

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Closed date- 4/12/2000

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Disposed date- 30/3/2000

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 40/2000

OF 199

Applicant(s) Nagen Ch. Deka.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. S. Huda.
Mr. A. Hai.

Advocate for Respondent(s) C. G. S.C.

Notes of the Registry	Date	Order of the Tribunal
452568 1-2-2000	9.2.2000	Mr. A. Hai learned counsel for the applicant is present. On the prayer of Mr. J. L. Sarkar learned Railway counsel case is adjourned to 11.2.2000, for Admission.
452568 1-2-2000 Rv 4/1 AS Hai/2000	11-2-2000	Present: Hon'ble Mr. Justice D. N. Baruah, Vice-Chairman. Heard Mr. S. Huda learned counsel for the applicant and Mr. J. L. Sarkar learned counsel the Railway. Application is admitted. Issue notice on the respondents by registered post. Returnable by 4 weeks. Mr. S. Huda learned counsel prays for an interim order. Mr. J. L. Sarkar learned Railway counsel has no instructions in this regard. Issue notice to show cause as to why the interim order shall not be granted.

contd/-

Notes of the Registry	Date	Order of the Tribunal
15-2-2000 Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.P.D.	11-2-2000 1m 11/2/2000	Meanwhile, the order of transfer Annexure 1, shall remain suspended until further orders. List on 10.3.2000 for orders.
26 Vide D.Nos: 474 to 476 Dtd. 15-2-2000	10.3.00	Learned counsel Mr. S. Huda for the applicant. None for the respondents. Pleadings in this case complete. Mr Huda submits that he has filed a contempt petition, which should be placed before the appropriate Division Bench. List on 24.3.00. Interim orders shall continue till the next date.
2-3-2000 Written Statement has been filed by the respondents	24.3.00 nkm 13/3/2000	J.S. Member (J)
6-3-2000 Written Statement by Respondent has been filed	1m 28.3.00	On the prayer of counsel for the parties case is adjourned to 28.3.00
26 Copy of the order Dtd. 10.3.2000 issued to the learned counsel for the parties refd/No 794 dtd 15/3/2000	nkm	62 Member
26-3-2000 27-3-00 The case is ready for hearing	30.3.2000 pg	62 Judgment and order pronounced, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.
26.4.2000 27/3 copy of the judgment has been sent to the D/sec. for issuing the same to the parties etc	pg	62 Member

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 40 of 2000.

30-3-2000.

DATE OF DECISION.....

PETITIONER(S)

Sri Nagen Chandra Deka

ADVOCATE FOR THE
PETITIONER(S)

S/ Shri S. Huda, A. Hai

-VERSUS-

RESPONDENT(S)

Union of India & Ors.

ADVOCATE FOR THE
RESPONDENT(S)

Sri B.K. Sharma, Railway counsel.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

Sankey
30/3/2000

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 40 of 2000.

Date of Order : This the 30th Day of March, 2000.

The Hon'ble Shri G.L.Sanglyine, Administrative Member.

Sri Nagen Chandra Deka,
S/o Late K.R.Deka,
Railway Quarter No.180/B,
East Maligaon,
P.O.Maligaon, Guwahati-11.

... Applicant

By Advocate S/Shri S.Huda, A.Hai.

- Versus -

1. Union of India,
represented by the Secretary,
to the Govt. of India,
Railway Communication Ministry,
Railway Services Board,
New Delhi.

2. The General Manager(P),
N.F.Railway, Maligaon,
Guwahati-11.

3. The Divisional Railway Manager,
N.F.Railway, Lumding Division,
Lumding-782 447.

... Respondents.

By Advocate Sri B.K.Sharma, Railway counsel.

O R D E R

G.L.SANGLYINE, ADMN. MEMBER,

The applicant was promoted to a Gazetted post of Assistant personnel Officer (APO) in the year 1996 while working in Guwahati and was posted in various capacities as APO at the Headquarters at Maligaon, Guwahati. On 29.4.1999 he was transferred from APO (Training) to APO Guwahati. According to the applicant this post of APO Guwahati is under Lumding Division. On 24.9.1999 he was transferred from APO Guwahati to APO Lumding. In his place one Shri P.G.Johnson, APO, Lumding was posted. The applicant did not carry out the order immediately but submitted an

appeal dated 29.9.1999 praying for review and revocation of the transfer order. No action was taken by the respondents on his representation. On 2.12.1999 he availed of restricted holiday which, according to him, was with prior permission and sanction of the competent authority. However, while he was on this restricted holiday his substitute Shri Johnson assumed the charge of the office of the APO Guwahati. According to the applicant there had not been any handing over and taking over of charge between him and Shri Johnson till date. On the very same date 2.12.1999 the applicant however, fell sick and was under medical treatment of the Railway Doctor. Thereafter the applicant submitted representation dated 10.12.1999. There was no reply. Hence this original application was submitted on 14.2.2000.

2. In this application the applicant has prayed for setting aside, cancellation or modification of the impugned order dated 24.9.1999 and for direction to the respondents to dispose of his appeals/representations.

3. Learned counsel Mr S.Huda submits that the transfer of the applicant from APO Guwahati to APO Lumding was made under extraneous consideration and with mala fide intention. The applicant had done his best within the short period of 4 months as APO Guwahati to serve the interest of the administration and had even realised a sum of about Rs.20 lakhs which were long due from the Railway staff. This action of the applicant taken in the interest of the administration had caused grievance on the part of certain vested interest and this is evident from the D.O.Letter No.DO(E)CON/LM-3(NCD) dated 19.8.1999 issued by the D.R.M, Lumding which reads as below :

"I find that since his posting Shri Deka has unearthed serious cases of over payment, payment against LMP, payment of NDA to ineligible staff,

wrong payment to power controllers etc. in GHY area. He has naturally created enemies by this. While Shri Rakhal Dasgupta, President, NFRMU may be objecting to his continuation, I wish to point out that Shri Kalita, President of the Employees' Union in a special meeting with me on 31.7.99 at GHY requested for Shri Deka to continue for his good work."

Further Mr Huda submitted that the mala fide intention of the respondents to oust the applicant and had taken extraneous consideration in transferring him out is evident from the fact that though he had worked under Lumding Division as APO Guwahati only for four months he was transferred out from Guwahati though there are number of APOS who had stayed in their posts longer than him. The other contention of Mr Huda is that according to the Railway Board's letter No.E(NG)I-97/TR/28 dated 5.11.1997 it is incumbent upon the Railway administration to strictly adhere to the existing instructions in respect of posting husband and wife at the same station, specially when their children are 10 years of age and below. In this case the wife of the applicant is a Head Clerk in the office of the Chief Personnel Officer, N.F.Railway, Maligaon. She had made representation dated 28.12.1999 for review and revocation of the transfer order of her husband on the ground of her health as well as education of children, one of whom is a daughter which is 9 years old. She had also mentioned about the condition of health of the applicant. However, the respondents had ignored to deal with her representation. He submits that the applicant has a right to be considered under the scheme of the Railway Board's letter.

4. The respondents have contested the application. Learned Railway counsel Mr B.K.Sharma submits that the application is liable to be dismissed on the ground of non

joinder of necessary party, namely, Shri P.G.Johnson, APO and the Mazdoor Union i.e. NFRMU. He has also submitted that there is no mala fide in the transfer of the applicant and mala fide has not been alleged or proved by the applicant. Even the Mazdoor Union was not made a party, which is sufficient proof that there is no mala fide. Further, since the applicant had not made the Mazdoor Union a party to the Original Application no issue of mala fide against them can be considered or an order to that effect issued. Moreover, the applicant cannot get any of the reliefs since in his application he had not disclosed the fact that the said P.G. Johnson had already joined the post of APO Guwahati. At any rate the transfer was affected purely for administrative reasons and there was no mala fide. Regarding posting of husband and wife in the same station Mr Sharma submitted that the circular mentioned above is not in absolute terms. It provides that such consideration can be taken if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to arise as a consequence to such consideration favourable to the employees. In the case of the applicant the order of transfer was not enforced for about 4 months and the applicant had already availed of the time. Moreover, the wife of the applicant can apply for posting at Lumding. Mr Huda however, submits that the particular stand of the respondents last mentioned is itself indicative of the mala fide and vindictive approach to the applicant. He also submits that he is still APO Guwahati on sick list and therefore he had not made Sri Johnson as a party as according to him, he understands that it is only a temporary arrangement for Shri Johnson to occupy the post in his absence.

