

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 404/2000  
R.A/C.P No.  
E.P/M.A No.

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SECTION OFFICER (Judl.)

*Sahib*  
22/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 404/2000

Sr. Lakhindan Shah . . . . . Applicant.

versus

Union of India & Ors . . . . . Respondents.

For the Applicant(s) Mr. G. P. Bhowmick,

A. Verma

R. Hazarika

S. Ray

For the Respondents.

R. G. Cairns

NOTES OF THE REGISTRAR

DATE

O R D E R

This application is in form  
but not in the Co. Location  
Petition is filed under the  
M. P. No. . . . .  
for the . . . . .  
IPO/ES No. 50 3 44  
Dated 2.1.11

My Registrar  
Dy. Registrar.

All requisition papers  
envelops are filed.

by  
27/11/00

Sgt. A. K. Jyoti  
27/11/00

Notice prepared and sent to  
D/S for issuing the response No  
1 to 5 by Regd A/D & by hand  
Vide D/O No 29/12/00 dated 11/12/00  
by  
28/11/00

1-1-2001

① Notice duly served  
on R. No. 1 & 2 (by hand).  
Other Respt. are still awaited.

② No. show cause has been  
filed.

pg

A. K. Jyoti  
27/11/00

23.11.00 Present : The Hon'ble Mr Justice  
D.N. Choudhury, Vice-  
Chairman.

Heard Mr G.P. Bhowmick, learned  
counsel for the applicant and Mr J. L.  
Sarkar, learned Railway standing  
counsel for the respondents.

Application is admitted. Issue  
usual notice. Call for the records.

List on 2.1.2001 for written  
statement and further orders.

Heard Mr Bhowmick, learned counse  
for the applicant on the interim  
order. Also heard Mr Sarkar, learned  
Railway standing counsel for the  
respondents.

Issue notice to show cause as to  
why the interim order as prayed for  
shall not be granted. Returnable by  
2.1.2001. Meanwhile, the respondents  
shall allow the applicant to run  
the Pan Dulla at Tinsukia Railway  
Station as was done earlier.

Vice-Chairman

2.1.2001 Four weeks time is allowed to the respondents to file written statement on the prayer of Mr.S. Sarma, learned counsel appearing on behalf of the respondents.

List on 31.1.01 for written statement and further orders.


  
Vice-Chairman

mk

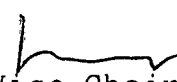
31.1. No s. is. Adjourned to 28.2.2001.

Mk  
A.K. Jais  
31.1.

No written statement  
has been filed

  
28.2.01

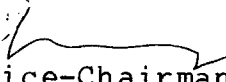
28.2.2001 Four weeks time allowed to the respondents for filing of written statement. List it on 4.4.01 for orders. Interim order shall continue.

  
Vice-Chairman

nkm

MS  
21/3/01

4.4.2001 Further four weeks time allowed to the respondents to file written statement. List for orders on 2.5.01.

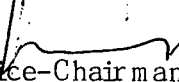
  
Vice-Chairman

nkm

Q.15. Passover to 4.5.2001.

Mk  
A.K. Jais  
25-

4.5.2001 Four weeks time allowed to the respondents to file written statement. List for orders on 8.6.01.

  
Vice-Chairman

nkm

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed. <i>By</i> <u>6.7.01</u>	8.6.01  mb	Mr. B.C.Pathak, Addl. C.G.S.C., asked for time to file written statement. List on 9-7-2001 for order.  <i>11.11.01</i> Member
No. written statement has been filed. <i>By</i> <u>16.8.01</u>	9.7.  11.7.01  lm	Adjourned to 11.7.2001. <i>mto</i> <i>A.K.S.</i> <u>9.7.</u>  No written statement so far filed. Mr.A.Chakraborty learned counsel on behalf of Mr.J.L.Sarkar learned counsel for the applicant prays for adjournment. Prayer is allowed. List on 17.8.01 for filing of written statement and further orders.  Vice-Chairman  By Order <i>A.K.S.</i> <u>11.7.</u>
No. written statement has been filed. <i>By</i> <u>18.9.01</u>	17.8.01  lm	Mr.J.L.Sarkar learned counsel appearing on behalf of the respondents prays for 4 weeks time to file written statement. Prayer is accepted. List on 19.9.01 for filing of written statement and further orders.  <i>11.11.01</i> Member
No. written statement has been filed. <i>By</i> <u>9.10.01</u>	19.9.01  mb	List again on 10/10/01 to enable the respondents to file written statement.  <i>11.11.01</i> Vice-Chairman
	14.12.01  lm	At the request of learned counsel for the applicant case is adjourned to 19.12.01 for disposal.  <i>11.11.01</i> Member

