

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)  
C.P-12/04 ordersheet pg-1 to 4

Disposed Date- 13/09/04

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SECTION OFFICER (Judl.)

( SEE RULE -4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 304 12002  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant (s) Sri Sumantra Kumar Das

Respondent (s) 1101 Zars. -Vs-

Advocate for the Applicant (s) Mr. N. Dhan, P.B. Mazumdar.

Advocate for the Respondent(s) fly Counsel.

Notes of the Registry	Date	Order of the Tribunal
<u>7G 575130</u> <u>10/9/2002</u> <i>seen</i>	<u>23.9.02</u>	Heard Mr P.B.Mazumdar, learned counsel for the applicant. Issue notice to show cause as to why this application shall not be admitted. List on 6.11.02 for admission.
<u>Stamps</u> <u>without</u> <u>has been filed</u> <u>Enviro.</u> <i>W.M. 18/9/02</i>	<u>pg</u> <u>6.11.02</u> <i>mb</i>	<u>I C Usha</u> Member List on 18.11.2002 for admission.
<u>Notice prepared and sent to DLS</u> <u>for this the Respondent No 1 to</u> <u>by Legal. A.D.</u> <i>10/10/02</i> <u>D No 2872 WZL/16/10/02</u>		<u>I C Usha</u> Member Vice-Chairman

(2)

O.A. NO. 304/2002

Notices returned to do  
R/No 3 due to insufficient  
Address. re-mail by Postman.

14/12

18.12.2002 Put up again on 17.12.2002  
to enable the respondents to file  
written statement, if any.

U. M. Shah

Member

Vice-Chairman

mb

17.12.2002

Heard Mr. P.B. Mazumdar,  
learned counsel for the applicant  
and also Mr. S. Sarma, learned coun-  
sel appearing on behalf of the  
Railway Standing Counsel.

Notices were issued to the  
respondents for admission. No reply  
so far filed by the respondents.  
The application is admitted. Call  
for the records. Returnable by four  
weeks.

List on 20.1.2003 for orders.

Vice-Chairman

mb

20.1.03

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

The Hon'ble Mr. S.K. Hajra,  
Administrative Member.

Put up again on 17.2.2003  
to enable the respondents to file  
written statement as prayed by Mr. S.  
Sarma, learned counsel for the respond-  
ents.

U. M. Shah

Member

Vice-Chairman

mb

17.2.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.  
The Hon'ble Mr. S. Biswas, Administrative Member.

Put up again on 18.3.2003

to enable the respondents to file reply, if any.

24.2.03

WS submitted  
by the Respondents.

S. Biswas

Member

Vice-Chairman

mb

18.3.2003

Written statement has been filed.

The case may now be listed for hearing. The applicant may file a rejoinder within two weeks from today.

List the case for hearing on 30.4.2003.

No rejoinder has been filed.

My  
29.4.03.

No rejoinder has been filed.

To  
9.6.03.

80th Division Bench did not sit today. The case is adjourned to (06/06/2003)

MS

10.6.2003 Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr. R.K. Upadhyaya, Administrative Member.

Mr. P.B. Mazumdar, learned counsel for the applicant stated that some new development has taken place and therefore he wants to obtain necessary instruction on the matter if need be and submit additional materials in support of his case.

Accordingly the case is listed on 14.7.2003 for hearing.

C. M. Biswas

Member

Vice-Chairman

bb

14.7.2003

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of. No order as to costs.

18.7.2003

Copy of the  
Judgment  
sent to the Office  
for issuing the  
same to the applicant  
as well as to the  
Adv. Standing Counsel  
for the Respondent.

SL

mb

Member

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / R.A. NO. . . 304. . of 2002.

14.7.2003.  
DATE OF DECISION .....

Sri S.K. Das . . . . . APPLICANT(S).

Mr. N. Dhar, Mr. P.B. Mazumdar . . . . . ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

U.O.I. & Ors. . . . . RESPONDENT(S).

Mr. S. Sarma . . . . . ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Ho'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 304/2002.

Date of Order : This the 14th July, 2003.

THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE CHAIRMAN.  
THE HON'BLE MR. N.D. DAYAL, MEMBER (A).

Sri Sumanta Kumar Das,  
Khalasi,  
Office of the Senior Section Engineer,  
Signal Department,  
N.F. Railway, Badarpur, Assam. . . . Applicant.

By Advocate Mr. N. Dhar, Mr. P.B. Mazumdar.

- Vs. -

1. Union of India  
Represented by the General Manager (P),  
Maligaon, Guwahati - 11.
2. The Divisional Manager (Personal),  
N.F. Railway, Lumding,  
District - Nagaon, Assam.
3. Sri DSTE,  
N.F. Railway, Lumding,  
Nagaon, Assam.
4. The Senior Section Engineer (Signal),  
N.F. Railway, Badarpur,  
District : Karimganj, Assam. . . . Respondents.

By Advocate Mr. S. Sarma, for the Railway.

ORDER

CHOWDHURY, J. (V.C.) :-

This application under section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the action of the respondents in not promoting the applicant to the next higher grade in the following circumstances :

2. The applicant is presently serving as Senior Khalasi under the respondent No.4. Initially the applicant was appointed as helper, Grade-II in the year 1985. The applicant was an aspirant for the next promotion to the grade of Technical (Maintenance) Gr.III. The applicant was called for trade test on 21.11.2000. He could not

come out successful in the trade test. The applicant again appeared in the trade test on 21/22-9-2001. This time also he could not come out successful. The grievance of the applicant is that he is rendering service in the said post for the last 17 years and as helper Gr.-I for about 11 years. The persons junior to him have already been promoted. However, the authority overlooked his claim.

3. The respondents submitted its written statement and contested the claim. In the written statement the respondents asserted that on earlier two occasions the applicant could not come out successful. Since the applicant did not complete six months he was not called for the third trade test. However, call letter was issued on 15.1.2003 to the applicant to appear in the trade test.

4. Mr. P.B. Mazumdar, learned counsel for the applicant stated that the applicant appeared in the trade test and to his information the applicant passed in the trade test.

5. Considering the facts and circumstances of the case, we are of the opinion that no further direction needs to be issued at this stage. If the applicant has passed in the trade test the authority shall take necessary steps for giving effect and pass appropriate order to that effect as per law.

The application is accordingly disposed of.  
No order as to costs.

  
( N.D. DAYAL )  
ADMINISTRATIVE MEMBER

  
( D.N. CHOWDHURY )  
VICE CHAIRMAN

Sumanta Kumar Das

Applicant  
Sumanta Kumar Das  
P. O. Dibrugarh  
Assam  
e. Adm.

