternative remedy. In this connection it may also be mentioned that the appellate authority is expected to dispose of the appeal within six months and if it is not done within six months, the applicant who is aggrieved is at liberty to approach this Tribunal.

8. The learned counsel for the respondents has laid emphasis upon the conduct of the applicant after he was found medically unfit on 2.4.84. He says that the record held by the Department shows that in the medical certificate the expression 'Unfit' had been surreptitiously rectified to read as 'Fit' and it was for that reason that the applicant continued to remain in employment despite his unfitness. He therefore says that according

to the fairness and justice the applicant is not entitled to claim remaining in service. Without making any further comment upon this point we should only say that the Department should have enquired about the facts after instituting an enquiry against the applicant in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968. That has not been done. There can be no presumption that any surreptitious act has been done by the applicant. It requires proof. The adequacy or quantum of proof is a matter to be determined by the disciplinary authority. The learned counsel for the respondents then said that ever since 1989 the applicant had been absconding and did not report for duty and therefore is not entitled for any salary. The learned counsel for the respondents referred to the reply dated 3.2.89 to the show cause notice in which he had complained that despite furnishing a reply dated 3.2.89 to the show cause notice dated 6.1.89 he was not being paid salary although he was reporting for duty and he was wrongly marked absent. The best course for the respondents was to institute a fresh enquiry against the applicant about his collusion with the concerned staff in continuing in the service.

9. We see no reason why the applicant may be refused his salary for the period from 17.5.89. If on the one hand the applicant had not approached the Department with clean hands, on the other hand the Department itself had acted with reckless negligence

(A7)

- 5 -

about the case of the applicant. They ought to know the proper Rules under which a complaint or an act of misconduct as alleged by the learned counsel for the respondents ought to be investigated, tried and ultimately determined. If despite this knowledge they have chosen to act in an arbitrary manner in flagrant violation of the applicable rules, there is no reason to deny salary to the applicant from the date of removal from service. It is self evident that mere failure in medical test is not misconduct so as to attract disciplinary proceedings.

10. For the reasons indicated above, this petition is allowed and the order of removal contained in Annexure-A1 dated 17.9.89 is quashed. The applicant will be deemed to have continued in service and will be paid back wages as admissible under the Rules. It is open for the respondents to institute a fresh enquiry against the applicant under the applicable provisions. Parties shall bear their costs.

M M Lier

Member (A)



Vice Chairman

Dated the 13th Sept., 1990.

RKM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

Central Administrative Tribunal

Circuit Bench

Date of Filing 10-9-80

Date of Receipt by Post.....

FORM I

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985. Deputy Registrar (J)

O. A. No. 135/90 (L)

Pratap..

..Applicant.

Vs.

Union of India & others..

..Respondent.

CLAIM AGAINST REMOVAL ORDER DT. 17.5.89
(Read on 22.7.89) removing applicant
from Post of Gangman N.Rly.

COMPILATION NO.I

I N D E X

<u>Sl.No.</u>	<u>Description of Document</u>	<u>Page No.</u>	<u>Remarks</u>
1.	Memo of Claim Petition.	1-11	
2.	Order No.E-6 PWI/SA N Dt.17.5.89 (read on 22.7.89) as Annexure A-1	12	
3.	Makalatnama	13	

Other Documents Kept in Compilation No.II

Lucknow

Signature of Applicant

Dt. April, 1990

Filed Through:-

A.K. Dixit,
Advocate,

509/28-Ka, Old Hyderabad,
Lucknow.

18/4/90 Date of Filing

or

Date of Receipt by Post

Registration No.

Signature of Registrar.

(RJ)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,

LUCKNOW.

Central Administrative Tribunal
Circuit Bench Lucknow
Date of Filing 10-4-89
Date of Receipt by Post

✓ Deputy Registrar (J)

Pratap aged about 36 years son of Sri Brij Lal ,
resident of Village Dammar Khera, Post Chhonnia,
District Hardoi.

.. Applicant.

Versus.

1. Union of India Through General Manager,
Northern Railway, Head Quarters, Baroda House,
NEW DELHI.

2. Divisional Rail Manager, Northern Railway,
MOORADABAD.

3. Assistant Engineer, Northern Railway,
~~BAREILLY~~ HARDOI

4. PERMANENT WAY INSPECTOR, Northern Railway,
Sandila, Distt. HARDOI.

.. Respondents.

DETAILS OF APPLICATION

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

Application is preferred against following:-

(i) Order No.	E/6-PWI/SAN
(ii) Dated.	17.5.89 (Received on 22.7.89)
(iii) Passed by.	Asstt.Engineer, N.Railway HARDOI (Respondent No.3)

(Photocopy of Impugned order attached as Annexure No. A-1 in Compilation No.I).

2. Jurisdiction of Tribunal

The applicant declares that the subject matter of orders against which they want redressal is within the jurisdiction of the Tribunal.

3. Limitation

The applicant declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act 1985.

4. FACTS OF THE CASE

4.1. That petitioner started to work as Casual Labour under respondents 3 and 4 in the year 1965 and on the basis of completion of much more than 120 continuous days was given status of Decasualised/Temporary Gangman in the year 1984.

4.2. That on 2.8.84 petitioner was medically examined in which he failed but was not ousted from job instead on 24.12.88 was sent for Re-Medical Examination as per orders of Divisional Rail Manager Dt.1.12.88 to whom petitioner represented.

A True Photocopy of Re-Medical Examination slip Dt. 24.12.88 issued by the Asstt.Engineer N.Rly.Hardoi is attached as Annexure A-2.

(AU)

4.3. That petitioner was issued with a Duty Pass No. 667665 Dt. 24.12.88 by Asstt. Engineer Hardoi to attend the Medical Re-examination.

4.4. That petitioner was Medically Re-examined and was told to have passed same. Medical Examination result was not given to him instead as per prevailing practise same was sent to the concerned office directly by the Medical Officer Bareilly Rly. Hospital.

