

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT OA 180 of 20.90

Rasm Dass.....Applicant(S)

Versus

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

INDEX SHEET

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B.C. file weeded and destroy

Certified that the file is complete in all respects.

.....
Signature of S.O......
Signature of Deal. Hand

24

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(A1) (A)

Date: 21/5/93
Place: Lucknow

Registration No. 180 of 1993 (G)

APPLICANT(S)

Ram Dev

REPLIER/ENT(S)

Uo 2

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ? **YA**
2. a) Is the application in the prescribed form ? **YA**
- b) Is the application in paper book form ? **YA**
- c) Have six complete sets of the application been fixed ? **YA**
3. a) Is the appeal in time ? **YA**
- b) If not, by how many days it is beyond time ? **YA**
- c) Has sufficient cause for not making the application in time, been filed ? **YA**
4. Has the document of authorisation/ Vakalatnama been filed ? **YA**
5. Is the application accompanied by S.D./Postal Order for Rs.50/- **YA**
6. Has the certified copy/copies of the order(s) against which the application is made been filed ? **YA**
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? **YA**
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? **YA**
- c) Are the documents referred to in (a) above neatly typed in double space ? **YA**
8. Has the index of documents been filed and packing done properly ? **YA**
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? **YA**
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? **NO**

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Y
12. Are extra copies of the application with Annexures filed ?	Y
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 ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	MS
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 ?	MS
19. Whether all the remedies have been exhausted.	Y

dinesh/

A's

23/5/90

Hon. Mr. B.C. Mather, V.C
 Hon. Mr. D.K. Agrawal, J.M.

Heard, the learned counsel for the applicant, Shri R.C. Saxena.

This application is directed against two orders dated 23/4/90 and 24/4/90. On our pointing out, the learned counsel for the applicant stated that this application is confined against the order dated 24/4/90. The applicant will file separate petition, if desired, against the order dated 23/4/90, imposing a minor penalty of stoppage of 2 years increment.

Admit. Shri S. Verma, present in the court, has been directed to assist us and take notice of this case. If possible, a short reply may be filed, otherwise original documents shall be produced before us on 29/5/90 to enable us to appreciate the merits of the case for grant of stay order.

Meanwhile, transfer shall not be implemented till 29/5/90. The copy of the order may be provided to the counsel for the parties, as prayed. The copy of the petition can also be taken by Shri S. Verma, learned counsel for the respondents.

Def
J.M.

D. Verma
V.C.

or

Shri S. Verma takes notice on behalf of the respondents, reply filed.

S. P.O.

L. 1015

180/90

(A5)

Hon'ble Mr. Justice K. Neth V.C.
Hon'ble Mr. K. Obayya A.M.

Listed before Dy. Registrar on 13.9.90 for
fixing a date. The interim order granted
earlier shall remain in force.

P
(A.M.)

DR
(V.C.)

13.9.90
Parties appeared
through their
l.d. counsels.

LIST on
1.11.90 for final
hearing before
Hon'ble
Bench.

13.9.90

1.11.90
Hon Mr D.K. Agrawal, J.m
Hon Mr K. Obayya, A.M
Shri R.C. Saxena has
prayed for adjournment
as in R.C. Saxena has sought
information on the
request on Shri R.C. Saxena

The case is adjourned
to 1.5.91. Shri Siddhanta
Narain is pro temp.

DR
J.m.

CA/RA have been
exchanged

S.F.H.

27/4

1.8.91
NO Siting adj to 26.8.91

J

26.8.91
NO Siting adj to 24.10.91

J

(A7)

Date of Filing 21/5/90
Date of Recd.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

O.A. No. 180 of 1990 (L)

Ram Das, ag Applicant

Versus

The Union of India & others Respondents

COMPILATION NO. 1

Sl.No.	Particulars of Papers/Documents	Page No.
1.	Application Under Section 19 of the Central Administrative Tribunals Act 1985.	1 - 12
2.	Impugned order No. DSO/55-7/90 dated 20/23.4.90 passed by respondent No. 2 imposing minor penalty.	13 - 14
3.	Impugned order No. E/R-45-Station Master/90 dated 24.4.90 passed by respondent No. 2 transferring the applicant from Sitapur to Belrayan.	15 - -
4.	Vakalatnama.	16 - -

Filed Today
21/5/90

Lucknow:

Dated : 21.5.90

21/5/90

To,
The Registrar

Ram Das
Applicant

Noted for
22/5/90

Ram Das
21/5/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW

O.A.No. 180 OF 1990 (L)

Ram Das, aged about 53 years, S/o Late Dukhi Ram,
R/o T/16-B, N.E.Railway Colony, Sitapur.

.... APPLICANT

Versus

1. The Union of India, through the General Manager, N.E.Railway, Gorakhpur.
2. Senior Divisional Safety Officer, N.E.Railway, Ashok Marg, Lucknow.
3. Sri A.C. Lathey, Senior Divisional Safety Officer, N.E.Railway, Ashok Marg, Lucknow.

.... RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of orders against which the application is made :

The applicant is aggrieved by the below noted order : -

- (i) Order No.D.S.O./55-7/96 dated 20/23.4.1990 passed by respondent No.2 imposing a minor penalty of stoppage of 2 years increment without cumulative effect.
- (ii) Order No.E/R-45-Station Master/ 90 dated 24.4.1990 passed by respondent No.2 transferring the applicant from Sitapur Station to Belrayan, District Lakhimpur Kheti.

True copy of the aforesaid orders dated 20/23-4-1990 and 24-4-90 are filed herewith as Enclosure No. A-1 & A-2 to this application.

Ram Das

(A)

2- Jurisdiction of the Tribunal.

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

3- Limitation

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

4- Facts of the Case:

(i) That the applicant is a Railway employee and is posted as Rest Giver Station Master with head quarter at Sitapur Junction in Lucknow Division of North Eastern Railway. The pay scale of the applicant is Rs.1600-2660.

(ii) That the applicant hold the office of President in All India Scheduled Caste & Scheduled Tribe Railway Employees Association of Sitapur Branch since 19.2.1990. He is also holding the office of Treasurer in Rail Mazdoor Union at Sitapur Branch. The aforesaid Association and union are duly registered and recognised bodies. The Applicant in order to substantiate the above version is filing herewith the copies of the lists of office bearers of the aforesaid Association and union as Enclosure No.A-3 and A-4 respectively to this application.

(iii) That it so happened that one Sri Bharat Tripathi, Advocate and President of Youth, Bharti Janta Party, Sitapur, made a complaint against the applicant and three others alleging that on 19.2.1990 the applicant and 3 others held the meeting of the Association in the Ladies Waiting Room at Sitapur Station causing inconvenience to the passengers and also levelled several other wild allegations against them. The applicant now only 2 days back has been able to

Ram Dass

get the copy of the said complaint and is filing herewith the same as Enclosure No.A-5 to this application.

(iv) That the respondent No.2/3 bears malice and vengeance against the applicant as he belongs to scheduled caste and holds the office of President in the aforesaid Association. The respondent Nos.2/3 by nature is anti to the scheduled caste community as a whole and bears deep rooted hatred against them .

(v) That on account of the aforesaid reason although the complaint contained in Enclosure No.A-5 was addressed to the Divisional Railway Manager, he on his own accord decided to initiate disciplinary action against the applicant and with that view he appointed one Sri Shri Ram Yadava, Traffic Inspector as Enquiry Officer to conduct preliminary enquiry into the allegations contained in the aforesaid complaint. Sri Yadava asked certain questions to the applicant on 18.3.1990 and submitted the wanted report to respondent No. 2/3.

(vi) That the applicant when came to know about the preliminary enquiry he on 19.3.1990 sent a representation to D.R.M. N.E.Railway, Lucknow, explaining his position and asserting that no meeting in the ladies Waiting Room at Sitapur was held on 19.2.1990. He also stated the real reason as to why the false and baseless complaint contained in Enclosure No. A-5 was made by Sri Bharat Tripathi against the applicant. A true copy of the aforesaid representation dated 19.3.1990 is filed herewith as Enclosure No. A-6 to this application.

(vii) That it is in the fitness of the things to point out here that the applicant had lodged an F.I.R. on 8.2.1990 at G.R.P.Sitapur against one Sri Ram Ji Misra, the real brother-in-law of Shri Bharat Tripathi as a consequence of which Sri Ram Ji Misra was arrested, sent to jail and subsequently bailed out. A true copy of the aforesaid F.I.R. dated 8.2.1990 is filed herewith as Enclosure No.A-7 to this application

Ram Dass

AI

- 4 -

(viii) That on account of the aforesaid F.I.R., Sri Ram Ji Misra, Bharat Tripathi and Chandra Prakash Shashtri, his associates hatched up a conspiracy and ⁱⁿ furtherance of the same made the aforesaid false and baseless complaint against the applicant.

(ix) That a perusal of the complaint in Enclosure No.A-5, reveals strange things. On the said complaint under the signatures of Bharat Tripathi and Chandra Prakash Shastri although two ticket numbers have been mentioned but there is no mention of starting and termination stations. As a matter of fact both the ticket numbers are bogus and have been mentioned falsely to create impression upon the concerning Railway Authority as if the complaint has been made by bonafide passengers.. The falsehood of the complaint becomes evident from the fact that no female passenger at all made any complaint regarding inconvenience caused to them by holding meeting in the ladies Waiting Room ~~neither~~ at the station where complaint book always remains available for lodging complaints ~~nor~~ to any other higher authority. Even the other Railway Authorities posted at Railway Station Sitapur on that day either objected or complained to any authority regarding the alleged holding of meeting by the applicant.

(x) That the respondent No.2 thereafter issued chargesheet dated 22.3.1990 requiring the applicant to make representation in respect of allegations therein against the applicant. The chargesheet was issued for imposing minor penalty as per Rule 11 of the Railway Servants (Discipline & Appeal) Rules 1968. A true copy of the chargesheet dt. 22.3.90 is filed herewith as Enclosure No.A-8 to this application.

(xi) That the applicant then on 10.4.1990 submitted an application to the respondent No.2 requesting him to give copies of 7 papers and documents referred to in the application and other relevant

Ram Dass

contd...P/5

information. A true copy of the aforesaid application dated 10.4.1990 is filed herewith as Enclosure No. A-9 to this application.

(xii) That it is pointed out that the copies of the requisite papers/documents referred to in the application and the relevant information were not furnished to the applicant and he was also not allowed even the inspection of the said documents. The denial of access to the requisite documents necessary for defence rendered the applicant handicapped in submitting effective representation against the chargesheet which was not only contrary to the statutory rules but also against the principles of natural justice.

(xiii) That however the applicant on 17.4.1990 submitted his representation to the charge sheet whereby he denied the charge and explained his position. The applicant also annexed several papers/documents along with his representation in order to prove that the complaint was concocted and baseless and the charge levelled against the applicant had no legs to stand and could not have been proved against the applicant. A true copy of the aforesaid representation dated 17.4.1990, referred to above, is filed herewith as Enclosure No. A-10 to this application.

(xiv) That the respondent No.2/3 without considering the applicant's representation, papers and documents annexed with it and other material facts, by a cryptic and non-speaking order dated 20/23.4.90 imposed a minor penalty stopping 2 years increments without cumulative effect. A true copy of the said order already forms part as Enclosure A-1 to this application.

Ram Dass

(xv) That the thirst of revenge in the mind of respondent No.2/3 could not be quenched even after punishing the applicant by means of order dated 20/23.4.1990 and he further passed order dated

24.4.1990, a true copy of which forms part as Enclosure No. A-2, transferring the applicant from Sitapur to Belrayan district Kheri by way of punishment solely on account of the complaint contained in Enclosure No. A-5.

(xvi) That the applicant on 6.5.1990 preferred a representation to the Divisional Railway Manager against his penal transfer and the said representation is still pending decision. It is clarified that no representation against the transfer order is provided under the rules yet the applicant made this representation to bring the correct facts to the knowledge of D.R.M. to whom originally the complaint was made. A true copy of representation dated 6.5.1990 referred to above is filed herewith as Enclosure No. A-11 to this application.

(xvii) That it is relevant here to mention that the applicant is posted as Station Master at Sitapur and belongs to the operating department headed by Senior Divisional Operating Superintendent. The applicant is not under the administrative control of respondent No. 2/3 who belongs to the Safety Department. The applicant in order to substantiate his version is filing herewith the true copies of Railway Board's circular letter dated 10.1.79 and 6.7.79 as Enclosure Nos. A-12 and A-13 to this application.

(xviii) That since the respondent No. 2/3 has no administrative control over the applicant as he belongs to the Safety Department and has no power and authority to pass the impugned orders contained in Enclosure Nos. A-1 & A/2, they are absolutely illegal and null and void.

(xix) That the impugned order contained in Enclosure No. A-1 imposing minor penalty is not only cryptic and non-speaking but is also in contravention of the procedure prescribed under rule 11 of the Railway Servants (Discipline & Appeal) Rules 1968. The

applicant for neither giving copies of the papers and documents specifically demanded vide application dated 10.4.90 nor any proper and thorough oral enquiry necessary under the rules was held: Even no specific finding regarding the guilt of the applicant has been recorded by the respondent No.2/3.

(xx) That in fact the impugned orders contained in Enclosure No. A-1 & A-2 are the result of deep rooted conspiracy hatched up by Sri Ram Ji Misra and Bharat Tripathi with his associates Sri Chandra Prakash Shastri and the respondent No. 2/3 acted as fuel to the fire in order to take revenge and satisfy his own feeling of hatred against the applicant who belongs to schedule caste and is also the important office bearer of the Scheduled Caste Association.

(xxi) That the Railway Board vide its letter No. E(S.C.T) 60 C.M.I/100 dated 8th December 1960 have issued instructions regarding the transfer of Scheduled Caste employees according to which they should not be transferred unless there are strong reasons involving administrative interest and exigencies of service. It is only because of that the applicant is posted at Sitapur for the past seven years. There exists no compelling reason to deviate from the aforesaid Railway Board's circular and transfer the applicant. A true copy of the aforesaid Railway Board's letter dated 8.12.60 is filed herewith as Enclosure No. A-14 to this application.