5. According to the respondents the transfer of the applicant was made in administrative and public interest and there is no mala fide in it. It was not also transferred in violation of any statutory provisions. The applicant, on the other hand, is of the view that there are more than meet the eyes in his transfer from Guwahati to Lumding. It was made on a conspiracy and behest of the North East Frontier Railway Mazdoor Union. I have heard learned counsel of both sides. The aforesaid Mazdoor Union is not a party in this Original Application. No other person who had committed alleged mala fide action has been named. I am therefore of the view that no order regarding mala fide is to be passed in this O.A. However, I direct the respondents to dispose of the representation dated 10.12.1999, Annexure-6, together with representation dated 29.9.1999 mentioned therein and communicate a speaking order to the applicant within one month from today. Regarding the contention that the benefits provided in the Railway Board's letter dated 5.11.1997 are not granted to him it is noticed that the applicant had not by himself submitted a representation to the competent authority to post him in the Station where his wife is working. This issue is not included in his representation dated 10.12.1999, Annexure-6 above. He may therefore, submit a representation, if he desires, within 15 days from the date of his receipt of this order claiming the above mentioned benefits and facilities. On receipt of such representation, the respondents shall consider it on merit and communicate the order to the applicant within 15 days from the date of receipt of the representation.

The application is disposed of as above. No order as to costs.

Sanjiv
30/3/2000
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

(An application under Section 19 of the Administrative
Tribunal Act, 1985)

O.A. No. 40/2000

Shri Nagen Ch. DekaApplicant.

Versus

Union of India & Others Respondents.

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For the use in Tribunal's Office

Date of Filing:

Registration No.:

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

BE TWEEN

CA. 40/2002

N. N. Ch. Deka u

1. Shri Nagen Chandra Deka,
S/o Late K. R. Deka,
Railway Quarter No.180/B,
East Maligaon,
PO - Maligaon, Guwahati-11,
Kamrup, Assam.

....Applicant.

-Versus-

1. The Union of India,
Represented by the Secretary
to the Government of India,
Railways Communication Ministry,
Railway Services Board,
New Delhi - 110 001.
2. The General Manager(P),
NF Railway, Maligaon,
Guwahati - 781 011.
3. The Divisional Railway Manager,
NF Railway, Lumding Division,
Lumding - 782 447.

....Respondents.

Contd....p2/-

DETAILS OF THE APPLICATION

12
Naren Deka

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:-

The application is directed against the Office Order No. 16/99(PERSONNEL) issued by the General Manager (P), NF Railway, Maligaon, Guwahati-11, dated 24.09.99.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declare that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. LIMITATION:

The applicant further declare that the application is within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

(i) That the applicant was transferred and posted as APO/GHY on 12.05.99 and on and from 12.05.99 he is discharging his duties sincerely to the satisfactory of the authority concerned.

(ii) That on 14.09.99 the General Manager (P) transferred the applicant from Guwahati and posted as APO/Lumding by impugned office order No. 16/99(Personnel).

Copy of the transfer order dated 24.09.99 is annexed herewith and marked as ANNEXURE-I to this petition.

13
Nager Ch. Della

(iii) That the applicant begs to state that some interested agencies are working behind the back of the applicant for wrongfull gain and the authority concerned also for malafide intension to transfer the applicant without following any procedure which is against Govt. circular dated 27.01.98 about posting of husband and wife at the same place /station. The relevant portion of the circular is quoted herein below:-

"Pursuant to acceptance, by the Govt. of the recommendations of the Fifth Central Pay Commission on the subject it is reiterated that the Railway Administrations etc. should strictly adhere to the existing instructions referred to above while deciding on the request for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till the children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no Administrative problems are expected to arise as a consequences".

(iv) That the petitioner begs to state that the above impugned transfer order has been passed on a conspiracy of North-East Frontier Railway Mazdur Union (NFRMU) as the applicant had done good deeds for the staff and on 28.10.99 the employees filed an appeal before the General Manager (P), N.F. Railway, Maligaon for cancellation of the transfer order dated 24.09.99. In their appeal it has been clearly stated

stated the performance of the applicant and the conspiracy of NFRMU broadly.

Copy of the appeal/reoreschtation dated 28.10.99 is annexed herewith and marked as ANNEXURE-II to this petition.

(v) That the applicant begs to state that he filed an application for review and revocation of transfer order dated 24.09.99 before the respondent No.2 stating difficulties and the conspiracy of NFRMU and prayed to maintain a status quo and safety of life, but no action has been taken. It needs to be mentioned here that his wife also filed an appeal through proper channel on 28.12.99 stating the difficulties faced by her as well as her elder son who is reading in class-X and her minor daughter who is about 9 years old and is reading in class-IV. The wife of the petitioner has operated in Apollo Hospital at Madras and the applicant also is a diabetes patient. She narrat and explained all the relevant difficulties before the authorities concerned and the above appeal/representation is also ~~being~~ lying before the respondents without any action and as such this application before this Hon'ble Court.

Copy of the discharge certificate issued by the Apollo Hospital on 07.07.97 is annexed herewith and marked as ANNEXURE-III and a copy of the prescription memo showing diabetes report of the applicant is annexed herewith and marked as ANNEXURE-IV.

A copy of the appeal dated 28.12.99 filed by the

by the wife of the applicant is annexed herewith and marked as ANNEXURE-V and also the remainder copy is annexed herewith and marked as ANNEXURE-VI to this petition.

vi) That the applicant begs to state that the impugned transfer order is not tenable in law as such the above transfer order is against the Govt. Circular and as such liable to be set aside and quashed and the applicant may be allowed to continue as APO/GHY at Maligaon, Guwahati.

vii) It needs to be mentioned ~~that~~ here that the applicant has not handed over charge to anybody and nobody come to take over charge from him, he is till today working at Guwahati as APO. He could not go to Lumding due to diabetes high pressure and final examination of his son ~~is~~ approaching by ~~the wife of the applicant~~. The wife of the applicant also operated at Apollo Hospital at Madras and the doctors advised her not to take heavy work and as such ~~why~~ she requires the help of ~~her~~ husband.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

I) For that the respondents with malafide intention adopting pick and choose policy by the impugned office order dated 24.09.99 ignoring the departmental rules/guidelines/norms and hence the impugned order is liable to be set aside and quashed for the ends of justice.

II) For that the authority concerned had not followed the Para 3 of the Govt. Circular specifically mentioned for posting of husband and wife at the same place/station.

Narinder Deka

This aspects of the matter is ^{not} considered by the respondents and as such the impugned order is liable to be set aside and quashed.

III) For that the authority concerned with a malafide intention, transferred the applicant for wrongful gain as some interested agencies are working behind the back of the applicant and as such the impugned transfer order dated 24.09.99 is unconstitutional, improper, void and, as such, liable to be set aside and quashed.

IV) For that in any view of the matter no procedure was followed as per Rule/guidelines/norms and ~~xx~~ of the Govt. circular and as such the impugned order is liable to be set aside and quashed.

V) For that the procedure followed in the case is contrary to law and the same has resulted in failure of justice. And as such the impugned order is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that there is no other alternative and/or efficacious remedy available

available to him than to prefer the instant application, under the peculiar facts and circumstances of the case.