4.5. That petitioner continued to perform his duties as usual and right from 1965 to now he was never subjected to any sort of complaint with regard to his work and efficiency touching or reflecting his physical capability.

4.6. That in the end of January 89 petitioner was served with a show cause notice No. E/6 CL Dt. 6.1.89 issued by Respondent No. 3 to the effect that he was sent for Medical Examination on 29.7.84 in which he was declared unfit vide Medical Memo No. 074506/469 Dt. 2.8.84 It was mentioned in this notice that as per rules his services should have been put to an end at the very initial stage but he was retained for certain reasons and now why his services be not put to an end for which an opportunity for explanation is given

A True photocopy of aforesaid show cause notice Dt. 6.1.89 is attached as Annexure A-3.

4.7. That petitioner submitted reply of aforesaid show cause notice on 3.2.89 in which he stated that he has been declared fit in Re-Medical examination, the certificate of which is available in office.

True photocopy of petitioners reply Dt. 3.2.89 is attached as Annexure A-4.

4.8. That as petitioner was not being permitted to work from 6.1.89 inspite of his daily attending the job, he on 3.3.89 preferred a representation under Regd. Post No. 3053 and 3054 to the Respondents No.2 and 3.

True copy of representation dt.3.3.89 along with Photo copies of concerned Postal Receipts under which it was despatched is attached as Annexure A-5.

4.9. That on 22.7.89 petitioner was served with an order No.E/67WI/SAN Dt. 17.5.89 passed by Asstt.Engineer, N.Rly. Hardoi, thereby imposing upon him penalty of Removal from service.

A True photocopy of Removal order

dt. 17.5.89 has been attached as Annexure A-1
(in compilation No.I).

4.10. That perusal of order contained in Anx. A-1 goes to show that it has been passed under Railway Servant (Discipline & Appeal) Rules 1968 by way of Penality.

4.11. That although the order Dt. 17.5.89 contained in Anx. A-I has been passed by way of Punishment in exercise of Disciplinary Action Powers but petitioner was never issued with a charge sheet, nor his reply as such was called for, neither any dates of enquiry were communicated to him nor any such enquiry was conducted.

4.12. That it is necessary to pointout at this stage that Respondent No. 3 tried to Terminate services of Manni Lal and 6 others gangman on the basis of Medical unfitness, who challanged his action by preferring a claim petition O.A. No. 257-1989 (L) before this Hon'ble Tribunal in which the applicants e.g. Manni Lal and others also gave reference of Petitioner (of this claim) in para 10 of said claim petition.

4.13. That respondent No. 3 in para 10 of his written reply Dt. 5.10.89 in claim O.A. No. 257-1989 (L) replied as under:-

That in reply to para 4.10 of the petition that the facts and circumstances of case Pratap son of Brij Lal were entirely different. In the said case the petitioner had made overwriting on the Medical Memo. - - - - -".

4.14. That this statement of Respondent No. 3 made in para 10 of written reply Dt. 5.10.89 in O.A. No. 257-1989 goes to show that petitioner had been given penalty of Removal from service for alleged and so called "Overwriting on Medical Memo". Whereas petitioner was never charged with this allegation and no opportunity of meeting out such allegation has been given.

4.15. That claim petition O.A. No. 257-1989 (L) has been allowed by this Hon'ble Tribunal on 6.4.90 and all Termination Notices have been quashed mainly on the ground that when petitioners (of claim No. 257-1989) were medicall examined in the year 1984 but were permitted to continue upto 1989 with no complaint it is not fair and proper to dispense with their services in an arbitrary manner in which it is tried to be done.

Pending final disposal of said claim No. OA 257-1989 (L) implementation and operation of Termination Notices also stayed by this Hon'ble Tribunal.

4.16. That on receipt of Removal order Dt. 17.5.89 on 22.7.89 petitioner filed an appeal on 25.7.89 to the Divisional Engineer (II), Office of DRM Mooradabad under Regd. Postal Receipts No. 817 and 818.

True copy of appeal Dt. 25.7.89 along with photo copy of Regd. Postal Receipts No. 818 and 817 under which appeal was submitted is attached as Annexure A-6.

4.17. That so far petitioner has received no response of his appeal.

4.18. That since Respondents have so far not disposed off the appeal, petitioner has been left with no option but to prefer this claim petition before this Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION

A) Because from perusal of impugned order contained in Annexure A-1 and narration facts in para 4.13 and 4.14 it is clear that order has been passed by way of Punishment on account of allegation of specified Misconduct for which no enquiry

under prescribed Rules and Art. 311 of
Constitution has been done.

B) Because impugned order is clearly is
Utter violation of Principles of Natural
Justice.

C) Because impugned order is highly arbitrary,
illegal unjust and unfair.

6. Details of Remedies exhausted:

Applicant declares that he has availed
of all the remedies as were available to him under
Rules. Petitioner preferred Departmental Appeal
by means of Annexure A-6 Dt. 25.7.89 which has
not been responded in any manner so far.

**7. Matters not previously filed or pending in any
other court.**

The applicants further declare that
they have not previously filed any application,
writ petition or suit regarding the matter in
respect of which this application has been made,
before any court or any other authority, or any
other Bench of the Tribunal nor any such appli-
cation, writ petition or suit is pending before
any of them.

8. RELIEFS SOUGHT:

In view of the facts mentioned in para 4 above, the applicant prays for following reliefs:-

- (i) Removal order Dt. 17.5.89 contained in Annexure A-1 be declared illegal, null and void, as a necessary consequence of which petitioner be held entitled to have continued in service with all consequential benifits of salary, revised scale, increments, arrears, and seniority etc. with effect from 6.1.1989.
- (ii) Costs of the present claim petition and such other reliefs as may be deemed fit and proper in the circumstances of the case be allowed to the claimant as against the Respondents.

