

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT OA 180 of 2090
Ram DassApplicant(S)

Versus

U.O.9.Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
①	Check list	1 to 2
②	Order sheet	3 to 6
③	Petition	7 to 22
④	Power	23
⑤	Annexure	24 to 54
⑥	Counter	55 to 59
⑦	Rejoinder	60 to 72

B.C. file weeded and destroyed

Certified that the file is complete in all respects.

Ram
 Signature of S.O.

Kumar
21.6.12
 Signature of Deal. Hand

(A1)

Electronically Filed in the Central

21/5/92

CENTRAL ADMINISTRATIVE TRIBUNAL
DIPOMIT BENCH, LUCKNOW

Registration No. 180 of 1990 G

APPLICANT(S)

Ram Darn

RESPONDENT(S)

U s 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 filed ?	YA
3. a) Is the appeal in time ?	YA
b) If not, by how many days it is beyond time?	
c) Was sufficient case for not making the application in time, been filed?	
4. Has the document of authorisation/ Vakalatnama been filed ?	YA
5. Is the application accompanied by B.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 paging 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

(A2)

:: 2 ::

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Ys
12. Are extra copies of the application with Annexures filed ?	Ys
a). Identical with the Original ?	
b). Defective ?	
c). Wanting in Annexures	
Nos. _____ pagesNos _____?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	NO
14. Are the given address the registered address ?	Ys
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Ys
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 ?	Ys
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 ?	Ys
19. Whether all the remedies have been exhausted.	Ys

dinesh/

23/5/90

Hon. Mr. B.C. Mathur, 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.

Dep
 J.M.

Saxena
 V.C.

or

S. S. Verma takes notices
 on behalf of the respondents
 No reply filed
 S. P.O.

180/90

(A5)

22.7.90

Honible Mr. Justice K. Neth, V.C.
Honible 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.


(A.M.)


(V.C.)

1.11.90

Due to holiday Adj to.
08.01.91.

8-1-91

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

Shri R.C. Saxena has
prayed for adjournment
Shri R.C. Saxena has sought
adjournment: on the
request on Shri R.C. Saxena
the case is adjournment
to 1-5-91. Shri Siddhant
verma is pro abn.

13.9.90

Parties appeared
through their
14. Counselors.

List on
1.11.90 for final
hearing before
Honorable
Bench.

211

13.9.9

CA/RA have been
exchanged
S.F.H.

279

De
J.M.

1.5.91

No Sitting Adj to 26.8.91
2

26.8.91

No Sitting adj to 24.10.91
2

(A7)

Date of Filing 21/5/90
Date of Receipt

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. DS0/55-7/96 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

To,

The Registrar

Ram Das
Applicant

Noted for
22/5/90

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.

Contd...P/2

Ram Das

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

A10

- 3 -

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

contd...P/4

(11)

- 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 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 II 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

contd...P/5

Ram Dass

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 applicants 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.

(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

Ram Dass

A13

- 6 -

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

contd..P/7

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) That ^{the} 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. Belrayan ASM/STP, Bichit ~~da~~ 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.

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

Ram Das

(A18)

- 11 -

- (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. 802-450932
(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. |

(A16)

- 9 -

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 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 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 passed with a view to victimise the applicant and his office bearers of his Association in order to render the Association itself as ineffective.

Ram Das

(A16)

- 9 -

Railway Sercvants (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.

contd...P/10

Ram Das

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- 10 -

(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 efficacious 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 :-

- (a) held 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 illigal, void and inoperative and set-aside the same.

Contd.....P/11

Ram Dass

A19

- 12 -

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 applica-
tion 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

A20
13

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

O.A. No. 180 of 1990(4)

Ram Dass

...

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
Luck - now

No. DSO/SA-7/90

Dated : 20-4-90

Shri रामदास
विद्युत स्टेशन मास्टर/सीतापुर
द्वारा : यानि/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 बचाव पढ़ा । इनका यह कहना कि महिला प्रतीक्षालय में कोई बैठक नहीं हुई थी मान्य नहीं हो सकता क्योंकि बैठक का होना तथ्य है । बचाव में यह कोई कारण नहीं बता सके हैं । अतः यह दोषी हैं ।

इनकी पेंशनबुद्धि दो वर्ष के लिए अस्थाई रूप से रोक दी जाए ।"

प्राप्त किया
टी.आई/एस.टी.पी.
25-4-90

ह/ओ एसटीओ लाठे,
प्रमोशंसओ, लखनऊ । 13-4-90

1. An appeal against these orders lies to
ADRM/LJN.

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

... 2

Ram Dass

*TRUE COPY
Allotted*

Advocate

.. 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 :

15 कार्याधी/यातायात केंद्र

2= यातायात निरीक्षक/सीतापुर । मूल आदेश श्री रामदास को देकर उनकी पावती अविलम्ब भेजें ।

Ram Dass

True Copy
Attended

Deputy
Advocate

(A22)

15

सम्प्रदा केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बेंच, लखनऊ ।

ओ०ए० नं०

आफ 1990 .

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगणा

इनक्लोजर नं० ए-2

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पूर्वोत्तर रेलवे

=====

कार्यालय आदेशा

1- श्री रामदास स्टेटमा० : 1600-2660: सीतापुर का स्थानान्तरण प्रशासनिक आधार पर बेलरायाँ किया जाता है ।

2- श्री ए० लाल जीवन भू. स्कर स्टेटमा 1400-2300 छैराबाद का स्थानान्तरण प्रशासनिक आधार पर मुर्तिहा किया जाता है ।

उपरोक्त आदेशा तत्काल प्रभावी होंगे । उक्त दोनों को स्थानान्तरण लाभ । देय है । रेलवे आवास कार्यमुक्त होने के 15 दिन के अन्दर अवश्य खाली कर दें ।

यह प्रमर्शोध के आदेशा से जारी किया जाता है ।

ह/० अपठनीय,
कृते मण्डल रेल प्रबन्धक : कार्मिक
लखनऊ ।

सं० ई/आर-45/स्टेटमा/90 दिनांक 24-4-90

प्रतिनिधि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रमर्शोध/लखनऊ ।
- 2- याता०निरी०/सीतापुर, नानपारा ।
- 3- स्टेटमा०/सीतापुर, छैराबाद, मुर्तिहा, बेलरायाँ ।
- 4- कार्यालय/बिल पास फोल्डर अनु०
- 5- म०च०अधी०/बादशाहनगर, सीतापुर, मैलानी, गोण्डा ।
- 6- मण्डल मंत्री/नर्म/पीआरकेएस ।

Ram Das

ह/० अपठनीय,
कृते मण्डल रेल प्रबन्धक : कार्मिक
लखनऊ ।
24-4-90

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De/90

(A23)

Before the central Administrative Tribunal
व अदालत श्रीमान (Lucknow Bench), Lucknow. महोदय

[वादी] अपीलान्त

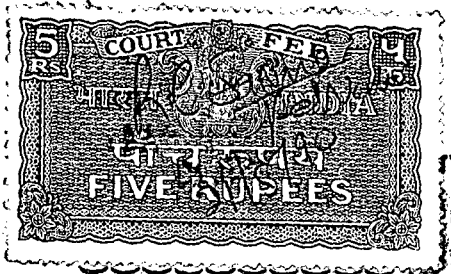
श्री

Ram Das

का

वकालतनामा

प्रतिवादी [रेस्पान्डेंट]



वादी (अपीलान्त)

Ram Das

वनाम प्रतिवादी (रेस्पान्डेंट)
A Union of Juch & others
मुकदमा नं० सन 19 पेशी की ता० 21-5-1960 ई०
R. C. Saxena.

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Advocate, High Court Bench

वकील

Lucknow, R/o E-3665
Raja Ji Puram, Lucknow.

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी 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 विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा छपर मुकदमा अदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

8

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19

12

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Accepted

Advocate
21/5/60

हस्ताक्षर

Ram Das

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

21- महीना

5-

सन 1960 ई०

Ram Das

A2c

O.A. No. 180 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</u> Impugned 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 - -

Lucknow: Dt. 21.5.90

Ram Rao.
Applicant

A25

17

सम्प्र. केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बेंच, लखनऊ ।

ओएस नं०

आफ 1990 .

