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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Appelcation No. 430 /2001

Applicant(s) :- D. Sengupta

Respondant(s) :- W.O.I. 90m

Advocate for the Applicant :- U.K. Nair, U.K. Goswami, Mrs U.D.

Advocate for the Respondant:- CGSC

Notes of the Registry	Date	Order of the Tribunal
<p>This is to certify that from C.F. No. 25. 50/- deposited in the P.O. 166788003 Dated ... 27.2.2001...</p> <p>Dy. Registrar <i>[Signature]</i></p> <p>Copy not yet served on respondent.</p> <p>NS 10/01/02</p> <p>1m</p> <p>NS 16/01/02</p> <p>Shri's letter, No 7 is received and sent to D/S for being the Respondent. No 1 to 3 by Regd A/D</p> <p><i>[Signature]</i> 22/1</p> <p>D/No 156 W 158 Dtd 28/1/02</p> <p>No written statement has been filed.</p> <p><i>[Signature]</i> 11.2.02</p>	<p>15.1.02</p> <p>12.2.02</p> <p>27.2.02</p> <p>mb</p> <p>mb</p>	<p>Heard learned counsel for the parties.</p> <p>Application is admitted. Issue notice on the respondents. Call for records. Returnable by 4 weeks.</p> <p>List on 12.2.02 for filing of written statement and further orders.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Await service report. List on 27.2.2002 for order.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Post the matter for hearing on 2.4.2002. The applicant may file rejoinder if any, within three weeks from today.</p> <p><i>[Signature]</i> 27.2.02 Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

27.2.02

Prayer has been made by learned counsel for the Railway for seeking time to file written statement. Prayer is allowed. List on 1.4.2002 for filing written statement.

Member

Vice-Chairman

mb

1.4.02

At the request of Mr. S.Sarma, learned counsel for the Respondents further four weeks time is allowed to file written statement.

List again on 2.5.2002 for orders.

Member

mb

2.5.02

List on 3.6.02 to enable the respondents to file written statement.

Member

Vice-Chairman

lm

3.6.02

No Written statement so far filed. ~~to file~~. List on 24.6.02 to enable the respondents to file written statement.

Member

Vice-Chairman

lm

24.6.02

On the prayer of Mr. S.Sengupta, learned counsel for the respondents further four weeks time is allowed to file written statement. List on 2.8.02 for orders.

Member

Vice-Chairman

mb

NO Written statement
has been filed

31.5.02

NO rejoinder has been filed.

21/6/02

(3)

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O.A. #430/2001

Notes of the Registry

Date

Order of the Tribunal

2.8.02

No written statement
has been filed.

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26.8.02

mb

27.8.02

No written statement so far filed.
List the matter on 27.8.2002 for filing
written statement, if any, by the
Respondents.


K. K. Sharma
Member


Vice-Chairman

Further four weeks time is allowed
to the Respondents to file written
statement on the prayer of Mr. A. Chakra-
barty, learned counsel appearing for behalf
of Mr. J. L. Sarkar, learned counsel for the
Respondents.

List on 25.9.2002 for orders.

K. K. Sharma
Member


Vice-Chairman

mb

25.9.02

Issue relates to regular absorp-
tion of the applicant under the respon-
dents who worked as Substitute Teacher of
the Railway School. It has now been stated
by Mr. A. Chakraborty learned counsel appea-
ring on behalf of Railway Standing counsel
that the applicant was found suitable for
regular absorption by the Screening Commi-
tee which was held on 20.3.2002 and per-
suance thereto the applicant was offered
an appointment as Primary teacher (Bengali
Medium) in the scale of Rs. 4500-7000/-
plus usual allowances as admissible from
time to time. A copy of the offer of
appointment dated 26.4.2002 shall keep in
record.

In the facts and circumstances the
application is dismissed as infructuous.

K. K. Sharma
Member


Vice-Chairman

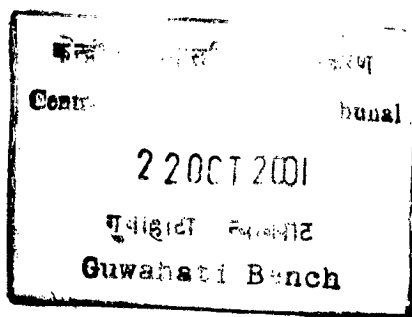
lm

28.10.2002

Copy of the Judgment
has been sent to the
Office for issuing
the order to the applicant
as well as to the
Rly. Standing Counsel
for the Respondents.

HS

Notes of the Registry Date (Order of the Tribunal



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 430 of 2001

BETWEEN

Shri Dhananjoy Sengupta Applicant.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : Asha Das

Regn.No.:

File : DHANANJOY

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. 430 of 2001

BETWEEN

Shri Dhananjoy Sengupta
S/o Late Boloram Sengupta,
R/o Badarpur, Saheb Colony
P.O. Badarpur, Dist.: Karimganj.
..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Railway
Rail Bhawan,
New Delhi-1.
2. The General Manager
N.F.Railways
Maligaon.
3. The Chief Personnel Officer
N.F.Railways,
Maligaon.
..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the action of
the respondents in not regularizing the service of the
applicant as Asstt.Teacher, Grade-IV under the respondents.
This application is also directed against the action of the
respondents in rejecting his claim for regularisation by
issuing the impugned order dated 29.12.98.

Filed by
the applicant through
Alsha Das,
Advocate
3/10/2001

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2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the applicant in search of employment approached the Railway Authorities for his appointment as Asstt. Teacher. The concerned authority considering the claim of the applicant appointed him as Asstt. Teacher in the Railway H.S. School, Badarpur. To that effect the respondents have issued an order bearing No. BS/EST/5-SUB-III dated 4.2.88 appointing him in the post of Asstt. Teacher. Prior to that, applicant was appointed as Asstt. Teacher by an order bearing No. BS/EST/5-SUB dated 26.4.86.