7. MATTER NOT PREVIOUSLY FILED OR PENDING IN
ANY OTHER COURT:

The applicant further declares that he has not provisionally filed any application, writ application or suit regarding the matter in respect of which this application has been made before ~~xxxxx~~ any court, or other authority or any other Bench of this Hon'ble Tribunal, not any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT:

Under the facts and circumstances of the case ~~xx~~ the applicant pray the following reliefs:-

- i) To set aside the transfer order dated 24.09.99 (Annexure-I).
- ii) To cancell or modification of the impugned order dated 24.09.99.
- iii) To direct the respondents to alter and/or modify and/or cancell the transfer order dated 24.09.99 and further direct to dispose of the appeal/representation

representations dated 28.10.99, 28.12.99, 29.09.99 and the
subsequent reminder dated 10-12-99

9. INTERIM ORDER PRAYED FOR:

Pending final disposal of the application, the applicant prays that the impugned order dated 24.09.99 (Annexure-I) may kindly be suspended with a further direction to ~~ask~~ protect the interest of the applicant.

10. PARTICULARS OF THE IPO:

I.P.O. No. : OG 457568

Date : 01.02.2000

Payable at : H.P.O.

11. LIST OF ENCLOSURES:

As stated in the Index.

Verification.....

1

VERIFICATION

I, Shri Nagen Chandra Deka, son of Late K.R. Deka, resident of Railway Quarter No. 180/B, East Maligaon P.O.-Guwahati-781011 within the district of Kamrup, Assam, aged about 44 years, I do hereby verify that the statements made in paragraph 1-2 to 6-7 are true to my knowledge and the statements made in paragraphs 4-5 are true to my legal advice and that I have not suppressed by any material facts.

And I sign this verification on this 2nd day of February, 2000 at Guwahati.

Nagen Ch. Deka
(Nagen Ch. Deka)

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ANNEXURE-I

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER NO. 16/99(PERSONNEL)

~~✓~~ The following transfers and postings are ordered with immediate effect:-

1. Shri P.G. Johnson, APO/Lumding is transferred and posted as APO/Guwahati.
2. Shri N. C. Deka, APO/Guwahati is transferred and posted as APO/Lumding vice Shri P.G. Johnson.

This issues with the approval of GM/NF Railway.

*Attested
P.H.A
1.2.2000*

Sd/- Illigible,
for General Manager(P)

No.E/283/130Pt.XV(0)

Maligaon, dt. 24.09.99

Copy forward for information and necessary action to:

- (1) CPO, CPO/A. (2) FA&CAO/EGA&PF/MLG. (3) DRM/LMG (4) GM/CON, MLG, (5) Sr.ARM/GHY, (6) DRM(P)/LMG, DAO/LMG, (7) APO/GHY & ADAO/GHY, (8) SECY. to GM, PS to GM, (9) Officers concerned, (10) Spare copies for P/cases.

for General Manager (P)

.....

ANNEXURE-II

To,
 The General Manager,
 N.F.Railway, Maligaon.

MEMORANDUM

Sub: Transfer of Shri N.C.Deka, APO/Guahati.

Sir,

With due respect and deference, the undersigned railway employees of Ghy Sub-Area with utmost constraint, convey to your honour our dismay and discontent over the sudden transfer of Shri Deka, APO/GHY.

1. In this connection, we have the honour to inform you that Sri Deka has been able to instil confidence and command faith and respect of the overwhelming number of railway employees of Ghy Sub-Area by dint of his commendable performance in up dating the year old staff claims and dues within three months of posting as APO/GHY and has also been able to detect huge amount of wrongfull and conspired over payments and wrong paymants to some railway staff, who could manage to draw these huge amount in collusion with concerned Senior Subordinates and a coterie of dishonest Estt. clerks under APO/Ghy, ranging to about ten lakhs. He has now taken further bold steps to recover the overpayment from concerned staff from their salaries in affordable monthly instalments.

2. Further, this is the first time in our service period that we have been given free access to the chamber of APO/Ghy to personally meet him and represent our representations receive immediate attention and prompt actions thereon.

3x In fine, we have no hesitation to vouch that we look upon him with full confidence as our genuine well-wisher and inspirer to perform our respective duties diligently as contended employees.

3. In concluding, we would humbly draw your personal attention to our joint appeal to you dtd. 20.07.99 (copy enclosed) in which we urged on you to transfer as few corrupt clerks of APO/Ghy, but on which no action has yet yet been taken by the Administration, on the contrary, this complaint inked these corrupt elements, who in collusion with the under of NFRMU hatched a conspiracy to Maligaon APO/Ghy and get him transfer from Ghy and accordingly they could fulfill it consequenting this transfer order of Sri NC Deka, APO/ GHY by CPO/MIG.

We would, therefore, urge upon your benign honour to issue early orders for cancellation of above transfer order thereby, permitting us to continue to have the benevolent service from our present APO/GHY and for which we shall remain as ever pray.

Yours faithfully,

Date Guwahati

28.10.99.

1. Dimbadhar Sutradhar
2. AM Chakraborty
3. Dipak Bose
4. Dimbeswar Das
5. Krishna Mohan Acharjya.
- 6.

DISCHARGE SUMMARY

UNIT

: OBSTE. & GYNAECOLOGY

I.D.NO: 517627

NAME

: MRS. MANJU DEKA

ROOM NO: 11.

ADDRESS

: RLY QR NO 180/B

AGE : 38 YRS

EAST MALIGAON GUWAHATI

SEX : FEMALE

KAMRUP ASSAM.

CONSULTANT

: DR. D.VASANTHI, MD DGO.,

DATE OF ADMISSION

: 01.07.97

DATE OF SURGERY

: 02.07.97

DATE OF DISCHARGE

: 07.07.97

(13 days after)

+ 6

DIAGNOSIS

: Pelvic tumor

PROCEDURE DONE

: Laprotomy - Excision of Large pelvic
Tumor - Right ovariotomy with infra
colic omentectomy.

History:- Chief complaints of distension of abdomen - since one year. No history of vomiting. No history of pain abdomen. No history of loss of appetite or weight. No history of bowel or bladder disturbances.

No history of diabetes mellitus.

No history of hypertension.

No history of coronary artery disease.

Past history :- Nothing significant.

Personal history :- No smoking / chewing tobacco.

Physical history :- good.

Relevant Family history :- Nothing significant

Apollo Hospitals

....2

21, GREAMS LANE, MADRAS-600 006,
PHONE: 8277447, 8274749

On examinations :- Weight 86 kgs. No pallor, No cyanosis, no clubbing, No oedema feet, Oral cavity - Normal, Lymphnodes - Not palpable. Temperature - Normal, Pulse 86/mins, B.P - 140/100mm of Hg. CVS - NAD, RS - NAD, Abdomen - over distended, tense not tender, fluid thrill ++, mass could not be palpable because Abdomen is tense. CNS - NAD.

Operation Notes:

NAME OF THE PROCEDURE :- LAPROTOMY - EXCISION OF LARGE TUMOR WITH OMENTECTOMY.

Under endotracheal general anaesthesia with continuous cardiac monitoring abdomen opened by pfannenstiel incision.

Findings :- About 2 litres of straw coloured ascitic fluid drained. There was a large mass occupying entire abdomen, containing dark coloured fluid and some papillary excrescence. Mass was free from adhesions except in one area where omentum was adherent. Mass was seen attached to anterior abdominal wall and utero vesical fold of peritoneum on right side. Mass was excised completely. Omentum was inspected and found to have few seedlings omentectomy was done. Haemostasis secured uterus had a fundal fibroid, (3 x 4cm). Both tubes and ovaries normal. Neckel's diverticulum +, Abdomen closed in layers. Leaving 2 drains in the pelvis. Skin sutured with 3-0 vicryl. Ascitic fluid sent for cytology. Mass and the omentum sent for HPE. 1 unit of A1 positive. Blood given post operatively.

Treatment Given :- Inj. Magnamycin 1gm IV twice daily, after test dose given for 3 days. 1 units of blood given in the immediate post operative period. Ryles tube hourly aspiration.