O.A. 404/2000

Notes of the Registry	Date	Order of the Tribunal
	19.10.01	List on 23.11.01 alongwith O.A. 403/2000. The respondents may file written statement within 3 weeks from today.
12.11.2001 W/S submitted by the Respondents.	pg 23.11.01	Prayer has been made on behalf of Mr. J.L. Sarkar learned Railway Standing counsel for adjournment of the matter. Prayer is allowed. List on 14.12.01 for hearing.
	lm 19.12.2001	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.
16.1.2002 Copy of the Judgment has been sent to the office for issuing the rule to the applicant as well as to the L/A for the Respondents.	nkm	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application 403 of 2000

With

Original Application No.404 of 2000.

Original Application No.405 of 2000

and

Original Application No.412 of 2000

Date of decision: This the 19th day of December 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

I. O.A.No.403/2000

Smt Sefali Mazumder,  
Wife of Late Nanigopal Mazumder,  
Barpathar, Missionpara,  
Tinsukia, Assam.

II. O.A.No.404/2000

Sri Lakhindar Shah,  
S/o Shri Munilal Shah,  
New Court Road,  
Tinsukia, Assam.

III. O.A.No.405/2000

Shri Ram Naresh Shah,  
S/o Late Janak Shah,  
Railway Colony,  
Tinsukia, Assam.

IV. O.A.No.412/2000

Shri Swapan Chowdhury,  
S/o Late Brajendra Lal Chowdhury,  
Pachim Sripuria,  
Tinsukia, Assam.

.....Applicants

By Advocates Mr C.P. Bhowmik, Mr A. Verma,  
Mr R. Hazarika and Mr S. Roy.

- versus -

1. The Union of India, through the  
General Manager,  
N.F. Railway, Maligaon, Guwahati.
2. The Chief Commercial Manager,  
N.F. Railway, Maligaon, Guwahati.
3. The Divisional Railway Manager (C),  
N.F. Railway, Tinsukia.
4. The Divisional Commercial Superintendent,  
N.F. Railway, Tinsukia.
5. The Manager Catering,  
N.F. Railway, Tinsukia.

.....Respondents

By Advocates Mr J.L. Sarkar, Railway Counsel and  
Mr H. Chakraborty.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

All these applications were taken up together since they involve common questions of law and similar facts.

2. The applicant in O.A.No.403/2000 is the wife and the applicants in the other O.A.s are the sons of Commissioned Vendors, since deceased, under the Railway Catering Unit. In these applications the applicants have sought for a direction on the respondents to engage them as Commissioned Vendors under the Railway Catering Unit on compassionate ground on the death of their husband and father respectively.

3. Mr A. Verma, learned counsel for the applicants, strenuously contended that the Railways being an authority is duty bound to consider the case of these applicants for engaging them as Commissioned Vendors.

4. Mr H. Chakraborty, learned Advocate appearing on behalf of Mr J.L. Sarkar, learned Railway Counsel, mainly questioned the maintainability of the applications apart from the other grounds raised in the applications. In my view the subject matter is beyond the jurisdiction of the Tribunal. The jurisdiction, power and authority of the Tribunal is delineated in the statute confining to the recruitment as well as service matters concerning the persons mentioned in Section 14 of the Administrative Tribunals Act, 1985. Service matters are defined in Clause (q) of Section 3 of the Act. Any other matter mentioned in Clause (q) is to be read ejus dem generis, i.e. and therefore, it must be analogous to any of the clauses mentioned under (i) to (v).

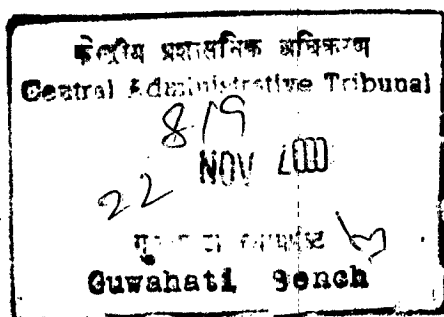
5. For the aforesaid reasons I accept the contention raised by Mr H. Chakraborty and this Tribunal has no jurisdiction to continue with the proceeding. The applications are thus dismissed, leaving it open to the applicants to take appropriate measure before the appropriate forum as per law. Considering the plight of the applicants, as a special case, the interim orders passed earlier shall continue for a month to enable them to take appropriate steps as per law.