16-09-02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal

GUWAHATI BENCH

(6th) SEP 2002

Guwahati Bench

An application under Section 19(1) of the

Central Administrative Tribunal Act, 1985.

O.A.No. 304 OF 2002.

Shri Sumanta Kumar Das

-Vs-

Union of India & Ors.

I N D E X

<u>Sl.No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page</u>
1.	-	Application	- 1 to
2.	-	Verification	-
3.	1	Result dated 11-12-2000	-
4.	2	Result dated 8-10-2001	-
5.	3	Result dated 2-4-2002	-
6.	4	Copy of representation dated dated 23-4-2002	-

Sumanta Kumar Das

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1. Particulars of the applicant.

Sri Sumanta Kumar Das

(G.O.D. G.C.) Khalasi

Office of the Senior Section Engineer,

Signal Department,

N.F.Railway, Badarpur, Assam.

Technician

G.O.D. G.C.

Trade Test

2. Particulars of the Respondents.

1. Union of India

Represented by the General Manager (P),

Maligaon, Guwahati-11.

2. The Divisional Manager (Personal)

N.F.Railway, Lumding,

District-Nagaon, Assam.

3. Sri DSTE,

N.F.Railway Lumding,

Nagaon, Assam.

4. The Senior Section Engineer (Signal)

N.F.Railway, Badarpur,

District: Karimganj, Assam.

3. Particulars for which this application is made.

This application is made against for the third time  
not calling for interview

for promotion to the post of Technician (Maintenance)

contd/-3

Grade-III and also against denial of promotion to the next higher post as has been stated above in as much as all juniors have been promoted to the post of Technicians(Maintainance) G.R.-III vide office order No.E/283 /2 /A/pt-11,dated 26-03-2002.

4. Limitation.

That the applicant declares that the application is made within the prescribed limit period .

5. Jurisdiction.

That the applicant further declares that the cause of action of the case arose within the Jurisdiction of this Hon'ble Tribunal.

6. Facts of the case.

(1) That the applicant is a citizen of India and as such he is entitled to all the rights ,protection and privileges guaranteed by Constitution of India . The applicant was a permanent Railway employee . He is serving as Sr.Khalasi under Sr.SE/Si8/BPB,N.R.Railway.

(2) That the applicant having the requisite qualification for the post of helper under the Railway, was appointed as helper ,Grade-II under the Senior Section Engineer(Signal), N.R. Railway ,Badarpur, after due selection in the year 1985 . The applicant has been rending his job with utmost sincerity,honesty and

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efficiency and in consideration of his performances, was duty promoted as Khalashi helper, Gr.I in the year 1991.

(3) That the petitioner states that the Trade Test conducted for promotion to the next higher post of technician (Maintenance) Gr.-III is conducted for the whole Division and in the instant case the Division is under the respondent no.4. However, the applicant alongwith three(3) other candidates were called for the Trade test held on 21-11-2000. Out of total four candidates the applicant and one Shri R.S.Roy were Scheduled caste candidates and the remaining were of general category. But the applicant was surprised and shocked when he saw the result of the Trade Test published on 14.12.2000. The applicant who performed well in the aforesaid test was failed. In both the reserved category (Scheduled Caste) candidates were failed.

The copy of the result dated 14-12-2000 of the Trade Test held on 21-11-2000 is annexed hereto as annexure-1 of this application.

4. That the applicant states that he again appeared in the aforesaid Trade Test held on 21/22-9-2001, on his calling for the aforesaid interview for the 2nd time by the authority, but was again failed inspite of his good performance in the said Test.

The copy of the result dated 8-10-2001  
of the Trade Test held on 21/22-9-2001  
is annexed hereto as annexure-2 of this  
application.

5. That the applicant states that the nature of job rendered by a Technician (Maintenance) Grade-III and a helper, Gr.1 are almost the same. The helper, in fact performs the job under the direction and guidance of the Technician. The applicant who have been rendering his job as a helper for about 17 years and as helper Gr.1 for about 11 years has gained sufficient work experiences and ~~experiences~~ in his job to be promoted to the post of Technicians (Maintenance), Gr.-III. The aforesaid Trade Test is generally conducted ~~covering~~ covering the subjects & matters which the applicant has been rendering daily in his day today job throughout all these years. The post of Technician and helper ~~involves~~ involves specialisation in Trade skillness, As such there is no question of his failing in the aforesaid test as has been stated above.

6. That the applicant states that he approached the respondent no.3, immediately after the result dated 8-10-2001 and requested to allow him to see the records of the aforesaid Trade Test just to enquire about ~~how~~ he was failed inspite of his good performance upto his expectation

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in the aforesaid Trade Test held by the Respondent no.4. At this the respondent no.4 became angry with the applicant and asked him to be quite and rebuked him saying <sup>that</sup> it is not his business to be interfered with.

7. That the applicant states that although there is no impediment under the Rules for appearing in the Trade Test for the third time, Yet the applicant was not called for and also was not allowed to appear in the Trade Test held in the year 2002 whereas many number of candidates who are juniors to the applicant were allowed to appear in the interview for promotion to the next higher post as has been stated above and the result of the said test was published on 02-04-02 selecting sixteen(16) no of candidates for promotion to the post of technicians (M) Gr.III amongst which most of them were selected for extraneous consideration. It is to be mentioned here that all the 16 no. of candidates are junior to the applicant and less experienced and even they are not in a position to identify the name of many parts of the Trade. Therefore , by not calling the applicant to sit for the interview along with the aforesaid 16 no of candidates, the authorities subjected the applicant to hostile discrimination and biasness.

The copy of the result dated 2.4.02, is annexed here to as annexure-3 of this application.

(8) That the applicant states that he submitted a representation on 23.4.2002 before the respondent no.4 as to why he was debarred from appearing in the Trade Test held in the year 2002 and prayed interalia for allowing him to appear for the Trade Test and to promote him to the post of Technicians(M) Gr.III as he being the senior most Khalasi helper Grade-1 under the said Division. But till to date the respondent authorities have paid no heed to the aforesaid representation. Hence finding no other alternative, effective and speedy remedy, the applicant has to approach this Hon'ble Tribunal for redressal of his grievances and protection of his interest for the ends of justice.

A copy of the aforesaid representation dated 23.4.02 submitted by the applicant is annexed hereto as annexure-4 of this application.

(9) That the respondent no.2 has passed the office order dated 02-04-02 (Annexure-3) mechanically promoting all the 16(sixteen)no. of persons to the post of technicians(M) Grade-III who were called upon to appear in the aforesaid Trade Test except the applicant. Be it stated that denying the scope to the applicant to appear in the interview for promotion to the next higher post along with the above 16(sixteen)No. of persons is unfortunate, corresponding to his seniority -cum-merit and also in consideration of facts and circumstances under which the applicant could have made well in the interview and

and promoted to the next higher post as like that of those 16 (sixteen) no of persons as has been stated above.

