

301/2002

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 301/2002

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. O.A - 301/2002 Pg. 1 to 2
2. Judgment/Order dtd. 13/09/2002 Pg. No. Separated to Order Disposal
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A 301/02 Pg. 1 to 29
5. E.P/M.P. N/L Pg. to
6. R.A/C.P. N/L Pg. to
7. W.S. Pg. to
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. ~~Memo of Appearance~~ |
12. Additional Affidavit |
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 301/2002

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) Shri S.Thakuria

Respondent (s) U.O.I & Ors. -Vs-

Advocate for the Applicant (s) Mr.A.Ahmed , Mr.M.C.Saikia

Advocate for the Respondent(s) Mr.S.Sarma

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form 10 and is in time for hearing. It is not necessary to file form 10. It is rejected vide order No. 7957 G.7.68</p> <p>Dated: <u>11/9/02</u></p> <p><i>Dy. Registrar.</i></p>	<u>13.9.02</u>	<p>Heard Mr.A.Ahmed learned counsel appearing on behalf of the applicant and Mr.S.Sarma learned counsel appearing on behalf of Railway Standing Counsel.</p> <p>The applicant is Motor Driver working under the Respondents since 1988. By an order dated 30.5.88 the applicant was transferred from DRM(P)/MED/LMG to DMO/DMV conservancy. The applicant stated that his wife is working as Auxiliary Nurse at Mohendra Mohan Chowdhury Hospital, Panbazar under the Government of Assam and his wife is staying with parents of the applicant in Guwahati. The applicant submitted representation for his transfer to Guwahati to lead a family life. Failing to</p>

No Steps

*BS
13/9/02*

l

contd/-

27.9.2002

copy of the
order has been
sent to the D/see
for issuing the same
to the L/Advocals
for the park's

JGB

13.9.02

get appropriate remedy the applicant
now moved this Tribunal to take
appropriate directions.

Upon hearing the learned
counsel for the parties I am of the
view that the ends of justice will
be met if, I direct the Respondents
to consider the representation of
the applicant dated 6.6.2001 and
also the applicant to submit a fresh
representation to the Respondents
within two weeks. The Respondents
are directed to consider the same
and to pass a reasoned order as
early as possible from the date of
receipt of the representation.

The application is accord-
ingly disposed of. No order as to
costs.

lm

Vice-Chairman

THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT GUWAHATI

বেঙ্গল সর্কারী বিচার বিভাগ
Central Administrative Tribunal

13 SEP 202

গুৱাহাটী বিচার

Guwahati Bench

O.A. NO. 301 /2002.

SRI SAILENDRA THAKURIA

... Applicant.

- Vs -

The General Manager & Ors.

... Respondents.

I N D E X

<u>Sl. No.</u>	<u>Page No.</u>
1. Application	1 to 9.
2. Verification	10.
3. Annexure - 1	11 to 14.
4. Annexure - 2	15.
5. Annexure - 3	16.
6. Annexure - 4	17.
7. Annexure - 5	18.
8. Annexure - 6	19.
9. Annexure - 7	20 to 24.
10. Annexure - 8	25 to 27.
11. Annexure - 9	28 to 29.

Filed by : M. K. Saikia
ADVOCATE

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI HENCH
AT GUWAHATI

BETWEEN

SRI SAILENDRA THAKURIA,
Motor Driver/Medical/LMG
Divisional Railway Hospital,Lumding.

... APPLICANT

- :-VRS. :-

1. The General Manager,
N.F.Railway,Maligaon.
2. The Chief Medical Director,
N.F.Railway,Maligaon.
3. The D.R.M(P)/N.F.Rly/Lumding.
4. The Chief Medical Superintendent
Divisional Rly.Hospital,Lumding.

... RESPONDENTS,

DETAILS OF APPLICATION

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

The original application is made against the Respondents for not observing the Rules & Guidelines of the Indian Railway Establishment Code, 1985 Vol-I and Railway Board's Letter No.:- E(NG)I-97/TR/28, dtd. 05.11.97 & GM(P)'s Circular No:- MISCE 1586 E/283/6(C)pt-III dtd. 27.01.98, regarding the provisions made for the purpose of Transfer which was despatched to All HODs, GM(CON) |MLG ; All DRMs, DAOs, WAO/NBQ, DBWS, ; All Controlling Officers Non-Divisionalised Offices /N.F.Railway ; The General Secretary/NFREU & NFRMU/PNO.

2. JURISDICTION OF THE TRIBUNAL:-

The applicant further declares that the subject matter of the case is within the jurisdiction of the Hon'ble Tribunal..

3. LIMITATION:-

The applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunals Act 1985.

Contd. on p/2

Filed by: Sailendra Thakuria
Through Michael K. Sikia, Advocate
12/9/2002

4. FACTS OF THE CASE:-

4.1. That the applicant is a citizen of India and as he is entitled to all the rights, protections, and privileges ~~to which~~ guaranteed under the constitution of India and the ~~law~~ laws framed there under.

4.2. That the applicant is a Motor Driver a Group 'C' service serving in the Health & Family welfare Deptt , under Chief Medical Superintendent ,Divisional Rly Hospital N.F.Railway/Lumding which is a Department under Railway Ministry, Govt of India.