No order as to costs.

Sd/ VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH  
AT GUWAHATI.

(An Application under section 19 of the Central  
Administrative Tribunal Act, 1985)



O.A. No. 404 OF 2000

Sri Lakhinder Shah... Applicant.

-Vs-

Union of India & ors... Respondents.

I N D E X

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Filed by

*J. Verma*  
Advocate.



Filed by:-  
Alok Verma,  
Advocate  
22.11.2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
AT GUWAHATI.

An application under section 19 of the Central Administrative Tribunal Act, 1985.

O.A. No. 408 of 2000

B E T W E E N

Sri Lakhinder Shah.

Son of Shri Munilal Shah

resident of New Court Road

P.O. P.S. and District Tinsukia, Assam.

.... APPLICANT

-Versus-

1. Union of India

Through the General Manager,

N.F. Railway, Maligaon, Guwahati- 11

2. Chief Commercial Manager/General

N.F. Railway, Maligaon, Guwahati- 11.

3. Divisional Railway Manager (C)

N.F. Railway, Tinsukia, P.O. Tinsukia.

4. Divisional Commercial Supdt.

N.F. Railway, Tinsukia, P.O. Tinsukia.

5. Manager Catering,

N.F. Railway, Tinsukia

P.O. Tinsukia...

RESPONDENTS

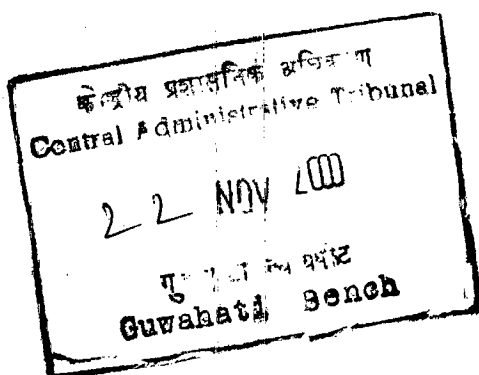
PARTICULARS OF THE APPLICATION

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

This application is not directed against any particular order but has been made for a direction from

on 29/12/2015

Contd.2...



honourable Tribunal for appointing the applicant as commission vendor Pan-dalla under catering unit Tinsukia N.F.Railway and to give him all other benefits at par with other commission vendors.

## 2. LIMITATION

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

## 3. JURISDICTION:-

The applicant further declares that the subject matter of the case is within the Jurisdiction of the Administrative Tribunal.

## 4. FACTS OF THE CASE :-

4.1. That the applicant is a citizen of India and as such he is entitled to the enforcement of his rights and privileges guaranteed under part-III of the constitution of India and other law of the land.

4.2. That the applicant in this application assails the illegal and arbitrary action of the respondents in depriving the applicant from his genuine claim of appointment as a commission vendor of Pan-Dalla under Catering unit in Tinsukia Railway Station .

4.3. That the applicants father ~~Munila~~ Munilal Shah w was initially a licensee of N.F.Railway with respect to a

Pan-Stall at Tinsukia Railway Station since the year, 1970. In the year 1984 the Pan-stall was taken up by N.F. Railway, to run departmentally by appointing commission New vendor under the Railway Catering unit. In this new arrangement the Vendor used to sell items provided by the catering Manager and they get commission on sell proceeding as per item the wise scheduled rate. This new arrangement was made in terms of CCS/G/MLG's Letter No.c/56/1/D/16/1 dated 7-10-83.

The respondent No. 3 time to time issued order engaging Munilal Sah, as commission Vendor at Tinsukia Station for Pan-Dala, mentioning the rate of commission viz,

On cigarette 2%

On pan 12%

On Packet food 2% etc.

4.4. That after the new arrangement the applicant's father became commission vendor under the catering Deptt. N.F. Railway, Tinsukia and got the Commission Vendor licence. He was running the business to the full full satisfaction of the Railway Authorities of Tinsukia and at no point of time he was disturbed by the Railway Authorities while renewal of his licence.

A few copies of renewal of the order of Engagement of Commission Vendor appointing further of the applicant are filed here to and marked as Annexure 'A' Series.