(10) That the applicant begs to state that all the family members/defendants are entirely depend upon the income of the applicant. With that limited income the entire family of the applicant has been passing through a distress condition and as such denying the opportunity to the applicant for appearing in the interview for the third time along with other candidates for promotion to the post of technicaines(M) Gr-III is shocking ,illegal arbitrary, discriminatory and full of biasness for which the applicant has suffered irreparable loss and injuries.

(11) That this application is made bonafide and for the ends of justice.

(7) Relief Sought for:

Under the facts and circumstances the applicant prays for the following relief:-

(1) That the respondents be directed to promote the applicant to the next higher post of Technician (Maintenance) Grade-III with full service benefits.

(2) Costs of the case.

The above reliefs are prayed on the following amongst other.

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G R O U N D S

1) Admittedly altogether all the 16 no. of persons who were called for interview and promoted to the post of Technicians(M) Grade -III ~~are~~ are Juniors to the applicant but surprisingly the applicant was not called for interview for promotion along with the aforesaid persons and that was done to the disadvantage of the applicant.

There fore, non-calling of the applicant to appear in the Trade Test for promotion to the next higher post along with those 16 nos of Candidates has not only prejudice the right of the applicant but also hampers the promotional prospect that was due to the applicant which renders the applicant weak and vulnerable to think further for promotion even if he is called for interview by the Railway authorities next time.

(2) That the Railway authorities did not consider and examine the suitability ,experiences,fitness and ability before promoting those 16 no of persons to the post of technicians(M) Grade-III and also did not consider the seniority cum merit of the applicant before calling those persons for interview who are junior to him. Therefore, the applicant is entitled to be promoted to the next higher post as has been stated above.

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(3) That the applicant has legal, equitable and constitutional right to appear again in the trade test for promotion to the next higher post of Technician (Maintenance) Gr-III and, therefore, the acts of the respondents in debarring the applicant from appearing in the Trade Test held in the year, 2002, without any reasons thereof when others have been allowed to appear is not only illegal, arbitrary and bad <sup>law</sup> in <sub>but</sub> but also in gross violation of the principles of natural justice, equity, good conscience and administrative fair-play and also in violation of the legal equitable and constitutional rights of the applicant as guaranteed under Article 14, 15, 16, 19 and 21 of the Constitution of India.

(4) That the experience the applicant gathered in the aforesaid trade in question having worked as helper in the said trade under the railway department for more than 17 years, is a matter that ought to have been taken into consideration by the Respondent authorities during the trade test. In addition to that the applicant has answered all the questions of trade skills required for the said trade that were asked during the earlier tests correctly and also provide solutions to the problems in connection with the trade. But inspite of all these the applicant was failed on both the occasions and those who have backings/recommendations and ~~is~~ paid gratifications were passed and promoted to the next higher post as has been stated above.

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(5) That the applicant was debarred from appearing in the trade test held on 2002 due to biasness and malafide attitude of the respondent no.4 towards him for the reasons as has been stated above, otherwise there could not be any legal and valid ground to refrain him from appearing in the test by not calling him for the same in as much as there is no such impediment under the rules in force. The Railway authorites intentionally and deliberately deprived the applicant to avail the opportunity as aforesaid to prove his skill for the third time which is absolutely illegal, perverse and bad in law and as such it requires the interference by this Hon'ble Tribunal in the interest of justice.

(6) That admittedly the Trade Test of the helpers Grade-1 conducted for promotion to the post of Technicians (M) , Grade- III is merely a formility since the helpers are ~~rendering~~ practical Jobs of a technician . In the instant case, the applicant has been rendering such jobs continuously for more than 17 years to the ~~xx~~ satisfaction of his immediate higher authorities and without any complain~~f~~ from any quarter . Morevoer, he has performed well enough in the Trade Tests to be selected for promotion. On the otherhand many persons who are not ~~xi~~ able to identify and named the simple parts of the Trade during the Tests have been selected

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and promoted for extraneous consideration and as such the applicant on all ~~counts~~, is entitled to be promoted to the next higher post as has been stated above.

(7) That the promotion of the applicant to the next higher post was long due, but he was called for the Trade Test only in the year 2000 and 2001 when many juniors were allowed to appear earlier and were promoted but when the applicant was allowed to appear in the tests, he was failed inspite of his good performance so far as the earlier tests are concerned. The aforesaid action of the Respondents is intentional and deliberate in failing the applicant in the Trade Test and further debarred him from appearing in subsequent Trade Test and not promoting him to the next higher post inspite of his vast experiences in the field and performances in the previously made tests has caused social stigma, humiliation, mental agony and irreparable loss and injuries. As such this Hon'ble Tribunal may be pleased to call for the relevant records of the Trade Tests and after perusal of the same, be pleased to direct the respondents to promote the applicant in the next higher post of Technicians (M) Grade-III, under N.F.Railway, in the interest of justice.

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(8) That the applicant is a permanent employee in the last cadre of Khalasi of N.F.Railway and he had rendered nearly seventeen years of service in the Railway Deptt. and during the entire period of service there was no adverse report against the applicant and therefore, denial on part of the respondent no.4 to allow the applicant to sit the Trade Test for the third time ~~tentamen~~ <sup>test</sup> to obstruction to his promotion to the next higher, unlike those who were promoted, is not only illegal but also arbitrary. The applicant justified his claim for his promotion in view of the fact that all his juniors were promoted but he was not allowed to sit in the last test which could be termed as a major penalty without any reasons whatsoever.

(9) Details of Remedy Exhausted.

There is no any other remedy except this application before this Hon'ble Tribunal.

(10) Matter not pending in any other Court/Tribunal.

The applicant declares that he has not filed the matter in any other Court/Tribunal.

(11) Particulars of postal orders.

Postal order No. : 575180  
Date of Issue : 10-09-02  
Issued from : G.P.O.  
Payable at : G.P.O.

(12) Details of Index:

An Index showing the particulars of documents are enclosed.

(13) List of Enclosures:

As per Index.

VERIFICATION

I, Shri Sumanta Kumar Das, applicant, in this case, do hereby verify that the statements made in this application are true to my knowledge and belief and I have not suppressed any material fact of the same.

Sumanta Kumar Das

PLACE:- Tumkhedi

DATE:- 5-9-02

23

Sumanta Kr. Das

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Annexure-1

N.F.Railway

Office of the  
Divisional Railway Manager(P)  
Lumding  
Dt.14-12-2000

Memorandum.