9. INTERIM ORDER IF ANY PRAYED FOR:

Pending final decision on the application, the applicant seeks the following interim order:-

- (i) Further implementation and operation of Removal order Dt. 17.5.89 contained in Annexure A1 be stayed and Respondents be ordered to let the petitioner continue on posts of DCL Gangman and also to pay him regular month to month salary.

10. APPLICATION IS PRESENTED BY:

SRI ABHAYA KUMAR DIXIT,
ADVOCATE ,
509/28-Ka, Old Hyderabad,
LUCKNOW .

11. Particulars of Bank Draft/

Postal Order filed in respect
of the application fee:

1. No. of Postal order/ 8-02 414137
Bank Draft.

2. Date of Postal Order/ 18/4/90
Bank Draft.

3. Post Office/Bank by which High Court Bench Lucknow
issued.

4. Payable at Post Office/ Allahabad
Bank at

12. LIST OF ENCLOSURES:

1. Demand Draft/
Postal Order.

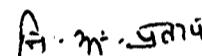
2. Index of Compilation
No. I.

3. Paper Book of
Compilation No.I.

4. Paper Book of
Compilation No.II.

5. Paper Book of Compilation
No.II.

6. Vakalatnama.



Sig. or Thumb Impression of applicant.

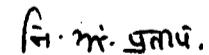
VERIFICATION:

I / We, Pratap do hereby verify that the contents of paras 1 to 4 , 7, 9, 10 to 12 are true to my personal knowledge and paras 5,6 and 8 are believed to be true on legal advice and that we have not suppressed any material fact.

Sig. or thumb Impression of applicant.

Date: April, 1990

Place: Lucknow.



In the Central Administrative Tribunal
Circuit Bench Melbourne

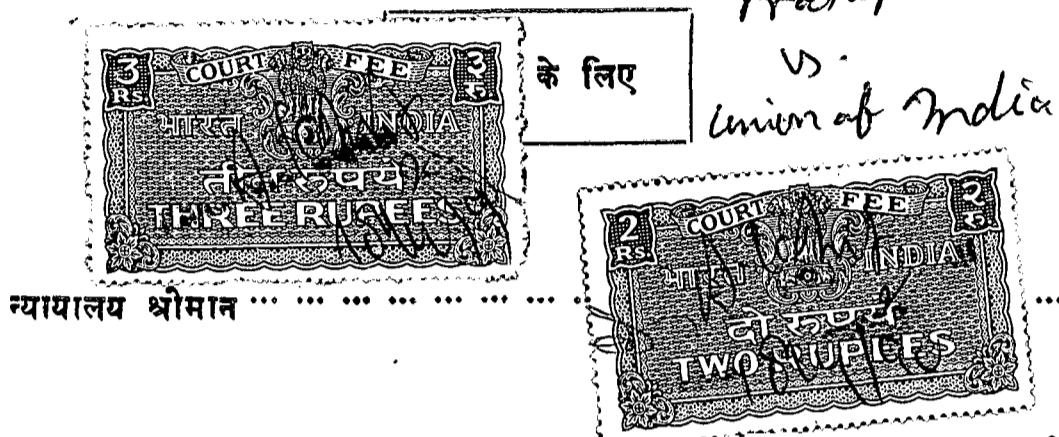
421

(13)

वकालत नामा

Pratap

Union of India vs.



न्यायालय श्रीमान

के लिए

नाम वादी
समृद्धि ...
श्रीमान 509/281 Cold Hydraulact एडवोकेट
Melbourne वकील साहब

वकालत
न० प्रकाश
फरीदन

को व जिन वकील साहब को श्रीमान वकील अपनी ओर से भेजे उनको अपना वकील नियत करके बचन देता हूं और प्रतिज्ञा करता हूं कि उल्लिखित वकील साहब उपरोक्त मुकदमे व अपील व निगरानी में जो कुछ पैरवी या उत्तर प्रयुक्तर करे या दावा व वकील निगरानी व बयान तहरीर दाखिल करें या कोई कागजात या सनद इत्यादि पेश करें या वापस करे या हमारी ओर से इजराय डिगरी करके या रूपया जो हमे मिलने को है वसूल या राज नामा इकबाल दावा हमारी ओर करे या दाखिल करे या प्रतिवादी द्वारा दाखिल किया हुआ रूपया स्वयं अपने हस्ताक्षरों से या हमारी दस्तखत की हुई रसीद लेवे या जिम्मेदारी मुआवजा बाड या पुनर्वास भत्ता एयोटी अर्धवासी या बृद्ध जोतकार एकट आदि के बाँड लेवे सथा किसी मुकदमे पक्ष आदि नियत यह सब मय हानि लाभ के जो मिलने में कार्यवाही करेगे हमें स्वीकार होगा और नियत में हनताना न मिलने पर वकील साहब को अधिकार होगा कि वह उपरोक्त मुकदमें में अपील या निगरानी पेरवी न करें इस लिए वकालतनामा लिख दिया कि सनद रहें और आवश्यक समय पर काम आवें।

Accepted.

गवाह Aliff हस्ताक्षर 18/6/1970. गवाह उत्तम

गवाह

हस्ताक्षर

PP2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

COMPILATION NO. II

Pratap.. ..Claimant.

Vs.

Union of India & others.. ..Respondents.

