

2/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 418/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1to. 3
2. Judgment/Order dtd 27.7.2001Pg. Xto. no separate order
withdrawn
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 418/2000Pg. 1to. 418/28
5. E.P/M.P.....Pg.to.
6. R.A/C.P.....Pg.to.
7. W.S.....Pg.to.
8. Rejoinder.....Pg.to.
9. Reply.....Pg.to.
10. Any other Papers.....Pg.to.
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Bahita
22/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 418/2000

Sr. Durbal Prasad & Ors. . . . Applicant.

Versus

Union of India & Ors Respondents.

For the Applicant(s) *Dr. H. Das, Sr. Adv.*
Mr. J. Tuluwan,
" M. Bhagwati.

For the Respondents. *R. Ly. Adv.*

NOTES OF THE REGISTRAR	DATE	ORDER
<p>This application is in form but not in form of Condonation Petition. It is filed vide M.F. No. . . . C.F. for Rs. 54/- . . . vide IPO/2000 No. 77/050. Dated 29.11.00.</p> <p><i>Dr. R. Ly. Adv.</i></p>	1.12.0	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Admit. Call for the records. Returnable by six weeks. List on 15.1.2001 for further orders.</p> <p>Issue notice to show cause as to why the Notice Nos. M/258/D/NGC/2, M/258/D/NGC/2 dated 18.10.2000, shall not be suspended until further orders.</p> <p>Meanwhile the aforesaid orders shall remain suspended.</p> <p><i>h</i> Vice-Chairman</p>
<p><i>Steps & envelopes in files.</i></p> <p><i>by 30.11.00</i></p> <p><i>Dr. R. Ly. Adv.</i></p> <p><i>Notice prepared and sent to Dr. Sec for issuing the respondents No 1 to 3 by Regd A.D. vide DING 3033 to 39 dtd 17/12/2000</i></p> <p><i>b</i> <i>6/12</i></p>	15-1	<p>No S.B. Adjourned to 17.1.2001.</p> <p><i>9/12</i> <i>15.1.</i></p>

17.1.01 Present : Hon'ble Mr. K.K. Sharma, Member (A).

Four weeks time is allowed for filing of written statement to the respondents. List for further order on 14.2.2001.

K.K. Sharma
Member

① Notice served by bus on R.No-2, other respondents are still absent.

② No. Reply has been filed.

By
16.1.2001

trd

Notice duly served on
R No 283. 18/01/01

(2)
O.A.No.418/2000

No. written statement
has been filed.

3/2/01

No. written statement
has been filed.

20.3.01

NO W/S has been
filed.

24/4/01

14.2.01

Heard learned counsel for the
applicant and also Mr. S. Sengupta
learned Railway Standing counsel for
the respondents. Mr. Sengupta pray s for
4 weeks time to file written statement.
Prayer is allowed. List on 21.3.01 for
orders.

h
Vice-Chairman

lm

21.3.01

List on 25.4.01 to enable the res-
pondents to file written statement.

h
Vice-Chairman

pg

25.4.2001

Three weeks time allowed to the respondents
to file written statement. List for orders on
18.5.01.

h
Vice-Chairman

nk m

18.5.01

Mr S. Sarma, learned counsel appearing
on behalf of the respondents prays for
3 weeks time to file written statement.
Prayer allowed.

List on 22.6.01 for further order.

h
Member

pg

22.6.01

No written statement so far filed.
List on 25.7.01 for filing of written
statement and further orders.

h
Vice-Chairman

lm

25.07.01

List again on 29-08-2001 to enable the
respondents to file written statement.

h
Vice-Chairman

pg

No. written statement
has been filed.

21.6.01

No. written statement
has been filed.

24.7.01

Notes of the Registry

Date

Order of the Tribunal

27.7.01

Mr. M. Bhagwati learned counsel for the applicant makes request to withdraw the application. Request is accepted. Application is dismissed as withdrawn.

K. K. Sharma
Member

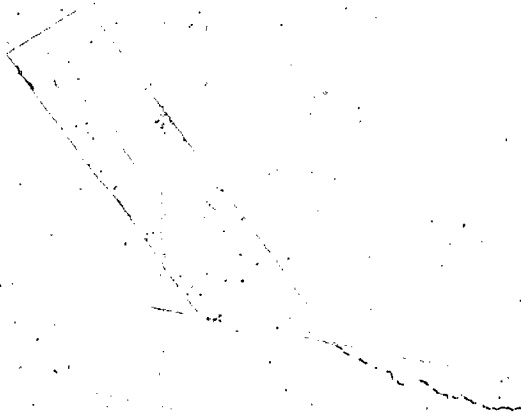
lm

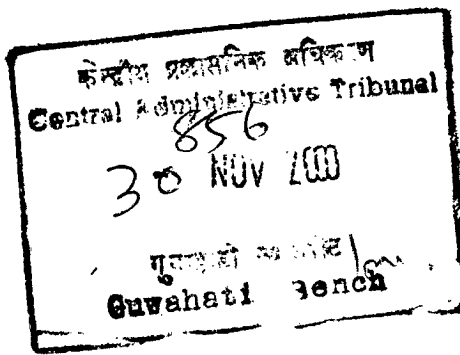
Copy of the order
dated 27.7.01 sent to
D. Section for issuing
of the same to the
learned Advocate for
the parties.

By
31.7.01

Notes of the Registry	Date	Order of the Tribunal
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1. The first of the...
of the...
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the...





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

O.A. No. 418 of 2000

Sri Durbal Prasad & ors.

.....Applicante.