Sub:- Result of the Trade test.

~~SECRET~~

The Result of the following staff who have attended trade test for the category of Tech./III(MSM) in Scale Rs.3050-4590/- are appended below:

<u>SN.</u>	<u>Name</u>	<u>Designation</u>	<u>Station</u>	<u>Date of Test</u>	<u>Result</u>
1.	G.S.Dubey	K/Helper	SSE/Sig/GHY	21.11.2000	Passed
2.	R.S.Roy	K/Helper	SSE/Sig/P/ LMG	21.11.2000	Failed
3.	Sumanta Kr.Das	K/Helper	SSE/Sig/BPB	21.11.2000	Failed
4.	Ranjit Kr.Dey	K/Helper	SSE/Sig/	21.11.2000	passed

Sd/-Illegible

For Divisional Railway Manager(P)  
N.F.Railsay, lumding

No.E/281/0/S & T(T/T). Lumding dated 14-12-2000

Copy forwarded for information and necessary action to:-

1. Sx. DSTE/LMG, 2 SSE/Sig/GHY along with staff copy
2. SSE/Sig/p/LMG/ along with staff copy
3. SSE/Sig/BPB with staff copy
4. S/copies for p/cases.
5. Dealer at office ,
6. O.O.file

Sd/-Illegible

For Divn.Railway Manager(P)  
N.F.Railway, Lumding

Certified to be true copy  
R.S.Roy

✓ 24  
✓ S. C. Das

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Annexure-2

N.F. Railway

Office of the  
Divl. Railway Manager(P)  
Lumding

No. E/281/O/S&T/T.T.

Dt. 8-10-2001

To:

SSE/Sig/Ghy, SSE/Sig/Hill/Lmg,  
SSE/Sig/BPB., SSE/Sig/P/LMG.

Sub:- Result of Trade test.

The result of the following staff who have been trade tested for the following categories is furnished below:

SN.	Name & Designation	Station .	Date of test	Trade for which tested	Result
<u>S/Shri</u>					
1.	S.C.Das, Khal. helper	SSE/ Sig/P/LMG	21/22.9. 2001	Trade /III/ Maintance	Failed
2.	M.L.Deb,	-do-	-do-/BPB	-do-	passed
3.	M.H.Mazumdar	-do-	-do-/BPB	-do-	Failed
4.	M.R.Roy,	-do-	-do-/GHY	-do-	passed
5.	S.P.Das,	-do-	-do-/BPB	-do-	passed
6.	J.R. Dey	-do-	-do-/BPB	-do-	Failed
7.	Kamal Datta	-do-	-do-/BPB	-do-	passed
8.	P.Chowdhury	-do-	-do-/BPB	-do-	Failed
9.	B.Seal	-do-	-do-/BPB1/LMG	-do-	passed
10.	J.B.Chetri	-do-	-do-/P/LMG	-do-	passed
11.	J.M.Roy,	-do-	-do-/BPB	-do-	passed
12.	B.Chanda	-do-	-do-/BPB	-do-	Failed
13.	S.R.Paul	-do-	-do-/BPB	-do-	Failed
14.	S.K.Das,	-do-	-do-/BPB	-do-	Failed

This has the approval of the competent authority.

Sd/-Illegible

For Divl. Railway Manager(P)  
N.F. Railway Lumding.

Copy to:-

1. Sr. DSTE/ LMG, 2. Staff concerned through sr. Subordinates.
3. Spare copy for p/case, 4. Dealer at Office.

Sd/-Illegible

For Divl. Railway Manager(P)  
N.F. Railway , Lumding

✓ 24  
✓ S. C. Das  
✓ S. C. Das  
✓ S. C. Das

N.F.Railway

Office of the DRM(P)/LMG

Office order:

The following promotion transfer & posting order are issued to take immediate effect.

The following staff who have been found suitable for the position technician (Maintenance) Gr.III in scale of 4590/- are hereby promoted as tech/Maintenance Gr.III in scale of 3050-4590/- and posted at the places shown against each.

<u>S.N.</u>	<u>Name</u>	<u>Desig.</u>	<u>Station</u>	<u>Posted at</u>	<u>under</u>
1.	Sri Ajit Kr.Dey	Kha.Helper	under SSE/Sig/ HillLMG	DMY	under SSE/Sig/ Hill/LMG
2.	Sri Dulal Chakraborty	"	SSE/Sig/	D.Vat.	SSE/Sig/DMV
3.	Sri A.Bharbhuyan	"	SSE/Sig	BPB	SSE/Sig, BPB
4.	Sri A.K. Sur	"	SSE/Sig	Hjo	SSE/Sig/P/LMG
5.	Sri S.C.Nath	"	SSE/Sig		
6.	Sri S.K.Medhi(SC)"		Hill/LMG SSE/Sig/GHY	LJC GHY	SSE/Sig/GHY SSE/Sig/GHY
7.	Sri Narayan Ch.Nath	"	SSE/Sig/GHY	TRC	SSE/Sig/GHY
8.	Sri Ekias Ali	"	SSE/Sig/Ghy	BRHU	SSE/Sig/LMG
9.	Sri Tapan Bose	"	SSE/Sig/GHY	JMK	SSE/Sig/LMG
10.	Sri Jogesh Kumar	"	SSE/Sig/GHY	LPG	SSe /Sig/ Hill/LMG
11.	Sri Subodh Ch.Dey	"	SSE/Sig/P/LMG GHY	LPG	SSE/Sig/ Hill/LMG
12.	Sri Chandan Dey	"	SSE/Sig/P/LMG	NJN	SSE/Sig/DMV.
13.	Sri Tapan Mazumdar	"	SSE/Sig/Hill LMG	LMG	SSE/Sig/ Hill/LMG
14.	Sri Jogesh Ch. Paul	"	SSE/Sig/ Hill/LMG	BPB	SSE/Sig/ Hill/LMG
15.	Sri M.Lahar	"	SSE/Sig/GHY	GHY	SSE/Sig/GHY
16.	SRI Umesh Ch.DA <sup>S</sup> (SC)		SSE/Sig/GHY	GHY	SSE/Sig/GHY

contd/-18

Chittagong  
Bd.

Sumanthar das

-18-

This has the approval of competent authority .

N.B: If they desire to fix up their pay on promotion from the date of accrual of their next increment they may submit option ~~within~~ within one month from the date of promotion.

Sd/-Illegible

For DRM(P) LNG,  
N.E. Railway

No.C/283/2/A/pt/11

Dt. 26.3.2002.