(xxii) That the present transfer of the applicant has not been made in public interest or in exigencies of service. The applicant has been transferred by way of punishment for the alleged misconduct totally ignoring the Railway Board's circular letter contained in Enclosure No. A-14.

(xxiii) That as per Rule 226 of the Indian Railway Establishment Code Volume I, the transfer of a

Ram Ji Misra

Railway Employee can be made in exigencies of service meaning thereby that it cannot be made for allegations amounting to misconduct by way of punishment.

(xxiv) ^{the} That anti-transfer of the applicant from Sitapur to Belaya is not a normal transfer. It is based on complaint contained in Enclosure No.A-5. The said complaint was made against the applicant. ~~Belram~~ ASM/STP, Bichittra Sen Anil, Postmen Khairabad and Lal Jeewan Bhasker, ASM/ Khairabad. All these persons are the office bearers of the aforesaid Association. Out of these 4 persons the applicant and Sri Lal Jeewan Bhasker have already been transferred. The remaining two too under process of transfer. The said transfers are politically motivated and ~~are~~ the result of political pressure.

(xxv) That the respondent No.2/3 has passed the transfer order of the applicant and other office bearers of the association in order to render the association totally ineffective. No prior consent from the Head of the Association as requisite for transferring the applicant being an office bearer was obtained at all.

(xxvi) That the applicant has not yet been relieved from the charge at Sitapur. He is on medical leave under advice of Railway Doctor.

(xxvii) That in case the operation of the impugned orders contained in Enclosure No. A-1 and A-2 is not stayed, the applicant would suffer an irreparable loss and injury.

Ram Dass
5. Grounds for the relief with legal provisions:

(i) Because the impugned order contained in Enclosure No.A-1 imposing minor penalty is cryptic non speaking and has been passed in disregard of the procedure contained in Rule 11 of the

(b) held the impugned order No. E/R-45/Station Master/90 dated 24.4.90 passed by respondent No. 2 transferring the applicant from Sitapur to Belrayan Distt. Kheri as illegal, void and inoperative and set-aside the same.

9. Interim Order, if any :

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

That the operation of the impugned order dated 20/23.4.1990 imposing the minor penalty by the respondent No. 2, and the impugned order dated 24.4.90 passed by respondent No. 2 transferring the applicant from Sitapur Station to Belrayan District Kheri may kindly be stayed.

10. The Application is personally presented through Counsel:

11. Particulars of the postal order in respect of the application Fee :

- (i) Postal Order No. 802450932
- (ii) Dated 21/5/90
- (iii) Issued by G.P.O. Lucknow
- (iv) In favour of C.A.T. ALLAHABAD.

12. List of Enclosures :

Enclosures No.A-1	Impugned order of punishment dated 20/23.4.90.
Enclosure No. A-2	Impugned order of transfer dated 24.4.90.
Enclosure No. A-3	List of Office Bearers of Association.
Enclosure No. A-4	List of Office Bearers of Union.
Enclosure No. A-5	Complaint made by Bharat Tripathi.
Enclosure No. A-6	Representation dated 19.3.90.
Enclosure No. A-7	F.I.R. dated 8.2.90.
Enclosure No. A-8	Chargesheet dated 22.3.90.
Enclosure No. A-9	Application for documents dated 10.4.90.
Enclosure No. A-10	Reply/Representations dated 17.4.90 against the charge-sheet.

Railway Servants (Discipline & Appeal) Rules 1968.

(ii) Because no proper thorough or oral enquiry, as required, was held before imposing the minor penalty in question.

(iii) Because the documents and the papers referred to in Enclosure No. A-9 were neither given to the applicant nor he was even allowed inspection of the same.

(iv) Because even no specific finding about the guilt of the applicant was recorded by the responder No. 2/3 before imposing the penalty.

(v) Because the respondent No.2 had no administrative control over the applicant and in view of Railway Board's letters contained in Enclosure Nos. A-12 and A-13, was incompetent to pass the impugned orders contained in Enclosure No. A-1 and A-2.

(vi) Because the impugned orders imposing the minor penalty and transferring the applicant, are the result of malafide on the part of respondent 3 who bears deep hatred against the Scheduled Caste community and acted under political pressure and passed the impugned orders to please Sri Bharat Tripathi.

(vii) Because the applicant's transfer has no ^{ma} under exigencies of service but has been made by way of punishment due to false complaint contained in Enclosure No. A-5.

(xiii) Because even otherwise the applicant of Railway Board's circular letter contained in Enclosure No. A-14 could not have been transferred.

(ix) Because the impugned transfer order is not a normal and routine transfer order but is made with a view to victimise the applicant and his office bearers of his Association in order to render the Association itself as ineffective.

Ramdas

Railway Servants (Discipline & Appeal) Rules 1968.

- (ii) Because no proper thorough or oral enquiry, as required, was held before imposing the minor penalty in question.
- (iii) Because the documents and the papers referred to in Enclosure No. A-9 were neither given to the applicant nor he was even allowed inspection of the same.
- (iv) Because even no specific finding about the guilt of the applicant was recorded by the respondent No. 2/3 before imposing the penalty.
- (v) Because the respondent No.2 had no administrative control over the applicant and in view of Railway Board's letters contained in Enclosure Nos. A-12 and A-13, was incompetent to pass the impugned orders contained in Enclosure No. A-1 and A-2.
- (vi) Because the impugned orders imposing the minor penalty and transferring the applicant, are the result of malafide on the part of respondent No.2/3 who bears deep hatred against the Scheduled Caste community and acted under political pressure and passed the impugned orders to please Sri Bharat Tripathi.
- (vii) Because the applicant's transfer has not been made under exigencies of service but has been made by way of punishment due to false complaint contained in Enclosure No. A-5.
- (xiii) Because even otherwise the applicant in view of Railway Board's circular letter contained in Enclosure No. A-14 could not have been transferred.
- (ix) Because the impugned transfer order is not a normal and routine transfer order but has been made with a view to victimise the applicant and other office bearers of his Association in order to render the Association itself as ineffective.

Ram Nath

(x) Because no prior consent of the Association for transfer of the applicant as required was at all taken

(xi) Because the entire complaint contained in Enclosure No. A-5 was false and baseless and was the result of conspiracy between Sri Ram Ji Misra and Bharat Tripathi with whom respondent No. 3 acted in collusion and passed the impugned orders to satisfy not only his own feelings but also the complainant.

6. Details of the remedies exhausted:

The departmental remedy by way of Appeal available under the Rules against the imposition of minor penalty vide order dated 20/23.4.1990 under the facts and circumstances of the case particularly it being unreasoned, is not afficacious and effective. So far as the impugned order of transfer dated 24.4.90 is concerned, no statutory departmental remedy is available to the applicant yet he has represented against the said order on 6.5.1990 which representation is still pending.

7. Matter not previously filed or pending with any other Court :

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

8. Relief Sought.:

The Tribunal may be pleased to :-

Ram Dass

(a) hold the impugned order No. DSO/55-7/96 dated 20/23.4.90 passed by Respondent No.2 stopping 2 years increments without cumulative effect as illegal, void and inoperative and set-aside the same.

(A19)

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Enclosure No. A-11 Representation dated 6.5.90 to D.R.M. against transfer.

Enclosure No. A-12 Railway Board's circular letter dated 10.1.79.

Enclosure No. A-13 Railway Board's circular letter dated 6.7.79.

Enclosure No. A-14 Railway Board's circular letter dated 8.12.60.

V E R I F I C A T I O N

I, Ram Das, aged about 53 years, S/o Late Dukhi Ram, R/o T/16-B, N.E. Railway Colony, Sitapur, do hereby verify that the contents of para 1, 4 including sub-paras, but excluding bracketed portions 6,7,10 to 12 of this application are true to my personal knowledge and those of paragraphs 2,3,5,8,9 are believed by me to be true on legal advice and that I have not concealed any material fact.

Ram Das.

Lucknow :

Applicant

Dated : 21.5.90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 180 of 1990 (L)

Ram Dass

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Applicant

Versus.

Union of India & others . . .

Respondents.

Enclosures No. A-1

NOTICE OF IMPOSITION OF PENALTY UNDER RULE II OF
DAR 1968 EXCEPT FOR REMOVAL/DISMISSAL/COMPULSORY
RETIREMENT ETC.

North Eastern Railway
Divisional Office
Lucknow

No. DSO/SS-7/90

Dated : 20-4-80

Shri रामदात
विदा० स्टेन्मास्टर/सीतापुर
दबारा : याँति/सीतापुर

With reference to your explanation/acknowledgement to the charge memorandum of even number dated 22.3.90 issued by Sr. DSO/LJN you are hereby informed that the undersigned has passed the following order :-

* श्री रामदास का बयाव पढ़ा । इनका यह कहना कि महिला प्रतीक्षालय में कोई बैठक नहीं हुई थी मान्य नहीं हो सकता क्योंकि बैठक काक होना तथ्य है । बयाव में यह कोई कारण नहीं बता सके हैं । अतः यह दोषी हैं ।

इनकी वैतनबृद्धि दो वर्ष के बिलए अस्थाई रूप से रोक दी जाए ।

प्राप्त किया
टी.आई/एस.टी.पी.
25-4-90

ह/0 शोली ० लाठे,
प्र०म०त्त००३०, लखनऊ । १३-४-९०

1. An appeal against these orders lies to

2. The appeal may be withheld by the authority not lower than the authority from whose orders it is preferred if :

... 2

TO THE
Albion

Debra G. Adenali

.. 2 ..

1. It is a case in which no appeal lies under rules ;
- ii. it is not preferred within 45 days from the date of receipt of orders appealed against and no reasonable cause is shown for the delay ;
- iii. it does not comply with the provisions of rules 20 & 21 of the D.A.R. 1968.

.....

Copy for information and n/action to :

1= कार्याधी/यातायात कैडर

2= यातायात नियम/तीतापुर लूपूल आदेश श्री रामदास को देकर उनकी पावती अद्वितीय रूप से देने।

Ram Dass

TRUE Copy
Altered

~~Deeksh Advani~~

लम्हा केन्द्रीय प्रशासनिक अधिकारण, लखनऊ बैच, लखनऊ ।

ओ०८० नं०

आफ 1990 ।

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

झनकलोजर नं० स-२

पूर्वोत्तर रेलवे

कार्यालय आदेश

1- श्री रामदास स्टेमा० : १६००-२६६०: सीतापुर का स्थानान्तरण प्रशासनिक आधार पर बेलरायौं किया जाता है ।

2- श्री स० लाल जी वन ए/एस्कर स्टेमा १४००-२३०० खेराबाद का स्थानान्तरण प्रशासनिक आधार पर मुर्तिहा किया जाता है ।

उपरोक्त आदेश तत्काल प्रभावी होगें । उक्त दोनों को स्थानान्तरण लाभ । देय है । रेलवे आवास कार्यमुक्त होने के १५ दिन के अन्दर अवश्य खाली कर दें ।

यह प्रमस्तीप के आदेश से जारी किया जाता है ।

ह/० अपठनीय,
कृते मण्डल रेल प्रबन्धक कार्मिका
लखनऊ ।

सं० ई/आर-४५/स्टेमा/९० दिनांक 24-४-९०

प्रतिवादीप सूचनार्थी एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रमलेधि/लखनऊ ।
- 2- याता०१०नरी०/सीतापुर, नानपारा ।
- 3- स्टेमा०/सीतापुर, खेराबाद, मुर्तिहा, बेलरायौं ।
- 4- कार्यालय/बिल पात फोल्डर अनु०
- 5- म०१८०१८०१८०/बादगाहनगर, सीतापुर, मैलानी, गोण्डा ।
- 6- मण्डल मंत्री/नूर/पीआरकेसस ।

ह/० अपठनीय,
कृते माण्डल रेल प्रबन्धक : कार्मिका
लखनऊ ।
24-४-९०

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Re/ab/ble

Ram Das

A23

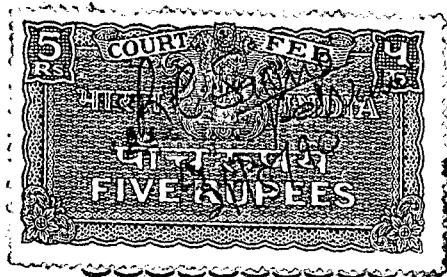
Before the Central Administrative Tribunal
ब अधिकारित श्रीमान (Lucknow Bench), Lucknow.

[वादी] अपीलान्ट

Ram Das

का वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्ट)

Ram Das

बनाम प्रतिवादी (रेस्पान्डेन्ट)
① मुकदमा नं० सन् १९७० पंजी की ता० २१-५-१९७० ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री R. C. SAXENA.

Advocate, High Court Bench

Lucknow, Rd. 3665

वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विषयी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या एच नियुक्त करें-वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अधर मुकदमा अदम पैरवी में एक तरफ मेरे दिनांक फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted,

Quash
Advocate

21/5/70

साक्षी (गवाह)

Ram Das.

