

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

C.P-54/2002 ordered Pg-1 to 2 INDEX  
closed date- 24/12/2002

O.A/T.A No. 306/02.....  
R.A/C.P No. 54/02.....  
E.P/M.A No. ....

1. Orders Sheet. O.A-306/02..... Pg..... 1 ..... to ..... 2 .....
2. Judgment/Order dtd. 04/10/2002..... Pg. No. separate to order. Disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 306/02..... Pg..... 1 ..... to ..... 31 .....
5. E.P/M.P..... N/I..... Pg..... to.....
6. R.A/C.P..... 54/02..... Pg..... 1 ..... to ..... 12 .....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply. ~~Should cause Respondents. 1 to 2~~ Pg..... 1 ..... to ..... 6 .....
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 : 306/02  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant (s) Dr. A. K. Bhattacharjee

Respondent (s) H.U.F. Town -Vs-

Advocate for the Applicant (s) G.K. Bhattacharjee, B. Chaudhury

Advocate for the Respondent(s) Case

Notes of the Registry	Date	Order of the Tribunal
76575232 19/9/02 <i>PK</i> <i>AB</i> 19/9/02	20.9.02	<p>Heard Mr. G.K. Bhattacharjee, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.</p> <p>Also, issue notice to show cause as to why interim order as prayed for shall not be granted. Returnable by ten days.</p> <p>List on 4.10.2002 for admission</p> <p><i>BB</i></p> <p>Vice-Chairman</p>

4.10.2002

Present : The Hon'ble Mr.K.K.Sharma  
Administrative Member.

The application is against the order dated 5.9.2002 transferring the applicant, Sr.DMO, Lumding to Rangapara Noeth in the same capacity.

Heard Mr.G.K.Bhattacharyya, learned Sr. counsel for the applicant and also Mr S.Sarma, learned counsel appearing for the respondents. The respondents were directed to show cause as to why interim order should not be granted vide earlier order dated 20.9.2002. Mr.S.Sarma wanted time to file ~~written statement~~ reply. Mr.G.K. Bhattacharyya, learned Sr. counsel, on the other hand, prayed for interim order. The applicant has been transferred on account of certain incidents that took place at Lumding <sup>as mentioned in</sup> and on the basis of the report dated 21.6.2002 by DRM/Lumding to CMD, N.F.Railway, Maligaon (Annexure-1). Mr.Bhattacharyya referred to the reply of the ~~reply of~~ CMS, Lumding to CMD, Maligaon disputing the facts narrated by DRM.

6/4  
Copy of the order has been sent to the D/Officer for issuing the same to the A/Heroecraft for the Party's.

HL

After hearing the learned counsel for the parties, I am of the view that ends of justice will be met, if a direction is issued to the applicant to make a representation before the respondents within ~~the month of~~ Accordingly the applicant is directed to submit a representation before the respondents within 10 days from the receipt of the order and if such representation is made, the respondents are directed to dispose of the representation within one months from the receipt of the same. In the meantime the order dated 5.9.2002 is stayed in so far as the applicant is concerned.

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

K. K. Sharma  
Member

295

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI  
BENCH: GUWAHATI

(An Application under Section 19  
of the Administrative Tribunal Act, 1985)

O.A. NO. 206 OF 2002

Dr. Anup Kumar Bhattacharjee ... Applicant

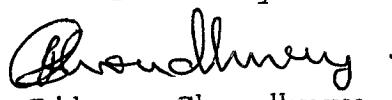
-Vs-

Union of India and others ... Respondents

I N D E X

Sl No.	Particulars	Page No.
1.	Application	1 to 11
2.	Verification	12
3.	Annexure - I	13 to 16
4.	Annexure - II	17
5.	Annexure - III	18 to 20
6.	Annexure - IV	21
7.	Annexure - V	22
8.	Annexure - VI	23
9.	Annexure - VII	24
10.	Annexure - VIII	25 to 26
11.	Annexure - IX	27 to 28
12.	Annexure - X	29
13.	Annexure - XI	30
14.	Annexure - XII	31

Filed by

  
Bikram Choudhury

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

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

O.A NO. .... of 2002

Dr. Anup Kumar Bhattacharjee,  
Son of Sri Bijoy Prasad  
Bhattacharjee, Senior  
Divisional Medical Officer,  
Divisional Railway Hospital,  
N.R. Railway, Lumding.