Copy forwarded for information and necessary action to:

1. Sri LSTE/LMG, 2. SSE/Sig/Hill/LMG, 3. SSL/Sig/DmV.
4. SSE/Sig/BPB, 5. SSe/Sig/LMG, 6. SSE/Sig/GHY
7. P/C<sub>ase</sub> staff concerned through the subordinate
8. Office order file
9. Date of office.

Sd/-Illegible

For DRM(P) LMG  
N.F.Railw

To,

The Divisional Railway Manager(P)  
N.R.Railway, Lumding.

Dated 23.4.2002.

Sub:- For my promotion to the post of Technician (Maintainace)  
Gr.III.

Sir,

With due respect and honour I beg to state that I appeared in the Trade test held in the year 2000 and 2001 for promotion to the post of Technician (M) Grade-III but inspite of my good performance I have been failed for reasons best known to your honour although may persons who are for less experience than me and performed worse than me in the tests have been selected for the said promotion. Further, I have been not been called for the Trade Test held this year and thereby depriving from appearing in the test and promotion which is due to me. I do not know whether I have ever offended your honour and if I have done so I beg pardon but I pray that I be not deprived from my legitimate claim of getting promotion.

Therefore, I request your honour to allow me to appear in the Trade Test this year as a special case and promote me directly to the post of Technician (Maintainace) Gr.III in consideration of my experience and length of services etc, on humanitarian consideration and in the interest of justice.

Yours faithfully,

Sd/- Sumanta Kumar Das  
Helper , Grade-1  
C/o Sr. Section Engineer  
N.F.Railway  
Badarpur

Sumanta Kumar Das  
28

(20)

संघीय न्यायालय कार्यालय
Central Administrative Tribunal
24 FEB 2003
सामाजिक न्यायालय
Guwahati Bench

Filed by  
Siddhanta Samanta  
For S.C. Barrister. Regd. No.  
Sonikumar Narayan Ray

28

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA No. 304/2002

Sumanta Kr. Das

Applicant

-VS-

Union of India & Ors.

Respondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

1. That the Respondents have received a copy of the OA and have gone through the same. The statements which are specifically admitted herein below, rests may be treated as total denial. The statements which are born on records, the applicant is put to the strictest proof thereof.
2. That with regard to the statement made in para 1 to 5 of the OA the answering respondents deny the contentions which are not based on records, Offer no comment on the rest.
3. That with regard to the statement made in para 6.1 & 6.2 of the OA answering respondents offer no comment on it.
4. That with regard to the statement made in para 6.3 of the OA the answering Respondents while denying the contentions made therein beg to state that the applicant and the other SC candidate could not qualify the trade test and as such question of giving promotion to him does not arise.
5. That with regard to the statement made in para 6.4 of the OA

शाखार  
कमिटी  
Div. Personnel Officer,  
N.P. & R. Housing

28

81

Yours in your Nearest Day

'answering Respondents beg to state that the applicant once again appeared in the trade test but could not pass the same successfully and hence his case was not considered for promotion.

6. That with regard to the statement made in para 6.5 of the DA  
the answering Respondents while denying the contentions made  
therein beg to state that the nature of Technician and Helper are  
not same as stated by the applicant. Trade test was conducted by  
the Committee nominated for the purpose and after considering the  
standard and other relevant factors, they recommended the names  
of the candidate to the competent authority for further necessary  
action. The applicant could not come out successfully in the  
trade tests and therefore question of his promotion does not  
arise.

7. That with regard to the statement made in para 6.7 to 6.11 of the OA the answering Respondents while denying the contentions made therein beg to state that the applicant appeared in trade test for the second time on 21/22-5-01 of which result declared on 8.10.01. The third trade test was held on 14.2.2002 and the result published on 26.2.2002. As the applicant did not complete 6 months from the date of result of the 2nd trade test, he was not called for the third trade test. As per the Rules guiding the field candidates to be called for appearing in the trade test on completion of 6 months from the date of result of the earlier trade test wherein he appeared. However, the answering Respondents have issued call letter dated 15.1.2003 to the applicant for appearing in the trade test and since he has completed 6 months time from the last screening test he is eligible to appear in the trade test scheduled to be held shortly. The Representation filed by the applicant dated

(22)

Stomachic Nagari Ray.

30  
M. P. B. H. Handing  
Personnel Officer

23.4.2002 bears no merit and the statements/allegations made in those paras are also denied.

6. That in view of the above there is no good ground for entertaining this application and the applicant is not entitled to any relief as sought for in this application and same is liable to be dismissed with cost.

9. That the answering Respondents beg to state the present OA is barred by limitation and same is also bad for non-joinder of necessary parties, waiver, estoppel and acquiescence and hence the CA deserves to be dismissed with cost.

13.1.02  
21

## VERIFICATION.

I, Chri. Sowindra Narayan Roy ..., son of Late Prakash Ch. Roy, aged about, 59 years at present working as Divisional personnel officer N.F. Railway, Lumding do hereby solemnly affirm and state that the statements made in the paragraphs..... are true to my knowledge and those made in para ..... are matters of records which I believed to be true and rests are my humble submission before the Hon'ble Tribunal.

And I sign this verification on this the 10 day of Feb, 2003.

Sowindra Narayan Roy

Deponent

Mr. S. Narayan Roy  
Divisional Officer  
N.F. Railway  
Lumding

FORM NO. 4  
(SEE RULE 12)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl. ....

In O.A. ....

Name of the Applicant(s) ... Sumantra K. S. Das ....

Name of the Respondent(s) ... Dilesh Senha ....

Advocate for the Applicant ... Mr. P. B. Mazumdar ....

Counsel for the Railway/CGSC ....

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

6.5.2004

pass over.

The application  
was filed by the  
counsel of Mr. ...  
Applicant for  
non-compliance  
of the judgment  
& order dt.  
17.7.03 passed  
in O.A. no. 304/02

7.5.2004

Heard Mr. P. B. Mazumdar, learned  
counsel for the applicant.

Issue notice to show cause as to  
why contempt proceeding shall not be  
initiated against the alleged contemners.

List on before the next Division  
Bench for orders.

The application  
is in order &  
placed before the  
Hon'ble Comt.  
in order.

mb

23.8.04

Present: Hon'ble Mr. D. C. Verma, Vice-  
Chairman.

Hon'ble Mr. K. V. Prahladan, Administra-  
tive Member.

Notices were issued to the  
Respondents. None appears for the  
applicant. The learned counsel for  
the Respondents prays for 10 days  
time to file reply. Prayer is allowed.  
List on 3.9.04 for orders.

K. V. Prahladan  
Member

Vice-Chairman

C.P. 12/04

-2-

23.8.04.

Present: Hon'ble Mr. D. C. Verma, Vice-Chairman.

Hon'ble Mr. K. V. Prahлад, Administrative Member.