....3.

hourly done. Oral fluids started on II post operative day. Liquid diet on III post operative day. Since the haemoglobin was 6.2gm% on II post operative day. 2 Units packed cell transfusion given. Drain removed on 8th post operative day.

Cap. Ceftum 250mg. twice daily for 2 days given.

Tab. Voveran 1tab. twice daily for 2 days given.

Tab. Bidanzen forte twice daily for 2 days given.

Tab. Rantac 150mg. twice daily for 2 days given.

Cap. Becosules 30. 1cap. once daily for 2 days given.

Post operative period uneventful.

Condition at the time of discharge :- General condition good. Per abdomen - soft, wound healing well. No discharge, PV.

DISCHARGE ADVICE :-

1. To avoid bending and lifting heavy weight for 6 weeks.

2. To continue Cap. Ceftum 250mg. twice daily for 3 days. (1-0-1)

3. Tab. Bidanzen forte twice daily for 7 days. (1-0-1)

4. Tab. Rantac 150mg. twice daily for 10 days. (1-0-1)

5. Cap. Febec - Z once daily for one month. (1-0-0)

T. KETANOV one as required for pain

4. 16
6 vials. Sheldak once daily for one month. (N.R.A.G)

7. To review with Dr. Vasanthi after one week later after 6 weeks.

Rachna Misra
DR. GEETHA
Sr. Resident in Gynaecology.

26
DR. D. VASANTHI
Consultant Gynaecologist.

l.f.



A no. 4

श्रीष्टा परिवार हुखी परिवार/SMALL FAMILY HAPPY FAMILY

६० चौ. रेलवे/N. F. Railway

बार० बी० मे०/R. B. MED/P 6
६० ली० पट०/N. L. M. 6

चिकित्सा विभाग/Medical Department

बुखार चर्चा/Prescription Memo

अस्पताल/Hospital
दवाखाना/Dispensary

क्रम नं०/Sl. No. 3672

N. C. Deka

कर्मचारी का नाम और विभाग/Name of employee and department

उम्र/Age

लिंग/Sex

शाशित का कर्मचारी से जल्दी/Relationship to employee if dependent

आधित का पेशा यदि हो/Occupation if any of dependent

कर्मचारी का पदनाम और विभाग/Designation of employee and department

A.P.O / M.G.

पता निवास स्थान/Address (Res.)

वेतन/Pay

दिनी/Date

दाखिल/Admission

निदान/Diagnosis

शारीरिक/Date

टिप्पणी और स्वचार/Notes and Treatment

आधार/Initial

B.P. 200-
110

mm of Hg

R

- ① Tab Alz. 500 mg
- ② Sip. Lax. at bed time
- ③ Tab. Alz. 500 mg
or Recepents
- ④ Sip. Lax. 50 mg

दोष
लाइ
19/11/00

To,
The General Manager,
NF Railway, Maligaon,

(Through Proper Channel)

Sub: Review and revocation of transfer order
of my husband Sri NC Deka, APO/GHY.

Ref: GM(P)/MLG's O.Order No.E/283/130/Pt.XV(0)
dated 24.09.99.

Sir,

I have the honour to submit my following representation before you for your kind and sympathetic consideration:-

1. My husband Sri NC Deka, APO/GHY who had preferred two appeals on 29.09.99 and 10.12.99 to revoke the transfer order in consideration of the facts elucidated therein. But still now no order from your honour to stay the transfer order from Guwahati to Lumding yet been received.
2. My husband a diabetes high blood pressure patient. Now he under the treatment of Railway Doctor and under sick list. He requires intensive care to control the level of high blood sugar.
3. Myself undergone surgical operation in the abdomen in the Apollo Hospital, Madras and advised to refrain from lifting heavy weight and not to undertake any heavy domestic

domestic works. There is no other male members, hence I require husband help for day to day domestic works.

4. My eldest son is reading in Class-X and he will go to appear final school examination.

5. My 9 years old daughter is reading in Class-IV.

6. In terms of GM(P)/MLG's Circular No. MISC-1586
No.E/283/6(c)Pt.III
dated 27.01.98 the husband and wife may invariably be posted together in order to enable them to lead a normal family life and after the welfare of the children.

Incidentally it is also mentioned here that other officers in the Personnel Department/NF Rly. are allowed to remain in one seat for 5 to 6 years. It is mysterious why my husband has been transferred from the post of APO/Training to APO/GHY after one year where is no sensitive matters to be dealt with. Again after 4 months he has been transferred from APO/GHY to Lumding although he did good for the administration.

But due to some extraneous pressure by some vested interest my husband again been transferred to Lumding. The canes who were very active against my husband will get a very favourable scope to harass him by some wild and false allegations and thus they would physically harm him resulting

resulting loss of life at Lumding. This will also lower his prestige and dignity because it is linked on the lease-less complaint by unruly/corrupted staff.

In the premises as stated above I would request your honour to be kind enough to consider my case sympathetically by keeping aside the transfer order of my husband from GHY to Lumding.

With profound respect.

Yours faithfully,

(Manju Deka)

Hd. Clerk, CPO's Office,
NF Railway, Maligaon.

Dated 28.12.99.

To
The General Manager,
N.F.Railway,
Maligaon

Ans 6

21/3

Sir,

Sub: Review and revocation of Transfer order.

Ref: My appeal dated 29.9.99.

I have the honour to submit my following representation before you for your kind and sympathetic consideration :

1) That I have already submitted my above quoted appeal dated 29.9.99 requesting your honour kindly to review my transfer order from Guwahati to Lumding as APO and to revoke the same in consideration of the facts elucidated therein. But still now no order from your honour to stay the transfer order from Guwahati to Lumding has yet been received.

2) That in the mean time I have received tele-threatening voices from some one who identified himself as belonging to the Mazdoor Union. The back ground of threatening to my life is due to the fact that the TXR, Mechanical and Electrical staff of Pit line at Guwahati station had resorted to stoppage of work in the Guwahati Pit line on 12.10.99. DRM/LMG vide his No.E/CON/LM/200/99 dated 14/20-10.99 ordered for one day's pay cut on 12.10.99 for "no work no pay". Accordingly, one day's pay cut on 12.10.99 was made from the concerned staff. This pretext was taken by the Mazdoor Union to ignite the employees who have consequently lashed out threat to my life on phone. The matter has been reported to DRM/LMG vide my enclosed copy of letter dated 01.12.99.

It may be mentioned here that it appeared from confidential letter No.M-CON/GHY/1 dated 14.10.99 from CDO/GHY to DRM/LMG that Shri Durga Dutta, SE/TL/GHY, who is office bearer of N.F.R.M.U. organized the tool down strike on 12.10.99 in the Guwahati Pit line for which train running was disrupted for ten hours. But no action has been taken against Sri Dutta for such illegal strike.

3) That I may be excused to mention that the President and General Secretary of Promotees officers' Association had taken up the matter for review and revocation of my transfer order by the administration. The matter still to receive consideration by the administration.

4) With a view to carry out the transfer order I had a discussion with Sr.DPO (Sri Rabha)/LMG who gave me to know that the Lumding Branch of N>F.R.M.U. had made an objection in writing urging the Sr.DPO/LMG not to allow me to spare from Guwahati to facilitate my joining at Lumding. In such an inciting and uncongenial environment engineered by the recognised Union viz. N.F.R.M.U. it will be a life risk on my part to join at Lumding as APO.

As your honour is well apprised of the facts that APO's job is staff relation and in such situation organised labourers' Co-operation is most essential. As I am a loyal

contd.

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officer with twin objective of Labour Welfare and safeguard of administrative interests the latter principle is not acceptable by the hard-liners of the N.F.R.M.U. who are bent upon to harm the interest of the administration at their cheapest popularity.