4.3 That the applicant begs to state that after due screening and practical test held 26/11/87 the applicant was selected and recruited as Motor Driver by the Recruitment Committee,N.F.Railway/Guwhati-11 .on 21/04/1988 through Chief Medical Officer(P)s ~~to~~ Letter #: E/227/122/4 (MED)part-II,dtd.21/04/1988. Again the chief Medical Officer vide his MLG's Letter #: E/227/122/4(MED)part-II dtd. 12/5/88 directed the applicant to report to Divisional Rly.Manager (P)/Med/N.F.Rly/LMG and to join there as Motor Driver.

Copies of Appointment Letter as Motor Driver & posting at DRM(P) | MED | LMG #: E/227/122/4(MED) part-II, dtd. 21/04/88 and 12/05/1988 issued by the Chief Medical Officer/MLG , are annexed hereto as ANNEXURES-I & II.

4.4. That after receiving the appointment letter and the place of posting letter the applicant immediately joined at DRM(P) | MED | LMG as Motor Driver and started his allotted work as Motor Driver to the utmost satisfaction of the superior Authority.

4.5. That the applicant begs to state that when the applicant was serving at DRM(P) | MED | LMG an office order issued by the Divisional Railway Manager(P),Lumding dtd. 30/05/1988 was despatched to the applicant whereby the applicant was transferred from DRM(P) | MED | LMG to DMO | DMV specifying therein the term of his transfer from Lumding to Dimapur is only for one year .

~~immediatly~~

Office order immediately joined DMO/DMV on 01/06/88.

Copies of Office order No:-02 pt-III, dtd. 30/05/88
~~xxxxxxxxxx~~ issued by the DRM(P)|LMG and the
joining report submitted by the applicant at
DMO|DMV dtd. 01/06/1988 are annexed hereto as
ANNEXURES-III & IV.

4.6. That the applicant begs to state that an his satisfactory
discharge of his allotted duties as MOTOR DRIVER at DMO/
DMV and having completed more then one year stipulated
period as per the office order No:-02 pt-III dtd. 30/5/88
issued by the Divisional Rly. Manager(P)/Lumding, the
applicant was again sent back to Lumding conservancy
in the year 1995.

4.7. That the applicant begs to state that since 1995 the
applicant has been serving as Motor Driver at Lumding
conservancy under CMS|LMG to the utmost satisfaction
of his Superior authority. The applicant has no stain
or adverse remark in his service ~~short~~ career from his
appointment to till date.

4.8. That the applicant begs to state that he is a married
man and his wife is also a working woman of the Govt.
of Assam presently working as Auxiliary Nurse cum Mid
wife at Mahendra Mohan Chowdhury Hospital, Panbazar,
Guwahati, under the Additional Chief Medical & Health
Officer (FW), Kamrup, Guwahati, which is a Department
under the Govt. of Assam. Be it stated that as both
of the husband and wife being working couple and
being posted at a good ~~different~~ ^{distance} places the couple
had to suffer a lot in smoothly leading a happy and
peaceful ~~as~~ family life. To end mental agony and anxieties
and to lead a happy and peaceful life the applicant
applied for transfer from Lumding to Maligaon or
Guwa hati area for the ~~as~~ first time on 16/03/1993.
Unfortunately, the request for transfer of the applicant
was though processed officially no fruitful result
came out.

Copies of working Certificate of the wife of the applicant issued by the Additional Chief Medical and Health Officer, (FW), Kamrup, Guwahati dtd. 08/08/02 and the letter issued from DRM(P)'s Officer, Lumding to Chief Medical Officer, Maligaon regarding the application for transfer submitted by the applicant on 16/03/93 are annexed hereto as ANNEXURES V & VI.

4.9 . That the applicant begs to state that since the year 1993 onwards the applicant has been requesting and applying for transfer from Lumding to Maligaon or Guwahati Area very frequently till date but no positive result has come out of those application for which the applicant and his family has been suffering a lot.

Copies of application dtd. 15/3/1995, 02/06/1995, 11/03/1998, 16/07/1998 & 06/06/2001 applied by the applicant are annexed hereto as ANNEXURE VII series.

4.10. That the applicant begs to state that his wife being state Govt. servant the concerned ~~govt~~ authority should have considered the request of the applicant to make arrangement for posting of ~~at~~ the spouses at same station in accordance with item No: 5(IV) & (V) of the Railway Board's letter No :-E(NG)I-97/TR/28, dtd. 05/11/97 and GM(P)'s circular No:-MISC 1586 No:-E/283/66(C)pt-III dtd. 27/01/98. The Controlling Authorities by not observing this Guidelines of the Railway Board and GM(P)'s Circular have clearly violated the settled principles of the ~~govt~~ Ministry of Railway Government of India .

Copy of the Rly. Bd's Letter No:-E(NG) | I-97/ TR | 28, dtd. 05/11/97 & GM(P)'s Circular No:- MISC 1585 No:-E/283/6(C)pt-III, dtd. 27/1/98.

is annexed hereto as ANNEXURE VIII.

4.11. That the applicant begs to state that the Indian Railway Establishment ~~Emark~~ Code 1985, Vol.-1 vide its Rule-226 & 229 too provide for consideration for transfer from one place to another on request.

Copies of Rule -226 & 229 of Indian Railway Establishment ~~Emark~~ Code 1985 Vol.-1 are annexed hereto as ANNEXURE IX.

4.12. That the applicant begs to state that the wife of the applicant too tried to herself transferred to the place where her husband has been working. However, this could not be materialised even though the applicant too tried for the same officially as because Govt. of Assam. has no such guidelines regarding the place of posting of working couples.