Hon'ble Mr. P. B. Mazumdar, learned counsel for the applicant and Mr. B. C. Pathak, learned Addl. C.G.S.C. for the Respondents.

Notices were issued to the Respondents. None appears for the applicant

(Copy) 5/04.

(20) 20/5/04

the Notice & Order  
return from  
contmner, at  
file "c".

(Copy)  
31/5/04.

The above contmner's  
notice is returned as mark  
Dilip Singh Which Was  
Issued Registered with A/D  
on 21/5/04 by this Registry.

If approved we may  
Send the above notices  
to The Contmner Sri  
Dilip Singh, Senior  
DSTE (Signal) R.N.F.  
Railway, Lumbding, Assam,  
in next division Panel  
When is available.

N.F. Panel

14/6/04

The cover returned may be kept  
on record. Issue notice to  
Sri Dilip Singh Senior DSTE  
(Signal) R.N.F. Railway, Lumbding  
Assam.

14/6/04

S.O.(T) As per office notes  
at 14/6/04, again issue notice  
to respondent, by regd. with  
A/D post., No=1043. (Copy)  
14/6/04.

25/8/04

3

25/8/04

Received unserved  
from the contemnor  
Sri Dilip Sonka as  
many as NO such Dilip  
Sinha DSTE under  
DRM office. Hence  
return to sender. The  
notices in 'C' file.

WJ  
25/8/04

3.9.2004 Passed over for the day.

KV Prahadan  
Member (A)

bb

6.9.04. Present: Hon'ble Mr.K.V.Prahadan,  
Administrative Member.

List on 13.9.04 for  
orders.

KV Prahadan  
Member

lm

13.9.04 Present : The Hon'ble Mr Justice R.K.Batta  
Vice-Chairman.  
The Hon'ble Sri K.V.Prahadan,  
Administrative Member.

When the matter was called no one  
appeared for the applicant. We may also  
mention that even on 23.8.04 when the  
matter came up, no one had appeared for the  
applicant. Today Mr S.Sarma, learned counsel  
for the respondents is present.

Notice issued to Sri Dilip Sinha  
has been returned unserved. This Tribunal  
vide order dated 14.7.2003 in O.A.304/2002  
had directed the respondents to the effect  
that if the applicant had passed the Trade  
Test, the authority shall take necessary  
steps for giving effect and pass appropriate  
order to that effect as per law. It  
is no doubt true that no time limit has  
been fixed by this Tribunal for passing  
this order but such orders should be  
passed within reasonable time. Be that as  
it may, in our opinion, the application  
can be disposed of by giving direction  
to the respondents to pass appropriate  
orders in terms of order dated 14.7.03

Q-

contd..

14.9.04  
Copy of the order  
has been sent to  
the Office for  
issuing the notice  
to the parties  
by post.

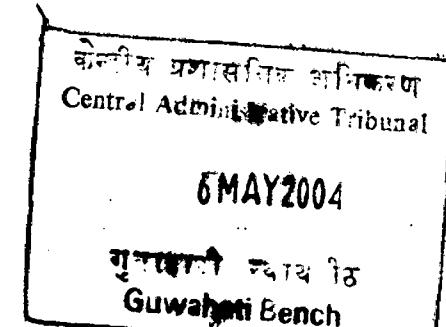
13.9.04 referred to above within a period of three months from the date of receipt of this order - copy of which shall be sent to the respondents. The respondents shall ensure that the order of this Tribunal is complied with within the time limit, failing which a strict view in the matter will be taken.

The Contempt Petition is disposed of in the aforesaid terms.

K. P. Subrahmanyam  
Member (A)

R  
Vice-Chairman

Received 10/9  
Alka Das pg  
For: S. Garema  
R. Advocate  
15/9/04



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH : GUWAHATI.

Contempt Petition No. 12 of 2004.  
In O.A. No.304 of 2002.

IN THE MATTER OF :

Shri Sumanta Kumar Das  
.....Petitioner.

Versus

Senior D.S.T.E.(Signal)  
.....Alleged Contmner.

AND

IN THE MATTER OF :

An application Under Section 17 of  
the Administrative Tribunal Act, 1985  
praying for initiation of a contempt  
proceeding against the contemner for  
non-compliance of the Order dated  
14.7.2003 passed in O.A.  
No.304/2002.

AND

Contd....2

IN THE MATTER OF :

Shri Sumanta Kumar Das, Khalasi,  
office of the Senior Section Engineer,  
Signal Department, N.F.Railway,  
Badarpur, Assam.

Versus

Shri Dilip Sinha,  
Senior DSTE(Signal)  
N.F.Railway, Lumding, Assam.

1. That your applicant being highly aggrieved due to not promoting the applicant to the grade of Technical (Maintainance) Grade-III, approached this Hon'ble Tribunal under O.A. 304/2002, praying for promotion to the said post as aforesaid. This Hon'ble Tribunal after hearing the contentions of the parties and after considering the facts and circumstances of the case, disposed of the original application on 14.7.2003 with the following direction :

"Considering the facts and circumstances of the case, we are of the opinion that no further direction need to be issued at this stage. If the applicant has passed in the trade test the authority shall take necessary steps for giving effect and pass appropriate order to that effect as per law."

Copy of the order is annexed hereto as  
Annexure-1.

Copy of the result of the trade test is  
annexed hereto as Annexure-2.

2. That your applicant, thereafter, submitted the order of the Hon'ble Tribunal dated 14.7.2003 and approached the concerned respondent i.e. the alleged contmner time and again for promotion to the grade of Technical (Maintainance) Grade-III in terms of the order of the Hon'ble Tribunal but yielding no result, thus inflicting immense financial hardships and sufferings on your applicant.

Copies of the applications dated 27.10.03,  
24.11.03 and 29.12.03 of the applicant are  
annexed hereto as Annexure-3, 4 & 5.

3. That it is clear from the order dated 14.7.2003 of the Hon'ble Tribunal that on being passed in the trade test the authority should take necessary steps for giving effect and pass appropriate order so far as the promotion of the applicant is concerned. It is submitted that the call letter was issued on 15.1.2003 to the applicant to appear in the trade test and as such the applicant appeared in the trade test and passed the same (Annexure-2) and as such he is

-4-

3

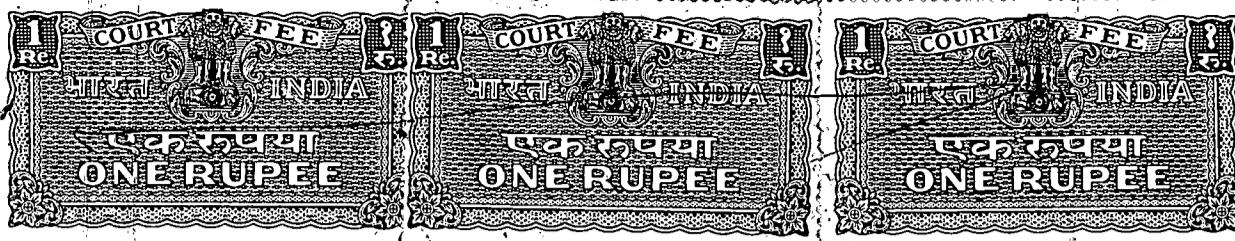
entitled to get promotion to the next higher post as has been stated above as per the order dated 14.7.2003 passed thereof.

