

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Fahily
8/12/07

FORM NO. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

349/2001

Applicant (s) Dondh Nath Gupta

Respondent(s) U.O.I. Govt

to C.K. Nain, C.K. Goswami

Advocate for the Applicant: S. Sengar, Miss Usha Das

Advocate for the Respondent: Railway Compt

Notes of the Registry	Date	Order of the Tribunal
This application is in form but did not contain application Petition filed and admitted vide M.P.N. No. C.F. for Rs. 50/- deposited vide IPO/BO No. 79/548541	19.9.01	Heard Ms Usha Das, learned counsel for the applicant. Application is admitted. Issue notice on the respondents. Call for the records. Notice returnable on 17.10.2001 for further order.
Dated..... D/P. Registration AS 39/101		
Stamps received. Notice prepared and sent to DLS for issuing the respondent No 182 by Registered A.D.	trd	
	17.10.01	Four weeks time allowed to enable the respondents to file written statement. List on 29.11.01 for order.
D/No. 3687 & 3688 Att'd 20/9/01	pg	I.C. Usha Member
No written statement has been filed.		

28/11/01

(2)

29.11.01

No written statement so far been filed. Mr. S. Sengupta, learned counsel for the respondents, prays for time to file written statement.

List on 1.1.02 for order.

No written statement has been filed.

By
18.1.02.

I C Usha

Member

Vice-Chairman

mb

1.1.02

None appears for the parties. The respondents are yet to file written statement despite granting of time.

List on 21.1.2002 for order.

Appearance has been filed by D.P.O. only.

WS
6/2/02

21.1.02

List on 21.2.2002 to enable the respondents to file written statement.

I C Usha

Member

Vice-Chairman

No written statement has been filed.

By
20.2.02.

mb

21.2.02

No written statement so far is filed though time was granted. List again on 15.3.2002 to enable the respondents to file written statement.

I C Usha

Member

Vice-Chairman

mb

15.3.02

No written statement so far filed. The matter involved pensionary benefits. Let this case be listed for hearing on 24.4.02.

Vice-Chairman

No written statement has been filed.

By
23.4.02.

lm

24.4.02

List again on 15.5.2002 so as to enable the respondents to file written statement.

No written statement has been filed.

By
14.5.02.

Vice-Chairman

(3)

O.A. 349/2001

Notes of the Registry	Date	Order of the Tribunal
<p>14.5.2002 W/S submitted by the Respondents.</p> <p>15.5.2002 in TA 349/2001 by D.R. (Adl.) 4/6/2002</p> <p>caution renewed D.R. (Adl.) 4/6/2002 (Adl.)</p>	15.5.02 trd	<p>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. The application is allowed. No order as to costs.</p> <p>Vice-Chairman</p>

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Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. 349/2001 . . . of

DATE OF DECISION 15.5.2002

Sri Durdh Nath Gupta

APPLICANT(S)

Mr. U.K.Nair

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India & Ors.

PETITIONER(S)

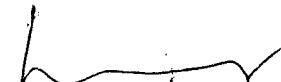
Mr. S.Sengupta, Railway Standing Counsel.

ADVOCATE FOR THE
RESPONDENT.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

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 ?
5. Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 349 of 2001.

Date of decision : This the 15th day of May, 2002.

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

Shri Duddh Nath Gupta
Son of Late Bhagawan,
resident of Bamunimaidan,
Guwahati.

...Applicant

By Advocate Mr. U.K.Nair

-versus-

1. Union of India
Represented by the Secretary
to the Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
N.F.Railway, Maligaon,
Guwahati.

..Respondents

By Advocate Mr. S.Sengupta, Railway Standing Counsel

O R D E R

CHOWDHURY J.(V.C.).

The issue pertains to fixation of pension and pensionery dues for the applicant who attained his superannuation on 31.8.2000. The basic facts relevant for the purpose of adjudication of this proceeding are stated herein below :

The applicant joined the service under the Railway in the year 1959. As per pleading his service was regularised on 1.2.1968. He continued his service as Mate till his retirement. His basic pay was Rs. 4590/- with effect from 1.1.1999. Just on the eve of retirement an office order dated 16.8.2000 was issued stating that he was promoted as Mate in the scale of Rs. 950-1500 with effect from 7.7.1988 and his pay was fixed as under :

" In terms of DRM (P) LMG's No. E/866/3-LM (E) dated 5.7.88 Sri Duh Nath Gupta Kayman is hereby promoted as Mate in scale of Rs. 950-1500/- w.e.f. 7.7.88 and his pay on promotion as Mate is fixed as under :

<u>Pay already drawn</u>	<u>Pay to be drawn</u>
Rs.1225/- w.e.f. 1.1.88	Rs. 1040/- as K/Man
Rs.1250 w.e.f. 1.1.89	Rs.1070/- w.e.f. 7.7.88 as Mate.
Rs.1275/- w.e.f. 1.1.90	Rs.1090/- w.e.f. 1.7.89
Rs.1300/- w.e.f. 1.1.91	Rs.1110/- w.e.f. 1.7.90
Rs.1325/- w.e.f. 1.1.92	Rs.1130/- w.e.f. 1.7.91
Rs.1350/- w.e.f. 1.1.93	Rs.1150/- w.e.f. 1.7.92
Rs.1375/- w.e.f. 1.1.94	Rs.1175/- w.e.f. 1.7.93
Rs.1400/- w.e.f. 1.1.95	Rs.1200/- w.e.f. 1.7.94
Rs.4350/- w.e.f. 1.1.96	Rs.1225/- w.e.f. 1.7.95
Rs.4430/- w.e.f. 1.1.97	Rs.3800/- w.e.f. 1.1.96
Rs.4510/- w.e.f. 1.1.98	Rs.3875/- w.e.f. 1.7.96
Rs.4590/- w.e.f. 1.1.99	Rs.3950/- w.e.f. 1.7.97
	Rs.4030/- w.e.f. 1.7.98
	Rs.4110/- w.e.f. 1.7.99
	Rs.4190/- w.e.f. 1.7.2000

Sd/- Assistant Engineer
N.F.Railway, Guwahati"

As per the applicant he was drawing his salary in basic pay of Rs. 4590 in July 2000. Consequently the respondents issued office order dated 16.8.2000 and the service certificate issued on 29.8.2000 stating his basic pay when leaving service at Rs. 4190/-. The applicant was aggrieved by the aforesaid fixation of pension submitted representation before the authorities. One such representation dated 20.7.2001 has been annexed at Annexure 4 to the application. Failing to get appropriate remedy finally the applicant moved this Tribunal assailing the action of the respondents as arbitrary, illegal and unlawful.

2. The respondents in the written statement stated that the applicant was initially appointed as Casual Labour at Rs.4/- per day on 20.9.1963 and he acquired labour/CPC status on 21.1.1967 and while he was Casual

Contd...