Copies of the aforesaid appointment letters are annexed herewith and marked as Annexure-1 and 2 respectively.

4.3. That after such aforesaid appointment the

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applicant continued for a long period and during his continuation in service the respondents have issued an order bearing No.BS/PC-21 dated 20.5.88 by which he has been granted with temporary status.

The applicant craves leave of this Hon'ble Tribunal for a direction to the respondents to produce the aforesaid order dated 20.5.88 at the time of hearing of the case since he could not obtain a legible copy of the same.

A copy of the said order dated 20.5.88 is annexed herewith and marked as Annexure-3.

4.4. That the applicant begs to state that the respondents have formulated a policy for regularising the services of the Asstt. Teacher who were appointed on temporary basis. The criteria laid down in the aforesaid policy for regularisation is 3 years service as Temporary Asstt. Teacher in any Railway School. The present applicant inspite of his best effort could not collect the aforesaid policy and hence he prays for a direction towards the respondents for production of aforesaid policy at the time of hearing of the case.

4.5. That the applicant taking into consideration Annexure-1 and 2 appointment letters continued as Asstt. Teacher for fairly a long time and as such he is entitled to get the benefit of the aforesaid policy for regularisation as Asstt. Teacher, Grade-IV. The applicant possesses all the requisite educational qualification and 3 years of service as required under the policy and as such he is entitled to

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get the benefit of regularisation.

4.6. That the applicant begs to state that inspite of having completed 3 years of service and having all the requisite qualification the respondents never regularise the service of the applicant taking into consideration ^{the experience of the applicant.} Situated thus the applicant preferred numbers of representations to the concerned authority praying for his regularisation under the said policy. In the said representation apart from the prayer of regularisation the applicant had also made a prayer for his reinstatement w.e.f. 31.1.91.

A copy of the representation dated 5.9.91 is annexed herewith and marked as Annexure-4.

4.7. That the applicant thereafter kept on representing his matter to the concerned authority but nothing came out positive from those representations.

Copies of the representations are annexed herewith and marked as Annexure-5, 6, & 7.

4.8. That the respondents thereafter issued the impugned order bearing No.E/252/339(W)PT.X dated 29.12.98 by which the prayer made by the applicant has been rejected on the ground that he has completed a total period of 2 years 10 months and 14 days only. In the impugned order the respondents while highlighting the policy made it clear that regularisation of service as Asstt. Teacher Grade-IV 3 years minimum service is required as substitute teacher.

A copy of the aforesaid impugned order dated

29.12.98 is annexed herewith and marked as Annexure-8.

4.9. That the applicant begs to state that the impugned order dated 29.12.98 has been issued without verifying the official records and without taking into consideration those records the respondents have passed the said impugned order which depicts total non-application of mind. In fact the applicant has completed more than 4 years of service under the respondents as substitute teacher but same was never taken into consideration while passing the impugned order.

4.10. That the applicant having no other alternative preferred numbers of representation to the concerned authority praying for regularisation of his service evaluating his service particulars.

Copies of the aforesaid representations are annexed herewith and marked as Annexure- 9,10 & 11.

4.10. That taking into consideration the representations the Railway Authority somehow could trace out the service particulars of the applicant from the controlling officer. From the said service particulars it is clear that applicant has completed more than 3 years of service as Substitute Teacher. It is pertinent to mention here that enquiries are still going on even after the passing of the impugned order dated 29.12.98 and to that effect the Asstt. Personnel Officer issued a letter bearing No.E/252/239/PT-4(W) dated 31.7.2000 by which direction has been issued to the Principal, Railway H.S.School, Badarpur to produce certain

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documents pertaining to the service rendered by the applicant. In reply to the aforesaid letter dated 31.7.2000 the Principal, Railway H.S.School, Badarpur issued a letter dated 7.8.2000 clarifying the doubt raised by the respondents.

Copies of the letters dated 31.7.2000 and 7.8.2000 are annexed herewith and marked as Annexure-12 & 13 respectively.

4.11. That the applicant begs to state that the service particulars of the applicant was never taken into consideration by passing the impugned order and aforesaid fact revealed from the Annexure-12 & 13 orders dated 31.7.2000 and 7.8.2000. Even prior to that the controlling officer of the Railway School has issued an orders dated 17.3.99 and 9.7.2001 by which it is clear that the applicant has completed 3 years of service as Substitute Teacher under the Railways.

Copies of the aforesaid order dated 17.3.99 and 9.7.2001 are annexed herewith and marked as Annexure-14 & 15.

4.12. That the applicant begs to state that taking into consideration the aforesaid factual aspect of the matter, it is clear that the applicant has completed more than 3 years of service under the respondents. However, the respondents have requested the claim of the applicant arbitrarily by issuing the impugned order dated 29.12.88. In fact the service particulars of the applicant is very clear that he

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Has completed more than 3 years of service as substitute teacher under the respondents and the certificates issued by the respondents speaks the truth of the fact. However, the respondents without taking into consideration and hurriedly issued the impugned order without consulting the records. In fact the later enquiry reveals the fact that the applicant has completed 3 years of qualifying service. Taking into consideration the enquiries conducted by the respondents subsequent to the issuance of the impugned order, the fact of non application of mind reveals and on this score alone the impugned order on the part of the respondents are liable to be set aside and quashed.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in not considering the case of the applicant is arbitrary and same depicts total non application of mind and on this score alone, the entire action on their part is illegal and liable to be set aside and quashed.