I N D E X

Sl.No.	Description of Document	Page No.	Remarks
--------	-------------------------	----------	---------

1.	Annexure No.A-2 Medical Re-Examination Memo Dt. 24.12.88	1	
2.	Annexure No.A-3 Show Cause Notice Dt. 6.1.89	2	
3.	Annexure No.A-4 Reply Dt. 3.2.89	3	
4.	Annexure No.A-5 Representation Dt.3.3.89 alongwith Regd.Postal Receipts.	4-6	
5.	Annexure No.A-6 Memo of Appeal Dt.25.7.89 along with Regd.Postal Receipts.	7 - 11	

Filed by:-

Lucknow:

Dt. April, 1990

dkm
A.K.Dixit,
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW

Pratap .. Claimant Vs. Union of India & others ..-App. No. 111/2000
Annexure No. A

(A23)

Re: Medical Examination vide DRMT/MS/6/2000/100
dated 17/1/00

भूतर रेल्वे/Northern Railway

भी.०४०-३/G.M.-३/BRC/K-१/M/०६-०२

यह कार्य उस समय चरा जाना चाहिए, जब जिसी वर्तमानी की सेवा के द्वारा जाहाजी
वर्तमान के सिए अपने आप को प्रतुल करने के लिए अधिकृत किया जाए

Form to be used when an Employee is granted Authority to present himself/herself for
Medical Examination during Service

No./No.... 4/6..... वार्षा या विभाग/Branch or Department
वाहन (नाम)..... कुमार सिंह/कुमार सिंह वायु..... ३५२६० वी वर्ष..... १३.१०.८१..... वे
वर्षमास)..... १३.१०.८१..... मे..... १८.०८.००..... पर (यह स्थान जहां
दिनांक () आप उसने वार्ता करने चाही है).....

*विवरणीकरण-परीक्षा-परीक्षा, *वर्ष..... १३.१०.८१. मे (वर्षमास)..... १८.०८.००.....
के दूर के व्योगातिं वे दूसरे दूसरा जाहाजी परीक्षा *विवरण-दूसरा वार्ता-परीक्षा पिछले प्रतिकूल
दिनों के पुनर्विचार के लिए दूसरा जाहाजी परीक्षा के सम्बन्ध में अपने आप को प्रस्तुत करने के लिए
अनियुक्त किया जाता है।

To the bearer (Name)..... an employee serving as
(designation)..... in class..... at (place where employed).....
authorised to present himself for :—

*Periodical re-examination, *Re-examination prior to promotion to class
..... as (designation)..... *Special re-examination, *Re-exam-
ination for reconsideration of previous adverse report.

पिछली वार्ता-परीक्षा को १३.१०.८१. (पिछले परीक्षा
का पर्याप्त) दूसरा वार्ता-परीक्षा का उसकी परीक्षा ली गयी थी और वह वार्ता-परीक्षा/
के लिए अनियुक्त दूसरा गया था।

He was last examined on date..... at by (designation of
previous medical examiner)..... for class..... when he was passed fit
for class.

उपकी सेवा अवधि ५ वर्ष ५ वर्षों में है।

His length of service is years months.

उपकी स्थायी शारीरिक पहचान चिह्नों की जांच दी गयी है।

The following is a list of his permanent physical marks of identification.

१. One line of scars on the back of the neck.....
२. One scar on the knee.....

संकेत/Signature..... उत्तापन/Signature.....

Date/Date, २४/१०/२००० पदानु/Designation, अस्सी इंजीनियर

*को वायु न हो उसे काट दें/whichver is inapplicable, उपर रोकें, इसी

Asst. Engineer

२४/१०. १०. २०००

6/10/00

Almora

24/10/00

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW

Pratap .. Claimant Vs. Union of India & others--Opp. Pet. No. 3
Annexure No. A

A24

क्र/6 c/c dated 6/1/09 उत्तर रेलवे अधिकारी समिति
NORTHERN RAILWAY
क्र/6/2009

श्री गुरु गोपाल देव
देव गोपाल देव
राजनीति विद्यार्थी

Notice

मान्यता की 29/1/04 की तात्परी परिवर्तन के
नियमों के अनुसार यह नोटिस दिया जा रहा है।

यह नोटिस नियमों की तात्परी परिवर्तन के अनुसार
074506 35 469 दिन 2-8-04 के दिन दिया जा रहा है।

1. नियमों की तात्परी परिवर्तन के अनुसार यह नोटिस
2. नियमों की तात्परी परिवर्तन के अनुसार यह नोटिस
दिया जा रहा है।

3. नियमों की तात्परी परिवर्तन के अनुसार यह नोटिस
दिया जा रहा है।

RE/6/1

ATTESTED COPY फॉर रिकॉर्ड

Abhaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

Pratap .. Claimant

Vs. Union of India & others--Opp. party
Annexure No. A

3
A25

स्लैट में

श्रीमान सहायक और यन्ता महोदय

उत्तर रेलवे हरदोई ।

विषय:- सामारेक परीक्षा द्वारा नोट्स जवाब:-

आपका पत्र संख्या ६/८० एवं दिनांक २०=८४

महोदय

निवेदन है कि उस पत्र के सन्दर्भ में मार्गी आपको बहात करता है कि दिनांक ३०/८४ को मेडिकल के लिये मण्डल के कार्यालय नियकता बोली गयी थी तभी युरादाता द गया और दिनांक २०=८४ अद्योग्य दोषित किया गया तभी तीव्र दुरन्त आपके कार्यालय में दी गयी उसी सुनवाई के लिये दोबारा भेजा गया पर डॉक्टर साहब ने प्रा. धी को योग्य दोषित किया और यह ग्राहण पत्र भ। आपके कार्यालय में दिया गया है जिसे अनुसार आपके कार्यालय वोल्टों पर ही मार्गी को स्वायुक्त किया गया था ।

अतः उक्त विषय में अन्य जानकारी अपने कार्यालय से लें ही मार्गी है ।

अतः श्रीमान जी से हाथों पर वक्ती है वाचस प्रकार समाप्त होने से रहा गया था उसी प्रकार मार्गी को रेल स्लैट में रहा गया ।

आपकी महान वृपा होगी ।

दिनांक ३०=८९

भवद श्री

प्रताप पुरुष की रुक्मिणी
ठी००३००७८०० गैगेन
अट्टीनस्ता रेल पथ उत्तर
उत्तर रेलवे स्टेशन

प्रताप

ATT

Abhay K
MARCH 2019
LUCKNOW.