Labour/CPC he was found suitable for the post of Mate which was created for the maintenance of CMA siding AEN/I/c/PNO's letter No. E/227/2 dated 2.2.1968. The respondents also mentioned about the normal channel of promotion of a Gangman which are namely, Gangman (Rs.775-1025), Gangman to Sr. Gangman (Rs. 800-1150), Senior Gangman to Keyman (Rs. 825-1200) and from Keyman to Mate (Rs. 950-1500). According to the respondents the applicant became eligible for regular Gangman on 1.2.68 after due screening of CLs vide Divisional Railway Manager (P)/Lumding's letter No. E/227/0(LM-E) dated 22.11.85 and his seniority vis-a-vis other selected/screened Gangman were fixed and for regularman promotion to Sr. Gangman the applicant became eligible on 1.8.83 and for Keyman on 20.9.1987 and for Mate on 7.7.1988. It came to light that though the AEN/Guwahati and PWI/Guwahati were requested to fix the seniority of the applicant as Gangman w.e.f. 1.2.68 and to grant all benefits along with other Gangman appointed on 1.2.1968 but the said order was not complied with by AEN as well as PWI/Guwahati. The respondents also stated in their written statement stated that such anomalies were only detected at the time of scrutiny of his service records i.e. Service Book, P/Case, leave account etc. while processing the case of the applicant for the purpose of final settlement prior to his retirement. The respondents also contended that irregularity in fixation of the pay of the applicant or erroneous fixation had only been corrected by refixation of his pay in a correct manner as per rules and law. The respondents also annexed the Office Order No. 16 of 1968. The said Office Order itself indicates that as a result of selection conducted a

Contd...

number of persons including the applicant was selected on seniority cum suitability basis to fill up the posts where the name of the applicant shown at serial no.1 among the selected person as Mate. By another office Order dated 22.11.85 it was held that the applicant was tested and found suitable and accordingly declared screened as regular Gangaman w.e.f. 1.2.1968. Incidentally, selection of the applicant as Mate also was conducted on 31.1.1968 and 1.2.1968. A communication dated 26.7.2000 was made from the office of DRM (P), N.F.Railway, Lumding addressed to the Assistant Engineer, indicating that at the time of screening of the service etc. it was found that there was some irregularities in the service records of the applicant. It was stated that he was given the benefit of pay of CPC Mate vide his service book and he was declared as regular Gangman with effect from 1.2.1968. It was also mentioned that the AEN/Ghy was requested to fix up the seniority of the applicant as Gangman w.e.f. 1.2.68 and to grant all benefit alongwith other Gangmen appointed on 1.2.68. But on verification of service record and P/case it was found that the said orders was not complied with by the concerned Assistant Engineer/PW1. The applicant was treated as Mate during his entire service.

3. Mr. U.K.Nair, learned counsel appearing on behalf of the applicant stated and contended that the applicant all throughout was drawing the scale of Mate from 1.2.1968. The learned counsel for the applicant further submitted that admittedly the applicant was drawing his salary on the basis pay of Rs. 4590 w.e.f. 1.1.1999. The learned counsel for the applicant contended that the pension has to be computed on the last pay drawn by the

Contd..

applicant as per rule. The action of the respondents in reducing the pay per se arbitrary and illegal.

4. Contesting the claim of the applicant Mr. S.Sengupta, learned standing counsel for the Railway submitted that there was no illegalality committed by the respondents. The learned counsel for the Railway further submitted that the applicant could not claim his promotion as Mate w.e.f. 1.2.1968 without being promoted to the posts of Gangman, Senior Gangman. The benefit given to the applicant was undue and unlawful. Therefore the respondents only remedied the situation. The basic issue relates to fixation of pension. Rule 49 of Railway Services (Pension) Rules 1993 defines the Emoluments and Rule 50 defines the Average emoluments, which reads as follows:

"Emoluments :- The expression.- (a) 'emoluments', for the purpose of calculating various retirement and death benefits, means the basic pay as defined in clause (i) of rule 1303 of the Code which a railway servant was receiving immediately before his retirement or on the date of his death :....."

"Average emoluments.- Average emoluments shall be determined with reference to the emoluments drawn by a railway servant during the last ten months of his service."

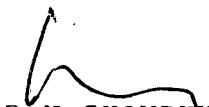
5. From the materials on record there is no doubt that applicant was drawing the pay of Rs. 4590/- at the time of retirement. Pension is payable to a Government Servant on the basis of service rendered. The applicant actually served as Mate and therefore was drawing the scale of Mate. The relevant consideration for computation of pension is the ten months average pay actually drawn by a Government Servant. Admittedly the applicant was drawing the pay scale of Rs. 4590/- till the date of retirement, therefore his pension was to fix on the basis of the emoluments drawn during the last 10 months. In fact the applicant was drawing Rs. 4590/- and not 4190/-. The average emoluments

Contd..

of pension would have been 4590/- and not 4190/- and accordingly pension ought to have been calculated on the basis of emoluments drawn during the last 10 months treating average emoluments for pension as Rs. 4590/- and not 4190. Pension is sanctioned to a civil servant for the services rendered by him. Decisions rendered in the case of Suryanaraya Rao H.R. Vs. State of Karnataka & Ors, reported in (1982) 2 SLR 176 and the decision rendered by the Hon'ble Supreme Court in the case of E. Gopalakrishnan and others Vs. Union of India reported in 1995 Supp (4) SCC support the case of the applicant.

6. For the reasons stated above the impugned orders dated 16.8.2000 and 29.8.2000 (Annexure- 1 and 3) are set aside and quashed. Accordingly the respondents are directed to fix the pension of the applicant taking into consideration his basic pay at Rs. 4590/- with effect from 1.1.1999 and pay the difference with four months from the date of receipt of the copy of this order.

7. The application is accordingly allowed. There shall however, no order as to costs.


(D.N.CHOWDHURY)
Vice-Chairman

trd

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

D.A. No. 349 of 2001

BETWEEN

Shri Duddh Nath Gupta Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

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2.	Verification	7
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4.	Annexure-2	9
5.	Annexure-3	10
6.	Annexure-4	11, 12

Filed by : *Usha Das*

Regn. No. :

File : DUDH

Date :

File by
the applicant through
his or her
Advocate
27/8/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. of 2001

BETWEEN

Shri Dudi Nath Gupta
S/o Late Bhagawan,
resident of Bamunimaidan, Guwahati.
..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
N.F.Railway, Maligaon,
Guwahati.
..... 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 against the action on the part of the respondents in not allowing the applicant to draw his due pension taking in-to consideration the basic pay drawn by him in the month of August,2000.

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.

Gupta

1968

✓

G.P
GAYW

1.2.68
1.8.83

Ex

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and a resident of Guwahati as such he is entitled to all the rights, privileges and protections as guaranteed under the Constitution of India and Laws framed thereunder.

4.2. That the applicant entered in the service of the respondents as a casual worker in the year 1959. Subsequently his service was regularised w.e.f. 1.2.68 in the post of Mate. He continued to discharge his duties and responsibilities to the satisfaction of all concerned.

4.3. That the applicant during his service tenure as Mate, was called for interview in connection with his promotion to the next higher grade. In fact in many occasions he could clear the test and interviews, but surprisingly enough, the respondents did not offer him the benefit of such promotion. The applicant raised his grievances but same was never acted upon.

4.4. That as stated above the inaction on the part of the respondents have compelled the applicant to suffer a lot. Adding insult to his injury, the respondents have made the applicant to retire as Mate in the pay scale of Rs.3050 to 4590/-. Taking into consideration of his entry in the cadre of Mate and stagnation, the applicant was drawing the highest level of the said pay scale and his basic pay was 4590/- w.e.f. 31.8.99. The said pay scale (Basic pay) continued till his date of retirement i.e. 31.8.2000.

4.5. That the applicant was drawing a salary (Basic Pay) Rs.4590/- w.e.f. 31.8.99 and same continued till his date of retirement. However, the respondents at the time of his retirement has calculated his basic pay as Rs.4190/- instead of 4590/-. To that effect, the respondents issued an order dated 16.8.2000 specifying his basic pay as Rs.4190/-, without

Dypti

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affording him any opportunity of hearing. In fact, the respondents have refixed his pay after his retirement at a lower level without any prior notice to him.

A copy of the said order dated 16.8.2000 is annexed herewith and marked as Annexure-1.

4.6. That as stated above the applicant was drawing a basic pay of Rs.4590/- till August 2000 and in his pay slips basic pay has been shown as Rs.4590/-. In any case the applicant can not be made to suffer from the purported refixation that too after his retirement.

A copy of the pay slip of July 2000 is annexed herewith and marked as Annexure-2.

