

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed Date- 07/02/02

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Disposed Date- 19/11/01

O.A/T.A No. 43/2001
R.A/C.P No.....
E.P/M.A No. 42/2001

1. Orders Sheet OA-43/2001Pg..... 1 to..... 3
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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 43/2001

Kali. Krishna Bose, Applicant.

Versus

Union of India & Ors Respondents.

For the Applicant(s) K.K. Biswas

For the Respondents. Rastogi Advocate

NOTES OF THE REGISTRAR	DATE	ORDER
	5.2.01	List on 13.2.01 for Admission. Member: [Signature] Vice-Chairman: [Signature]
	lm	
19.1.2001 BIS005779 [Signature]	13.2.01	List on 15.2.01 for Admission. Member: [Signature] Vice-Chairman: [Signature]
	lm	
	15.2.01	List on 8.3.01 for Admission. Member: [Signature] Vice-Chairman: [Signature]
	lm	
	8.3.01	List on 19.3.01 alongwith M.P.No. 42 of 2001. Member: [Signature] Vice-Chairman: [Signature]
	lm	
20.3.2001 Service of Notice issued to the respondents vide D.No. 1106-1111 Dt. 22.03.01 [Signature]	19.3.01	Application is admitted. Call for the records. List on 24.4.01 for further order. The question of limitation is kept open. Member: [Signature] Vice-Chairman: [Signature]

20.3.2001
Service of Notice issued
to the respondents
vide D.No. 1106-1111 Dt.
22.03.01
[Signature]

No Reply has been filed.

[Signature]
28.4.01

pg
MS
20/3/01

24.4.01

List on 25.5.01 to enable the respondents to file written statement.

NO W/S has been filed.

WS
24/5/2001

K. Ushay
Member

Vice-Chairman

lm

No written statement has been filed.

25.5.01

Four weeks time is allowed to the respondents to file written statement. List on 27.6.2001 for order.

26.6.01

Member

Chairman

pg

By order

[Signature]

27.6.01

Mr. J.L. Sarker, learned Rly. counsel for the respondents prays for and granted four weeks time to file written statement. Applicant will have two weeks thereafter to file rejoinder.

No written statement has been filed.

27.8.01

List for orders on 28-8-2001.

K. Ushay
Member

Vice-Chairman

bb

28.9.01

Written statement has filed by respondent no.6. The railway respondents yet to file written statement. Further 4 weeks time granted to file written statement.

List on 27/9/01 for order.

30.8.2001

W/S submitted

by the respondent no. 6.

mb
27.9.01

List on 19/11/01 to enable the respondents to file written statement.

Vice-Chairman

24.9.2001

Rejoinder against the W/S submitted by Respt. 6. has been filed.

K. Ushay
Member

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

16.10.2001

Wife submitted
the Respondents.

[Signature]

19.11.01

Written statement has been filed by the respondents. List the matter for hearing on 24.12.2001. In the meantime the applicant may file rejoinder if so desires.

[Signature]
Member

[Signature]
Vice-Chairman

18.11.2001

Rejoinder to the
W/S submitted by the
applicant.

[Signature]

The case is ready
for hearing.

trd

24.12.01

Prayer has been made by learned Rly. counsel for adjournment on the ground that they would produce the records.

List on 31/1/2002 to enable the Rly. counsel to produce records.

[Signature]
Member

[Signature]
Vice-Chairman

mb

21.12.01

31.1.2002

Heard in part. List again for further hearing on 7.2.02. On that day the respondents shall produce the relevant records.

[Signature]
Member

[Signature]
Vice-Chairman

30/01/02

written argument
has been filed by
K.K. Bhasin at page
80-90.

NS
30/1/02

nkm

7.2.2002

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is rejected in terms of the order. No order as to costs.

[Signature]
Member

[Signature]
Vice-Chairman

bb

Received copy of Judgment
for Respondt. No. 6
J. Mahanta.
5.03.02

11.3.2002

copy of the order has
been sent to the office for
issuing the same to the
applicant as well as to the
Rly. Adv. for Respondt. by law.
[Signature]
11/3/02

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 43 of 2001.

Date of Decision. 7.2.2002..

-----Kali Krishna Bose-----Petitioner(S)

-----Mr. Kanti Kumar Biswas-----Advocate for the
Petitioner(s)
-Versus-

-----Union of India & Others.-----Respondent(s)

-----Mr. J. L. Sarkar & Mr. A. Chakrabarty &
Mr. M. K. Choudhury.-----Advocate for the
Respondent(s)

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

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Vice-Chairman.

NO

h

2

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.43 of 2001.

Date of Order : This the 7th Day of February, 2002.

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Kali Krishna Bose
S/o Late Birendranath Bose
Head Draftman
Now Junior Engineer Gr.I
(Drawing) under Chief Signal &
Telecommunication Engineer
N.F.Railway, Maligaon
Guwahati-781011. . . . Applicant.

By Advocate Mr.Kanti Kumar Biswas.

- Versus -

1. Union of India
Represented per General Manager
N.F.Railway, Maligaon
Guwahati-781011.
2. Secretary
Ministry of Railways
Railway Board, Rail Bhawan
New Delhi-110 001.
3. Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati-781011.
4. Chief Signal & Telecommunication Engineer
N.F.Railway, Maligaon
Guwahati-781011.
5. Deputy Chief Personnel Officer (HQ)
N.F.Railway, Maligaon
Guwahati-781011.
6. Mrs. Jhunu Mahanta, Chief Draftman
Under Chief Signal & Telecommunication
Engineer, N.F.Railway, Maligaon
Guwahati-781011. . . . Respondents.

By Mr.J.L.Sarkar, Rly Standing counsel assisted
by Mr.A.Chakrabarty for Respn.Nos.1 to 5.
Mr.M.K.Choudhury for Respn.No.6.

O R D E R

CHOWDHURY J.(V.C):

The applicant as well as the respondent No.6 alongwith others were recruited as Trainee Tracer. The applicant accordingly joined as Trainee Tracer under the respondents. The applicant as well as the respondent No.6 were selected by one selection process and in the merit list the name of the

Contd.. 2

applicant was above respondent No.6. The applicant in this application stated that the respondent No.6 was promoted vide Chief Signal & Telecommunication (P)/Maligaon's letter dated 17.2.89 as Asstt. Draftman in the scale of Rs.1200-2040/-(RSP) w.e.f. 1.1.89 without considering the case of the applicant. The applicant pleaded that he was vigorously and ceaselessly seeking for the placement of his correct seniority in the cadre of Tracer, but the Railway took about a decade to prepare a select list, and that too, of the Asstt. Draftman's cadre, because by that time the cadre of Tracer was elevated to the cadre of Asstt. Draftman. According to the Railway Board's Circular, the name of the respondent No.6 and one Mrs. Niva Das were shown above the applicant in the seniority list as on 1.2.93, which was published on 13.5.93. The applicant submitted his representation seeking rectification^{of} the seniority list and antedating his promotion as Asstt. Draftman from 1.4.89.. ~~But~~ Without considering the representation of the applicant the respondents authority promoted the respondent No.6 and others to the post of Draftman vide communication dated 21.9.93. The seniority list of Chief Draftman, Head Draftman and Draftman showing their positions as on 1.1.94 was also published on 13.1.94 showing the name of the respondent No.6. The applicant again submitted a representation dated 28.5.94 to the General Manager (P)/Maligaon to assign his correct seniority at the initial recruitment of Tracer.

2. The applicant was subsequently promoted as Draftman on 8.8.96 and thereafter promoted as Head Draftman on 14.8.98 after succeeding in the suitability test. In the meantime, by order dated 4.2.97, the respondent No.6 was promoted to the post of Chief

Draftman in the scale of Rs.6500 - 10050/- though junior to the applicant at in the initial recruitment.. According to the applicant, at ~~the~~ long last the respondents corrected the seniority position of the applicant vis-a-vis the respondent No.6 and one Mrs. Niva Das vide General Manager(P)/Maligaon letter dated 26.4.2000. By the said order the authority mentioned Rule 303(b) of IREM (Volume-I) and observed that the candidates who were recruited through RRB in a panel were to be assigned seniority as per their merit figure determined in the RRB exam. Accordingly seniority list was refixed placing the applicant at Sl.No.4, the respondent No.6 at Sl.No.5 and Mrs. Niva Das at Sl.No.6. Since no follow up action was taken the applicant pursued the matter to the authority and by order dated 14.11.2000 the respondents authority turned down his representation dated 18.8.99 rejecting his claim for recasting his seniority after a lapse of 16 years. The applicant thereafter submitted a number of representation before the authority for remedying the situation. Failing to get appropriate remedy the applicant moved this Tribunal for setting right the inter-se-seniority of the applicant vis-a-vis the respondents and also to confer him other consequential benefits.

3. The respondents Railway as well as the respondent No.6 submitted separate written statements. In its written statement, the Railway admitted that in the merit list the name of the applicant was at Sl.No.26, whereas the name of the respondent No.6 was below him. The offer of appointment letter was issued on 17.10.83, but the applicant only joined duty on 25.6.84 and his seniority was determined on the ^{basis of his} ~~the~~ date of joining as Trainee Tracer i.e. w.e.f.25.6.84. In this regard, the Railway authority referred to Rule 305 of

IREM to define the position of the candidate, who could not join duty within the reasonable time after the receipt of the offer of appointment. The seniority of the applicant was accordingly determined as per Rule 305 of IREM. It was also stated that the respondent No.6 joined duty earlier than the applicant and hence the seniority of the applicant was fixed below the respondent No.6.

4. The respondent No.6 in its ~~individual~~ written statement stated that the medical fitness test of her was held on 24.10.83, whereas the said test of the applicant was held on 29.10.83. The respondent No.6 joined about nine months prior to the applicant. It was also stated that on completion of five years of service in the post of Tracer she was promoted as Asstt. Draftman and thereafter as Draftman, Head Draftman and Chief Draftman. The respondent No.6 in its written statement stated that the application is barred by limitation and therefore is liable to be dismissed.

5. We have heard Mr.K.K.Biswas, learned counsel for the applicant Mr.J.L.Sarkar, learned Standing counsel for the Railway and also Mr.M.K.Choudhury, learned counsel for the respondent No.6. There is no gain saying of the fact that the seniority is determined as per merit ^{position} of the initial recruitment. There is also no dispute that seniority of the candidates recruited through the Railway Recruitment Board or by any other Recruitment Authority is determined on the basis of marks obtained in the examination. The scheme is mentioned at Para 303 and 304 of the IREM (Volume-I); ~~the~~ Rule 302 and 303 is the subject to Rule 305. A person is required to join in the post within a reasonable time after receipt of the order. If such person does not join within the period prescribed or allotted, then naturally his seniority will go below the

person who joined before him.

6. According to the applicant, as per communication dated 17.10.83 which was sent to all candidates. In terms of the order the applicant reported on 7.11.83. On 29.10.83 he was advised to deposit Rs.12/- (Rupees Twelve) on account of Pre-recruitment Medical Examination Fee and submit the receipt to the office so that he could be sent to Railway Hospital, Maligaon for Medical Examination vide memo dated 29.10.83. The applicant stated that he deposited the amount on 29.10.83. What happened after the deposit of the amount and when the medical test was held was not mentioned in the pleading. The applicant only referred to the communication dated 26.6.84, the office order by which he was directed ^{him} to report to the concerned authority for training. That office order speaks of SPO(Rectt)/PNO's letter No.E/227/63/2 (Rectt) dated 14.5.84. It indicates that the applicant was found medically fit and reported for appointment as Trainee Tracer w.e.f.25.6.84. Why he did not join prior to that is not explained. Whereas on the own showing the other selected persons joined their service ^{ahead of} him. In the rejoinder the applicant mentioned about communication dated 14.5.84 issued by the Chief Personnel Officer. That letter only indicates that he was found medically fit and was directed to report to CSTE (p) North East Frontier Railway, Maligaon immediately for further orders.

7. It, however, appears from the record that the applicant was found medically fit on 1.11.83 and what transpired ~~between~~ ^{between} was not indicated by the applicant. By order dated 26.6.84 the applicant was sent for training and on completion of training by order dated 5.11.84 he was examined and

and declared assessed and posted against working post as Tracer in the scale of Rs.260-430/- against an existing vacancy w.e.f. 8.10.84/27.9.84. The applicant was accordingly given his seniority from the date of joining since he did not join within the reasonable time. From the records it also appears that the applicant submitted his Deed of Indemnity Bond, at a later stage furnishing necessary sureties and witnesses required therein. In the circumstances, it cannot be said that the respondents fell into error in determining the inter-se-seniority. As to the allegation of unfair treatment to the applicant by the respondents no proof was forthcoming from the applicant.

8. From the narration of facts it appears that the respondent No.6 joined on 9.12.83 as Tracer and the applicant joined on 25.6.84. Thereafter also a chain of promotions took place. On 1.1.89 the respondent No.6 was upgraded to Asstt. Draftman and the applicant was upgraded as Asstt. Draftman on 2.3.90. The respondent No.6 was promoted to the post of Draftman on 21.3.93, whereas the applicant was promoted to the same post on 28.8.96. The respondent No.6 was later on promoted to the post of Head Draftman on 1.3.95 whereas the applicant was promoted to the same on 14.8.96. The respondent No.6 was again promoted to the post of Chief Draftman vide memo dated 4.12.97. Despite this the respondents authority entertained the representations of the applicant. At one point of time his seniority was sought to be revised vide order dated 26.4.2000 wherein his name was placed above the respondent No.6. The objections were invited from the concerned affected employees. After consideration of the objection that

Contd...7


order was revised and by order dated 14.11.2000 his prayer for recasting his seniority was turned down.

9. Mr. Biswas, learned counsel for the applicant submitted that there was no fault on the part of the applicant and he was pursuing the matter in the department. The provisional seniority list of Draftman and Asstt. Draftman as on 1.2.93 was published on 13.5.93. The provisional seniority list of Draftman as on 1.1.94 was published on 13.1.94 pursuant to the seniority list acted upon and the selected persons were promoted to higher ranks. Considering the lapse of time the respondents authority did not entertain the objection of the applicant. No infirmity as such is discernible.

10. Mr. M.K.Choudhury, learned counsel for the respondent No.6 pointed and stated that the application is liable to be dismissed on the ground of latches and non-joinder of the parties. The learned counsel submitted that apart from the respondent No.6 there were number of other persons including Mrs. Niva Das would be affected, if the seniority list is disturbed and since those persons are not made parties this application is liable to be dismissed.

11. We have already gone in to the decision making process and did not discern any illegality or any infirmity in the action of the respondents. We therefore were not disposed to dismiss the application on those grounds alone.

Considering the all aspects of the case we do not find any merit in this application. The application is rejected accordingly. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

14

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT., 1985

302
303

For the use in Tribunal Office

Date of Filing : 81.1.2001

or

Date of Receipt: 31.1.2001

Registration No.: 48/2001

App A 17.10.83 1227

23.6.89 - A jaw

Signature of the Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH : AT GUWAHATI

O.A. No. 43 of 2001

Shri Kali Krishna Bose Applicant

-Vs-

Union of India & Ors. Respondents.

I N D E X

Sl. NO. :	ANNEXURES :	PARTICULARS :	PAGE NO. :
1.	-	Original Application	1 to 20
2.	A	Photo copy of Chief Personnel Officer(Recruitment)/N.F' Railway/Maligaon's Letter No. E/227/63/2(Rectt) dated 17.10.1983 directing the Applicant for Medical Examination & Joining in the post of Trainee Tracer before 07.11.1983.	21
3.	B	Photo copy of Money receipt for depositing fees of Medical Examination vide No. 5/1110 dtd. 29.10.1983.	22
4.	C	Photo copy of Chief Personnel Officer/Maligaon's letter No. E/227/Pre-Medical/Rectt dtd. 29.10.1983. directing the Applicant for Medical Examination and Joining Report.	23

SL : ANNEXURES : PARTICULARS : PAGE NO.
NO. : :

5. D Photo copy of Chief Signal & 24
Telecommunication Engineer(P)
Maligaon's letter No. 197~~E~~/E/
1547/E dated 26.6.1984 for
appointment & posting as
Trainee Tracer under Asstt.
Signal & Telecommunication
Engineer/S&T Workshop/N.F.
Railway/Pandu.
6. E Photo copy of Chief Signal 25
& Telecommunication Engineer
(P)/Maligaon's letter No.
E/203/150(N)Pt.III dated
17.2.1989 for promoting Mrs.
Jhunu Mahanta as Asstt.Drafts-
man consequent upon the abo-
lition of post of Tracer.
7. F Photo copy of General Manager 26 & 26/1
(P)/Maligaon's letter No.
E/255/46(N)Pt. dtd.13.5.93
for seniority list of Asstt.
Draftsman published after 9
(NINE)Years without endorsing
a/copy to the Applicant and/or his
Controlling Officer ASTE/S&T
Workshop/N.F. Rly./Pandu.
8. G Photo copy of representation for 27
correction of seniority posotion
submitted to Chief Signal & Tele-
communication Engineer(P)/Mali-
gaon's through Asstt. Signal &
Telecommunication Engineer/
Maligaon forwarded under N/423-E/
54 dated 12.7.1993.

SL. NO. :	ANNEXURES :	PARTICULARS	:PAGE NO.
9.	H	Photo copy of General Manager(P)/ Maligaon's Order for promotion of Mrs. Jhunu Mahanta as Draftsman vide No. E/254/29(N)Pt.I dated 21.9.1993.	28 to 28/2
10.	I	Photo copy of seniority lists of Draftsman vide No. E/255/46(N)Pt.I dated 13.1.1994 wherein Mrs. Jhunu Mahanta's name appeared without considering my representation for correct seniority.	29
11.	J	Photo copy of my representation forwarded by Asstt. Signal & Telecommunication Engineer/Workshop/Pandu under No. NZW-EP/304/142 dated 1/5-6-1994 for correcting my seniority as Tracer & subsequent promotional Orders.	30
12.	K	Photo copy of my representation dated 17.2.1994 to give effect of promotion as Draftsman consequent upon restructuring benefits.	31
13.	L	Photo copy of my representation dtd. 4.9.95 for setting right of my wrong fixation of seniority as Asstt. Draftsman & Draftsman.	32

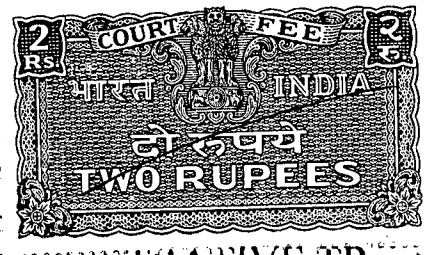
SL. NO. : ANNEXURE : PARTICULARS : PAGE NO.

14. M & M/1 Photo copy of my promotional order as Drafts-man vide General Manager(P)/Maligaon's Memorandum No. E/254/29(N)Pt.I dated 8.8.1996 and to the post of Head Draftsman w.e.f. 14.8.98 without correcting my basic seniority vide letter No. E/254/29(N)Pt.II dated 14.8.1998. 33 & 33/1
15. N Photo copy of General Manager(P)/ Maligaon's letter No. E/255/46(N) dated 15.9.1999 agreeing to take decision ^{for my correct basic seniority} as Tracer as per Railway Service Commission's 34
16. O Merit Figure & Medical examination and place my name above Miss. Jhunu Deka, now Mrs Jhunu Mahanta vide General Manager(P)/ Maligaon's letter No. E/254/46(N) dated 26.4.2000. 35
17. P Photo copy of my representation dated 18.8.1999 to the Director of public Grievances, Cabinet Secretariat/New Delhi for redressal of my Grievances for fixation of correct seniority in the cadre of Tracer & subsequent promotion in the Drawing Cadre. 36

Contd....18 Q...