4.5. That in the year 1988 the applicant's father Munilal Shah had developed some mental problem and the

नरदी २११६

✓

- 4 - applicant was appointed as helper to his father by the Rly.Deptt. being the eldest son vide order No.33 dated 22-7-88 issued by the Divisional Medical Officer, N.F.Rly.Tinsukia. Suddenly in the month of July 1988 Munilal Shah left the house without any information and till date his where about is not known Under such circumstances the applicant on being allowed by the Respondent No.5 used to run the Pan-Dalla under the same terms and conditions and was depositing the sell proceeds and licence fee till the date without any break and in this manner he was running the Pan-Dalla upto the full satisfaction of the Railway Authorities in absence of his father and till date he is running the same.

केन्द्रीय प्रशासनिक मण्डल  
Central Administrative Tribunal  
22 NOV 1988  
गुवाहाटी Bench

A copy of the helper certificate dated 22-7-88 hereto and marked as Annexure 8B'.

4.6. That in this manner 7/8 years passed byt Munilal Sah did not return and he was not tracable then the applicant authority to engage him as a regular commission vendor in place of his father, but the respondent authority time to time gave the application the impression that the matter is under consideration and the also remained contended as he was alloed to run the pan-dalla as usual.

4.7. That on one such occupation when the applicant approached the Respondent they asked him to bring a Legal Heir Certificate. Your humble applicant obtained the same from the office of the Deputy Commissioner, District Tinsukia Vide Memo No.TAI.5/96/pt/175 dtd. 10-10-96 and submitted the same to the same in the office of the Respondents.

Contd.5.....

वरदी २१/१२

A copy of the Legal Heir Certificate dtd. 10-10-96 issued from the office of the Deputy Commissioner Dist. Tinsukia is filed hereto and marked as Annexure 'C'.

4.8. That after submission of the Legal Heir Certificate

an order was passed Vide Memo No.c/56/D/16/1Pt-II dtd. 17-4-97 by the Chief Commercial Manager/General Maligaon to the effect that the applicant will have to obtain a succession certificate as the Legal Heir. Certificate was not signed by Deputy Commissioner himself but by some one for Deputy Commissioner. In this way the case of the petitioner was kept under consideration for long by the Respondent authority.

देशीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
22 NOV 1997  
गुरुवाहा, बेंगलूर

A copy of the order dtd. 17-4-97 is filed here to and marked as An annexure 'D'.

4.9. That it is pertinent to mention that the Asstt. Manager Department of catering/Tinsukia, N.F.Railway. wrote a letter to the Chief Commercial Manager/Catering N.F. Railway, Maligaon, Recommending the name of the applicant for engagement as commercial Vendor vide letter dtd. 23-9-96 but formal order was not passed.

A copy of the letter dtd. 23-9-96 is filed hereto and marked as Annexure 'E'.

4. 10. That the applicant has made several representations through proper channel to the respondents and he made the last representation on 6-11-2000 but till date no action

Contd.6....

मन्त्रालय 22/11/97

has been taken by the respondents.

A copy of the last representation dtd. 6-11-2000 is filed hereto and marked as Annexure 'E'.

4.11. That the applicant begs to state that the said Pan-Dalla is the only source of livelihood and if the same is snatched away by the Railway Authority his whole family will come on the street and they will be bound to lead towards the valley of death.

4.12. That very recently your humble applicant could learn that the respondents are going to issue licences to fresh candidate depriving the applicant and some other similar places persons namely Sri Naresh Shah, Sefali Mazumder and Bakul Bala Choudhury etc. The Respondent No.4 verbally told them on 15-11-2000 that they will be totally disengaged soon.

#### 5. GROUNDS FOR RELIEF WITH LEGAL PROVISION

5.1. For that in-action on the part of the respondents in not engaging the applicant as commercial vendor (Pan-Dalla) is illegal and arbitrary.

5.2. For that ~~in-action-on-the-part-of-the-respondents~~ the applicant deserve to be engage as he is working since last 12 years.

5.3. For that non-engagement is violative of Article 14, 19 & 21 of the Constitution of India being arbitrary and whimsical.

Contd. 3....

22/11/00  
27/11/00

5.4. For that the applicant is entitled to the relief under the directive Principles of State Policy.

5.5. For that the applicant has served the respondents for long 12 years in the hope of setting the licence of commission Vendor (Pan Dalla) hence, any action of the respondents to deprive the applicant will not be tenable in the eye of law.

5.6. For that inaction of the respondents have resulted

in complete isolation of the constitutional mandate more particularly the Article 23 of the Constitution of India and laws frame there under.