4.13. That the applicant begs to state that due to non-transfer of the applicant the family of the applicant has been ~~xfm~~ suffering very badly. Be it stated that the wife of the applicant as well as the applicant himself have suffering from depression as they have no issue till date though they got married on 08/08/87. The applicant having crossed the age of 40 yrs and the wife of the applicant touching the age of 40 yrs there is no hope for them to beget a child in the near future. Therefore the applicant and his wife are planning to adopt a child as soon as possible. To adopt a baby it is indeed much important to live the husband and wife together and for that the transfer of the applicant from Lumding to Maligaon or Guwahati Area is very much essential.

4.14. That the applicant begs to state that he is the only son of his parents. The father of the applicant has already died and the old and ailing mother is living alone. To look after the old & ailing mother the transfer applicant is very essential.

4.15. That the applicant begs to state that there is a post of Motor Driver of the same Group is still lying vacant in the Maligaon Central Hospital, vice SRI KURESHU retired on 30/6/2002. Therefore the applicant could be easily transferred to that post .

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

5.1. For that the action of the respondents in ~~xxx~~ not considering the application of the applicant is prima facie illegal and liable to be interfered with by this Hon'ble Tribunal.

5.2. For that the Railway Board's Letter No:-E(NG) 1-97/ TR/28, dtd. 5.11.97 and GM(P)'s circular No:-MISC. 1586 No:-E/283/6(C)pt-III, dtd. 27/01/98 clearly provides that where one of the spouses is a Railway servant and the other is working in a State the application of transfer of the Railway servant for a posting at the place of posting of his/her spouse may be considered favourably by the Competent Authority. it is worth mentioning that the wife of the applicant is presently working in the Mahendra Mohan Chowdhury Hospital ,Pan Bajar ,Guwahati under the Family Welfare Department of Govt. of Assam.

5.3. For that there is a post of Motor Driver of same grade of the applicant is lying vacant in the Maligaon Central Hospital ,vice SRI KURESHU retired on 30/6/2002 . .

5.4. For that the Indian Railway Establishment Code 1985 Vol.1 also provides for consideration of transfer from one division to another on request.

5.5. For that the applicant has already served more than ~~xxxxx~~ 13(thirteen) years under CMS/Lumding.

5.6. For that the wife of the applicant herself tried to get transferred from her present working place to her husband nearest working station which could not be materialised due to non-availability of such rule or guide-lines of the Govt. of Assam.

5.7. For that at least on humanitarian ground the case of the applicant may be considered so that the applicant and his wife can get rid of the depression and lead a happy and peaceful life by adopting a baby as soon as possible .

5.8. For that the applicant can take proper care and attention of his very old and ailing mother which she ~~maximally~~ deserves at this stage .

5.9 For that the any view of the matter the action on the part of the respondents in not considering the case of the applicant is not sustainable and the applicant is entitled to the relief sought for.

6. DETAILS OF REMEDIES EXHAUSTED:-

The applicant declares that he has exhausted all the remedies available to him under the relevant service Rules etc.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

The applicant further declares that he had not ~~previously~~ previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any other Court Authority or any other Bench of the Hon'ble Tribunal nor any such applications , writ petition or suit is pending before any of them .

8. RELIEF SOUGHT FOR :-

Under the facts and circumstances and in the premises aforesaid the O.A. be admitted, records be called for and upon hearing the parties on the cause or causes that may be shown and on perusal of the records , be pleased to ~~grant~~ grant the following reliefs:-

8.1. To direct the respondents to observe and follow the guide-lines laid down in the Railway Board's Letter No:-E(NG)I-97/TR/28, dtd.05.11.97 & GM(P)'s Circular No:- MISC -1586, No:-E/283/6(C), pt-III, dtd. 27.01.98 regarding the transfer where one of the spouses is a Railway Servant and the other is working in aState(Item-5(V) & (V))

8.2. To direct the respondents to make necessary arrangements to transfer the applicant from Lumding to Maligaon Central Hospital or Guwahati Area as soon as possible.

8.3. To direct the respondents to consider the case of applicant for transfer from Lumding to Maligaon Central Hospital or Guwahati Area at least on humanitarian grounds as soon as possible.

8.4. Cost of the application .

8.5. Pass any other order/s or give direction/s as may be deemed fit & proper under the facts and circumstances of the case to give complete and full relief/s or to applicant.

9. INTERIM ORDER PRAYED FOR:-

In the facts and circumstances cited above, the applicants pray for are interim relief by way of a direction to the respondents to keep vacant the post of Motor Driver which is lying vacant in the Maligaon Central Hospital till the disposal of this application and/or any other interim relief/s to which the applicant may entitle to and/or as may be deemed fit & proper by this Hon'ble Tribunal.

10.

The application is filed through Advocate.

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

i/ I.P.O. No :- 76-576768
ii/ Date :- 11-9-2002
iii/ Payable at :- Guwahati.

12. LIST OF ENCLOSURES:

As stated in the index.

Contd.....p/10

14
page; 10

VERIFICATION

I, SRI SAILENDRA THAKURIA, aged about 40 years presently working as Motor Driver under CMS|LMG,N.F.Railway do hereby solemnly affirm and verify that the statements made in the paragraphs 2,3,4,14,24,4,4.6,4.7,4.12 to 4.15 are true to the best of my knowledge, those made in paragraphs 1, 4.3,4.5,4.8,4.9, 4.10, 4.11 being matters of record are true to ~~the best~~ the best of my information derived ~~therefrom~~ therefrom.