हस्ताक्षर

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दिनांक

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महीना

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सन् १९७०

A2e

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

O.A. No. 182 of 1990(L)

Ram Das Applicant
Versus
The Union of India & others... Respondents

COMPILATION NO.2

Sl.No.	Particulars of Papers/Documents	Page No.
1.	<u>Enclosure No.A-3 Impugned</u> List of Office Bearers of Association.	17-18
2.	<u>Enclosure No.A-4</u> List of Office Bearers of Union.	19-20
3.	<u>Enclosure No.A-5</u> Complaint made by Bharat Tripathi.	21-22
4.	<u>Enclosure No.A-6</u> Representation dated 19.3.90	23-25
5.	<u>Enclosure No.A-7</u> F.I.R. dated 8.2.90	26 - -
6.	<u>Enclosure No.A-8</u> Charge sheet dated 22.3.90	27 - 28
7.	<u>Enclosure No.A-9</u> Application for documents dt. 10.4.90.	29 - 30
8.	<u>Enclosure No.A-10</u> Reply/Representation dt.17.4.90 against the charge sheet.	31 - 39
9.	<u>Enclosure No.A-11</u> Representation dt. 6.5.90 to D.R.M.	40 - 42
10.	<u>Enclosure No.A-12</u> Rly. Board's circular letter dt. 10.1.79	43 - 44
11.	<u>Enclosure No.A-13</u> Rly. Board's circular letter dt. 6.7.79.	45 - -
12.	<u>Enclosure No.A-14</u> Rly. Board's circular letter dt. 8.12.60.	46 - -

ਸਮਾਂ ਕੇਨ੍ਦ੍ਰੀਧ ਪ੍ਰਸ਼ਾਸਨਾਂ ਵਾਲਿਨਿਕ ਅਧਿਕਾਰਣਾ, ਲਖਨਤੁ ਬੇਨ੍ਚ, ਲਖਨਤੁ ।

ଓ-৩০ নং

अट्ट । १९९० •

रामदाता

पाठदी

भारत सरकार तथा अन्य

ब्रह्म

प्रतिवाटीगङ्गा

इनवलोज़र नं० ए-३

ਪੰਜੀਕਰਨ ਸੰਗ੍ਰਹ-1517

अखिल भारतीय

अनुसूचित जाति एवं जनजाति रेलवे कम्यारी एसोसिएशन

(Recognised vide Railway Board's Letter No 80 E(SCT)
25/1 Pt.II, Date 5.2.82)

ਪ੍ਰਾਵੰਤਰ ਰੇਲਵੇ ਜੋਨ, ਲਖਾਨਊ ਮਣਡਲ

रामदास

अध्यक्ष

शाखा-सीतापुर

পর্মাণুক

बलराम द्युमोहन

३८३

शाखा-सीतापुर

दिनांक 19-2-90

आज दिनांक 19-2-90 को तीतापुर जै0 मे मण्डल श्री सम0
पी0 कुरुक्षेत्र द्वारा अनुसूचित जाति सर्व अनुसूचित जनजाति रेल कर्मचारी
सशोषितस्थान भाषा तीतापुर 1लखनऊ मण्डल के पदाधिकारियों का
निर्वाचन निम्नलिखित लिपि से लिखित स्मृति से किया गया :-

1- सर्वेश्वरी रामदात स्टेशन मास्टर, सीतापुर	अध्यक्ष
2- सर्वेश्वरी प्रेम चन्द्र दिवाकर, कार्यनिरीक्षक बिसवा	उपाध्यक्ष
3- सर्वेश्वरी बंशीलाल विद्युत फिटर ग्रेड-1 सीतापुर	„
4- सर्वेश्वरी बलराम घर्मा, सहायक स्टेशन मास्टर, संत्री सीतापुर ।	संत्री
5- सर्वेश्वरी सतोषी छाटव टी०सी०८म०, सीतापुर	संयुक्त संत्री
6- सर्वेश्वरी राजेन्द्र प्रसाद रनिंग रूम विपरर, संगठन सर्व प्रचार संत्री सीतापुर	संगठन सर्व प्रचार संत्री
7- सर्वेश्वरी कामता प्रसाद टी०सी०, सीतापुर	„
8- सर्वेश्वरी जगन्नाथ प्रसाद टी०८क्त०आ००, सीतापुर	कोषाध्यक्ष
9- सर्वेश्वरी सतोषी०छलको स्टेशन अधीक्षक, महामूदाबाद अध्यक्ष कार्यकारी रणी तदस्य	आर्डिटर
1- सर्वेश्वरी रामजीत	टोकिन पोर्टर, सीतापुर
2- सर्वेश्वरी सरतीन सिंह	कालमैन, सीतापुर

(A26)

18

== 2 ==

- 3- सर्वेश्वरी लक्ष्मिदानन्द
- 4- सर्वेश्वरी लक्ष्मी महातो
- 5- सर्वेश्वरी वच्छलाल
- 6- सर्वेश्वरी रामअवतार

प्रधान बुकिंग कार्क, सिधौली
प्रवर टी०८०, सीतापुर
जूहार आधीन कार्य निरीद्धक
सुख्य लक्ष्मीदानन्द, सीतापुर
भवदीय,

ह/० एम०पी०कुरील,
मण्डल अध्यक्ष,
अनुत्तरायित जाति, एवं अन्यजनजाति रेल
कम्चारी एशीत्सर्व, लखनऊ मण्डल
लखनऊ ।

प्रीतीलीप :-

- 1- मं०८० प्रबन्धक पूर्वोत्तर रेलवे, लखनऊ
- 2- महामंत्री ए८०८०/ए८०टी० एशीत्सर्व, गोरखपुर
- 3- मण्डल मंत्री ए८०८०/ए८०टी० एशीत्सर्व, लखनऊ
- 4- द्वित एवं तीस अनुभाग कार्यालय पूर्वोत्तर रेलवे, लखनऊ ।

Ram Dass

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Attested

Deshak
Schwab

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समक्ष केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बैच, लखनऊ ।

ओ०८० नं०

आफ १९९०

रामदास

वाटी

भारत सरकार तथा अन्य

प्रतिवादीगण

द्वनक्लोप्पर नं० ए-४

सील

x संघ शक्ति: कलियुगे x

पंजीयन सं० बी, वाई०/ 11-7867

रेल मजदूर यूनियन प्रूवॉत्तर रेलवे।

x ड्रेड यूनियन ऐकट के अन्तर्गत पंजीकृत तथा हिन्द किसान मजदूर पंचायत से सम्बद्ध x

राम बहादुर सिंह
संसद सदस्य
अध्यक्षमुन्नी लाल
महामंत्री 636 एफ, बौलिया
रेलवे कालोनी, गोरखपुर
१३०४०। 27300।

पत्रांक : रेम्यू

दिनांक 21-4-90

सीतापुर - दिनांक 21-4-90 को रेल मजदूर यूनियन प्रूवॉत्तर रेलवे। के प्रमुख कार्यकर्ताओं एवं सीतापुर में कार्यरत द्वार्पिक, विद्युत, कैरीज, इंजी०, सिंगल एवं बैरिंडिल विभाग के रेल कर्मचारियों की बैठक मण्डल मंत्री श्री सम०पी० कुरील की अध्यक्षता में हुयी। बैठक को सम्बोधित करते हुए यूनियन के महामंत्री श्री मुन्नी लाल ने कहा कि रेल कर्मचारियों की समस्याओं का समाधान करने के लिए रेल मजदूर यूनियन का गठन किया जा रहा है। समयबद्ध पदोन्नति, वेतन समता, बूनीफार्म, मंहाई पर रोक, बेरोजगारों को कार्य, आकुसर्त की संघया में कमी तथा फिल्लखर्दी पर रोक की मांग यूनियन ने की। यूनियन ने मांग की है कि घुर्थ ब्रेशी कर्मचारियों के लिए मुक्त होने पर प्रत्येक वर्ष पास की सुवधा देने की मांग पर रेल मंत्री सहमत हो गये हैं। बैठक को सर्वश्री पी० के० बनर्जी तथा सुभाष चन्द्र विश्वकर्मा पदाधिकारी ने भी सम्बोधित किया। बैठक के अध्यक्ष श्री कुरील ने संठन को भूटायार, जातीयता, साम्राज्यिकता तथा अलगाववादी तत्वों से सावधान रहने की अपील की। रेल भूर्जित्र मजदूर यूनियन प्रूवॉत्तर रेलवे। शास्त्रीयता भीताम त्रे विज्ञालीन गतिशीलता से जा०

Ranu das

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— 2 —

- 1- अध्यक्ष - श्री अंजनी कुमार शर्मा, प्रधान टी०८००, पू०७०८०, सीतापुर ।
- 2- उपाध्यक्ष श्री ओमप्रकाश, विद्युत खाती, सीतापुर ।
- 3- , श्री इसरत हुसैन, पी०डब्लू०आई०-१११, लहसील-फोटोपुर ।
- 4- गाथा मंत्री, श्री बलराम वर्मा, सहायक स्टेशन मास्टर, सीतापुर ।
- 5- सहगाथा मंत्री-श्री रामलाल यादव, द्वाली मैन/पी०डब्लू०आई०, सीतापुर
- 6- , श्री अफताब मोहम्मद खाँ, का०वा०, सीतापुर ।
- 7- संगठन मंत्री - श्री राजेन्द्र श्रीताद, र०४४४ वेयरर, सीतापुर ।
- 8- , श्री रामचन्द्र, लोकोभेड प्रभारी, सीतापुर ।
- 9- कोषाध्यक्ष श्री रामदास, स्टेशन मास्टर, सीतापुर ।

कार्यकारणी सदस्य

भवदीय,

ह/० एम०पी०कुरील,

मण्डल अधिकारी

ରେଲ ମଜଦୁର ଯୁଗନିଯନ । ପ୍ରଧାନୀତିର ରେଲବେ ।
ପ୍ରଧାନୀତିର ରେଲବେ, ଲଖନ୍ତୁ ମଣଡଳ, ଲଖନ୍ତୁ ।

प्रतीतिलीपि

- 1- मण्डल रेल प्रबन्धक, पूर्वोत्तर रेलवे, लखनऊ ।
- 2- हित एवं संघ अनुभाग, मण्डल रेल प्रबन्धक कार्यालय, पूर्वोत्तर रेलवे, लखनऊ ।
- 3- महामंत्री, रेल मंजदूर धूनियन, पूर्वोत्तर रेलवे, गोरखपूर ।

ह/० एमोपी ओकुरील,

मण्डल अधिकारी

ਰੇਲ, ਮਿਨਿਧੁਰ, ਧੀਨਿਧਨ । ਪ੍ਰਵਾਨਿਤਾਹ, ਰੇਲਵੇ, ਪ੍ਰਵਾਨਿਤਾਹ ਰੇਲਵੇ, ਲਖਨਤੁ ਮਣਡਲ, ਲਖਾਨਤੁ ।

ਸਮਾਂ ਫੇਨਟ੍ਰੀਅ ਪ੍ਰਵਾਨਾ ਸਾਹੀਨਿਕ ਅਧਿਕਾਰਣ, ਲੜੀਨਾਊ ਪੈਨਚ, ਲੜੀਨਾਊ ।

अ००४० नं०

अटक 1990

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वाटी

प्रवास

भारत सरकार तथा अन्य

प्रतिवादीगण

इनवलोज़र नं० ए-५

गोपनीय

लेखा में

ਮੰਡਲੂ ਰੇਲਵੇ ਪ੍ਰਬੰਧਕ,
ਪ੍ਰਵਾਤਤਰ ਰੇਲਵੇ, ਲਖਨਊ

विषयः— पूर्वोत्तर रेलवे सीतापुर में कर्मचारीयों के मध्य वर्ग संघर्ष का आदेश

-महोदय-

आपके आधीन सीतापुर जिले में रेल विभाग के अन्तर्गत काम करने वाले कर्मचारीरयों में वर्ग संघ^१ की स्थानेष्टा के भौमः प्रगाढ़ होती जा रही है जो किती भी समय विस्फोटक रूप ले सकती है। दिनांक 19-2-90 को सीतापुर रेलवे स्टेशन के मीटिंग प्रतीक्षालय में एक मीटिंग का आयोजन हुआ जिसमें मुख्य रूप से श्री बलराम स०स०स०म० श्री विधीचन्द्र तेज "आनन्द" पैडमैन खेराबाद, श्री लाल जीवन भाष्कर स०स०स०म०, व श्री रामदास, स्टेशन मास्टर आदि ने सरकारी की निन्दा करते हुए माननीय प्रधान मंत्री रेल मंत्री व मुख्यमंत्री उत्तर प्रदेश को बुरी-बुरी गालियाँ दी तथा कहा कि जब से यह सरकार आयी है हम हीरजन कर्मचारीरयों का शोषण हो रहा है। हम सरकार की ईट से ईट बजा देंगे। श्रीमान जी इन सबका खेराबाद के धेयरमैन मौलाना ब्रह्म नसीर से संबंध है जो कि समग्रीलिंग का धन्धा करता है। पिछले चूनाव में वह बी०स०पी० से चूनाव भी लड़ा था तथा रात दिन अराष्ट्रीय कार्य करता है।

श्री रामदास के ऊपर यात्रियों से ज्यादां पैसा लेकर हेल टिकट बेघने का एक मुकदमा भी चल ग्या है। परिवारों के यात्रियों से ज यादा पैसा लेकर टिकट बेघने के ज़र्म में सर्वकांता विभाग द्वारा दोषी भी पाये जा चुके हैं। केजुअल लेबरों की भर्ती के मामले में भी एक बार नौकरी से निकाले जा चुके हैं। परन्तु किसी विशेष माध्यम के प्रभाव

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ते पुनः नौकरी पाकर फिर वही तीतापुर में नियोजित करा ली है। घैंड कवह टिलीविंग की डियूटी करते हैं अतः विविभन्न स्टेशनों ते पुराने टिकट इकठ्ठा करके पुनः नयी तारीख डालकर रेल आय का जब्ज करना उसकी दैनिक प्रक्रिया में आता है। श्रीमान जी महिला याचियों ते छेष्ठानी करना श्री रामदास, श्री बलराम व श्री भाष्कर का श्रिगृह अष्टनी राम समस्ता है। इसमें किसी दिन भी विस्फोट हो सकता है। आज दिनांक 19/2/90 को हम लोग जब स्टेशन पर यात्रा हेतु पहुँचे तो इन सबका अराध्दीय कृत्य टेक्कर आपको त्वरीत कार्यवाही हेतु त्रैयत करना उचित समझा। महिला प्रतीक्षालक्ष में इस तरह की अवधारित मीटिंग के बारे में स्टेशन अधीक्षक से सम्पर्क करने पर मालूम हुआ कि वह भी इनके गुटीय आंतक से डरे हैं।

अतः याचियों की सुविधा को ध्यान में रखकर तथा कर्मचारियों के बीच तौहार्दृष्टि वातावरण हेतु इस प्रकार के कार्यवाही पर उचित जांच कराकर टण्ड देने की लृपा करें जिससे कोई बड़ी दुर्घटना न हो।

गवाह :-

प्रार्थी,

ह/0 चन्द्र प्रकाश शास्त्री
प्रवक्ता सत्कृत महाविद्यालय
खराबाद, तीतापुर टी००८८०. ११५६०

ह/0 भरत निपाठी सड़कोकेट,
अध्यक्ष युवा भा०३०३०३०, तीतापुर।

प्रतीक्षिप : निम्न को सूचनार्थ सद्वं कार्यवाही हेतु :-

- 1- श्री बी० के० तिवारी, प्रवरं मंडल वाचिज्ज्य अधीक्षक पूर्वोत्तर रेलवे, लखनऊ
- 2- मुख्य सत्रकता अधिकारी, पूर्वोत्तर रेलवे, महाप्रबन्धक कार्यालय, गोरखपुर

Ram Das.