5.7. For that action/in action on the part of the respondents have violated the various guide lines issued by the Govt of India.

5.8. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and they be directed to engage the applicant as commissioner Vender.

#### 6. DETAILS OF REMEDIES EXHAUSTED

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available.

#### 7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT.

The applicant further declares that he has not previously filed by application, writ petition or suit regarding

these grievances in respect of which this application is made before any other court or before any of the Bench of the Tribunal or any other Authority nor any such application, Writ petition or suit pending in any of them.

8. RELIEF SOUGHT FOR

In view of the facts and circumstances mentioned above the applicant pressed for the following relief:-

8.1. The engagement of the applicant as commission Vendor (Pan Dalla)

8.2. Costs of the application.

8.3. Any other reliefs the Honourable Tribunal may be pleased to grant.

9. INTERIM RELIEF PRAYED FOR

During the pendency of this application the applicant prays for the following interim relief.

9.1. A direction may be given to the Respondent to allow the applicant to run the Pan-Dalla at Tinsukia railway station.

10. This application has been filed through Advocate.

11. PARTICULAR OF THE IPO.

1. IPO NO. 26 503449

2. Date 21.11.2000

3. PAYABLE AT: Guwahati

12. LIST OF ENCLOSURES, As stated in the index

Verification...



VERIFICATION

I Shri Lakhinder Shah son of Munilal Shah  
aged about 32 years, the applicant do hereby solemnly  
declare that the Statements made in paragraphs

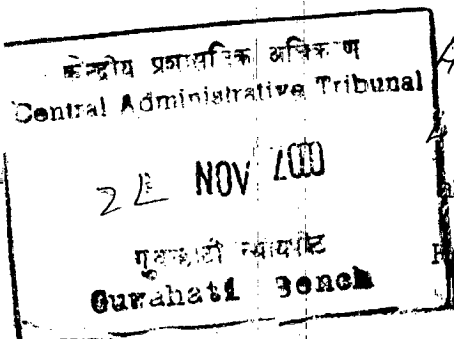
4.1 to 4.3 & 4.6 are true to my knowledge and those made in  
4.4, 4.5, 4.7 to 4.10 paragraphs are true to my information  
and the rest are my humble submission before this  
Hon'ble Tribunal.

I have not suppressed any material facts of  
the case.

And I sign the verification on this the  
day of November 2000.

*Shri Lakhinder Shah*

DECLARANT.



# ANNEXURE

A

-10-

H. F. RAILWAY

HO.C/Vending/Catg/Genl/13

Office of the  
Divisional Rly. Manager(C)  
Tinsukia:dt.27.10.83

To:  
Shri. Punnilal Sah,  
ex. Salesman of pandalla  
run by Shri B.P. Agarwala  
Tinsukia station at ofr.co.

Sub:-Engagement of Commission Vendor  
at Tinsukia station for pan-dalla.

In terms of CCS/G/HLG's letter No.C/56/18/D/16/1  
dt.7.10.83 you may be engaged as Commission Vendor  
for a period of 6(six) months purely on ad-hoc basis, provided  
you agree to deposit a sum of Rs.1550/- (Rupees one thousand  
five hundred fifty) only as licence fee due against the  
pan-dalla run by Shri B.P. Agarwala due for the period from  
1.7.78 to 31.8.83 and deposit another amount of Rs.250/-  
(Rupees two hundred fifty) only as security money. If the  
terms is accepted by you then amount mentioned above  
may please be deposited with SS/TSK & produce the money-  
receipt in original to this office for further action.

Divisional Commercial Supdt.  
H. F. Railway, Tinsukia.

Copy to: CWS/TSK in reference to CCS/G/HLG's above  
quoted letter for information and necessary action.

Copy to SS/TSK for information and necessary action.

Copy to CCS/G/Halgau for information. This has the reference  
to his letter mentioned above.

Divisional Commercial Supdt.  
H. F. Railway: Tinsukia.

Attested

Attested  
Rajib Hazarika  
Advocate

22/11/2017

# ANNEXURE

A 1

-11-  
19

Northeast Frontier Railway.

No. 456/2/16/1/Pf

To. Sher Muralal Sak

Com. Vendor

C/O ENR/TSK

Office of the  
Chief Commercial Supdt/Genl  
Maligaon :Gauhati-11.