.... Applicant.

-Vs-

1. Union of India,  
Represented by the General  
Manager, N.F. Railway,  
Maligaon, Guwahati - 11.
2. Chief Medical Director,  
N.F. Railway, Maligaon,  
Guwahati - 11.
3. General Manager, (P)  
N.F. Railway, Maligaon,  
Guwahati - 11.
4. Divisional Railway Manager  
N.F. Railway, Lumding,  
Dist. Nagaon.

Anup Kumar Bhattacharjee  
Filed by the applicant  
through Bikram Choudhury  
Advocate  
15.2.02

5. Chief Medical  
Superintendent, Divisional  
Railway Hospital, Lumding,  
Dist. Nagaon.

6. Dr. Bisheswar Basumatary,  
Assistant Divisional Medical  
Officer, Divisional Railway  
Hospital, Lunmding,  
Dist. Nagaon.

... Respondents

1. PARTICULAR OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE.

- i) Letter No. E/283/III/130-Pt.XI(O) dated 5.09.02 issued by Deputy Chief Personnel Officer/Gao for Respondent No.3 transferring and posting the applicant from Lumding to Rangapara North Hospital in the same capacity.
- ii) Illegal and arbitrary actions of the authorities in transferring and posting the applicant under the dictate of Respondent No.4 as a ~~punishment~~/punishment in nature.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal.

*Anup K. Bhowmik*

### 3. LIMITATION :

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administration Tribunal Act, 1985.

### 4. FACTS OF THE CASE :

1. That the applicant begs to state that after completing his MBBS examination from Silchar Medical College, in the year 1978, he did his MD from Assam Medical College, Dibrugarh in 1984. Thereafter, the applicant applied for and was appointed as an Assistant Medical Officer (ad-hoc) under the N.F. Railway against an existing vacancy and was posted at Central Hospital, Maligaon on February 1985.

2. That, thereafter, on the basis of an Special Examination conducted by the UPSC for Indian Railways in the year 1985 the applicant was selected and appointed as Assistant Divisional Medical Officer (Junior Scale) on July 1987 and was posted at Badarpur Railway Hospital under the N.F. Railway. Thereafter, the applicant was promoted to Senior Scale post of Divisional Medical Officer on 31.12.91 and then to the Junior Grade Administrative Grade post of Senior Divisional Medical Officer and was posted at Divisional Railway Hospital, Lumding on January, 1998. Since the date of his joining service the applicant has

been carrying out his duties sincerely and to the best of his abilities and there was no occasion when any adverse was ever communicated to him.

3. That the applicant begs to state that in December 2001 he sought for 5 days casual leave from 4.12.01 and on being sanctioned by the Respondent No.4, the applicant proceeded to his native place with his family. However, he fell sick on 8<sup>th</sup> December 2001 and could not rejoin his duties in time, and accordingly he telephonically informed this fact to his controlling officer. After rejoining his duties on 13.12.01 the applicant applied for regularization of his sick period but nothing happened. Thereafter, the applicant was served with a show cause notice vide letter No.2/1/LM/Hospital dated 10.5.2002 asking him as to why disciplinary action should not be taken against him for not performing his duties from 10.12.2001 to 12.12.2001 and further accepting the salary without getting the period of absence regularized. Accordingly, the applicant submitted his explanation but no order was passed. The applicant further states that thereafter the Respondent No.4 took an exception and started harassing the applicant on one pretext or another.