SL. NO.	ANNEXURES	PARTICULARS	PAGE NO.
18.	Q	Photo copy of the Director, Public Grievance's letter No. DPG/C/64307(2) dated 30.8.1999 asking the N.F. Railway regarding my grievances of seniority & promotion.	37
19.	R	Photo copy of Dy.Chief Personnel Officer/Maligaon's letter No. E/255/46(N) dtd. 14.11.2000 showing reply to Railway Board denying my seniority after lapse of 16 years.	38
20.	S	Photo copy of Sri Anil Kumar Chatterjee, Depot Stores Kepper/Gr.I's letter dated 21.10.1997 wherein his seniority was corrected after lapse of 19 years.	39 & 39/1
21.	T	Photo copy of Mrs. Jhnu Mahanta's appeal dtd. 22.5.2000 so as not to consider my case in reassignment of seniority.	40 & 40/1

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CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati BENCH

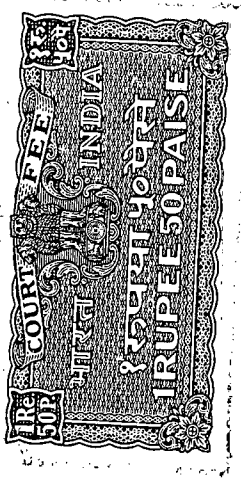
NO. 43 of 199-2001

Sri Kali Krishna Bose Appellant Applicant/Petitioner

Versus

Union of India and others Respondent Opposite party

Kali Krishna Bose. 17/01/2001 Junior Engineer-I/ Drawing to ESTE/ M.F. Railways Office Maligaon.



Know all men by these Presents that the above named Applicant do hereby nominate, constitute and appoint Shri Kanti Kumar Biswas

Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection there with and for the purpose to do all acts what soever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. For me/us and on my/our behalf and/we agree to ratify and confirm all acts so done by the said Advocates as mine/ours to all intents and purposes. In case of non payment of the stipulated fee in full no Advocate will be bound to appear or act on my/our behalf.

In witness where of I/we here unto set my/our hand this 17th day of January 1992001

Advocates

- N.M.Lahiri Prasanta Kumar Barua Bijoy Kumar Das B.C.Das B. Banerjee

- J.L.Sarkar Ashis Dasgupta B.M.Buzar Baruah Nisitendu Choudhury Manik Chanda Asit Sarkar Stuti Deka S. Sarmah N. D. Goswami Kanti Kumar Biswas

Received from the executant and accepted

And Accepted

Advocate

Kanti Kumar Biswas Advocate 17-1-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
AT GUWAHATI

O.A. No. 43 of 2001.

In the matter of

Shri Kali Krishna Bose

.....Applicant

Kali Krishna Bose

-AND-

Indira K B
R K B

In the matter of

1). Union of India,
representing per
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.

Reg 28

2). Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi-110001.

3). Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati-781011.

4). Chief signal & Telecommunication
Engineer, N.F. Railway, Maligaon,
Guwahati-781011.

5). Deputy Chief personnel Officer(HQ),
N.F. Railway, Maligaon,
Guwahati-781011.

Filed by the Applicant
litro: Sri Kanti Kumar Bhow,
Advocate.
Kantimure Bhow
25.1.2001
Advocate.

Contd.....Mrs.....

26.4.2001 P 33
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Apr 6 p 33
** 14.11.2001*
Rev...

- 6). Mrs. Jhunu Mahanta, Chief Draftsman
under Chief signal & Telecommunication
Engineer, N.F. Railway, Maligaon,
Guwahati-781011. Respondents.

Details of Application

1. Particulars of Applicant :

- i). Name of Applicant : Kali Krishna Bose
ii). Name of Father : Late Birendranath Bose
iii). Designation & Office: Head Draftsman, ...
now Junior Engineer Gr.I
(Drawing) under Chief
Signal & Telecommuni-
cation Engineer,
N.F. Railway, Maligaon,
Guwahati-781011.
iv). Address of Services : Rly. Qr. No. S&C/181-A,
of all notices, Triangular Colony, Pandu,
P.O.:Guwahati-12.
PIN- 781012.

2. Particulars of Respondents :

- 1). Name and/or designation : 1. Union of India
of the Respondents, represented by
General Manager,
N.F. Railway, Maligaon,
Guwahati-781011.

Kali Krishna Bose

- ii). Office Addresses of the Respondents
- iii). Addresses for services of all notices.

2. Secretary,
 Ministry of Railways,
 Railway Board,
 Rail Bhawan,
 New Delhi-110001.

K. Ravi Krishna Rao

3. Chief Personnel Officer,
 N.F. Railway, Maligaon,
 Guwahati-781011.

4. Chief Signal & Tele-
 communication Engineer,
 N.F. Railway, Maligaon,
 Guwahati-781011.

5. Deputy Chief Personnel
 Officer, (N.S.), N.F.
 Railway, Maligaon,
 Guwahati-781011.

6. Mrs. Jhunu Mahanta,
 Chief Draftsman under
 Chief Signal & Teleco-
 munication Engineer,
 N.F. Railway, Maligaon,
 Guwahati-781011.

Contd.....Particulars....

3. Particulars of the Order against which

Application is made:

The application is against the following

Order:-

- i) Order No. : Chief Signal & Telecommu-
nication Engineer(P)/Maligaon's
Office Order No. 197-E1547/E
dated 26.6.84, General Manager(P)/
Maligaon's seniority lists No.E/
225/III/46(N) dated 13.1.1994,
General Manager(P)'s Memorandum
No. E/254/29(N) dtd. 4.12.97,
General Manager(P)'s Office order
No. E/254/20(N)Pt.I dtd.21.9.93,
General Manager(P)'s letter No.
E/254/46(N) dated 14.11.2000.
- iv). Subject in brief: Delay in issuance of posting
order after issue of the appoint-
ment letter & getting medically
examined, publishing seniority
list after 9(Nine) years of long
appointment by showing wrong fixa-
tion and thereby causing ^{loss to all} subsequent
promotional benefits in all Draw-
ing cadres of Chief Signal & Tele-
communication Engineer, N.F.Rly's
Office of Maligaon Hd. Qrs.

Kali Krishna Rao

4. Jurisdiction of the Tribunal :

The Applicant declares that the subject matter of the orders against which he wants redressal is within the jurisdiction of the Tribunal.

5. LIMITATION:

The Applicant humbly submits that this Application is within the period of Limitation as per Administrative Tribunal Act. of 1985.

6. Facts of the case :

The facts of the case are given below :-

- 1). That after having all the rights of my representations and Appeals lost to the want-on attitude and inaction of the N.F. Railway Administration to render equitable justice and redressal of my grievances I am filing the Original Application before the Hon'ble Central Administrative Tribunal under sec. 19 of the Administrative Tribunal Act. 1985 for justice and thereby redress of my long standing grievances.
- 2). That on being qualified in the recruitment of Trainee Tracer by the Railway Service Commission,

Contd.... Guwahati...

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Kali Krishna Patra

5). That since the inception of my appointment & training I had been persistently praying before the N.F. Railway Administration to unveil my seniority position, but could not be able to break their slumber.

6). That both ^{this} humble applicant and Miss. Jhunu Deka, subsequently known as Mrs. Jhunu Mahanta consequent upon her marriage, were of the same batch and for the same appointment of recruitment by the Railway Service Commission, Guwahati; but it appeared from Chief Signal & Telecommunication(P)/ Maligaon's letter No. E/203/150(N)Pt.III dtd. 17.2.89 (Annexure-E) that Miss. Jhunu Deka(now Mrs. Jhunu Mahanta) was promoted as ADM(Asstt. Draftsman) in Scale Rs.1200-2040/-(RSP) w.e.f. 1.1.89 owing to up-gradation of the cadre itself according to Railway Board's Circular mentioned in the aforementioned Annexure-E without considering ~~my~~ my case albeit this humble Applicant and Miss. Jhunu Deka, now Mrs. Jhunu Mahanta, were medically examined on the same date and on the same category of C/1 and for the same post of recruitment.

That as per the cardinal principles of Recruitment policy that even if a candidate having higher merit figure but joins later than a candidate having the lower merit figure in the selection process of

Contd....recruitment...

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Kali Krishna Patil

recruitment the senior candidate should get the SENIORITY OVER the Junior one by virtue of his MERIT FIGURE even if he/she joins on a later date due to any reasons what-so-ever.

- 7). That as per Railway-norms the initial training for the appointment of Tracer was of "IN SERVICE TRAINING" nature and, hence, an employee's seniority is to be counted from the date of his appointment for all subsequent purposes.

That in spite of my repeated persuances the delay for my posting even after fulfilling of all norms & conditions as per Rules of Railway Recruitment was best known to the N.F. Railway Administration.

- 8). That since the date of my 'paper appointment' and posting I had been vigorously and ceaselessly seeking for the placement of my correct seniority in the cadre of Tracer, but the N.F. Railway took about a decade's time to publish a seniority list, and that too, of the Asstt. Draftsman's cadre, because by this time the cadre of Tracer was elevated to the cadre of Asstt. Draftsman according to Railway Board's Circular showing my name below Mrs. Jhunu Mahanta and Mrs. Niva Das and also without endorsing a copy to me and /or my controlling Officer Asstt. Signal & T-telecommunication Engineer/Work-Shop/pandu which is manifestly clear on the face of the

Kali Krishna Das

record of seniority list published by the General Manager(P)/Maligaon vide his No. E/255/46(N)Pt. dated 13.5.93 (Annexure-F). This is highly derogatory to Railway's own set of Rules and violative of the cardinal principles of all employments.

That immediately after noticing the aforementioned seniority list this humble Applicant submitted a written representation to Chief Signal & Telecommunication Engineer(P)/Maligaon duly forwarded by my controlling Officer Asstt. Signal & Telecommunication Engineer(G), N.F. Railway, Maligaon under his No. N/423-E/34 dated 12.7.93(Annexure-G) for assignment of my correct seniority position and effecting my promotion in the cadre of Asstt. Draftsman from the date of 17.2.89 viz. from the date of up-gradation of the cadre of Tracer to Asstt. Draftsman.

- 9). That without attaching any importance to my representation dated 12.7.93 mentioned above under para 8 (Annexure-G) the General Manager(P)/Maligaon issued promotion order for Mrs. Jhunu Mahanta and others to the post of Draftsman selected through modified selection and posted in Chief Signal & Telecommunication Engineer/Maligaon's Office vide General Manager(P)/Maligaon's Office

Contd.... Order....

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Kewi Krishna Patil

Order communicated under No. E/254/29(N)Pt.1
dated 21.9.1993 (Annexure-H).

10). That again on 13.1.94 General Manager(P)/
Maligaon published seniority lists of Chief
Draftsman, Head Draftsman and Draftsman showing
their positions as on 1.1.1994 without publishing
the seniority list of Asstt. Draftsman and again
Mrs. Jhunu Mahanta's name appeared in the said
list without considering my representation for
correct seniority and subsequent promotion thereof
superseding me (Annexure-I).

11). That this dodgy and fallible act of the
Administration compelled me to submit another
written representation dated 28.5.1994 to General
Manager(P)/Maligaon duly forwarded by my Asstt.
Signal & Telecommunication Engineer/Work-Shop/
Pandu on 1/6.6.1994 so as to assign my correct
seniority at the initial recruitment of Tracer
and to all subsequent promotional cadres
(Annexure-J).

12). That following my aforementioned represen-
tation I submitted a reminder on 17.2.94 to
give effect of my promotion as Draftsman conse-
quent upon the restructuring benefits of the
Drawing cadres (Annexure-k) and my Deputy
Chief Signal & Telecommunication Engineer/HQ
also was kind enough to enquire of the finali-
sation of my long-standing issues (Annexure-K).

13).

Contd.....That...

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Kali Krishna Patil

13). That despite submission of my another representation on 4.9.95 (Annexure-L) vis-a-vis the imminent selection of Draftsman and Head Draftsman nothing was mentioned to set right my wrong fixation of seniority in the cadres of Tracer & Asstt. Draftsman, rather, the selection was held & I was given the promotion of Draftsman vide General Manager(P)/Maligaon's Memorandum No. E/254/29(N) pt.I dated 8.8.96 and subsequently after holding suitability test promoted me to the post of Head Draftsman in Scale Rs.5500-9000/- (Annexure-M² M/1) w.e.f. 14-8-1998.

Ravi Krishna

14). That by Memorandum No. E/254/29(N) pt.I dated 4.12.97 General Manager(P)/N.F.Railway/Maligaon elevated Smt. Jhunu Mahanta to the post of Chief Draftsman in Scale Rs.6500-1050/- who was junior to me in the initial recruitment of Trainee Tracer mentioned under para 6 above, but my representation/Appeal for seniority was still remained undecided.

15). That after my 15 years turmoil the General Manager(P)/Maligaon vide his letter No. E/255/46(N) dated 15.9.99 (Annexure-N) has agreed that I was medically examined on 29.10.83 and declared medically fit for joining the post of Tracer as recruited by Railway Recruitment Board(then Railway Service Commission), but

at the same time asking me the reasons for delay in my joining the post of Tracer only on 26.6.84. How ridiculous it is !

Kali Krishna Bose

16). That perhaps because of my constant representations and fervent appeals, both written and Oral, the General Manager(P), N.F. Railway, Maligaon, as it appears, was moved to take a judicious decision to arrive correct fixation of seniority of this humble Applicant in the cadre of Asstt. Draftsman as on 1.2.93 considering the initial recruitment position of Merit Figures adjudged by the Railway Service Commission(now Railway Recruitment Board)/Guwahati and accordingly decided to place me *above* Smt. Jhunu Mahanta vide General Manager(P)/Maligaon's letter No. E/256/46(N) dated 26.4.2000 (Annexure-0).

17). That after observing the squishy attitude of the Administration to take follow-up-action upon its letter dated 26.4.2000 mentioned above under para 16 I preferred an Appeal to the Director of Public Grievances/Cabinet Secretariate/New Delhi (Annexure-P) for the redressal of my grievances.

Contd....But on..

But on being asked by the Director of public Grievances/Cabinet Secretariate/New Delhi(Annexure-Q) *Regarding* my representations/appeals for assignment of seniority and thereby rendering consequential promotional benefits thereof this Railway Administration informed the Railway Board vide their letter No. E/255/46(N) dated 14.11.2000 duly signed by one Shri P.K. Singh, Dy.CPO/HQ/Maligaon that "Sri Bose submitted representation for recasting his seniority as for Tracer only on 28.05.94" and "recasting of seniority after lapse of 16 years cannot be considered". (Annexure-R).

Kali Krishna Bose

18). That the N.F. Railway's letter dated 14.11.2000 to Railway Board mentioned under para 17 is not only squelch of the factual position but also violative of Railway's own set of Rules under para- 321(B) of IREM (1989) and the erstwhile decided cases of this Railway.

18.1). The para-321(B) of IREM(1989) runs thus - "staff concerned may be allowed to represent about the assignment of his seniority position within a period of one year after the publishing

of the seniority list. No cases for revision of seniority lists should be entertained beyond this period"

My respectful submission before your Lordships to be kind enough to look into the words of the above codal provision "after the publishing of the seniority list" when this Railway Administration itself took long 9(Nine) years to publish a seniority list of employees like me and others how such question now arises when this humble Applicant submitted his representation/appeals protesting the seniority lists referred to under paras 8 & 10 respectively (Annexures-F& I). Moreover, the N.F. Railway Administration could not follow the Railway's own provision mentioned under para 303(b) of the IREM Vol-I (1989) itself wherein it is laid down "In the case of candidate who do not have to undergo any training in training school the seniority should be determined on the basis of the merit order assigned by the Railway Recruitment Board or other recruiting authority".

18.2). Further more, it would be envisaged from the letter of one Sri Anil Kumar Chatterjee, DSK/I, that seniority list can be changed to assign correct position of a deprived employee even long after 19 years(1981-1999)(Annexure-S). The case of Sri Kajal Dasgupta, an employee of the Mechanical Department of the Lunding

Kali Kuis Para Page 94

Division of N.F. Railway got his actual seniority after lapse of 14 years.

18.3). That it fails to understand as to how Sri P.K. Singh being an IRPS Officer could write such a highly inflammatory letter which is not only inconsistent to the Railway's own set of Rules and decided cases but also violative of all statutory laws, rules and codal provisions enshrined for the purpose! Perhaps he was maneuvered by the representation of Mrs. Jhunu Mahanta dated 22.5.2000 (Annexure-T) and compelled to refurbish the Railway's earlier decision mentioned under para-16 above and/or proceeded mechanically in arriving a finding while communicating reply to Railway Board to satiate Cabinet Secretariat(DPG)'s inquiry. This Railway thus invited an unfair, unjust, and arbitrary decision/action which is liable to be set aside ab initio.

Kali Krishna Bose

19). That there cannot be any clandestine fact or matter which cannot be highlighted for the ends of justice.

Your Lordships may be magnanimous to permit me to cite the reference of Dr. Udai Pareek's celebrated book titled "Personnel Management" at page 277 quoted in the case

of 'Council of Scientific and Industrial Research & another -Vs- Mr. K.G.S. Bhatt & another reported in 1989(4) SLR 252 (S.C.). The relevant lines akin to this Applications are reproduced ad verbatim: "The Organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administration of personnel, low morale, and ineffectual of performance among employees and their supervisors".

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Kali Krishna Das

- 20). That the power of appointment has been used arbitrarily in the case of this Applicant vis-a- vis Miss. Jhunu Deka, now Mrs. Jhunu Mahanta and thereby deprived the duly qualified candidate - the Applicant in this O.A.- selected, medically examined & found fit and assured of appointment of Trainee Tracer through the Recruitment process of Railway Service Commission/Guwahati and N.F. Railway Administration. Hence, this is an infringement of the guaranteed right embodied under Art.309 of the Constitution of India.

- 21). That in preparing the seniority lists the promotion of seniority inter-se has been violated deliberately by the N.F. Railways.

Contd..Administration...

Administration on repeated occasions in the case of this applicant and thereby caused infringement of Arts. 14 & 16(I) of the Constitution of India.

(22)

= That there is no 'reasonable basis for differentiation' between Miss Jhunu Deka now Mrs. Jhunu Mahanta and this Applicant in respect of appointment, promotion and unequal scales of pay caused by the N.F. Railway Administration and owing to this "irrational distribution" for the 'identical work under the same employer" caused bias, malafide and ultra vires to the Constitutional proviso guaranteed under Arts. 14 & 39(d).

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Kali Krishna Patil

7. RELIEF SOUGHT :

In the premises aforesaid your Applicant prays that the Hon'ble Tribunal would be pleased to admit the application, call for the record, issued notices on the Respondents calling upon them to show cause as to why the impugned seniority lists under Nos. E/255/46(N)Pt. dt. 13-5-93, E/255/III/46(N) dt. 13-1-94, E/254/29(N)Pt.I dt. 21-9-93 mentioned under Annexures F, H, I, ^{2 & 11} above issued by General Manager(P)/N.F. Railway/Maligaon should not be set aside and a direction be made to re-assign my seniority

Contd.....position.....

position above Mrs. Jhunu Mahanta in all
grades right from the appointment and
arrange my promotion to the rank of
Chief Draftsman above Mrs. Jhunu Mahanta with
back wages of all pay, allowances and
admissible dues as per my restored ^{position} and/
or pass such other or further orders as
your Lordships may deem fit and proper.

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Kali Krishna Patil

8. INTERIM, IF PRAYED FOR :

Pending finalisation of this
Application the Hon'ble Tribunal may
order as deem fit and proper.

9. DETAILS OF REMEDIES EXHAUSTED :

Appeals/representations, both
written and oral preferred before the
N.F. Railway Authorities, more
particularly, General Manager(P), N.F.
Railway, Maligaon mentioned under
Annexures G, K, J, L, P, S and without
any relief.

Contd.....MATTER.....

10. MATTER NOT PENDING WITH OTHER COURT, ETC.:

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of Law or any other Authority or any other Bench of the Tribunal.