4. That surprisingly, the alleged contemner, after receiving the above mentioned order dated 14.7.2003 (Annexure-1) and representations dated 27.10.2003, dated 24.11.2003 and dated 29.12.2003 (Annexure-3,4 & 5) did not do anything in this regard till to date deliberately and intentionally with willful disobedience and non- compliance of the aforesaid order dated 14.7.03 (Annexure-1) passed by this Hon'ble Tribunal which has resulted into the failures of justice.
5. That it is stated that even after the lapse of more than six months after the passing of the order of the Hon'ble Tribunal on 14.7.2003, the applicant has not yet been promoted to the next higher post inspite of all personal efforts and the alleged contemner deliberately and willfully did not take any initiative for implementation of the said order which amounts to contempt of court. Therefore, the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the contemner for willful violation of the order of the Hon'ble Tribunal dated 14.7.2003.

6. That it is a fit case of the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of the order dated 14.7.2003 passed by this Hon'ble Tribunal in O.A. No.304 of 2002.
7. That this application is made bonafide and for the ends of justice.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contemner for non-compliance of the order dated 14.7.2003 passed in O.A.No.304 of 2002 and further be pleased to impose punishment inaccordance with the law.

And for this act of kindness, your petitioner as in duty bound, shall ever pray.



### AFFIDAVIT

I, Shri Sumanta Kumar Das, Son of Shri Basanta Kumar Das, resident of New Wireless Colony, Railway Quarter No. SE/3E P.O. & P.S. Badarpur, District Karimganj, Assam, aged about 42 years, do hereby solemnly declare and say as follows :

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in paras 1 to 6 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, for non-compliance of the Hon'ble Tribunal's Order dated 14.7.2003 passed in O.A. No.304/2002.

And I sign this affidavit on this 12<sup>th</sup> day of April, 2004 at Guwahati

Identified by :

*P.B. Mazumdar*

Advocate.

*Sumanta Kumar Das*

DEPONENT

Solemnly affirm and declare this Affidavit before me which is identified by Shri P.B.Mazumdar, Advocate on this 12<sup>th</sup> day of April, 2004.



*12.4.04*  
MAGISTRATE  
GUWAHATI

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, to initiate contempt proceeding against the alleged contemner for willful and deliberate non-compliance of order dated 14.7.2003 passed in O.A. No.304 of 2002 and further be pleased to impose punishment upon the contemner for willful and deliberate non-compliance of order dated 14.7.2003 passed in O.A. No.304 of 2002.

Original Application No. 304/2002.

Date of Order : This the 14th July, 2003.

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

THE HON'BLE MR. N.D. DAYAL, MEMBER (A).

Sri Sumanta Kumar Das,  
Khalasi,  
Office of the Senior Section Engineer,  
Signal Department,  
N.F. Railway, Badarpur, Assam. . . . . Applicant.

By Advocate Mr. N. Dhar, Mr. P.B. Mazumdar.

- Vs. -

1. Union of India  
Represented by the General Manager (P).  
Maligaon, Guwahati - 11.
2. The Divisional Manager (Personal).  
N.F. Railway, Lumding,  
District - Nagaon, Assam.
3. Sri DSTE,  
N.F. Railway, Lumding,  
Nagaon, Assam.
4. The Senior Section Engineer (Signal).  
N.F. Railway, Badarpur.  
District : Karimganj, Assam. . . . . Respondents.

By Advocate Mr. S. Sarma, for the Railway.

ORDER

CHOWDHURY, J. (V.C.) :-

This application under section 19 of the  
Administrative Tribunals Act, 1985 has arisen and  
is directed against the action of the respondents in not  
promoting the applicant to the next higher grade in the  
following circumstances :

2. The applicant is presently serving as Senior  
Khalasi under the respondent No.4. Initially the applicant  
was appointed as helper, Grade-II in the year 1985. The  
applicant was an aspirant for the next promotion to the  
grade of Technical (Maintainance) Gr.III. The applicant  
was called for trade test on 21.11.2000. He could not

Contd...2

Adv. S. Sarma  
S/15/04

come out successful in the trade test. The applicant again appeared in the trade test on 21/22-9-2001. This time also he could not come out successful. The grievance of the applicant is that he is rendering service in the said post for the last 17 years and as helper Gr.-I for about 11 years. The persons junior to him have already been promoted. However, the authority overlooked his claim.

3. The respondents submitted its written statement and contested the claim. In the written statement the respondents asserted that on earlier two occasions the applicant could not come out successful. Since the applicant did not complete six months he was not called for the third trade test. However, call letter was issued on 15.1.2003 to the applicant to appear in the trade test.

4. Mr. P.B. Mazumdar, learned counsel for the applicant stated that the applicant appeared in the trade test and to his information the applicant passed in the trade test.

5. Considering the facts and circumstances of the case, we are of the opinion that no further direction needs to be issued at this stage. If the applicant has passed in the trade test the authority shall take necessary steps for giving effect and pass appropriate order to that effect as per law.

The application is accordingly disposed of.

No order as to costs.

sd/ VICE CHAIRMAN  
sd/ MEMBER (A)

Verified to be true Copy

মুদ্রিত প্রতিলিপি

Sub. Regd. (A)  
Bihar Administrative Tribunal  
(XVII) Bishnupur

N.F.Railway.

Office of the  
DRM(S&T)/LMG.Dt. 1/03/03.

No: E/281/0/S&amp;T(T.T)

To,  
SSE/Sig/P/LMG, BPB, Hill/LMG  
Sr.DSTE/LMG.

Sub:- Result of Trade Test.