४
A26
हन दि सन्-द्वृत्त एडमिनिस्ट्रॉटिव ट्रिब्यूनल सर्किट बैच, लखानऊ।

प्रताप —

—याची

बनाम

यूनियन आफ, हण्डिया आदि—

विष्वीगण

संलग्नक संख्या ५

सेवा में,

श्रीमान मंडल रेल पुब्लिक महोदय,
उत्तर रेलवे, मुरादाबाद।

श्रीमान्

विषय :- पुनः मैडिकल परीक्षण कराने हेतु व सेवाकाल के व्यन हेतु।

निवेदन है कि प्रार्थी को दिनांक 24-12-88 को श्रीमान रु०८०८००, हरदोहै के आदेश से पुनः डा क्टरी परीक्षण हेतु बरेली भेजा गया परन्तु प्रार्थी के तीन बार बरेली जाने के बाकूद भी डा क्टर साहब ने उसका परीक्षण नहीं किया तथा दूसरी और प्रार्थी को रु०८०८०० महोदय ने 6-1-89 को सेवा सम्पत्ति करने की नोटिस दी जिसकी उत्तर भी प्रार्थी ने 3-2-89 को दे दिया।

आज तक न तो प्रार्थी की सेवा समाप्ति निलम्बन या अन्य आदेश ही दिया गया और न उसे 6-1-89 से केवल ही दिया जा रहा है। यह नितान्त अनुचित है। प्रार्थी बराबर दृष्टिपर जाता है परन्तु उसे काम नहीं दिया जाता है जबकि प्रार्थी का नाम पे शीट पर है। प्रार्थी से बराबर बताया जाता है कि उसके संबंध मैं श्रीमान जी के कार्यालय से आदेश मैंगया गया है ऐसा



प्रतीत होता है कि प्रार्थी को मनमाने तरीके से गैर हाजिर दिलाकर उसे सेवा से हटाने की पोजना की जा रही है दूसरी ओर जब तक प्रार्थी को कोई आदेश उसकी सेवा के संबंध में नहीं दिया जाता है वह किसी प्रकार की अपील आदि भी नहीं कर सकता है।

उपरोक्त विषम परिस्थितियों में प्रार्थी है कि प्रार्थी को उसकी डा कटरी परीक्षण व सेवा के संबंध में यथाशीघ्र स्पष्ट आदेश देने की कृपा की जाय। यदि तीन सप्ताह के अन्दर प्रार्थी को कोई स्पष्ट आदेश नहीं दिया जाते हैं। और उससे यथा कार्य लेकर समस्त बकाया केनादि दिनांक 6-1-89 से नहीं दिया जाता है तो प्रार्थी उक्त अवधि के बाद इस मामले को न्यायालय में ले जाने को विवश होगा।

प्रार्थी,

निर्धारित प्रताप :-

दिनांक :- ३ मार्च, 1989.

प्रताप पुरुष श्री बृज लाल
डी०सी०एल० मैगमैन,
रेल पथ निरीक्षक, सुण्डीला,
जिला हरदोही।

प्रतिलिपि:-
=====

श्रीमान असिस्टेन्ट हेजीनियर महोदय, उत्तर रेलवे, हरदोही।

ATTP

१८ मा प्रता

Alm

18/3/89
M.C.C.A.C.W.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW

Pratap .. Claimant Vs. Union of India & others--Opp. Parties
Annexure No. A 5

420

6

बायो नहीं NOT INSURED

रुपये के लाल टिकटों का मूल्य १० रुपये
Amount of stamp affixed Rs. 10/-

मुझे लगाई गई लाल टिकटों का मूल्य १० रुपये
Received a Registered stamp of 10/-

मानेवाले का नाम और ठाकुर
Addressed to

शानदारी अधिकारी के द्वारा पाया गया
Signature of Receiving Officer

बायो नहीं NOT INSURED

बायो नहीं लाल टिकटों का मूल्य १० रुपये
Amount of stamp affixed Rs. 10/-

मुझे लगाई गई लाल टिकटों का मूल्य १० रुपये
Received a Registered stamp of 10/-

मानेवाले का नाम और ठाकुर
Addressed to

शानदारी अधिकारी के द्वारा पाया गया
Signature of Receiving Officer

ATTEST:


Abhaya Kumar

High Court
LUCKNOW



10/10/1969

(429)

इन दिन सेन्ट्रल इमिनिस्ट्रीटिव ट्रिव्यूनल सर्किट बैच, लखनऊ।

प्रताप--

— याची

ब्राम

यूनियन आफ इण्डिया अंगीद--

— विविधीगण।

संलग्नक संख्या 6

=====

सेवा मैं,

श्रीमान डिवीजनल हन्जीनियर महोदय, छित्रीय,
उत्तर रेलवे मण्डल, कार्यालय,
मुरादाबाद।

द्वारा- उचित माध्यम।

श्रीमान सहायक अभियन्ता महोदय, उत्तर रेलवे, हरदोहौं।

प्रताप पुत्र श्री बृज लाल, डी०सी०स्ट० गेंग मैन अधीनस्थ श्रीमान रेल पक्ष
निरीक्षक महोदय, सण्डीला, जिला हरदोहौं, निवासी ग्राम डम्पर खेरा,
पोस्ट छोनह्या जिला हरदोहौं--

--अपीलकर्ता।

अपील अन्तर्गत नियम १४ रेल कर्मचारी

अनुशासन एवं अपील नियमाकली १९६८

किल्ड सेवा समाप्ति आदेश संख्या ३०६/पी०

डब्लू०आ०१०/ सन्डीला दिनांकित १७-५-८९

प्राप्त दिनांक २२-७-८९ संबंधित आदेश

की है जैसी फैटो कापी अपीलकर्ता को

प्राप्त कराई गई है उसकी हाया प्रति

संलग्न है।

श्रीमान जी,

उपरोक्त विषयान्तर्गत अपील संबंधित नियम तथ्य आपके सम्बन्ध

प्राप्तिकारिक संबंध सहानुभूति पूर्ण विवार के लिये प्रस्तुत है।

Abhayya

1- यह कि प्रार्थी ने वर्ष १९८५ से कैग्युल लेवर के पद पर कार्य करना

प्रारम्भ किया था तथा कार्य दिक्षां की निरंतरता के आधार पर उसे अक्टूबर 1984 में डी०सी०एल० गैग मैन बताया गया ।