AND I sign this verification on^{12th}..... day of Sept/2002.

Sri Sailendra Thakuria.

SIGNATURE.

NORTHEAST FRONTIER RAILWAY

REGISTERED WITH A.D.

No. E/227/122/4(Med) Pt. II

Office of the
CHIEF MEDICAL OFFICER (P),
Maligaon, dt. 21-7-1988.To
Shri/Smt. Sailendra Thakuria
C/o Pradip K. Thakuria

Assam Chemical Pharmaceutical Ltd.

Bharatnagar, Guwahati-9

Sub: Temporary appointment as Motor Driver
on Rs. 950/- in grade Rs. 950-1500
(PPS) plus usual allowance as admissible from time to time.DATE OF SELECTION BY THE RECRUITMENT COMMITTEE,
N.F.R.R.LY./GAUHATI-11 held on 26-11-87
MERIT FIGURE

I am prepared to offer you a post in grade of and rate of pay specified above plus usual allowances 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 qualification and satisfactory proof in support of your age, such as Matriculations and/or equivalent certificate. In case of non-availability from the University/Board, the following certificates (in original may be accepted provisionally).

- (a) Matriculation Marks sheets.
- (b) Matriculation Admit Card and
- (c) School Leaving Certificate from the Headmaster/Headmistress.
- (d) Certificate in support of your Educational qualification & age.

2. All appointments will be made on probation for one year. For student of apprentices appointed to working post after completion of their training, the probationary period commences from the date of such appointments.

3. It must be clearly understood that the appointment is terminable on 14 (fourteen) day's notice on 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 will hold or on return to duty of the absentee in whose place you may be engaged, in which case your service will be automatically

Verified to be true copy.

M/S A.D.

Contd. 2/-

terminable from the date of expiry of the sanction or from the date of former resumes his duty, as the case may be. Also no such notice will be required if the termination of your 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.

4. You will not be eligible for any pension or any benefit under the State/Railway Provident Fund or Gratuity Rules or to any absence allowances beyond those admissible to temporary employees under the Rules in force from time to time during such temporary service.

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

~~XXXXXX will be held responsible for the charge and care~~
6. You will be required to take an oath of allegiance or make an affirmation in the form indicated below : -

I, _____ 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."

NOTE : Conscientious objectors to taking oath may make a solemn affirmation in the prescribed form indicated above.

7. You will conform to all rules and regulations applicable to your appointment.

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 must be prepared to accept the offer of appointment at any station of the Northeast Frontier Railway system. Although you are initially appointed for particular district/division, you are liable to be transferred to any station on this Railway in the exigencies of service and you should definitely indicate in your acceptance that you will abide by these conditions.

10. If you intend to take the appointment of these conditions, please report to the undersigned personally on or before 20-5-88 ~~28th May 88~~ but not earlier than failing which this offer letter will lapse and will not be renewed. Your pay will be commenced from the date you join duty at the office where you will be posted after you have been certified medically fit.

11. Quarters will be provided only if available and no guarantee can be given.

12. No travelling allowance will be granted for joining the post. A free 2nd Class Pass is enclosed to cover your journey.

13. Your appointment is also subject to production of Scheduled Caste/Scheduled Tribe Certificate from the authority as advised in the enclosed specimen form. (This condition applies only to the Scheduled Caste/Tribe candidates).

14. You shall be liable for Military Service in the Railway Engineer Units of Territorial Army for a period of seven years in Territorial Army for a period of seven years in Territorial Army Service and eight years in Territorial Army Reserve or for such periods as may be laid down in this behalf from time to time.

15. Your seniority to the post will be determined in accordance with the merit position awarded by the N.F.Railway Recruitment Committee.

16. You will have to produce a certificate in support of your good conduct and character from State Government Officer not below the rank of Addl. Dy. Commissioner, D.S.P. or from a n MP/MLA.

17. On reporting to this office you are requested to submit one prescribed Railway Service Commission Application Form duly filled in all respects which can be had from all important Railway stations on payment of Rs. 2/- (0.50 paise for SC/ST and Refugee candidates) alongwith a copy of your recent passport size photograph and attested copies of certificates in support of your age and qualifications.

18. While reporting to this office you will have to submit proper Release order from your present employer, if you are in service.

19. You will be required to deposit Rs. 12/- (Rupees Twelve) as pre recruitment medical examination fee while reporting to this office.

Enclo:- Half set 2nd Class
Pass No. _____

Accept the Offer on the terms
detailed above and declare that
I shall abide by the conditions
stipulated in para 7.

Signature of the candidate
& date.



for CHIEF MEDICAL OFFICER (P):

Copy forwarded for information and necessary action to :-

This has reference to his
Recruitment No. _____ dated _____

para 10. Please state the staff in time stipulated in
para 10 above.

for CHIEF MEDICAL OFFICER (P):

N. F. RAILWAY

E/227/122/4 (Med) Pt II

No. E/227/122/4 (Med) Pt II

Office of
Chief Medical
Officer (P)
P.O. Gaubhatia 11
Distt. Kamrup (Assam)

Dated Maligaon, 12-5-88

To

✓ Shri/Shrimati. S. S. Jhakuria....
(Now at Office)

Sub:- Temporary appointment as Motor Driver
on Rs. 950/- P.M. in scale
950 - 1500 (RP) plus usual allowance as admissible from time to time.

You are directed to report to Divisional Railway Manager
(P)Med. Medical Supdt./Distt./Divl. Asstt. Medical Officer
N.F. Railway. L M G for temporary appointment as
Motor Driver in scale Rs. 950 - 1500 (RP) plus usual allowance as admissible from time to time.