5.2. For that the applicant having been completed 3 years of continuous service as substitute teacher, is entitled to get the benefit of the policy meant for regularisation as Asstt. Teacher, Grade-IV under the Railways. However, the respondents have not considered his case without any valid reason rejected his claim and as such entire action on the part of the respondents are illegal, arbitrary and liable to be set aside and quashed.

5.3. For that the respondents have acted illegally in

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not considering the case at the applicant for regularisation as Asstt. Teacher Gr-IV. The applicant as per the official records has completed the required length of service for getting the benefit of the policy for regularisation. It is clear that even after issuance of the impugned order the respondents have been enquiring into the matter and now the position has been clear that the applicant is fully qualified to be regularised as Asstt. Teacher Gr-IV. Hence the rejection of the claim by the respondents are illegal and arbitrary and same is liable to be set aside and quashed.

5.4. For that the action of the respondents in issuing the impugned order depicts total non application of mind and hence same is liable to be set aside and quashed.

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

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

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

8. RELIEF SOUGHT FOR:

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

8.1. To direct the respondents to regularise the service of the applicant as Asstt. Teacher Gr-IV, by extending him the benefit of the policy meant for such regularisation and to grant full backwages and other consequential service benefits w.e.f. 1991.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant does not pray for any interim order at this stage.

10.

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

1. I.P.O. No. : GG 788503
2. Date : 27/9/2001
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Shri Dhananjoy Sengupta, son of Late Boloram Sengupta, aged about 43 years, resident of Badarpur Rly Qtr.No.T/20A Saheb Colony,P.O.-Badarpur, Dist.: Karimganj, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4.1 to 4.7, 4.9, 4.10, 4.11 (Partly) ^{4.12 and 5 to 12} are true to my knowledge and those made in paragraphs 4.8 and 4.11 (Partly)..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 1st day of October of 2001.

Signature.

Dhananjoy Sengupta.

RAILWAY H.S. SCHOOL: BADARPUR.

No. HS/EST/5-Sub.
Dt. 24-4-1988.

To
Shri. Dharmajoy San Gupta,
C/O:- Biplob Kr. San Gupta,
Rly. Qrs. No. T(20)/A
Sahab Colony/Badarpur.

Sub:- Appointment as substitute-Teacher.

You are appointed as a substitute-teacher for teaching in Primary Section with effect from 5-4-1988 for a period of two months or till your replacement by approved hand which ever is earlier at the scale Rs. 330-560/- (Rs) Plus. other usual allowance.

Please note that this appointment is purely temporary and this will not confer any claim on you for absorption on the Rly. and that your service may be terminated at any time without any prior notice.

If you are agreeable to the above terms and conditions, report to the Principal, Rly. H.S. School, Badarpur for duty.

No objection certificate from the present employer (if any) must be produced by you before your joining in this railway service.

Controlling Officer,
Rly. H.S. School, Badarpur.

Copy to the DAB/LMG, CPO/MLG for information pl.

Controlling Officer,
Rly. H.S. School, Badarpur.

Attested
09.07.88

Attested
Usha Das
Advocate

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RAILWAY M.S. SCHOOL: BADARPUR.

No. DS/EST/5-Sub/III.
Dt. 4-2-1988.

To
Shri Dharmajoy San Gupta,
C/O:- Biplob Kr. San Gupta,
Rly. Qrs. No. T/20/A
Sched. Smimhax Colony/Badarpur.

Sub:- Appointment as substitute-Teacher.

You are appointed as a substitute-teacher /
in scale Rs. 1200-2040/- (RP) Plus. other usual allowance for a period of
3 months or till your replacement by approved hand which ever is
earlier in place of Mrs. Sandhya Dutta, Ex. Asstt-Teacher who is
retired on 31-1-1988.

Please note that this appointment is purely
temporary and this will not confer any claim on you for absorption
on the Rly. and that your service may be terminated at any time with
out any prior notice.

If you are agreeable to the above terms and
conditions, report to the Principal, Rly. M.S. School/BPB for duty.

Controlling Officer
Rly. M.S. School/Badarpur

Copy to be :- (1) The CPO/MLG for information
(2) The DAO/IMG please.

Controlling Officer
Rly. M.S. School/Badarpur

Controlling Officer
Rly. M.S. School/Badarpur

Attested

28/06/88

Div Medical
N.F. Rly. Bado.
विक्रम मावि
डॉ. बी. रेड्डी

Attested
Alsha Das,
Advocate

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RAILWAY H.S. SCHOOL: BADARPUR

No. BS/PC-21/D.S.
Dt. 20.5.88.

To Sir 1/2 Mr. R. Ramaniy - Singpur ✓
Substantive Asst. Teacher
H.S. School, Badarpur.

Sub:- Temporary status.

Ref:- CPO/HIG's office letter
No.E/252/239/PT.II(W) of 4-2-1988
&
DHC(P)/HIG's L/No.E/252/24/II(W)
Dated 22-03-88 1988.

You are granted temporary status on
completion of three months continuous services on 4.5.88.

You are ~~xxxxxx~~ to temporary staff.

Attested
20th May, 1988. Attested
D. Das, Badarpur

Controlling Officer,
H.S. School/Badarpur.

Signature of
Higher Executive Officer
BADARPUR

5/1/89
Present status / date
Medical Officer 1/2
G.O. No. 212, 21/88
H.S. School, Badarpur
D. Das

Attested
Asha Das
Advocate

From:-Dhananjoy Sengupta.
C/O Biplob Kr. Sengupta.
Rly. Qrs.No.T/20 (A)
P.O.Badarpur.