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

इनक्लोचर नं० ए-3

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पंजीकृत सं० एस-1517

अखिल भारतीय

अनुसूचित जाति एवं जनजाति रेलवे कर्मचारी एसोसियेशन

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

पूर्वोत्तर रेलवे जोन, लखनऊ मण्डल

रामदास

अध्यक्ष

शाखा-सीतापुर

पत्रांक

बलराम वर्मा

मंत्री

शाखा-सीतापुर

दिनांक 19-2-90

आज दिनांक 19-2-90 को सीतापुर जं० मे मण्डल श्री एस० पी० कुरबेल द्वारा अनुसूचित जाति एवं अनुसूचित जनजाति रेल कर्मचारी एसोसियेशन शाखा सीतापुर लखनऊ मण्डल के पदाधिकारियों का निर्वाचन निम्नलिखित रूप से सर्वसम्मति से किया गया :-

- 1- सर्वश्री रामदास स्टेशन मास्टर, सीतापुर अध्यक्ष
 - 2- सर्वश्री प्रेम चन्द्र दिवाकर, कार्यनिरीक्षक उपाध्यक्ष
बिसवा
 - 3- सर्वश्री बंशीलाल विदुषत फिटर ग्रेड-1 ..
सीतापुर
 - 4- सर्वश्री बलराम वर्मा, सहायक स्टेशन मास्टर, मंत्री
सीतापुर ।
 - 5- सर्वश्री एस०बी०बाटव टी०सी०एस०, सीतापुर संयुक्त मंत्री
 - 6- सर्वश्री राजेन्द्र प्रसाद रनिंग रूम विपरर, संगठन एवं प्रचार मंत्री
सीतापुर
 - 7- सर्वश्री कामता प्रसाद टी०सी०, सीतापुर ..
 - 8- सर्वश्री जगन्नाथ प्रसाद टी०एस०आर०, कोषाध्यक्ष
सीतापुर
 - 9- सर्वश्री एस०के०खन्ना स्टेशन अधीक्षक, आडिटर
महमूदाबाद अवध
- कार्यकारिणी सदस्य
- 1- सर्वश्री रामजीत टोकिन पोर्टर, सीतापुर
 - 2- सर्वश्री सुरवीन सिंह कालमैन, सीतापुर

Ram Das

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Attested

[Signature]
A. Chakraborty

(H26)

18

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- 3- सर्वश्री सीच्यदानन्द
- 4- सर्वश्री सुरेश महतो
- 5- सर्वश्री बच्चूलाल
- 6- सर्वश्री रामअवतार

प्रधान बुकिंग क्लर्क, सीधौली
प्रवर टी०सी०, सीतापुर
लुहार आधीन कार्य निरीक्षक
सीतापुर
मुख्य सुफाईवाला आधीन
कार्य निरीक्षक, सीतापुर

भवदीय,

ह/० एम०पी०कुरील,
मण्डल अध्यक्ष,
अनुसूचित जाति एवं अनुसूचित रेल
कर्मचारी एसोसिएशन, लखनऊ मण्डल
लखनऊ ।

प्रतिनीति :-

- 1- मं०रे० प्रबन्धक पूर्वोत्तर रेलवे, लखनऊ
- 2- महामंत्री एस०सी०/एस०टी० एसोसिएशन, गोरखपुर
- 3- मण्डल मंत्री एस/एस०टी० एसोसिएशन, एल.जे.एन.
- 4- हित एवं संधि अनुभाग कार्यालय पूर्वोत्तर रेलवे, लखनऊ ।

Ram Das

TRUE COPY

Attested

Deputy
Secretary

(A27)

19

समझा केन्द्रीय प्रशासनिक आधिकारण, लखनऊ बेंच, लखनऊ ।

ओ०ए० नं०

आफ 1990

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

इनकलोजर नं० ए-4

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* सील *

x सधे शीतः कलियुगे x

पंजीयन सं० बी, वाई०/
11-7867

रेल मजदूर यूनियन । पूर्वोत्तर रेलवे।

x ट्रेड यूनियन ऐक्ट के अन्तर्गत पंजीकृत तथा हिन्द किसान मजदूर
पचायत से सम्बद्ध x

राम बहादुर सिंह
संसद सदस्य
अध्यक्ष

मुन्नी लाल
महामंत्री

केन्द्रीय कार्यालय
636 एफ, बोलिया
रेलवे कालोनी, गोरखपुर
130001 273001

पत्रांक : रेमयू/

दिनांक 21-4-90

सीतापुर - दिनांक 21-4-90 को रेल मजदूर यूनियन
। पूर्वोत्तर रेलवे। के प्रमुख कार्यकर्ताओं एवं सीतापुर में कार्यरत द्राफ्ट,
विद्युत, कैरिज, इंजी०, सिग्नल एवं मेडिकल विभाग के रेल कर्मचारियों
की बैठक मण्डल मंत्री श्री एम०पी० कुरील की अध्यक्षता में हुयी ।
बैठक को सम्बोधात 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, सुनीफार्म, मंहगाई पर रोक, बेरोजगारों को
कार्य, आर्किस्में की संख्या में कमी तथा फिजूलखर्ची पर रोक की मांग
यूनियन ने की । यूनियन ने मांग की है कि चतुर्थ श्रेणी कर्मचारियों
के सेवानिवृत्त होने पर प्रत्येक वर्ष पात की सुविधा देने की मांग पर
रेल मंत्री सहमत हो गये है । बैठक को सर्वश्री पी०के० बनर्जी तथा
सुभाष चन्द्र विश्वकर्मा पदाधीकारी ने भी सम्बोधात किया ।
बैठक के अध्यक्ष श्री कुरील ने संगठन को भ्रष्टाचार, जातीयता,
साम्प्रदायिकता तथा अलगाववादी तत्वों से सावधान रहने की
अपील की । रेल मजदूर यूनियन । पूर्वोत्तर रेलवे। शाखा
सीतापुर के निम्नलिखित पदाधीकारी ने गये ।

Ram Das

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[Signature]

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- 1- अध्यक्ष - श्री अंजनी कुमार शर्मा, प्रधान टी०सी०, पू०उ०रे०, सीतापुर ।
- 2- उपाध्यक्ष श्री ओमप्रकाश, विद्युत खलासी, सीतापुर ।
- 3- ,, श्री इतरत हसन, पी०डब्लू०आई०-111, तहसील-फतेहपुर ।
- 4- शाखा मंत्री, श्री बलराम वर्मा, सहायक स्टेशन मास्टर, सीतापुर ।
- 5- सहशाखा मंत्री-श्री रामलाल यादव, दाली मैन/पी०डब्लू०आई०, सीतापुर
- 6- ,, श्री अफताब मोहम्मद खॉ, कां०वा०, सीतापुर ।
- 7- संगठन मंत्री - श्री राजेन्द्र प्रसाद, र०रूप वेधर, सीतापुर ।
- 8- ,, श्री रामचन्द्र, लोकोभेड प्रभारी, सीतापुर ।
- 9- कोषाध्यक्ष श्री रामदास, स्टेशन मास्टर, सीतापुर ।

कार्यकारणी सदस्य

- 1- श्री अखिलानन्द मौर्या, सहायक स्टेशन मास्टर, परसन्डी ।
- 2- श्री मुश्ताक अहमद, कां०वा०, सीतापुर ।
- 3- श्री शिवपूजन यादव, ई०एस०एम०, सीतापुर ।
- 4- श्री रामजीत, टोकन पोर्टर, सीतापुर ।
- 5- श्री रमाशंकर, पम्प चालक, सीतापुर ।
- 6- श्री रामसमझ, पी०एल०एम०, सीतापुर ।
- 7- श्री मोहम्मद जमा खॉ, स्टीम मैन, सीतापुर ।
- 8- श्री सुरेश महतो, टी०सी०, सीतापुर ।
- 9- श्री सुन्दर यादव, दाली मैन/पी०डब्लू०आई०, सीतापुर ।
- 10- श्री एस०बी०जाटव, टी०सी०एम०, सीतापुर ।
- 11- श्री ओम प्रकाश कमाल, सीतापुर ।
- 12- श्री सुरबीन सिंह, कालमैन, सीतापुर ।
- 13- श्री कृष्ण बिहारी श्रीवास्तव, प्लम्बर/आई०ओ०डब्लू०, सीतापुर ।
- 14- श्री हसन अली, भण्डार लिपिक, सीतापुर । । कैरेज।
- 15- श्री बंशी लाल, टी०एल०एम०/टी०एम०ओ०, सीतापुर ।