Pass to cover your journey ex-Kamkhya to L M G
No. 7037710 dated 12-5-88 as enclosed.

DA: One pass.

AMC

for CHIEF MEDICAL OFFICER (P)
N. F. RAILWAY/MALIGAON.

Copy forwarded for information and necessary action to :-

1. CHS/Maligaon.
2. DRM (P) / Medical Supdt/IMO/MS / L M G together with all relevant papers i.e. P.S.C. form, attested copies of certificates, Medical fit certificate, Police verification Forms and letter No. E/227/122/4 (Rectt) dated 21-4-88. He will please issue formal appointment letter from his end, pending police verification. * E/227/122/4 (Med) Pt II dt. 21-4-88
3. DRM (P) / MS / IMO / DAMO
4. FA & CAO / PNO
5. DAO L M G.
6. SPO (R) / PNO with reference to his letter
No. E/227 (Rectt) dt. 21-4-88.
7. OS/Pass, CPO's Office / MIG.

for CHIEF MEDICAL OFFICER (P)
N. F. RAILWAY/MALIGAON.

Verified to be true copy.

My P.S.
Adv.

DMO/NF.Rly/Dmng

8-16- Annexure - III

Call/Spec. & Spec. 10000
20000 20000 20000 20000 20000
20000 20000 20000 20000 20000

20

N.F.Railway.

Office order:

Office of the
Divil.Rly.Manager (P),
Lumding, dtd 30-5-88,

In terms of CMO (P)/MLG's letter No. E/227/122/4 (Med) Pt. II dt. 12-5-88 Shri Sailendra Thakuria, is appointed as ~~Pick Up Van Motor Driver~~ (Motor Driver) on Rs. 950/- p.m. in scale Rs. 950-1500/- (RP) at DMV conservancy under DMO/DMV against the post of one Pick Up van Driver transferred from LMG Conservancy to DMV Conservancy for a period of one year with immediate effect.

for DR M(P)/Lumding.
N.F.Rly.

No.02 Pt.III dt. 30-5-88.

Copy forwarded for information to :-

1. Staff concerned at office.
2. MS & DAO/Lumding.
3. CHI/Lumding.
4. DMO/DMV. Resumption report of the staff may be sent to this office.
5. CMO (P)/MLG.
6. Bill and Estt. Sec. at office.
7. CHI/DMV.
8. CC (E)/Pass & set duty pass may be issued in favour of Shri Thakuria Ex-LMG to DMV.

for DR M(P)/Lumding.
N.F.Rly.

-00000-

Comprised. Ad
30/5

38588TKM:

Certified to be true copy.

ndy f-s
Adv.

To :
Supt - Joining report.

Sir, In terms of DDM/CP) L/NO - 02 /P/ III (med) dt - 30/5/88. I have reported to DMO/DMV (P) as a motor driver for your further action please.

Yours faithfully,

Sri Saileendra Thakurra
Motor Driver (Pickup Van)
Dt - 1.6.88, (10.30AM)

Forwarded to
DRM (P) MEO/LMC
through DMO/DMV
Sri Saileendra Thakurra
Pickup van driver resumed his
duty here at the F.N. of
16.6.88
16/6/88 (in progress)
Sri Saileendra Thakurra

Subject to be true copy.

mg (F.S.)

Adv.



TO WHOM IT MAY CONCERN.

This is to certify that Mrs. Sewali Thakuri, wife of Mr. Sailen Thakuri, has been working as Auxiliary Nurse cum Mid-Wife at Mahendra Mohan Choudhury Hospital Panbazar, under the establishment of the under signed.

Sub-Inspector
Addl. Chief Medical & Health Officer
(FW) Kamrup, Guwahati.

Addl. Chief Medical & Health Officer (FW)
Kamrup, Guwahati

* * *

Certified to be true copy.

MD F S
Adv.

To

CMO(P)/MLGe

Sub: Prayer for transfer to Maligaon
or Gauhati area

A copy of application dt. 16.3.93 received
from Shri Sailendra Thakuria, MT/Driver under
DMO/DMV on the above subject is forwarded
for further disposal from your end.
The details of service particulars of Sri Thakuria
are furnished as under for ready reference.

Name - Sri Sailendra Thakuria.

Design - Motor Driver & III under DMO/DMV

Scale - Rs 50/- 1500/-

Dt. of Birth - 1-6-88

Dt. of Death - 29-9-1962

In the event of his transferred a suitable relief
will be required to spouse him. There is no SPA no
SAR case is pending against Sri Sailendra Thakuria
in the above case.

LDA - one

Copy to - Sri Sailendra Thakuria, MT/Driver
through DMO/DMV

For DR M(P)S Office

M.F. 12

Certified to be true copy

Adv. (—)

DRM(P)S Office

To,

Dated Dimapur,
the 15th March '95.

The Chief Medical Director N.F.Rly(Maligaon),
Through Proper Channel.

Sub:- PRAYER FOR TRANSFER TO MALIGAON OR GUWAHATI AREA.

Sir,

With due respect I beg to state that the following few lines for favour of your kind consideration and favourable order please.

That Sir, I am working under CMS/Lumding since my date of appointment on 01-06-88. Now under Sr. DMO/Dimapur with full satisfaction of my superior.

That Sir, my wife working as A.N.M. at Mahendra M. Mohan Chowdhuri Hospital, Panbazar (Guwahati) under Govt. of Assam.