5. It may be recalled here that in the 16th century the then General Manager/N.F. Railway Shri Reddy had to become victim of conspiracy of alleged Lady scandal by false and fabricated episode hatched by N.F.R.M.U because he wanted to stop drainage of Railway revenue and to impose fiscal discipline. Also Mr. Thakur the then DPO/LMG [Now DPO/TSK] was manhandled by N.F.R.M.U members while he was holding an informal meeting with them in the chamber of APO/GHY. An inquiry was instituted and the final report was submitted before 5 months earlier to the administration but no action has been taken against the accused staff due to N.F.R.M.U's pressure. Also those indulgences are encouraging the militant section ~~from~~ staff. > of

The N.F.R.M.U is always pursuing a hoodwink policy against the administrators of the Rly. They by hook or crook pursue a path of appeasing a militant groups of their organization. Hence, with a view to highlight their pronounced war against officers they by this time took up my case as preferred and lodged a FIR with the police fabricating some false incidence. Not only that even they raised issue of my transfer order to LMG in the last PNM meeting to double their pressure on the administration to materialise the same to receive herangs from their members. The administration is requested to judge the entire matter on purely judicious angles.

6. As an officer I am duty bound to serve anywhere at the behest of the administration. But in the present transfer case I have become victim of conspiracy by the N.F.R.M.U Leaders as I have done my sincere and loyal duty to stop the onslaught of false OTA/NDA bills etc.

- i) There was gross irregularities in sanction of leaves, recovery of over payment inspite of absentees lists. I have stopped the irregularities and restored fiscal disciplines saving huge Govt. money. This infuriated the interested quarters who begun to hatch conspiracy against me. The false allegation is the culmination caused to surface by them.
- ii) Large amount of revenue squeezed out by illegal OTA/NDA bills were detected and the money were backed to Govt. exchequer.
- iii) Dehydrant in office discipline viz. Short/friendly leaves, irregularity in leave accounts and improper salary deduction due to various advances were detected and the same were set right. The offending staff were infuriated and clubbed together to hatch conspiracy against me. The N.F.R.M.U whose some of the colleagues fell victim of the irregularities took the banner of the said union to strengthen their conspiracy against me.

7. It has become habitual option on the part of N.F.R.M.U. to fall upon a sincere loyal and credential officer by labelling of obnoxious and fabricated allegations to materialise their heinous activities a-like the one as mentioned under para (5) above. The lady (Mrs. K.Devi, Sr.Clerk) whose activities were stated in details in my earlier enclosed. Copy of appeal dated 29.9.99 even she did not release DCRG money of two staff (Retired) without taking bribes. Copy of their complaint are enclosed. The said

contd.

union and their man hatched a conspiracy against me by involving me in the alleged women misbehaviour and thereby caused the administration to succumb to their pressurised demand to transfer me from Guwahati as APO to protect their corrupt member.

8) My life has become risky on the ground that N.F.R.M.U. central leaders has been pressuring the administration to transfer me to Lumding as APO but their branch at Lumding has opposed my transfer to lumding. In such a situation it is not possible on my part to work at Lumding.

9) The administration has not done justice to me as I have been transferred thrice in a tenure of 3 years but other officers in the personnel department are allowed to remain in one place for 5 to 6 years even though there was so many complaints against them which were investigated by Railway Board's vigilance department. Why I was transferred from APO/Training post within one year [posted APO/GHY] where there is no sansative staff matters to be dealt with. I could have been allowed to work there without disturb. Again after 4 months I have been transferred from APO/GHY although I did good for administration.

10) In the premises as stated above I would request your honour to be kind enough to consider my case sympathetically as under :

- i) Your honour is fervently urged upon to save me from the grab of conspiracy hatched by the N.F.R.M.U by keeping aside the transfer order from Guwahati to Lumding as APO and to arrange to maintain status quo in this regard for the safety of my life.

With profound respect,

Yours faithfully

DA: As above.

Dated 10/12/99

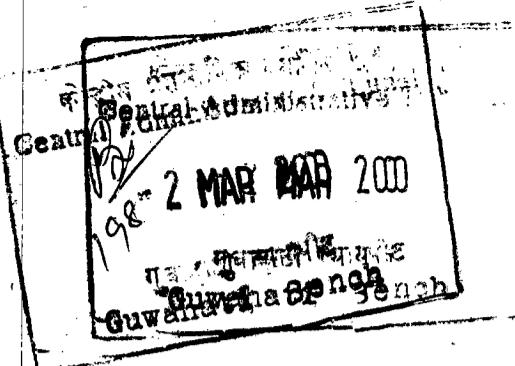
(NAGEN CH. DEKA)
APO/GUWAHATI

Copy to : 1. CPO/MLG | for information and necessary action please.

2. DRM/LMG

DA; As above.

(NAGEN CH. DEKA)
APO/GUWAHATI



THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. 40 of 2000

Shri Nagen Chandra Deka ... Applicant

- Versus -

Union of India & Ors. ... Respondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

The Respondents beg to state as follows :

1. That the Respondents have gone through the copy of the application and have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the O.A. are categorically denied. Further the statements which are not borne on records are also denied and the Applicant is put to the strictest proof thereof.

PRELIMINARY SUBMISSIONS

1. That the transfer order which is under challenge in the O.A. has been issued in the administrative and larger public interest and there is nothing wrong in it. Same is not founded on any malafide exercise of power or in violation of any statutory provisions. This is precisely the reason as to why the Applicant has not alleged any malafide and/or violation of any statutory provisions while making a challenge to the said transfer order. The Applicant has already completed about four years of his tenure as APO at Guwahati and there are many officers of his rank in far away



- 2 -

Divisions who wish to get posted at Guwahati. The Applicant was promoted to the gazetted cadre as APO in the year 1996 and he has been continuing as such since then. His initial posting as APO was at Maligaon, Guwahati as APO (G&S) and APO (Training) from where he was posted as APO, Guwahati. Be it stated here that all the twelve officers promoted in 1996 to 1999 were given first postings in gazetted cadre outside the headquarter of N.F. Railway i.e. Maligaon/Guwahati. Such postings are called field postings and a gazetted career is best groomed when field experience is picked up at the earliest possible stages. However, in case of the Applicant, he did not have any such field posting and remained in Maligaon, Guwahati as APO (G&S) and APO (Training). The impugned order was issued on administrative ground and this cyclic order has already been given effect to before passing the interim order of suspending the same on 11.2.2000 inasmuch as the other incumbent viz. Shri P.G. Johnson, APO, Lumding has already joined as APO, Guwahati on 2.12.99. However, the Applicant reported sick with effect from 3.12.99 when said Shri Johnson assumed charge of the post of APO, Guwahati on 2.12.99 by which time the impugned order of transfer already stood implemented. However, the Applicant firstly on ground of illness and thereafter on the ground of the interim order passed by this Hon'ble Tribunal has not joined at Lumding causing administrative inconvenience. Accordingly, the interim order dated 11.2.2000 is required to be clarified and/or modified/vacated.

PARAWISE REPLY

2. That with regard to the statements made in paragraph 4(i) of the O.A. it is stated that while mentioning his transfer and posting as APO, Guwahati on 12.5.99, the Applicant has cleverly omitted to mention that he has been continuing in Guwahati since January 1996, firstly as APO (G&S) and APO (Training) at Maligaon, Guwahati from where he was posted as APO, Guwahati on 12.5.99. Thus by now the Applicant has completed four years of his tenure as APO at Guwahati. In this connection, it is stated that other APOs including the seniors of the Applicant are desirous of getting posted at Guwahati after having served in field areas. The Applicant is yet to serve in field areas which is a must for a gazetted officer in the rank of APO inasmuch as such career is best groomed when field experience is picked up at the earliest possible stages.

3. That with regard to the statements made in paragraph 4(ii) of the O.A., it is stated that the impugned order of transfer dated 24.9.99 was issued in administrative interest and there is nothing wrong in it. The Applicant kept on making representation till the end of November 1999 to give him some more time enabling him to join at Lumding. Such requests were made to the superior officers verbally.