भवदीय,

ह/० एस०पी० कुरील,

मण्डल अध्यक्ष,

रेल मजदूर यूनियन । पूर्वोत्तर रेलवे।
पूर्वोत्तर रेलवे, लखनऊ मण्डल, लखनऊ ।

प्रतिलिपि

- 1- मण्डल रेल प्रबन्धक, पूर्वोत्तर रेलवे, लखनऊ ।
- 2- दित एवं संध अनुभाग, मण्डल रेल प्रबन्धक कार्यालय, पूर्वोत्तर रेलवे, लखनऊ ।
- 3- महामंत्री, रेल मजदूर यूनियन, पूर्वोत्तर रेलवे, गोरखपुर ।

ह/० एस०पी० कुरील,

मण्डल अध्यक्ष,

रेल मजदूर यूनियन । पूर्वोत्तर रेलवे।
पूर्वोत्तर रेलवे, लखनऊ मण्डल, लखनऊ ।

Ram Das.

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विषय:- पूर्वोत्तर रेलवे सीतापुर में कर्मचारियों के मध्य वर्ग संघर्ष का आदेश

आपके आधीन सीतापुर जिले में रेल विभाग के अन्तर्गत काम करने वाले कर्मचारियों में वर्ग संघर्ष की रूपरेखा है शैः शैः प्रगाढ़ होती जा रही है जो किसी भी समय विस्फोटक रूप ले सकती है ।

दिनांक 19-2-90 को सीतापुर रेलवे स्टेशन के महिला प्रतीक्षालय में एक मीटिंग का आयोजन हुआ जिसमें मुख्य रूप से श्री बलराम एसएसएम0 श्री विवीचन सेन "अनिल" पैडमैन खैराबाद, श्री लाल जीवन भास्कर एसएसएम0, व श्री रामदास, स्टेशन मास्टर आदि ने सरकार 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 हरिजन कर्मचारियों का शोषण हो रहा है । हम सरकार की ईंट से ईंट बजा देंगे । श्रीमान जी इन सबका खैराबाद के चेयरमैन मौलाना ब्रिज नदीर से संबंध है जो कि स्मगलिंग का धन्धा करता है । पिछले चुनाव में वह बीएसपी0 से चुनाव भी लड़ा था तथा रात दिन अराध्तीय कार्य करता है ।

श्री रामदास के ऊपर यात्रियों से ज्यादा पैसा लेकर रेल टिकट बेचने का एक मुकदमा भी चल चुका है । पलियां के यात्रियों से ज़्यादा पैसा लेकर टिकट बेचने के जुर्म में सर्वकला विभाग द्वारा दोषी भी पाये जा चुके हैं । कैजुअल 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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से पुनः नौकरी पाकर फिर वही सीतापुर में नियुक्त करा ली है। चूँकि वह शिलीविंग की ड्यूटी करते हैं अतः विभिन्न स्टेशनों से पुराने टिकट इकट्ठा करके पुनः नयी तारीख डालकर रेल आय का गबन करना उसकी दैनिक प्रक्रिया में आता है। श्रीमान जी महिला यात्रियों से छेड़खानी करना श्री रामदास, श्री बलराम व श्री भास्कर का त्रिगुण अपनी शान समझता 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 अराध्वीय कृत्य देखकर आपको त्वरित कार्यवाही हेतु सूचित करना उचित समझा। महिला प्रतीक्षालय में इस तरह की अवैधानिक मीटिंग के बारे में स्टेशन अधीक्षक से सम्पर्क करने पर मालूम हुआ कि वह भी इनके गुटिय आंतक से डरे हैं।

अतः यात्रियों की सुविधा को ध्यान में रखकर तथा कर्मचारियों के बीच सौहार्दपूर्ण वातावरण हेतु इस प्रकार के कार्यवाही पर उचित जाँच कराकर दण्ड देने की कृपा करें जिससे कोई बड़ी दुर्घटना न हो।

गवाह :-

प्रार्थी,

ह/0 चन्द्र प्रकाश शास्त्री
पुवक्ता संस्कृत महाविद्यालय
खराबाद, सीतापुर टी0एन0 11588

ह/0 भरत त्रिपाठी एडवोकेट,
अध्यक्ष युवा भा0ज0पा0, सीतापुर।

प्रतीतिर्लिपि : निम्न को सूचनार्थ एवं कार्यवाही हेतु :-

- 1- श्री बी0के0 तिवारी, प्रवर मंडल वार्डन अधीक्षक पूर्वोत्तर रेलवे, लखनऊ
- 2- मुख्य सतर्कता अधिकारी, पूर्वोत्तर रेलवे, महाप्रबन्धक कार्यालय, गोरखपुर

Ram Das

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समक्ष केन्द्रीय प्रशासनिक आधिकारणा, लखनऊ बेंच, लखनऊ ।

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इनक्लोजर नं० ए-6
=====

सेवा में,

श्रीमान मण्डल रेलवे प्रबन्धक,
पूर्वोत्तर रेलवे, लखनऊ ।

विषय:- खैराबाद अवध और सीतापुर स्टेशन पर प्रार्थी के विरुद्ध
परिवाद ।

संदर्भ :- दिनांक 15-3-90 और 18-3-90 को टी०आई० और डी०सी०
आई० सीतापुर द्वारा परिवाद की जांच के संदर्भ में ।
=====

महोदय,

विनम्र सूचित किया जाता है कि प्रार्थी एक हीरजन जाति का
विश्रामदाता स्टेशन मास्टर मुख्यालय सीतापुर जो सीतापुर के अतिरिक्त
हरगांव स्टेशन से सिधौली तक एक एक दिन विश्राम देता है । प्रार्थी के
विरुद्ध किसी स्टेशन के कर्मचारी व यात्री से कोई वाद विवाद नहीं है
और न कोई परिवाद ही है ।

उपरोक्त परिवाद के सम्बन्ध में टी०आई० और डी०सी० आई०
सीतापुर द्वारा दिनांक 15-3-90 को खैराबाद स्टेशन पर जांच के
दौरान प्रार्थी को यह विदित हुआ कि प्रार्थी के विरुद्ध कुछ व्यक्तियों
द्वारा परिवाद हुआ है जो अधोलीखित घटना के परिणामस्वरूप हुआ है ।

1- यह कि प्रार्थी दिनांक 8-2-90 को बरई जलालपुर स्टेशन पर
8 से 16 बजे की डिप्टी में कार्यरत था ।

प्राप्त किया
19-3-90

2- यह कि सहायक स्टेशन मास्टर श्री फारूक अहमद को 16 बजे
चार्ज दे दिया । उनकी डिप्टी में 160 डाउन यात्री गाड़ी बरई जलालपुर
स्टेशन पर 16-43 बजे आयी और कन्ट्रोल के आदेशानुसार 9 अप एक्सप्रेस
और 163 अप यात्री गाड़ी से क्रांत किया जिसके परिणामस्वरूप 180 डा०
जिससे एक एस०एस० टी० होल्डर श्रीराम जी मिश्रा खैराबाद से लखनऊ आते
जाते हैं और खैराबाद के निवासी है के विलम्बन से बहुत निराश एवं
हतारा होकर प्रार्थी को तथा सहायक स्टेशन मास्टर श्री फारूक अहमद
को ऐसे अमर और असंसदीय शब्दों का प्रयोग किया जो आपके समक्ष