To
The Chief Personal Officer,
N.F.Railway, Maligaon.

Sub:- Prayer for further appointment as Asstt. Teacher
(B.M.) in the Rly. School in Scale of
Rs. 1200/- - 2040/-

Sir,

I beg to present my sad story to your kind honour as an
Es. Substitute Asstt. Teacher in Rly. H.S. School/BPB and DMR, who has
put in 41/2 Yrs. service to Rly. School & ^{my} whose service was terminated
on 31-1-91 and languishing now to lead a miserable life without any
employ.

(a) I was first appointed as Subs. Asstt. Teacher (1200-2040)
(B.M.) on 24.4.86. I served in the post both at Rly. H.S. School/BPB
and DMR. My tenure of service ran upto 41/2 yrs.

(b) I was called by RRS/GHY vide call letter No. 810111 dt.
3.2.91. Category No. 8. EMP. Notice No. 3/90 special for interview for
the post of Asstt. Teacher (B.M.) in scale Rs. 1200-2040/-. Accordin-
gly I appeared in the selection followed by viva-voce test on
18/4/91. So far information goes, 10 candidates out of 16 candidates
were selected after the said viva-voce. But only one candidate out
of the above 10 selected candidates was given chance omitting the
rest and 9 number of fresh candidates were given appointment. Thus
the 9(nine) number of substitute teachers having out is several years
of service as subs. Asstt. Teacher in Rly. School, though declared
selected, were left out. It is a unsympathatic decision of RRB/GHY.

(c) In my case, during 41/2 yrs. service as Subs. Asstt. Teacher
PF No. was was allotted & PF Subscription were recovered under PF No.
418227 on & from 5-9-89. Undoubtedly I obtained temporary status
and this was confirmed by CO/Rly. H.S. School/BPB (AO/BPB) vide his
letter No. 35/Ac-2/13.5. dt. 20.5.88 (Copy enclosed) w.e.f.
4/5/88.

Yet, it is not understood, how my 41/2 yrs. tenure of ~~xxx~~
service from 24.4.86 to 31.1.91 could be summarily rejected even
after obtaining temporary status as well as commencing recovery of
monthly P.F. subscription from my monthly wages and how and on what
ground my service as Asstt. Teacher was terminated 1/2/91 vide CPO/MLG's
XXR wire No. 5/252/239/PT. II (2) dt. 31.12.90 quite abruptly
without assigning any reason whatever.

Contd to P....2.

Attested
Bissha Das
Advocate

SERVICE PARTICULARS

1) 24.04.86 to 08.05.86	= 15 days at BPB
2) 08.05.86 to 02.07.86	= 56 " " "
3) 03.07.86 to 06.08.86	= 400 " " "
4) 21.08.87 to 02.09.87	= 13 " " "
5) 02.02.88 to 23.09.90	= 995 " at BPB & DMR
6) 24.09.90 to 24.10.90	= 31 " at DMR
7) 03.11.90 to 31.12.90	= 59 " "
8) 03.01.91 to 31.01.91	= 29 " "

Total 1598 days,

1) I have had vast experience on teaching line myself being a B.A,B.T working for 2 yrs, in central School/Mashimpur (Arunachal). In addition to my 41/2 yrs. service as Asstt. Teacher in Rly. School.

I am confident enough, that my humble appeal set forth above, will move the cavity of your great heart to exercise your high office to meet end of justice to me, giving the appointment of Asstt. Teacher (1200-2040) legally I am admissible for and for this act of kindness I shall ever pray.

DA/ as above.

With regards.

Dated : 5.9.91

Copy to :-

General Secretary, N.F.Rly.
Mazdoor union/Pandu for information & necessary action please.

Yours faithfully

Dhananjoy Sen Gupta
(DHANANJOY SEN GUPTA)

(DHANANJOY SEN GUPTA)

i.

*Attended
Listed
Advocate*

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To
MR. RAMVILASH PASHWAN
Hon'ble Minister of Railways,
GOVT. OF INDIA : NEW DELHI
RAIL BHABAN.

Sub :- Prayer for permanent absorption as Asstt. Teacher Gr-IV in the Railway Schools of N.F. Railway Zone in scale Rs. 1200-2040/-

Ref :- Vide L/No..... (appointment as substitute teacher & Supreme Courts verdict in favour of the Substitute Teachers of N.F. Railway SI P NO. 1946/95 to 1951/95 dt. 13th October-1995. *13/10/95 - 21/10/95 dt. 20.5.88*)

Reverenced Sir,

May I kindly be excused for taking your valuable time as I have no other alternative except to approach your goodself to be kind enough for the persusal of the following facts for your kind consideration and disposal please.

That Sir, I was initially appointed as a sub-stitute Asstt. Teacher in scale Rs. 1200-2040/- in the Railway Higher Secondary School/North East Frontier Railway/PO. Badarpur, Dist- Karimganj- 788006. I obtained temporary status on , and had been continued in the said service upto 4 yrs 6 months for a period of 4 (four) years 6 months days. During the period of temporary status I had enjoyed all the benefits relating to the temporary Rly. staff. I have submitted a few appeals for regular absorption in the N.F. Rly. School. But sorry to say that while serving as such a notice of termination was thrust upon me on 1-2-91 inspite of about 4 (four) 6 months years continuous service without extending any opportunity-

Attested
Alexha Das
Advocate

Contd....p/2.

= 2 =

for the regularization of the service as per rules mentioning in the master circular R.B.No. 12/91 M.C.M. 20/91/E (N.G) 90/50 dt. 29-1-91 still I have been passing my days without any job as I have not been provided otherwise on account of age bar. As a result I have been facing acute financial distress as well as starvation.