4.7. That the applicant begs to state that after the aforesaid Annexure-1 order dated 16.8.2000 the respondents have issued yet another order dated 29.8.2000 by which the applicant has been communicated regarding the fact of refixation of his pay. The respondents by the said order dated 29.8.2000 fixed the basic pay of the applicant as Rs.4190/- instead of Rs.4590/-. It is further stated that prior to issuance of the aforesaid order dated 29.8.2000 no prior intimation has been given to the applicant.

A copy of the order dated 29.8.2000 is annexed herewith and marked as Annexure-3.

4.8. That the applicant states that because of his wrong fixation of pay he has been made to suffer from financial losses. The applicant having no other alternative preferred a legal notice through his counsel but same yielded no result in positive. Situated thus the applicant preferred a representation dated 20.7.2001 to the Respondent No.2, but nothing has been communicated to him as yet. Out of frustration the applicant has not yet withdrawn his pensionary dues.

A copy of the said representation dated 20.7.2001 is annexed herewith and marked as Annexure-4.

4.9. That the applicant begs to state that once the pay is fixed in a particular grade that can not be reduced at a lower level that too after retirement and without affording reasonable opportunity of hearing. In the instant case everything has been happened behind the back of the applicant when he left service on retirement. His pay has been refixed at a lower rate and consequence upon his pay has been reduced affecting adversely the pension and pensionary dues.

4.10. That the applicant begs to state that entire exercise of the Respondents in reducing the pension of the applicant by issuing the impugned order dated 29.8.2000 and 16.8.2000 are illegal and arbitrary and same are violative of Article 14 and 16 of the Constitution of India and laws framed thereunder. Admittedly the applicant was drawing a basic pay of Rs.4590/- prior to his retirement and for that he performed his sincere and devoted duties and hence there can not be any reduction retrospectively as has been done in the instant case. In the service jurisprudence there are instances of enhancement of pay but in the instant case things have happened adversely causing tremendous hardship to the present applicant.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action /inaction on the part of respondent are illegal and arbitrary and violative of Article 14 and 16 of the Constitution of India and hence same are liable to be set aside and quashed.

5.2. For that the applicant being a hardworking employee having worked sincerely under the respondents, there can not be

R. Gupta

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any reduction of pay as has been done in the instant case. On this score alone the action/inaction on the part of the respondents in issuing the impugned orders dated 18.6.2000 and 29.8.2000 are liable to be set aside and quashed.

5.3. For that the respondents have acted illegally and arbitrarily in issuing the impugned orders dated 18.6.2000 and 29.8.2000 that too without affording him the reasonable opportunity of hearing and hence same are not sustainable in the eye of law.

5.4. For that there being statutory provision meant for reduction of pay and the respondents having not followed the same , acted beyond the jurisdiction and same are hence are not sustainable in the eye of law.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal and factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

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8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

- 8.1. To set aside and quash the impugned orders dated 16.8.2000 and 29.8.2000.
- 8.2. To direct the respondents to fix the pension and pensionary dues of the applicant taking in to consideration his basic pay as Rs.4590/- and to pay all the dues and arrears with 18% interest p.a forthwith.
- 8.3. Cost of the application.
- 8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents to dispose of the representation dated 20/7/2001 within a stipulated time frame.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : FG 548541
2. Date : 11-8-2001
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

1. 2/1463
2/1466
Re 4590/-
1/97
393

16-8-2000
16-8-2000
29-8-2000

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VERIFICATION

I, Shri Durdh Nath Gupta, son of Late Bhagawan, aged about 61 years, resident of Bamunimaidan, Guwahati, do hereby solemnly affirm and verify that the statements made in paragraphs .4,2,3,4,1,4,9,4,10..... are true to my knowledge and those made in paragraphs ..4,3,4,4-4,7... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 24th day of August of 2001.

Durdh Nath Gupta

Signature.

N.F.Railway.

No. 1. E/6-Fix

2. 200
3. 2. 200

Office of the
Assistant Engineer,
N.F.Railway, Guwahati.

Dated. 16. 8. 2000.

OFFICE ORDER

In terms of DRM(P) LMC's No. E/266/3-LM(E) dated 5.7.88, Srg. Dush Nath Gupta Koyman is hereby promoted as Mato in Scale of Rs 950-1500/- w.e.f. 7.7.88 and his pay on promotion as Mato is fixed as under.

Pay already drawn.

Rs. 1225/- w.e.f. 1.1.88
Rs. 1250/- w.e.f. 1.1.89
Rs. 1275/- w.e.f. 1.1.90
Rs. 1300/- w.e.f. 1.1.91
Rs. 1325/- w.e.f. 1.1.92
Rs. 1350/- w.e.f. 1.1.93
Rs. 1375/- w.e.f. 1.1.94
Rs. 1400/- w.e.f. 1.1.95
Rs. 4350/- w.e.f. 1.1.96
Rs. 4400/- w.e.f. 1.1.97
Rs. 4510/- w.e.f. 1.1.98
Rs. 4550/- w.e.f. 1.1.99

Pay to be drawn

Rs. 1040/- as K/Mon.
Rs. 1070/- w.e.f. 7.7.88 as Mato.
Rs. 1100/- w.e.f. 1.7.89.
Rs. 1110/- w.e.f. 1.7.90.
Rs. 1130/- w.e.f. 1.7.91.
Rs. 1150/- w.e.f. 1.7.92.
Rs. 1175/- w.e.f. 1.7.93.
Rs. 1200/- w.e.f. 1.7.94.
Rs. 1225/- w.e.f. 1.7.95.
Rs. 3800/- w.e.f. 1.1.96
Rs. 3870/- w.e.f. 1.7.96.
Rs. 3950/- w.e.f. 1.7.97.
Rs. 4020/- w.e.f. 1.7.98
Rs. 4110/- w.e.f. 1.7.99.
Rs. 4190/- w.e.f. 1.7.2000.

Assistant Engineer
N.F.Railway, Guwahati.

Copy forwarded for information and necessary action to :-

- (i) DRM(P) LMC
- (ii) DAo/LMC
- (iii) SSE(P.Way) LCC.
- (iv) Staff concerned for information.

Arrested
M. A. S.
Advocate.

16/8/2000
Assistant Engineer
N.F.Railway, Guwahati.

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- 9 -

ANNEXURE— 2

EDP CENTRE/LMG PAY - IN - SLIP JULY 2000 AU/BU/STN/DEPT 42/286/NSC000/ENGG 13
V/NOS: LXL076C/LX415C 14 03 00 ALLOC:04 0241
DUDNATH GUPTA PAY. * 4590.00 V.P.F. * 300.00 GROSS PAY** 529.00
D.A. * 1744.00 RENT. * 73.00 DEDUCTN* ** 453.00
DESG:MATE SCA * 120.00 GROUP INS. * 30.00 NET PAY RS*6076.00
PFNO: 01775911 TRANSPORT ALL* 75.00 AP TAX * 30.00 CASH PAY* *6076.00
DUTY-DAYS:31 L-DAYS: 0

SIGNATURE

Attested
Abhay
Advocate.

ANNEXURE - 3

४०५/३०/३०/Form No. 30
 (रियम १६२० आर० नाम० देख/See Rule १६२०, R1) २७
 रेलवे प्रगति-पत्र/Service Certificate
 (रियम १६२० आर० नाम० देख/See Rule १६२०, R1)
 संग्रह संख्या/Serial No. 2323 DR.M(1) Lm (रेलवे नामालय/Issuing Office
 २९-८-२००० तिर्थम् तारीख/Date of issue

1. नाम/Nam: Bhuvaneshwar Nath Gupta
2. (i) पिता का नाम/Father's Name: Bhagwan
3. जन्म तिथि/Birth Date: ३-८-१९४० (Five August)
4. शिरसी का चिह्न (पर्याप्त हो) One long cut mark
Identification marks (if any) the short mark
कर विभाग में लिया गया है
5. कर्मस्थान में लिया गया है
6. सेवा का वर्किंग/Working Department in which employed: Engineering
7. योग्यता जन्म से लेकर तारीख/Experience: १२-६-८८ ते १०-३-८-२०००
8. अपनी सेवा की वर्तनी का दर: ECP-way NGC
9. रोपायडो का दर: in Scale: Rs. ३०५०-४१९०/-
10. रोपायडो का दर: in Scale: Rs. ३०५०-४१९०/-
- Reasons for leaving service due to: Superannuation
- Time keeping
- Signature: २९-८-२०००
- Designation: Dictionnaire Engineer/IV
Designation: Deputy Manager Building

41590
4190
400/-

Attested
MSB
Advocate.