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लिखने योग्य नहीं समझता हूँ और यह भी कहा कि कन्ट्रोल और स्टेसन मास्टर इतने बेहूदे होते हैं कि एक गाड़ी से दो दो गाड़ी की क्रॉसिंग कराते हैं। उक्त घटना सहायक स्टेशन मास्टर श्री फारूक अहमद द्वारा भीषण में जाँच एवं संदर्भ हेतु डायरी में नोट कर दिया गया है। इस घटना के प्रत्यक्षदर्शी गवाह 160 डाउन के गार्ड श्री पी०राय कार्यरत कां०वा० रहमतुल्ला और कां०वा० सूर्य प्रकाश सिंह घटना स्थल पर मौजूद थे।

3- यह कि सम०एस०ट १० होल्डर श्री रामजी मिश्रा बरई जलालपुर में धीरे-धीरे घटना की शिकायत खैराबाद स्टेशन पर किया। जिसका निस्तारण कार्यालय द्वारा किया गया और क्रॉसिंग उचित बताई गई।

4- यह कि प्रार्थी को परिवारकर्ता श्री रामजी मिश्रा के असंतोष एवं अशुभ व्यवहार से आत्म ग्लानि हुई और 160 डाउन से सीतापुर जाकर परिवारकर्ता के विरुद्ध आवश्यक कार्यवाही हेतु जी०आर०पी० सीतापुर में प्रथम सूचना रिपोर्ट दर्ज करा दी।

5- यह कि उक्त एफ०आई०आर० से परिवारकर्ता बदला लेने एवं विरोध की भावना से प्रेरित होकर सीतापुर स्टेशन के कुछ दुष्कर्मियों कर्मचारियों के सहयोग से अपने ही खास रिश्तेदारों तथा परिचित लोगों द्वारा प्रभाव डालकर झूठी, फर्जी तथा निराधार शिकायत करवाई ताकि प्रार्थी परेशान हो और प्रशासन द्वारा दण्डित किया जाय। श्री भरत त्रिपाठी परिवारकर्ता रामजी मिश्रा का सगा बहनोई है।

6- यह कि जितने परिवार इस छोड़े दिन के अन्दर प्रार्थी के विरुद्ध किये गये हैं यह उक्त घटना दिनांक 8-2-90 के बाद की है जो जाब दूझकर अध्यक्ष भारतीय जनता पार्टी एवं अन्य अपने रिश्तेदारों द्वारा मात्र परेशान की नियम से झूठी शिकायत करवायी है। माननीय श्री राजेन्द्र प्रसाद गुप्ता अध्यक्ष भारतीय जनता पार्टी के द्वारा उन्हें गुमराह कर उक्त परिवार इस लिये करवाई गई कि उनके लिखे का रेल अधिकारियों पर विरोध प्रभावहीन होगा।

7- यह कि इसी व्यक्ति श्री राम जी मिश्रा निवासी खैराबाद के जो सीतापुर स्टेशन के कुछ विरोधी तत्त्व कर्मचारी के सहयोग से अपने रिश्तेदार श्री भरत त्रिपाठी वकील जिला अध्यक्ष भारतीय जनता युवा मोर्चा के द्वारा सीतापुर में अनु० जाति एवं जनजाति असंतोषेशन के गठन के संबंध में हुई मीटिंग जो रेलवे कोलोनी में हुई, गलत तरीके से महिला प्रतीक्षालय में दिखाकर मुझ गरीब एवं निर्दोष कर्मचारी को दण्डित कराने के उद्देश्य से फर्जी शिकायत करवायी जिसका स्टेशन कार्यालय में स्टेशन अधीक्षक एवं सी०टी०सी० द्वारा कोई लिखित कार्यवाही नहीं की गई और न कहीं

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8- यह कि आप द्वारा नियुक्त जॉच अधिकारी टी०आई०, डी०सी०आई० सीतापुर द्वारा इस परिवाद के सम्बन्ध में प्रार्थी की जॉच की गई परन्तु इन दोनों जॉच अधिकारियों को प्रार्थी के प्रति दूषित एवं कलुषित भावना है। ये तवर्ण जाति के हैं। ये परिवादकर्ता को फर्जी तरीके से परिवाद करने में पूरी मदद की है। मुझे इनकी जॉच प्रक्रिया में शतप्रतिशत भय और पूर्णरूप से पक्षपात करने की आशंका है।

अतः अप्रष्ट एवं पक्षपात रहित जॉच हेतु अन्य कोई जॉच अधिकारी जो सीतापुर मुख्यालय का न हो नियुक्त किया जाय।

अतः श्रीमान जी से प्रार्थना है कि प्रार्थी एक अनुसूचित जाति का निर्वोष कर्मचारी है। प्रार्थी के विरुद्ध लगाये गये शिकायतों के प्रत्येक स्टेशन जहाँ जहाँ कार्य करता है जैसे हरगंव स्टेशन से सिधौली स्टेशन तक। वहाँ के स्टेशन मास्टर और वहाँ की जनता से प्रार्थी की सत्यनिष्ठा ईमानदारी एवं धैर्य की जॉच कराकर ही अग्रिम कार्यवाही की जाय ताकि निर्वोष कर्मचारी का अनायास हनन न हो सके।

नोट :- स्पष्टीकरण हेतु साक्षात्कार हेतु आवेदन है।

प्रार्थी,

दिनांक 19-3-90

ह/० रामदास,
आर०जी०स्टेशन०,
पूर्वोत्तर रेलवे, सीतापुर।

आवश्यक कार्यवाही एवं सूचनाएँ प्रेषित प्रतीतीलीप।

1- प्र० संरक्षा अधिकारी पूर्वोत्तर रेलवे, लखनऊ।

2- प्र० वाणिज्य अधिकारी, पूर्वोत्तर रेलवे, लखनऊ।

Ram Das

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समझा केंद्रीय प्रशासनिक अधीकारणा, लखनऊ बेंच, लखनऊ ।

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सेवा में,

धाना प्रभारी,
जी०आर०पी०,
सीतापुर ।

विषय बरई जलालपुर स्टेशन पर एक यात्री द्वारा कार्यरत स०स्टे०मा० फारुख अहमद के कार्य में व्यवधान डालना व जारी देना ।

महोदय,

सूचित किया जाता है कि आज दिनांक 8-2-90 समय 17/10 पर 160 डा० से यात्री गाड़ी से एक एम०एस०टी० यात्री जो खैराबाद से लखनऊ आता जाता है जिसका नाम रामजी मिश्रा निवासी माधुपुर जिला सीतापुर का है, स्टेशन कार्यालय में आया और असंतोष भाषा का प्रयोग, जैसे स्टे०मा० इतने बेहूदे होते हैं कि एक गाड़ी से दो दो गाड़ी का क्रॉसिंग कराते हैं । डिब्बी पर कार्यरत स०स्टे०मा० फारुख अहमद को भी छूतिया बेहूदा कहा तथा हमे भी बुरा भला कहा । अपनी पूर्वक प्रति उत्तर देने पर मारने की धमकी दी । और 160 डा० से खैराबाद आकर गलत रूप से रेलवे शिकायत पुस्तिका पर शिकायत भी किया है ।

ह/० अपठनीय,
8-2-90

" सील "

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

दिनांक 8-2-90

प्रार्थी,

ह/० रामदास,
स्टे० मा०

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N. K. S. Swaleh

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समक्ष केन्द्रीय प्रशासनिक अधिकरण, लखनऊ बेंच, लखनऊ ।

ओऍऍ नं०

आप्र 1990 .