The result of the following staff who have been trade tested for the following categories is furnished below:-

SL. No.	Name	Designation	Station	Trade for which tested	Date of Test.	Result
1)	Shri Subhash Ch.Das.	Kha/Helper SSE/Sig/P/	Tech.Gr.III(M)	21.1.03	Failed	
2)	" D. Bora	Sr.T/man.	"	"	Failed	
3)	" G. Das	"	Sr.DSTE/ LMG.	"	Failed	
4)	" M.H. Mazumder	Kha,Helper SSE/Sig/ BPB.	"	"	Failed	
5)	" S.K. Das.	"	"	"	Passed	
6)	" P. Chowdhury.	"	"	"	Passed	
7)	" S.R. Paul.	"	"	"	Passed	
8)	" B. Chanda.	"	"	"	Passed	
9)	" Ranjit Kr. Deb.	"	"	"	Passed	
10)	" Md.Ahmed Hussain.	"	SSE/Sig/ Hill/LMG	"	Passed	
11)	" Moloy Dhar.	"	SSE/Sig/ P/LMG.	"	Failed	
12)	" Tarun Kanti Ghose.	"	SSE/Sig/ Hill/LMG	"	Passed	
13)	" Shyamal Ch. Dey.	"	SSE/Sig/P/ LMG.	"	Failed	

for DRM(P)/LMG.

Copy forwarded for information &amp; necessary action to:-

- 1) Sr.DSTE/LMG.
- 2) ASTE/BPB.
- 3) Staff concerned through respective Sr.Subordinat.
- 4) Spare copy for P/Case.
- 5) Delar at Office.
- 6) Office order file.

for DRM(P)/LMG.

Central Office  
18/2/03  
S15/04

-11-

ANNEXURE-3

To

The Divisional Manager(Personal),  
N.F.Railway, Lumding,  
District : Nagaon, Assam.

Sub: Prayer promotion to the Grade of Technical (Maintainance)  
Grade-III under the senior section engineer(Signal) N.F.  
Railway, Badarpur.

Ref: O.A.No.304 of 2002.

Sir,

With due respect with reference to the subject matter stated above I have the honour to state that as per the result of Trade Test vide No.L/281/O/S & T(T.T.) dated 4.3.2003 in terms of the interview call letter dated 15.1.2003 the applicant have been declared passed as per the list published thereof for promotion to the Grade of Technical (Maintainance) Grade-III under the senior section Engineer(Signal), N.F.Railway, Badarpur. However, the Hon'ble Central Administrative Tribunal, Guwahati Bench, while disposed of the aforesaid case after hearing both the counsel of the parties has observed that if the applicant has passed in the Trade Test authority shall take necessary steps for giving effect and pass appropriate order to that effect as per law as per the order dated 14.7.2003 passed in this regards as has been mentioned above.

*certified to be true copy  
S. S. D.  
S. S. D.  
S. S. D.  
S. S. D.*

- 12 -

It is, therefore, prayed that your honour would be graciously pleased to take the necessary action in terms of the order dated 14.7.2003 passed by the Hon'ble Tribunal for promotion of the applicant to the next higher post as aforesaid.

Thanking you,

Yours faithfully,

Sd/-Illegible,  
27.10.03  
(P.B. Mazumdar)  
Advocate

Copy to :

1. The DSTE, N.F.Railway  
Lumding, Nagaon, Assam.
2. The Senior Section Engineer(Signal),  
N.F.Railway, Badarpur,  
District Karimganj, Assam.

REGISTERED

## ANNEXURE-4

To

The Divisional Railway Manager(P)/S&T  
N.F.Railway, Lumding.

Through proper channel.

**Sub: Prayer for non-receipt of promotion order  
Of Tech.Gr.III(M).**

Ref: DRM(P)/LMG's letter No.E/281/O/S&T(TT) dt.4.2.03.

Sir,

Most respectfully, the humble appellant urges the following for  
redress of the grievances:

That sir, in terms of your letter under reference, I have been declared to have passed the trade test for promotion to the post of Tech.Gr.III(M) on 21.01.2003. But ill luck would have it, that a considerable period has been lapsed, but no promotion order has yet been issued from your end. As a result, I am depriving from getting the monetary benefit since 21.1.2003.

That sir, in this connection, am enclosing here with a photo copy of the order dated 14.7.2003 passed by the Hon'ble CAT/Guwahati for your perusal. However, Hon'ble CAT/GHY's order dated 14.7.2003 is very clear. It is mentioned in the order "If the applicant has passed the trade test the authority shall takes necessary steps for giving effect and pass appropriate order to that effect as per law".

certified to be true copy  
of the original

14-18

In view of the order passed by the Hon'ble CAT/GHY, you are requested to issue necessary promotion order giving effect from 21.01.03 early else the prevailing circumstances will compelled me to submit contempt petition to Hon'ble Court/GHY.

As such you are once again requested to issue necessary order at the earliest, so that I shall not be deprived from getting the monetary benefit and for this act of your kindness, I shall be thankful to your magnanimity in these hard days of economic depression.

With regards.

Yours faithfully,

Date : 24.11.03.

Sd/-Sumanta Kr. Das

DA-Two

(Sumanta Kr.Das)

1. Honourable CATS/GHY  
Order dt.14.7.03.  
2. Result of trade test.

Kha/Hlp under

SSE/Signal/Badarpur.

Copy to the Senior Section Engineer(Signal), N.F.Railway, Badarpur, for information and early action please. He is also requested to give effect of the order since there are vacancies at BPB.

DA-2

1. Honourable CATS/GHY order dt.14.7.03
2. Result of trade test.

Sd/-Illegible

(Sumanta Kr.Das)

Kha/Hlp under

SSE/Signal/Badarpur.

ANNEXURE-5

REGISTERED WITH A/D

REMINDER NO.1

To

The Divisional Railway Manager(P)/S&T  
N.F.Railway, Lumding.

Through Proper Channel.

Sub: Prayer for non-receipt of promotion order of  
Tech.Gr.III(M).

Ref: DRM(P)/LMG's letter No.E/281/O/S&T(TT)  
Dt.4.2.03.

and

My Registered letter dt.24.11.03.

Sir,

Kindly refer to my Register letter as cited above which was duly acknowledged by you on 02.12.03. But till date no suitable reply or promotion order has been received. As a result, I am incurring heavy loss in getting my legal benefit since 21.1.2003.

You are once again requested to issue necessary promotion order on the basis of Hon'ble CAT/GHY's directives else I shall be compelled to submit contempt petition to Hon'ble Court for disobeying court's order.

With regards.

Date : 26.12.03

Yours faithfully,

Sd/-Illegible,  
(Sumanta Kr.Das)  
Kha/Hlp under  
SSE/Signal/Badarpur

Copy forwarded for information and necessary action to :

1. DRM(P)/Legal Cell/LMG
2. Sr.SSE/BPB.

Sd/-Illegible,  
(Sumanta Kr.Das)  
Kha/Hlp under  
SSE/Signal/Badarpur

*certified to be genuine  
D. J. Das  
S.S.E./B.P.B.*