To

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

Sub:- Correct fixation of pension.

Sir,

With due respect and profound submission I am writing this letter for your kind consideration and necessary action in to the matter.

That I entered in the Railway Department as a casual worker in the year 1959. Thereafter, I was regularised in the post of Mate with effect from 1.2.68. I continued in the said post of Mate till the date of retirement that is 31.8.2000, without any promotion. In fact I was call for the interview for the next higher grade and accordingly I cleared the said interview but no promotion was given to me.

That as stated above after attaining the age of superannuation I was retire from my service with effect from 31.8.2000 but while calculating the my pension the concerned authority has made mis-calculation for, which I am suffering from financial loss. It is pertinent to mention here that at the time of superannuation my basic monthly salary was 4590/- taking into

Attested

UAB

Advocate

consideration the correct increments but at the time of preparing my pension the authority concerned has taken my salary (basic) as 4190/- . It may be due to the fact of some typographical error. Be that as it may inspite of my repeated requests that correction is yet to be materialised and for that I am suffering tremendous financial hardships.

In that view of the matter I earnestly request you to look into the matter and issue necessary order refixing my pension taking into consideration the correct basic pay and issue necessary order for my anti-dated promotion to the next higher grade.

Date 20/7/2001

Dudh Nath Gupta
Shri Dudh Nath Gupta
Sr S/E P-way, NGC, NF Railway
Guwahati-21

Advocated
MSB
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL, GUWAHATI BENCH.

GUWAHATI.

28
বারিদ কমিশন প্রিমিয়ার
3. Civil Personnel Officer
জি.সি.সি. কমিশন, কমিশন
N. E. Rly., Lumber

IN THE MATTER OF :

O.A. NO.349 OF 2001.

Dudh Nath Gupta

Applicant.

- VS -

1. Union of India and

... .

Respondents.

2. General Manager, N.F.Railway,
Maligaon.

- AND -

IN THE MATTER OF :

Written statement for and on behalf of
the respondents :

The answering respondents most respectfully beg to
sheweth as under :-

1. That, the answering respondents have gone through the copy of the application filed by the applicant and have understood the contents thereof.
2. That, save and except the statements which are specifically admitted herein below, all other averments/allegations as made in the application are emphatically denied herewith. Further, the statements of the applicant which are not borne on records are also denied and the applicant is put to strictest proof thereof.

Contd. P/No.2

S. No. 10
Div. I

- 3.) That, the application is not maintainable under law and fact of the case.
- 4.) That the applicant has got no valid cause of action for filing the application.
- 5.) That the application is premature/barred under law.
- 6.) That, the application is fit one to be dismissed in limine.
- 7.) That, the respondents have been advised to confine their remarks only on those points of allegations in the application which have got direct bearing on the merit of the case and necessary for arriving at a correct decision. The rest of the averments of the applicants are denied and the applicant is put to strictest proof of all such allegations.
- 8.) That, before submission of the detailed remarks, it is felt necessary to furnish in brief, the fact of the case, which is as under :-

The applicant was appointed as a Casual labour(CL) @ Rs.4/- per day on 20-9-63 and he acquired Casual labour/CPC and status on 21-1-1967, while he was CL/CPC, he was found suitable for the post of Mate which was created for the maintenance of CMA siding vide AEN/Ic/PNO's letter No.E/227/2 dated 2.2.68 (a work charged post).

The normal channel of promotion of a Gangman is as follows :-

- (3) -

Gangman (Rs. 775-1025/-)

Senior Gangman (Rs. 800-1150/-)

Keyman (Rs. 825-1200/-)

Mate (Rs. 950-1500/-)

Thus, for promotion from the post of G/Man(Class-IV category) to Mate (Class-III category) an employee is required to pass through two stages of promotion i.e. Senior Gangman and Keyman.

From records it reveals that the applicant became -

i) the regular gangman on 1-2-68 after due screening of CLs vide Divisional Railway Manager(P)/Lumding's letter No.E/227/0(LM-E) dated 22-11-85 and his seniority vis-a-vis other selected/screened gangman were fixed.

ii) Senior G/Man on 1-8-83 and,

iii) Keyman on 20-9-87 vide DRM(P)/Lumding's letter No.E/226/3/LM(E) dated 18-9-87 and

iv) Mate on 7-7-88 vide DRM(P)/Lumding's letter No. E/266/3-LM(E) dated 5-7-88.

But surprisingly, he was given the benefit of pay as CL/CPC Mate in work charge post with effect from 21-1-67 (i.e. the date on which he acquired the CL CPC scale status) treating him as 'Mate' during his entire service. It has also come to light that though the AEN/Guwahati and PWI/Guwahati were requested to fix up the seniority of Sri Dudhnath as Gangman w.e.f. 1-2-68 and to grant all benefit along with

- (4) -

other G/Man who were appointed on 1-2-1968, the said orders were not complied by AEN as well as PWI/Guahati.

The above anomalies/irregularities along with other irregularities etc. could only be detected at the time of scrutiny of his service records, i.e. Service Book, P/Case, leave a/c., etc.etc. while processing his case for the purpose of Final settlement prior to his retirement in the open lines. ✓

As such it became necessary to rectify the mistakes/irregularities by fixing his pay etc. properly at each stages of his regular promotion etc.

9. That, with regard to averments at paragraphs 4.1, 4.2 and 4.3 of the application it is to state that nothing are accepted as correct except those which are either borne on records or are admitted specifically here-under and all such statements which are not admitted are denied herewith.

It is to submit that it appears that the whole case of the applicant is based on wrong premises.

In this connection the following are relevant :-

(a) It is quite a wrong statement that the service of the applicant was regularised with effect from 1.2.1968 in the post of Mate.

The office records shows that the applicant was appointed as Casual labour(CL) on 20-9-63 at the rate of Rs.4/- per day and acquired CI/CPC status on 21-1-67 in scale Rs.80-110/- and not on 1-2-1968, as alleged.

(b) While he was in CL/CPC scale he was found suitable for the post of Mate which was created for the maintenance of CMA/Siding vide AEN/Ic/Pandu's letter No.E/227/2 dated 2-2-68.

But surprisingly, the applicant was drawing the pay as Mate with effect from 21-1-1967 (i.e. the date of his getting the Casual labour/CPC Scale and prior to the date of his regularisation as Casual labour after screening on 1-2-68) while he became a regular Mate on 7-7-1988 vide Divisional Railway Manager(P)/Lumding's letter No.E/226/3/LM(E) dated 5-7-88.

(c) The normal channel of promotion of a Gangman is as follows :-

Gangman (Rs.775-1025/-)

Sr.Gangman (Rs.800/-1150/-)

Key Man (Rs.825-1200/-)

Mate (Rs.950-1500/-)

and,

for promotion from the post of Gangman (Class-IV category) to the post of Mate (Class-III category) an employee is required to pass through two(2) stages of promotion i.e. Sr.Gangman and K/Man to become a Mate.