Kali Krishna Bose

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF APPLICATION FEE :

- 1). Name of the Bank on which drawn;
- 2). ~~Demand Draft NO.:~~
 - i). Number of Indian postal Order : B-15-005779
 - ii). Name of the Issuing : Maligaon Railway HQs. post Office : Guwahati-781011.
 - iii). Date of issue of Postal Order: 19.1.2001.
 - iv). Post Office at which payable: Guwahati Head Office.

12. DETAILS OF INDEX :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. LIST OF ENCLOSURES:

ANNEXURES: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T .

V E R I F I C A T I O N

I, Kali Krishna Bose, son of Late Birendranath Bose, aged about 43 years, resident of RLY. Qr. No. S&C/181-A, Triangular Colony, Pandu, Guwahati-781012, (Assam), by occupation Railway service, working under Chief Signal & Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati-781011 do hereby solemnly affirm and verify that the contents of paragraphs 6(1) to 6(18.3) are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts and the Paras- 6(19) to 6(22) are my humble and respectful submission before this Hon'ble Tribunal.

AND I sign this VERIFICATION on this 25th
.... day of January'2001.

Place: Maligaon,

Date: 31-1-2001

Kali Krishna Bose
Signature of the Applicant.

= 2/1 =

Announce - A

NORTHEAST FRONTIER RAILWAY.

REGISTERED WITH A.D

Office of the
CHIEF PERSONNEL OFFICER
(Recruitment Section)
Maligaon: Gauhati-11.

No. E/227/ 63/2 (Rectt).

Maligaon, dated, the 17-11-1983.

To
Shri Kali Krishna Bose (R/NO-39)

Gauhati-12

Sub:- Temporary appointment as Trainee/ Apprentice
Trainee on Rs. 260/-
per month in scale Rs. 260-430/- plus usual
dearness allowance as admissible from time to time.

Approval RSC/WHY
DATE OF SELECTION BY THE RECRUITMENT COMMITTEE 26-9-83

MERIT FIGURE 26(VR)

I am prepared to offer you a post in grade of and rate of pay specified above plus usual allowance subject to your passing the prescribed medical examination by an authorised Medical Officer of any of the Indian Railways and on production of your original certificates in support of your qualifications and satisfactory proof in support of your age, such as Matriculation or its equivalent certificate. In case of non-availability of Matriculation or its equivalent certificate from the University/Board, the following certificates (in original) may be accepted provisionally :-

- (a) Matriculation Marks sheet
- (b) Matriculation Admit Card and
- (c) School-Leaving Certificate from the Headmaster.

2. You will have to undergo training for a period of 3 months/
~~year~~ (s) during which time you will be given one chance to pass the examination. If you fail in the examination within the stipulated period, you will be discharged. During training period you will receive a stipend of Rs. 260/- per month plus usual dearness allowance applicable from time to time.

3. On satisfactory completion of training and passing the prescribed examination/test you will be eligible for appointment as temporary Trainee on minimum of the scale Rs. 260-430/- plus usual allowance applicable from time to time, but no guarantee of appointment can be given. Appointment will be temporary in the first instance under terms and conditions applicable to Class III temporary railway servants but you may look forward for confirmation in accordance with your seniority on fulfilment of the conditions as per rules.

Mantamareef
31-1-2001
Advocate

4. (i) On completion of your training, if you get yourself selected for appointment against a working post, you will have to serve the Railway Administration for a minimum period of five years, if required by the Administration.

(ii) That you will not be allowed to withdraw from training except for reasons which are beyond your control. In case, you fail to serve the Administration for a minimum period of five years as stated above or wish to withdraw from training for any reason which is not beyond your control or try to withdraw by willfully absenting yourself or adopting any other unfair tactics, you will be liable to refund the whole cost of your training as well as any other money paid to you during the period of training by way of stipend/pay, etc. the cost of training being understood to be 12 1/2% of the pay and allowances (excluding travelling and running allowances) drawn by you.

(iii) Before you start your training, you will be required to produce an Indemnity Bond binding yourself and one surety jointly and severally to refund, in the event of your failing to satisfy the conditions stipulated above, the cost of training and all money paid to you in the manner detailed above.

5. It must be clearly understood that the appointment is terminable on 14 days notice either side except that no such notice is required if the termination of service is due to the expiry of the sanction to the post you hold or on return to duty of the absentee in whose place you may be engaged, in which case, your service will be automatically terminable from the date of expiry of the sanction or from the date the former resumes his duty, as the case may be; Also no such notice will be required if the termination of service is due to your mental or physical incapacity or to your removal or dismissal as a disciplinary measure after compliance with the provision of Clause II of Article 311 of the Constitution of India.

6. You will not be eligible for any pensionary benefit under the State Railway Provident Fund or Gratuity Rules or to any absentee allowance beyond those admissible to temporary employees under the rules in force from time to time during such temporary service.

7. You will be held responsible for the charge and care of Govt. money, goods and stores and all other properties that may be entrusted to you.

8. In all matters not specifically provided for herein, or in the Recruitment rules, you will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.

9. You will be required to take an oath or allegiance or make an affirmation in the form indicated below :-

"I, Shri Kali Krishna Brel. do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality.

SO HELP ME GOD. "

Kantaram...
31-1-2001
Advocate

Cont'd.....3/-.

20. While reporting to this office you will have to deposit Rs. 12/- (rupees twelve) only on account of pre-recruitment medical examination fee.

Encl : 1/2 set 2nd Class Pass
No. 7

<p>I accept the offer on the terms detailed above and declare that I shall abide by the conditions, stipulated in para - 10 at page - 3.</p> <p><u>Kali Krishna Bose.</u> Signature of the candidate and</p> <p>date: _____</p>

SENIOR PERSONNEL OFFICER (RECRUIT ENT.)

Copy forwarded for information and necessary action to :

_____ This has reference to his
engagement No. _____ dated _____
He will please spare the seat in time so as to enable him to join the
new post within the stipulated time in para 11 above.

for CHIEF PERSONNEL OFFICER.

Rita/-

Handwritten notes:
 20. 7. 20. 9. 97
 20. 7. 20. 9. 97
 20. 7. 20. 9. 97

Handwritten notes:
 31.1.2001
 Advocate

10 वीं विले/N. F. Railway

अंश/श्री/जी/सं/R/B. Co

पत्र/पत्र/जी/प्र/जी/जी/N. E. G. 108/A. G. 2

5

11110

क्रम सं./Serial No.....

पुस्तक सं./Book No.....

नकदी रसीद (RECEIPT BOOK)

विभाग/Department.....

कार्यालय/Office.....

प्राप्त/Received from.....

पता/Address.....

रकम/The sum of Rupees (शब्दों में/In words).....

Medical Examination
On account of
PRO. 4/NO E/27/K
MED/RECH at 25/1/22

हस्ताक्षर और पदनाम/Signature and Designation

पत्र/पत्र

स्टेशन/Station

दिनांक/Date

आवकियों के लिये/Payce Foil

N. F. Rly-Press-17/183C2/125-March 22-3000x50x3 Foils

Kanikumar
31-1-2001
Advocate

Handwritten signature and date

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Anaxuse - C

46

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
CHIEF PERSONNEL OFFICER
(Recruitment Section)
Gauhati - 781011

NO: E/227/Pre-Medical/Recrtt.

Dated, Maligaon 29-10-1983.

To

Shri/Smt. Kali Krishna Bose
(Now at office)

Sub:- Medical Examination.

In reference to this office letter No. E/227/63/2
(Recrtt) dated 17-16-83, you were given offer of appoint-
ment for the post of Ti. Tracee in scale Rs. 260-430/-
(RS).

You are advised to deposit Rs. 12/- (Rupees Twelve)
only with the Chief Cashier, N.F. Railway, Maligaon on account
of pre-recruitment medical examination fee and submit the
receipt to this office so that you may be sent to Railway
Hospital, Maligaon for Medical Examination.


for CHIEF PERSONNEL OFFICER.

Copy to:- The Chief Cashier, N.F. Railway, Maligaon. This has
reference to Railway Board's letter No. 76/H/5/20
dated 16-11-76. The amount is to be credited to
Railway Revenue (Abstract-Z).

for CHIEF PERSONNEL OFFICER.

Nantikumar Das
31.1.2001
Advocate

= 24 =

Annexure-D

42

NORTHERN RAILWAY

OFFICE ORDER.

As per terms and conditions of SPO(Rectt)/PNO's letter No.E/227/63/2 (Rectt) dated 14.5.84. Shri Kali Krishna Bose, who has been found medically fit in class C/1 and has reported to this office for appointment as Trainee Tracer with effect from 25.6.84 on stipend of Rs.260/- per month in scale of Rs.260/- to 430/-(RS) plus allowances as admissible under rules to undergo 3(three) months training and directed to report to ASTE/WS/PNO immediately for training.

Sr. Signal & Telecomms
Engineer/HQ.

303
304

No.197-E/1547(E)

Maligaon, dt.26.6.84.

Copy forwarded for information and necessary action to:-

1. FA & CAO/Maligaon.
2. FA & CAO/Estt/Maligaon.
3. Dy.CSTE/S/Maligaon.
4. SPO(Rectt)/Maligaon with reference to his letter No. E/227/63/2(Rectt) dated.14.5.84.
5. ASTE/WS/PNO. The staff concerned may be given training for the period mentioned above.
6. Kali Krishna Bose at office.

for C.S.T.E.(P)

Attache

Signature
30.9.97
Sd/-
Sr. S.T.E. (P)
Maligaon

= 25 =

Annexure - E 48

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20/2

NORTHEAST FRONTIER RAILWAY.

OFFICE ORDER.

The following Tracers in scale Rs.975-1300/- (RSP) of S&T Deptt. who do not possess diploma but have completed 5 (five) years service as shown against them are hereby promoted as ADM in scale Rs.1200-2040/- (RSP) w.o.f. 1-1-89 in terms of Rail Board's letter No.P.C.-III/84/4PG/19 dated 25-6-85 circulated under CPD's circular No.RP-441, E/205/73(PC)Pt. IV dated 10-7-85 and upgraded vide memorandum No.E/254/29(N)Pt. I dt.13-2-89 confirmed by FA/CAO vide his No.U/O.No.FE/2/15/1/Pt.III dt.20-1-89.

Sl. No.	Name.	Date of completion 5 yrs.	Date of effectives the promotion as ADM.	Place of posting.
1.	Mrs. Sangita Nag,	28-10-88,	1-1-89.	CSTE/Maligaon.
2.	Shri Dhiren Kr.Paul,	1-11-88,	1-1-89.	DSTE/TSK.
3.	Mrs. Jayashri Chakraborty,	2-12-88,	1-1-89.	CSTE/Maligaon.
4.	Mrs. Jhunu Mahanta,	9-12-88,	1-1-89.	CSTE/MLG.

for Sangita Nag
C.S.T.E.(P)MLG.

Maligaon, dated, 17-2-89.

NO.E/203/150(N)Pt.III.

Copy forwarded for information and necessary action please.

1. FA/CAO/Maligaon.
2. LHM(P)KLR, A.PU, LMG, TSK.
3. DSTE/ " " " "
4. LHO
5. ASST/WS/PNO.
6. Dy.CSTE/Tele/Maligaon.

On implementing the upgradation all the posts of Tracers will be abolished from 1-1-89.

F
N/511/17(c)

Inform staff accordingly

AB/15-2. Jhunu Mahanta
21-2-89

for Sangita Nag
C.S.T.E.(P)MLG.

J Chakraborty
21-2-89

Manikumar
31-1-2001
Advocate

= 26 =

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Annexure - F

54-253

N. E. RAILWAY.

Provisional Seniority list of Draftsmen in scale Rs. 1400-2300/- and AIM in scale Rs. 1200-2040/- of S.T Deptt. as per 1-2-93. Unit N. E. Rly.

Classification of post - Departmental.

Sl. No.	Name in order of seniority.	Place of posting.	Date of birth.	Date of appt. to Rlys.	Date of promotion to grade.	Confd./ Cffg.	Length of service in the grade.	Remarks.
1	2	3	4	5	6	7	8	9

Draftsmen in scale Rs. 1400-2300/-.

1.	Shri Sankar Das (SC),	DAD/APD.	11-5-61.	<u>4-1-88.</u> 4-1-89.	9-1-90.	Confd.	3 0 22	
2.	" A.K. Chatterjee,	DAC/KIR.	20-10-37.	2-1-59.	10-7-90.	Cffg.	2 6 21	
3.	" Tapan Mechi,	DAC/CSTE.	1-10-60.	1-5-80.	" "	" "	2 6 21	
4.	" Santosh Ranjan Dhar,	DAC/DG.	16-6-43.	24-11-63.	" "	" "	2 6 21	
5.	" Srijitai Mahanta (SC),	DAC/DG.	8-12-58.	1-5-80.	" "	" "	2 6 21	

Asstt. Draftsmen in scale Rs. 1200-2040/-.

1.	Mrs. Sandipta Das,	AIM/CSTE.	1-1-62.	23-10-83.	17-2-89.	Confd.	3 11 14	
2.	Shri Dhiren Kr. Paul,	AIM/TSK.	-	1-11-83.	17-2-89.	" "	3 11 14	
3.	Miss. Joyashree Chakraborty,	AIM/CSTE.	10-9-61.	2-11-83.	17-2-89.	" "	3 11 14	
4.	Mrs. Jhuanu Mahanta,	AIM/CSTE.	26-9-59.	9-12-83.	17-2-89.	" "	3 11 14	



Advocate
31-1-2001

Contd..2.

~~26/4~~ = 26/1 =

50

1	2	3	4	5	6	7	8	9	Y. M. D.
5.	Mrs. Niva Das,	ADM/CCN.	21-3-58.	13-5-58.	15-5-59.	10-3-59.	3	3	20
6.	Shri K. K. Bose,	ADM/ASTE.	1-3-58.	26-6-84.	2-3-90.	Offg.	2	10	29
7.	Mr. Sabir Ahmed,	ADM/CSTE.	1-1-65.	22-1-09.	6-2-91	"	1	11	25
8.	Miss. Debjani Dowerah,	ADM/CSTE.	24-3-66.	16-11-09.	6-2-91.	"	1	11	25
9.	Shri Bhupen Shyam (ST),	"	1-6-67.	19-11-09.	6-2-91.	"	1	11	25
10.	" Goutam Majumdar,	"	5-1-60.	10-11-09.	6-2-91.	"	1	11	25
11.	Mrs. Sabrah Das (SC),	ADM/DMG.		13-12-09.	6-2-91.	"	1	11	25
12.	Shri K.Y. Alfansi (ST),	ADM/CSTE.	1-3-66.	9-1-90.	6-2-91.	"	1	11	25
13.	" T.K. Mukherjee,	ADM/CCN.	1-12-66.	6-11-90.	6-11-91.	"	1	2	25

for GENERAL MANAGER (P) MIG.

Malignon, dated, 13.5.93.

NO. E/255/46(N) Pt.

Copy forwarded for information and necessary action.

1. DRM(F) s/KIR, PND, DMG & TSK with spare copies for staff concerned.
2. DSTES/KIR, PND, DMG & TSK & CTC/BENR.
3. CSTE/Malignon with spare copies for the staff concerned.
4. NY.CSTE/CCN/MIG with spare copies for staff concerned.
5. General Secretary, N. F. Railway Mazdoor Union/PNC with 5 spare copies.
6. General Secretary, N. F. Railway Employees' Union with 5 spare copies.
7. ASTE/GNY.

The target date for submission of representation, if any, against this seniority list is one month from the date of issue of the same after which no representation will be entertained.

Continued
31-1-2001
Advocate

Ledrao 13.5.93

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SRI K. S. CHATTERJEE
SRI A. R. CHATTERJEE
SRI T. V. CHATTERJEE
SRI S. L. CHATTERJEE
SRI K. CHATTERJEE
SRI P. K. CHATTERJEE
SRI S. CHATTERJEE
SRI M. CHATTERJEE
SRI N. CHATTERJEE
SRI O. CHATTERJEE
SRI P. CHATTERJEE
SRI Q. CHATTERJEE
SRI R. CHATTERJEE
SRI S. CHATTERJEE
SRI T. CHATTERJEE
SRI U. CHATTERJEE
SRI V. CHATTERJEE
SRI W. CHATTERJEE
SRI X. CHATTERJEE
SRI Y. CHATTERJEE
SRI Z. CHATTERJEE

To: The CSTE (P)/Maligaon,
N.F. Railway.

= 27 =

Annexure - G

51

(through Proper Channel)

Dated: the 12th July 1993.

Sir,

Subj:- Antedating my promotion as ADM in
scale Rs. 1200-2040/- from 2-4-89.

Ref:- Your letter No. E/254/29(N)Pt.I
dated 2-3-90.

Most respectfully, I beg to place the following for
your kind appreciation:-

- 1) That on implementation of Restructuring of drawing
cadre in S&T Deptt. the posts of Tracers were totally
abolished as on 2-4-89 vide C.P.O.'s Office Memorandum
No. E/254/29(N)Pt.I dated 2-3-90.
- 2) that as on 2-4-89, there was no post of Tracers in
the drawing cadre, in pursuance to your office order No. E/283/158 (N)
Pt. III dated 17-2-89 (copy enclosed)
- 3) that in pursuance to the above, I could not have
continued as Tracer as on 2-4-89,
- 4) that my promotion as ADM was shown effective from
25-6-89 vide CSTE's Office Order No. N/NS -2/70-717
dated 20/26-3-89,
- 5) that the contents of CSTE (P)/Maligaon's letter dated
2-3-90 was mis-interpreted by the CSTE/Maligaon's office
for which my promotion was shown effective from 25-6-89
instead of 2-4-89. You may likely to rectify the
irregularities.

The photo copies of the relevant documents are enclosed,
DAs (as stated above).

Yours faithfully,
Kali Krishna Bose

(Kali Krishna Bose)
ADM/under ASTE/Workshop/Pandu.

Copy to: 1) SPO (B&PC)/Maligaon, for information and
2) SSTE/ND/Maligaon, necessary action please.

Yours faithfully,

(Kali Krishna Bose)
ADM under ASTE/Workshop/Pandu.

No - N/NS - E/34 Date = 12-7-93

Recommended for hisposal please

Asstt. Signal & Tele. Engg. (S)
N. F. Railway, Maligaon

Manikumar...
31-1-2001
Advocate

N. F. Railway.

Office of the
General Manager (Personnel),
Maligaon, Gauhati.

OFFICE ORDER.

The following transfer, posting and promotion orders are issued to take effect from the date mentioned against each :

- 1) ^{S.R. Roy} Shri C. P. Roy, BDM/BG/Cm/Maligaon under CSTE/BG/Cm in scale Rs. 1600-2660/- on being declared selected, thro: modified selection, vide this office Memorandum of even number dated 27-8-93 is promoted as CDM in scale Rs. 2000-3200/- and posted in CSTE's office under CSTE/MLG against restructuring post w.e.f. 1-3-93.
- 2) Shri S.K. Datta, BDM CSTE's office in scale Rs. 1600-2660/- on being declared selected, thro: modified selection, vide this office Memorandum of even number dated 27-8-93 is promoted as CDM in scale Rs. 2000-3200/- and posted in CSTE's office under CSTE/MLG against restructuring post w.e.f. 1-3-93.
- 3) Shri M.L. Chatterjee, BDM CSTE's office in scale Rs. 1600-2660/- on being declared selected, thro: modified selection, vide this office Memo. of even number dated 27-8-93 is promoted as CDM in scale Rs. 2000-3200/- and posted in CSTE's office under CSTE/MLG against restructuring post w.e.f. 1-3-93.
- 4) ^{Sankar} Shri Sankar Bag (SC) DM/APDJ in scale Rs. 1400-2300/- under Sr. DSTE/APDJ on being declared suitable thro: modified suitability test vide this office Memo. of even number dated 27-8-93 is promoted as BDM in scale Rs. 1600-2660/- and posted as BDM/APDJ under Sr. DSTE/APDJ against restructuring post w.e.f. 1-3-93.
- 5) Shri A.K. Chatterjee, DM/KIR in scale Rs. 1400-2300/- under DSTE/KIR on being declared suitable, thro: modified suitability test vide this office Memo. of even number dated 27-8-93 is promoted as BDM in scale Rs. 1600-2660/- and posted at KIR under DSTE/KIR against restructuring post w.e.f. 1-3-93.
- 6) Shri Swapan Medhi, DM CSTE's office in scale Rs. 1600-2660/- on being declared suitable, thro: modified suitability test vide this office Memo. of even number dated 27-8-93 is promoted as BDM in scale Rs. 1600-2660/- in CSTE's office under CSTE/MLG against restructuring post w.e.f. 1-3-93.
- 7) Shri Santosh Ranjan Dhar, DM/LMG in scale Rs. 1400-2300/- under DSTE/LMG on being declared suitable, thro: modified suitability test vide Memo. of even number dated 27-8-93 is promoted as BDM in scale Rs. 1600-2660/- and posted at LMG under DSTE/LMG against restructuring post w.e.f. 1-3-93.
- 8) ^{Sankar} Shri Sankar Mahanta (SC), DM CSTE's office on being declared suitable, thro: modified suitability test, is promoted as BDM in scale Rs. 1600-2660/- and posted in CSTE's office under CSTE/MLG against an existing vacancy with immediate effect.