Dated, the 11-11-1983

2/12

Sub :- Engagement  
Appointment of Commission vendor/Bearer on  
Commission basis at TSK

Ref :- Your application dated 12.9.83

..... engaged  
With reference to your application you are appointed as Commission  
..... Vendor (Tea-stall/Pan dala/Wheel-Barrow) for  
..... 6 (Six) months from 10.10.83 to 7.4.84  
on the following terms and conditions.

- 1) Your services may be terminated on any day without assigning any reason and without any notice.
- 2) You will be medically examined and if declared fit by the Railway Doctor TSK..... you will take over the work.
- 3) You will be given a commission @ 12% (twelve %) over the sales effected by you (except on the sales of Winced articles and 2 smokes). Commission @ 2% (two %) and @ 8 % (eight %) will be given over the sales effected by you on pan, cigarettes and cold drinks, respectively.
- 4) You may engage one/two helpers(s) after obtaining written permission from the Unit Incharge. All liabilities for such engagement of helper will rest upon you and the helpers shall be paid by you.
- 5) You and your helpers are to undergo Medical examination by a Railway Doctor and to be declared fit for the work.
- 6) You will personally manage the stall/dala etc. and your absence from the stall should be always with the written permission of the Unit Incharge.
7. You shall be directly under control and supervision of Catering/Inspector TSK..... and your sales proceeds will be opened for inspection and check by authorised Railway officials. Sale proceeds must be deposited to the Manager of the Catering Unit on requisite receipt granted in this behalf, whenever demanded.

contd...2.

Attested  
Lajib Dasariha  
Advocate  
22/11/2000

12-20

*engagement*

- 8). Your appointment as Commission Vendor on Commission basis does not confer on you any benefit or claim whatever, to be absorbed as a regular Railway employee nor this will establish your claim for further appointment in this Railway.
- 9). During the working hours, you will have to wear Railway uniform to be supplied by the Railway administration free of cost.
- 10). You will sell only the articles at a stipulated price which will be given to you by the departmental catering unit.
- 11). The average daily sale of the same is at present about Rs. 150/- you should maintain the present sale and try to promote the same.
- 12). Any substantiated complaint from members of public or staff will result in termination of your appointment as a commission vendor.

*engagement*

*for CHIEF COMMERCIAL SUPER (GENL.)*

Copy to :- 1). CI/Catering/ Tsk Departmental Catering Unit for information. *Shri Munali* has been appointed a Commission Vendor/ *Pandale* stall for a period of 6 (Six) months from 10.10.83 to 9.4.84. Please send him to DMO/ Tsk for necessary Medical Examination and inform the date of functioning the same. The party deposited an amount of Rs. 550/- (Rupees Two hundred fifty) as security money under receipt no. 098578 dt. 29.10.83 at Tsk.

*engaged*

Following persons stood sureties for the appointment :-

- 1. Shri *Rishna Komakya P/nen* PI 409560
- 2. Shri *Sew Pansal P/nen* PI 01703766

Copy to :- FA & CAO/S/ALC, SS/ Tsk DMO/ Tsk for information.

Copy to :- DCS/ Tsk for information.

*for CHIEF COMMERCIAL SUPER (GENL.)*

*Attested*  
*Rajib Hazare*  
*Advocate*  
*22/11/2007*

ANNEXURE

A2

13-

7

W.F. 10/4

no DO/TK/vendor/87

dt 28/1/87

To,

Sri. M. L. Shah.

Commissioner Vendor.

Dept. Catering/TK.

Sub: - Renewal of Licence for engagement of  
Commission Vendor at TK Station.

Ref: - G.M. (comm)/M.L.G's L/No. 9/56/27/6/1/87  
dt 22-1-87

With ref. to above the licence for  
your engagement as Commission vendor  
for data at TK is renewed for the  
period from 01/01/87 to 30/6/87. You  
are also advised to increase the value of  
the contract to target profit. Please your  
licence engagement considered. Renewal after  
30-6-87

Mamun/Cat/TK  
Joint Manager

Copy to: G.M./M.L.G. for information.

Mamun/Cat/TK

Joint Manager

Dept. Catering

TK Station

Attested  
Rajib Hazarika  
Advocate  
22/1/2000

FORM OF CERTIFICATE  
STATIONED BY  
ACTION DURING

N. P. RAILWAY

No. 33



STAFFS AT RAILWAY  
AND OR DEPARTMENT

SPECIAL DEPARTMENT

Dated: 22.7.88

I do hereby

Medical Officer Lakhinder Sah

employed as (Design.) helper of M. L. Sah

by (Name of Member) Sept Catany whose

signature/thumb impression has been attended in my presence.