-Vs-

Union of India & ors.

...Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Annexures</u>	<u>Page Nos.</u>
1.	Application		1-11
2.	Verification		12
3.	Order dated 18/10/2000	A, B, C & D	13-16
4.	Statements of imputation	E, F, G & H	17-20
5.	Memo of charger	I, J, K & L	21-24
6.	Copies of Representations	M, N, & O	25-28

Filed by

Jayanta Talukdar

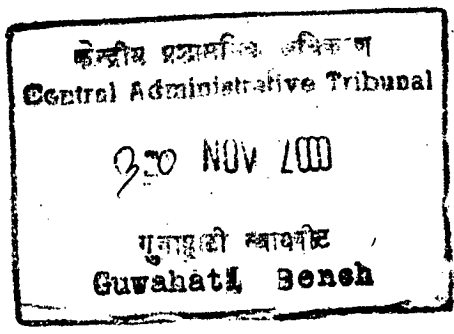
Advocate.

Durbal Prasad

*Filed by the applicants
through
Jayanta Kalukda
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

O.A. No. 418 of 2000



1. Particulars of Appicante :

- i. Shri Durbal Prasad (46 years)
son of Late Prayag Prasad,
VE-II/NGC,
Amingaon East Colony,
P.O. Amingaon,
District Kamrup (Assam).
- ii. Shri Gabrial Ekka (52 years)
son of late Josapl Ekka,
D/Mach/Gr.-I/NGC,
Railway Colony,
Bamunimaidan,
Guwahati-781 021.
District Kamrup (Assam)
- iii. Md. Wahed Ali (56 years),
son of late Alep Haji,
D/Elect/Gr-I/NGC
Railway Colony,
Bamunimaidan,
Guwahati-781 021,
District Kamrup (Assam).

02.

iv. Sri Keshab Chandra Das (& 35 years)
son of late
D/H Helper
Amingaon, Railway Colony,
P.O. Amingaon,
District Kamrup (Assam)

...Applicants.

-Versus-

1. Union of India,
Represented by Chairman, Railway,
Board, Railway Bhavan,
New Delhi.

2. The General Manager,
N.F. Railway,
Maligaon,
Guwahati-781 011.

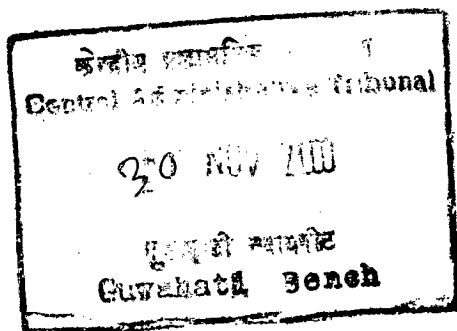
3. Senior DME (Diesel) NGC,
Bamunimaikan,
Guwahati-781 021

.....Respondents.

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE :

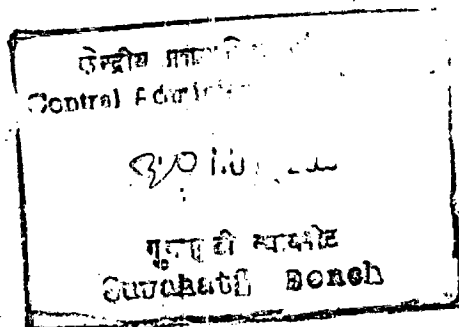
Order of cancellation of allotment of quarters
issued on 18/10/2000 being order No.M/258/D/
NCC/2 in respect of Sri Durbal Prasad, order

....3



03.

No.M/258/D/NCC/2 dated 18/10/2000 in respect of Sri Gabriel Ekka, order No. M/258/D/NCC/2 dated 18/10/2000 in respect of Md. Wahed Ali and order No. M/258/D/NCC/2 dated 18/10/2000 in respect of Sri Keshab Chandra Das (hereinafter called the impugned orders).



9
D
Prasad

JURISDICTION OF THE TRIBUNAL :

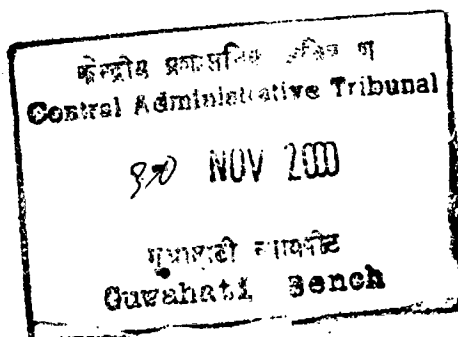
This application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

This application is within the period of limitation.

4. FACTS OF THE CASE :

- i. That all the applicants are employees of the Indian Railways and they are working under the NE Railway, Maligaon, Guwahati-781 011. *they have a common cause of action as per CAT procedure rule 1987 4(5) a(i).*
- ii. That the applicants were allotted quarters by the Railways and they have been occupying the Quarters, particulars of which are given below :-
 - (a) Sri Darbal Prasad,
Quarter No.E/G1 Type 3 at AMJ
Amingaon East Colony, P.O. Amingaon,
He has been occupying the quarter since 17/12/97.



04.

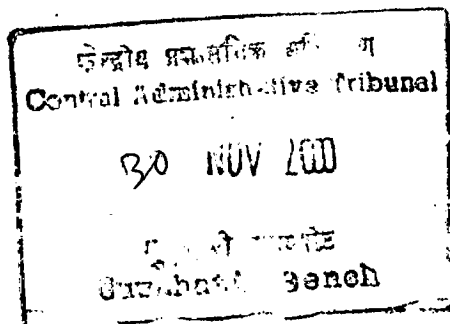
(b) Shri Gabriel Ekka,
Quarter No. 228/J Type II/NGC,
Railway Colony,
Bamunimaidan,
Guwahati-781 021,
Occupying since 18/9/95.