Contd...P/2.

Mant...
31.1.2001
Advocate

-(2):-

- 9) Mrs. Sa. Jyoti Nag, ADM CSTE's office in scale Rs. 1200-2040/- on being declared selected, thro: modified selection, is promoted as DM in scale Rs. 1400-2300/- and posted in CSTE's office under CSTE/MLG against an existing vacancy with immediate effect.
- 10) Shri Dhiren Paul, ADM under DSTE/TSK in scale Rs. 1200-2040/- on being declared selected, thro: modified selection, is promoted as DM in scale Rs. 1400-2300/- and posted at TSK under DSTE/TSK against an existing vacancy with immediate effect.
- 11) Miss Joyashree Chakraborty, ADM under CSTE/MLG in scale Rs. 1200-2040/- on being declared selected, thro: modified selection, is promoted ~~and~~ as DM in scale Rs. 1400-2300/- and posted in CSTE's office under CSTE/MLG against an existing vacancy with immediate effect.
- 12) Mrs. Jhanu Mahanta, ADM in CSTE's office in scale Rs. 1200-2040/- on being declared selected, thro: modified selection, is promoted as DM in scale Rs. 1400-2300/- in CSTE's office under CSTE/MLG against an existing vacancy with immediate effect.
- 13) Mrs. Nitya Das, ADM under CSTE/BG/Ccn in scale Rs. 1200-2040/- on being declared selected, thro: modified selection, is promoted as DM in CSTE/BG/Ccn's Office under Dy. CSTE/BG/Ccn. against an existing vacancy with immediate effect.
- 14) Shri Bhupen Shyam (ST) ADM, CSTE's office in scale Rs. 1200-2040/- on being declared suitable, thro: modified selection, is promoted as DM in scale Rs. 1400-2300/- and posted in CSTE's office under CSTE/MLG against an existing vacancy with immediate effect.
- 15) ^{Smt. Subrata} Smt. Subrata Das (SC) ADM/LMG under DSTE/LMG on being declared selected, thro: modified selection, is promoted as DM in scale Rs. 1400-2300/- and posted at LMG under DSTE/LMG against an existing vacancy with immediate effect.
- 16) The newly pinpointed post of Draftsman in scale Rs. 1400-2300/- under ASTE/WS/PNO is temporarily down graded into ADM in scale Rs. 1200-2040/- and Shri K.K. Bose, existing ADM is posted against the post till a selected DM is posted under ASTE/WS/PNO.
- 17. Mrs. Debjani Gogoi (Dowrah), ADM in CSTE's office under CSTE/MLG in scale Rs. 1200-2040/- is ~~not~~ hereby transferred and posted at TSK under DSTE/TSK with immediate effect at her own request.

This issues with the approval of CSE.

M. BRAHMO
 D/O - CPO/NG
 for General Manager(P).
 21.9.93
 M. BRAHMO
 31.1.2001
 Advocate
 Contd...P/3.

= 28/2 =

54

-(3):-

No. E/254/29(II)Pt.I

Dated. 21-9-1993.

Copy forwarded for information and necessary action to -

- 1) DIM/P/KIR, APDJ, LMG, TSK
- 2) DSTES/KIR, APDJ, LMG, TSK
- 3) DACs/KIR, APDJ, LMG, TSK
- 4) Dy. CSTE/BG/Con/Maligaon.
- 5) CSE/Maligaon
- 6) FA & CAO/Maligaon
- 7) The date of promotion of ADM to SI will take effect from the date they will take over charges. In this connection the date of effect of promotion of Draftsman as circulated vide this office Memorandum of even number dated 27-8-93 will now be with immediate effect.
- 8) GS/M.F.R.M.U/M.F.R.E.U/

u/s/...

for General Manager(P)
Maligaon.

Mantikumar...
31.1.2001
Advocate

= 29 =

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Araaruae-I

N. F. R. IDWAY.

PROVISIONAL SENIORITY LIST OF DRAFTSMAN IN SCALE Rs. 1400-2300/-
AS ON 1.1.94.

Asstt. PWS/PNO

Classification of post : Departmental : Sanctioned strength : 7.

SN	Name in order of Seniority.	Place of posting.	Date of birth.	Date of Apptt. to Railway.	Date of promotion to grade.	Confd. of affg.	Length of ser-vice to the grade.	REMARKS.
1	2	3	4	5	6	7	8	9
							Y - M - D	
1.	Mrs. Sangita Neg.	DM/CSTE	1.1.62	28.10.83	1.3.93	Offg.	0 - 10 - 0	
2.	Sri Dhiren Kr. Rul.	DM/TSK.		1.11.83	1.3.93	-do-	0 - 10 - 0	
3.	Miss Joyashri Chakraborty.	DE/CSTE	10.9.61	2.11.83	1.3.93	-do-	0 - 10 - 0	
4.	Mrs. Jhunu Mahanta.	DM/CSTE	26.9.59	9.12.83	1.3.93	-do-	0 - 10 - 0	
5.	Mrs. Niva Das.	DM/CSTE/ BG/CON.	21.3.58	1.5.84 11.5.88	1.3.93	-do-	0 - 10 - 0	
6.	Sri Bhupen Shyam(ST)	DM/CSTE	1.6.67	19.1.89	1.3.93	-do-	0 - 10 - 0	
7.	Mrs. Subrah Das(SO)	DM/IMG.		18.1.89	1.3.93	-do-	0 - 10 - 0	

(A. Saikia) 13/1/94
Asstt. Personnel Officer/Prs.
for GENERAL MANAGER(P)/MIG.

NO: E/255/46 (N) Pt.I

... Dated 13-1-1994.

Copy forwarded for information and necessary action to :-

1. DRM(P)/KIR, A.P.D.J, LAG & TSK
2. DSTE/KIR, A.P.D.J LAG & TSK.
3. CSTE/MIG.
4. Dy. CSTE/CON/MIG.
5. GM/BG/CON/MIG.
6. GS/NFRMU/PNO and GS/NFRMU/PNO with 5 more copies each.
7. ASST/WS/PNO.

NB : The target date for submission of representation, if any, against this seniority list is one month from the date of issue of the same after which no representation will be entertained.

Kantaram Chandra
31.1.2001
Advocate

13/1/94

To
The General Manager (P),
P. Railway/Malignon.

(Through Proper Channel)

Sir,

Sub: Fixation of Seniority as Tracer.

I beg to place as under :

that myself alongwith the following staff were recruited as Tracer in 1983,

that the Merit Figures allotted to by the REC/CHY of the selected Tracers posted in the Signal Department were as under:

<u>N.R.N.O.</u>	<u>Merit Figures</u>
1. Miss Sangeeta Dev (Mag)	6
2. " Jayashree Chakraborty	17
3. Shri Kali Krishna Bose	26
4. Miss Jhunu Deka (Mahanta)	28
5. Shri Dhiran Mr. Paul	Not known

that It may be seen from the above, my Merit Figure was above Miss Jhunu Deka(Mahanta) if not above Shri Dhiran Kumar Paul but my position as Tracer was shown below Miss Jhunu Deka(Mahanta).

that Miss Jhunu Deka (Mahanta) was promoted as ADM on 1-1-89 vide CSTR(P)/Malignon's Office Order No. E/283/158(N) Pt.III dated 17-2-89 superseding me and also as DM due to wrong fixation of my seniority in the base cadre.

You may like to examine my representation and do the needful.

yours faithfully,

Kali Krishna Bose

(Kali Krishna Bose)

ADM

under ASTE/Workshop/Pandu.

Dated: Pandu,
the 28th May 1994.

14
 10/11/94 - EP/304/16/24
 To be placed to GM (P) for
 use in necessary papers
 please
 H. S. S. S.
 S. S. S. S.
 S. S. S. S.
 S. S. S. S.

Post and chod thro' Peon Room
 on 6/6/94
 Kambhambh
 21-1-2001
 Advocate

= 31 =

(REMINDER - 1)

To: CSTE(P)/Maligaon, N. Railway.

Annexure - K 5A

(Through Proper Channel)

Sub: My promotion as Draftsman in scale Rs. 1400-2300/- against Restructuring post of Drawing cadre.

Ref: My appeal dated 23/28-7-93 addressed to you and copy endorsed to the CSTE/MLG and Dy.CPO(NG)/Maligaon.

Sir,
Your immediate kind attention is drawn to my appeal dated 23/28-7-93 with the request to issue my promotion order as Draftsman in scale Rs. 1400-2300/- as requested vide my appeal quoted above.

Since the matter has already been delayed, I would earnestly request you to look into this and issue my promotion order at the earliest.

A reply by return stating the present position of my appeal is solicited.

DA: Copy of appeal dated 23/28-7-93 (in three parts)

Dated: Pandu, the 17th Feb: 1994.

Yours faithfully,

Kali Krishna Bose
(Kali Krishna Bose) 17/2/94
ADM under ASTE/Workshop/PNO.

Copy to :-

- 1) CSTE/Maligaon, for information and
- 2) Dy.CPO^(NG)/Maligaon, necessary action please.

DA: one memorandum to each

Yours faithfully,

(Kali Krishna Bose)
ADM under ASTE/Workshop/PNO.

Handwritten notes and stamps:

E

17/2/94

1/1/2

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31/3

31/3

no. N/W-EP 304 dt. 21.2.94
Forwarded to CSTE(P) Maligaon, N. Railway
disposed per with copy to CSTE/MLG
and Dy. CPO(NG) Maligaon, for information
& necessary action please

Handwritten signature: Halli

Handwritten signature: Kantilal Bhowa
31-1-2001
Advocate

To:
The CSTE/Maligaon,
N.F. Railway.

= 32 =

Annexure - L

58

(Through Proper Channel)

(For kind attention of Sri A. Apte,
SSTE/Planning/HQ/MLG)

Sir,

Sub: Prayer for promotion as Draftsman.

Ref: Dy. CSTE/HQ/MLG's Letter No. N/51/5/23
dated 16-3-94 (copy enclosed)

I have the honour to request you kindly refer to the Dy. CSTE/HQ/MLG's letter as stated above. In this connection I like to inform you that in spite of my several appeals submitted from time to time (copies enclosed) my case has not yet been finalised.

Moreover, it is learnt that selection for the post of HDM & DM are under process and likely to be completed shortly. I have to badly suffer if my long outstanding issue is not to be solved before declaring the office order of this selection.

Under the above circumstances, I would request your honour kindly arrange to take up the matter with the Dy. CPO/NG/MLG to finalise my case at the earliest.

With best regards,

7 (Seven)
DA: as above (all
photostat copies of
appeals)

Yours faithfully,

Dated: Pandu
the 4th Sept. 1995.

(Kali Krishna Bose)
ADM

under ASTE/Workshop/PNO's Office.

Copy to: The Dy. CPO(NG)/Maligaon, N.F. Railway - for kind information and necessary action pl.

7 (Seven)
DA: copies of
all appeals.

Kali Krishna Bose
(Kali Krishna Bose) 4/9/95

No. N/A-31/KP/308-78 dt. 8.9.95

Forwarded to Dy. CPO(NG) Maligaon, N.F. Ry

for information & necessary action plan

Khandaram
35-1-2001
Advocate

8/9/95

No. E. Railway.

9

MEMORANDUM

Subj. - Result of the selection for the post of Draftsman in scale Rs. 1400-2300/- of S & T Department.

.....

In the written selection for the post of Draftsman in scale Rs. 1400-2300/- of S & T Deptt. held on 15-11-06 (written) and 30-11-06 (Viva-voce) the following candidates have been qualified and empanelled for promotion to the post of Draftsman in scale Rs. 1400-2300/- and their names are arranged as per seniority.

<u>S/No.</u>	<u>Name and designation.</u>	<u>Working under.</u>
1.	Sri K. K. Bose, ADM	ASPE/WA/PNO.
2.	Sair Ahmed, ADM	CAT/MLG.

The panel has been approved by competent authority on 7-8-06.

(K. SURE SHARAN)
SFO (Engg.)
For GENERAL MANAGER (P)/MLG

No. E/25/29(N) Pt-1.

Maligaon, dt. 8-08-06.

Copy to :-

- 1. CAT/MLG. (2) DY. CAT/Works/MLG.
- 3. SFO/WA/MLG. (4) ASPE/WA/PNO.
- 5. Staff concerned.

For GENERAL MANAGER (P)/MLG:

Nandkumar Das
31-1-2001
Advocate

Northeast Frontier RailwayOFFICE ORDERGroup - A.

The following DMs in scale Rs. 5,000-8,000/- who have been found suitable for promotion to the post of HDM in scale Rs. 5,500-9,000/- vide this office Memorandum of even number dated 18/3/98 are promoted as HDM in scale Rs. 5,500-9,000/- and posted with immediate effect as mentioned below :-

<u>Sl. No.</u>	<u>Name & Designation</u>	<u>Posted under whom</u>
✓ 1.	Shri Kali Krishna Bose, DM/WS/PNO	CSTE/MLG.
2.	Md. Sabir Ahmed, DM/CSTE/MLG	CSTE/MLG.

This issues with the approval of Dy.CSTE/P&D/MLG.

[Signature]
APO/Engg.
For General Manager(P).

Group - B.

The following ADMs in scale Rs. 4,000-6,000/- who have been selected for the post of DM in scale Rs. 5,000-8,000/- are promoted to the post of DM in scale Rs. 5,000-8,000/- and Posted as mentioned below with immediate effect :-

<u>Sl. No.</u>	<u>Name & Designation</u>	<u>Posted under whom</u>
1.	Shri Gautam Majumder, ADM/HQ/MLG	CSTE/MLG.
2.	Shri K. Y. Alfonso (ST), ADM/HQ/MLG	CSTE/MLG.
3.	Shri Tapan Mukherjee, ADM/CON	CSTE/CON/MLG.

This issues with the approval of Dy.CSTE/P&D/MLG.

[Signature]
APO/Engg.
For General Manager(P)

No. E/254/29(N) Pt.II

Maligaon, 14-8-98

Copy forwarded for information and necessary action to :-

- 1) FA & CAO/MLG, 2) CSTE/MLG, 3) CSTE/CON/MLG, 4) ASTE/WS/PNO
- 5) E(S&T)/Bill of CPO's office, 6) Spare copy for P/case, 7) Dy. CSTE/P&D/MLG
- 8) SSTE/HQ/MLG, 9) Dy.CSTE/CON/PL/HQ, 10) GM/CON/MLG, 11) Staff concerned

[Signature]
for General Manager (P)

[Signature]
31-1-2001
Advocate

= 34 =

Annexure - N
Office of the
General Manager (P)
Maligaon: Guwahati-11.

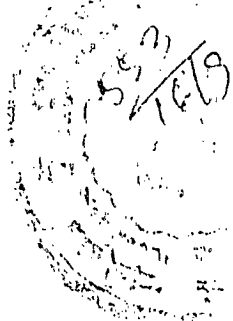
No. E/255/46(N)

Dated: 15.9.99.

To

Shri. Kali Krishna Bose, HDM
(Through SSTE/Signal).

g/f
22/6/99



Sub:- Your application for assignment
of correct seniority.

In reference to above the case has been
examined and it is observed that on being recruited
through RRB for the post of Tracer in scale Rs.260-430/-
(Pre/86) you were medically examined for posting
on 29/10/83 in which you have been declared medically
fit, but you have joined as Tracer only on 26/6/84.
You are advised to explain the reasons for delay in
joining the post of Tracer.

OS/G-11
Pl. give the order
to Sri K.K. Bose with
all clear signature
on copy to Mr.

(A. Saikia)
SPO/Enge.

for General Manager(P)/Maligaon.

Received from G-11 Sec. 21/9/99

Nandkumar
31.1.2001
Advocate

No. E/256/46(N)

Dated: Maligaon, 26/4/2000

To:

- 1) Smt. Niva Das, HDM under CSFE/Con/Maligaon,
- 2) Smt. Junu Mahanta, CDM under CSFE/Maligaon.

(Through SSTE/Signal/Maligaon)

Sub: Seniority position as on 1-2-93 of AIM in scale Rs. 1200-2040/- of S&T. Deptt.

2483
27/4

In the seniority list of AIM in scale Rs. 1200-2040/- which was published vide this office seniority list No. E/225/46(N) Pt.I dated 13-5-93, the names of the AIM shown as under as per seniority:-

Sl. No.	Name & Designation	Date of Birth	Date of appointment
1)	Smt. Sangita Nag	AIM/CSFE 1-1-62	28-10-83
2)	Sri Dhiren Kr. Paul	AIM/TSK —	1-11-83
3)	Smt. Jayashree Chakraborty	AIM/CSFE 10-9-61	2-11-83
4)	Smt. Junu Mahanta	AIM/CSFE 26-9-59	9-12-83
5)	Smt. Niva Das	AIM/CON 21-3-58	1-5-84
6)	Sri K.K. Bose	AIM/WS/PNO 1-3-58	26-6-84

to be 1.5.88

In terms of Rule 303(b) of IREM (Volume-I), the candidates who are recruited through RRB in a panel should be assigned seniority as per their Merit Figure determined in the RRB Exam. provided they do not require to undergo any training in the Training School/Institution.

Hence, the revised seniority position of AIM will be as under:-

Sl.No.	Name	Merit Figure
1)	Smt. Sangita Nag	8
2)	Sri D.K. Paul	13
3)	Smt. Jayashree Chakraborty	17
4)	Sri K.K. Bose	26
5)	Smt. Junu Mahanta	28
6)	Smt. Niva Das Directly recruited as AIM.	

Sri K.K. Bose will get seniority based on Merit Figure though he joined later as he was recruited against same panel and his seniority position has been recorded at Sl. No. 3A below the name of Smt. Jayashree Chakraborty and above Smt. Junu Mahanta.

Staff concerned may prefer appeal on this revised seniority position within a month. Appeal should be supported by rule under which claim is preferred.

This issues with the approval of CPO/Admn.

APO/Signal
for General Manager(P)

Copy to:-

- 1) SSTE/IR/Maligaon,
- 2) Shri K.K. Bose through SSTE/Sig/Maligaon.

for General Manager(P)

Ann received on 1/5/2000
Smt. received on 1/5/2000
Niva abs. on 24/4/2000
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OS/6-11
give copies to
all the staff
concerned
27/4/2000

Mantienwar
31-1-2001
Advocate

To
The Cabinet Secretary,
Public Grievances,
2nd Floor, Sardar Patel Bhawan,
New Delhi - 110 001.

Respected Sir,

Sub: Disposal of my appeal in the matter of
wrong fixation on seniority etc.

I beg to bring to your kind notice that against my victimisation in the matter of denial of my legitimate promotions etc. when my junior was promoted superseding my claim - I preferred an appeal to the GM(P)/Maligaon on 28.5.94/1.6.94.