That Sir, as I have to work at Dimapur and my wife has to work at Guwahati, for which we are separated from each other, and our family relation badly suffered.

That Sir, I am the only son of my parents are becoming very old, and in this stage they want my presence near them in their sickly stage.

With the above circumstances may, I pray and hope that your gracious self would be kind enough to transfer me to Maligaon or Guwahati area to save us from our family troubles.

Hope you will kindly consider my case and give sympathetic order at Maligaon or Guwahati area at an early date.

For this I will remain grateful to you for ever and oblige thereby.

Yours faithfully,

Sri Sainendra Shakuria.

(SRI. SAINENDRA SHAKURIA)
Motor Driver/Gr-III
Sr. DMO/ Dimapur.

Certified to be true copy.

mgf s-
Adv.

Dated Dimapur,
The 2nd June 1995.

To,

The Chief Medical Director N.P. Rly (Maligaon),
Through proper Channel.

Sub :-

PRAYER FOR TRANSFER TO MALIGAON OR GUWAHATI AREA.

Sir,

With due respect I beg to state that the following few lines for favour of your kind consideration and favourable order please.

That Sir, I am working under CMS/Landing since my date of appointment on 01-06-88. Now under Sr. DMO/ Dimapur with full satisfaction of my superior.

That Sir, my wife working as A.N.M. at Mahendra Mohan Chowdhuri Hospital, Panbazar (Guwahati) under Govt. of Assam.

That Sir, as I have to work at Dimapur and my wife has to work at Guwahati, for which we are separated from each other, and our family relation badly suffered.

That Sir, I am the only son of my parents are becoming very old, and in this stage they want, my present near them in their sickly stage.

With the above circumstances may, I pray and hope that your gracious self would be kind enough to transfer me to Maligaon or Guwahati area to save us from our family troubles.

Hope you will kindly consider my case and give sympathetic order at Maligaon or Guwahati area at an early date.

For this I will remain grateful to you for ever and oblige thereby.

Yours faithfully,
Sri Sailendra Thakuria.

• Dt:- 02/06/95
(SRI. SAILENDRA THAKURIA)
Motor Driver/ Gr-III
Sr. DMO/ Dimapur.

Forwarded
Sri Sailendra Thakuria
Sr. DMO/ Dimapur
N.F. Rly. Dimapur

To
The Chief Medical Director,
N. F. Railway/Maligaon.

(Through : Proper Channel)

Sub :- Prayer for transfer to Maligaon or Guwahati
area of Medical Department.

Respected Sir,

With due respect I beg to lay the following few
lines for favour at your kind consideration and sympathetic
order please.

That Sir, I have serving as Motor Driver under
MS/IC/LMG since my date of appointment on 1.6.98 with
full satisfaction of my superior.

That Sir, my wife is serving as A.N.M. at
Mahendra Mohan Chowdhury Hospital, Panbazar, GHY.-1.

That Sir, as I have to work at Lumding and my wife
has to work at Guwahati for which we are separated from
each other, and our family relation badly suffered. That Sir,
according to CPO/MLG's Circular No. Misc/1586, E/283/6(C)/P-III
dt. 27.1.98 item No. (v); both husband and wife have must worked
at the same place.

That Sir, I am the only earning son of my parents
who are becoming very old, and in this stage they want
my present and near them in their sickly stage.

With the above circumstances may, I pray and hope
that your gracious self would be kind enough to transfer
me to Maligaon Medical Department of Guwahati area, to
save us from our family troubles.

I am agree to accept bottom seniority if you
kindly transfer me in Medical department to Maligaon.

For this I will always remain ever grateful to
you and oblige thereby.

Dated, Lumding.

The 11th March/98

Yours faithfully,

Sri Saikishan Thakuria -
(Sri Saikishan Thakuria)
Motor Driver/Gr. III/LMG.

Df. 11.3.98

NORTHEAST FRONTIER RAILWAY

Lumding, Date is 16.7.98. *VII*

To
DRM(P)/LMG/N.F.Railway,
(Through Proper Channel)

Sub : Declaration

Ref : Your L/No. PC/SP Dt. 16.7.98.

H/Sir,

On ref. to yours L/No. & dt. cited above I beg to state the following few lines for your kind personal and consideration please. *Perusal*

That Sir, as per CPO/MLG's L/No.

MISC-1586.

No. E/283/6(C) Pt.III Dtd, 27.1.98 regarding posting of husband and wife (Item No.V) at the same station or near the place of posting of the spouse, the Competent Authority may be considered favourably for a posting at the place of posting of the his/her spouse. In this ground I have applied for my transfer to Ghy. as my wife working at MMC /Hospital/Ghy.

Further, I am submitting my consent that if my transfer to MLG is considered sympathetically I may not pressing to this office for sparing without relief.

Your's faithfully
Sri Saileendra Thakuria
(Sri Saileendra Thakuria)
M/DVR/Sr. DMO/LMG.
Dt - 16.7.98.

To

The Chief Medical Director,
N. F. Railway,
Maligaon.

Through Proper Channel

Sub : Prayer for transfer to Central Hospital
Maligaon.

Ref : My appeal forwarded under DRM(P)/LMG's No. PC/ST
Dt. 14.8.95.

Sir,

With due respect I beg to lay the following few lines before you for favour of your kind consideration and sympathetic orders please.

That I have been working at LMG Divisional Railway Hospital since my appointment with entire satisfaction to my superiors.