(c) Md. Wahed Ali,
Quarter No. 420/D Type II at NGC
Railway Colony,
Bamunimaidan,
Guwahati-781 021,
Occupying since 3/4/92.

(d) Shri Keshab Chandra Das,
Quarter No. T/6/B Type I at 26 No. AMJ
Amingaon Railway Colony,
P.O. Amingaon
Occupying since 30/4/2000.

Copies of the order dated 18/10/2000 cancelling
allotted quarters of the applicants are
enclosed and marked as Annexure-A, B, C and D
respectively.

iii. That all the applicants are in occupation
of their respective quarters, mentioned
above. They have been living in the said
quarters alongwith the their family members
since their respective dates of occupation
of the quarters.



05.

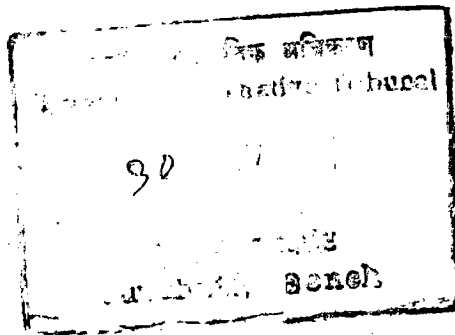
iv. That the applicants were shocked and surprised to receive memos from the Senior DME(Diesel)/NGC, in which it was stated that the applicants had subletted their quarters mentioned above.

As such, the allotment of quarter of the petitioners were cancelled and they were directed to vacated the quarters. The above notices issued to the applicants came as bolts from the plse to the applicants. They deny having subletted the quarters to anybody. The allegations is false and is not substantiated by any evidence.

Copies of the statement of impugnation of Misconduct of the applicants are enclosed and marked as Annexure E, F^G and H respectively.

v. That subsequently, the applicants received memorandum of charges for imposing minor penalties from the Respondents. The applicants also replied to the charges.

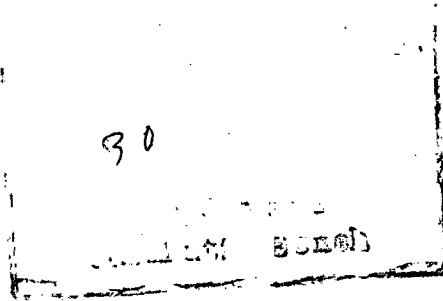
Copies of the Memo of chages of the applicants dated 23/10/2000 and 24/10/2000 and copies of the representation to the Memorandum of charges by the applicants are enclosed and marked as Annexure, I, J, K, L, M, N and O respectively.



06.

vi. That it is specifically mentioned here that prior to the order of cancellation of the quarters, the Respondents did not give the applicants any chance to prove their innocence. The order of cancellation was issued against the applicants ^{preemptively} ~~preemptively~~ and in an one-sided manner. The natural Justice demands that before taking any preemptive steps, the Respondents should have given a chance to the applicants to establish their innocence. However, nothing was done in this case, In order words, before issuing of the cancellation orders, no show cause notice, not even barest notice, was issued to the applicants. The chargesheet, that was given subsequently to the applicants, is like putting the cart before the horse. There can hardly be found a greater violation of principles of natural justice and fair play than the instant case.

vii. That the cancellation order of quarters will cause great hardship and difficulty to the petitioners. They are presently having families with their wives and children. They are lowly placed employees and they can hardly afford to life in the rented houses. As such, great hardship and difficulty would be caused to the applicants, if the cancellation orders stands.



13
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W
D
D

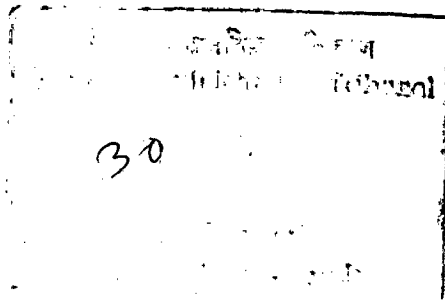
07.

viii That the applicants have been told by the Bill Clerk the apart from the cancellation of the allotment of quarters, they will be penalised in the form of money. Penalty would be imposed upon them and such penalty would be deducted from the salary with effect from the current month (November, 2000). Perhaps, deduction of salary is also sought to be done without any prior notice to the applicants .

ix. That the entire steps of the Respondents make of injustice, illegality and vindictiveness. It is, therefore, a fit case where your Lordships may kindly be pleased to intervene and interfere to protect the applicants interests of the ~~applicants~~ . More particularly, it has become incumbent that the Respondents are told not to give effect to the order of cancellation of the quarter and not to deduct any amount from the salary of the applicants.

5. GROUND WITH LEGAL PROVISIONS :

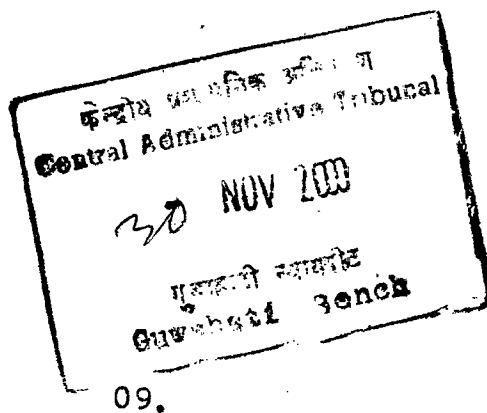
Being highly aggrieved by the impugned orders mentioned above, issued by the



08.