रामदास	---	वादी
	बनाम	
भारत सरकार तथा अन्य	---	प्रतिवादीगण
बनकलोजर नं०-ए-8		
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लघु शास्तियाँ अधिरोपित करने के लिये आरोप के ज्ञापन का मानक फार्म रेल सेवक । अनुशासन और अपील। नियम 1968 का नियम-11

पूर्वोत्तर रेलवे

पत्रांक डीएसओ/एलएस-7/90 रेल प्रशासन का नाम

निर्गम स्थान मण्डल कार्यालय, लखनऊ

दिनांक 22-3-90

ज्ञापन

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श्री रामदास पद वि.दा. स्टेशन मास्टर । कार्यालय जिल्ले काम करता हो। सीतापुर को स्टद द्वारा सूचित किया जाता है निम्न हस्ताक्षरी द्वारा उसके विरुद्ध रेल सेवक । अनुशासन और अपील। नियम 1968 के नियम 11 के अन्तर्गत कार्यवाही करने की प्रस्थापना की गयी है । कर्तव्य की अवहेलना या दुरुव्यहार या अवचार के लॉछन का एक विवरण संलग्न है जिस पर उपयुक्त कार्यवाही करने की प्रस्थापना है ।

प्राप्त किया
5-4-90

2- श्री रामदास को स्टद द्वारा यह अवसर किया जाता है कि इस प्रस्थापना के विरुद्ध वह जो भी अभ्यावेदन चाहे दें । अभ्यावेदन यदि देना हो, निम्न हस्ताक्षरी को । द्वारा इस तरह प्रस्तुत किया जाना चाहिए ताकि यह ज्ञापन की प्राप्ति के दस दिन के भीतर निम्न हस्ताक्षरी के पास पहुँच जाय ।

3- यदि श्री रामदास पैरा 2 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 ।

4- श्री रामदास इस ज्ञापन की पावती दें ।

श्री रामदास
पद वि.दा. स्टेशन मास्टर/सीतापुर
द्वारा पारित/सीतापुर

आज्ञा से
ह/० एससी ०ल
22-3-90
एसआर डिवी ०सफ्टी आफिसर
एस०डि०आर०, लखनऊ ।

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रेल कर्मचारी अनुशासन एवं अपील नियम 1968 के
नियम 11 के अन्तर्गत श्री रामदास, वि०दा० स्टेम/सीतापुर
के विरुद्ध लघुदण्ड आरोप पत्र ।

दिनांक 19-2-90 को सीतापुर रेलवे स्टेशन के महिला
विश्रामालय में अनुसूचित जाति एवं अनुसूचित जन जाति एसोसिएशन
के अन्तर्गत एक बैठक हुई जिसका आयोजन मुख्य रूप से श्री रामदास
वि०दा० स्टेम/सीतापुर ने किया । श्री रामदास ने अपने पक्ष का
अनुचित प्रभाव डालकर बिना प्रशासन की अनुमति लिए अथवा
बिना उचित माध्यम से अधिकार प्राप्त किए श्री रामपाल पाण्डे
कार्यरत वेटिंग रूम बेयरर, सीतापुर कर ब दबाव डालकर महिला
विश्रामालय खुला लिया तथा उसमें उक्त बैठक सम्पन्न की जिसके
कारण बोनाफाइड यात्रियों को असुविधा उठानी पड़ी तथा स्वयं
में भी यह कार्य आचरण नियमों के प्रतिकूल था ।

इस प्रकार श्री रामदास वि०दा० स्टेम मास्टर/सीतापुर
ने रेल सेवा आचरण नियम 1966 के नियम 3:1: :111: का
उल्लंघन किया ।

आज्ञा से

ह/० एस०सी० लाठे,
22-3-90
प्रवर मंडल संरक्षा अधिकारी
लखनऊ ।

प्राप्त किया
5-4-90

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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

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Attested
[Signature]

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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

W. K. S. S. S.
S. K. S. S. S.

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सम्मान केन्द्रीय प्रशासनिक अधिकारिका, लखनऊ बेंच, लखनऊ ।

ओ०ए० नं०

आफ 1990 .

रामदास

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

एसबलोजर नं० स-10

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सेवा में,

प्रवर मण्डल संरक्षा अधिकारी,
पूर्वोत्तर रेलवे,
लखनऊ ।

विषय:- लघु शांति अधिरोपण ।

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संदर्भ :- आपका चार्ज मेमो संख्या डी०एस०ओ०/एस०एस०-7/90

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दिनांक 22-3-90 .

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महोदय,

उपरोक्त संदर्भ में प्रीमान द्वारा लगाये गये आरोप को पूर्ण रूप से अस्वीकार करते हुए प्रार्थी अपना स्पष्टीकरण अधो लिखित रूप से सहानुभूतिपूर्वक विचारार्थ प्रस्तुत करता है :-

- 1- यह कि प्रार्थी अनुसूचित जाति का है जो कर्तव्यनिष्ठ एवं कुशल रेल कर्मचारी है ।
- 2- यह कि दिनांक 19-2-90 को सीतापुर जं० स्टेशन के महिला प्रतीक्षालय में अनुसूचित जाति एवं जनजाति अगोतिथेशन की बैठक प्रशासन की बिना अनुमति लिखि एवं बैठिंग रूम डेपरर के अग्र दबाव डालकर करने का आरोप लगाया गया है जो पूर्ण रूप से गलत एवं निरधार है ।
- 3- यह कि दिनांक 19-2-90 को उक्त अगोतिथेशन की बैठक एवं सीतापुर शाखा का गठन अनुसूचित जाति एवं जनजाति अगोतिथेशन लखनऊ मण्डल के मण्डल अध्यक्ष श्री एम०पी० कुरील चालक आधीन लोको फोरकेन पूर्वोत्तर रेलवे लखनऊ द्वारा सीतापुर रेलवे कालोनी आवास संख्या टी०/16 बी में किया गया है जिसके व्यवस्थापक, संचालक एवं निवेतक श्री एम०पी० कुरील ही थे । जिसका स्वर्ण का बयान साथ में संलग्न है ।

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यह कि महिला प्रतीक्षालय सीतापुर में बैठक एवं अंगीक्षिण के गठन का विवरण सहायक स्टेशन मास्टर, स्टेशन अधीक्षक अथवा सीटीसी द्वारा किसी भी अभिलेख में प्रत्यक्ष अथवा अप्रत्यक्ष रूप से दर्ज नहीं है और न सहायक स्टेशन मास्टर कार्यालय में रखी शिकायत पुस्तिका में इस घटना से संबंधित कोई शिकायत ही दर्ज है। यदि उक्त बैठक महिला प्रतीक्षालय में की गयी होती तो स्टेशन पर ही उपस्थित श्री एकेएम सीटीसी प्रवेक्षक प्रभारी को अवश्य जानकारी होती और इनके द्वारा प्रशासन को अवश्य सूचित किया गया होता। वास्तविकता यह है कि यह बैठक रेलवे आवास कालोनी सं 0 टी/16बी में की गई है। चैताकि इनके द्वारा किये गये तलमन प्रमाण पत्र से स्पष्ट है।

5-

यह कि दिनांक 19-2-90 को उक्त बैठक और अंगीक्षिण के गठन के संबंध में सम्माननीय डा० लाल जी प्रताप भार्गव, अध्यक्ष, अनुसूचित जाति, जनजाति, जनता दल एवं अध्यक्ष दलित सेवा सीतापुर और श्री बरती लाल अध्यक्ष तथा श्री उमा प्रताप महामंत्री अनुसूचित जाति/जनजाति/पिछड़ा एवं अल्प संख्यक अधिकारी/कर्मचारी कल्याण परिषद् जिला सीतापुर उत्तर प्रदेश 130901 के आमंत्रित पदाधिकारी भी उपस्थित थे। जिनके सहयोग से रेलवे आवास सं 0 टी/16बी में बैठक सम्पन्न की गयी चैताकि इनके द्वारा किये गये तलमन प्रमाण पत्रों से स्पष्ट है।

6-

यह कि श्रीमान द्वारा नियुक्त जाँच अधिकारी टी०आई० सीतापुर के जाँच के दौरान प्राथी को यह विदित हुआ कि इस प्रकार का फर्ज एवं गलत परिवार अधोलिखित घटना के परिणामस्वरूप करायी गयी। जो श्रीमान जी के सूचनाय दिनांक 19-3-90 को पंजीकृत पत्र द्वारा प्राथी भेज चुका है।

दिनांक 8-2-90 को बरई जलालपुर स्टेशन पर

160 डा० यात्री गाड़ी क्रान्ति में विलम्ब के परिणामस्वरूप एक एमएसटी होल्डर श्रीराम जी मिश्रा निवासी धराबाद सीतापुर जो धराबाद के लखन आता जाता है, के अशुभ व्यवहार और माली देने के आरोप में प्राथी आत्म ग्लानि से पीड़ित होकर बी०आर०बी० सीतापुर में जाकर आवश्यक कार्यवाही हेतु प्रथम सूचना रिपोर्ट 1500आई०आर० दर्ज करा दिया। जिसमें कार्यरत स०टी० मा० श्री फाल्क