4. That the applicant begs to state that on 17.6.2002, there was an accident between a motor trolley and a goods train between Dihakho and Mupa

station in Lumding - Badarpur metre section and one RPSF jawan of 27 years lost his life in the accident. Following the incident some of the RPSF men who were in the hospital at that time got agitated and assaulted the Engineering Construction Staff admitted in the hospital. During this chaotic situation one Mr. Subal Chandra Dey of Construction Department abused and assaulted the applicant. Later on in a meeting between the officials it was decided not to lodge any FIR against the assailant but to proceed departmentally against the assailant. Accordingly, the applicant filed a written complaint before the Respondent No.5 who forwarded the same to Respondent No.4 vide his letter No. H/SS/LM/15 dated 18.6.2002.

5. That the applicant begs to state that on 21.6.2002 the Respondent No.4 instead of taking action against the assailant wrote a letter LM/CON-2 (SECRET) dated 21.6.2002 to Respondent No.2 narrating the incident of 17.6.2002 and further making wild, malicious and reckless statement against the applicant and further recommending that the applicant be transferred and relieved out of the division as top most priority. In the said letter among others the Respondent No.4 also alleged that the applicant had been referring Railway Staff to outside private doctors and that it was suspected that he was making money in the

Amrap. Mr. Bhattacharya

process. The letter further stated that the presence of such senior officers as the applicant was risky and against the administrative interest.

A copy of the said letter classification as secret is annexed herewith and marked as **Annexure - I.**

6. That, on receipt, of the said letter from Respondent No.4 the Respondent No.2 by his letter No. H/SS/74 dated 15.7.2002 had directed the Respondent No.5 to make an enquiry with regard to the said letter and the Respondent No.5 by his letter No. H/SS/LM/15 dated 22.7.2002 directed the applicant to submit his clarifications. The applicant immediately on the same date i.e. 22.7.2002 submitted his reply with regard to the various incidents fully explaining the circumstances.

Copies of the aforesaid letters/<sup>and reply</sup> are annexed herewith and marked as **Annexure - II, III, IV & V** respectively.

7. That it appears that on the basis of the allegations made by Respondent No.4, the Respondent No.5 had by his letters dated 22.7.2002 also informed Sri Kushal Dutta and Sri M. Ali two patients referred to by the applicant and directed

to inform whether the applicant was making money in the process.

Copies of the aforesaid letters are annexed herewith and marked as **Annexure - VI & VII** respectively.

8. That the Respondent No.5 after making necessary enquires submitted his reply on 14.8.2002 explaining the points raised by the Respondent No.2 and requested that the applicant be kept at the Lumding Hospital for better management.

A copy of the letter dated 14.8.2002 is annexed herewith and marked as **Annexure - VIII.**

9. That as such the applicant was surprised to receive the impugned order No.E/283/III/130-Pt.XI (O) dated 5.9.2002 issued by the Respondent No.3 whereby the applicant was transferred and posted at Rangapara North Hospital vice B. Basumatary. By the said order Dr. Basumatary ADMO was transferred to the applicant's place in Lumding.

A copy of the impugned order is annexed herewith and marked as **Annexure-IX.**

10. That surprisingly the Medical Superintendent, Rangapara North Hospital released Dr. Basumatary on 9.9.2002 at the direction of Respondent No.2 and Sri Basumatary has joined Lumding on 10.9.2002. It will be interesting to know that the DRM (P), Alipurduar Junction under whose jurisdiction the Rangapara North Hospital falls had received and re-issued the transfer on 12.9.2002 and this fact will show the manner in which the transfer order was carried out in hot haste at the behest of Respondent No.4. The applicant has gone on sick leave as per advise of Dr. R. Bhattacharjee.

Copies of the release order dated 10.9.2002 and re-issue order dated 12.9.2002 are annexed herewith and marked as **Annexure-X & XI** respectively.

11. That the applicant begs to state that the strength of doctors in the Lumding hospital is 24 and on 10.9.2002 the vacancy of doctors was two as certified by the Respondent No.5 and the applicant can easily be accommodated at lumding.