That Sir, I possess the essential qualification B.A.B.T. which is sufficient for a primary teacher Gr-IV with 4 (four) years teaching experiences.

That Sir, Hon'ble Supreme court of India has passed a verdict on some of the Ex-Substitute teacher of the N.F. Railway for the regular absorption of the substitute teacher through a screening test, by a screening committee. The six Nos. of Ex-substitute teachers were screened and three of them appointed regularly. But no initiative was taken by the authority to absorb me regularly.

Considering my sincerity, dedication, experience and length of service I would fervently pray your goodness to be kind enough to absorb me in any school of the N.F. Rly. as Asstt. Teacher at an early date and for this act of your kindness I shall remain ever grateful to you.

Dated,
Badarnur,
The 26th Nov. 1997.

Yours faithfully,
Dhananjay Sen Gupta.
(SRI DHANANJOY SEN GUPTA)
EX-SUBSTITUTE ASSTT. TEACHER
RAILWAY N.F. SCHOOL/N.F. RLY.
BADARNUR : RLY. PRIMARY SCHOOL
DHARMANAGAR.

Present address-

Attested
Alka Das
Advocate

Sub:- Prayer for permanent absorption as Asstt. Teacher Gr-IV in the Railway schools of N.F. Railway Zone in scale Rs. 1200-2040/-

Ref:- Vide L/No.BB/PC-21/D-S dt. 20.05.88 (appointment as substitute teacher & Supreme Courts verdict in favour of the substitute Teachers of N.F. Railway Sl.P.No.1946/95 to 1951-95 dt. 13th October-1995.)

Reverened Sir,

May I kindly be excused for taking your valuable time as I have no other alternative except to approach your goodself to be kind enough for the persual of the following facts for your kind consideration and disposal please.

That Sir, I was initially appointed as a substitute Asstt. teacher in scale Rs. 1200/- 2040/- in the Railway Higher Secondary school/North East Frontier Railway/PO.Badarpur, Dist-Karimganj- 788806. I obtained temporary status on BS/PC-21 Dt-26-S-88, and had been continued in the said service upto 4(four) years 6(six) months for a period of 4(four) years 6(six) months ...days. During the period of temporary status I had enjoyed all the benefits relating to the temporary Rly.starf. I have submitted a few appeals for regular absorption in the N.F.Rly.school. But sorry to say that while serving as such a notice of termination' was thrust upon me on 01.02.91 inspite of about 4(four) years 6(six) months continuous service without extending any opportunity for the regularization of the service as per rules mentioning in the master circular R.B.No.12/91 M.C.M.20/91/E(N.G)90/50 dt. 29.1.91 still I have been passing my days without any job as I have not been provided otherwise on account of age bar. As a result I have been facing acute financial distress as well as starvation.

That Sir, I possess the essential qualification B.A.B.T, which is sufficient for a primary teacher Gr-IV with 6(six) years teaching experiences.

Contd...P/2.

Attested
Alka Das
Advocate

That Sir, Hon'ble Supreme Court of India has passed a verdict on some of the Ex-substitute teachers of the N.F. Railway for the regular absorption of the substitute teacher through a screening test, by a screening committee. The six Nos. of Ex-substitute teachers were screened and three of them appointed regularly. But no initiative was taken by the authority to absorb me regularly.

Considering my sincerity, dedication, experience and length of service I would fervently pray your goodself to be kind enough to absorb me in any school of the N.F.Rly. as Asstt. Teacher at an early date and for this act of your kindness I shall remain ever grateful to you.

Dated, Badarpur.

The 28th Nov'1997.

Yours faithfully,

Dhananjay Sen Gupta.

(SRI DHANANJAY SENGUPTA)
C/O Sri Biplob Kr. Sengupta
Rly. Qrts. No. T20(A)
Saheb colony, Badarpur
P.O. Badarpur, Dist-Karimganj
Pin- 788866.

Attested
Asha Das
Advocate

Recd. with A/D.

ANNEXURE-7

-21-

To
Mrs. Praveen Mahajan,
Director, Public Grievances
Cabinet Sectt. Sardar Patel Bhavan
New-Delhi-110001.

Sub:- Redressal of grievance in service matter
in respect of Shri Dhananjay Sengupta,
Ex-Asstt. Teacher Rly School/BPB & DMR.

Madam,

Kindly refer Ministry of Personal & training L/No.
51855/6/BPG/PG/93 dtd. 25.3.98 (Copy enclosed) addressed to the
undersigned.

I am not heard any thing regarding the remedial action
taken by your goodself so far although four months have already
clap and in between.

I shall be obliged if my prayer for absorption as
Asstt. Teacher on regular basis in Rly. School is acceded to
with a suitable direction to the appropriate authorities at
an early date since it has already taken nearly four months
to dispose off my application in my favour.

I would like to add further that Hon'ble Supreme
Court has passed a Judgement in the SLP-No. 1946 to 1951/95
dtd. 11.10.95. That all substitute Asstt. Teachers who have
served the Rly's on temporary basis should be absorbed on
permanent basis. Accordingly services of some of the Substit-
ute Teachers have already been regularised by the Railway
authorities. Where as my case ~~disposition~~ has fallen to ~~disposition~~
deep ears.

I therefore, prefer the appeal to your goodself for
an early favourable disposal of my prayer.

With regards.

Yours faithfully.

DA-1 (one).

Dated the
20th August/98.
Badarpur.

(SHRI DHANANJOY SENGUPTA)
Rly. Off. No. T/20(A)
Sahel Colony
P.O. Badarpur.
Dist:- Karimganj (Assam)
Pin:- 788806.