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DeWall
A. DeWall

समझ केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बैच, लखनऊ ।

ओ००८८ नं०

आफ १९९०,

रामदाल

वादी

भारत सरकार तथा अन्य

बनाम

प्रीतवादीगण

इनकलौज़र नं० र-६

सेवा में,

श्रीमुमान मण्डल रेलवे प्रबन्धक,
पूर्वोत्तर रेलवे, लखनऊ ।

विषय:- खेराबाद अवध और सीतापुर स्टेशन पर प्रार्थी के विवाद

तंदरी :- दिनांक १५-३-९० और १८-३-९० को टी०आर्ड० और डी०सी०

आर्ड० सीतापुर द्वारा परिवाद की जांच के तंदरी में ।

महोदय,

विनाम सूचित किया जाता है कि प्रार्थी एक ही रजन ज्ञाति का विश्रामदाता स्टेशन मास्टर मुख्यालय सीतापुर जो सीतापुर के अतिरिक्त हरणांव स्टेशन से सिधौली तक एक एक दिन विश्राम देता है। प्रार्थी के विवाद किसी स्टेशन के कर्मचारी व यात्री से कोई वाद विवाद नहीं है और न कोई परिवाद ही है।

उपरोक्त परिवाद के सम्बन्ध में टी०आर्ड० और डी०सी०आर्ड० सीतापुर द्वारा दिनांक १५-३-९० को खेराबाद स्टेशन पर जांच के दौरान प्रार्थी को यह विवित हुआ कि प्रार्थी के विवाद कुछ व्यक्तियों द्वारा परिवाद हुआ है जो अधोरीलीकृत घटना के परिणामस्वरूप हुआ है।

१- यह कि प्रार्थी दिनांक ८-२-९० को बर्ड जलालपुर स्टेशन पर ८ से १६ बजे की डियूटी में कार्यरत था।

२- यह कि सहायक स्टेशन मास्टर श्री फारूक अहमद को १६ बजे घार्ज़िदे दिया। उनकी डियूटी में १६० डाउन यात्री गाड़ी बर्ड जलालपुर स्टेशन पर १६-४३ बजे आयी और कन्दील के आदेशानुसार ९ अप सक्सेप्ट और १६३ अप यात्री गाड़ी से क्रात किया जिसके परिणामस्वरूप १६० STO जिससे एक सम०८८०टी० होल्डर श्रीराम जी मिश्रा खेराबाद से लखनऊ आते जाते हैं और खेराबाद के निवासी है के विलम्बन से बहुत निराश सर्व हताह होकर प्रार्थी को तथा सहायक स्टेशन मास्टर श्री फारूक अहमद

प्राप्त किया

१९-३-९०

Ram Das

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लिखे पोंग्य नहीं तमझता हूँ और यह भी कहा कि कन्दोल और स्टेशन मास्टर इतने बेहूदे होते हैं कि एक गाड़ी से दो दो गाड़ी की क्रांतिंग करते हैं। उक्त घटना सहायक स्टेशन मास्टर श्री फालक अहमद द्वारा भविष्य में जाँच एवं संदर्भ हेतु डायरी में नोट कर दिया गया है। इत घटना के प्रत्यक्षदर्शी गवाह 160 डाउन के गार्ड श्री पीराय कार्यरत कांवारो रहस्तुल्ला और कांवारो तूर्य प्रकाश सिंह घटना स्थल पर मौजूद थे।

3- यह कि सम०स०ट १० होल्डर श्री रामजी मिश्रा बर्ड जलालपुर में धीटत घटना की शिकायत खेराबाद स्टेशन पर किया। जिसका नित्यारण कार्यालय द्वारा किया गया और क्रांतिंग उचित बताई गई।

4- यह कि प्रार्थी को परिवादकर्ता श्री रामजी मिश्रा के मत्संदीय एवं अमृत व्यवहार से आत्म ज्ञान द्वारा 160 डाउन से सीतापुर जाकर परिवारकर्ता के विरुद्ध आवश्यक कार्यवाही हेतु जी०आ०र०पी० सीतापुर में प्रथम तृघना रिपोर्ट दर्ज करा दी।

5- यह कि उक्त स०आ०आ०र० से परिवादकर्ता बदला लेने एवं विरोध की भावना से प्रेरित होकर सीतापुर स्टेशन के कुछ दृष्टकर्मी कर्मचारियों के सहयोग से अपने ही खाते रिस्तेदारों तथा परिवारों द्वारा प्रभाव डालकर दूधी, फर्जी तथा निराधार रिकायत करवाई ताकि प्रार्थी परेशान हो और प्रशासन द्वारा दीण्डत किया जाय। श्री भरत त्रिपाठी परिवादकर्ता रामजी मिश्रा का संग बहनोई है।

6- यह कि जितने परिवाद इस धोड़े दिन के अन्दर प्रार्थी के विरुद्ध किये गये हैं यह उक्त घटना दिनांक ८-२-९० के बाद की है जो जाव छूटकर अध्यक्ष भारतीय जनता पार्टी एवं अन्य अपने रिस्तेदारों द्वारा मात्र परेशान की नियंत्रण से दूधी रिकायत कियायी है। माज़नीय श्री राजेन्द्र प्रसाद गुप्ता अध्यक्ष भारतीय जनता पार्टी के द्वारा उन्हें गुमराह कर उक्त परिवाद इस लिय करवाई गई कि उनके लिखे का रेल अधिकारीयों पर विरोध प्रभावी होगा।

7- यह कि इसी व्यक्ति श्री राम जी मिश्रा निवासी खेराबाद के जो सीतापुर स्टेशन के कुछ विरोधी सवर्ण कर्मचारी के सहयोग से अपने रिस्तेदार श्री भरत त्रिपाठी वकील जिला अध्यक्ष भारतीय जनता युवा सोर्च के द्वारा सीतापुर मै ३०० जारी एवं जनकारी असोसियेशन के गठन के संबंध में हुई मीटिंग जो रेलवे कोलोनी में हुई, गलत तरीके से महिला प्रतीक्षालय में दिखाकर मुझ गरीब एवं निर्देश कर्मचारी को दीण्डत कराने के उद्देश्य से फर्जी शिकायत करवायी जिसका स्टेशन कार्यालय में स्टेशन अधीक्षक एवं श्री०टी०सी० द्वारा कोई लिखा कार्यवाही नहीं की गई और न कहीं

Ram Jai

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8- यह एक आप द्वारा नियुक्त जॉब अधिकारी टीआई०, डी०सी०आई० सीतापुर द्वारा इस परिवाद के सम्बन्ध में प्रार्थी की जॉब की गई परन्तु इन दोनों जॉब अधिकारीयों को प्रार्थी के प्रति दृष्टि सर्व कलीफा न गवना है। ये सर्वज्ञ जाति के हैं। ये परिवादकर्ता को फर्जी तरीके से परिवाद करने में पूरी मदद की है। मुझे इनकी जॉब प्रक्रिया में शात्रीतशात भय और पूर्णरूप से पक्षपात करने की आंशका है।

अतः अपृष्ट सर्व पक्षपात रैहत जॉब हेतु अन्य कोई जॉब अधिकारी जो सीतापुर मुख्यालय का न हो नियुक्त किया जाय।

अतः श्रीमान जी के प्रार्थना है कि प्रार्थी एक अनुसूचित जाति का निर्दोष कर्मचारी है। प्रार्थी के विलम्ब लगाये गये विभागों के प्रत्येक स्टेशन जहाँ जहाँ कार्य करता है जैसे हरगांव स्टेशन से तिथीली स्टेशन तक। वहाँ के स्टेशन मास्टर और वहाँ की जनता से प्रार्थी की सत्यनिष्ठा इमानदारी सर्व धीरन की जॉब कराकर ही अग्रिम कार्यवाही की जाय ताकि निर्दोष कर्मचारी का अनायास हवन न हो सके।

नोट :- स्पष्टीकरण हेतु साक्षात्कार हेतु आवेदन है।

प्रार्थी,

दिनांक 19-3-90

ह/0 रामदास,
आरजीएसटेप्ला०,
पूर्वोत्तर रेलवे, सीतापुर।

आवश्यक कार्यवाही सर्व सूचनाएँ प्रेषित प्रतिलिपि।

1- प्र० संरक्षा अधिकारी पूर्वोत्तर रेलवे, लखनऊ।

2- प्र०वाणिष्य अधीक्षक, पूर्वोत्तर रेलवे, लखनऊ।

Ramdas.

True Copy
Altered
Rakesh
Sukhdev

समस्त कैनूनीय प्रशासनिक अधिकारण, लखनऊ बैन्च, लखनऊ ।

ओ०८० नं०

आफ १९९० ।

रामदास

वादी

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भारत सरकार तथा अन्य

प्रतिवादीगण

इनकलोज़र नं० ए-७

सेवा में,

धाना प्रभारी,
जी०आ०र०पी०,
सीतापुर ।

विषय बर्ड जलालपुर स्टेशन पर एक यात्री द्वारा कार्यरत स०स्टेप्पा० फाल्ख अहमद के कार्य में व्यवधान डालना व यात्री देना ।

महोदय,

दृ/० अप्रैलीय,
८-२-९०

“सील”

सूचित किया जाता है कि आज दिनांक ८-२-९० समय १७/१० पर १६० ड० से यात्री गाड़ी से एक सम०स्ट०टी० यात्री जो खेराबाद से लखनऊ आता जाता है जिसका नाम रामजी मिश्रा निवासी माल्हुर जिला सीतापुर का है, स्टेशन कार्यालय में आया और असंसदीय भाषा का प्रयोग, जैसे स्टेप्पा० इतने बहुदे होते हैं कि एक गाड़ी से दो दो गाड़ी का क्रान्तिकार करते हैं । डिव्टी पर कार्यरत स०स्टेप्पा० फाल्ख अहमद को भी दूसरा बहुदा कहा तथा हमें भी बुरा भला कहा । अपनी पूर्वक प्रति उत्तर देने पर मारने की धमकी दी । और १६० ड० से खेराबाद आकर गलत रूप से रेलवे शिकायत पुस्तिकार पर शिकायत भी किया है ।

अतः निवेदन है कि आवश्यक कार्यवाही द्वेष रिपोर्ट दर्ज करने की कृपा करें ।

दिनांक ८-२-९०

प्राप्ती,

दृ/० रामदास,
स्ट० मा०

True Copy
Altered

Ram Das

D. K. W. S.

तमस्क केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बैन्ध, लखनऊ ।

ओ०८० नं०

आफ । १९९० ।

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रवितवादीगण

बनकलोज़िर नं०-४-८

लम्ह गार्स्तयां अधिरोपित करने के लिये आरोप के ज्ञापन का मानक
कार्य रेल सेवक (अक्षरासन और अपीला) नियम । १९६८ का नियम-।।।

पूर्वोत्तर रेलवे

पनांक डीस्ट्रो/सतर्स-७/९०

रेल प्रशासन का नाम

निर्गम स्थान मण्डल कार्यालय, लखनऊ

दिनांक । २२-३-९०

ज्ञापन

१- श्री रामदास पद विदा स्टेशन मास्टर कार्यालय जिल्हे काम
करता हो। सीतापुर को स्तंष द्वारा द्वीपत किया जाता है निम्न
हस्ताक्षरी द्वारा उसके विरुद्ध रेल सेवक (अक्षरासन और अपीला) नियम
। १९६८ के नियम ।। के अन्तर्गत कार्यवाही करने की प्रस्थापना की गयी है।
कर्तव्य की अवहेलना या दृव्यव्यापार या अवधार के लाभन का एक विवरण
अलंगन है जिस पर उपर्युक्त कार्यवाही करने की प्रस्थापना है।

२- श्री रामदास को स्तंष द्वारा यह अवसर किया जाता है कि इस
प्रस्थापना के विरुद्ध वह जो भी अभ्यावेदन चाहे दें। अभ्यावेदन यीद देना
हो, निम्न हस्ताक्षरी को द्वारा
इस तरह प्रस्तुत किया जाता याहौस तारीक यह ज्ञापन की प्राप्ति के दस
दिन के ५ रीतर निम्न हस्ताक्षरी के पास पहुँच जाय।

३- यीद श्री रामदास पैरा २ में विनिर्दिष्ट अवधि के भीतर
अभ्यावेदन प्रस्तुत नहीं करते हो यह मान लिया जायेगा कि उन्हें कोई
अभ्यावेदन नहीं देना है और श्री रामदास के विरुद्ध एक पक्षीय आदेश
पारित किया जा सकेगा।

४- श्री रामदास इस ज्ञापन की पावती है।

श्री रामदास
पद विदा स्टेशन मास्टर/सीतापुर
द्वारा याचन/सीतापुर

आज्ञा से
ह/० र०सी०लाल
२२-३-९०
सत्रार डिवी०सेफटी आफिसर
सन०झ०आर०, लखनऊ।

सद्विधानिक का नाम व पद।

Ram Das

True copy
Affidavit

Dilip

रेल कर्मचारी अनुशासन एवं अपील नियम १९६८ के नियम ।। के अन्तर्गत श्री रामदास, विदोदा० स्टेमा/सीतापुर के विश्वलक्ष्मी लघुदण्ड आरोप पत्र ।

दिनांक १९-२-८० को सीतापुर रेलवे स्टेशन के मीडिला विश्वामालय में अनुसूचित जाति एवं अनुसूचित जन जाति सतोरीशहर के अन्तर्गत एक बैठक हुई जिसका आयोजन मुख्य रूप से श्री रामदास विदोदा० स्टेमा/सीतापुर ने किया । श्री रामदास ने अपने पढ़ का अनुचित प्रभाव डालकर बिना प्रशासन की अनुमति लिए अथवा बिना उचित माध्यम से अधिकार प्राप्त किए श्री रामदास पाण्डे कार्यरत बैठिंग रूम बेपर, सीतापुर कर बद्दाब डालकर मीडिला विश्वामालय खुलवा लिया तथा उसमें उक्त बैठक सम्पन्न की जिसके कारण बोनाफाइड यार्डिंगों को अहीवधा उठानी पड़ी तथा स्वयं में भी यह कार्य आघरणा नियमों के प्रतिकूल था ।

इस प्रकार श्री रामदास विदोदा० स्टेशन मास्टर/सीतापुर ने रेल नेवा (आघरणा) नियम १९६६ के नियम ३:१: :११: का उल्लंघन किया ।

आज्ञा से

ह/० ए०ती० लाठे,
22-३-९०
प्रवर मंडल संस्था अधिकारी
लक्ष्मण ।

प्राप्त किया

5-4-90

Ram Das

True Copy
Affixed

Dharmendra
Achrekar

K57

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1990.