That on receipt of my appeal the matter got no attention of the Personnel Branch but when the departmental Head persued the matter all the records in reference to my grievances were ~~sk~~ called for by the Personnel Branch and critically examined about two years back. During this period my junior got promoted into higher grade whereas I have been working in the lower scales.

That all my efforts have been failed to get my grievances attended to by the administration.

I find no other alternative but to place the matter for your kind intervention so that I may get my long outstanding grievance settled and I am not made to suffer from financial loss including my promotional prospect to the extent of my junior.

I am sending herewith the copies of the appeal as mentioned above including the copy of the reminders.

Encls: 5 (Five)
as above.

Yours' faithfully

Dated: Maligaon,
the 18th August/1999

Kali Krishna Bose
18/8/99
(Kali Krishna Bose)

Head Draftsman,
CSFE's Office/Northeast Frontier Railway,
Maligaon,
Guwanati-781 011.
(Assam)

Mailing Address:

Kali Krishna Bose,
181/A, Triangular ~~Area~~ Colony,
P.O.- Pandu, Guwanati-781 012.
(Assam)

Nandikumar Bose
31.1.2001
Advocate

= 37 =

Annexure - ①

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GOVERNMENT OF INDIA
CABINET SECRETARIAT
PUBLIC GRIEVANCES

2nd Floor, Sardar Patel Bhavan
New Delhi-110001
FAX No.: 91-011-3345637

No. DPG/C/64307(2)

Aug 30, 1999

To
SHRI. KALI KRISHNA BOSE
181/A TRIANGULAR COLONY
PO PANDU GUWAHATI 781012 ASSAM

Dear Sir,

Sub:- Service / Staff matters

Your representation Dated 18/08/99
on the above subject has been received by us and
the same has been forwarded to the

A G.M & Director(PG)
Central Railways
G.M.'s Office, C.S.T.,
Mumbai

who will examine and inform you suitably.

Your complaint/representation has been transferred since
Subject matter outside the purview
of DPG

Further correspondence in the matter may be
addressed to him directly.

Yours faithfully,

S. Chhibba
(Mrs. Sunita Chhibba)
Director

Tel.: 3364875

Email: sunita@dpgcdelhi.nic.in

Kantimata Das
31-1-2001
Advocate

* NATIONAL INFORMATICS CENTRE *

* राष्ट्रीय सूचना केंद्र *

* NATIONAL INFORMATICS CENTRE *

6477
15/11/00
No.E/255/46(N)

Maligaon dt. 14.11.2000.

To,
The Executive Director
Public grievances,
Railway Board,
New Delhi.

Sub:- DPG's letter No.DPG/C/64307(2) dt.30.08.1999.

Sri Kali Krishna Bose appointed as Tracer with effect from 26.06.84 and promoted to the post of ADM and DM on 02.03.90 and 14.08.98 respectively. Sri Bose submitted representation for recasting his seniority as for Tracer only on 28.05.94.

Since a considerable period has lapsed from the date of submission of his representation nothing could be ascertained after such a long time. he along with others were promoted to the post of HDM wef 14.08.98.

As per para 321(B) of IREM(1989), staff concerned may be allowed to represent recasting seniority position within one year. However, his case has been examined and it is found that he was appointed as Tracer on 26.06.84, therefore recasting of seniority after lapse of 16 years can not be considered.

(P.K.Singh)
Dy. Chief Personnel Officer/HQ
for General Manager(P).

Copy to.

1. Addl General Manager/MLA. This is in reference to letter No.Z/82/5/1/DPG-63/99 dt.11.10.99.
2. Sri K.K.Bose, HDM through SSTE/Signal/MLG.

(P.K.Singh) 14/11/2000
Dy. Chief Personnel Officer/HQ
for General Manager(P).

Kantilal Kumar
31.1.2001
Advocate

DM = 5.9.96
ADM = 14.8.98

To
The General Manager (P),
N.F. Railway, Maligaon.

Sir,

In reference to my representation to
The Dy. Director, Public Grievances, New Delhi,
I beg to ~~further~~ state further that the seniority
of DSK-I was revised vide GM(P)/Maligaon's letter
No. E/253/101/6(S) Pt.III dated 13-8-97 in connection to
revision of seniority position of DSK-III pertaining
to 1979.

The above revision was made after a lapse of
18 years.

This may please be taken into consideration
while disposing my representation in the matter of
time factor.

Copy of the letter is endorsed for your ready
reference.

DA: as above

Yours faithfully,

Kali Krishna Bose
13/1/2000

Dated: Maligaon,
the 12th January, 2000.

(Kali Krishna Bose)
Headdraftsman
CSTE's Drg. Section/MLG.

13/1

13/1/2000

Kantikumar Bose
31-1-2001
Advocate

~~810~~
39/1
The General Manager (P)
M.F. Railway, Maligaon.

Annexure - S/1

(Through Proper Channel)

Sir,

Sub:- Prayer for regularisation of Promotion as
DSK-I in scale Rs. 2000-3200/- .

Ref:- Your No.E/253/101/6(S)Pt.III dated 13.8.97.

I beg to place the following for your kind consideration
and necessary orders.

That vide your memorandum under reference Shri Mamat Ali,
DSK/I/NBQ has been shown junior to me the respective altered
position thus came as under :-

1. Shri Anil Kr. Chatterjee, DSK/I/PNO. Srl. No. 28
2. " Mamat Ali, DSK/I/NBQ. Srl. No. 39(A)

That Shri Ali was promoted as DSK/I with effect from
1.3.93 against cadre restructuring of DSK/I in supersession
my claim where as I was promoted as DSK/I on 2.8.94.

In view of the above position I may request you to
kindly antedate my promotion with effect from 1.3.93. I hope
that immediate necessary action shall be taken and thus oblige.

Dated: 21/10/97

Yours faithfully,

sd -
(Anil Kumar Chatterjee,)
DSK/I

Mankimwar P. Sawa
31-1-2001
Advocate

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Annexure - T

To,

The General Manager (P)
N.F. Railway - Maligaon
(Through proper channel)

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Sub: Seniority position as on 01-02-93 of ADM in scale Rs. 1200-2040 of S&T
Department.

Ref: Your letter no. E/256/46 dt. 26-04-2000.

Sir,

With due respect and humble submission I beg to state in reference to your letter mentioned above, that simply I am astonished to get such a letter after 17 years of service. No question of seniority in tracer etc. was raised during the period of about 17 years. However, as per existant rules and orders related to fixation of seniority I should remain senior to Shri K.K. Bose for the following rules and reasons :

1. I was appointed as tracer in scale Rs. 260-430 vide CPO/NF Rly's appointment letter no. E/227/63/2 (Rectt) at 17-10-1983 and joined as Trainee Tracer on 09-12-1983.
2. On successful completion of the training I was posted as Tracer WEF 21-03-84 against a regular vacancy.
3. Though the Merit figure of mine is 28 (UR) and 26 for Shri K. K. Bose, Shri K. K. Bose joined the Railways as Trainee Tracer on 26-6-84 and completed his training at the end of the September '84 i.e. well after my joining in a regular post.
4. As per IREM Para 302 the seniority in recruitment grade is governed by the date of appointment to the grade in general. However, as per Para 302(b) of IREM where the recruitment has been done through RRB and the initial training is not held at training school. Merit figure should be the criteria.
5. However, where the candidate did not join within a responsible time after receipt of the appointment letter the seniority of the person may be determined below the other candidate who passed in the same appointment but who did not join before his joining held and employee recruited they also be given seniority over the defaulted person who joined later.

Nand Kewari
31-1-2001
Advocate

In this instant case Shri K. K. Bose joined about 9 months later from the date of issue of the appointment letter.

6. Further, as per Master Circular Para 23 (b) in regard to permission to Railway servants to pursue seniority list, "the Railway servant concerned may be allowed to represent about the assignment of their seniority position within a period of one year after the publishing of the seniority list. No cases for revision in seniority lists should be entertained beyond this period (Para 321 IREM 1989).

Moreover the seniority list published vide GM(P)/MLG No. E/225/46(N) Pt.- I dt 13-5-93 the time limit was given one month from the date of issue of list.

In the instant case neither the time limit of one month nor one year as per IREM was observed.

7. Finally the merit figure was for "Tracer" not "ADM" hence the seniority after a long 17 years can not be changed when already four promotions were given to me and no appeal against promotion to ADM, DM, HDM and CDM was submitted.

In view of the above I would pray to your honour to kindly examine the issue from its correct perspective and do not change the seniority list which will not only be injustice to me but also will open much pandora box.

I shall remain ever grateful for this kind act.

Thanking you,

Date the MLG

22-05-2000

Yours faithfully

Janu Mahanta

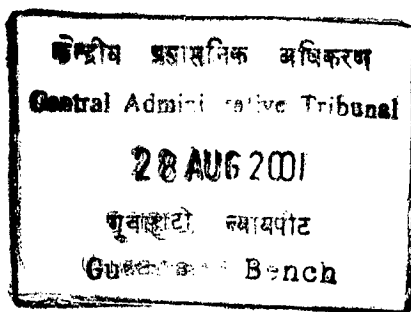
(Mrs. Janu Mahanta)

CDM/CSTE's Office

N. F. Railway, MLG

22/5/2000

Kantimwar
31-1-2001
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A 43/ 2001

Shri Kali Krishna Bose

... Applicant

-Vs-

Union of India & Ors.

... Respondents.

IN THE MATTER OF :

Written statement of the
respondent No. 6, Smti. Junu
Mahanta.

WRITTEN STATEMENT OF THE RESPONDENT NO. 6

The humble written statement of the respondent No. 6 most respectfully begs to state:

1. That with regard to the statements made in paragraphs 1, 2, 3 and 4 of the application, the answering respondent offers no comments.
2. That with regard to the statements made in paragraph 5 of the application, the answering respondent states that the petition filed by the applicant is barred by limitation and therefore liable to be dismissed in limine.

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June Mahanta

3. That with regard to the statements made in paragraph 6 (1) and (2), the answering respondent does not admit anything beyond records.

4. That with regard to the statements made in paragraph 6 (3) and (4), the answering respondent offers no comment as these are matters of records.

5. That with regard to the statements made in paragraph 6 (5), the answering respondent offers no comment.

6. That with regard to the statements made in paragraph 6 (6) of the application, the answering respondent states that the medical fitness test of the answering respondent was done on 24/10/83 whereas the medical examination of the petitioner was conducted on 29/10/83. The answering respondent joined about 9(nine) months prior to the joining of the applicant and as such having joined about 9 months earlier than the applicant, the answering respondent is quite clearly the senior of the two. The answering respondent states that as per annexure E of the application the respondent no. 4 was promoted as ADM.(Assistant Draftsman) as she had completed 5 (five) years of service in the post of Tracer, on 9/12/88. The answering respondent denies and disputes the statements made in the last sub-para of the aforesaid paragraph 6(6). The answering respondent states that 9(nine) months time is a long period and the applicant can not claim seniority over

Sumu Mahan-ta

the answering respondent even assuming but not admitting that the applicant had better merit.

7. That with regard to the statements made in paragraph 6(7), the answering respondent does not admit anything beyond records and the applicant is put to the strictest proof of the statements made therein.

8. That with regard to the statements made in paragraph 6 (8) of the application, the answering respondents states that a perusal of the Annexure -G to the application would reveal that the appeal/representation made by the applicant was for consideration of his case for promotion and had nothing to do with fixation of seniority of the applicant vis-a-vis the respondent no. 4. The answering respondent further states that the Annexure -F to the application which shows the provisional seniority of draftsman of S&T department N.F.Railway as on 1.2.93, contains that any representation against the seniority list was to be submitted by such interested person within a month from the issue of the said seniority list. But it appears that the applicant did not challenge the said seniority list within the specified time period and as such having failed to do the needful, can not now after all these years challenge the said fixation of seniority. That the answering respondent states that as mentioned earlier, the said Annexure -G to the application was

made by the applicant for consideration of his case for promotion and was not a challenge or representation against the fixation of seniority by annexure -F. Even assuming but not admitting that the representation (Annexure G) is a representation against the seniority list, the same was not made within the stipulated time period and as such the same could not have been taken cognizance of.

9. That with regard to the statements made in paragraph 6 (9) of the application, the answering respondent while reiterating the statements made in the earlier paragraphs state that the promotion order issued to the answering respondent did not suffer from any irregularity or illegality.

10. That with regard to the statements made in paragraph 6 (10), the answering respondent reiterates what has been stated in the earlier paragraphs. The answering respondent states that while fixing the seniority vide the provisional seniority list, adequate opportunity was given to any such interested/ aggrieved person to file representation against the said seniority list. But the applicant failed to take that opportunity and as such he can not agitate the issue after all these years.

11. That with regard to the statements made in paragraph 6 (11), (12) and (13) of the application, the answering respondent while reiterating the statements made in the preceding paragraphs of the

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J. M. Mahanta

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Jenice Mahanta

written statement offers no other comment.

12. That with regard to the statements made in paragraph 6(14) of the application, the answering respondent states that the post of Chief Draftsman is allotted after due process of selection. The answering respondent states that she appeared for the written tests held on 30.6.97 and 5.11.97, further a viva-voice test was also conducted on 27.11.97 and only after the said respondent was selected for promotion, she was promoted as Chief Draftsman.

13. That with regard to the statements made in paragraph 6(15), (16), (17) and (18), the answering respondent offers no other comment except that she reiterates what has been stated in the preceding paragraphs of this written statement.

14. That with regard to the statements made in paragraph 6 (18.1), the answering respondent states that the admitted position is that if any seniority list is to be challenged, the same has to be done within a specified time frame. But in this instant case the applicant failed to comply with the requirements and having failed to seek redressal of any grievance that he might have had, he can not after all these years agitate matters which have been settled for long.

15. That with regard to the statements made in

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Gurpreet Mahanta

paragraph 6 (18.2), the answering respondent offers no comment.

16. That with regard to the statements made in paragraph 6 (18.3), the answering respondent while reiterating what has already been stated in the earlier paragraphs offers no other comment.

17. That with regard to the statements made in paragraph 6 (19), the answering respondent offers no comment.

18. That with regard to the statements made in paragraph 6 (20), (21) and (22), the answering respondent states that the answering respondent has not been bestowed with any privilege or favour and whatever she has been provided with, has been her legitimate due. That answering respondent states that the applicant has filed this petition trying to unsettle issues which have been long settled. The applicant had failed to seek redressal of his grievance assuming but not admitting that he had any, when there were adequate opportunities for him to do so, and therefore can not now seek to unsettle a long settled position.

19. That with regard to the statements made in paragraph 7 and 8, the answering respondent while reiterating to statements made in the preceding paragraphs of this written statement pray before Your Lordship to dismiss the application in limine.

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V E R I F I C A T I O N

I, Smt. Junu Mahanta, the respondent no. 6 in this instant application do hereby verify and state that the statement made herein above are true to my knowledge.

And I sign this verification in this the 28 th day of August, 2001 at Guwahati.

Junu Mahanta

24 SEP 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BRANCH AT GUWAHATI
O.A. NO. 43 OF 2001

Sri Kali Krishna Bose ----- Applicant

Vs.

- 1) Union of India representing per General Manager, N.F. Railway, Maligaon, Guwahati-781011
 - 2) The Secretary, Ministry of Railways, Railway Board, Railway Bhawan, New Delhi - 110001.
 - 3) The Chief Personnel Officer, N.F. Railway, Maligaon, Guwahati - 781011.
 - 4) The Chief Signal and Telecommunication Engineer, Maligaon, Guwahati-781011.
 - 5) The Deputy Chief Personnel Officer, Head Quarters, N.F. Railway, Maligaon, Guwahati - 781011.
 - 6) Ms. Jhunu Deka, now Mrs. Jhunu Mahanta, Chief Draftsman under Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati - 781011----
- Respondents/Opposite Parties.

IN THE MATTER OF :

Rejoinder to the written statement submitted by Mrs. Jhunu Mahanta, the respondent no.-6, in the instant application:

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Kali Krishna Bose

K. K. Bose
20/9/2001
Advocate

The humble Applicant most respectfully sheweth:

- 1) That with regard to the paragraph-1 of the written statement of the respondent no.-6, the applicant offers no comments.
- 2) That with regard to the statement made in paragraph-2 of the written statement of the respondent no.-6, it is submitted that the instant application is not barred by limitation at all and, therefore, the question of its dismissal in limine does not arise. The application is very much within the time of limitation as already stated in the O.A. The chronological synopsis of the case for condemnation of delay has been explained at page-13 of the M.P.No.42 of 2001 wherein the Applicant's pursuance of the matter in regard to his wrong fixation of seniority has already been detailed. The Applicant came to know of his seniority only when the seniority list was published by the General Manager (P), Maligaon vide their letter No. E/255/46(N) pt. Dated 13-5-93, the copy of which has already been annexed under Annexure-'F' at page-26 of the original application filed by this humble Applicant before this Hon'ble Tribunal wherein it Appeared that Mrs. Jhunu Mahanta was shown senior in the cadre of Assistant Draftsman to this humble applicant, albeit both this humble applicant and Mrs. Jhunu Mahanta then Ms. Jhunu Deka, was selected for the post of tracer in the initial

Kali Krishna Parse
28/9/2001
Advocate

recruitment by Railway Recruitment by Railway Recruitment Board, Guwahati and the merit figure of this humble applicant was 26 whereas Ms. Jhunu Deka, now Mrs. Jhunu Mahanta, merited under figure-28. Moreover, the copy of the said seniority list was neither communicated to this humble Applicant nor to his immediate Controlling Officer ASTE(workshop), N.F. Railway, Pandu. It is submitted that the moment the gross mistake of assignment of correct seniority in regard to the Applicant was noticed by this humble Applicant then and there he took the matter to the notice of the concerned authorities for rectification and correct assignment of seniority above Mrs. Jhunu Deka now Mrs. Jhunu Mahanta and the Applicant had submitted a representation dated 12-7-93 (Annexure - at page of the O.A.) requesting for effecting his antedated promotion as Assistant Draftsman from 1-4-89 along with Mrs. Jhunu Mahanta shown above by rectifying the irregularities, on the strength of the correct seniority of the basic recruitment position of merit figure as per Railway's own set of Rules. The matter has also been highlighted in the Annexure-'G' at page-27 of the instant O.A. and also detailed in the chronological synopsis at page-130 of the M.P. No.42 of 2001. It is a gross transity of the Limitation Act to read "Delay" on its literal meaning to stop a person by law at the threshold. The Applicant after noticing the gruesome act done by the Administration immediately brought to the

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Rabi Krishna Doss.

Advocate
28/9/2001

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notice of the Administration to "rectify the irregularities (Annexure at page ----- of the O.A.) and the Administration took long 16 years time to break its slumber to reply to Board, and that too, without endorsing a copy to the Applicant (Annexure ----- at page of the O.A.) and after noticing this reply from the Administration the Applicant, finding no other way, has come to this Hon'ble Tribunal for justice. The word "irregularities connotes and covers many things and", according to COD denotes, among many other meanings, "NOT INFLECTED ACCORDING TO THE USUAL RULES". Before effecting promotion of Mrs. Jhunu Mahanta, the Respondent No.-6, the Administration should have counted seniority, eligibility zone of consideration and then selection/suitability promotion et al of the Tracer / Asstt. Draftsman cadre of the prevailing time under CSTE/Maligaon. The whole action was done not only "irregular" way but also by adopting unjust, unfair, illegal and arbitrary way. So, the Applicant prays once again that the Hon'ble Tribunal may be magnanimous to consider the case of the Applicant taking into cognizance of all circumstantial factors and hindrances.

3),4)&5) That with regard to the statement made under paragraphs 3, 4 and 5 of the written statement filed by the respondent no.-6, the applicant offers no further comments

Kali Krishna Patse

K. Krishna
20/9/2001
Advocate

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than what was already mentioned under paragraph-6 of the original application.