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अहमद को भी माली दिया । अहिंसा और मारने की धमकी दी । उक्त घटना का पूर्ण विवरण भविष्य में संदर्भ हेतु बरई जलालपुर स्टेशन डायरी में नोट कर दिया गया है ।

उपरोक्त एफ0आई0आर0 करने के कारण पुलिस ने श्रीराम जी मिश्रा को गिरफ्तार किया और जमानत मिल पर मुक्त किया । इस एफ0आई0आर0 करने के कारण ही एम0एस0टी0 होल्डर श्रीराम मिश्रा उत्तेजित होकर बदला लेने की भावना से सीतापुर के स0स्टे0मा0 श्री आर0के0मिश्रा के सहयोग से अपने साथ श्री भरत त्रिपाठी एवं जान पहचान के नेताओं से अपनी स्वयं की मनमग्नता झाफिटिंग करके नेताओं का हस्ताक्षर लेकर श्रीमान जी के पास दण्डित एवं परेशान करने की नियत से भेज दिया । जैसा कि परिवार पढ़ने से ही फर्ज प्रतीत होता है ।

7- यह कि उक्त घटित घटना दिनांक 8-2-90 के बाद ही प्राथी के विरुद्ध अनेकों शिकायत फर्जों एवं ईर्ष्या द्वेष और जातीयता -वशा करवायी गयी ताकि प्राथी दण्डित और परेशान हो ।

8- यह कि उक्त घटना के परिणामस्वरूप ही सीतापुर के स0स्टे0मा0 श्री आर0के0मिश्रा ने अभिमुक्त रामजी मिश्रा बेराबाद के एम0एस0 टी0 होल्डर के साथ मिलकर अपने साथ श्री भरत त्रिपाठी से जातीयता, ईर्ष्या एवं द्वेष की भावना से अनुसूचित जातियों के व्यक्तियों जैसे श्री बलराम, स0स्टे0मा0 सीतापुर तथा विधिवत अनिल कांटा वाला बेराबाद के भी विरुद्ध दण्डित करने के उद्देश्य से फर्ज शिकायत करायी ।

9- यह कि जांच अधिकारी द्वारा किये गये जांच में तबर्न और उन्हीं लोगों द्वारा जैसे श्री आर0के0मिश्रा स0स्टे0 मा0 सीतापुर, श्री एम0के0मिश्रा स0स्टे0मा0, सीतापुर और रामपाल पाण्डेय घटिंग रूप घबरार सीतापुर से जो प्राथी से ईर्ष्या और द्वेष की भावना रखते हैं साक्षी के रूप में मनमग्नता और बनावटी बयान लिया गया है ।

10- यह कि यदि श्री भरत त्रिपाठी परिवारद्वारा दिनांक 19-2-90 को स्टेशन पर आये तो उन्हें महिला प्रतीक्षालय की क्या आवश्यकता पड़ी । जबकि उनके परिवार में कोई महिला उनके साथ में नहीं दगायी गयी है । यदि उन्हें यह मीटिंग होते हुये जानकारी प्राप्त ही हुई तो स्टेशन अधीक्षक अथवा सी0टी0सी0 से सम्पर्क करते और स्टेशन शिकायत पुस्तिका पर परिवार अथवा सुझाव के रूप में अंकित करते वरन्तु ऐसा कुछ नहीं मिया गया है । इनके

Ram Das

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अलग से किये गये परिवार में टिकट संख्या के साथ भ्रमी, मेल/एक्स्प्रेस, कहाँ से कहाँ तक अथवा किसी प्लेटफार्म टिकट संख्या का कोई उल्लेख नहीं किया गया है। इससे स्पष्ट होता है कि श्री भरत त्रिपाठी अध्यक्ष भारतीय जनता युवा मोर्चा जो वकील भी हैं अपने बहनोई श्रीराम जी मिश्रा के पक्ष में आकर फर्जी एवं गलत परिवार, बदला लेने की भावना से किया। तथा किसी यात्री को इसी असुविधा का कोई प्रश्न ही नहीं है।

अतः श्रीमान जी से निवेदन है कि उपरोक्त वस्तुस्थिति तथ्यों को ध्यान में रखते हुए सम्बन्धित पूर्वक विचार करें और प्राथी को दोषमुक्त करने की कृपा करें।

प्राथी,

दिनांक :- 15-4-1990.

संलग्नक = 4। पाँच पृष्ठ।

ह/० रामदास वि० दा० स्टे० भा०

15-4-90
पूर्वात्तर रेलवे,
सीतापुर।

Ram Das,

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पंजीकृत संख्या S-1517

अखिल भारतीय अनु०/जन जाति पू० उ० रे० कर्मचारी संघ

प्रधान शाखा एतम् मंडल कार्यालय, लखनऊ

अध्यक्ष :

राम सिंह रामानी कुरीला

शाखा मंत्री :

एस० आर० दोहरे

परिचालन कार्यालय-
(पू० उ० रे० लखनऊ)

संख्या : AISCTREA (BR) LJM

कार्यालय :

मंडल रेल प्रबन्धक

पू० उ० रे० लखनऊ ।

दिनांक 16/4/90

पू० उ० रे० लखनऊ के अध्यक्ष के संसुलार में दिनांक 19/2/90 को केंद्रीय परिषद के माध्यम से अनुसार उद्घोषणा की गई थी। जन जाति ऐडोशन / शाखा शाखा के माध्यम से जारी की गई थी। 87 आया। रेलवे कालोनी आवास लंदन 1/6/90 के शाखा का गठ, निम्न जो चर्चा लगाया गया है। यह निराधार है। असल में लखनऊ उद्घोषणा को जारी करने के आदेश जारी किए गए हैं।

अध्यक्ष /
रामानी कुरीला

मे 5/5/90

लखनऊ

Ram Das

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[Signature]
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मे मुआफित करता हूँ कि दिनांक 19/2/10 को मैं H7C सुधलाऊँ
के रूप में सीरपुर स्टेशन पर कार्यरत था। इस दिनांक को मॉनिटरिंग
प्रोफाइल में किसी प्रकार की कोई भी गड़बड़ नहीं की गई है और
ही कोई अनुसूचित जाति एवं जन जाति रेसोल्यूशन का जवाब ही हुआ है।
स्टेशन पर किसी भी प्रकार की कोई भी गड़बड़
नहीं हुई है। इसकी पुष्टि जारी है।

Signature
H7C/STP 14/4/10

(रूप में जारी)
हैडी टी.सी. - सीरपुर
दि. 14/4/10

Ram Das
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सेवा में,

श्रीमान् मण्डल रेल प्रबन्धक,
पुर्वोत्तर रेलवे, लखनऊ ।

विषय:- फर्जी एवं गलत शिकायत द्वारा अनुसूचित जाति एवं अनुसूचित जनजाति
रेल कर्मचारियों पर अन्याय अत्याचार एवं उत्पीड़न ।

महोदय,

सूचित किया जाता है कि सीतापुर जं० स्टेशन पर ब्राह्मण वादी व्यवस्था के तहत दलित एवं अनुसूचित जाति एवं जनजाति के रेल कर्मचारियों पर अक्सर अत्याचार उत्पीड़न एवं शोषण की घटनाएँ होती रहती है । जिसका शिकार दलित रेल कर्मचारी होते रहते है । कुछ दिन पहले एक दलित रेल कर्मचारी जिसका नाम राधे पद हम्माल सीतापुर जं० स्टेशन पर कार्यरत था जो कि स्टेशन अधीक्षक की साजिमा से मिट्टी का तेल छिड़क कर जला दिया गया था उसकी विधवा और त को पेन्शन हत्यादि में भी बड़ी कठिनाई डाली गयी थी । इस प्रकार लगातार दलित रेल कर्मचारियों के साथ अन्याय एवं अत्याचार होता रहा है ।