(d) The applicant became

- i) a regular Gangman on 1-2-1968,
- ii) a Sr.Gangman on 1-8-83 and

- (6) .

iii) K/Man on 20-9-87.
(vide DRM/P/Lumding's letter No.E/226/3
(LM-E) dated 18-9-87) and

iv) Mate on 7-7-88 vide Divisional Railway
Manager(P)/Lumding's letter No.E/266/3/LM(E)
dated 5-7-88.

In view of above, the question of his claim for
for the post of Mate from the date of his initial stage
as a casual labour only
of appointment/Regularisation on 1-2-1968 or so does not
arise at all.

In this connection the photo-copies of the page-2
of service book of the applicant, AEN/Pandu's letter dated
2-6-68, DRM(P)/Lumding's letter dated 22-11-85, 18-9-87
and 5-7-88 are enclosed hereto as annexure -I, II, III,
IV and V respectively for ready perusal.

The applicant has not stated about the selection
in which he appeared or where he was deprived of the ~~benefit~~
benefit of selection. The allegations are quite vague and
hence no specific reply can be furnished. It might be that
in the so called selection if any held he could not qualify
or not eligible otherwise to appear or so. As appears from
the record question of his being selected for approval against the
regular post of 'Mate' prior to the year 1988 did not arise.
That, with regard to averments at paragraphs 4.4
and 4.5 of the application it is submitted that nothing are
accepted as correct except those which are either borne on
records or are specifically admitted hereunder as correct.

It is denied that the applicant was put to suffer
a lot etc. as alleged. All the allegations as have been
brought in these paragraphs are emphatically denied.

Contd. P/No. 7

5
वरिष्ठ कार्यपालीकरण विभाग
Divisional Personnel Officer
कामिंग, लाम्डिंग
N. E. Rly, Lumding

— (7) —

As mentioned herein before at paragraph 8 above, though the normal channel of promotion did not permit, he was found suitable for the post of Mate which post was created for the maintenance of CMA/Siding vide letter dated 2-2-63 and was drawing the pay as Mate with effect from 21-1-67, i.e. prior to the date of his Screening and appointment as Casual Labour. It is not correct that the service of the applicant was regularised with effect from 1-2-63 in the post of Mate as alleged. It is also seen that at the time of retirement on 31-8-2000 he was drawing the basic pay as Rs.4590/- erroneously. It was only on the verge of his retirement that the irregularities in fixation of his pay came to light.

It is to mention herein that the pay fixation of the applicant was required to be done on regularisation of his service as Gangman on 1-2-1968 and at every stage of his subsequent normal promotions on 1-1-1983, 20-9-87, 7-7-88. But this was not done inadvertently.

Accordingly, DRM(P)/Lumding prior to his retirement issued a letter No.E/234/3-LM(E) dated 26-7-2000 pointing out all the irregularities and directed to regularise and set right the irregularities in the matter of fixation of pay etc. of the applicant as per rules. On the basis of the said letter, the pay of the applicant was refixed as Gangman, Senior Gangman, K/Man and Mate etc. at each stage of promotion. His basic pay was thus refixed at Rs.4190/- with effect from 1-7-2000. The copies of the fixation made at his regularisation of service as Gangman and at each stage of promotion was intimated to him.

contd... P/No. 8

In this connection, the photocopies of the DRM(P)/
Lumding's letter dated 26-7-2000, 11-8-2000 and 16-8-2000 are
annexed hereto as Annexure-VI, VII and VIII respectively for
ready ~~xx~~ perusal.

The allegations of the applicant that the respondents
have refixed his pay after his retirement at a lower level
without prior notice to him, or, that he was not afforded the
opportunity of hearing prior to refixation of his pay, are
quite uncalled for and untenable, and same can not be accepted.

It is to submit herein that in the instant case the
irregularity in fixation of his pay, or, erroneous fixation
has only been corrected by refixation of his pay in a correct
manner as per rules and law, and, that no natural justice has
been infringed in the case in carrying out refixation of pay
or corrections and or rectification of mistakes in fixation of
pay, and, that as it is covered by rules and done as per provi-
sion of law, no opportunity of hearing in such cases are to
be given to the staff/applicant. Further the applicant retired
from Railway service on 31-8-2000 and as per AVC (Avenue of
promotion) he qualified in the suitability test of Mate con-
ducted on 25-2-88 and 11-3-88 and same was intimated to him
on 5-7-88 ~~x~~ vide memorandum No.E/266/3-LM(E) Lumding dated
5-7-88.

It is also to state herein that

(i) the applicant was already informed on 11-8-2000
vide letter No.E/6-Fix. dated 11-8-2000 about the dis-
crepancy in the matter of pay drawn as 'Mate' ~~from 1-2-68 to 1-1-80~~
~~regular Gangman~~ from 1-2-68 to 1-1-80 vis-a-
vis the pay refixed as a regular Gangman from 1-2-68
to 1-2-83.

(ii) regarding refixation of pay as Senior Gangster from 1-8-93 to 1-8-97, prior intimation was given to him vide letter No.E/6-Fix. dated 16-8-2000.

(iii) regarding the difference of pay drawn as Keyman and pay refixed with effect from 1-1-87 to 20-9-89 prior intimation was given to him under letter No. E/6-Fix, dated 16-8-2000.

(iv) regarding the difference of 'pay already drawn' vis-a-vis the 'Pay to be drawn' as Mate from 1-1-88 to 1-7-2000 was intimated to the staff/applicant under letter No. E/6-Fix, dated 16-8-2000.

It was clearly shown as to why his pay on
1-7-2000 should be refixed at Rs.4190/- w.e.f. 1-7-2000
and net Rs.4590/- w.e.f. 1-1-99 as drawn by the applicant.

Further, the irregular fixation of pay or drawal of pay at enhanced rate than admissible under rules cannot bestow/confer on him any right. Rather, the Railway Administration can always rectify the mistakes committed by it inadvertently and it involves no infringement of rights.

11.] That, with regard to averments at paragraph 4,6 of the application it is to state that the contentions of the applicant are not correct and hence denied. The respondent /government has always right to rectify the mistakes and no estoppel runs against it. The applicant was aware of the fact that he was irregularly drawing the pay as Mate during his entire service period.

As such he has no cause of action for filing this application when he himself acquiesced to such mistakes, un-authorised and irregular action/emission etc. on the part of the Respondents officials.

विवरण विभाग
Div. of Information
T. A. No. 1, ग्रामीण
E. Rly. Landing

12. That, with regard to averments at paragraph 4.7 of the application it is to submit herein that the Annexure 3 to the application is a service certificate issued to the applicant and not an office order as alleged. The contentions of the applicant as expressed in this paragraph are denied. It is also to mention herein that the service certificate dated 29-8-2000 was issued on the basis of Annexure-I to the application i.e. order dated 16-8-2000 regarding re-fixation of pay as Keyman and also Mate in scale Rs.950-1500/- on his promotion as 'Mate' from the post of Keyman on 7-7-88. His allegations that no prior intimation was given before issuing the order dated 29-8-2000 are quite uncalled for and unwarranted.

It is reiterated that no prior notice is required to rectify the mistakes in fixation of pay etc. and hence all allegations of the applicant to the contrary are denied herewith. No infringement of any extant rights of the applicant are involved in such rectification.

13. That, with regard to averments at paragraph 4.8 of the application it is to submit that except those which are borne on records or are accepted herein as correct, all other averments/allegations of the applicant are denied herewith. It is emphatically denied herewith that the applicant suffered any loss, or, any of his representations are lying unattended to.

It is submitted that there is no wrong in refixing his pay correctly as per due date of his promotions. The applicant could no-where in the O.A. point out the mistake in the fixation of pay. His pay was regularised as Gangman, Senior Gangman, Keyman, Mate vide AEN/Guahati, N.F.Railway's letter No.E/6-Fix. dated 11-8-2000 and 16-8-2000.

Further, for alleged non-withdrawal of the pension dues by him, he cannot held the Railway Administration/ Government responsible. It is upto him whether he withdraws it or allows it to remain deposit in his account.