A copy of the certificate is annexed herewith and marked as **Annexure XII.**

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

- I. For that the impugned order transferring the applicant from the Railway Hospital Lumding is illegal and arbitrary and as such the same is liable to be set aside.
- II. For that in view of the facts and circumstances preceding the transfer it is apparent that the applicant has been transferred by way of punishment and as such the impugned order is bad in law and is liable to be set aside.
- III. For that, from the facts stated above it will be obvious and apparent that the applicant has been transferred at the behest of Respondent No.4 on extraneous considerations and as such the impugned order is bad in law and is liable to be set aside.
- IV. For that the impugned order is tainted with malice and personal animosity and as such the impugned order is bad in law and is liable to be set aside.
- V. For that, the impugned order is a direct consequence of the complaint and request made by the Respondent No.4 and it has not being made in public interest and as such the same is bad in law and is liable to be set aside.
- VI. For that, in any view of the matter the impugned actions of the authorities is bad in law and is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant has no remedy under the service rules.

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

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

8. PRAYER:

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the impugned order dated 5.9.2002 (Annexure - IX) should not be set aside and quashed and after perusing the causes shown, if any and hearing the parties, set aside the impugned order dated 5.9.2002

27

(Annexure -IX) and/or pass any other order/orders as Your Lordships may deem fit and proper so as to grant adequate relief to the applicant.

And for this act of kindness, the applicant as in duty bound shall ever pray.

**9. INTERIM ORDER IF ANY PRAYED FOR :**

It is, further prayed that pending disposal of the application, Your Lordships would be pleased to stay the operation of the impugned order dated 5.9.2002 (Annexure-IX) so far as it relates to the applicant.

**10. DOES NOT ARISE:**

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

(i) I.P.O No. : 7G575282

(ii) Date. : 13.9.02

(iii) Issued by Guwahati Post Office.

(iv) Payable at Guwahati.

**12. LIST OF ENCLOSURES :**

As stated in the INDEX

VR

VERIFICATION

I, Sri (Dr.) Anup Kumar Bhattacharjee, Son of Sri Bijoy Prasad Bhattacharjee, aged about 46 years, Resident of Lumding in the district of Nagaon, Assam do hereby verify that the statements made in Paragraphs No. 1, 2, 3, and 4..... are true to my personal knowledge and the statements made in paragraphs No. 5, 6, 7, 8, 9, 10 and 11..... are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this 19th day of September 2002 at Guwahati.

Place: GUWAHATI

Anup Kr. Bhattacharjee

Date: 19.9.02

SIGNATURE OF THE APPENDIX

SECRET

(TYPED)

ANNEXURE-I.

NORTHEAST FRONTIER RAILWAY  
LUMDING DIVISION .

Office of the ,  
Divisional Railway Manager,  
Lumding .

21.06.2002 .

To. LM/CON-2(SECRET)

To,  
Smt. Dr. Raja Rajeshwari,  
Chief Medical Director,  
N.F. Railway ,  
Maligaon .

Sub :- Peace and harmony in Lumding Railway premises .

On 17th June 2002 there was head on collision between a motor trolley and metre gauge goods train between Dihakho and Mupa Stations, which is about 54 Kms. from Lumding in LUMDING - BADARPUR MG Section. One RPSF young man of 27 years lost his life in this accident .

There is a concentration of RPSF men at Lumding and the arrival of mutilated body from the accident site rose passions at LMG . Even though in my absence ADRM tried to control the situation ( I was on my way back from BPB and were caught in another accident at 142 Kms. near Ditokcherra) situation appeared to be getting out of Control.

ADRM has advised me that some of them were so violent that apart from using foul language they had even raised their gun in threatening posture towards him .

Ans. by  
Bonalley

contd...2/-

2.

RPSF and it is learnt went to the hospital late into the evening and assaulted SSE/Works Sri Seth who was the Officer-in-charge of the motor trolley involved in the accident and his trolley driver, who by that time had been admitted in the LMG Railway hospital. The general feeling of the RPSF was that these people were responsible for the loss of life of their colleague and later running away from the site of the accident while the dead body was still lying there .

In the night when the RPSF assaulted engineering construction staff admitted in the hospital the on duty Dr. Bhattacharjee Sr. DMO instead of controlling the rising tempers tried to take advantage of the situation by making central the issue of misbehaviour with him by one engineering construction staff who also lost his temper on the scene after seeing that their supervisors and colleague admitted in the hospital being assaulted by RPSF without any check instead of the real issue of the "RPSF" assaulting the patients admitted in hospital .