दिनांक 19.2.90 को अनुसूचित जाति एवं जनजाति के ही रेल कर्मचारियों ने सवर्णों के द्वारा किये जाने वाले अन्याय अत्याचार एवं शोषण से छुटकारा पाने के लिये अखिल भारतीय अनुसूचित जाति एवं अनुसूचित जनजाति एशोसिएशन के अन्तर्गत एक बैठक रेलवे आवास संख्या- 1टी0-16बी01 में की जिसमें दलित रेल कर्मचारी बन्धुओं ने मुझे भी सूचना देकर आमंत्रित किया, मैं वहाँ गया तथा सीतापुर शाखा के पदाधिकारियों के गठन में सहयोग प्रदान किया । तथा बैठक में हम लोगों ने संगठित होकर अन्याय अत्याचार एवं शोषण के खिलाफ संगठन को मजबूत बनाने का संकल्प किया । तथा दलित कर्मचारियों पर जो अन्याय हो रहे है उनसे छुटकारा पाने के लिये निश्चय किया ।

दलित वर्ग के रेल कर्मचारियों के उक्त संगठन को देखकर ईश्या और देखवश सवर्ण वर्ग के चन्द्र कुछ लोग जो सीतापुर जं० स्टेशन पर ही कार्यरत है मुख्य निम्नलिखित है :-

1. श्री आर०के० मिश्रा, सहायक स्टेशन मास्टर, सीतापुर जं० ।
 2. श्री पी०के० दास गुप्ता, स्टेशन अधीक्षक, सीतापुर जं० ।
- यह सीतापुर जं० स्टेशन पर स०स्टे०मा० एवं स्टेशन अधीक्षक के रूप में लगभग 20 वर्षों से मौजूद है। इन्हें तत्काल हटाया जाये।

क्रमशः --2--

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अनुसूचित जाति/जनजाति/पिछड़ा एवं अल्पसंख्यक अधिकारी/कर्मचारी

कल्याण परिषद

जिला सीतापुर (उ० प्र०)

बराती लाल, अध्यक्ष मुख्य माल अधीक्षक, उत्तर रेलवे, सीतापुर टेलीफोन : २३१२	छंगा प्रसाद, महामन्त्री प्रादेशिक अध्यक्ष, आ०इ०यू०बे० एस०सी०/एस०टी० इम्प० ट्रेड यूनियन / एस० (उ० प्र०) यूनियन बैंक आफ इण्डिया ने०चि० सीतापुर टेलीफोन २८८६
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पत्रांक- 2006-सी०पी०१० रेलवे

दिनांक 19-2-90

प्रिय श्री सिंह,

मैं आपका ध्यान दिनांक 19-2-90 को पूर्वोत्तर रेलवे सीतापुर में अनुसूचित जाति जनजाति के रेल कर्मचारियों की बैठक की ओर आकर्षित करना चाहता हूँ। मैं तथा इस कल्याण परिषद के अध्यक्ष श्री बराती लाल जी के साथ सीतापुर के जंक्शन तथा रेलवे कालोनी गया जहाँ पर दिनांक 19-2-90 को अनुसूचित जाति/जनजाति के रेल कर्मचारियों की मीटिंग के सम्बन्ध में कोई हुई शिकायत के विषय में जानकारी की तो मालूम हुआ कि उक्त शिकायत तथा कथित उच्च वर्ग के कुछ रेल कर्मचारियों ने ईर्ष्या, एवं द्वेषवश किन्हीं दूसरे व्यक्तियों से करवा दी है। जिसमें कहा गया है कि उक्त मीटिंग रेलवे प्रतीक्षास्थल में की गयी है जो कि बिल्कुल निराधार व असत्य है। जबकि वास्तविकता यह है कि इस तरह की कोई बैठक रेलवे परिसर में कभी भी नहीं हुई है। इस शिकायत के पीछे इनका उद्देश्य अनुसूचित जाति/जनजाति के लोगों को संगठित न होने देने का है।

मैं उपरोक्त जानकारी आपको इस तारतम्य में दे रहा हूँ कि कहीं आप फर्जी एवं गलत शिकायत के आधार पर कोई ऐसानिर्णय न ले लें जो इस वर्ग के कर्मचारियों के हितों के विरुद्ध हो और आपके गलत निर्णय से इस समाज के व्यक्तियों में कहीं ऐसी कुण्ठा न बन जाये। जिससे देश व इस समाज के लिए अहितकर हो।

शुभ कामनाओं सहित,

शुभेच्छु

श्री के०पी० सिंह,

मण्डल रेल प्रबन्धक,

पूर्वोत्तर रेलवे, लखनऊ-१

प्रतिलिपि:- श्री एस०सी० लाठे प्रवर सेंक्वा अधिकारी पूर्वोत्तर रेलवे, लखनऊ

छंगा प्रसाद
महामंत्री

प्रधान कार्यालय :- A 212 आवास विकास कालोनी - भोजवानी स्ट्रीट "ऐश भवन" सीतापुर-२६१००१

Ram Das

सेवा में,

श्रीमान् मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे, लखनऊ ।

विषय:-

फर्जी एवं गलत शिकायत द्वारा अनुसूचित जाति एवं अनुसूचित जनजाति
रेल कर्मचारियों पर अन्याय अत्याचार एवं उत्पीड़न ।

महोदय,

सूचित किया जाता है कि सीतापुर जं० स्टेशन पर ब्राह्मण वादी व्यवस्था के तहत दलित एवं अनुसूचित जाति एवं जनजाति के रेल कर्मचारियों पर अक्सर अत्याचार उत्पीड़न एवं शोषण की घटनाएँ होती रहती हैं । जिसका शिकार दलित रेल कर्मचारी होते रहते हैं । कुछ दिन पहले एक दलित रेल कर्मचारी जिसका नाम राधे पद हम्माल सीतापुर जं० स्टेशन पर कार्यरत था जो कि स्टेशन अधीक्षक की साजिमा से मिट्टी का तेल छिड़क कर जला दिया गया था उसकी विधवा और त को पेन्शन इत्यादि में भी बाड़ी कठिनाई डाली गयी थी । इस प्रकार लगातार दलित रेल कर्मचारियों के साथ अन्याय एवं अत्याचार होता रहा है ।

दिनांक 19.2.90 को अनुसूचित जाति एवं जनजाति के ही रेल कर्मचारियों ने सवणों के द्वारा किये जाने वाले अन्याय अत्याचार एवं शोषण से छुटकारा पाने के लिये अखिल भारतीय अनुसूचित जाति एवं अनुसूचित जनजाति एगगोर्गिजेशन के अन्तर्गत एक बैठक रेलवे आवास संख्या- 1टी0-16बी01 में की जिसमें दलित रेल कर्मचारी बन्धुओं ने मुझे भी सूचना देकर आमंत्रित किया, मैं वहाँ गया तथा सीतापुर शाखा के पदाधिकारियों के गठन में सहयोग प्रदान किया । तथा बैठक में हम लोगों ने संगठित होकर अन्याय अत्याचार एवं शोषण के खिलाफ संगठन को मजबूत बनाने का संकल्प लिया । तथा दलित कर्मचारियों पर जो अन्याय हो रहे हैं उनसे छुटकारा पाने के लिये निम्नलिखित किया ।

दलित वर्ग के रेल कर्मचारियों के उक्त संगठन को देखकर ईश्या और देखकर सवणी वर्ग के चन्द्र कुछ लोग जो सीतापुर जं० स्टेशन पर ही कार्यरत हैं मुख्य निम्नलिखित है :-

1. श्री आर०के० मिश्रा, सहायक स्टेशन मास्टर, सीतापुर जं० ।
 2. श्री पी०के० दास गुप्ता, स्टेशन अधीक्षक, सीतापुर जं० ।
- । यह सीतापुर जं० स्टेशन पर स०स्टे०मा० एवं स्टेशन अधीक्षक के रूप में लगभग 20 वर्षों से मौजूद हैं। इन्हें तत्काल हटाया जाये।