14. That, the allegations made at paragraphs 4.9 and 4.10 of the application are completely denied herewith. It is submitted that these allegations have been made deliberately in order to mislead the Hon'ble Tribunal for the purpose of deriving illegal gain. The entire matter has been presented in a distorted manner by way of mis-interpretation of rules and distortion of facts and all such allegations are denied. The applicant has suppressed the fact that all actions regarding the re-fixation of pay were taken prior to his retirement and, due and prior intimation about same were given to him while he was in railway service. The applicant retired only on 31-8-2000 whereas the letters dated 11-8-2000, 16-8-2000 etc. were issued prior to his retirement, as a corrective measure.

It is denied that the impugned orders dated 29-8-2000 and 16-8-2000 are illegal and arbitrary and same are violative of Article 14 and 16 of the Constitution of India and laws

laws framed there-under. It is submitted that the applicant has misconstrued the corrective measures taken by the Railway Administration as an act of reduction of pay retrospectively, which argument cannot be accepted in the perspective of service jurisprudence. Further, there is no case of un-equal treatment or discrimination in his case in re-fixing his pay taking into consideration his fixation of pay in each stage of promotion as Sr.Gangman, Keyman and Mate. Mere finding him suitable for the post of CL/Mate cannot be construed as promoted to the post of CL/CPC Mate on 21-1-67 or from the very date of screening as Gangman in the open line where as per Avenue of promotion there is no scope of galloping promotion/placement directly in higher grades/depriving equal opportunity to his fellow colleagues who were also screened as Casual Labourer/CPC Scale along with him and got the benefit of CPC scale of pay.

It is submitted that to accede to his unwarranted demand would only invoke infringement of Article 14 and 16 of the Constitution of India and other rules/procedures of selection and promotion.

In this connection, it is also relevant to submit herein a copy of the Divisional Railway Manager(P), N.F.Railway, Lumding's letter No. E/234/3/LM(K) dated 21-7-2000 as Annexure to the W.S. for ready perusal. In this letter the irregularities as were noticed in fixation of his pay etc. during his service period were already pointed out.

15. That, with regard to ground for relief and the relief sought for as mentioned at paragraphs 5, 8 and 9 of the application, it is submitted that in view of the fact of the case and laws and rules involved and the submissions made herein before in different paragraphs of this written statement, none of the grounds put forward by the applicant are sustainable and the allegations are not admitted and hence the applicant is not entitled to any relief as sought for by him.

All the allegations as made at paragraph 5 are incorrect and hence denied herewith.

It is however pertinent to mention herein the following aspects.

(1) That, as submitted herein before there has not been any violation of the Article 14 and 16 of the Constitution in taking proper actions in the case and regularising the irregularities in fixation of pay of the applicant. It would rather involve in violation of Article 14 (equality clause) and 16 (discrimination clause) if the applicant's case would have been dealt with otherwise, as all the other casual labourers who were screened along with the applicant and were awaiting promotion as per Avenue of promotion would have been treated otherwise and discriminatorily.

(ii) That, the applicant has been mis-construing the re-fixation of the pay aspect by branding it to be a case for reduction of pay. The impugned orders dated

dated 16-8-2000 and 29-8-2000 were issued correctly after due and thorough examination of his case and the benefit extended to him during the service period irregularly and regularising his case by refixation of his pay for purpose of pension and other aspects etc. were regular and the allegations of illegality and arbitrariness are uncalled for and not correct.

Further, the fact of the case does not warrant for affording him any separate hearing prior to issuing the impugned orders which are nothing but setting aside/ correcting the irregularities in the case. The applicant acquired no right for the pay he drew irregularly and he was well aware of the irregular aspects of the case.

Again, while issuing these orders, a copy of same was also furnished to him simultaneously and nothing was done behind his back and every action was taken before his retirement on 31-8-2000 on due intimation to him.

(iii) That, it is quite a wrong imputation that the respondents have not followed the statutory provisions in respect of fixation of his pay or that the respondents acted beyond jurisdiction as alleged.

16. That, it is submitted that all the actions taken in the case by the respondents are quite legal, valid and proper and after due application of mind by the competent Authorities and that the present case of the applicant is based on wrong premises and suffers from mis-interpretation of rules and laws etc. on the subject.

17. That, the answering respondents crave leave of the Hon'ble Tribunal to permit them to file additional written statement in future, if found necessary, after receipt of further informations/records, for end of justice.

18. That, under the facts and circumstances of the case, as stated in the foregoing paragraphs of the written statement, the instant application is not maintainable and is liable to be dismissed.

VERIFICATION.

I Sri Trikalagya Rath, Sr. Divisional Personnel Officer, son of Lalchand N.F. Railway, aged about 34 years, by occupation Railway service now working as Senior Divisional personnel officer N.F.Rly, Lumding, N.F. Railway Administration, Lumding do hereby solemnly affirm and state that the statement made in paragraphs 1 and 7 are true to my knowledge and those made at paragraphs 8, 9, 10, 13 and 14 are based on informations and records of the case which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal and I sign this verification on this day 13-5-2002 for and on behalf of respondents.

Trikalagya Rath

वरिएटरी अधिकारी
Divl. Personnel Officer
न.सी.रेलवे, लाम्डिङ
N. F. Rly, Lumding

सेवा पुस्तका/SERVICE BOOK

(आरंभिक पृष्ठ / OPENING PAGE)

29

1. पूरा नाम (साफ - साफ अक्षरों में)

Name in full (Block Capitals) SURENDRA NARAYAN GUPTA

2. पिता का नाम/Father's Name

Bhagabati

3. राष्ट्रीयता/जाति/धर्म

Nationality/Caste/Religion

Indian (Hindu)

4. अधिवास जो सिद्ध हो चुका है

Domicile as established

Kasarwadi, P. S. Kasarwadi, P. S. Deoria

5. निवास का पूरा पता

Residence (in Full) P. O. & village Kasarwadi, P. S. Deoria

6. जन्म तिथि/Date of birth

5. 8. 1968

7. जन्म स्थान/Place of birth

Kasarwadi (K. P.) जिला / District Deoria

8. शिक्षा योग्यता Date of appointment as 11. 10. 1962

Educational qualification M.A.R.I.C (Hindi)

9. शिनारूप के लिए वैयक्तिक चिह्न

Personal mark for identification

Date of birth, i.e. 15. 3. 68

ABHISHEK

10. बायें हाथ के अगड़े और अंगुली का निशान

Left hand thumb and finger impression

कमिलिका/Little finger



कृष्ण राम राम
कृष्ण राम राम
प्रशासनिक खातों
प्रशासनिक खातों
प्रशासनिक खातों
प्रशासनिक खातों

अंगड़ा/Thumb



25/11/62

मध्यमा/Middle finger



तज्ज्ञी/Fore finger



29/11/67

11. लंबाई/Height 5' 3" फीट/Feet

इन्च/Inches.

12. सरकारी कर्मचारी का हस्ताक्षर/Signature of Government Servant.

Such Nath Gupta

13. कार्यालय प्रधान या अन्य साहस्रकर्ता अधिकारी का हस्ताक्षर और पदनाम

M. S. Suryanarayana

Signature and designation of the Head of the office or other Attesting Officer.

1. P. W. Inspector
M. S. D. G.

नोट / Note :- इस पृष्ठ पर दर्ज की गयी जानकारी नाम में कग पांच वर्ष वाद नगे से दर्ज की जायाएँ अवधि की जायगा तथा १२ और १३ पंक्ति में किये गये हस्ताक्षरों के साथ तारीख दी जायगी / The entries on this page should be renewed or re-attested at least every five years, and the signature in lines 12 and 13 should be dated.