Senior DME(Diesel)/NGC, North East Frontier Railway, the applicants beg to prefer this application on the following amongst others, grounds :-

- I. For that before issuing the impugned orders, the Respondents did not care to issue any show cause notice to the applicants. As such, there has been gross violation of the principle of natural Justice and fair play.
- II. For that the applicants were all along in occupation of their respective quarters. They had never sublet their quarters to any one. Had the applicants been given a fair hearing, the whole truth would have come out. However, as the Respondents preferred to take a one-sided view, the whole truth did not come to light.
- III. For that the applicants are poor employees of the Railways. If they are now made to vacate their quarters, they will have to live on the streets, as they have no resources to hire for themselves any new accommodation.
- IV. For that the action of the Respondents has been unjust, unreasonable, illegal, and, therefore, cannot be sustained in law.



30
15
A

V. That in any view of the matter, the impugned orders are bad in law as well as in facts, and, therefore, the same are liable to be set-aside and quashed.

6. DETAILS OF THE REMEDIES EXHAUSTED :

No appeals against the orders of transfer, However, the aggrieved persons preferred representation before the Eastern command.

7. MATTER NOT PENDING BEFORE ANY COURT/TRIENAL :

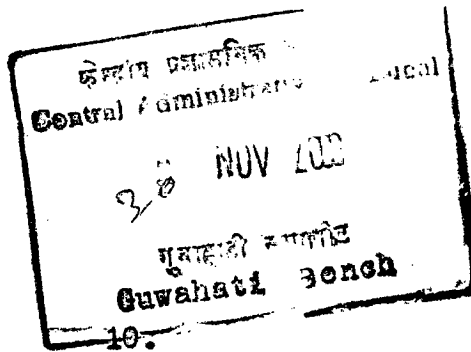
The applicants declare that they have not filed any application before any court or Tribunal for adjudication of this case. —

8. RELIEF SOUGHT:

The applicants therefore pray :-

- i. This Hon'ble Tribunal may be pleased to direct the Respondents not to give effect to the impugned orders and to cancel the said orders.
- ii. This Hon'ble Tribunal may kindly set-aside and quash the empugned orders.
- iii. This Hon'ble Tribunal may kindly direct the Respondents not to deduct any amount from the salary of the applicants by way of arrear rent or future rent or penalty.

Cancellation of
allotment
Guttedin Order
allowed



10
C
3
A

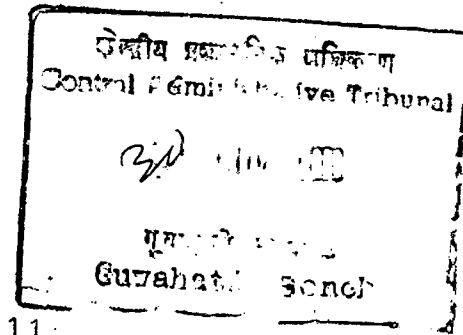
iv. This Hon'ble Tribunal may kindly pass any further and or other orders as may be deemed and fit and proper.

9. INTERIM RELIEF PRAYED FOR :

During pendency of the case the operation of the impugned order with respect to persons Shri Durbal Prasad, Shri Gabriel Ekka, Md. Wahed Ali and Sri Keshab Ch. Das and the order of cancellation of allotment of quarter issued on 18/10/2000 being order No. M/258/D/NGC/2 in respect of Sri Durbal Prasad, order No. M/258/D/NGC/2 dated 18/10/2000 of Sri Gabriel Ekka, order No. M/258/D/NGC/2 dated 18/10/2000 of Md Wahed Ali and order No. M/258/D/NGC/2 dated 18/10/2000 of Sri Keshab Ch. Das be stayed and direct the Respondents not to deduct any amount from the salary of the applicants and to impose penalty upon them.

10. PARTICULARS OF I.P.O. :

I.P.O. No.	: 6 G 771.050
Date	: 29/11/2000
TO WHOM PAYABLE	: The Registrar, Central Administrative Tribunal, Guwahati Bench
AT WHAT OFFICE	: G P O, Guwahati



11.

11. DOCUMENTS :

Details particulars of document are indicated in the Index of this application.

12. APPLICATION PRESENTED BY :

This application is to be filed through the advocate of the application.

..Verification...12

12.

VERIFICATION

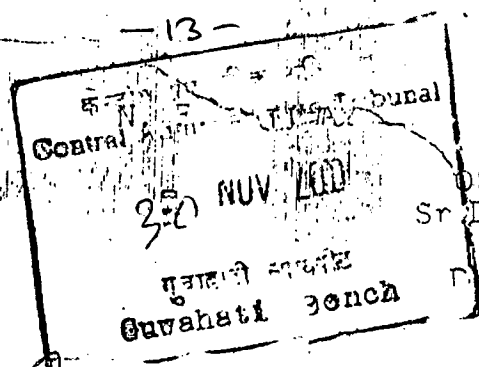
I, Shri Durbal Prasad, son of late Prayag Prasad, aged about 46 years, JE-II/NGC, Amingaon East Colony, P.O. Amingaon, District Kamrup, Assam, do hereby solemnly affirm to state as follows :-

1. That I am one of the applicant of this instant application and, as such, I am fully conversant with the facts and circumstances of the case and I swear this Affidavit on behalf of the other applicants of this matter.
2. That I am well acquainted with the facts and circumstances of this case. I have also authorised by the Union and the affected of this case to take necessary steps of this case.
3. The statements made in paragraph Nos. 2, 3, 4, 5, 6-12 are true to my knowledge and these are made in paragraph Nos. 1, 4 (iv), 4 (v) are matters of records, and the rest are humble submissions.