2- यह कि इससे पूर्व प्रार्थी को दिनांक 2-8-84 को डाक्टरी परीक्षण हेतु भेजा गया था जिसमें आयोग्य घोषित होने पर प्रार्थी ने अपील की तदनुसार प्रार्थी की पुनः डाक्टरी हुई थी जिसमें वह योग्य घोषित किया गया ।

3- यह कि तब से प्रार्थी और किसी शिक्षायत का मौका दिये निरंतर कार्य करता रहा कि उसे 6-१-८९ श्रीमान सहायक अभियन्ता हरदोहरा हस्ताक्षिरत पत्रांक है पर्सी०एल० दिनांकित 6-१-८९ को प्राप्त हुआ जिसके द्वारा प्रार्थी से यह पूछा गया कि 2-8-84 में मेडिकल मै फेलहो जाने के बाद कुछ कारणोंका उसे सेवा मै रखा गया था अब क्यों न उसकी सेवा समाप्त कर दी जाय ।

4- यह कि प्रार्थी ने उपरोक्त कारण बताओ सूचना का उत्तर दिनांक 3-२-८९ को तथा पुनः प्रार्थी पत्र रजिस्टर्ड अंक से ३-३-८९ को भेजा । प्रार्थी को 6-१-८९ से केतन भी नहीं दिया गया यद्यपि उसका नाम हाजिरी रजिस्टर पर १५-६-८९ तक लिता रहा है पुरन्तु न तो प्रार्थी की हाजिरी अंकित की गई और न उसे केतन ही दिया गया । यद्यपि वह काम पर नित्य प्रृति उपस्थित होता रहा है ।

5- यह कि उपरोक्त कारण बताओ सूचना दिनांक 6-१-८९ के अतिरिक्त प्रार्थी को कोई अन्य आरोप पत्र, जांच मूँ की सूचना, जांच अधिकारी की नियुक्ति की सूचना, या रेलवे कर्मचारी अनुशासन एवं अपील अनियमाक्ती १९६८ के नियम ९ के अन्तर्गत किसी भी प्रकार की कार्यवाही या विधिक औपचारिकताओं के संबंध मै नोटिस सूचना प्राप्त नहीं हुई ।

6- यह कि प्रार्थी बौरा कोई जांच की तिथि की सूचना प्राप्त हुये अधानक दिनांक २२-७-८९ को प्रश्नगत आदेश संख्या है ८ पी०डब्ल्यू०आ०१००/स्स०ए०ए० दिनांकित १७-५-८९ की फोटो स्टेट कापी प्राप्त कराई गयी यद्यपि प्रार्थी के हस्ताक्षर प्राप्ति स्वरूप नहीं लिये गये हैं ।

प्रश्नगत आदेश की फोटो कापी संलग्न है ।

7- यह कि प्रश्नगत आदेश के अक्लोक्त से यह स्पष्ट है कि इसे लेने कर्मचारी अनुशासन तथा अपील अनियमाक्ती १९६८ के अन्तर्गत अमरी०३

जारी करते हुये उसे दिनांक 17-3-89 से सेवा से निकालने का आदेश दण्ड स्वरूप पारित किया गया है।

8- यह कि प्रार्थी को मौखिक रूप से यह भी बताया गया है कि प्रार्थी 17-3-89 तक का अपना बकाया केतनादि प्राप्त कर ले।

यह अपील प्रस्तुत करने के उपरान्त आर्थिक अभाव से पीड़ित होने के कारण प्रार्थी को जिस केतनादि की मद की भुतान किया जायेगा उसके द्वारा ऐसा प्राप्त किया गया था वह इस शार्दूल के अधीन समझा जाकर कि मात्र केतनादि का बकाया प्राप्त कर लेने से संबंधित दंड आदेश दिनांकित 17-5-89 प्राप्त दिनांक 22-7-89 की वैधता को सकाम अधिकारियों या न्यायालय के समक्ष कुपूर्ती के की अधिकार समाप्त नहीं होगा वरन् सुरक्षित रहेगा। यदि केतनादि की बकाया प्राप्त करने से पहले श्रीमान जी का कोई अन्य या आदेश इस सम्बन्ध में प्राप्त नहीं होता है तो प्रार्थी यह समझ लेरा कि श्रीमान जी को प्रार्थी की यह शर्त मान्य है।

यह कि ऊपरोक्त तथ्यों के अन्तर्गत यह अपील निम्न तथा अन्य आधारों पर प्रस्तुत की जाती है :-

आधार अपील

इकूल क्योंकि प्रार्थी को जब दंड आचरण व अपील नियमाकृति के नियम 6 के अन्तर्गत दिया गया है तो इसके पूर्व नियमाकृति के नियम 9 व 10 के अन्तर्गत बौगर विधिक प्रक्रिया यानी आरोप पत्र, उत्तर, सुनवाई की पूर्ण अवसर जांच की तिथि सूचा व इसके बाद ही कारण बताये सूचना जारी किये बौगर किसी भी प्रकार की दंड नहीं दिया जा सकता है।

इकूल क्योंकि प्रार्थी को न तो आरोप पत्र दिया गया न उसके मामले में उसे अवसर। जांच की तिथियाँ की सूचना आदि के बौगर जो भी कार्यवाही की गई है तो वह पूर्ण रूप से अवैधानिक है।

ATB. १०१ इकूल क्योंकि जब प्रार्थी को "कुछ कारणक्षा" 1984 से 1989 तक नौकरी में रखा गया तो उसे इस प्रकार सरसरी कार्यवाही करके मनमाने पूर्ण तरीके से नहीं निकाला जा सकता है।