Attested
Usha Das
Advocate

- 22 -

OFFICE OF THE
GENERAL MANAGER (P),
MANGAL : GUMAHATI-11.

No. W/252/339 (W) Pt. X

Dated : 29-12-1992.

To
 ✓ Shri Bha. Anjoy Sengupta,
 C/o Shri B.K. Sengupta,
 P.O. No. T/50 (A)
 Sahab Colony/Badarpur,
 P.O. Badarpur - 786004,
 Distt. Kamrup (Assam)

Sub: Regular absorption as Asstt. Teacher
 Grade - IV in Railway School.

Ref: Your representation to Hon'ble Minister
 for Railways dated 1.11.92.

Your service particulars as substitute teachers have been collected from Railway Higher Secondary School/Badarpur and Railway Primary School/Phanmanagar and found that you have served as substitute teachers for a total period of 2 years 10 months 14 days only. Hence, your claim for serving 3 years 6 months could not be established and moreover you have not produced any documentary evidence along with your application.

The possession of requisite qualification is not the criteria for regularisation. Since you have claimed to have requisite qualification you could have taken opportunity through Railway Recruitment Board against advertisements issued time to time.

It is not correct to say that the Hon'ble Supreme Court of India has passed general orders for regularisation of all substitute teachers. In fact the Hon'ble Court has passed orders in some individual cases.

As a matter of policy adopted in case of regularisation of ad-hoc staff minimum 3 years service is required. Accordingly, substitute teachers who have completed 3 years service have been absorbed recently for their absorption on regular basis.

Since, you have not served as substitute teachers for a minimum period of 3 years, it is regretted to say that you are not entitled for appearing in screening test for regularisation as Asstt. Teacher Grade-IV in Railway School.

(A.K. BHANU)
 DEPUTY GENERAL MANAGER, OFFICER/2
 for GENERAL MANAGER (P)/M.O.

contd...2.

Attested
 Alsha Das,
 Advocate

- 23 -

- Copy to : 1) IV. Secretary, Cabinet Secretariate, 2nd Floor, Amar Patel Bhavan, New Delhi - 110001 in reference to DPG No. 3/1/88 - PO - 58901 (?) dated 16-5-88 along with a detailed statement.
D A - One
- 2) Controlling Officer, Railway Primary School, ~~Delhi~~ *DMR*
- 3) RA to OPG for information.
- 4) RA to AGM for information.

for GENERAL MANAGER (P)/MTO.

cc:cc

db/-

Attested
Bha Das
Advocate

-24-

MU/C/BFB.

27.8.2000

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

Sub:- Regularisation of services of Substitute
Teacher after completion of 3 years service.
Ref:- Your letter No.E/252/239/W/Pt-X dt.29.12.98
addressed to Sri Dhananjay Sen Gupta.

Dear Sir,

The Union like to invite your attention on the subject.

That vide your letter referred to above Sri Dhananjay
San Gupta, Substitute Teacher, Badarpur was advised that the services
of Sri San Gupta could not be regularised as per extent rule since
he did not complete minimum service for 3 years.

Subsequently, it was established that he had completed
3 years service already but could not be established the same by
the Welfare Inspector deputed for the purpose due to a portion of
service for 19 days was not available in connected salary bill for
April '98.

That Sir, on further scrutiny by the Principal, it
was found that a Supplementary Salary Bill vide Bill Unit No. SN/101
B.R.No. SSB/82 dt.9.5.88 was prepared and drawn by Shri San Gupta
for 19 days which inadvertently was out of notice of the Investigating
Inspector.

That, Principal, Badarpur Rly. H.S. School vide his
letter No.BS/PC-21/DS dt.7.8.2000 has sent a detail report to
GM/P-Welfare/MLG.

In view of facts as enlightened above, Sri D. San Gupta
is quite eligible to have his service regularised and absorption
against regular vacancy of Teacher.

Union would request you to kindly connect Principal's
letter dat. 7.8.2000 action be taken early to absorb him as
regular Teacher which otherwise fallen due to him long back
alongwith others.

Thanking you,

Yours faithfully,

(K.C.ROY KARMAKER)
for GENERAL SECRETARY
N. F. RAILWAY MAZDOOR UNION
PANDU.

Copy to :-

✓ Branch Secretary/NFRMU/Badarpur for information please.
2 copies of letter are sent to him. 1 copy may please be delivered
to Sri sen Gupta.

for GENERAL SECRETARY. 27/8

Attested
Alka Das,
Advocate

To
The Dy.Chief Personnel Officer(IR)
Office of the General Manager(Personnel)
N.P.Railway/Maligaon, Guwahati-11.

Subj:- Prayer for regular absorption as Asstt.Teacher
Gr.IV in Rly.school.
Ref:- Your letter No.B/252/239(W)Pt.X dated 29.12.98.

Sir,

I have the honour to state that on receipt of your letter No. quoted under reference, I personally collected the periods of my substitute service as Asstt. teacher both in Rly.H.S.School/EPB and primary School/DMR. It reveals from the records that I completed three years service as Asstt.Teacher(Subst). The detailed particulars of my substitute service as Asstt.Teacher in both the schools are furnished below for your appraisal, please.