6) That with regard to the statement made under paragraph-6 of the written statement filed by the Respondent no.-6, the Applicant submits that the conducting of medical examination does not constitute anything in respect of seniority than what was mentioned in the selection and empanelment of the basic recruitment rules/policy by the Railway Recruitment Board. It is submitted that the determining factor for assignment of seniority is the merit figure of the initial recruitment and not the date of medical examination as stated by the respondent no.6 in her written statement. The question of taking 9 (nine) months time for offering the appointment letter/posting for this, the reason of which are entirely rests upon the N.F. Railway Administration to submit explanation /comments before this Hon'ble Tribunal. The matter was also highlighted by this humble Applicant in the last para under para-6 of the original application for explaining by the N.F. Railway Administration before this Hon'ble Tribunal.

7) That with regard to the statement made in para-7 of the written statement the Applicant offers no comments.

Kali Krishna Patil

Kali Krishna Patil
Advocate

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8) That with regard to the statement made in paragraph-8 of the written statement filed by the Respondent no.-6, the Applicant submits that the matter has already been explained in the paragraph-8 of the original application and also reiterated under paragraph-2 of this Rejoinder. The question of representing / challenging the wrong fixation of seniority within 1 (one) month does not arise at all when the copy of the seniority list was never communicated either to this Applicant or to his Controlling Officer as detailed in the for going para. Hence, the submission of the statement embodied under para-8 of the written statement filed by the respondent no.6 does not sustain at all. The matter shall have to be examined and taken into consideration on its correct perspective and the consequential factor already detailed in the original application and also in the Miscellaneous Petition filed by this Applicant.

Kodi Krishna Rao
Advocate
20/9/2001

9) That with regard to the statement made in paragraph-9 of the written statement filed by the respondent no.-6, the Applicant submits that the promotion and fixation ~~and~~ seniority assigned to the Respondent no.-6 as stated under paragraph-6(9), was highly irregular, illegal, unfair and not according to the Railway's own set of Rules and, hence are liable to be set aside and refixed *de novo* duly considering the whole position of the Applicant and the respondent no.6 right since the inception of their initial

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recruitment and empanelment by the Railway Recruitment Board, Guwahati, taking into consideration of all aspects including the merit figures of both the cases as per the existing Rules of fixation of seniority and effecting promotion thereof.

10) That with regard to the statement made under paragraph-10 in the written statement filed by the Respondent no.-6 it is submitted that the statement does not sustain at all on the circumstances and facts already narrated by the Applicant in his original application as well as in the chronological synopsis of the miscellaneous petition stated in the forgoing paras.

11) That with regard to the statement made in the paragraph-11 of the written statement filed by the Respondent no.-6, the Applicant is not inclined to add anything new than what was explained and submitted in the original application under paras-6(11), 6(12) and 6(13).

12) That with regard to the statement made in paragraph-12 of the written statement filed by the Respondent No.-6, the Applicant submits that the contents made in 6(14) of the original Application may kindly be taken into consideration and justice administered thereto.

Ravi Krishna Bose

Mr. J. S. Das
20/9/2001
Advocate

13) That with regard to the statement made in paragraph-13 of the written statement filed by the Respondent No.-6, the Applicant reiterates his submission before this Hon'ble Tribunal as mentioned under paras 6(15), 6(16), 6(17) and 6(18) for examining the case on merits and administering justice thereto.

14) That with regard to the statement made in paragraph-14 of the written statement filed by the Respondent No.-6, the Applicant submits that the matter as cited has already been explained by the Applicant in the forgoing para under para-9 of this Rejoinder. The submission made under paras - 6(18) and 6 (18.1) as mentioned in the original application by this humble Applicant are reiterated and placed before this Hon'ble Tribunal with all suave and placid submission for examination on the correct perspective of the factual position based on the records to be produced by the N.F. Railway Administration before this Hon'ble Tribunal and thereupon the justice bestowed.

15) That with regard to the statements made in the paragraphs 15 to 19 of the written statement by the Respondent no.-6, this humble Applicant submits that the grievances and his redressal to be affect thereto of the applicant have already been detailed under paragraphs 6(18.2), 6(18.3), 6(19), 6(20); 6(21) and 6(22) and are reiterated and submitted before this Hon'ble Tribunal to be decided upon by their Lordships for decernment of justice

Kali Krishna Patil

K. K. Patil
28/9/2001
Advocate

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and thereby booned this Applicant with the redressal measures to be taken by the Administration to wipe out the long standing grievances of the Applicant and thereby eliminate the travesty of truth.

16) That it is submitted that the Applicant has no malice and/ or malign intention against the Respondent no.-6 - Mrs. Jhunu Mahanta, the fellow - worker of the Applicant. The Applicant's grievances are only against the wrongful acts caused to this Applicant and inaction by the N.F. Railway Administration to redress his grievances. And by redressal in giving the "just dues" to this Applicant, the Respondent no.-6, Mrs. Jhunu Mahanta, will lose nothing than what she enjoys presently excepting undergoing one - down - seniority because of the wrong - fixation of seniority by the General Manager (P)/N.F. Railway and once the wrong / irregularity is detected, it is always and at every stage is liable to be corrected / rectified *ab initio*. The Applicant has ^{been deprived of his rightful claim} of the seniority, promotion and all consequential benefits because of the arbitrary decision, wanton attitude and blatant discriminatory policy of the N.F. Railway Administration.

Kali Krishna Patil
20/9/2001
Advocate

57
86

VERIFICATION

I, Shri Kali Krishna Bose, son of Late Birendranath Bose, aged about 43 years, resident of railway quarters no.S&C/181-A, Triangular Colony, Pandu, Guwahati-781012, by occupation railway service, working under the Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati-11 do hereby solemnly affirm and verify that the contents of the paragraphs shown above are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts in my humble and respectful submission before this Hon'ble Tribunal.

Kali Krishna Bose
20/9/2001
Advocate

AND I sign this verification on this day of 20th September, 2001.

Place - Maligaon

Date - -----

Kali Krishna Bose
Signature of the Applicant.

केन्द्रीय प्रशासनिक न्यायालय
Central Adm. Tribunal
15 OCT 2001
गुवाहाटी न्यायालय
Guwahati Bench

58
87

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

U/S
Senior Personnel Officer
A. S. M. / K. S. / K. S.
Guwahati-781 001

O.A. NO. 43/2001

Sri K. K. Bose

Vs.

Union Of India & Ors.

In the matter of :

Written Statement on behalf of
the respondents.

Filed by the respondents
through A. Chakravorty
15/10/2001

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

1. That the respondents have gone through the original application and have understood the contents thereof.

2. That the respondents do not admit any statement except those which are specifically admitted in this written statement. Statements not admitted are denied.

3. That in reply to statements in paragraph 6(1) to 6(5) it is stated that the applicant is presently working as HDM under CSTE/MLG. He was selected for the post of Trainee Tracer, the selection test of which was concluded by Railway recruitment board on 16.9.1983 and his position in the said test as per merit was 26. The offer letter of appointment was issued to the applicant on 17.10.1983. But

the applicant joined duty on 25.6.1984. Hence seniority the applicant was determined from his date of joining Trainee Tracer i.e. w.e.f. 25.06.1984.

59
88
JGR
Chief Personnel Officer
M. P. Mly. 7 Madhava.
as shown on 11.

It is worthy mentioned that in terms of Rule 305 of IREM, when a candidate can not join duty within a reasonable time after the receipt of the order of appointment, the appointing authority may determine his seniority by placing him below all the candidates selected at the same selection, who have joined within the period allowed for reporting to duty, or even below candidates subsequently selected who have joined before him. It is also stated that the applicant submitted Indemnity Bond only on 06.06.1984 which is required to submit before issuing appointment letter. Hence appointment letter was issued on 26.06.1984. It is further stated that the seniority of the applicant was determined and fixed below all the candidates as per rule 305 of IREM and hence his (applicant's) seniors were promoted in higher grade as per their turn.

4. That the respondents do not admit and denied the statements made in para 6(6) of the application.

5. That in reply to the statements in para 6(7) and 6(8) it is reiterated that the seniority of the applicant was fixed as per rule 305 of IREM. It is stated that Smt. Jhunu Mahanta joined duty earlier than the applicant and hence seniority of the applicant was fixed below Smt. Jhunu Mahanta.

6. That in reply to the statements in para 6(12) the respondents reiterate the statements made in para 3 above.

7. That the respondents do not admit and denied the statements made in para 6(16) to 6(19) of the application.

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

Verification

I, Jai Shankar Prasad Singh.....working as Chief Personnel officer/Admn......N.F.Rly, Maligaon, do hereby verify that, the statements made in the paragraphs 1 to 8 are true to my knowledge.

Guwahati

11/10/2001

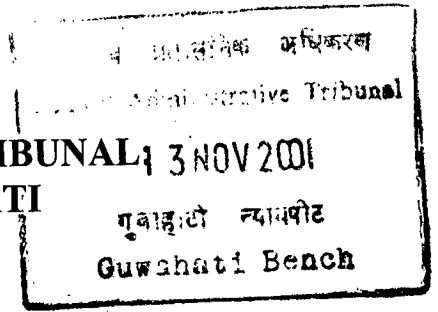
JPS
Signature

For use only by the signatory
Not to be used for any other purpose
Date: 11/10/2001

- 61 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI

O.A. NO.-43 OF 2001



Sri Kali Krishna Bose ----- Applicant

VS

- 1) Union of India representing per General Manager, N.F. Railway, Maligaon, Guwahati – 781 011.
- 2) The Secretary, Ministry of railways, Railway Board, Railway Bhawan, New Delhi – 110 001.
- 3) The Chief Personnel Officer, N.F. Railway, Maligaon, Guwahati- 781 011.
- 4) The Chief Signal and Telecommunication Engineer, Maligaon, Guwahati – 781011.
- 5) The Deputy Chief Personnel Officer, Head Quarters, N.F. Railway, Maligaon, Guwahati – 781 011.
- 6) Ms. Jhunu Deka, now Mrs. Jhunu Mahanta, Chief Draftsman under Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati – 781 011 ----- Respondents / Opposite Parties.

Kali Krishna Bose

K. K. Mahanta
13.11.2001
Advocate

IN THE MATTER OF :

Rejoinder to the written statement submitted by the answering Respondents, herein the N.F. Railway Administration, in the instant application:

The humble Applicant most respectfully sheweth::

Contd.....pg-2: "1) That with -----

- 1) That with regard to the paragraph-1 of the written statement of the Respondents, the Applicant offers no comments.
- 2) That with regard to the paragraph-2 of the written statement of the Respondents, the Applicant offers that denial of the statements and suppression of truth and facts by the Respondents is challenged in the under mentioned paras !
- 3.1) That with regard to the written statement made in paragraph-3 it is submitted that the Respondents have not offered the correct position of the picture of the Applicant's appointment; rather, they have completely deviated from the truth and denied the factual correct position and their own records save and except their admittance that the Applicant's merit figure was 26 and he was recruited by the Railway Recruitment Board as Trainee Tracer and currently he is working as Head Draftsman under the Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon. The offer letter was not issued to the Applicant on 17-10-83 as they have wrongly and deliberately averred in their statement in paragraph-3. What was fact and the travesty of truth was that the offer letter was issued by the Senior Personnel Officer (Recruitment) of the Chief Personnel Officer (Recruitment)'s office, N.F. Railway, Maligaon on 14-05-1984 under their letter no. E-227/63/2 (recct.). It fails to understand as to how such gross neglect of fact and denial of the truth would be averred by the Respondents Administration in their statement submitted before

91

Kali Krishna Patel.

M. Subramanian
13-11-2001
Advocate

Contd...pg-3 - "this Hon'ble-----"

this Hon'ble Tribunal for adjudication of the case and administering justice thereof. It is only after receiving the aforementioned offer letter, this humble Applicant submitted his Deed of Indemnity Bond, as per prevailing system of the recruitment / appointment duly executed by this humble Applicant duly furnishing necessary sureties and witnesses required therein. As such, there was no fault or no deliberate intention on the part of the Applicant for causing delay in joining the post, as stated by the Respondent Railway Administration.

92
Kali Krishna Das

Photo copies of offer letter and Deed of Indemnity Bond are submitted as Annexures I & II.

- 3.2) That the Applicant in unveiling the factual position for joining the post humbly submits that after their selection as Trainee Tracer, as was heard from the Personnel Branch during the material period, the lady candidates of the select-list would be given the opportunities for joining in the N.F. Railway Head Quarters at Maligaon first and then the male candidates of the said list would be posted outside the Head Quarters' ambience duly retaining their respective seniority position as per the merit figure of the initial recruitment of the same batch of the Trainee Tracers. And, perhaps for the said reason the Administration took long span of time for issuing the appointment letter to this humble Applicant and as a result of which the Applicant had to suffer his pay and allowances for the continuous 13 months in comparison to his

K. K. Das
13-11-2001
Advocate

Contd...pg-4: "fellow-recruitee-----"

fellow-recruitee Miss. Jhunu Mahanta, now Mrs. Jhunu Deka whose merit position was 28, with the hope of getting his full seniority position on merit figure as per Railways' own set of Rules. But owing to the deliberate decision, arbitrary action and wanton attitude of the Administration this humble Applicant had to suffer both financial loss and in getting his rightful claim of seniority over Ms. J. Mahanta and still have been depriving his financial loss and seniority in all the promotional posts right since his appointment.

Kali Krishna Bose.

- 3.3) That the reason for the Applicant's joining on 25-06-84 was also asked by the General Manager (P), N.F. Railway, Maligaon vide his letter no. E/255/46(N) dated 15-09-99 in regard to dispose of his representations on proper merits (exhibit of which is annexed to the main Application under Annexure-N at page-34). That in reiterating my earlier submission in the original Application, I crave leave of this Hon'ble Tribunal that immediately after receiving the said letter of the General Manager (P) dtd. 15-09-99, ^{the Applicant} I submitted ~~my~~ representation on 30-09-99 to satiate the quarry of the Administration and it is then only the Administration was kind enough to take a positive step in issuing a letter No.E/250/46(N) dated 26-04-2000 (Annexure - O at page 35 of the OA) for correct assignment of seniority based on merit figure against the same panel, though joined later because of ~~te~~ Administrative reasons, and placed his seniority above Smt. Jhunu Mahanta but below Smt. Jayashree Chakraborty. Still it is not understood by this

N. V. Kishore
13.11.2001
Advocate

Contd...pg-5: "humbleApplicant -----

humble Applicant that even after so much documentary evidences, how the N.F. Railway Administration have become dare to submit a false statement before this Hon'ble Tribunal suppressing the factual position recorded in their own records.

(Photocopies of General Manager (P)/ N.F. Railway's letter No. E/255/46(N) dated 15-09-99 and the Applicant's representation dated 30-09-99 are submitted as Annexures III & IV).

- 3.4) That, this humble Applicant most placidly submits that while intimating the Railway Board on 14-11-2000, the N.F. Railway Administration vide their letter No. E/255/146(N), which was annexed as Annexure-R at page-38 of the Original Application the Administration took the plea of 321(B) of IREM. But when it was challenged in the instant Original Application by the Applicant, the Administration realizing their own fault are now taking the plea of Rule-305 IREM, which, it would invariably be agreed by Your Lordship, it is believed, is an after thought plea, and, hence, does not sustain at all vis-a-vis on their own records and the prevailing system of Recruitment and Appointment Rules of the Railway Administration. Thus, the fixation of seniority of the Applicant was determined arbitrarily and made absolutely on wrong-footing and the Railways' contention is not tenable at all.

- 4) That with regard to the statement made under para-4 of the written

Contd...pg-6: "statements of the -----

Kali Krishna Patse

13.11.2001
Advocate

statement of the Respondents, the Applicant submits that what was stated in his original Application under para-6.6, the Applicant still reiterates the same statement for good and challenges that the Respondents- Railway Administration have not relied upon the correct position of their own records and the Administration deliberately wanting to deviate the recruitments Rules and cardinal principles of fixation of seniority.

- 5) That with regard to the statements made in para-5 of the written statement the Respondent of the Railway Administration are now taking the plea of Rule-305 of IREM which is an after thought development on the face of submission of the instant original Application before this Hon'ble Tribunal. The Applicant has already detailed the correct position under para-3 above which may kindly be looked into for examination of the case and discernment of correct decision.
- 6) That the Applicant reiterates his submission made in the statement under para-3 above in reply to the contention of the para-6 of the written statement submitted by the Respondent Railway.
- 7) That the Applicant with suave submission places before this Hon'ble Tribunal that the statement made in para-6(16) to 6(19) are matters of records , photo copies of which have been annexed to the Original Application under Annexures O to T/1 and linked at pages-35 to 40/1 and the citation made under para-19 of the

Contd...pg-7: " Original Application --

66
Koli Krishna Patil

K. R. Patil
13/11/2001
Advocate

Original Application has been relied upon on the report of 1989(4) SLR ~~to~~ 252 (S.C.). Thus, it fails to understand as to how the Respondent Railway Administration could be so daring to deny such documentary evidences in their submission in the written statement under para-7 placed before the Hon'ble Tribunal. This humble Applicant submits that the Hon'ble Tribunal may be pleased to call for the original documents to be submitted by the Respondent - Railway Administration and then examine the merits of the case for administering justice to this Applicant who has been victimized by the Administration at every stage of his service life for all these years to the tune of huge financial loss of promotional and incremental benefits in addition to the sufferings of seniority.

- 8) That in reiterating his earlier submission in the original Application and the rejoinder to the Respondent no.-6 this Applicant still reiterates here also what he has stated earlier with highlighting the fact that the Applicant has been deprived of his rightful claim of seniority, promotion and all consequential benefits because of the arbitrary decision, wanton attitude to exert discriminatory policy and denial of *Natural Justice* by the N.F. Railway Administration and therefore most placidly submits before this Hon'ble Tribunal to examine the case on merits and pronounce a judicial verdict for the ends of the justice.

- 9) That this humble Applicant may kindly be permitted to present

Contd...pg-8: "one recent -----

96
Kali Krishna P. B.

K. K. P. B.
13-11-2001
Advocate

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one recent example of highly arbitrary action of the N.F. Railway Administration in publishing a seniority list after 17 years which has further aggravated the case of this Applicant in addition to the present one.

9.1. That surprisingly enough when the O.A. No. 43 of 2001 filed by this Applicant is pending before this Hon'ble Tribunal and the Hon'ble Tribunal has directed the N.F. Railway Administration for submission of Records, the General Manager(P)/N.F. Railway/Maligaon despicably and contemptuously published another Seniority List of the Head Draftsman Cadre of the N.F. Railway's Signal & Telecommunication Department, violating all the norms and procedures of re-assignment of seniority which has adversely affected this humble Applicant as the names of Smt. Niva Das, Smt. Subhra Das were shown over ~~my~~^{his} head albeit both are junior to ~~me~~^{him} in respect of appointment (Annexure-V).

Kali Krishna P. S.

N.R. Suresh
13.11.2001
Advocate

9.2. That immediately after publication of the aforementioned Seniority List stated under para - 9.1. ^{the Applicant} approached the concerned authorities of the Personnel Department and ^{his} immediate Controlling Officers and submitted a written representation on 01-03-2001 (Annexure-VI) for rectification of the matter towards showing ~~his~~^{him} justice, but in vain.

9.3. That it is a matter of peculiar grief and great regret that the Personnel Officer who had according to his suit will, intimated the

Railway Board that "recasting of seniority after lapse of 16 years can not be considered" in the case of the Applicant under same Personnel Officer's direct supervision the seniority of Smt. Niva Das and Smt. Subhra Das were recasted after lapse of complete 17 (seventeen) years, and that too, only within the span of 3 (three) months after writing to Railway Board mentioned above (~~para 3.4~~).

9.4. That it is the settled principles of all employments that the Employer should have to rise and act above personnel considerations and remain rational, impartial and "**JUST**" in all cases; but in ~~the~~ the case of this Applicant it was unfair, unjust, arbitrary, unilateral, violative ^{of} all rules and norms right since the inception of his appointment till date and, that too for no fault of his own.