I consider him fit/ unfit for such employment.

Date: 22.7.88

Signature: [Signature] 22/7/88

Name: Tinsukia

Designation: [Designation]

प. री. रेल, तिनसुकिया

Divisional Medical Officer

Signature/thumb impression of the employee: [Signature] Tinsukia

"None out witness" is not applicable.

Identification marks: one Scar mark on left foot

Screening done at TSI on 18.1.88 NAD

Attested  
Rajib Dasgupta  
Advocate  
22/7/2007

GOVT. OF ASSAM

OFFICE OF THE DEPUTY COMMISSIONER :::: DISTRICT TINSUKIA  
NO. TAI. 5/96/pt/175

Date :-10/10/96

LEGAL HEIR CERTIFICATE

This is to certify that the following persons are the only legal heirs of Sri Munilal Shah, resident of Railway Colony, Tinsukia Town, P.O. & P.S. Tinsukia, District Tinsukia, Assam, who remains disappeared since 1988.

Name	Relationship	Age
1. Smti Girija Devi	Wife	✓
2. Sri Lakhindra Shah	Son	
3. Smti Rita Devi	Daughter	
4. Miss Kabita Kumari	"	

For Deputy Commissioner,  
Tinsukia

Memo no. TAI.5/96/pt/175

Date 10/10/96

Copy to :- Sri Lakhindra Shah, son of Sri Munilal Shah  
for information with reference to his petition.

Attested  
Rajib Hazarika  
Advocate  
22/11/2000

For Deputy Commissioner,  
Tinsukia

# ANNEXURE

-16-  
2

No Fe Railway

NO-C/56/2/16/1/PT-II

Office of the  
Chief Commr. Manager/Genl.  
Maligaan, Guwahati-II  
dated 17/4/97

To,

Asstt. Manager (catering)  
Tinsukia Dept. catg. unit

Tinsukia

Sub:- Prayer for transfer  
of engagement licence  
to the legal heir of  
Commission vendor (Sri  
Munilal Shah) under TSK  
Dept. catering unit.

This has reference to your letter no-NIL  
dated 4-11-96 on the above subject. On going through  
the legal documents as submitted by the applicant Sri  
Lakhindere Shah, son of <sup>absconded</sup> ~~the~~ Commission vendor  
Sri Munilal Shah, it is observed that the "Legal Heir certificate"  
has been issued from the Office of the Deputy Commissioner/  
Tinsukia and signed by some one for Deputy Commissioner -  
which is not accepted as a proper and valid legal document.  
Law officer/MLG has opined that "Legal Heir Certificate" or  
"Succession Certificate" is required to be issued by District  
Judge Court or any lower court <sup>authorised</sup> to do such.

In view of the above, you are <sup>kindly</sup> advised to  
inform Sri Lakhindere Shah to obtain the legal documents  
as clarified above and to submit the same to this office  
early for necessary onward action.

Copy to

for Chief Commr. Manager/Genl.

Sri Lakhindere Shah, son of - Munilal Shah  
C/O AMRR/TSK, Dept. catg. unit, N.F. Railway  
for information please.

Attested  
Rajib Hazarika  
Advocate  
22/4/97

for Chief Commr. Manager/Genl.  
17-4-97



To  
Chief Commercial Manager/Catering  
N.F. Railway/Maligaon.

From:-  
Asst. Manager  
Deptt. Catering/TSK  
N.F. Railway

Sub:- Engagement licence of Com. vendor as  
a Commission basic under Deptt. cate-  
ring unit/TSK.

In reference to above matter Sri L. Shah  
son of Sri M.L. Shah, Ex. Commission ven-  
dor (Pandalla) under Deptt. catering unit/TSK  
whose licence was expired since 1st Janu-  
ary/1989. and he was drawn his commi-  
sion up to December 1988 as per record  
of catering unit/TSK. Hence his son Sri-  
L. Shah given an applt to engage him in  
his father's place as a unemployed poor-  
you/h. ~~there~~

Hence you are here by requested to do  
the needful and oblige there by.

Attested  
Rajib Hazanlis  
Advocate  
27/11/2000

(R. S. Ran)  
23/9/96  
Asst. Manager  
Departmental Catering  
N. F. Railway

To

CEM (a),

N.F. Railway, Maligaon.