That I hail from Guwahati where my family and old aged parents are still staying. Dependents, particularly my old aged parents are feeling quite helpless without my physical presence with them. Being posted at LMG I am unable to look after my incapable parents which is a prime duty of human being.

That my wife is a govt. servant and posted as ANM in Mahendra Mohan Choudhury Hospital, Guwahati. She needs my presence with her, for peaceful family relationship.

That it is learnt, a post of Driver under your kind control is going to be lying vacant due to superannuation of the incumbent w.e.f. 30.6.2001.

Under the circumstances cited above I request your graciousness to kindly consider my transfer from LMG to Central Hospital, Maligaon and post at the Central Hospital, Maligaon against the above referred vacancy.

In this connection the Rly. Bd. Circular issued vide CPO/LMG's No. M/sc./1986, E/283/6 (C)/P-III dated 27.1.96 may be referred to where it is insisted upon posting of both husband and wife in the same place.

Dt. 6.6.2001.

He can be spared only with a
relief

Forwarded to Cms/LMG
for further action please.

...

Yours faithfully,

Sri SAILENDRA THAKURIA

(SAILENDRA THAKURIA)
Motor Driver/Gr.III/LMG
Df: 06/06/01

239
248

MISC-1586.

No.E/283/6(C)Pt.III

Guwahati-781011

Malignen, dated 27-1-98.

To : All HQs, GM(Gen)/M.G.
All BRMs, DAOs, WOs/MSOs, DBWs,
All Controlling Officers of non-divisionalised offices/NF.Rly.
The General Secretary/NEREU & NERMU/PNG

Sub :- Posting of husband and wife at the same
place - Instructions in respect of
Group 'C' & 'D' Railway employees.

-****-

A copy of Railway Board's letter No.E(NG) L-97/TR/28 dated 5-11-97
on the above mentioned subject is forwarded herewith for your information &
guidance please. Board's earlier letters as referred to in their present
letter were circulated as under:-

Board's letter No. & date.

GM(P)s circular No. & date.

1. E(NG)II/71/TR/14 dt. 1-10-71

1. MISC-516
E/283/6(C)Pt.II dated 19-11-71.

2. E(NG)II-86/TR/14 dt. 6-1-88

2. MISC-1362
E/283/6(C)Pt.II dated 16-2-88.

3. E(NG)L-96/TR/28 dt. 6-12-96

3. MISC-1576
E/283/6(G)Pt.III dated 13-2-97.

Ac, G.M.
SPG(HQ) 28/1/98

for GENERAL MANAGER (P)

(Copy of Railway Board's letter No.E(NG) L-97/TR/28 dated 5-11-97.)

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Sub :- As above.

-****-

The extant instructions regarding posting of husband and wife at the
same station are contained in the Ministry of Railways letter No.E(NG)II/71/
TR/14 dated 1-10-71 as reiterated in their letter No.E(NG)I-86/TR/14 dated
6-1-88. These instructions have also been included in the consolidated
instructions regarding inter-railway and intra-railway transfers of Group 'C'
and 'D' employees issued to Railways e.g. vide Board's letter No.E(NG)L-96/TR/28
dated 6-12-96.

2. The Fifth Central Pay Commission has recommended that not only the
existing instructions regarding the need to post husband and wife at the same

Contd. to....(2)

Certified to be true copy.

W.F.S.
Adv.

-2-

station need to be reiterated but the scope of these instructions should also be widened to include the provision that where posts at appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children specially till the children are 10 years of age.

3. Pursuant to acceptance, by the Govt. of the recommendations of the Fifth Central Pay Commission on the subject it is reiterated that the Railway Administrations etc. should strictly adhere to the existing instructions referred to above while deciding on the request for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till the children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no Administrative problems are expected to arise as a consequence.

4. It is further clarified that in cases where only the wife is a railway servant, the concession indicated in para 3 above would be admissible to the Railway servant.

5. Board have also decided to lay down the following guidelines to enable the cadre Controlling Authorities to consider the requests from the spouses for posting at the same station having regard to the considerations as indicated above:-

(i) where both the spouses are railway employees and belong to the same seniority unit :

- Both the Railway servants may be posted at the same station/place ensuring that one of them does not work as subordinate to the other.

(ii) where both the spouses are railway servants but belong to different seniority units.

- Efforts may be made to post both the railway servants at the station where posts at appropriate level exist in the respective seniority units failing which requests for change of the category may be considered sympathetically.

(iii) Where one of the spouses is a railway servant and the other belongs to All India service or a Central Service.

- The Railway servant should be posted at station/place in the Railway/Division/PU in whose territorial jurisdiction, the place/state of posting of his/her spouse falls or as close to it as possible if there is no Railway Organisation/post at the place/state of posting of the spouse.

(iv) where one of the spouses is a railway servant and the other belongs to a State service.

- The Railway servant should be posted at the station/place in the railway/Division/PU in whose territorial jurisdiction

Contd. (3)

-3-

the place/state of posting of his/her spouse falls. If it is not possible, if a request from the railway servant to the Controlling Authority of the spouse for his/her posting at the place of posting of the Railway servant is received the same may be forwarded to the concerned authority for sympathetic consideration.