इस नियम के अन्तर्गत हर पांच वर्ष के वाद फिर ये अंगुलियों के निशान लेने की आवश्यकता नहीं है / Finger prints need not be taken afresh every five years under this rule.

M. S. Suryanarayana
29/11/67
S. S. Suryanarayana

M. E. Railway

OFFICE ORDER NO. 36 OF 1968.

As a result of the selection conducted by me with IOW/CMA, APWI/CMA on 31.1.68, 1.2.68 the following persons have been selected on seniority-cum-suitability basis to fill-in the posts created for the maintenance of CMA siding vide CR/PNO's memorandum No. W/338/NNCE/CMA/W-1 of 14.9.67 & 25.1.68.

GANOMAN.

S. No.	Name
1.	Shri Mahabir
2.	" Avodraj
3.	" Bhim Bahadur
4.	" Sudhanta Kr. Das.
5.	" Kannilal Prasad
6.	" Pran Hari Chakraborty.
7.	" Mano Ranjan Malakar ✓
8.	" Sadananda Rakoti
9.	" Kirtana
10.	" Nalul
11.	" Ganga Bahadur.
12.	" Lal Bahadur.
13.	" Ram Charan
14.	Basdeo
15.	" Janambir
16.	" Nandan
17.	" Nan Bahadur.
18.	" Subal Ch. Das
19.	" Sukdeo Roy
20.	" Apuna
21.	" Atiram
22.	" Sib Lochnan Singh
23.	" Thenu Ram
24.	" Xalisa Nayak
25.	" Sulochan
26.	" Dhanoswar Roy.
27.	" Ranjit
28.	" Atul Ch. Das.

Father's name.

Shri Lakhna Mahato.
" Omrao.
" Mongal.
" Chandra Kumar Das.
" Doo Pujan.
" Jnan Ranjan Chakraborty.
" Daikuntha Malakar.
" Ram Ch. Kakoti.
" Bhima.
" Rabibari.
" Dhan J. Chatur.
" K. C. B. Bahadur.
" Sibnath.
" Saha Deb.
" Kanta.
" Nanda.
" Nar Bahadur.
" Gopal Ch. Das.
" Mohan Roy.
" Mani.
" Namini.
" Sital Singh.
" Dhuram Ram.
" Dan Deshi.
" Topecwuri.
" Raghu Roy.
" Jaydeo.

MATE.

1.	Dudnath
2.	Sudarshan
3.	Edu Doo.

" Bhagawan.
" Som Nath.
" Nedra Rai.

KEYMAN.

1.	Lukhan
2.	Siddiram
3.	Rambahadur.

" Hiru.
" Dayaria.
" Mon Bahadur.

Handed.

No. R/227/2

sd/-
Asstt. Engineer/IC/PNO.
Dated 2.2.68.

Copy to: IOW/APWI/CMA/NCM for information & necessary action.
BLZ/PAN/200 Copy to: FA & CAO/PNO, CL(2)/PNO for information please.

Copy and
S. C. Chakraborty
24.1.84

sd/-
Asstt. Engineer/IC/PNO.

N. F. M. W.

24

uM

OFFICE ORDER.

The following staff who have been tested by AEN/IC/PNG on 31.1.68 and 1.2.68 and found suitable are hereby declared screened as a regular Gangman wef 1.2.68. This has the approval of DH/LMG, screened as regular G/Man with the benefit of service from 1.2.68.

1. Sri Dudnath, Gangman. S/O Shagwan.
2. " Lal Deo Ray, S/O Kadura Ray.
3. " Sudarshan Gour, S/O Sornath.
4. " Ram Bahadur, S/O Man Bahadur.
5. " Siddi Ram Moloi, S/O Langoria Moloi.

for D.N.M.(P)/Lumding.

No. F/227/0(LM)E, dtd. 12-11-85.

Copy forwarded for information and necessary action to:-

- 1) AEN/GHY They are requested to fix up the seniority of
- 2) PWI/GHY the above named staff as G/Man wef 1.2.68 and should be granted all ~~same~~ benefits along with other G/Men those who were appointed on 1.2.68.
- 3) Staff concerned.
- 4) P/case.
- 5) CFC/MWAV/HR/Intelligence
- 6) Convener D.L./LMG, IV for D.N.M.(P)/Lumding in formation please.

N. F. Railway.

Memorandum.

DRM(P) Office
Lumding, dated 18-9-87.

In cancellation to this office memorandum no. E/266/3/LM(E) dt. 10-7-87 a fresh result of suitability test of K/Men in scale Rs. 210-270/- (RS)/Rs. 825-1200/- (RP) under CPWI/GHY held at GHY on 24-11-86, 5-12-86, 30-12-86, 4-2-87, 23-2-87, 9-3-87, 10-4-87, 3-6-87 is ~~provisionally~~ provisionally published as follows :-

SN.	Name	IF/Name	Designation	Station	Whether SC/ST	Result
1.	J.E.Raja,	J.Malachy,	sr.G/Man.	CPWI/ GHY	SC	passed.
2.	Safar Ali,	Kelvin	-do-	-do-	UR	-do-
3.	Sital,	Faridul	-do-	-do-	SC	-do-
4.	Hari,	Shri Handa,	-do-	-do-	UR	-do-
5.	Giridhari,	Suchit,	-do-	-do-	UR	-do-
6.	Hamid Ali,	Harip Ali,	-do-	-do-	UR	-do-
7.	Joglal,	Ram prasad,	-do-	-do-	UR	-do-
8.	Dudh Nath Gupta,	Bhagaban,	-do-	-do-	UR	-do-
9.	Laldoo,	K.Roy,	-do-	-do-	UR	-do-
10.	Siddi Ram,	Danuria,	-do-	-do-	UR	-do-
11.	Lat Bachan,	Guni Ruj,	-do-	-do-	UR	-do-
12.	Pairthalay,	Erkaya,	-do-	-do-	UR	-do-
13.	Sankar prasad,	Kunton Singh,	-do-	-do-	SC	-do-
14.	Balaji,			-do-	UR	-do-
15.	Khagan Boro,	Chena Boro,	-do-	-do-	UR	-do-
16.	Subash Kumar			-do-	ST	-do-
17.	S.S. Raja,		-do-	-do-	ST	-do-
18.	Daya Ram,		-do-	-do-	SC	-do-
19.	Abed Raj,		-do-	-do-	UR	-do-
20.	Subal Ch. Das,		-do-	-do-	UR	-do-
21.	Gouri,		-do-	-do-	UR	-do-
	Kunailal prasad,		-do-	-do-	UR	-do-

This has the approval of Sr. DEN/LMG.

No. E/266/3/LM(E) - LMG, dtd. 18-9-87. / D.R.M.(P)/Lumding. 18-9-87
Copy forwarded for information and u/action to :-
1. CPWI/GHY (2) staff concerned thru CPWI/GHY.
3. Sr. DEN/LMG (4) AEN/GHY in reference to his statement no. E/4 (Test) 1409, 1470, 1579, 115, 188, 239, 367, 593 dt. 24-11-86, 5-12-86, 30-12-86, 4-2-87, 23-2-87, 9-3-87, 10-4-87, 3-6-87.
5. Spare copy for P/Case for record.

dn/169

24/9/87
Chief Permanent W-er in Sector,
N. F. Railway, Guwahati.

/ D.R.M.(P)/Lumding. 18-9-87

ANNEXURE - V

N.F.Railway.

Memorandum.

Office of the
Divil.Rly.Manager (P),
Lumding, dtd: 5 -07-88,

The result of suitability test of Mate & K/men in scale
Rs. 950-1500/- (RP) & Rs. 825-1200/- (RP) - under CPW/GHY conducted
by DEN/GHY On 25-2-88, 11-3-88 are provisionally published as
follows.

This has the approval of DEN/1/Lumding.