ABD

10

४४

इत्था क्योंकि किसी भी दशा में सेवा समाप्ति आदेश पिछली तारीख से प्रभावी नहीं बनता जा सकता है।

इत्था क्योंकि आरोप पत्र और जाँच के अभाव में प्रार्थी न तो अपना पथ ही प्रस्तुत कर सकता और न उसे सुनवाई की समुचित अक्सर ही मिला।

अतः प्रार्थी है कि प्रस्तुत अपील स्वीकार करते हुये प्रश्नगत सेवा समाप्ति आदेश दिनांक 17-5-89 प्राप्त दिनांक 22-7-89 निरस्त किया जाय और प्रार्थी को सेवनादि एवं अन्य लाभों के समेत उसके पद पर पदारूढ़ करने की कृपा की जाय।

प्रार्थी,

निःअंगृथा प्रताप

दिनांक: 25 जुलाई 1989

प्रताप
पुत्र ब्रज लाल,

उपरोक्त।

मैं प्रमाणित करता हूँ कि हस अपील में सारे तथ्य प्रार्थी ने अपनी जानकारी व किरास के आधार पर सत्य लिखे हैं और किसी भी अधिकारी के पद मर्यादा के किल्ड किसी भी प्रकार की अशोभीय भाषा का प्रयोग नहीं किया है।

प्रार्थी,

निःअंगृथा प्रताप

दिनांक: 25 जुलाई 1989

प्रताप
पुत्र ब्रजलाल

२७/७/८९

प्रतिलिपि आवरण व अपील नियमाला 1968 के नियम 21 प्रतिलिपि आवरण व अपील नियमाला 1968 के नियम 21
के अन्तर्गत प्रेषित।

सेवा में,

श्रीमान सहायक अभियन्ता महोदय,
उत्तर रेलवे,
हरदोही।

ATTESTED:

Alma

Abhay
High Court
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW

Pratap .. Claimant Vs. Union of India & others--Opp. Parties
Annexure No. A 6

Annexure No. A

11

13

4128 (1983)

卷之三

卷之三

三

1996-1997

కృష్ణ శ్రీమద్

卷之三

卷之三

卷之三十一

ATTENTION:

Abhaya Almora

**HIGH COURT
LUCKNOW.**

434

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW.

BENCH AT LUCKNOW.

**

CIVIL MISC. APPLICATION NO. 135 OF 1990.

(Under Section 151 C.P.C.)

On behalf of

Union of India through General Manager,
Northern Railway, Head Quarters, Baroda,
House, New Delhi.

... Respondent.

IN

ORIGINAL APPLICATION NO. 135/1990(L)

Pratap ..

Applicant.

Versus

Union of India and others.

Respondents.

To,

The Hon'ble Chairman and his other accompanying
Members of the aforesaid Tribunal.

The humble application abovenamed of the
applicant Most Respectfully Showeth asunder.

1. That full facts are being given in the
accompanying written statement.

8

P35

..2..

2. That as such it is in the interest of justice that this Hon'ble Court may be pleased to permit the respondent to place on record of the present case. This written statement duly verified by the respondent in accordance with the Rules of the Administrative Tribunal Act and may be further pleased to reject the prayer for interim relief sought for as admittedly the applicant is not in service since 22.7.1989 otherwise the respondent shall suffer grave and irreparable loss and injury which can not be compensated in any manner whatsoever.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to permit the respondent to place on record of the present case. This written statement duly verified by the respondent in accordance with the Rules of the Administrative Tribunal Act and to reject the prayer for interim relief sought for as admittedly the applicant is not in service since 22.7.1989 otherwise the respondent shall suffer grave and irreparable loss and injury which can not be compensated in any manner whatsoever.

S. Shekhar Srivastava
(SHEKHAR SRIVASTAVA)
Counsel for the respondent.

Dated: - 1/8/1990.

PS

P.F.D.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW.
BENCH AT LUCKNOW.

ORIGINAL APPLICATION NO. 135 of 1990(L)

Pratap ..

Applicant.

Versus

Union of India and others..

Respondents.

WRITTEN STATEMENT OF BEHALF OF RESPONDENT.

1. That the deponent is at present posted as Assistant Engineer, Northern Railway, Hardoi and has been authorised to file this written statement on behalf of himself and respondent no. 1, 2 and 4.
2. That the deponent has read over the contents of the present application alongwith verification of the applicant under section 19 of the Administrative Tribunal Act and is filing this reply on behalf of himself and other respondent.

Abhijit Singh
सहायक अभियन्ता
उत्तर रेलवे, हार्डोई
Asst. Engineer
N. Rly. Hardoi

पर्याप्त

..2..

3. That the contents of paragraph 1 of the application being matter of record may be verified therefrom.

4. That the contents of paragraph 2 and 3 of the application being legal and argumentative shall be suitably replied at the time of hearing of this application.

5. That the contents of paragraph 4.1 of the application as stated is denied. In reply it is stated that the applicant started to work as casual labour under respondents Nos. 3 and 4 in year 1973 and not 1965 as stated in the para under reply of the application and on his completing of 120 days of continuous working he was given the status of de-casualised worker in August, 1984.

6. That in reply to the contents of paragraph 4.2 of the application it is stated

त्रिलोक सिंह
काशीक आधिकारी
उत्तर रेलवे, हारदार्व
Asst. Engineer
N. Rly. Hardoi

RSd

..3..

aka that no doubt the applicant was medically examined on 2.8.1984 in which he failed but he somehow managed to continue in service with the help of the then Assistant Superintendent, Late Sri U.L.Verma, and this fact came to light at the time of screening of this case and thereafter the applicant was sent for re-medical examination on 24.12.1988 but the applicant was not re-examined by the DMO/BE under Rules 15.1.1 and 15.2.4.