क्रमशः --2--

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AS/RPF

3. श्री शीतल प्रसाद पाण्डेय (इन्टेलीजेन्स) इन्स्पेक्टर, सीतापुर-जंक्शन ।

उपरोक्त ने मिलकर एक बूठा बह्यन्त्र रवा और उसी बह्यन्त्र के अनुसार दिनांक 19.2.90 को एक गलत एवं फर्जी शिकायत के माध्यम से मण्डल रेल प्रबन्धक पूर्वोत्तर रेलवे लखनऊ एवं अन्य उच्च रेल अधिकारियों के पास दलित रेल कर्मचारियों के संगठन को कमजोर करने के लिये तथा उनको शोषित करते रहने के लिये कई रिपोर्टे भिजवाई । श्रीमान् जी, अगर की गयी शिकायत सही होती तो नम्बर-1 सहायक स्टेशन मास्टर कार्यालय में रखी गयी शिकायत एवं स्थाप पुस्तिका के माध्यम से गयी होती । 121 शिकायत कर्ता सहायक स्टेशन मास्टर या स्टेशन अधीक्षक के पास गया होता और इसका विवरण सहायक स्टेशन मास्टर डायरी में लिखा गया होता । ऐसी गलत एवं फर्जी शिकायत को देखकर डी०आर०एम० साहब एवं अन्य रेल अधिकारी दि० 28.2.90 को सीतापुर जं०स्टेशन पर आ पहुँचे । श्रीमान् जी हम ब्रह्म सभी लोगों ने अपने पूर्व निर्धारित कार्यक्रम के अनुसार अपनी मिटिंग विश्रामलय बुक कराकर, विश्रामलय में ही करनी चाही थी, लेकिन उपरोक्त कुछ मुख्य रेल कर्मचारियों की अनुमति न मिलने के कारण रेलवे आवास संख्या-टी०16 बी०में मीटिंग करनी पड़ी, जिसकी गलत एवं बूठा शिकायते रेल अधिकारियों को गुमराह करने के लिये कराई गयी तथा इसकी पुष्टि के लिये सिविल इन्टेलीजेन्स विभाग से भी शिकायते करा दी गयी । जिससे अनुसूचित जाति एवं जनजाति के रेल कर्मचारी संगठित न हो सके । और इन्हें इसी प्रकार सजा मिलती रहे ।

मान्यवर यह अन्याय और अत्याचार अनुसूचित जाति एवं जनजाति रेल कर्मचारियों पर स्वर्णों का एक बह्यन्त्र मात्र है । अगर यह अन्याय एवं अत्याचार बन्द न हुआ तो इसका मुकाबला करने के लिये हम राजनैतिक लोग भी आगे आयेगे । और उच्च स्तर पर कार्यवाही शुरू करेंगे ।

दिनांक:- 2/3/90

भद्री 18 लालजी प्रसाद

अध्यक्ष
डालित समा-सी०
। डाली लालजी प्रसाद भार्गव ।

अध्यक्ष अनु०जाति०एवं जनजाति, जनता दल
एवं अध्यक्ष दलित सेवा, सीतापुर ।

प्रतिलिपि:-

1. श्रीमान् प्रवर संरक्षा अधिकारी पूर्वोत्तर रेलवे, लखनऊ ।
2. श्रीमान् जनरल मैनेजर, पूर्वोत्तर रेलवे गोरखपुर ।
3. माननीय रेल मंत्री, भारत सरकार, नई-दिल्ली ।
4. माननीय भ्रम एवं कल्याण मंत्री, भारत सरकार, नई-दिल्ली ।
5. श्रीमान् जोनल सेक्टराई अनु०जाति०एवं जनजाति शोध विभाग पूर्वोत्तर रेलवे गोरखपुर ।

6- COIRPF LJA
7- DIR (RPF) CRP

। डाली लालजी प्रसाद भार्गव ।

TRAVEL
Shankar
Datta
Ram Dass

(40) 40

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

O.A. No.

of 1990.

Ram Dass ... Applicant.

Versus.

Union of India & anothers ... 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,

What 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

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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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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

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. 9 M

Ram Dass
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Submitted
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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-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).

.....

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

Ram Dass

*True Copy
Submitted*

[Signature]

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and thus be not under their administrative control. It has been also mentioned that in respect off the category of Assistant Station Masters/Station Masters the disciplinary action in initiated and finalised both by the Divisional Safety Officer and Divisional Commercial Supdt. depending upon the department to which the irregularity committed pertaine 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 in 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 ~~an~~ would ~~bet~~ be in keeping with the instructions referred to in para 1 above.

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Ram Dass

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(453)

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

O.A. No. 180 of 1990.(4)

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, February, 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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*True copy
Submitted*

Ram Dass

*Relax
Adv. Secy*

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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.

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Ram Dass.

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Attended

D. S. S. S. S.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

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

Ram Das

....Applicant

Versus

Union of India and others

....Respondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS

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

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.

3rd/25.6.90
वर मंडल सरला अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

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 Vigilance 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

30/11/87
प्रवर मंडल सेरक्षा अधिकारी,
दुर्गोचर रोड, लखनऊ

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.

25/6/90
वर मंडल सहायिका अधिकारी,
पुर्वोत्तर 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 Chandra Lath
25.6.90
प्रवर मंडल संरक्षा अधिकारी,
पूर्वोत्तर सेवके, लखनऊ

VERIFICATION

I, *Ashok Chandra Lath*, 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 Chandra Lath
25.6.90
प्रवर मंडल संरक्षा अधिकारी,
पूर्वोत्तर सेवके, लखनऊ

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH) LUCKNOW.

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

Ram Dass..

..Applicant.

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 Tribes
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, decided
that the employees belonging to Scheduled Castes and
Scheduled Tribes should be transferred very rarely and
very strong reasons only.

AB

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:-

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

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(SOT)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(XN) 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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Ram Dass

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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 safety department. The applicant is giving hereunder the

Ram Das

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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 21.8.1976 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 Babhnan 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

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 Shoharatgarh 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

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.

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167

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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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168

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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.

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.

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

11
ATP
ENCLOSURE NO

R-1

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 Dass

(47) 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 a 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.

Ram Sar

ENCLOSURE R-2

Handwritten signature

Transfer of Trade Union Officials:—(a) A competent authority may transfer a railway servant from one post to another. But when it is proposed to transfer an employee who happens to be an office bearer of a recognised Trade Union from one station to another in the interest of administration, sufficient notice of the proposed transfer should be given to the union concerned to enable the union either to arrange for the work of the union to be taken charge of or to bring to the notice of D.R.M/Dy. C.M.E. etc. and if necessary, later to General Manager, any objection that they may have to urge against the proposed transfer. If the authority as the Division/Workshop level does not agree to the views of the union, the case will be referred by D.R.M/Dy. C.M.E. (W) to the Head Office for the decision of the General Manager. On receipt of such a reference from Division-workshop, the General Manager would consider the question and his decision in the matter will be final. This procedure will be adopted even if the transfer of a Trade Union official is within the same station i.e. from one administrative jurisdiction to another.

In case of periodical transfer as distinct from transfers on other special considerations, if the General Manager does not cancel the orders of transfer, the transfer may be allowed to pend till the next election of the Union Office bearers subject to maximum of one year. If the Trade Union official is to be transferred on promotion, the union may only be advised of the proposed transfer and it is not necessary to pend the same unless the employee wished to refuse the promotion. A senior employee need not be transferred in preference to the one promoted in order to accommodate a Trade Union office bearer on promotion at that station itself (unless the course of action otherwise feasible). The transfer of an employee to another place on being rendered surplus at a particular station should also be treated in the same way.

In case of transfer at one's own request there is no need to follow the procedure laid down above and it is for the employee himself to satisfy the union to which he belongs as far as movement from a particular station is concerned.

In the following types of cases, only an advice has to be sent to the union concerned and it is not necessary to give any notice for this purpose:—

(a) When it is necessary to transfer a Trade Union official as a result of his being involved in a special Police Establishment case. Any representation that a union may make may be considered but it is not necessary to keep the transfer in abeyance for this purpose.

(b) In case of transfer of a Trade Union official from one section/department to another in the same office.

[R.B's. No. E(L) 60 UTI-31 of 19-2-60 E(L) 61 E(L) 43 of 31-7-61 E(L) 64 UTI-113 of 6-10-64. E(L) 64 UTI-113 of 21-11-64, 2-2-65 21-9-65 and 7-6-67].