K/men for promotion of Mate in scale Rs. 950-1500/- (RP)

Group - A

		K/men under CPW/GHY	UR	Passed.
1.	Shri Laldeo	-do-	UR	"
2.	" Giridhari	-do-	UR	"
3.	" Sudh Nath Gupta	-do-	UR	"
4.	" Siddi Ram	-do-	UR	"
5.	" Chaturgan	-do-	SC	"
6.	" Narayan Ch.Das	-do-	UR	"
7.	" Sampad Prasad	-do-	UR	"
8.	" S.S.Deo Raja	-do-	ST	"
9.	" Daya Ram	-do-	SC	"

G/men for promotion of A/men in scale Rs. 825-1200/- (RP)

Group - B

		G/men under CPW/GHY	UR	Passed.
1.	Shri Ramendu Singh	-do-	UR	"
2.	" Hara Nath Asakoti	-do-	UR	"
3.	" E/Narayan	-do-	UR	"
4.	" Swajiben	-do-	SC	"
5.	" Birendu Kr.Das	-do-	SC	"
6.	" Ram Chandra	-do-	SC	"
7.	" Jatindra Roy	-do-	UR	"

RJ-52/88
for Divil.Rly.Manager(P),
N.F.Rly.Lumding.

No. E/266/3-LM(E) Lumding dtd: 5 -07-88,

Copy forwarded for information and necessary action to :-

- 1. CPW/GHY (2) DEN/GHY (3) Staff concerned
4. (P/Case.) 5) Sr. DEN/LMG. Thro: - CPW/GHY
- 6.

RJ-52/88
for Divil.Rly.Manager (P),
N.F.Rly.Lumding.

-00000-

4788TAK6;

*for forwarded by Sri
Sudh Nath Gupta*

*Chief Permanent Way Inspector,
N. F. Railway, Guwahati.*

N. F. Rly.

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

No. E/234/3-LM(E)

Lumding, dtd: 26/07/2000,

To

AEV GHY.

Sub:- FS Case of Shri Dudnath Gupta, Mate under
S/P-way/NGC who will retire wef. 31/08/2000.

S/P-way/NGC has submitted P/case and service book and
leave account of Shri Dudnath Gupta, Mate under S/P-way/NGC
who will retire wef. 31/8/2000 for final settlement on 24/7/2000
vide his L/No. FS/1 dt. 22/7/2000.

But at the time of scrutiny of service book and P/case
it is found that there are so many irregularities in the
service record such as (1) Shri Dudnath was working as CL/CPC
under cons. organisation and he was given benefit of pay as CD/
CPC Mate at 2nd page of S/book, vide DS(P)/IMG's memo No.
E/227/0/LM(E) dt. 28/11/85 he has been declared screened as
regular gang man wef. 1-2-68 and vide DRM(P)/IMG's L/No. E/227/
0/LM(E) dt. 22/11/85 at SN - 24 of P/case AEW/GHY & PWI/GHY
were requested to fix up the seniority of Shri Dudnath as G/man
wef. 1-2-68 and to grant all benefit alongwith other G/man those
who were appointed on 1-2-68. But on verification of service
record and P/case it is seen that the said orders has not been
complied by the AEW as well as PWI/GHY. He has been treated as
Mate during his entire service. His service has not been
regularised as per DRM(P)/IMG's above letter dt. 22-11-85.
(2) Further his strike period wef. 8/5/74 to 10/9/74 has not
been regularised.

The staff concerned will retire wef. 31/8/2000. FS case
is required to be submitted to accounts in advance at least
2 months a-head.

Therefore, P/case, service book and leave account are
sent herewith, with the request to regularise the above case
immediately so that the case may be submitted to accounts in
time and after regularisation sent the case to S/P-way/GHY
at NGC for up dating all records and re-submitting to this
Office immediately.

Please treat this matter as MOST URGENT.

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

Copy forwarded for information and necessary action to:-

- 1) S/P-way/ GHY at NGC- He is requested to verify all the records
of service book and update all records including regularisation
of strike period and sent the above P/case, S/Book and
leave account to this office immediately to submit the case to
accounts in time.
- 2) CPI/GHY. He is requested to chase up the case as the concerned
staff will retire wef. 31/8/2000 and his final settlement is
to be done in time.

for Divil. Rly. Manager (P),

H.F.Rly.

No : E/6-Fix/

Office of the
Assistant Engineer H.F.Railway.
Guwahati.

Dated. 11.3.2k.

In terms of DRM(P) IAG's No. E/227(O) IV/E date
23.11.85 Sri Budh Nath Gupta Gangman is hereby posted as
a regular Gangman and his pay is fixed as under.

Pay already drawn as
Mate in Construction
Organisation.

Rs. 81/- wef. 1.2.68
Rs. 82/- wef. 21.1.69
Rs. 83/- wef. 21.1.70
Rs. 105/- wef. 1.3.70
Rs. 108/- wef. 1.3.71
Rs. 111/- wef. 1.3.72
Rs. 266/- wef. 1.1.73
Rs. 272/- wef. 1.3.73
Rs. 278/- wef. 1.1.75
Rs. 284/- wef. 1.1.76
Rs. 290/- wef. 1.1.77
Rs. 296/- wef. 1.1.78
Rs. 302/- wef. 1.1.79
Rs. 308/- wef. 1.1.80.

Pay now fixed as G/Man.

Rs. 76/- + Rs. 5/- PP wef. 1.2.68
Rs. 77/- + Rs. 4/- PP wef. 1.2.69
Rs. 78/- + Rs. 3/- PP wef. 1.2.70
Rs. 79/- + Rs. 2/- PP wef. 1.2.71
Rs. 80/- + Rs. 1/- PP wef. 1.2.72
Rs. 200/- wef. 1.1.73
Rs. 203/- wef. 1.2.73
Rs. 206/- wef. 1.2.74
Rs. 210/- wef. 1.2.75
Rs. 214/- wef. 1.2.76
Rs. 218/- wef. 1.2.77
Rs. 222/- wef. 1.2.78
Rs. 225/- wef. 1.2.79
Rs. 230/- wef. 1.2.80
Rs. 234/- wef. 1.2.81
Rs. 238/- wef. 1.2.82
Rs. 242/- wef. 1.2.83.

Assistant Engineer
H.F.Rly, Guwahati.

Copy to DRM(P) IAG, DAO/IAG, SSB(P.Way) NCC. Staff Concerned :-
For information and necessary action please.

11/3/1985
Assistant Engineer
H.F.Rly, Guwahati.

H.F.Railway

Office of the
Assistant Engineer
H.F.Rly. Guwahati.

No: -E/6-Fix/

Dated. 8-2k.

OFFICE ORDER

Sri Dush Nath Gupta G/Ma is hereby promoted as Sr. Gangman wef. 1.8.83 and his pay is fixed on promotion to the grade of Sr. Gangman in Scale of Rs. 210-270/- (Rs.800-1150/-) wef. 1.8.83.

Pay already drawn

Rs. 308/- wef. 1.1.80
Rs. 1150/-wef. 1.1.86
Rs. 1175/-wef. 1.1.86
Rs. 1200/-wef. 1.1.87
Rs. 1225/-wef. 1.1.88

Pay now fixed on promotion as Sr. Gangman.

Rs. 242/- wef. 1.2.83 as Gangman.
Rs. 250/- wef. 1.8.83.
Rs. 255/- wef. 1.8.84.
Rs. 260/- wef. 1.8.85.
Rs. 965/- wef. 1.8.86.
Rs. 980/- wef. 1.8.86.
Rs. 995/- wef. 1.8.87.

Assistant Engineer.
H.F.Railway, Guwahati.

Copy to : (i) DRM(P) LMG : - For information and necessary
(ii) D.A.O/LMG : action please.
(iii) SSE(P, Way) NCC :

(iv) Staff Concerned- for information.

Assistant Engineer
H.F.Railway, Guwahati.