7. That the contents of paragraph 4-3 of the application is not denied.

8. That the contents of paragraph 4-4 of the application is denied. In reply it is stated that the applicant was not re-examined by DMO/BE under Rules 15.1.1 and 15.2.4 of standard of Medical Examination, 1975 as circulated under Railway Board

No. 69/14/3/11 dated 6.12.1974.

T. Singh
कार्यक अधिकारी
उत्तर लेले; हार्दोई
Asst. Engineer
N. Rly. Hardoi

..4..

9. That the contents of paragraph 4-5 of the application is denied. In reply it is further stated that the applicant was never working from 1965 and as such question of permitting him to work from 1965 does not arise at all. For the reasons given in the preceding paragraph of this written statement.

10. That the contents of paragraph 4-6 of the application is not denied. In reply it is further stated that at the time of screening of the applicant's case done in 1988 it came to light that he had failed in medical examination but he continued in service with help ^{of} the then of Assistant Superintendent Late Sri U.L.Verma and that no formal appointment letter was issued to the applicant by the Competent Authority.

11. That the contents of paragraph 4-7 of the application is not denied being matter of record

J. Singh
सहायक अधिकारी
उत्तर रेलवे; हरदारौ
Asst. Engineer
N. Rly. Harnol

AMO

..5..

so far as the reply by the respondent is concerned but contents thereof is emphatically denied. In reply it is stated that the reply furnished by the applicant was unsatisfactory and he was never sent to be re-medically examined in 1984 nor he was fit for re-medical examination under Rules.

12. That the contents of paragraph 4-3 of the application as stated is denied. In reply it is stated that on the issuance of the show cause notice to the applicant on 6.1.1989 he went away on un-authorised leave and thereafter never joined his duty.

13. That on his preferring an appeal dated 3.3.1989 he was sent for re-medical examination to BMO/DE who refused to do the same under Rules 15.1.1. and 15.2.4.

JK Singh
काशीक अधिकारी
उत्तर रेलवे; हरदोई
Asstt. Engineer
N. Rly. Hardoi

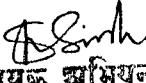
Avt

..6..

14. That the contents of paragraph 4.9 and 4.10 of the application is not denied being matter of record, though the deponent is advised to state ^{in a} that said order has been passed for perfectly valid and legal manner and does not deserve any interference by this Hon'ble ~~xxx~~ Tribunal in the present case ~~xxx~~ in as much as the alternative remedy of appeal has already been availed of by the applicant and same is still pending disposal and as such on the ground of alternative remedy alone, the present application deserves to be dismissed.

15. That the contents of paragraph 4.11 of the application being legal and argumentative shall be suitably replied at the time of hearing of the application.

16. That the contents of paragraph 4.12., 4.13, 4.14, and 4.15 of the application being matter of record may be verified therefrom. Only this much need


राहायक अभियन्ता
उत्तर रेलवे, हार्डोल
Asstt. Engineer
N. K. V. Hardol

..7..

to be stated at this stage in reply to the averments made specially in para 4.13 and para 4.14 of the application that the case of over writing on the medical memo attributed to the applicant in O.A.257 of 1989 does not seem to be directed against the applicant of the present case in as much as the applicant of original Application No.257 of 1989(1) where Manni Lal and six others to whom its seems the said allegations were directed. It may be further stated that the applicant has been removed from service on account of fact that he was found medically unfit for continuing on the post of Railway Gang Man.

17. That the contents of paragraph 4.16 of the application is not denied being matter of record.

Abu Singh
सहायक अभियन्ता
उत्तर रेलवे, हरदार्ह
Asstt. Engineer
N. Rly. Hardoi

18. That the contents of paragraph 4.17 and 4.18 of the application are not denied so far as

AEB

..8..

its relate to the non disposal of the appeal filed by the applicant. Now the respondents are only advised to state at this stage that they have received the copy of the judgement of O.A.No.257/89(L) only recently and the same shall be disposed of as early as possible.

19. That in reply to the contents of paragraph 5 application it is stated that the applicant has failed to enumerate sufficient grounds to successfully invoke the jurisdiction of this Hon'ble Tribunal and that the present application deserve to be dismissed.

20. That contents of paragraph 6 of the application is denied. In reply the deponent is advised to state that alternative remedy of appeal preferred by the applicant has still not been fully exhausted by the applicant as the appeal is still pending and as such on this ground of alternative remedy alone, the application deserve to be dismissed.

Abdul
सहायक अभियन्ता
उत्तर रेलवे, दरवार
Asst. Engineer
N. Rly. Hardoi

Ans

..9..

21. That the contents of paragraph 7 of the application being matter of record may be verified.

22. That the contents of paragraph 8 of the application is denied. In reply the deponent is advised to state that as he has failed to enumerate sufficient grounds to successfully invoke the jurisdiction of this Hon'ble Tribunal he is not entitled to the relief sought for in the para under reply of the application.

23. That the contents of paragraph 9 of the application is denied. In reply the deponent is advised to state that as the applicant is not working from 1989 even though he has absented himself unauthorisedly from 6/89 the question of granting him any interim relief does not arise at all.

24. That the contents of paragraph 10, 11 and of the application being matter of record need no reply.

F. Singh
सहायक अधिकारी
तुलर रेखे, हादरी
Asst. Engineer
N. Rly. Bards

AES

..10..

VERIFICATION

I, surya Prakash S/O Hari Singh aged about 29 years at present posted as Assistant Engineer, Northern Railway, Hardoi do hereby verify that the contents of paragraph 1,2 of this application are true to my personal Knowledge, those of paragraphs Nos. 3,5-13, 16-18, 21, 24 of this application is based on perusal of record and those of paragraphs Nos. 4, 14, 15, 19, 20, 22, 23 of this application are based on legal advice; which I believe to be true and that I have not suppressed any material facts.

PLACE:-

DATE:-

S. Singh ~~Signature~~
सुर्य प्रकाश
Signature of applicant.

Asstt. Engineer
N. Rly. Hardoi