9.5. That the willful and deliberate and unfair decision and actions mentioned in the foregoing paras ~~of~~ the N.F. Railway Administration, more particularly its Personnel Department, in dealing with the case of this humble Applicant have invited and attracted "**bias**" and "**malafide**" and thereby infringed the constitutional guaranteed rights in respect of right to employment.

Contd...pg-10: "Verification-----"

98
Kali Krishna Bose.

N. V. Bose
13-11-2001
Advocate

VERIFICATION

I, Shri Kali Krishna Bose, son of Late Birendranath Bose, aged about 43 years, resident of railway quarters no. S&C/181-A, Triangular Colony, Pandu, Guwahati-781012, by occupation railway service, working under the Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati-11 do hereby solemnly affirm and verify that the contents of the paragraphs shown above are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts in my humble and respectful submission before this Hon'ble Tribunal.

K.K. Bose
13.11.2001
Advocate

AND I sign this verification on this day of 13th November, 2001.

Place - Maligaon

Date 13.11.2001

Kali Krishna Bose

Signature of the Applicant.

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Annexure - I - 71

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
CHIEF PERSONNEL OFFICER
(RECRUITMENT SECTION)
MALIGAN : GAURATI-781011

100

NO: E/227/ 63/2 (Recdt) Dated : 14-5-1984.

To Shri/Smt. Kali Krishna Bose
(Now at office)

Sub:- Temporary appointment as Tv. Trav.
on pay Rs. 260/- per month in scale
Rs. 260 - 430/- (Revised) plus usual
allowances as admissible from time to time.

On being found medically fit in Category C/1 (one)
you are hereby directed to report to ESTE (P)
Northeast Frontier Railway, Maligan immediately for further
orders.

2. The terms and conditions of your service will be the
same as stated in this office letter No. E/227/ 63/2 (Recdt)
dated 17-10-83.

Please acknowledge receipt.

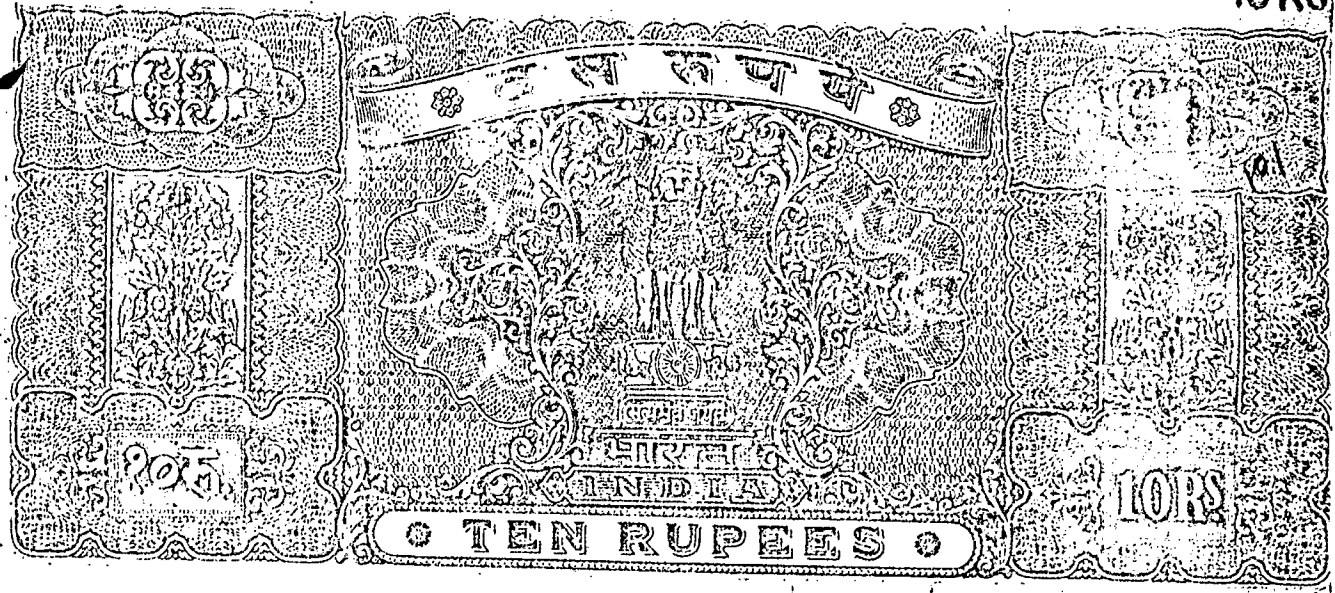
SENIOR PERSONNEL OFFICER/RECTE

Copy forwarded for information and necessary action to ESTE (P)/MLL
along with its enclosures and Medical 'fit' certificate is attached
herewith for record. He will please ensure that all the terms and
conditions as laid down in the offer of appointment letter (enclosed)
are complied with. The date on which the candidate is appointed
should be intimated to this office.

DA: As above

for CHIEF PERSONNEL OFFICER.

Advocate
13.11.2001



DEED OF INDEMNITY.

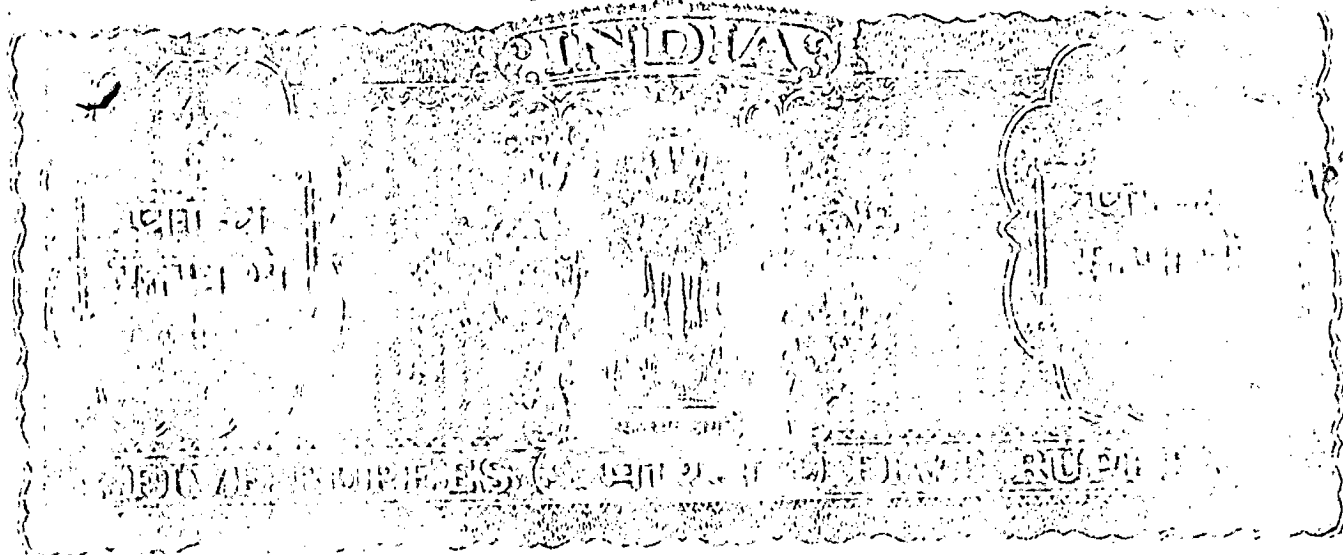
THIS DEED OF INDEMNITY made this 7th days of January, 1941 by Shri K. V. Krishna Rao son of Shri D. Venkateswara Rao residing at Tirumala, Andhra Pradesh (here-in-after referred to as Trainee which expression shall include his/her heirs, exexecutors Administrators and representatives where the context to admits) and Shri _____ son/daughter of _____ residing at _____ (here-in-after referred to as "Surety" which expression shall include his/her heirs, executors, administrators and representatives where the context so admits) of the one part and President of India owner and Administrator of the N.F. Railway (hereinafter referred to as the Government of other parts)

WHEREAS the Government has engaged the trainee on the terms and conditions mentioned in the joining report No. E/227/63/2 (Recd) dt. 14.5.38 executed by and between the trainee and the Government.

AND WHEREAS the surety is interested in the Welfare of the said trainee therefore has agreed to these presents as a surety, and whereas on of the terms and conditions to the said engagement of the trainee is that the trainee shall complete the prescribed training and after such completion shall accept service under the Government and serve the Government for a minimum period of Five Years and if the trainee deserts service or resigns from service during the period of training of them after without the written consent or any other offences as enumerated in the deed, the trainee shall repay on demand by the Government the whole cost of training or pay any other amounts, excluding travelling and running allowances drawn by the trainee from the Government under these terms and conditions.

AND WHEREAS the surety has agreed to indemnify and/or re-imburse the Government to that extent.

[Handwritten Signature]
[Handwritten Signature]
 13.11.2021
 Advocate (Contd 2)



- 2 -

NOW THESE PRESENTS WITNESS AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS :-

- 1). That in consideration of the promised and in consideration of the Government agreeing to engaged the trainee for the course mentioned in the joining report referred to above, the trainee, after completing the training satisfactorily, shall serve the Government. Government for a minimum period of 5 years thereafter in accordance with the said joining report executed between the trainee and the Government to the complete satisfaction of the Government (Decision of the Government about which will be final and conclusive)
- 2). The trainee and the surety hereby undertake jointly and severally to indemnify and re-imburse the Government to the extent as aforesaid.
- 3). That in the event of the trainee getting an adverse report regarding the progress of his/her training or conduct or on discontinuing his/her studies or being discharged from the course or on discontinuing refusal to continue for any reasons not beyond the control of the trainee or does not continue in service as aforesaid, the trainee and the surety shall jointly and severally be liable to pay and refund forthwith to the Government on demand and without demur in cash all monies expended on the trainee or on her account in respect of his/her training course as stated above (and the decision of the Government as to the amount so payable shall be together with interest on the said monies calculated at the rate then in force for Government loans.

attested
M. S. S. S.
 13-11-2001
 Advocate

(Contd 3)



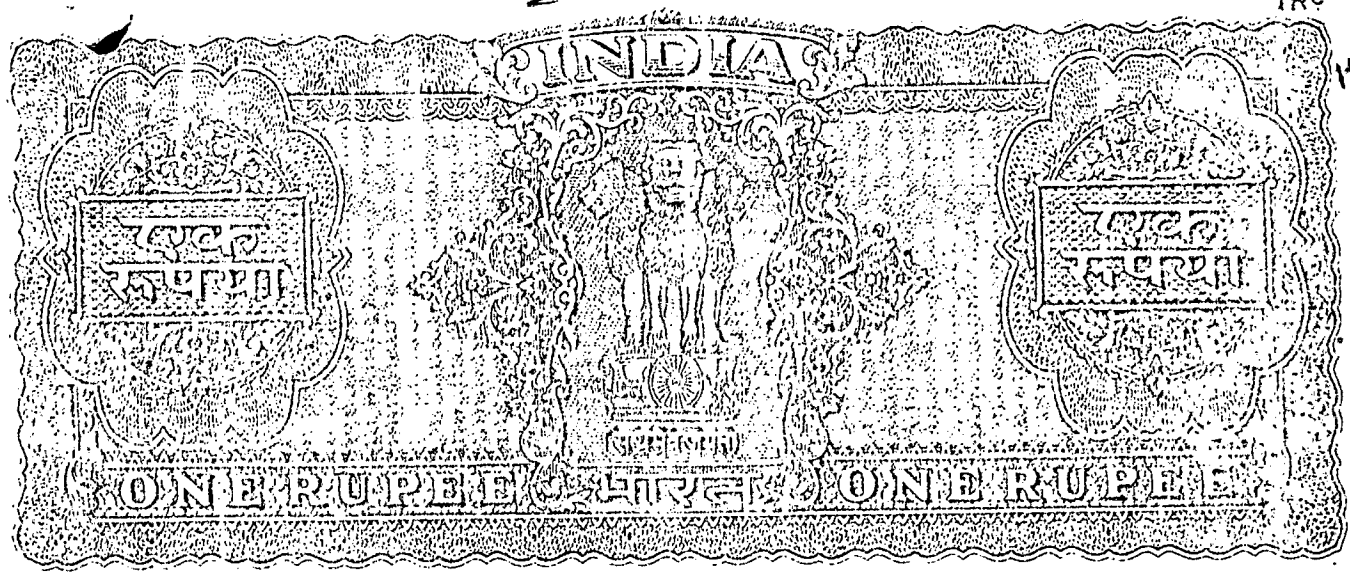
- 3 -

4). That the liability of the surety hereunder shall not be impaired or discharged by reason of time being granted and any forbearance act or omission of the Government or any person authorized by the Government. (Whether with or without the knowledge or consent the surety), now shall it be necessary for the Government to sue the trainee before suing surety for the amounts due hereunder.

5). That if there is any dispute as to the effect or meaning of those presents or otherwise, however, except as to matter for which specific provision has been made in this presents, the same shall be referred to the sole arbitration of the Secretary to the Government of India in the Ministry of Railways or any person appointed by her whose decision shall be final and binding on the parties. The provisions of the Indian Arbitration Act, 1940 as amended from time to time shall apply.

*Attested
 Verified
 13.11.2004
 Advocate*

(Contd 4)



- 3 -

4). That the liability of the surity hereunder shall not be impaired or discharged by reason of time being granted and any forbearance act or omission of the Government or any person authorized by the Government. (Whether with or without the knowledge or consent the surity), now shall it be necessary for the Government to sue the trainee before suing surity for the amounts due hereunder.

5). That if there is any dispute as to the effect or meaning of those presents or otherwise, however, except as to matter for which specific provision has been made in this presents, the same shall be referred to the sole arbitration of the Secretary to the Government of India in the Ministry of Railways or any person appointed by her whose decision shall be final and binding on the parties. The provisions of the Indian Arbitration Act, 1940 as amended from time to time shall apply.

*attested
 verified
 13.11.2004
 Advocate*

(Contd 4)



- 4 -

IN WITNESS WHEREOF the parties have set their hands on the day and year first above mentioned.

Signed by the Laches, above named in the presence of :-

- 1). M. B. Ahooth.
Chief clerk, CS DE'S office.
- 2). S. Baisya
Chief clerk.

* K. K. Krishna Bose.
(Signature of the Candidate)

Signed by the surety above named in the presence of :-

- 1). M. B. Ahooth.
Chief clerk, CSTE'S office.
- 2). S. Baisya,
Chief clerk.

(Signature of the Surety).

Signed by _____ (Name and designation) for and on behalf of the President of India in the presence of :-

- 1).
 - 2).
- attested*
Neel Kumar
13.11.2001
Advocate

N.F. Railway

Office of the
General Manager (P)
Maligaon: Guwahati-11. 105

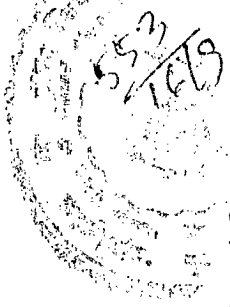
No. E/255/46(N)

Dated: 15.9.99.

To

Shri Kali Krishna Bose, HDM
(Through SSTE/Signal).

g. D
16/9/99



Sub:- Your application for assignment
of correct seniority.

In reference to above the case has been
examined and it is observed that on being recruited
through RRB for the post of Tracer in scale B.260-430/-
(Pre/86) you were medically examined for posting
on 29/10/83 in which you have been declared medically
fit. But you have joined as Tracer only on 26/8/84.
You are advised to explain the reasons for delay in
joining the post of Tracer.

OS/G-II
Pl give his letter
to Srik.K. Bose with
with clear signature
in copy to be kept in file

(A. Saikia)
SPO/Engg.
for General Manager(P)/Maligaon.

attested
Advocate

Received from G.M. Maligaon

25

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

(Through SSTE/Signal)

Sr.

Sub: Assessment of correct seniority.

Refs: Your letter No. E/255/46(N) dtd. 15.9.99.

In the above context, I beg to submit as under:-

That in your letter you have mentioned that I joined as Tracer only on 26.8.84. This is not correct. I had joined as Tracer on 26.6.1984 and not on 26.8.84.

That I was sent for Medical Examination for my appointment and attended for the same within due time.

That my Medical Examination was held along with others and fitness certificate was sent by the Medical Department directly to the recruitment Branch under CPO/Maligaon.

That thereafter I regularly chased for issuing my appointment letter but the recruitment branch informed me that the appointment letter would be issued in due course.

That soon I received the appointment letter dated 26.6.84, I joined immediately to my post.

That being an outsider I had had no idea in the matter of process followed by the Railway.

That I can hardly be expected to explain the delay in joining to my post on 1st appointment.

That the Administration had delayed in issuing the appointment letter and it has been reviewed that they did not follow the norms of merit figure.

It is also mentioned that the Personnel Branch while preparing the seniority list deliberately ignored the merit figure and the same did not exhibit in the seniority list. They have prepared the seniority list of Tracers in violation of the extant rules against which I preferred my appeal about 5 (five) years back but without any result.

I am sure that the intention of the Administration is not to victimise me for not fault of mine.

I hope that the case now will be decided keeping in view of the rules applicable for such purposes.

Dated: Maligaon
23rd Sept '99

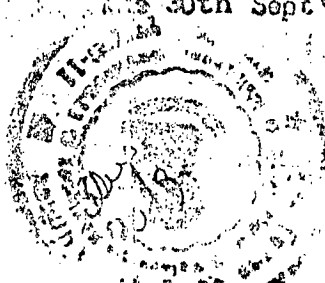
Yours faithfully,

Kali Krishna Bose

(Kali Krishna Bose)

Head-Draftsman

Under CSTE/Maligaon, N.F. Rly.



allister
Advocate
13-11-2001

18

OS/CSTE/MLG.

Annexure-V

N. F. Railway.

Provisional seniority list of HDM as on 1.1.2001 scale of pay Rs. 5500-9000/-. Unit: N.F.Rlv., Deptt.: signal & Tele com.

Sl. No.	Name in order of seniority.	Whether SC/ST	Place of posting.	Date of birth.	Date of apptt.	Date of promotion.	Remarks.
1	2	3	4	5	6	7	8
1.	Dhiren Ch. Paul.	UR	KIR	1.11.58	23.11.83	1.12.95	
2.	smt. Niva Das.	UR	CON/MLG	21.5.58	1.5.84	23.4.98	1.5.88
3.	Subhra Das	SC	LMG	2.01.65	18.1.89	23.4.90	8.1.90
4.	Sri K.K. Bose	UR	CSTE/MLG	1.3.58	27.9.84	1.9.96	
5.	Mr. Sabir Ahmed.	UR	CSTE/MLG	1.1.65	22.12.89	17.2.98	
6.	Sri K.B. Deb.	UR	CSTE/MLG	29.2.64	9.10.90	21.10.98	

[Signature] 22/11/01
 Asstt. Personnel Officer (S&T)
 for General Manager (P) MLG.

Maligaon, dated 20-1-2001.

NO.E/255/38 (N) Pt. III.

Copy to: 1) CSTE/MLG. (2) CSTE/signal/MLG. (3) DSTE/KIR (4) Dy. CSTE/Con/PL/MLG. (5) Sr. DSTE/MLG.
 8) Staff concerned. (7) Copy for P/Case. (8) DRM(P)/LMG (9) DRM(P)/KIR.
 10) GS/NFRSU
 11) GS/NFRMU with 15 spare copies.

NB: The target date for submission of representation if any against this seniority list is one month from the date of issue of the same after which no appeal or representation will be entertained.

[Signature] 22/11/01
 Asstt. Personnel Officer (S&T)
 for General Manager (P) MLG.

ad/-18.1.2001

Verified
[Signature]
 Advocate

(Through Proper Channel)

Sir,

Sub: Representation against the seniority list published for Head Draftsman as on 1-1-2001.

Ref: Your (Seniority list) No. E/255/38(N) Pt.III dated 20-1-2001.

The above seniority list was received by CSTB/Maligaon's Office on 22-2-2001 and I got the copy on 26-2-2001.