4. That with regard to the statements made in paragraph 4(iii) of the O.A., the answering Respondents categorically deny the allegations and the Applicant is put to the strictest proof thereof. The

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contentions/allegations raised by the Applicant are all vague and indefinite and do not disclose any material particular. The allegations that some interested agencies are working behind the back of the Applicant for wrongful gain and that the authority concerned also for malafide intention to transfer the Applicant has issued the impugned order, is categorically denied. As already stated above, the Applicant was given the first gazetted posting at Maligaon, Guwahati Complex as APO (G&S). His second and third assignments as APO (Training) and APO, Guwahati were also kept in the same complex so that he remains with his wife working at Maligaon. having completed four years of gazetted tenure in Maligaon, Guwahati Complex, the Applicant should have no objection in moving out on transfer to Lumding or any other Division. As far as the circular dated 27.1.98 about posting of husband and wife at the same station is concerned, the wife of the Applicant can always apply for her transfer to Lumding and such a request can be considered by the Railway administration on administrative ground.

5. That with regard to the statements made in paragraph 4 (iv) of the O.A., the allegations made therein are categorically denied and the Applicant is put to the strictest proof thereof. The impugned transfer order has been issued in administrative interest and there is nothing wrong in it. The contentions raised in the so called appeal are all baseless and the Applicant cannot espouse his cause through a so called representation purportedly submitted by some employees.

6. That with regard to the statements made in paragraph 4(v) of the O.A., while denying the contentions raised therein and reiterating and reaffirming the statements made hereinabove, it is stated that the alleged conspiracy is non-existent. The difficulties mentioned by the Applicant are all faced by all the employees and the same cannot be a ground to remain posted at Guwahati for all the times to come. As already stated above, the Applicant has already completed four years of tenure at Guwahati Maligaon Complex and his transfer to Lumding is in public and administrative interest which will also enable the Applicant to earn field experience.

7. That with regard to the statements made in paragraph 4(vi) of the O.A., the contentions raised therein are categorically denied. The Applicant cannot have a claim on the post of APO, Guwahati or APO, Maligaon. He has already enjoyed his home tenure for four years since January 1996 and he has to make way for others who wish to come to Maligaon Guwahati Complex from far flung areas. The other incumbent viz. Shri Johnson has already taken over charge of the post of APO, Guwahati and has been working as such with effect from 2.12.99. The impugned order is not against any Government circular as alleged by the Applicant. The statements made by him are vague and indefinite to the core of it.

8. That with regard to the statements made in paragraph 4(vii) of the O.A., while denying the

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contentions raised therein, it is further denied that the Applicant is still working at Guwahati as APO, Guwahati which is out and out a false statement. As already explained above, the other incumbent from Lumding has already joined at Guwahati on 2.12.99 and the Applicant reported sick with effect from 3.12.99. The impugned order is a cyclic one and was issued way back in September 1999 (24.9.99) and the Applicant ought to have carried out the same. When the same was not carried out, the other incumbent had no alternative than to assume the charge of the post of APO, Guwahati on 2.12.99 which fact is well aware to the Applicant. However, the same has been suppressed by the Applicant from his Hon'ble Tribunal and there is no mention of this position and thereby he has misled this Hon'ble Tribunal but for which the interim order dated 11.2.2000 would not have been passed.

9. That none of the grounds taken under para 5 of the O.A. merits consideration and on those grounds the reliefs sought for by the Applicant cannot be granted.
10. That the answering Respondents submit that the O.A. is bad for non-joinder of necessary parties and also liable to be dismissed on ground of suppression of material fact. In any case, the O.A. is devoid of any merit and no interference is called for from this Hon'ble Tribunal.
11. That under the facts and circumstances stated above, the O.A. is liable to be dismissed with cost.

Verification.....

VERIFICATION

I, SUNIL KUMAR SOOD, aged about 43 years, son of SRI RAM KUMAR SOOD, presently working as CPO/A of the N.F. Railway administration, do hereby solemnly affirm and verify that the statements made in paragraphs _____ are true to my knowledge ; those made in paragraphs _____ are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I am also competent and authorised to sign this verification on behalf of the Respondents.

And I sign this verification on this the _____ th day of March 2000.


Sunil Kumar Sood
CHIEF PERSONNEL OFFICER
NORTHEAST FRONTIER RAILWAY
MALIGAON :: GUWAHATI-11.
FOR SELF & ON BEHALF OF
UNION OF INDIA.

Chief Personnel Officer
Northeast Frontier Railway
Gauhati-781 011

Central Administrative Tribunal

199 16 MAR 2000

Regd. 1st Regd. 1/2

Guwahati Bench

INT THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

GUWAHATI.

IN O.A. No. 40 OF 2000

Shri Nagen Chandra Deka ... Applicant.

- Versus -

The Union of India & Others

... Respondents.

A Reply to the Written Statement
filed by the Respondents.

The humble reply on behalf of the
applicant abovenamed -

MOST RESPECTFULLY SNEWETH :

1. That a copy of the written statement filed on behalf of the Respondents has been served upon the applicant and the applicant has gone through it and understood the contents thereof.

2. That with regard to the statements of facts as made in the preliminary submission, the applicant begs to state that the applicant was posted as A.P.O. at Guwahati on 12.5.99. From the record it appears that after 4 (four) months, i.e., on 24.9.99 he has been transferred from Guwahati to Lumding without any rhyme and reason though he has done a lot for the Railway Department including realisation of Rs.20,000,000/- (Twenty lakh) which was due from the Railways staff and which were long pending. Being aggrieved by the outstanding works rendered by the applicant, the Union could not tolerate as because of the members of the Union

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(2)

Not
in
order

were affected and on the basis of which D.O.Letter No. DO(E/CON/LM-3(NCD) dated 19.8.99 was issued under the portion signature of D.R.M., Laming relevant of which is quoted below :-

"I find that since his posting Shri Deka has unearthed serious cases of over payment, payment against LMP, payment of NDA to ineligible staff, wrong payment to power controllers etc. in GHY area. He has naturally created enemies by this. While Shri Rakhal Dasgupta, President, NFRMU may be objecting to his continuation, I wish to point out that Shri Kalita, President of the Employees' Union in a special meeting with me on 31.7.99 at GHY requested for Shri Deka to continue for his good work."

It appears that the life of the applicant becomes miserable and the above transfer order has been passed in the interest of Shri Rakhal Dasgupta, President of the NFRMU in order to safeguard the interest of the Union Members and not in the interest of the Railways Deparyment. Further it appears from the record maintained by the applicant that the officers who are junior to the applicant at serial Nos.14 to 16 are working in the same place. Moreover, so many officers in the Headquarters and Division are working on and from 1.1.1993 onward in the same place and in the same seat having not been transferred whereas the applicant being senior has been transferred for three times within a period of three(3) years causing immense harassment to the applicant.

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A photocopy of the papers of posting of A.P.S. in the Headquarters and Divisions who are working in the same seat and place for more than 6/7 years is annexed herewith and marked as Annexure-X to this reply.

3. That the applicant further begs to state that on 2.12.99 there was a restricted holiday which was availed by the applicant with prior permission and sanction of the competent authority but unfortunately on that day, i.e. on 2.12.99 from afternoon he had fallen sick requiring medical treatment under the Railways Doctor.

A photocopy of the medical certificate dated 2.12.99 is annexed herewith and marked as Annexure-A.

4. That on 31.12.99 the Divisional Railway Manager, Laming via communication No.E/APO/GMY/LMG(O)/NCD dated 31.12.99 has recognised the applicant as the A.P.O., Guwahati.

5. A photocopy of the communication dated 31.12.99 is annexed herewith alongwith the supporting documents and marked as Annexures-B, B1 & B2.

5. That the applicant begs to state that there was no handing over and taking over of charge till today as per the Railways Rules between the applicant and Mr.Jensen but when the applicant was posted at Guwahati on 12.5.99 he took over charge from Shri S.R.Nandy, A.P.O., and as such, the applicant is still holding the charge of A.P.O., Guwahati

which is evident from the recognition of the Divisional Railway Manager, Lumding as per his communication dated 31.12.99.