And I sign this verification on this the 30th day of November, 2000 at Guwahati.

Durbal Prasad

SIGNATURE



No. M/258/D/NGC/2

Office of the
Sr. D-5 (MISEL)/NGC

Dated 7.1.2008
18/10/20

To
Sri. Gurbal Phasad, JE DNGC

Sub:- Cancellation of allotment order of Fly. Qr.
No. E/61-type III at AMT

Ref:- Sr. DEN/ LG's letter No. G/3/15/Sub Dated
27/3/12. 28/8/2008

The Fly. Qr. No. E/61-type III which was allotted to you
vide this office allotment order 2/314/10 (GPA) 2513 Dated. 17/12/97
is subletted by you. This was communicated to this office
vide above referred letter.

In view of the above, the allotment order of the above
No. E/61-type III stands as cancelled with immediate effect from
12/1/20. You should hand over the quarter to SSE/1/NGC and
produce a clearance report regarding vacation of quarter ob-
tained from SSE/1/NGC to this office.

18/10

Sr. D-5 (MISEL)/NGC

Copy to:-

- 1) DGM/G/MLG } for information please.
- 2) Sr. DEN/MLG }
- 3) SSE/1/NGC }
- 4) CS/E - To arrange recovery of damage rent at the prevailing

rate from Sri Gurbal Phasad till such time
a clearance report regarding vacation of Qr. is
obtained and produced from SSE/Works/NGC.

Sr. D-5 (MISEL)/NGC

Certified to be True Copy

Palukda
Advocate

N. F. TAILOR

Office of the
Sr. D.E. (TISEL) / NGC

Dated 7.1.2000

18/10/2000

No. M/258/D/NGC/2

To
Sri. G. E. Laksh. R. / M. Ach. G. I. / NGC

Sub:- Cancellation of allotment order of Fly. Qr.
No. 228/J + type II / NGC

Ref:- Sr. DEN / LG's letter No. G/3/15/Sub Dated
27/3/12/99. 28/8/2000

The Fly. Qr. No. 228/J. type II which was allotted to you vide this office allotment order M/258/D/NGC/1. Dated. 18/9/95 is subletted by you. This was communicated to this office vide above referred letter.

In view of the above, the allotment order of the above Qr. No. 228/J. type II stands as cancelled with immediate effect. You should hand over the quarter to SSE / NGC and produce a clearance report regarding vacation of quarter obtained from SSE / NGC to this office.

Sr. D.E. (TISEL) / NGC

Copy to:

- 1) DGM/G/MLG for information please.
- 2) Sr. DEN / MLG
- 3) SSE / W / NGC
- 4) ~~SSE~~ - To arrange recovery of damage rent at the prevailing rate from Sri G. E. Laksh. R. / M. Ach. G. I. till such time a clearance report regarding vacation of Qr. is obtained and produced from SSE / Works / NGC.

Sr. D.E. (TISEL) / NGC

Certified to be true copy

G. Laksh. R.
Advocate

20/10/2000
at 1630 h.
21.00.97

-15

Annexure - C

N. F. TATILWAT

Office of the
Sr. DME (DIESEL) / NGC

No. M/258/D / NGC / 2

Dated 2.1.2002
18/10/21

To
Sri. W. Ali. D/Elect. Govt. / NGC

Sub: Cancellation of allotment order of Fly. Dr.
No. 420/B type II at NGC

Ref: Sr. DEN / LG's letter No. G/3/15/Sub Dated
27/3.12.99. 28/8/2000

The Fly. Dr. No. 420/B type II which was allotted to you vide this office allotment order M/258/D/NGC/1 Dated 2.1.4/92 is subletted by you. This was communicated to this office vide above referred letter.

In view of the above, the allotment order of the above Dr. No. 420/B type II stands as cancelled with immediate effect. You should hand over the quarter to SSE / NGC and produce a clearance report regarding vacation of quarter obtained from SSE / NGC to this office.

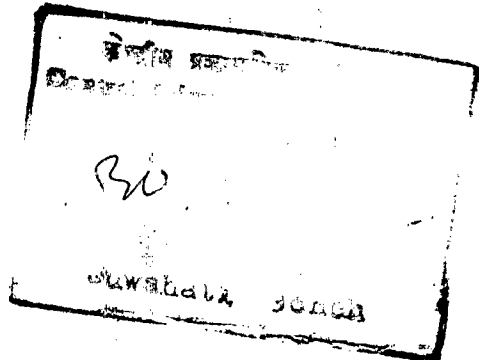
18/10

Sr. DME (DIESEL) / NGC

Copy to:

- 1) DGM / G / MLG } for information please.
- 2) Sr. DEN / MLG }
- 3) SSE / W / NGC }
- 4) CS / R - to arrange recovery of damage rent at the prevailing rate from Sri W. Ali. D/Elect. Govt. till such time a clearance report regarding vacation of Dr. is obtained and produced from SSE / Works / NGC.