Ram Dass

...

Applicant

Versus.

Union of India & others.

...

Respondents.

Enclosure No. A-9

To,

The Sr. D.S.O.,
N.E. Railway,
Lucknow.

Subject:- Supply of documents for inspection.

Ref :- Your charge Memo No. DSO/SS-7/90 dated 22.3.90.

Sir,

In reference to the above I request your honour to kindly arrange to supply the following documents which are relevant to the charges, for my inspection as per order vide Railway Board's letter No. E (D&A) 77-RG 6-20 dated 21.6.78 so that I may be able to submit my defence statement evidently.

1. Documents to which reference has been made in the statement of allegations.
2. Reports submitted to your honour by an officer appointed to hold preliminary enquiry to ascertain the facts.
3. Statement of witnesses recorded in the course of a preliminary enquiry conducted by enquiry officer which is considered relevant for the purpose of my defence
4. Extract noted in Station Diary or any action

Ram Dass

TRUE COPY
Attested

Ram Dass

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if taken by SS/STP or CTC/STP on duty immediately (same day) regarding to seating for an organisation of SC/ST association in Ladies waiting Room on 19.2.90 at STP.

5. Complaints if lodged by any passenger on station complaint book regarding to entry into Ladies Waiting Room on 19.2.90 at STP.

6. Report of AST/RPF (Intelligence) STP submitted to Railway Administration regarding to this.

7. Name of the bonafide Lady passengers with their individual number on tickets, from and to who felt inconvenience availing ladies waiting room on 19.2.90 at Railway Station Sitapur.

I shall be highly obliged to you.

Yours faithfully,

Dated :- 10.4.90

Sd/ Ram Dass,
RG/SM/STP

Ram Dass

True copy
Attested

Q. W. Dass
R. Dass

तमसा केन्द्रीय प्रगतिशील अधिकारका, लखनऊ बैन्ड, लखनऊ।

ओ०६० न००

आफ 1990 .

सामाजिक

४५८

भारत मरकार तथा अन्य

प्रतिवार्तापत्र

समाजलोकार नं० ८-१०

सेवा भेद,

प्रधार मन्डल संरक्षा अधिकारी,
पर्याप्ततर रेलवे,
लीखन्जु ।

विषयः

कल्याण सत्त्व अधिरोपण ।

四百一

महोदय

उपरोक्त संदर्भ में प्रीमान द्वारा लगाये गये आरोप को पूर्ण रूप से अस्वीकार करते हुए प्राथीं अपना स्पष्टीकरण अधीनिहित रूप से सहानुभविष्यक पिवारार्थ प्रस्तुत करता है :-

1- यह कि प्रार्थी अनुसूचित जाति का है जो वर्तमान किंठ सर्व द्वाल रेल कम्बिशारी है ।

2- यह कि दिनांक 19-2-90 को लीलापुर जं. स्टेशन के मालिक प्रतीक्षालय में अनुसूचित जाति सर्व जनजाति अपोतिषेधान की बेठक प्रशासन की बिना अनुमति लिये सर्व बैठिंग रूम वेपरर के ऊपर दबाव डालकर उत्तर का आरोप लगाया गया है जो पूर्ण रूप से गलत सर्व निराधार है ।

3- यह कि दिनांक 19-2-90 को उत्तर अमोतियेशान की बैठक
सर्वं सीतापुर शाखा का गठन अनुमति जाति सर्वं जनसाति
अमोतियेशान लखनऊ मण्डल के मण्डल अध्यक्ष श्री रमेशी०
हुरील चालक आधीन लोको कोरकैन पूदोत्तर रेलवे लखनऊ
द्वारा सीतापुर रेलवे कालोनी ओवात संख्या टी०/१६
बी में किया गया है जिसके व्यवस्थापक, संचालक सर्वं
निवेशक श्री रमेशी०हुरील ही थे। जिसका स्वर्वं का
विवान साथ में संलग्न है।

Ram Sars

Tree Guy
Alfredo
DeBellis

== 2 ==

4- यह कि महिला प्रतीक्षालय सीतापुर में बैठक सर्व अधीक्षियान के गठन का विवरण सहायक स्टेशन मोस्टर, स्टेशन अधीक्षक अध्ययन सीटीसी० द्वारा किसी भी अभिलेख में प्रत्यक्ष उपस्थिति अनुस्तव रूप से दर्ज की नहीं है और न सहायक स्टेशन मोस्टर कावालिय में रखी गिरायत पुस्तिका में इस घटना से संबंधित कोई गिरायत ही दर्ज है। यदि उक्त बैठक महिला प्रतीक्षालय में की गयी होती तो स्टेशन पर ही उपस्थिति श्री रामेश्वर मीठीसी० प्रेषण प्रभारी को अवश्य सूचित किया गया होता। वास्तविकता यह है कि यह बैठक रेलवे आवास कालोनी स० टी०/१६वी में की गई है। जैसा कि इनके द्वारा किये गये संलग्न प्रमाण पत्र से स्वयं स्पष्ट है।

5- यह कि दिनांक १९-२-९० को उक्त बैठक और अधीक्षियान के गठन के संबंध में सम्माननीय डा० लाल जी प्रलाद भारद्वा० अध्यक्ष, अनुसूचित जाति, जनजाति, जनजाति दल सर्व अध्यक्ष दत्तिय लेका तीतापुर और श्री बराती लाल अध्यक्ष तथा श्री छंगा प्रलाद महार्यनी अनुसूचित जाति/जनजाति/पिंडिया सर्व अल्प संख्यक अधिकारी/कर्मचारी कल्याण परिषद जिला तीतापुर उत्तर प्रदेश । उध्योग के आमंत्रित पदाधिकारी भी उपस्थिति थे। जिनके सहयोग से रेलवे आवास स० टी०/१६वी में बैठक सम्पन्न की गयी जैसा कि इनके द्वारा किये गये संलग्न प्रमाण पत्रों से स्पष्ट है।

6- यह कि श्रीमान द्वारा नियुक्त जांच अधिकारी टीज्जाई० तीतापुर के जांच के दोरान प्राथीं को यह विद्या हुआ कि इस प्रकार वा फलहीं सर्व गलत परिवार अधोलिखित घटना के परिणामस्फूर्त प्राथी नहीं। जो श्रीमान जी के सूचनार्थ दिनांक १९-३-९० को पंजीकृत पत्र द्वारा प्राथीं भेज दुका है।

दिनांक ८-२-९० को बरहे जलालपुर स्टेशन पर १६० डा० शात्री याडी भ्रातिंग में विलम्ब के परिणामस्फूर्त सर्व समस्सीली० होल्डर श्रीराम जी मिश्रा निवासी खेराबाद सीतापुर जो खेराबाद के लकड़ आवा जाला है, के अम्बू व्यवहार और जाली हेने के आरोप में प्राथीं आत्मगतानि हें पीड़ित होकर श्रीज्जारव्यी० सीतापुर में जाकर आवश्यक कार्यवाही हेतु प्रथम सूचना रिपोर्ट । एफआईआर० दर्ज करा दिया। जिसमें कार्यत स०टे० मा० श्री फालक

Ram Hall:

TRUE COPY
A. M. H. S.
Dated

उम्मद को भी जाली दिया। प्रियांका और मारने की धमकी दी। उक्त घटना का पूर्ण विवरण भविष्य में संदर्भ छेत्र बर्ड जलालपुर स्टेशन डायरी में नोट कर दिया गया है।

उपरोक्त सफ़ाईआरो करने के कारण पुलिस ने श्रीराम जी मिश्रा को गिरफ्तार किया और जमानत दी। पर मुक्त किया। इस सफ़ाईआरो करने के कारण ही सफ़ाईस्टो होल्डर श्रीराम मिश्रा उत्तेजित होकर बदला लेने की भावना से तीतापुर के सफ़ाईस्टो श्री आरक्षेमिश्रा के सहवाग से अपने साले श्री भरत त्रिपाठी एवं जान पहवान के लोताओं से अपनी स्वर्ण की मनगढ़न्त द्वाका फिटिंग करके लोताओं का हस्ताक्षर लेकर श्रीमान जी के पास दन्तित एवं परेशान करने की नियत से आए दिया। जेताकि परिवाद पढ़ने से ही फर्जी प्रतीक्षा होता है।

7- यह कि उक्त घटित घटना दिनांक 8-2-90 के बाद ही प्राथी के विलम्ब अमेलों शिलायत फर्जी रूप से ईर्ष्या देष्ट और जातीयता-व्यवाहारी गयी ताकि प्राथी दन्तित और परेशान हो।

8- यह कि उक्त घटना के परिणामस्वरूप ही तीतापुर के सफ़ाईस्टो श्री आरक्षेमिश्रा ने अभियुक्त राजकी मिश्रा छेराबाद के सफ़ाईस्टो होल्डर के साथ मिलकर अपने साले श्री भरत त्रिपाठ त्रिपाठी ते जातीयता, ईर्ष्या एवं देष्ट की भावना से अनुसूचित जातियों के व्यक्तियों जैसे श्री बलराम, सफ़ाईस्टो तीतापुर तथा विवितसेन अनिल कांटा बाला छेराबाद के भी विलम्ब दन्तित करने के उद्देश्य से फर्जी विकायत करायी।

9- यह कि जांच अधिकारी द्वारा किये गये जांच में सर्व और उन्हीं लोगों द्वारा जैसे श्री आरक्षेमिश्रा सफ़ाईस्टो मारो तीतापुर, श्री सत्य केमिश्रा सफ़ाईस्टो, तीतापुर और रामपाल पाण्डेय फिटिंग रूप वेवरर तीतापुर से जो प्राथी से ईर्ष्या और देष्ट की भावना रखी हैं साक्षी के रूप में मनगढ़न्त और बनावटी व्यायान लिया गया है।

10- यह कि यदि श्री भरत त्रिपाठी परिवादकारी दिनांक 19-2-90 को स्टेशन पर आये तो उन्हें महिला प्रतीक्षालय की जगह आवश्यकता पड़ी। जबकि उनके परिवाद में होई महिला उनके साथ में नहीं दरायी गयी है। यदि उन्हें यह मीटिंग होते हुए जांकारी प्राप्त ही हुई तो स्टेशन अधीक्षक अथवा सीटीसीओ से सम्पर्क करते और स्टेशन द्वि कायल पुस्तकार्पर परिवाद अथवा तुशाव के रूप में अंकित करते छारन्तु ऐसा कुछ नहीं मिया गया है। इनके

Ram Das

Take Care
Affectionately
At 5 AM
R.D.

== 4 ==

अलग से किये गये परिवाद में टिकट लंडिया के साथ ब्रेणी, ब्रेल/रेलप्रेस, बहाँ ते बहाँ तक अध्या दिसी प्लेटफर्म टिकट लंडिया को कोई उल्लेख नहीं किया गया है। इसे स्पष्ट ढोता है कि श्री भरत त्रिपाठी अध्यक्ष भारतीय बनाना युवा भेदवार्या जो बड़ील भी है अपने बहनोई श्रीराम जी मिश्रा के पक्ष में आकर फर्जी सबं गलत परिवाद, बदला लेने की भावना ते किया। तथा दिसी यात्री को हुयी असुविधा का कोई प्रश्न ही नहीं है।

अतः श्रीमान बी ते निवेदन है कि उपरोक्त वाराताविक तथ्यों को ध्यान में रखो हरे यम्भीद्वारा पूर्वक विचार करें और प्राधीं को दोषमुक्त करने की गृहा करें।

प्राधीं,

टिनाँक :- 15-4-1990.

तंत्रग्रन्थ = 4 पाँच पृष्ठ।

ट/0 रामदास विद्यालयटेक्नि

15-4-90
पवातार रेलवे,
तीतापुर।

Ran Hess.

T. R. G. G. S.
Alfred

D. K. G. S. D. D. D. D.

पंजीकृत संख्या S-1517

अखिल भारतीय अनु०/जन जाति पू० ३० रे० कर्मचारी संघ

प्रधान शास्त्र एवं ग्रंथालय, लखनऊ

अद्यता :

राज सिंह शास्त्री मंत्री : राजा पर्ण लक्ष्मी

प्रस० आर० दोहरे परिचालन कार्यालय- (प०उ०र० लखनऊ)

संख्या : AISCTREA (BR) L.J.N

कार्यालय :
मंडल रेल प्रबन्धक
पू० ७० रे० लखनऊ ।

दिनांक: १५/५/२०१५

810981
CONT'D

3561

51295 $\overline{133}$

Ram Das

Take care
Alles best
D. W. B.
R. W.