(A) Substitute service as Asst.Teacher in Rly.H.S.School/EPB

From	To	Total No. of days		
		Yr.	month	days
6.5.86	5.6.86	0	-	0 - 29 days.
1.7.86	2.7.86	0	-	0 - 2 "
20.8.87	2.9.87	0	-	0 - 13 "
5.2.88	20.5.88	0	-	3 - 16 "
21.5.88	30.6.88	0	-	1 - 11 "
Total		0	-	6 - 11 "

(B) Substitute Service as Asst.Teacher in Rly Primary School/DMR

01.07.88	24.9.90	02 Yrs	02 months	23 days.
03.11.90	31.12.90	0	-	01 " 28 "
03.01.91	31.01.91	0	-	0 - 29 "
Total		02yrs. 05mths 20 days.		

Grand total

03 Yrs. 0 mth. 01 day.

It may be mentioned here that while furnishing my service particulars from Rly.H.S.School/EPB the period of my service from 21.5.88 to 30.6.88 i.e. one month eleven days was not shown there over eight. However a xerox copy of the letter duly signed by the then Principal Rly.H.S.School/EPB Sri S.Sarkar is enclosed for appraisal & consideration, please.

On further scrutiny of the records of Primary School/DMR it reveals that six days service was shown less in the previous particulars submitted at yours and as such correct position is shown above. A xerox copy of the recent particulars collected from Primary School/DMR is enclosed for your kind appraisal.

Incidentally it may be mentioned here that I attained temporary status on 4.5.88 as per Controlling Officer/Rly.H.S. School/EPB's letter No.IS/PC-21/DS dated 20.5.88 and I earned two increments there after raising pay to Rs.1260/- in scale 1200-2040/-(RP/86) and before allowing 3rd. increment myself was discharged.

Contd... 2.

Attested
Alister Das
Advocate

- 26 -

- 2 -

I would therefore, request your honour kindly to consider my case according to the policy adopted in case of regularisation of Adhoc staff as mentioned in the para 4 of your letter under reference.

An early action in this matter is earnestly requested.

With regards.

Enclo: as above

Dated, Badarpur,
the 20th March/99

Yours faithfully,

Dhananjay Sengupta
(DHANANJOY SENGUPTA)
C/O Sri B.K. Sengupta.
Saheb Colony. Rly. Qrs. No. T/20-A
P.O. Badarpur. Dist. Karinganaj
Pin-728806

Attested
Alaha Das,
Advocate

To

Chief Personnel Officer (Welfare)
N.P. Railway, Maligaon.

Subj:- Prayer for regular absorption as Asstt. Teacher
Gr. IV in Ely. School.

Ref:- Your L/No.E/252/239(W)Pl.X dtd.29.22.98 and
my representation dtd.20.3.99.

Sir,

I request your honour kindly to refer to my representation
dt.20.3.99. which was preferred in response to your letter No.
quoted above. But I am sorry to inform you that I have not recd
any reply up till now. However, I am once again reproducing the
facts for consideration of my case.

On receipt of your letter under reference I personally
collected the period of my substitute service as Asstt. Teacher
both in Ely. H.S. School/SPB and primary School/DNR. It reveals
from the records that I completed three years service as Asstt.
Teacher (Subst.). The detailed particulars of my substitute
service as Asstt. Teacher in both the schools are furnished below
for your appraisal, please.

(A) Substitute Service as Asstt. Teacher in Ely. H.S. School/SPB.

From	To	Total No. of days.		
		Yrs.	month	Days
3.5.96	5.6.96	0	0	29 days
1.7.96	2.7.96	0	0	2 "
20.8.97	2.9.97	0	0	15 "
5.2.98	20.5.98	0	0	16 "
21.5.98	30.6.98	0	1	11 "
Total.		0	6	31 "

(B) Substitute Service as Asstt. Teacher in Ely. Primary School/DNR

1.7.98	24.9.98	2	2	23 days
3.11.98	31.12.98	0	1	26 "
3.1.99	31.1.99	0	0	29 "
Total		2 years. 5 months 20 days		
Grand total.		3 years. 0 month 1 day.		

It may be mentioned here that while furnishing my service
particulars from Ely. H.S. School/SPB the period of my service from
21.5.98 to 30.6.98 i.e. one month eleven days was not shown
through over sight. However a Xerox copy of the letter duly signed
by the then Principal Ely. H.S. School/SPB Sri S. Sarkar is enclosed
for appraisal consideration, please.

On further scrutiny of the records of Primary School/DNR
it reveals that six days service was shown less in the previous
particulars submitted at your end as such correct position is
shown above. A Xerox copy of the recent particulars collected
from Primary School/DNR is enclosed for your kind appraisal.

Copies.....2.

Attested
Isha Des
Advocate

Incidentally it may be mentioned here that I attained temporary status on 4.5.88 as per Controlling Officer/Rly. H.S. School/MB's letter No. HS/PC-21/DS dtd. 20.5.88 and I earned two increments there after raising pay to Rs. 1250/- in scale 1200/- 2040/- (89/86) and before allowing 3rd increment myself was discharged.

I would therefore request your honour kindly to consider my case according to the policy adopted in case of regularisation of Adhoc staff as mentioned in para 4 of your letter under reference.

An early action in this matter is earnestly requested.

With regards.

Encl:- as above.

Dated, Badarpur
The 15th Oct/88

Yours faithfully,

Dhananjay Sengupta
(DHANANJOY SENGUPTA)

C/O Sri B.S. Sengupta,
Sahab Colony, Rly. Qm. No. 7/20-A
P.O. Badarpur, Dist. Faridkot,
Pin-788006.

Copy to:- 1). Dy. Secretary, Cabinet Secretariate, 2nd floor Sardar Patel Bhavan, New Delhi-110001, in ref. to DPO No. 3/1/98-PS-52901(T) dtd. 15.5.98 (Copies enclosed).

" 2). AGN/N.F. Rly./MLG for information & necessary action please.