Through: Proper Channel.

Sir,

Sub: Prayer for transfer of engagement Licence and appointment as Commission Vendor (Pan-Dalla) under Departmental Catering Unit / Tinsukia / N.F.Rly on compassionate/humanitarian grounds.

With humble submission I beg to state that my father Shri Munilal Shah ~~has~~ been running a Pan-Dalla on commission basis being engaged as Commission Vendor under Tinsukia Departmental Catering Unit since long. Unfortunately, my father <sup>has</sup> ~~has~~ been absconding since December, 1988 and his whereabouts ~~are~~ ~~but~~ have not been known to us till date. All our efforts to trace our father have failed and we have lost all hopes for his return.

Sir, the above Pan-Dalla was the only source of income to maintain our livelihood and consequently we, the family members of Shri M.L. Shah, consisting of four members are ~~still~~ facing great financial hardships in these critical days. (Gruical)

In view of the above, I, Shri Lakhinder Shah the only son of Shri M.L. Shah request your honour to transfer the engagement licence of this Pan-Dalla of my father in my favour and appoint me as a Commission Vendor in place of my father on purely compassionate and humanitarian grounds thereby saving a poor

- 19 -  
22

The relevant legal documents are enclosed herewith and hope your honour will be kind enough to consider my case and pass the favourable orders.

D.A. : As stated above.

Yours faithfully.

Dated, Tinsukia.

The ..... 1926.

(LAKHINDER SHAH)

S/O M.L. Shah,

Commission Vendor (Pan-Balk)  
Under Departmental Caty.  
Unit/N.F. Rly./Tinsukia.

Attested  
Rajib Hazarika  
Advocate  
22/11/2000

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22

Leena Sarma

In The Central Administrative Tribunal  
Guwahati Bench :: Guwahati.

O.A. NO. 404/2000

Sri Lakhinder Shah

- Vs. -

Union Of India & Ors.

In the matter of :

Written Statement on behalf of  
the respondents.

The respondents in the above case most  
respectfully beg to state as under :

1. That the respondents have gone through the original application and have understood the contents thereof.
2. That the respondents do not admit any statement except those which are specifically admitted in this written statement. Statements not admitted are denied.
3. That the respondents begs to state that the subject matter of the application is not within the jurisdiction of this Hon'ble Tribunal.
4. That in reply to the statements in para 4.5 it is stated that the applicant has stated in this application that his father was absconded from July, 1988 which is contradictory to the statement in his letter dated

ॐ नमो भगवते वासुदेवाय (सुभाषित)  
Dr. Chhot Comml. Manager/Genl  
१० सी० रेलवे, मल्लिकार्जुन  
M. P. Railway, Mallikar  
Guwahati-781011

Filed by the respondents  
moving to P. Chakrabarty  
12/11/2001

*Leena Sarma*

By the undersigned  
Dy. Chief Officer, Tinsukia  
to the Dy. Commissioner  
D. P. Baruah, Maligaon  
Buxar 781001

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4.11.96 that his father was absconded from December, 1988. The licence of Munilal Shah was expired on 31.12.1988. Thereafter the licence was not transferred nor the applicant was allowed to run the Pan Dallah.

5. That in reply to the statements in para 4.8 it is stated that the applicant submitted a legal heir certificate issued by Deputy Commissioner, Tinsukia dated 10.10.1996 but it was not accepted as the same was signed by someone for Dy. Commissioner. As such the applicant was advised by letter No. C/56/D/16/1/Pt.II dated 17.04.1997 to obtain a fresh legal heir certificate. But no fresh legal heir certificate was submitted by the applicant and hence the request of the applicant was rejected.

6. That in reply to the statements in para 4.10 it is stated that the representation dated 6.11.2000 has been received by the respondents.

7. That the respondents denied the statement made in para 4.12.

8. That in the facts and circumstances of the case the application deserves to be dismissed with cost.

Verification

I, Leena Sarma, working  
as dy Chief Commercial Manager, N.F.Rly, Maligaon, do  
hereby verify that, the statements made in the paragraphs 1  
to 8 are true to my knowledge.

Guwahati

/2001

Leena Sarma  
Signature

০৭ জুন ২০০১ সালে (০৭/৬/০১)  
দ্বা. চিফ কমার্শ. ম্যানেজার/সে.  
দ্বা. চিফ কমার্শ. ম্যানেজার  
N. F. Railway, Maligaon  
Guwahati-781001