In the above matter-I beg to submit as under :-

- 1). That my date of appointment has been shown wrongly as 27-9-1984 instead of 25-6-1984 in column No. 6 of the seniority list under reference.
- 2) That all the persons shown in the seniority list are basically junior to me on the following grounds:-
 - a) That my seniority was not correctly fixed as Tracer in reference to my Merit Figure 26 wherein Ms. Jhunu Deka (Mahanta) Tracer appointed with me have had Merit Figure 28.
 - b) That the matter stands disputed since my appeal although was disposed showing Mrs. Mahanta as senior to me vide GM(P)/Maligaon's letter No. E/255/46(N) dtd. 14-11-2001 but against such decision my further representation submitted on 16-11-2000 has not been disposed as yet.
 - c) That Shri D.K. Paul although senior to me as Tracer in reference to his Merit Figure but he failed in the Selection for promotion when I was not called for but my junior Mrs. Mahanta (substantially as Tracer) was selected.
 - d) That for all my promotion upto Head Draftsman I was empanelled in the 1st chance.

as CDM

In view of the above, you are requested to dispose of my appeal and operation of the Seniority list under reference be kept un-operated.

The copies of the following are enclosed herewith for your ready reference.

- i) GM(P)/Maligaon's letter No. E/255/46(N) dtd. 14-11-2000.
- ii) My representation dtd. 16-11-2000.

Thanking you,

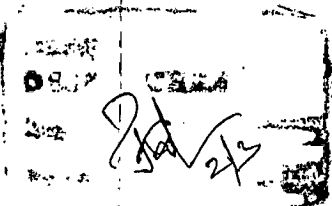
Yours faithfully,

Kali Krishna Bose

(Kali Krishna Bose)

Head Draftsman/Junior
Engineer-I/Drawing,
Drawing Section,
CSTB's Office/Maligaon.

Dated: Maligaon,
the 1st March/2001



OK

attested
13-11-2000
Advocate

केन्द्रीय प्रशासनिक न्यायालय
 Central Administrative Tribunal
 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
 GUWAHATI BENCH AT GUWAHATI
 Guwahati Bench

O.A. No. 43 OF 2001

MP No. 42 of 2001

Sri Kali Krishna Bose ----- Applicant

Vs

Union of India and Others ----- Respondents/
Opposite Parties

Kali Krishna Bose

IN THE MATTER OF WRITTEN ARGUMENT.

MOST RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:

- (1) That the Applicant with most placid and suave submission filed the instant original Application before this Hon'ble Tribunal for discernment and justice for the injustice, irregularities and unlawful action caused to the Applicant by the N.F. Railway Administration right since his date of the receipt of the appointment letter till-to-date.
- (2) That the Applicant was recruited as Trainee Tracer by the Railway Recruitment Board, Guwahati on 17-10-83 along with others in which recruitment test the merit figure of the Applicant was 26(UR) (Annexure-A at page 21 of O.A.) and the merit figure of one Ms. Jhunu Deka (now Mrs. Jhunu Mahanta) was 28 (Annexure-O at page 35 of O.A.). But the N.F. Railway Administration while issuing the appointment letters and arranging subsequent promotions in different grades all along considered the case of Ms. Jhunu Deka now Mrs. Jhunu
Contd....2...Mahanta by depriving---

M.K. Bhowmik
Advocate 30-1-2002

Mahanta by depriving the Applicant of his lawful claim of SENIORITY and PROMOTION, with arbitrary decision, bias attitude and malafide action by the N.F. Railway Administration, the details of which have been narrated in the Original Application and the Rejoinder submitted by the Applicant before this Hon'ble Tribunal against such cross injustice and unfair and unlawful practices of the N.F. Railway Administration causing the blatant discriminatory policy and infringement of the Fundamental Rights and denial of Principle of Justice in deciding the case of the Applicant *ab initio*.

- (3) That as per the cardinal Rules of recruitment and promotion in service, the promotion of persons belonging to the same cadre would only be considered on the merit figure of the recruitment test and subsequent selections. No junior shall be appointed, promoted, confirmed without considering the case of his senior and violation of this Rule will have the demoralizing effect and hits the provisions of Article-16(1) of the Constitution. In deciding the civil appeal No. 3792-3794/89 filed by Ajit Singh and Others and decided on 16-9-99 by the 5 Hon'ble Judges of the Constitutional Bench of the Apex Court, their Lordships have given an embellishing discernment that the promotion on the correct perspective of seniority is a Fundamental Right of an employee guaranteed under Article 16(1) of the Constitution of India. The relevant portion of the said celebrated judgment is reproduced *ad verbatim*:

“ ‘Promotion’ based on Equal Opportunity and ‘seniority’ attached to such promotion are facets of Fundamental Right under Article-16(1):

Where promotional avenues are available seniority becomes closely interlinked with promotion provided such a promotion is made after complying with the *Principle of Equal Opportunity* stated in Article-16(1). For example, if the promotion is by Rule of ‘seniority’-cum-‘suitability’ the eligible seniors at the basic level as per seniority fixed at that level and who are within the zone of consideration must be first

Contd...3....considered for ---

Kavi Krishna Patil
30.1.2002
Advocate

considered for promotion and be promoted if found suitable. In the promoted category they would have to count their seniority from the date of such promotion because they get promotion through a process of **Equal Opportunity**. Similarly, if the promotion from the basic level is by *selection or merit or any Rule involving consideration of merit, the senior who is eligible at the basic level has to be considered and if found meritorious in comparison with others, he will have to be promoted first.* If he is not found so meritorious, the next in order of seniority is to be considered and if found eligible and more meritorious than the first person in the seniority list, he should be promoted. In either case, the person who is first promoted will normally count his seniority from the date of such promotion ----- that is how right to be considered for promotion and the 'seniority' attached to such promotion become important facet of the Fundamental Right guaranteed in Article-16(1) ---- - we have already stated earlier that the Right to **Equal Opportunity** in the matter of promotion in the sense of a Right to be 'considered' for promotion is needed a Fundamental Right guaranteed under Article-16(1)".

K. K. Krishna Rao

30.1.2002
Advocate

- (4) That in case any erroneous promotion either on count of wrong assignment of relative seniority of the eligible staff or full facts not been placed before the Competent Authority at the time of promotion or some other reasons will also be regretted as erroneous and such cases will also be regulated on the lines communicated in pursuance of Rule 1326 – R-II, 1987 of the Railway establishment Code. Cases of erroneous promotion/appointment in the substantives of officiating capacity should be viewed with serious concern, and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion and appointment in accordance with the circular issued by the Railway Board under No.E(NG)1/76/PM1-219/Pt. dated 1-5-77. The N.F. Railway Administration could not publish their seniority list of our

Contd....4...basic appointment.....

basic appointment as Tracer and the seniority list published on 13-5-93, that is after complete lapse of 9 (nine) years, and, that too, of the promotional grade of Assistant Draftsman and not of Tracer, without endorsing a copy to the Applicant or his Controlling Officer, showing Ms. Jhunu Mahanta senior to the Applicant and thereby arranged her promotion superseding the Applicant (Annexure – Fat page 26 of O.A.). The moment the discrepancy was noticed by the Applicant, then and there the Applicant lodged representation/appeals/complaints for its correct rectification and set right the matter.

Kali Krishna Rao

- (5) That the N.F. Railway Administration took long 16 years to make a reference to the Railway Board in arriving conclusion of my case, and that ^{was} after writing the Cabinet Secretary to Public Grievances by the Applicant to the Railway Board vide their letter on 14-11-2000 (Annexure-R at page-38 of O.A.) “that the Applicant can not be considered for recasting of seniority after lapses of 16 years”; whereas the Administration itself had done such recasting of belated seniority in the case of Sri Anil Kumar Chaterjee DSK-1 on 13-01-2000 (vide Annexure-S at page 39 of O.A.) and Smt. Niva Das Head Drafts Man on 20-02-2001 (vide Annexure-V at page-18 of the Rejoinder submitted by the Applicant), and that too, pendente lite of the instant Application before this Hon’ble Tribunal.

M. K. Jaiswal
30-1-2007
Advocate

- (6) That the Respondent’s plea that the Applicant ^{was} appointed later than Ms. Jhunu Deka and hence his seniority was considered from the date of his appointment on 26-06-84 (vide Annexure-D at page 24 of O.A.), though both the Applicant and Ms. Jhunu Deka were called for depositing the medical fees on 29-10-83 (Annexure-B at page 22 of O.A.). The Applicant got his appointment later only because of late ~~se~~ issuance of the appointment letter by the N.F. Railway Administration, for the reasons best known to the Administration, which the Applicant detailed

Contd....5....under para 3.1.....

under para 3.1 and 3.2 of the Rejoinder, and thus, there remains no lapse on the part of the Applicant for joining late as mentioned in the written statement filed by the Applicant (Annexure-I at page-11 and Annexure-II at page 12 of the Rejoinder filed by the Applicant).

(7) That the Applicant immediately after the publication of the seniority list in 1993, had been constantly pursuing the matter and came to have a final reply of the Administration, that too, not to the Applicant but to the Railway Board on 14-11-2000 (Annexure-R at page 38 of O.A.) and making a representation to the N.F. Railway Administration on 16-11-2000 (Annexure-A/5(1) at page 17/1 of M.P.) and finding no response from the Administration's side the Applicant has been compelled to come to this Hon'ble Tribunal for redress.

(8) That in the decided case of Inderjeet Baruah Vs. State of Assam, reported in AIR 1983, Delhi 513 at page 524, their Lordships held "Article-14 strikes against arbitrariness and ensures equality of treatment. The Principle of Reasonableness which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article-14 like a brooding *omni presence* and any action of discrimination would be vitiated.

(9) That in the recent judgment given by their Lordships in the Supreme Court in the case of Steel Authority of India Ltd. Vs. National Union Water front workers ^{w/d} that "the Fundamental Rights enshrined in Articles-14 and 16 guarantee *Equality before Law* and *Equality of Opportunity* in public employment. In a case of ambiguity in the language of a beneficial labour legislation, the Courts have to resolve the quandary in favour of conferment of, rather than denial of, a benefit on the labour by the legislature but without rewriting and/or doing violence to the provisions of the enactment". Thus, the plea of Rule 305 of IREM, now

Contd...6...is taking by ----

Kavi Krishna Patra

M. K. Patra
30.1.2007
Advocate

is taking by the Administration for their safeguard, as mentioned under para 3 of the written statement, is a false submission before this Tribunal and a vindictive weapon for them to deprive of the Applicant from his legitimate claim of dues of correct seniority, promotion and promotional benefits in different grades right from his appointment. The Railway Administration have violated their own set of Codal provisions made under Rule -303(B) of the Indian Railway Establishment manual, 1989 edition, when no seniority list in the basic cadre was published by them and the seniority list published after 9 (nine) years without endorsing a copy to the Applicant or his Controlling Officer. Thus, the plea taken by the Railway Administration under Rule-321 (B) of IREM Volume-1 does not sustain at all when the seniority of the basic cadre was not published at all, rather the Railway Administration by-passed the provision of the said Rules mentioned under 228 and 321(a). Thus, it would unveil the fact that the N.F. Railway Administration have deliberately & arbitrarily deprived the Applicant in a most vindictive way violating all the norms of Railway's own set of Rules, Codal provisions, Article-14, 16(1) 39(d) and 309 of the Constitution of India and non-observance of *Principles of Natural Justice* which attracts the actions taken purely of unilaterally, unfair, irregular, bias, unlawful and malafide for the reasons mentioned in the Original Application and in the Rejoinder of the Applicant duly supported with the relevant Annexures for establishing the veracity of the statements and humble submission of the Applicant.

K. V. Krishna Rao

Advocate
30.1.2012

(10) That their Lordship in the Supreme Court decided in the case of State of Tamil Nadu Vs. Pari, reported in (1991) 3SCJ 302 Para 10, that seniority shall be determined by the Rules made under Article 309. If there is no any unconstitutionality in such Rules, the seniority *inter se* must be determined according to the criteria laid down in such Rules, that is rank

Contd....7...and merit

and merit where(selected by the PSC) and the Court cannot lay down any other criteria.

(11) That the plea of Rule 305 now taken in the written statement by the Respondent is an afterthought plea to hide their own fault and lapse when they issued the appointment letter after 13 months from the date of found medically fit and not publishing the seniority list of basic cadre for long 9 (nine) years right from 17-10-83 till 13-5-93. The matter has been elaborately detailed under paras 3.4, 4 and 5 of the Rejoinder submitted by the Applicant (Annexure-I at page-11 and Deed of Indemnity Bond under Annexure-II at page-12 of the Rejoinder). The Respondents finding their own faults were agreed to rectify their seniority list and placed the Applicant above Ms. Jhunu Mahanta vide Annexure-'O' at page-35 of the Original Application.

Ravi Krishnan Patse.

W. K. Suresh
30.1.2007
Advocate

(12) That the Applicant craves the leave of the Hon'ble Tribunal to rely upon the decision given by their Lordship in the Hon'ble Supreme Court in Kesavananda Bharati case reported in (1973) 4SCC-225 that Articles-14 and 16(1) – **Rule of Equality** is a basic feature of the Constitution and even the Parliament and the State Legislatures in India cannot transgress the **Principle of Equality before Law** under the equal circumstances.

(13) That the Applicant with regard to your Lordships humbly submits that since the matter of fixation of seniority, promotion and consequential promotional benefits were rested with the Administration and the Administration came to final decision after long 16 years, though absolutely on the wrong footing, only on 14-11-2000 (vide Annexure-'R' at page-38 of the O.A.) and the Respondents after lapse of long 17 years published the seniority list of Smt. Niva Das vide their letter No.E 255/38(n)Pt.iii dated 20-02-2001 (Annexure-5 at page 18 of the Rejoinder filed by the Applicant), their *can not be delay*, albeit the

Contd....8....Petition for.....

Petition for Condonation of Delay under MP No.42 of 2001 has been submitted by the Applicant detailing a chronological synopsis at pages 13 to 13/3 of the M.P., in submitting the Application before this Hon'ble Tribunal on the following grounds:

- (i) Delay can not be a bar where Govt. has been holding out hopes to the Petitioner from time to time as decided by their Lordships in the Hon'ble Supreme Court in the case of Sethi Vs. Union of India, reported in AIR-1975 SC 2164 para-20.
- (ii) Their Lordships in the Madras Port Trust Vs. Hymanshu International, reported in AIR 1979 SC-11 44 observed that "the plea of limitation based on this section is one which the Court always looks upon with this favour and it is unfortunate that a public authority like the Port Trust should, in all morality and justice, take up such a plea to defeat a just claim of the citizen. It is high time that the Governments and Public Authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate claims of citizens and do what is fair and just to the citizens.
- (iii) That in R.S. Gramopodhya Vs. Union of India and Others (reported in 1988 8 ATC 804 their Lordship observed "merely because a period of 4 or 5 years had lapsed between the filing of the representation and the Application under Section-19 of the Act it can not be deemed as barred of time.
- (iv) In the famous case of O.P. Kathpalia Vs. Lakhmir Singh and Others reported in AIR 1984 SC 1744, the Divisional Bench of the Hon'ble Supreme Court observed that "the expression 'sufficient cause' should therefore, be considered with pragmatism in **Justice Oriented Approach** rather than the technical detection of sufficient cause for

Contd...9....explaining every.....

Kali Krishna Bose.

N. Srinivasan
30-1-2002
Advocate

explaining every days' delay the Court should decide the matters on merits unless the case is hopelessly without merit".

- (v) The most embelishing and beacon of judgment on the grounds of delay for condonation under Section-5 of the Limitation Act of 1963, the Applicant's cardinal shelter is in the case of Joy Mohan Mallik and Others Vs. Union of India and Another decided by the Hon'ble present Justice in the High Court of Gauhati, reported in 2001 (I)GLT 544, wherein it is observed – **“ a good cause does not become bad cause merely on ground of not approaching the Court within the prescribed limit – Rule of Limitation not to be applied to undermine the rights of Parties. The paramount aim of legal policy is to do justice and the Court assumes that legislature does not intend injustice.** There is one more facet of the legal policy which comprehends that the law should be just and decision of the Court should further the ends of justice. **AT ANY RATE COURTS ARE ALWAYS ANXIOUS TO SEE THAT THERE IS NO FAILURE OF JUSTICE.**

Kali Krishna Bose.

K. K. Bose
30.1.2002
Advocate

MERITS OF THE CASE :

- (i) Rule 228 and Rule 303(b) of the Indian Railway Establishment Manual, Volume-1 1989 edition, has been overruled deliberately.
- (ii) Railway Board's circular No.E(NG)1/76/PM-1/219/Pt. dated 31-5-77 where the instructions of the Apex body of the Railway systems is very much clear for deciding seniority and promotion on the erroneous fixation of seniority and given by promotional benefits are candidly mentioned, has been utterly violated all through 17 years.

Contd.....10....(iii) The Fundamental

- (iii) The Fundamental provisions under Articles 14,16, 39(d) and 309 of the Constitution of India have been violated.
- (iv) The *Principles of Natural Justice* has not been followed altogether. It is the fundamental requirement of Law that the doctrine of natural justice has to be complied with as it is an integral part of Administrative jurisprudence, as observed in Kumaon Mandal Vikas Nigam Ltd. case, reported in (2001) ISCC 184.
- (v) 'Bias' and 'malafide' have been invited.
- (vi) The Railway's own set of Rules and norms in assigning the correct seniority and giving promotion and promotional benefits have been completely flouted and even the Railway Board ^{was} wrongly informed duly hiding the N.F. Railway Administration's own lapses, laches and deliberate arbitrary actions. .

Ravi Krishna Pooze.

N. Krishna
30.1.2002
Advocate

REFERENCES RELIED ON:

- i) State of Tamil Nadu Vs. Pari (1991) 3SGJ 302.
- ii) Kesavananda Bharati case (1973) 4SCC-225.
- iii) Steel Authority of India Ltd. 2001 7SCC 16.
- iv) Kumaon Mandal Vikash Nigam Ltd. (2001) 1 SCC-182 and 205.
- v) Inderjeet Baruah AIR 1983 Delhi 513 at 524.
- vi) Joymohan Mallik 2001 (1) GLT 544.
- vii) O.P. Kayhpalia AIR 1984 SC 1744.
- viii) R.S. Gramopadhya (1988) 8 ATC 804.
- ix) Madras Port Trust AIR (1979) SC - 1144.
- x) Sethi Vs. Union of India AIR 1975 SC 2164, (Para-20).
- xi) Partap Singh Vs. State of Punjab AIR 1964 SC-72 (82-84).
- xii) Kumaon Mandal Vikas Nigam Ltd. Vs. Girja Sankar Pant (2001) ISCC 184.

Contd....11....xiii) Bal Krishna

-90-
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xiii) Bal Krishan Vs. Delhi Administration and Another 1991 SCC (L&S) 879.

xiv) Railway Board's circular No. E(NG)1/76/PM-1-219/Pt. dated 31-5-77 and Indian Railways Establishment Code and Manual provisions relating to SENIORITY AND PROMOTION.

xv) Ajit Singh and Others in civil appeal nos. 3792 – 3794/89 decided by the Constitutional Bench of the Hon'ble Supreme Court on 16-9-99.

N.K. Bose
30.1.2002
Advocate

VERIFICATION

I, Sri Kali Krishna Bose, son of Late Birendranath Bose, aged about 43 years, resident of railway quarters no. S&C/181-AA, Triangular Colony, Pandu, Guwahati-781012, by occupation railway service, working under the Chief Signal and Telecommunication Engineer, N.F. Railway, Maligaon, Guwahati-11 do hereby solemnly affirm and state that the statements of the paragraphs 1 to 11 shown above are true to my information and derived from the records of the case and the rest are my humble and respectful submission before this Hon'ble Tribunal.

AND I sign this verification on this day of 30th
January 2002.

Place – Maligaon

Date 30.1.2002

Kali Krishna Bose.

Signature of the Applicant.