Sr. DME (DIESEL) / NGC



Certified to be True Copy

Gulabdar
Advocate

N. E. RAILWAY

Office of the
Sr. DE (MISSEL) / NGC

No. M/258/D/NGC/2

Dated 7.1.2000

18/10/20

To
✓ Sri. Laxshab. Ch. Das.
o/helpr

Sub:- Cancellation of allotment order of Fly. Dr.
No. T/G/B + type T at RG NO. A MT

Ref:- Sr. DEN/ LG's letter No. G/3/15/Sub Dated
27.12.99. 28/2/2000

The Fly. Dr. No. T/G/B + type T which was allotted to you vide this office allotment order M/258/D/NGC/1 Dated. 30/4/2000 is subletted by you. This was communicated to this office vide above referred letter.

In view of the above, the allotment order of the above Dr. No. T/G/B + type T... stands as cancelled with effect from 3/5/20. You should hand over the quarter to SSE / WNGC and produce a clearance report regarding vacation of quarter obtained from SSE / WNGC to this office.

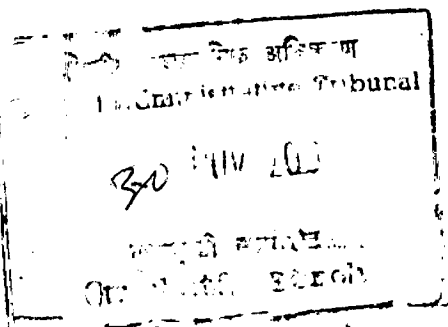
AMT

18/10

Sr. DE (MISSEL) / NGC

Copy to:-

- 1) DGM/C/MLG for information please.
- 2) Sr. DEN/MLG
- 3) SSE/WNGC - AMT
- 4) CS/E - to arrange recovery of damage rent at the prevailing rate from Sri Laxshab. Ch. Das... till such time a clearance report regarding vacation of Dr. is obtained and produced from SSE/Works/NGC.



Sr. DE (MISSEL) / NGC

Certified to be True Copy

Jalubda
Advocate

Annexure - E

Statement of Imputation of Misconduct

This office has been informed by Sr. Divl. Engineer
N.E. Railway, Maligaon vide his Letter No. G/3/15/Sub
dt. 28.8.2000 that Sri Surbal Prasad
Designation TE-D/NGE has subletted the Rly. Gr. No E/61
Type Data MT which was allotted to him.

This ten amounts to serious misconduct for which
he is charged.

22/10/00

प्रधर मंडल बान्तिम अभियंता (निजल)
पू.सी. रेलवे
Sr. Div. Mech. Engr. Maligaon
N.E. Railway, New Guwahati.

30

Certified to be True Copy

Jalukda
Advocate

Annexure - FStatement of imputation of Misconduct

This office has been informed by Sr. Divl. Engineer
N.F. Railway, Maligaon vide his Letter No. G/3/15/Sub Dated
16.8.2000 that Sri G. Eka -----
Designation C/Mech G2D has subletted the Rly. Qrs.
No. 228/T type D at NGC which was allotted to him.

This tantamounts to serious misconduct for which
he is charged.

As 24/10/2K
र. र. यान्त्रिक अभियंता (निर्भर) (विजल)
पु. सी. रेलवे स्ट. न. य. सी.
Div: Mech. Engine. N.F. Railway, New Gu
N.F. Railway, New Gu

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Certified to be true Copy

Advocate
Advocate

Annexure - G

Statement of imputation of Misconduct

This office has been informed by Sr. Divl. Engineer
E.P. Railway, Maligaon vide his Letter No. G/3/15/Sub Dated
16.8.2000 that Smt W. C. He -----
Designation E/Electrical ----- has subletted the Rly. Org.
No. 420/B type D at NGT which was allotted to him.

This tantamounts to serious misconduct for which
he is charged.

A-24/10/2k

For the Secretary (General)
Central Administrative Tribunal
Gauhati Bench

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal
१० NOV 2000
गुवाहाटी बेंच
Gauhati Bench

Certified to be True Copy

Halukha
Advocate

Annexure - H

Statement of Imputation of Misconduct

This office has been informed by Sr. Civil. Engr. N.F. Railway, Maligaon vide his Letter No. G/3/15/2000 dt. 22.8.2000 that Sri Irshab Choudhary Designation R/Helper has submitted the Report No. T/6/B type Talamt which was allotted to him.

This tantamounts to serious misconduct for which he is charged.

Aulamm
25/10/20

केन्द्रीय प्रशासनिक परिषद्
Central Administrative Tribunal
80 NOV 2000
गुवाहाटी बेंच
Guwahati Bench

Certified to be true Copy

Polukda
Advocate

Memorandum of Charge for imposing minor
penalties Rules 41 of 15, 1953, Rules, 1953.

No. M/258/D/NGC/2

Office of the Sd. M.E.D. NGC, of Railway Administration

Place of issue... NGC

Dated 22/10/74

MEMORANDUM

Shri Durbal Prasad, Designation JE/II/NGC

Office in which working SS/D/NGC is hereby
informed that the President Railway Board Undersigned proposes
to take action against him under Rule 41 of the Railway Servants
Discipline and Appeal Rules, 1953. A statement of the imputation
of misconduct or misbehaviour or which action is proposed to be
taken as mentioned above is enclosed.

2. Shri Durbal Prasad is hereby given an opportunity
to make such representation as he may wish to make against the
proposal. The representation, if any should be submitted by the
undersigned, through the General Manager
Rly., so as to reach the said General Manager
within ten days of receipt of this Memorandum.

3. If Shri Durbal Prasad fails to submit this repre-
sentation within the period of specified in Para 2, it will be
assumed that he has no representation to make and orders
will be liable to be passed against Shri Durbal Prasad
exparte.