(v) Where one of the spouses is a railway servant and the other is working in a Central/State/Public Sector Undertaking/Autonomous Body/Private Sector:

The Railway servant may apply to the Controlling Authority for a posting at the place of posting of his/her spouse which may be considered favourably by the competent authority. If no post is available for posting of the railway servant at the place of posting of the spouse he/she may be posted to a place closer to the place of posting of the spouse. If this also is not possible an application from the railway servant for posting of the spouse who is working in the Central/State/public Sector Undertaking may be forwarded to the Controlling Authority of the spouse for his/her posting at or near the place of posting of the railway servant.

5.1 The guidelines given above are only illustrative and not exhaustive. The Ministry of Railways desire that in all other cases the Controlling Authority of the railway servants ~~farxim~~ should consider requests from non-gazetted railway servants for transfer to the place of posting of their spouses with utmost sympathy.

6. While all efforts as stated in the foregoing paragraphs may be made to post the husband and wife at the same station, instructions issued by the Board from time to time in regard to request transfer/change of category should be followed in all such cases. A separate register may be maintained at each Divisional and Zonal Headquarters of the Railways for registering requests for transfers from railway servants for posting at the place of posting of their spouses, which may be reviewed from time to time.

Please acknowledge receipt.
Sd/- J.S.Gusain
00.13/1/98. Joint Director Batt.(N)
Railway Board.

Comp.
M/s/ 23/1/98.

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(4) The date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall ordinarily be permitted subsequently. It shall, however, be open to the President in the case of a Group A & B railway servant, and a General Manager in the case of a Group C & D railway servant to cause the date of birth to be altered

- (i) where in his opinion it had been falsely stated by the railway servant to obtain an advantage otherwise inadmissible, provided that such alteration shall not result in the railway servant being retained in service longer than if the alteration had not been made, or
- (ii) where, in the case of illiterate staff, the General Manager is satisfied that a clerical error has occurred, or
- (iii) Where a satisfactory explanation (which should not be entertained after completion of the probation period, or three years service, whichever is earlier) of the circumstances in which the wrong date came to be entered is furnished by the railway servant concerned, together with the statement of any previous attempts made to have the record amended,

Railway Ministry's decision.—(a) when a candidate declares his date of birth he should produce documentary evidence such as a Matriculation certificate or a Municipal birth certificate. If he is not able to produce such an evidence he should be asked to produce any other authenticated documentary evidence to the satisfaction of the appointing authority. Such authenticated documentary evidence could be the School Leaving Certificate, a Baptismal Certificate in original or some other reliable document. Horoscope should not be accepted as an evidence in support of the declaration of age.

(b) If he could not produce any authority in accordance with (a) above he should be asked to produce an affidavit in support of the declaration of age.

(c) In the case of Group D employees care should be taken to see that the date of birth as declared on entering regular Group D service is not different from any declaration expressed or implied, given earlier at the time of employment as a casual labourer or as a substitute.

226. Transfers.—Ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. In the exigencies of service, however, it shall be open to the President to transfer the railway servant to any other department or railway or railway establishment including a project in or out of India. In regard to Group C and Group D railway servants, the power of the President under this rule in respect of transfer, within India, may be exercised by the General Manager or by a lower authority to whom the power may be re-delegated.

Railway Ministry's decision.—Requests from railway servants in Groups C & D for transfer from one to railway to another on grounds of special cases of hardships may be considered favourably by the railway administration. Such staff transferred at their request from one railway to another shall be placed below all existing confirmed and officiating staff in the relevant grade in the promotion group in the new establishment, irrespective of date of confirmation or length of officiating service of the transferred employees.

(Railway Ministry's letter No. E.55 SR/6/6/3 dt. 19th May, 1955.)

227. (a) A competent authority may transfer a railway servant from one post to another; provided that, except—

- (1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a railway servant shall not be transferred substantively to or, except in a case of dual charge, appointed to officiate in a post carrying pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under rule 241 (FR.14).

(b) Nothing contained in clause (a) of this rule or in clause 28 of Rule 103 shall operate to prevent the retransfer of a railway servant to the post on which he would hold a lien, had it not been suspended.

228. Retention of lien on transfer.—The lien of a permanent staff transferred to another railway will be retained by the transferring railway till he is finally absorbed on the other railway.

229. Transfer on request.—Transfers ordered in the interest of employees shall be within the same seniority group, or different group or a mutual exchange. If such transfers are within the same seniority group under the same railway the seniority is not affected but if the transfers are inter divisional or outside the seniority group, the Railway Ministry's decision below Rule 226 for inter railway transfers shall apply.

230. Transfer on mutual exchange.—In case of mutual exchange, the senior of the two employees will be given the place of seniority vacated by the other person. The junior will be allowed to retain his former seniority and shall be fitted into the seniority below the persons having the same seniority.

231. Transfer from one department to another.—Persons employed in one department shall not be eligible for employment in another except with the previous consent of the head of the department in which they are employed. Without such prior consent the head of an office or department shall not employ a person either temporarily or permanently, if he knows or has reasons to believe that such person belongs to another establishment under Government. A railway servant who takes up a new employment without the consent of the head of department commits a breach of discipline and is liable to be punished. Divisional Railway Managers may, however, transfer Group D employees (peons, gangmen, Khalasi, unskilled and semi-skilled, etc.) from one department to another or from one Division to another.

232. Transfer on public grounds.—(a) When a railway servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Accounts Officer with the endorsement stating the reasons of the transfer. In the absence of such an endorsement the Accounts Officer shall assume that the railway servant has been transferred for the public convenience.

(b) In the case of railway servants in Groups C & D a certificate from the head of the office may be accepted in lieu of the copy of the order prescribed in clause (a).

233. Charge of office.—Unless for special reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made