144

36

मेरी अधिकारी ने 19/2/90 की तिथि H.R.C. सुन्दरलालजी के द्वारा दर्ता देशा पर वारियर था। इसी दिन वो गीर्वां विवाह के लिए उत्तरी तुकारामी की ओर गई थी और उसी दिन वो अपनी दूसरी विवाही वारियर की ओर दौड़ दी। इसका उल्लेख जानकारी है।

चेतना
H.R.C./576 14/4/90

(दूसरी विवाही वारियर)

दूसरी विवाही वारियर

140 14/4/90

Ram Das
TRUE COPY
S. D. Mohapatra
Debashree

RVS

लेवा में

श्रीमान् मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे, लखनऊ ।

विषय:- कर्जी रव्व गलत गिरायत द्वारा अनुसूचित जाति रव्व अनुसूचित जनजाति रेल कर्मचारियों पर अन्याय अत्यावार रव्व उत्पीड़न ।

महोदय,

सूचित किया जाता है कि सीतापुर ज०स्टेशन पर ब्राह्मण वादी व्यवस्था के तहत दलित रव्व अनुसूचित जाति रव्व जनजाति के रेल कर्मचारियों पर अक्सर अत्यावार उत्पीड़न रव्व शोषण की पठनाये होती रहती है । जिसका गिराव दलित रेल कर्मचारी होते रहते हैं । कुछ दिन पहले इस दलित रेल कर्मचारी जिसका नाम राधे पद हम्माल सीतापुर ज०स्टेशन पर कार्यरत था जो कि स्टेशन अधीक्षक की साज्जा से मिट्टी का तेल छिड़क कर जला दिया गया था उसकी विधमा और तको पेन्चान हत्यादि में भी बड़ी फठिनाई डाली गयी थी । इस प्रकार लगातार दलित रेल कर्मचारियों के साथ अन्याय रव्व अत्यावार होता रहा है ।

दिनांक 19.2.90 को अनुसूचित जाति रव्व जनजाति के ही रेल कर्मचारियों ने सर्वों के द्वारा किये जाने वाले अन्याय अत्यावार रव्व शोषण से छुकारा पाने के लिये अधिक भारतीय अनुसूचित जाति रव्व अनुसूचित जनजाति सरकारी स्टेशन के अन्तर्गत एक बैठक रेलवे आवास संघया- 1टी०-16बी०। में की जिसमें दलित रेल कर्मचारी बन्दुओं ने मुझे अपनी सुवना देकर आमंत्रित किया, मैं बड़ा गया तथा सीतापुर शाखा के पदाधिकारियों के गठन में सहयोग प्रदान किया । तथा बैठक में हम लोगों ने संगठित होकर अन्याय अत्यावार रव्व शोषण के खिलाफ संगठन को मजबूत बनाने का संकल्प किया । तथा दलित कर्मचारियों पर जो अन्याय हो रहे हैं उनसे छुकारा पाने के लिये नियम लिया ।

दलित वर्ग के रेल कर्मचारियों के उन संगठन को देखकर हृष्या और देखभग सर्वो वर्ग के बन्दू कुछ लोग जो सीतापुर ज०स्टेशन पर ही कार्यरत हैं मुख्य निम्नलिखित हैं :-

1. श्री आर०फ०मिश्रा, स्वायक स्टेशन मास्टर, सीतापुर ज०।
2. श्री पी०फ०दास गुप्ता, स्टेशन अधीक्षक, सीतापुर ज०।

यह सीतापुर ज०स्टेशन पर स०स्टेशन०र्क्स स्टेशन अधीक्षक के ज्य में लगभग 20 वर्षों से मौजूद है। इन्हें तरकाल हटाया जाये।

क्रमांक: -2-

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Ranjan

अनुसूचित जाति/जनजाति/पिछड़ा एवं अन्पसंख्यक अधिकारीकर्मचारी
कल्याण परिषद
जिला सीतापुर (उ० प्र०)

धराती लाल, अध्यक्ष
मुख्य माल अधीक्षक, उत्तर रेलवे, सीतापुर
टेलीफोन : २३१२

छंगा प्रसाद, महामन्त्री
प्रादेशिक अध्यक्ष, आ०इ०य०ब०० एस०सी०/एस०टी० इम्प०
ट्रैड यूनियन / एस० (उ० प्र०)
यूनियन बैंक आफ इण्डिया न०च० सीतापुर टै०फोन २८८६

पत्रांक- २००६-सी०पी०१० रेलवे

दिनांक १५-०८-२०१०

प्रिय श्री सिंह,

मैं आपका ध्यान दिनांक १९-२-१० को पुर्वोत्तर रेलवे सीतापुर में
अनुसूचित जाति जनजाति के रेल कर्मचारियों की बेठक की और आकर्षित करना चाहता
हूँ। मैं तथा इस कल्याण परिषद्के अध्यक्ष श्री बराती लाल जी के साथ सीतापुर के
जंक्शन तथा रेलवे कालोनी गया जहाँ पर दिनांक १९-२-१० को अनुसूचित जाति/
जनजाति के रेल कर्मचारियों की मीटिंगके सम्बन्ध मैं कोई हुई शिकायत के विषय में
जानकारी की तो मात्रम हुआ कि उक्त शिकायत तथा कृपिता उच्चवर्कों के कुछ रेल
कर्मचारियों ने इन्हीं, एवं देवकरा किंहीं दूसरे व्यक्तियों से करवा दी है। जिसमें कहा
गया है कि उक्त मीटिंग रेलवे प्रतीक्षालय गे की गपी है जो कि बिल्कुल निराधार
व असंत्य है। जबकि वास्तविकता यह है कि इस तरह की कोई बैठक रेलवे परिसर में
कभी भी नहीं हुई है। इस शिकायत के पीछे हनका उद्देश्य अनुसूचित जाति/जनजाति
के लोगों को अंगठित न होने देने का है।

मैं उपरोक्त जानकारी आपको इस तारतम्य मैं हे रहा हूँ कि कहीं
आप फर्जी एवं ग़लत शिकायत के आधार पर कोई ऐसानिर्णय न ले लें जो इस कर्म
के कर्मचारियों के हितों के किन्हीं हो और आपके ग़लत निर्णय से इस समाज के
व्यक्तियों मैं कहीं सेसी कुण्ठा न बन जाये। जिससे देश व इस समाज के लिए अल्पतर
हो।

शुभ कामनायों सहित,

शुभेच्छा

छंगा प्रसाद

महामन्त्री।

श्री क०पी० सिंह,

मण्डल रेल प्रबन्धक,

पुर्वोत्तर रेलवे, लखनऊ।

प्रतीतिपाप:- श्री स०सी० लाठे प्रवर संरक्षा अधिकारी पुर्वोत्तर रेलवे, लखनऊ।

प्रधान कायांत्रय :- A 212 आवास विकास कालोनी - भोजयानी स्ट्रीट "ऐश भवन" सीतापुर-२६१००९

T. S. Singh, Ram Dayal,
D. K. Singh, D. K. Singh

14/16

तेवा मे.

श्रीमान् मण्डल रेल प्रबन्धक,
मूवोट्टर रेलवे, लखनऊ ।

विषय:- एवं गलत गिरायत द्वारा अनुसूचित जाति एवं अनुसूचित जनजाति
रेल कर्मचारियों पर अन्याय अत्यावार एवं उत्पीडन ।

महोदय,

सूचित किया जाता है कि सीतापुर ज०स्टेशन पर ब्राह्मण वादी व्यवस्था
के तहत दलित एवं अनुसूचित जाति एवं जनजाति के रेल कर्मचारियों पर अक्षर अत्यावार
उत्पीडन एवं शोषण की घटनाये होती रहती है । जिसका गिराव दलित रेल कर्मचारी
होते रहते हैं । कुछ दिन पहले एक दलित रेल कर्मचारी जिसका नाम राधे पद हम्माल
सीतापुर ज०स्टेशन पर कार्यरत था जो कि स्टेशन अधीक्षक की साज़िश से मिट्टी का
तेल छिड़क कर जला दिया गया था उसकी विधा और तको पेन्नान हत्यादि में भी
बड़ी कठिनाई डाली गयी थी । इस प्रकार लगातार दलित रेल कर्मचारियों के साथ
अन्याय एवं अत्यावार होता रहा है ।

दिनांक 19.2.90 को अनुसूचित जाति एवं जनजाति के ही रेल कर्मचारियों
ने सर्वां के द्वारा किये जाने वाले अन्याय अत्यावार एवं शोषण से छुटकारा पाने के
लिये अखिल भारतीय अनुसूचित जाति एवं अनुसूचित जनजाति सशांतिशोधन के अन्तर्गत
एक बैठक रेलवे आवास संघया- । टी०-१६बी०। में की जिसमें दलित रेल कर्मचारी बन्दुआओं
ने मुझे अंग सुवना देकर आमंत्रित किया, मैं वहाँ गया तथा सीतापुर शाखा के पदाधि-
कारियों के गठन में सहयोग प्रदान किया । तथा बैठक में हम लोगों ने संगठित होकर
अन्याय अत्यावार एवं शोषण के खिलाफ संगठन को मजबूत बनाने का संकल्प किया ।
तथा दलित कर्मचारियों पर जो अन्याय हो रहे हैं उनसे छुटकारा पाने के लिये नियम
किया ।

दलित वर्ग के रेल कर्मचारियों के उक्त संगठन को देखर है क्या और देखवा
सर्वां वर्ग के बच्चे कुछ लोग जो सीतापुर ज०स्टेशन पर ही कार्यरत हैं मुख्य निम्नलिखित
है :-

1. श्री आर०फ०मिश्रा, स्टेशन मास्टर, सीतापुर ज० ।
2. श्री पी०फ०दास गुप्ता, स्टेशन अधीक्षक, सीतापुर ज०।
3. यह सीतापुर ज०स्टेशन पर स०स्टेश०व० स्टेशन अधीक्षक के ज्य में लगभग
20 वर्षों से मौजूद है। इन्हें तत्काल हटाया जाये।

त्रिमासः --2--

19/8
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ASJ/RPF

3. श्री शीतल प्रसाद पांडेय (इन्डिलीजेन्स) हॉन्सफ्ट्स, सीतापुर ज़ेक्कान।

उपरोक्त ने मिलकर एक द्वूठ छहयावं रवा और उसी छहयावं के अनुसार दिनांक 19.2.90 को एक गलत सर्व पंजीयित के माध्यम से मण्डल रेल प्रबन्धक पूर्वोत्तर रेलवे लखनऊ सर्व अन्य उच्च रेल अधिकारियों के पास दालित रेल कर्मचारियों के संगठन को बमजोर करने के लिये तथा उनको शोषित करते रहने के लिये छह रिपोर्ट भेजाई। श्रीमान् जी, अगर की गयी शिकायत तभी होती तो नम्बर-। स्ट्रीन मास्टर कार्यालय में ऐसी गयी शिकायत सर्व सुनाव पुस्तिका के माध्यम से गयी होती। 121 शिकायत कर्ता स्वायक स्ट्रीन मास्टर या स्ट्रीन अधिकारी के पास गया होता और इसका विवरण स्वायक स्ट्रीन मास्टर डायरी में लिखा गया होता। ऐसी गलत सर्व पंजीयित को टेक्कर डीज्योरोमो साहब सर्व अन्य रेल अधिकारी दिन 28.2.90 को सीतापुर ज़ेक्कान पर आ पहुंचे। श्री मान् जी हम बोर्ड सभी लोगों ने अपने पूर्व निर्मारित कार्यक्रम के अनुसार अपनी मिट्टी विभागालय बुक कराकर, विभागलय में ही करनी याही थी, लेकिन उपरोक्त कुछ मुद्द्य रेल कर्मचारियों की अनुमति न मिलने के कारण रेलवे आवास बैंक-टी-०१६ बोर्ड मीटिंग करनी पड़ी, जिसकी गलत सर्व द्वूठों शिकायते रेल अधिकारियों को उमराव करने के लिये कराई गयी तथा इसकी पुस्ति के लिये सिविल इन्डिलीजेन्स विभाग से भी शिकायते करा दी गयी। जिससे अनुसूचित जाति सर्व जनजाति के रेल कर्मचारी संगठित न हो सके। और इन्हें इसी प्रकार सजा मिलती रहे।

मान्यवर यह अन्याय और अत्याधार अनुसूचित जाति सर्व जनजाति रेल कर्मचारियों पर स्वार्थों का एक छहयावं मात्र है। अगर यह अन्याय सर्व अत्याधार बन्द न हुआ तो इसका मुकाबला करने के लिये हम राजनीतिक लोग भी आगे आयेगे। और उच्च स्तर पर कार्यवाही छँक करेंगे।

दिनांक:- 2/3/90

भद्रीद्वूठ लालजी प्रसाद

बन्धक शुल्क द्वारा दी

1. डॉ लालजी प्रसाद भार्गव।

अध्यक्ष अनुज्ञातिसर्व जनजाति, जनता दल सर्व अध्यक्ष दालित सेवा, सीतापुर।

इतिःसुपुः

1. श्रीमान् प्रवर तंरक्षा अधिकारी पूर्वोत्तर रेलवे, लखनऊ।
2. श्रीमान् जनरल मैनेजर, पूर्वोत्तर रेलवे गोरखपुर।
3. माननीय रेल मंत्री, भारत सरकार, न्है-दिल्ली।
4. माननीय भ्रम सर्व कल्याण मंत्री, भारत सरकार, न्है-दिल्ली।
5. श्रीमान् जोनल सेक्रेटरी अनुज्ञातिसर्व जनजाति शोपिंगन पूर्वोत्तर रेलवे गोरखपुर।

6. C.O/RPF L/121
7. D.I.C (RPF) E/121

1. डॉ लालजी प्रसाद भार्गव।

RAVEESH
BANERJEE
DINESH CHOWDHURY
RAMESH RAM DASS

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1990.