4. The receipt of this Memorandum should be acknowledged by
Shri Durbal Prasad

(By order and in the name of the President)

22/10/74
प्रवर महेल यांत्रिक अभियंता (डिअल)
पू.सी. रेलवे वाहणी
Signature Mech. Engineer/Diesel
(N.E. Railway, New Guwahati,
V. Selvam

V. Selvam - Sd. M.E.D. NGC

Name and designation of the
competent authority.

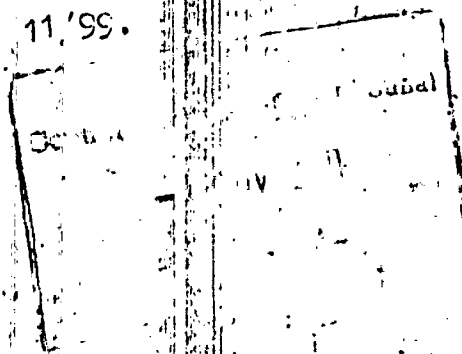
Shri Durbal Prasad JE/II, Name, Designation, Office
of the Railway servant. under SS/D/NGC

To be retained where this Memorandum is issued by the
Railway Board the President
where the President is the disciplinary authority.

Certified to be True Copy

Advocate

11/99.



Standard Form of Memorandum of charge for imposing minor penalties under Rule 11 of TS(D&A) Rules, 1960

No. M/258/D/NGC/2

Office of the S.D. M/NGC (Name of Railway Administration)
(Place of issue) NGC Dated 24/10/24

MEMORANDUM

Shri. G. Elaka (Designation) D/Mech. Gr. P

Office in which working SS/D/NGC is hereby informed that the President Railway Board (undersigned) propose(s) to take action against him under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. A statement of the misconduct of misconduct or misbehaviour or which action is proposed to be taken as mentioned above is enclosed.

2. Shri. G. Elaka is hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any should be submitted by the undersigned (through the General Manager) within ten days of receipt of this Memorandum.

3. If Shri. G. Elaka fails to submit this representation within the period specified in Para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri. G. Elaka exparte.

4. The receipt of this Memorandum should be acknowledged by Shri. G. Elaka

(By order and in the name of the President).

24/10/24
मंडल यान्त्रिक अभियंता (वि.प्र.ता.)
पु.सं. २७
D.V. Mech. Engineer / on/O c.
(Signature), New Gu. anu,
(Name) SS Chakraborty

SS. Chakraborty - DME/O/con

Name and designation of the competent authority.

To

Shri. G. Elaka D/Mech. Gr. P (Name, Designation, Office of the Railway servant). under SS/D/NGC

To be retained where ever this Memorandum is issued by the Railway Board the President.

Where the President is the disciplinary authority.

Certified to be true copy

Advocate

~~Standard form of Memorandum of Understanding~~
~~with the President of the Railway Board, Rules, 1950.~~

N. M/258/D/NGC/2

Office of the S.D.M.E/D/NGC, Office of Railway Administration
 Date of issue NGC Dated 24/10/2K

MEMORANDUM

Shri W. Ale (Designation) ~~D/Elect Genl~~
 Office in which working SS/D/NGC is hereby
 informed that the President Railway Board Undersigned proposes
 to take action against him under Rule 11 of the Railway Servants
 Discipline and Appeal Rules, 1950. A statement of the imputation
~~of misconduct or misbehaviour~~ on which action is proposed to be
 taken as mentioned above is enclosed.

2. Shri W. Ale is hereby given an opportunity
 to make such representation as he may wish to make against the
 proposal. The representation, if any should be submitted by the
 undersigned, through the General Manager
 Rly., so as to reach the said General Manager
 within ten days of receipt of this Memorandum.

3. If Shri W. Ale fails to submit this repre-
 sentation within the period of specified in Para 2, it will be
 presumed that he has no representation to make and orders
 will be liable to be passed against Shri W. Ale
 exparte.

4. The receipt of this Memorandum should be acknowledged by
 Shri W. Ale

महानगर न्यायालय
 महानगर न्यायालय

(By order and in the name of the President)

24/10/2K

संरक्षक दायित्व अधिकारी (निर्माण) (विजय)

 Div. Mech. Engrs. & on/D of
 N.F.Railway, New Gu.

Signature

(Name

SS. Chakraborty

SS. Chakraborty - DME/D/NGC

Name and designation of the
 competent authority

To

Shri W. Ale D/Elect Genl. (Name, Designation, Office
 of the Railway servant. Under SS/D/NGC

To be retained for r this Memorandum is issued by the
 the President.

The President is the disciplinary authority.

Certified to be true by

Galekda
 Advocate

Annexure - L

Standard Form of Memorandum of charges for imposition of penalties (Rules 11 of S(D&A) Rules, 1960.

No M/258/D/NGE/2

Office of the S.D.M.E/D/NGE (Name of Railway Administration)
(Place of issue).....NGE.....Dated..22/10/25

MEMORANDUM

Shri Laxshab...Ch...Das.....(Designation).....S.D.M.E/D/NGE
Office in which working.....SS/D/NGE.....is hereby
~~informed that the President has proposed~~ (undersigned proposes)
to take action against him under Rule-II of the Railway Servants
(Discipline and Appeal) Rules, 1969. A statement of the im-
putation of misconduct or misbehaviour on which action is proposed
to be taken as mentioned above is enclosed.

2. Shri Laxshab...Ch...Das.....is hereby given an oppor-
tunity to make such representation as he may wish to make against
the proposal. The representation, if any should be submitted
by the undersigned (through the General Manager.....
Ply., so as to reach the said General Manager within ten days
of receipt of this Memorandum.