A photocopy of the handing over and taking over of charge dated 12.5.99 is annexed herewith and marked as Annexure-C to this reply.

7. That the applicant begs to state that the authority concerned with malafide intention to harass the applicant with the groups of Union people without following any procedure got Mr.PG Johnson transferred to Guwahati only after completion of one year service= at Lumding. But till today as per the documents he has not joined and there is no handing and taking over charge as per the Railways Service Rules. Some interested quarters hatched out a conspiracy by showing that Mr.PG Johnson had joined on a restricted against the norms though the applicant and Mr.PG Johnson are working in the same division, and as such, the preliminary submission raised by the ~~Opposecne~~ respondents is totally vague and without jurisdiction, unconstitutional, unfair, discriminatory and malafide as the respondents have adopted a pick and choose policy.

8. That with regard to the statements made in paragraphs 1 to 11 of the parawise reply, the applicant begs to state that the statements made in O.A.40/2000 and the prayer made thereunder is more genuine and correct and the parawise statements of the Respondents are totally false, fabricated, afterthoughts and disputed, and as such these are denied by the applicant.

9. That the applicant begs to state that his son Shri Ritik Deka is going to appear in the Final C.B.S.E.Examination to be commenced from 3.3.2000 and that his wife is ailing and is

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under constant medical treatment of the Railways Doctor, and as such, the applicant at this stage is not in a position to go to Laming.

Photocopies of the Admit Card of C.B.S.E.Exam and the Medical Certificate are annexed herewith and marked as Annexures-D and E to this reply.

8. That it is under this circumstances the applicant is not in a position to join at Laming and the order dated 11.2.2000 passed by this Hon'ble Court does not require any alteration and/or modification and/or vacation.

It is therefore prayed that the interim order dated 11.2.2000 passed in OA No.40/2000 requires no alteration and/or modification and/or vacation, and the applicant may be allowed to work as A.P.O at Guwahati as ordered earlier; and/or pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

And for this act of kindness the humble applicant as in duty bound shall ever pray.

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VERIFICATION

I, Shri Nagen Chandra Deka, son of Late K.R.Deka, resident of Railway Quarter No.180/B, East Maligaon PO Guwahati-781011 within the district of Kamrup, Assam aged about 44 years, do hereby verify that the statements made in paragraphs 1-2 are true to my knowledge and the statements made in paragraphs 3-7 are true to my legal advice and that I have not suppressed any material facts.

And I sign this verification on this 3rd day of March, 2000 at Guwahati.

Nagen Ch. Deka

(Nagen Chandra Deka)

Posted APs in the Guwahati Area

<u>S.I.No.</u>	<u>Name</u>	<u>Date of posting in Guwahati Area and till date working</u>
1.	Sri S.R. Nandi	01-9-93
2.	" K.K. Biswas	30-9-93
3.	" K.R.P. Nair	06-10-93
4.	" A.K. Roy	28-12-93
5.	" J. Rabi Das	24-1-94
6.	" A.K. Sen	13-6-94
7.	" N. Misra	28-2-95
8.	" S. Chakraborty	28-2-95
9.	" A. Chakraborty	28-2-95
10.	" A. Sengupta	01-3-95
11.	" D.C. Bhattacharjee	Feb/96
12.	" G. K. Kalati	23-1-96
13.	" A. Sengupta	01-2-96
14.	" B. Sarma	17-1-96)
15.	" S.K. Barse	15-10-96) They are junior to
16.	" P.K. Das	9-10-96) Shri N.C.Deka hence they may be transfer

In the Division working more than 4 to 5 yrs.

LMG Divn.

1.	Sri A.K. Dey	20.5.94	↳ Bit Mr. J. ns-n
2.	" N.B. Das	18.1.96	} working in the } ING Div. Only } one year for } giving fever } he has been } transferred to } Guwahati. Moreover } Mr. J. ns-n petty } junior to Sri } Deka

Contd..2

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(2)

Katihar Divn.

1. Sri D. Kamat	Sept/93
2. " P.K. Ghosh	20-1-96
3. " J.C. Das	25-10-96

Only Local people transferred for example.

1. Sri Rajen Ray AP/NEQ (Local people of New Bongaigaon has been transferred to Tinsukia from New Bongaigaon after 1½ yrs.)
2. Sri N.C. Deka AP/GHY has been transferred after 4 months.

N.F.RLY.
MEDICAL DEPARTMENT.

FORM NO. N.F.RLY-59
RB-Med/C-II.

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS.

No: 122

To be filled in by the Name: Nager d. Alka
applicant in the presence of appointment APD/Alka
Divisional/District or Age: _____
Assistant Medical Officer.

1. Mr. Divisional/District/Assistant Medical Officer of N.F.Rly
Central Hospital/Maligaon Division/District/Sub-District after
careful personal examination of the case hereby certify that xxix
Sri Nager d. Alka APD/Alka
is suffering from Gastritis
and I solemnly and sincerely declare that according to the best
of my judgement a period of absence from duty is essentially
necessary for the recovery of his health and recommended that
he may be granted leave for a period of 10 days
month and 10 days with effect from 2.12.99 (Alka)

Office seal Sr.Divl/Distt/Msdtt.Medical Officer
Central Hospital/N.F.Rly/Maligaon
Date 2/12/99 Signature 12

NOTE:- (1). A certificate given by an Asstt. Medical Officer will be acceptable only if countersigned by the Divl. / Asstt. Med. Officer.

(2). The certifying Officer is not at liberty to certify that the applicant requires a change from or a particular locality or that he is no fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is also open to decide. When an applicant on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

(3). No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the railway servant under the terms of his contract or of the Rules of which he is subject.

1.6.99.

10

Annex. B.

(AD)

By Registered Post

50

N. F. Railway.

Office of the
Divil. Rly. Manager (P),

Lumding, dtg: 31/12/99,

No. B/APO/GHY/LMC(O)/NCD

To

Shri Naren Chandra Deka,
APO/GHY ("Under sick list")
180/B-East Maligaon,
Guwahati- 781011

Sub:- Rly. Medical sick certificate.

Ref:- GM(P)/MLG's letter No. 18 B/1/367 (O)
dt. 21/12/99

As intimated by GM(P)/Maligaon that the Rly. Medical sick certificate was issued to you under No. 122 dt. 2-12-99, has not been submitted to this office by you. However, your fitness certificate w.e.f. 6.12.99 (AN) No. 107 dt. 6/12/99 sent to this office by GM(P)/MLG.

Therefore DRM has advised you to submit Rly. Medical sick certificate in support of your sickness from 2/12/99 and also intimate "your" whereabouts from 7/12/99 onwards.

This may be treated as MOST URGENT

for Divil. Rly. Manager (P),
N. F. Rly. Lumding.

For Divil. Rly. Manager (P)
N. F. Rly. Lumding.

Happy New Year-2000.

To

General Manager (P),
DRM(P)/Lumding.

Sub: Railway Medical Sick Certificate.

Ref: 1) GM(P)/MLG's letter No.18E/1/367(O)
 dated 21/12/99.

2) DRM(P)/LMG's letter No.E/APO/GHY/LMG(O)/NCD
 dated 31/12/99 received on 6/1/2000.

Sir,

Reference above, it is to inform you that the Railway Medical authority has issued further medical sick certificate No.124 dated 6/12/99 for 15 days w.e.f. 06.12.99(AN) (copy enclosed) and same has been extended for 30 days (copy enclosed) vide No.133 dated 24/12/99.

This is for your information please.

DA: Two

Yours faithfully,

(NAGEN CH. DEKA)
APO/GHY.

Received

From

BII

RECEIVED

1. 12. 2000

RECEIVED

N.F.RLY.
MEDICAL DEPARTMENT.

12 FORM NO. N.F-M-59
RB-Med/C-II.

Annex B(2) 42
N.C. Deka
19.1.2000
SV

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS.

No: 196.