Ram Dass

...

Applicant.

Versus.

Union of India & others ...

Respondents.

Enclosure No. A-11

To,

The Divisional Railway Manager,
North Eastern Railway,
Lucknow.

Subject:- Request for cancellation of transfer
order No.E/R-45/SM/90 dated 24.4.90.

Sir,

That humbly I beg to submit as under :-

1. That I belong to Scheduled caste and hold the office of SC/ST Association in the capacity of its President and also the treasurer of Rail Mazdoor Union (N.E.R.) of Sitapur branch NER/LJN Division.
2. That there is also one another rival union known as P.R.K.S. in N.E.R. and its office bearers are prejudiced with the applicant and his other associates holding different offices alongwith applicant in the aforesaid association and union.
3. That at the instance of the Branch Secretary of P.R.K.S., N.E.R./Sitapur Shri R.K.Misra, one false and baseless complaint was made in the name of Shri Bharat Tripathi Advocate who holds the office of President of Yuva Bhatriya Janta Party, Sitapur, alleging that on 19.2.90 a meeting of SC/ST Association was held in the Ladies Waiting Room at Sitapur station wherein the applicant

Ram Dass
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Signature

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and other office bearers of his association were said to have participated.

4. That on 5.4.90 the applicant was served with a charge sheet dated 22.3.90 levelling false & baseless allegations against the applicant without even indicating any evidence or witnesses to sustain the charges. Even the applicant was not supplied the copy of the complaint in question which was the basis of issuing the charge sheet to the applicant.

5. That on 11.4.90 the applicant through application dated 10.4.90 specifically requested to supply the certain papers/documents which were necessary for submission of effective reply to the charge sheet. However, no papers/documents as requested by the applicant were ever supplied to him.

6. That on 17.4.90 the applicant submitted his reply to the charge sheet explaining his position and denying the charges levelled against him.

7. That although holding of enquiry in the matter was necessary, yet without holding any enquiry and giving any chance of defending himself the applicant vide order dated 23.4.90 was punished with the penalty of stoppage of increment for two years.

8. That since the order of punishment is absolutely non-speaking and there is neither any mention of evidence nor any finding has been recorded regarding the guilt of the applicant, he has been rendered handicapped in submitting any appeal against the aforesaid punishment order.

9. That it is relevant to point out here that on 23.4.90 the applicant was awarded the aforesaid

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Regd. No. 501

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punishment and the very next day i.e. 24.4.90 the transfer order transferring the applicant from Sitapur to Belrayan has been passed.

10. That the aforesaid transfer order is absolutely malafide and has been passed by way of punishment with a view to shatter the Association of applicant and to take revenge from the applicant.

Transfer order in question is neither in public interest nor has been made in the ordinary course in the administrative interest.

11. That even otherwise also the applicant being one of the office bearers of aforesaid Association & Union could not have been transferred without prior consent of the Association/Union and the same is contrary to the rules on the subject.

12. That transfer of SC/ST employees should be confined to their native district or adjoining district or places where the administration can provide medical & educational facilities and Railway quarter. These instructions should be followed to the maximum extent possible subject to the exigencies of service.

The Railway Board have further decided that the employees belonging to SC/ST should be transferred very rarely and for very strong reasons only.

R.B.'s No.E(SCT)60 CMI/160 of 8.12.60
E(SCT)78 CM/15/15/3 of 19.11.70
E(SCT) 74 CM/15/58 of 14.1.75

Ram Dass
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All rights
It is, therefore, requested that your goodself will be pleased to consider the aforesaid facts & circumstances and set aside the transfer order in question and save the applicant from unnecessary harassment.

With best regards,

Dated 6.5.90

Yours faithfully,
Sd/- Ram Dass,
R.C. G.M.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH) LUCKNOW

O.A.No. of 1990.

Ram Dass

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Applicant.

Versus.

Union of India & others

...

Respondents.

Enclosure No. A-12

Copy of (Rly. Board's letters No. E(D&A) 72 RG 6-13 dated 16th. Oct, 1973) and No. E(D&A) 78 RG 6-13 dated 10th Jan. 79).

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Disciplinary authorities for imposition of penalties for various types of irregularities under the Railway servants (Discipline and Appeal) Rules.

In Board's circular letter No. E (D&A) 60 RG 6-30 28.7.62, it had, inter-alia, been indicated that it should be procedurally wrong for an authority to initiate and finalise the disciplinary proceedings against an employee who is not under its administrative control.

2. It has, however, been brought to the notice of the Board that difficulties are being experienced in initiating and finalising the disciplinary proceedings against the staff involved in irregularities concerning purely personnel matters such as misuse of passes/PIOs, unauthorised occupation/retention of quarters, unauthorised absence from duty etc. and it has been suggested that the instructions referred to above, may be so amended as to provide for initiation/finalisation of disciplinary proceedings by the officers of the personnel Department such as APOs, DPOs even against the staff who may be working in Departments other than the personnel Department

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and thus be not under their administrative control. It has been also mentioned that in respect of the category of Assistant Station Masters, Station Masters the disciplinary action is initiated and finalised both by the Divisional Safety Officer and Divisional Commercial Supdt. depending upon the department to which the irregularity committed pertain despite the fact that the Assistant Station Masters and Station Masters belong to the operating Department.

3. The matter has been carefully considered by the Board and in consultation with their Legal Adviser it is clarified that a railway servant essentially belong to only one Department even though, in the course of the performance of his day to day duties, he may violate certain rules/regulations administered by some other department. The Assistant Station Masters and the Station Masters belong to the Operating Department even though they may have to perform the duties pertaining to the Commercial Department and none else. If any other practice is being followed that is irregular and be stopped forthwith. Disciplinary action should be initiated and finalised by the authorities under whose administrative control the delinquent employee may be working as any other procedure would not be in keeping with the instructions referred to in para 1 above.

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Affixed
R. H. S.

Ram Das.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 180 of 1990.(L)

Ram Dass

...

Applicant.

Versus.

Union of India & others ...

Respondents.

Enclosure No. A-13

Copy of (Rly. Board's letter No. E(D&A) 78 RG dated
6th July, 1979).

Disciplinary authorities for imposition of
penalties for various types of irregularities under
the Railway servants (Discipline and Appeal) Rules, 1968

Reference confidential D.O.No. E/74/2(iv) dated
9th, Feburary, 1979 on the above subject.

2. The Board have carefully considered the proposal
contained therein in consultation with their legal
Adviser and they are of the definite opinion that an
employee cannot be treated as under the administrative
control of more than one department. Therefore there
is no necessity of making any amendment in the Railway
Servants (Discipline and appeal) Rules 1968. The
instruction as contained in Board's letter No. E(D&A)
72 RG 6-13 dated 16.10.73 and reiterated in their
letter of even number dated 10.1.79 should, therefore,
continue to be followed.

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Aftered*

Ram Dass.

*D. M. A. S.
Adv. Lawyer*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. NO. 180 of 1990(L)

Ram Dass

Applicant.

Versus.

Union of India & others ...

Respondents.

Enclosure No. A-14

Railway Board's letter No. E(SCT) 60 CMI/100

dated 8th December, 1960.

Sub : Hardship caused to Scheduled Castes who are transferred to places far away from their home town.

It has been represented that persons belonging to the Scheduled Castes who are posted at places far off from their home town, experience considerable difficulties especially in hiring residential accommodation. It has been suggested that the transfer of such employees should be confined to their native districts or adjoining districts or places where the Administration can provide quarters.

The Board desire that the above suggestion should be followed as far as practicable subject to exigencies of service.

True copy
Attached

Ram Dass.

Att. Mr. S. N. Choudhary

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

O.A.No.180/90(L)

Ram DasApplicant
Versus
Union of India and othersRespondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS

I, Ashok Chandra Iatson of J.C. Ia the
presently posted as Sr. D.S.O.
in the Office of the Divisional Railway Manager, North
Eastern Railway, Lucknow hereby solemnly state as
under:-

Filed today
25/6/90

1. That I am presently posted as Sr. D.S.O.
in the Office of the Divisional Railway Manager, North
Eastern Railway, Lucknow and competent and duly
authorised to file this reply on behalf of the
respondents. I am well conversant with the facts stated
hereunder.
2. That the undersigned has been advised to state
that since the counsel of the applicant above named had
given statement before this Hon'ble Tribunal on 23.5.90
that the present application/petition would be confined
to the order dated 24.04.1990 contained in the annexure
No.A-2, i.e. in respect to the transfer of the
applicant from Sitapur to Belrayan, the present written
statement on behalf of the respondent shall be confined
only to that extent. The Railway Administration
reserves the right to file elaborate written statement
in case the applicant insists to challenge the
punishment awarded to him by the competent authority
vide order contained in Annexure No.A-1.
3. That the contents of paragraphs 1 to 3 of the
application need no comment from the answering
respondents.

25/6/90
वर मंडल सरकारी अधिकारी,
मुख्यमंत्री रेलवे, उत्तरप्रदेश

4. That the contents of paragraph 4(i) are admitted with remarks that the applicant was posted as Station Superintendent in Scale Rs.2000-3200 at Sitapur Station and he was removed from service in Vigilence Case vide NIP No.DSO/SS-3/86 dated 07.05.1987, and on his appeal his punishment of removal from service was modified to reduction in Lower Time Scale of Station Master Scale Rs.1600-2660 at Rs.1600/- per month and was retained as ~~Relief~~ ^{Rest} Giver Station Master at Sitapur.

5. That the contents of paragraph 4(ii) are not admitted. It is respectfully submitted that there are only two recognised Unions in North Eastern Railway namely, N.R.M.U and P.R.K.S. The applicant is neither a member, nor, an office bearer of any one of these two Unions at present.

6. That the contents of paragraphs 4(iii) to 4(xiv) of the application need no comments from the answering respondents as the application of the applicant Ram Das is now confined only to his transfer order contained in Annexure No.A-2.

7. That the contents of paragraph 4(xv) of the application are strongly and specifically denied. It is respectfully submitted that the applicant was transferred from Sitapur to Belarayan only due to administrative reasons and none other. It is denied that the applicant was transferred by way of punishment, or any of the opposite party was revengeful to the applicant.

8. That the contents of paragraph 4(xvi) are not admitted.

9. That the contents of paragraph 4(xvii), as stated, are not admitted. It is most respectfully submitted that the documents annexed by the applicant as Annexure No.A-12 and 13 relate to disciplinary proceedings only. Moreover, the post of Station Master is totally concerned with the safety of trains, ~~tracks~~ and passengers, and since, the Divisional Safety Officer is the controlling officer of the staff in the safety category, he is fully competent to transfer the

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प्रवर मंडल सेरका अधिकारी
दिवार लेने, बदलने

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staff under his administrative control. Moreover, in North Eastern Railway, Lucknow Division, establishment matters have been dealt by the Sr.D.S.O. in routine manner since long.

10. That in view of submissions already made in paragraph 9 above, the contents of paragraph 4(viii), are denied.

11. That the contents of paragraph 4(xix) need no reply as the application is presently confined only to the transfer order contained in Annexure No.A-2.

12. That the contents of paragraph 4(xx) are strongly and specifically denied.

13. That the contents of paragraph 4(xxi) are denied. It is most respectfully submitted that the Railway Board's letter No.E(SCT) 74 GM 15/58 dated 14.01.1975 and G.M.(P) letter No.E/283/1(IV) dated 21.11.1983 are, in no way, place any bar on the transfer on the Scheduled Caste community. They can be transferred in the exigencies of service. Moreover, **Sitapur is not the native District** of the applicant, according to the record.

14. That the contents of paragraphs 4(xxii) and 4(xxiii) are not admitted. The applicant has been transferred from Sitapur to Belrayan on purely administrative reasons and none else.

15. That the contents of paragraph 4(xxiv) are not admitted.

16. That the contents of paragraph 4(xxv) are not admitted. It is respectfully submitted that the applicant is not an office bearer of any recognised Trade Unions.

17. That in reply to the contents of paragraph 4(xxvi) it is respectfully submitted that the applicant has already been relieved by the Station Superintendent Sitapur vide his letter No.E/S/Sitapur/90 dated 20.5.90

2000/2000
वर मठ सरका अधिकारी
सुप्रिय रेलवे, लखनऊ

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which was received by the applicant with the following remarks :-

"Received but denied to carry out transfer to BXM as this transfer order has been ordered as stayed by the Central Administrative Tribunal Lucknow Bench Lucknow on 23.5.90. Please consult DRM office and comply."

It is further submitted that the applicant was on Medical Leave on PMC & RMC and on Casual Leave.

18. That the contents of paragraph 4(xxvii) need no comment from the respondents.

19. That in reply to the contents of paragraphs 5 and 6 of the application, the undersigned is advised to state that in view of the submissions made in the foregoing paragraphs, the application is devoid of merit. None of the grounds enumerated in paragraph 5 are tenable and the applicant is not entitled to any relief contained in paragraph 6. The application is, therefore, liable to be dismissed.

Lucknow Dated:

Ashok
प्रबर प्र० २५.६.९०
संरक्षा विधिकारी
पुस्तक देव, लखनऊ

VERIFICATION

I, Ashok Chandra Lal, hereby verify that the contents of paragraph 1 is based on personal knowledge, and those of paragraphs 3 to 18 are based on record. The contents of paragraphs 2 and 19 are based on legal advise and the same is believed to be true. That no part of this reply is false and nothing material has been concealed.

Lucknow Dated: 25.6.90

Ashok
25.6.90
वाधिकारी
पुस्तक देव, लखनऊ

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH) LUCKNOW.

O.A. No. (80 (L) of 1990

Ram Dass..

..Applic ant.

Versus.

Union of India & others..

..Respondents.