" 3). SA to CPO for information & necessary action please.

" 4). Shri Rakhal Das Gupta, General Secretary, N.F. Rly, Marwa Union/Hallagan. He is requested kindly to take up the issue at the appropriate level for early finalisation of the case please (Copies enclosed).

Dhananjay Sengupta
(DHANANJOY SENGUPTA).

Attested
Alsha Das
Advocate

OFFICE OF THE
GENERAL MANAGER (P)
MALIGAON: JIVAHATI 11.

NO: E/252/239/Pt-IV(W)

Dated:- 31-07-2000

TO

The Principal,
Railway Higher Secondary School/Badarpur.

Sub:- Service Particulars of Shri Dhananjoy
Sengupta, Ex-Substitute teacher.

It has been verified by ^{well known} whether Inspector deputed
to your school that the above named were paid for 11 days
salary during April/88 only whereas it is reported that he
was full present during the month of April/88.

You are therefore requested to certify if Shri
Sengupta was paid for the full month of April/88 and if not
why?

(J. Rabidas)
Asstt. Personnel Officer (W)
for General Manager (P) Maligaon.

Copy to:-

- ✓ 1) Shri Dhananjoy Sengupta
C/o Shri L.K. Sengupta,
Gr. No. I/20-A, Sahab Colony
Po. Badarpur, Karimganj
Pin-788806.

He is asked to produce
original documents in respect
of period of service rendered as
substitute teacher at EPA and
DMR.

for General Manager (P) Maligaon.
31/7/2000

cc.

Attested
Alsha Das
Advocate

ANNEXURE-13

No.BS/PC-21/D.S

Date. 7.8.2000

To
GM(P)/Welfare/N.F.Rly/Maligaon.

Sub.: Service particulars of Sri Dhananjoy
Sengupta, EX Substitute Teacher.

Ref.No. Your letter No.E/252/239/Pt-IV(W)
dt.31.7.2000.

With reference to the above it is to inform you that Sri Dhananjoy Sengupta Ex Substitute Teacher was discharged from this school on 11.4.88 (AN) vide this office letter No.BS/EST/5-Subs dated 30.3.88 and directed to join as Substitute Teacher in D.T.P School DMR. Accordingly his salary for 11 (eleven) days from 1.4.88 to 11.4.88 was drawn through regular salary Bill. But Co/DTP School DMR redirected him to CORS/BPB for further necessary action as the Teacher incharge of DTP school DMR did not handed over the charge to Sri Sengupta on 12.8.88 vide his letter No.DMR/16/88 dated 12.4.88.

On 13.4.88 CORS/BPB passed orders on the said letter of CO/DTP School DMR to continue his attendance in this school till charge of DTP School DMR was handed over to him. As such his attendance was allowed in this school without break vide this office letter No.BS/EST/5-Sub dated 13.4.88.

The salary of Sri Dhananjoy Sengupta for the period from 12.4.88 to 30.4.88 (19 days) was however, subsequently drawn and paid through supplementary salary Bill No.EN/161 bearing BR No.SSB/82 dt.9.5.88.

Sd/-
(seal)
Principal
RAILWAY H.S. SCHOOL
Badarpur, Karimganj

Attested
Alsha Das.
Advocate

ANNEXURE-14

No.F(P)/284/RPS/DMR dated 17.03.1999

Controlling Officer
Rly Primary School/DMR.

Shri Dhananjoy Sengupta,
Ex.Subs.Teacher/DMR

SERVICE PARTICULARS
Your L/No.Nil dt.17.3.99

As per office record the following service period of Shri Dhananjoy Sengupta has been taken into the account as worked under the Controlling Officer/Railway Primary School/N.F. Rly, Dharmanagar.

<u>Working Period</u>		<u>Total Period of Service</u>
From	To	
1.01-07-1988 to	24-09-90	2 years 2 months 23 days
2.03-11-1990 to	31.12.90	00 years 1 month 28 days
3.03-01-1991 to	31.01.91	00 years 0 month 29 days
	
		2 years 5months 20 days
	

(Total period of service at DMR two years five months twenty days only)

Shri Sengupta joined at DMR Pmy School vide L/No.BS/EST/5-Sub dated 3.6.1988 at controlling office/ Railway H.S. School/Badarpur.

Sd/-
(seal)
Controlling Officer
Railway Primary School
Dharmanagar, N.Tripura

Attested
Usha Das,
Advocate

Annexure-15

Sub. Service particulars of Shri Dhananjay
Sengupta, Substitute Teacher, DMR.

Period of service	years	Months	Days
1. From 8-5-86 to 5-6-1986	0	0	29
2. From 1-7-86 to 2-7-1986	0	0	02
3. From 21-8-87 to 2-9-87	0	0	13
4. From 5-2-89 to 20-5-89	0	3	16
5. From 21-6-89 to 30-6-89	0	1	11
	0	6	11

He is directed to report to the
Controlling Rly. LTP School/DMR on
1.7.1988 vide this office letter
No. BS/EST/5-Sub of 4.6.1988.

Sub:- Service particulars of Shri Madhab
Sinha,

Shri Madhab Sinha joined on 5.5.1988 in
DMR/DTP School.

Sub.: Service particulars of Santa Das
Purkayastha, Substitute Teacher, Rly H.S.
School/BPB.

1. From 18.3.1988 to 04-6-1988	0	2	12
2. From 1-7-88 to 05-10-88	0	3	07
3. From 6-10-88 to 31-10-88	0		25
4. From 1-11-88 to 21.12.89	1	2	00
	1	8	20

She is still in service.

Principal
Rly H.S. School/BPB.

Attended
Santa Das,
Advocate