Name: N.C. Deka

To be filled in by the applicant in the presence of Appointment _____
Divisional/District or Assistant Medical Officer. Age: 43

1. Sr.Divisional/District/Assistant Medical Officer of N.F.Rly Central Hospital/Maligaon Division/District/Sub-District after careful personal examination of the case hereby certify that sixty

Sri N.C. Deka. APC/ADG/CHY is suffering from _____ and I solemnly and sincerely declare that according to the best of my judgement a period of absence from duty is essentially necessary for the recovery of his health and recommended that he may be granted leave for a period of 15 days month and 8 days with effect from 01.01.2000. Examination

Office seal Sr.Divl/Distt/Msrtt.Medical Officer
Central Hospital/N.F.Rly/Maligaon.
Date 19.01.2000 Signature N.C. Deka

NOTE:- (1). A certificate given by an Asstt. Medical Officer will be acceptable only if countersigned by the Divl./Distt/Med. Officer.

(2). The certifying Officer is not at liberty to certify that the applicant requires a change from or a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is also open to decide. When an applicant on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

(3). No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the railway servant under the terms of his contract of the Rules of which he is subject.

1.6.99.

N. F. RAILWAY.

In terms of office order No. 06/99 (Personal) circulated under GM(P)/MLG's No.E/253/130 Pt.XV(O) dated 29.4.99/3.5.99, we have handed over and taken over the charge of APO/GHY w.e.f.12.5.99.

AC
(S. R. Nandy.)
(Relieved Officer)

AC
(N. C. Deka.)
(Relieving Officer.)

No. E/GHY/EQ/99.

Dated : 12.5.99.

Copy forwarded for information necessary action to:-

- 1. GM(P)/MLG (2) All DRMs (3) Sr.DPO/DPOs
- 4. All PHODs (5) FA & CAO/EGA/MLG,
- 6. PS to GM (7) Secy. to GM (8) DGM(G)/MLG
- 9. Dy.PPO(G)/MLG, (10) SSE(P)/PNO, (11) EO/Bill/MLG.

AC
Asstt. Personal Officer,
N.F.Railway/ Guwahati.

केन्द्रीय माध्यमिक शिक्षा बोर्ड, दिल्ली ३४-३
CENTRAL BOARD OF SECONDARY EDUCATION, DELHI

ALL INDIA SECONDARY SCHOOL EXAMINATION 2000

प्रवेश पत्र संस्थागत परीक्षार्थियों के लिये
ADMISSION CARD FOR REGULAR CANDIDATES
(SHOULD BE PRESERVED BY THE CANDIDATE)

अनुमति संख्या (अंकों में) **3111259** जन्म तिथि Date of Birth **07/10/83** छाल नं. School No. **5026** परीक्षा केन्द्र संख्या Centre No. **3580**

अनुमति संख्या (शब्दों में) Roll No. (In words) **THIRTY ONE LAKH ELEVEN THOUSAND TWO HUNDRED FIFTY NINE ONLY**



परीक्षार्थी का नाम Candidate's Name
RITTICK DEKA

माता का नाम Mother's Name
MANJU DEKA

पिता का नाम Father's Name
NAGEN CHANDRA DEKA

जो कि निम्नलिखित विषयों का / की उत्तर/उत्तर है। of :

FACULTY HR SEC SCH AMINGAON GUWAHATI ASSAM

विद्यालय केन्द्र :

KALMURIYA VIDYALAYA MALIGAUN GUWAHATI ASSAM

निम्नलिखित विषयों में दोनों दो अनुमति दी जाती है। to appear in the subjects given below :

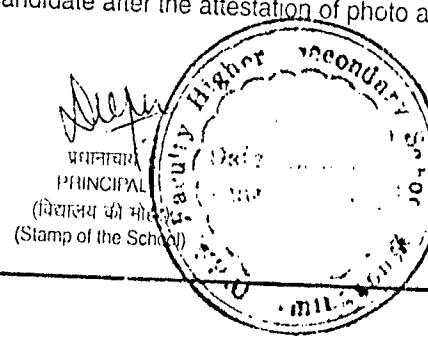
कोड CODE	विषय SUBJECT	विवरण DESCRIPTION	भाष्यम MEDIUM	पत्र PAPER	दिनांक DATE	समय TIME
087	SOCIAL SCIENCE	...	1.	03.03.2000	10:30 AM	
001	ENGLISH COURSE-A	...	1	07.03.2000	10:30 AM	
086	SCIENCE WITH PRAC.	...	1	15.03.2000	10:30 AM	
041	MATHEMATICS	...	1	22.03.2000	10:30 AM	
085	HINDI COURSE-B	...	1	27.03.2000	10:30 AM	

टिप्पणी : 1. परीक्षार्थी पूरे विवरण को ध्यानपूर्वक जाँच लें और यदि कोई त्रुटि हो तो यथाशीघ्र विद्यालय को सूचित करें।
NOTE : Candidate must check all particulars carefully and corrections if any be brought to the notice of the school immediately

2. यह कार्ड प्रधानाचार्य द्वारा फोटो एवं हस्ताक्षर साक्षात्कृत करने के बाद ही परीक्षार्थी को दिया जाए।
This card may be issued to the candidate after the attestation of photo and signature of the candidate by the principal

Rittik Deka
परीक्षार्थी के हस्ताक्षर

Full Signatures of the Candidate
(Not in BLOCK LETTERS)



परीक्षा नियम का
Controller of Examinations
केन्द्रीय माध्यमिक शिक्षा बोर्ड
Central Board of Secondary Education

टिप्पणी :

1. परीक्षा की तारीख का नियम देखनी भी देता है।
For dates and times of examination, please see the DATE column also.

2. परीक्षा के दोस्रा परीक्षार्थी को यह प्रवेश-पत्र अपने पास रखना चाहिये तथा परीक्षा केन्द्र के अधीक्षक या इस सबध में प्राधिकृत किसी अन्य व्यक्ति के माध्यम पर परस्तुत किया जाना चाहिए।
The candidate must keep this admission card at the time of Examination and present on demand to the Superintendent of Examination Centre or any other person authorised in this behalf.

3. नियमों को आवेदन पत्र में भरे हुए विषयों में से परीक्षा देनी है। अन्य विषय या कोर्स में परीक्षार्थी दो सालाना परीक्षा में नहीं देखने दिया जाएगा। विषय कोड का कोई गई शून्या न हो।
Candidate will be allowed to appear in the subject/course filled in by them in their application forms and given against each name in the list of candidates supplied to the centre. A candidate shall not be ordinarily allowed to appear in subjects/courses other than those given in the list.

15

45

16-170-471-3/4, 10, 58.883

KARACHI MEDICAL COLLEGE

गो विह रेलवे/N. S. Railway

медицинская служба/Medical Department

—“অসুস্থ” অনুবাদ/“SICK” CERTIFICATE

Unit/Serial No.

अविद्या का हस्ताक्षर वा वार्ता उन्हें किया गया लिखान

Signature or L. T.L. of Applicant..... John Dore

अस्पताल/Hospital

ANSWER/EXPLANATION

WATERTIGHT/Dispensary

If you can't read what I say I do hereby certify
that Cl is my true name.

Mr./Name of: M. Selle

पदानुसूल/Designation of Dr. Gul /

जाता वा वा विभाग/Branch or Department

जिवाली की जगह/Station where employed

विवर दस्तावेज़ साथ है और जो विवाह में शामिल हुए व्यक्ति के नाम है/Whose signature is given above and who is sick and unfit for duty.

४५ श्रीमद्भागवतः

20 days with effect from

28/2/2020

१८८५ वर्ष की भारतीय विद्यालय विद्युति विभाग

Signature of Railway m.

..... 82. 1920, 1923

Notwithstanding the fact that the U.S. Constitution is unenforceable, the U.S. Government has the power to do whatever it wants to do.

the condition to this extent that he will not be compelled to pay for any services rendered to the Company before the terms of his credit or of his labor in which he is engaged.