Enclosure No. A-14

Railway Board's letter No.E(SCT)74CM15/58 dated 14th
January, 1975

Sub: Hardship caused to Scheduled Castes/Scheduled
Tribes who are transferred.

1. Attention is invited to Board's letter No.E(SCT)70
CM15/15/3 dated 19th November 1970 wherein it was desired
that the transfer of Scheduled Castes and Scheduled Tribe
employees should be confined to their native districts or
adjoining districts or places where the administration can
provide quarters and that these instructions should be
followed to the maximum extent possible subject of course
to the exigencies of service.

2. It has been represented that the Scheduled Castes and
Scheduled Tribes are being transferred from one place
to other quite frequently. The Board have, therefore, directed
that the employees belonging to Scheduled Castes and
Scheduled Tribes should be transferred very rarely and
very strong reasons only.

(R.S.)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW

O.A.NO. 180 OF 1990 (L)

RAM DAS ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS

REJOINDER AFFIDAVIT

I, Ram Das, aged about 53 years, son of Late Dukhi Ram, resident of T/16-B, N.E.Railway Colony, Sitapur, do hereby solemnly affirm as under:-

Ram Das

1. That the applicant has read the written statement filed on behalf of respondents and he is well conversant with the facts of the case, deposed to hereunder:-

2. That the contents of paras 1, 2 and 3 of the written statement need no comments.

3. That the contents of para 4 of the written statement are not disputed but it is further submitted that the applicant has also challenged the punishment order passed in appeal before this Hon'ble Tribunal and the same is pending decision. It is numbered as O.A.No.253 of 1989 (L).

4. That with reference to the contents of para 5 of the written statement, it is stated that

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the applicant is the President of All India Scheduled Caste & Scheduled Tribe Railway Employees Association of Sitapur Branch since 19.2.1990 and this association is duly registered and recognized by the Railway. Its registration No. is S.1517 and it has been recognized vide Railway Board's letter No.80E(SCT)IS/1/P.T.II dated 5.2.1982. The applicant also holds the office of Treasurer in Rail Mazdoor Union at Sitapur Branch but the same is not recognized although it is also

5. That with reference to the contents of para 6 of the written statement, it is stated that the contents of para 4(III) to 4(XIV) of the application are related to not only the punishment order dated 20.4.1990, contained in Annexure No.(Enclosure) A-1 but also relate to the transfer order dated 24.4.1990. No doubt, the applicant had confined his application with respect to the impugned order of transfer, contained in Enclosure No.A-2 but the facts, in the background of which both the orders, contained in Enclosure Nos. A-1 and A-2 had been passed, are common and the impugned transfer order is also the result of the same complaint, on the basis of which disciplinary proceedings were initiated and the applicant was punished. The impugned transfer order has also been passed by way of punishment. The applicant further respectfully submits that the facts stated in paras 4(III) to 4(XIV) are true and correct and will be deemed to have been admitted by the respondents as the same have not been disputed or denied by them.

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6. That the contents of para 7 of the written statement are false and hence emphatically denied and in reply, the contents of para 4(XV) of the application are reaffirmed as correct. Since the respondent Nos. 2/3 has not denied the contents of para 4(IV) and 4(V), wherein the applicant had specifically levelled the allegations of malice against him, as such, the contention of the respondents that the impugned transfer order was not passed by way of punishment or in the revengeful manner, becomes unsustainable. The background, in which the impugned transfer order was passed, itself goes to show that the order in question was passed by way of punishment. The applicant had specifically pointed out in para 4(XV) that the impugned transfer order has been passed solely on account of complaint against the applicant but the respondents, in reply to the same, have simply stated that the order in question was passed due to administrative reasons. This statement of the respondents is not sufficient to justify the impugned transfer order. When an order is challenged on the ground of malafide or as arbitrary and is said to be not in administrative or public interest, it becomes the duty of the concerned authorities to place the material before the court justifying administrative interest and to indicate the real exigencies under which the concerned official was required to be transferred. Here in the present case, the respondents have not been able to indicate any administrative reason or exigency under which the transfer of the applicant was necessary or unavoidable.

7. That the contents of para 8 of the written

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statement are wrong and denied and those of para 4(XVI) of the application are reaffirmed as correct.

8. That the contents of para 9 of the written statement are wrong and denied and in reply, the contents of para 4(XVII) of the application are reaffirmed as correct. No doubt, the circular letters, contained in Enclosure Nos. A-12 and A-13, relate to the disciplinary proceedings but in the said circular letters it has been very specifically provided that Railway servant essentially belong to only one department even though, in the course of performance of his day to day duties, he may violate certain rules/regulations administered by some other department and further that the Assistant Station Masters and the Station Masters belong to the operating department, even though they may have to perform the duties pertaining to the commercial department. The circular letter, contained in Enclosure No.A-13, further provides that a Railway servant can not be treated as under the administrative control of more than one department. Looking to the above provisions, one thing becomes abundantly clear that the Station Masters belong to the operating department and the administrative control over them is exercised only by their own departmental heads and not by any body else. The applicant further respectfully submits that in the past all orders relating to the applicant's appointment, promotion and transfers etc. were passed by the authorities of the operating department and not by the respondent No.2/3, who belongs to the safty department. The applicant is giving hereunder the

Ram S. Rao

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details of all such orders passed by the operating department authorities to prove his contention:-

(i) The applicant was initially appointed as Signelar by the Chief Operating Superintendent after being selected by the Railway Service Commission.

(ii) The applicant was thereafter appointed as Assistant Station Master in scale Rs. 150-240 vide order No.E/Misc./148/63 dated 25.10.1963 passed by District Operating Superintendent, N.E.Railway, Gonda.

(iii) The applicant was further promoted to the post of Assistant Station Master, Scale Rs.425-640 vide order No.E/ii/210/4/A.S.M. dated 21.3.1976 passed by Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(iv) The applicant was promoted to the next higher post of Assistant Station Master, scale Rs.455-700 vide order No.E/ii/210/A.S.M./76 dated 9.10.1976 passed by Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(v) The applicant was transferred from Babhnar to Burhwal as Assistant Station Master, scale Rs.425-700 vide order No. N.E./II/210/A.S.M./76 dated 11.11.1976 passed by Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(vi) The applicant's further transfer order No.E/ii/210/A.S.M./77 dated 16.7.1977 transferring

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him from Burhwal to Aishbagh as Assistant Station Master, scale Rs.455-700 was also passed by the Senior Divisional Operating Superintendent, N.E. Railway, Lucknow Jn.

(vii) The applicant was again transferred from Aishbagh to Sitapur in November, 1977 under the orders of Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(viii) The applicant was promoted to the post of Station Master in scale Rs.550-750 and was transferred to Hargaon vide order No.E/ii/210/S.M./83 dated 4.9.1983 passed by Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(ix) The applicant was promoted on the post of Station Superintendent, scale Rs.700-900 at Hargaon vide order No.E/ii/210/S.M./83 dated 4.9.1983 passed by Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn.

(x) The applicant was transferred from Hargaon to Shohratgarh by the Senior Divisional Operating Superintendent vide order No.E/R.D./S.M./45 dated 27.3.1984 in the same scale of pay on the same post of Station Superintendent.

(xi) The applicant's further transfer order No.E/R.D./45/S.S./84 dated 18.8.1984 was also passed by the Senior Divisional Operating Superintendent, N.E.Railway, Lucknow Jn. transferring the applicant from Shohratgarh to Sitapur and since then he has been

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working at Sitapur.

It is totally wrong to allege that the post of Station Master is concerned only with the Safty of the trains and passengers. As a matter of fact, the Station Master is responsible for the operation/movement of the trains and safty rules are to be observed in the operating department too alike other departments i.e. Electrical Mechanical, Signal and Engineering. The Senior Divisional Safty Officer belongs to the safty department and does not exercise any administrative control over the employees of the operating department. It is also wrong to state that in Lucknow Division, Senior Divisional Safty Officer used to deal with the establishment matters in the routine manner. Actually there is a separate office of the Divisional Railway Manager (Personnel) where matters relating to the establishment are dealt with according to the orders/approval of various authorities of the different departments. Thus, the impugned transfer order, contained in Enclosure No.A-2, having been passed by respondent No.2/3, who does not exercise any administrative control over the applicant, is absolutely without any authority of law and deserves to be set aside. The competent authority to transfer the applicant rests with the Senior Divisional Operating Superintendent, who belongs to the operating department and exercise administrative control over the employees of the operating department including the applicant.

Ram
Das

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9. That in view of the submission made in para 8 above, the contents of para 10 of the written statement are denied and those of para 4(XVIII) of the application are reaffirmed as correct.

10. That the contents of para 12 of the written statement are denied and those of para 4(XX) of the application are reaffirmed as correct.

11. That with reference to the contents of para 13 of the written statement, it is stated that the Railway Board's instructions lays down the guidelines regarding the transfer of Scheduled caste and Scheduled tribes Railway employees and accordong to those guidelines, firstly such employees should be posted near to their home town on initial appointments/promotions/transfers and secondly their transfers should be made very rarely and for very strong reasons only. An electrostat copy of Railway Board's circular letter dated 24.12.1985 circulated vide J.M.(P)'s GKP letter dated 10.1.1986 is filed herewith as ENCLOSURE NO.R-I to this rejoinder reply. The respondents have not been able to indicate any reasons much less strong reasons for transferring the applicant. They have also not been able to indicate any exigency of service under which applicant's transfer was considered necessary or unavoidable.

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12. That the contents of para 14 of the written statement are denied and those of para 4(XXII) and 4(XXIII) of the application are reaffirmed as correct.

13. That the contents of para 15 of the written statement are denied and those of para 4(XXIV) of the application are reaffirmed as correct.

14. That the contents of para 16 of the written statement are denied and those of para 4(XXV) of the application are reaffirmed as correct. The applicant is the President of All India Scheduled cast and Scheduled Tribes Railway Employees Association, Sitapur Branch and his transfer has been made with a view to render the Association as ineffective and that too without any prior consent of the Association or without following the procedure and guidelines as provided in Railway Board's circulars dated 19.2.1960, 31.7.1961, 6.10.1964, 2.2.1965, 21.9.1965 and 7.6.1967. An electrostat copy of the above referred Railway Board's letters is filed herewith as ENCLOSURE NO.R-2 to this rejoinder reply.

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15. That the contents of para 17 of the written statement are denied and it is stated that the transfer order was already stayed on 23.5.1990 and there was no question of relieving the applicant. However, the applicant has been allowed to perform duties and he has been paid his monthly salary.

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16. That the contents of para 19 of the written statement are denied and it is submitted that the impugned transfer order is the result of complaint made by Shri Bharat Tripathi who acted in collusion with Sri Ramji Mishra, his relative and Shri Chandra Prakash Shastri. The applicant has also come to know that the aforesaid persons have also got made one another complaint against the applicant from Shri R.P.Gupta, M.L.A. and President of Bhartiya Janta Party, Uttar Pradesh, whereupon the D.R.M., LKO JN passed orders for the transfer of the applicant. This fact can be proved if this Hon'ble Tribunal directs the Railway Council to produce the aforesaid complaint before this Tribunal for its perusal.

LUCKNOW

DATED 24.7.1990.

APPLICANT

VERIFICATION

I, Ram Das, the applicant, do hereby verify that the contents of paras 1 to 16 of this rejoinder reply are true to my own knowledge. No part of it is false and nothing material has been concealed. So, help me God.

Verified and signed this 24th day of July, 1990 within the Court compound at Lucknow.

LUCKNOW

DATED 24.7.1990.

APPLICANT

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||
ENCLOSURE NO

R-I

NORTH EASTERN RAILWAY.

Office of the
GENERAL MANAGER (P)
GKP

No: E/50/2(Res) Policy/Part V/V

Date: Jan 10, 1986

All Heads of Departments,
All Divisional Railway Managers,
All Personnel Officers,
All Extra Divisional Officers,
N.E. Railway.

Sub: Posting of SC/ST near their Home town on
initial appointment/promotions/
transfers.

Ref: Board's letters No E(SCT) 70CM 15/3
dated 19.11.70

(ii) E(SCT) 74 CM 15/58 dated 14.1.75
(iii) 78-E(SCT) 15/25 dated 6.7.78

A copy of Railway Board's letter No.
85-E(SCT) I-43/1 dated 24.12.85 is sent herewith for
information, guidance and necessary action.

DA/As above.

Sd:-
for G.M. (P) /

Copy to:-

The Genl. Secretary, PRSS/NERMU.

Sd:-
for GM. (P)

Ram Das

AT 12

Copy of Railway Board's Letter No.85-E(SCT) I-43/1
dated 24.12.85 addressed to the General Managers, All Indian
Railways and others.

Sub: Posting of SC/ST near their Home town on initial
appointment/promotions/transfers.

Ref: Board's letters No E(SCT)70GM 15/15/3
dated 19.11.70.

(ii) E(SCT) 74GM 15/58 dated 14.1.75

(iii) 78-E(SCT) 15/25 dated 6.7.78

In Board's letters dated 19.11.70 and 14.11.75 referred to above, it was desired that the transfer of SC/ST employees should be confined to their native districts of adjoining districts or places where the Administration can provide quarters and that these instructions should be followed to the maximum extent possible, subject of course to the exigencies of service. It was also desired that employees belonging to SC/ST should be transferred very rarely and for very strong reasons only. Again, in Board's letter dated 6.7.78 referred to above, it was clarified that even at the time of initial appointment, the SC/ST candidates should, as far as practicable, be posted nearer to their home towns or at places where the Administration can provide them quarter subject to their eligibility. It was further clarified that these instructions would equally apply to cases of transfer on promotion, provided the post is available.

A few cases of transfer of SC/ST employees have come to the notice of the Board wherein the above mentioned instructions have not been followed. They, therefore, desire that instructions on the subject should be reiterated to all concerned that due consideration should be given to the above mentioned instructions while ordering transfer/posting of SC/ST employees.

Please acknowledge receipt.

Ranu Das