3. If Shri Laxshab...Ch...Das.....fails to submit this represen-
tation within the period specified in Para-2, it will be
presumed that he has no representation to make and orders will
be liable to be passed against Shri Laxshab...Ch...Das.....
exparte.

4. The receipt of this Memorandum should be acknowledged by
Shri Laxshab...Ch...Das.....

~~in the order and in the name of the President.~~ Anil Kumar

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A.K. Rakosh A.M.E.-1

(Signature)
(Name)

A.K. Rakosh

Name and designation of the
competent authority.

To Shri Laxshab...Ch...Das.....(Name, Designation, Office
of the Railway servant). SS/D/NGE

To be retained where ever this Memorandum is issued by the
Railway Board the President.

Where the President is the disciplinary authority.

Certified to be true Copy

Advocate

To
The Sr. DME(Diesel)/New Guwahati,
M.F.Railway.

Sir,

Subj- Representation to your memorandum of
charge No.M/258/D/NGC/2 dated 23.10.2000.

With due respect I beg to lay the following
few ~~xxxxx~~ lines for your kind consideration .

That Sir, Rly.Qrs.No.E/61 Type-III at AMJ
has been allotted to me vide allotment order No.2/314/
10 (Option)2513 dt.17.12.97 and I have taken occupation
of the same and staying with my family since then.

That Sir, it came as a rude shock to know
that the allotment order of the above quarter has been
cancelled vide your Letter No.M/253/D/NGC/2 dt.18.10.00
on charges of subletting the same.

But Sir, I do hereby declare that at no point
of time after ~~xxxxxx~~ taking occupation of the quarter
by me, the said quarters had been sublet and I am staying
with my family in the quarters all along. And also, Sir,
I am ready to face any enquiry to that effect.

So, Sir, I request you to allot the same
quarter in my favour and exonerate me from the charge.

Thanking you, Sir,

Yours faithfully,

Durbal Prasad

"JE - II"

Date - 31/10/2000

[Handwritten signature and date 31/10/2000]

Certified to be true copy

[Signature]
Advocate

27

32

Annexure- N

To

Sr. Z ME (Diesel)
New Gauhati.
(Through Proper Channel).

Sir,

Sub:- Reply to Memorandum

Ref:- Your No. W/ 258/2/NE/ 2 dt. 19.10.2K
of & M /258/2/NE/2 dt. 24.10.2K.

With reference to your above letter/
Memorandum I wish to submit the following few lines
for your kind consideration and sympathetic action
please.

That Sir, the contest that I have submitted
my allotted My Cr. No. 420/B, to not true. On the
day of checking although I was staying in my Cr.
I was away on duty some of my relatives had come
from my village in connection with the treatment of
my niece who was seriously ill and was under going
treatment at Gauhati Medical College, At the time
of verification they were present in my Quarter.
This I think has been perceived by the authorities
as having submitted the house. On humanitarian ground
I have permitted them to stay in my Quarter for a
few day. They had already left on completion of
treatment.

contd/

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
20 NOV 2000
गुप्त

23

37

That Sir, I am still occupying the Quarter which can be verified at any point to time.

The position explained above, In view of I vervently request you to kindly drop the charge of 'Serious Misconduct' I also assure you that in case of my relatives visiting me in further, I will inform you before hand before permitting them to stay in my Quarter even for a single day.

I also request you to kindly cancel the ~~concerning~~ cancellation order of Quarter as issued vice your letter at 18.10.2K.

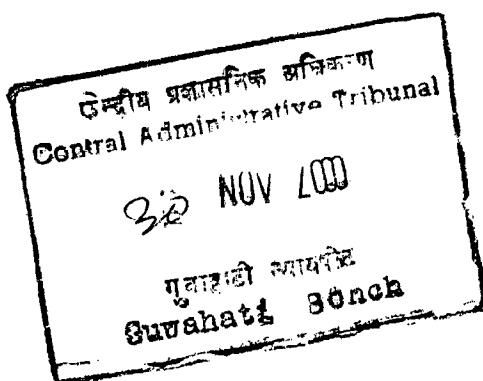
I shall remain obliged.

Yours faithfully,

Md. Wahed Ali
10:- Letter 411.
Bisal / CC

Certified to be True Copy

Salukhan
Advocate



Annexure - 0

To,

Sr. DME (Diesel) NGC
N.F. Railway.

Sub :- Cancellation of Allotment order of Rly
Qr. No. T/6/B Type-I at 26th Colony,
Amingaon.

Ref :- Your L/No. W/258/D/NGC/2 dt. 18/10/2000.

In reference to your above cited letter this is to
inform you that I am not subletting my Rly quarter to any other
party. But fact is that my cousin brother is staying in the qua-
rter with me since two month. Because they have come from other
place for medical treatment.

Yours faithfully,

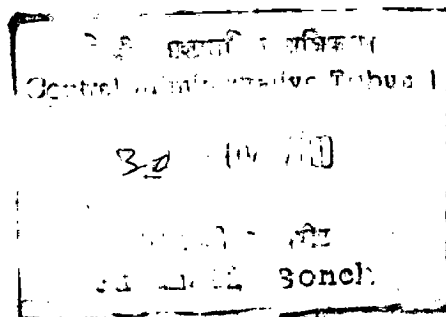
Keshab Ch Das

Dated, New Guwahati,

the 30th Oct.2000.

(Keshab Ch. Das)
D/Helper under
Sr./DME/D/NGC.

R
on 30/10/2000
1
dt 30/10/2000



Certified to be true copy

Advocate