As a Senior Officer it was also expedited that Dr. Bhattacharjee would send full reports for both the incidences and try to cool the temper. However, in his report apart from being so ... report of attempted assault on him (when he was in charge of the hospital) there was practically no mention of what the engineering construction staff who were indoor patients in the hospital went through and who were the culprit suspects.

He vitiated the atmosphere to the extent that the Divisional President of Employees union had personally complained to me later about the behavior of Dr. Bhattacharjee . He raised

3.

his voice in the meeting in the night with ADRM and CMS and other top union leaders when everyone was trying to cool the tempers and control the situation. Shifting of the injured accident involved staff to central hospital Maligaon was being discussed to avoid further umpleasant incidences in the area . However it appears Dr. Bhattacharjee wanted to settle only his personal issue even if meant disharmony and increased animosity in the Society .

This is not the first instance of this type Dr. Bhattacharjee is in the habit of inciting violence against his colleagues and Senior Officers . The two recent incidences are listed below :-

- (1) The local MLA complained to DRM that doctor on duty was reported to be drunk. Sr.DPO, DSC,ADRM and CMS were sent to the hospital to check and report. By the team reached hospital the doctor had left the hospital and had gone home. It was decided to visit his home to verify the correctness of the information. The information was found to be incorrect .
- (2) It was reported that some of the doctors were using the cabins in the hospital for residential purposes,however a check by DSC,Sr.DEN,CMS ad Sr.DPO no cabin was found to be occupied by any doctor. After both these incidences Dr.Bhattacharjee instead of feeling relieved that none was found guilty and Railway's image improved tried to incite violence by telling his colleagues that DRM has no authority to interfere in hospital work and all doctors should unite and refuse to accept the authority of DRM .

4.

Sanity prevailed and there was no unusual incidence. His main grouse appears to be that he is not been permitted unbridle private practice of which he is habitual. He has been found to be missing from his scheduled duty hours from the hospital but sits late in the night hours for private practice. This charge may be difficult to prove on papers but is still a well-known fact to everyone in LMG. It is also learnt that he was transferred on only such charges from BPB to LMG. He has also been referring Railway staff to outside private doctors in Guwahati informally (Sri Kushal Dutta SSE/Works LMG and Sri M. Ali DACOS/LMG are two recent known cases) and is suspected to be making money in the process.

The situation in LMG is tense. The area is surrounded by difficult terrain and the staff in general is tried of dealing with the militants in the sections around LMG. In this ~~xxxxxxxxxx~~ volatile atmosphere it is felt that the presence of such senior Officers with his kind of temperament is risky and against the administrative interest.

He may be a good physician but his presence in LMG is fraught with serious danger and it is therefore recommended that Dr. Bhattacharjee Sr.DMO/LMG may be transferred out of the division and relieved on top most priority.

Sd/- Illegible

21.06.02

Copy to :-

(ASHUTOSH SWAMI)

Divisional Railway Manager/Lumding.

Shri Vipan Nanda,  
GM/NFR(Copy No.2)

O/C Copy No.4.

Shri M.K. Dev Verma,CPO/NFR(Copy No.3).

.....

N.F.RAILWAY

CONFIDENTIAL

No. HSS/LM/15.

Office of the  
Chief medical Supdt.  
Lumding dt. 22.7.2002

To.

Dr. A.K. Bhattacharjee,  
Sr. DMO/Lumding

Sub : Peace and harmony in Lumding Rly.  
premises.

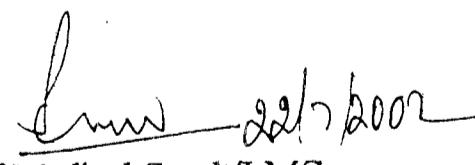
On 17<sup>th</sup> June/2002, there was an accident between Dihakho and Mupa station in LMG – BPB MG section and one RPSF young man of 27 yrs. lost his life in the accident.

There were a concentration of RPSF men at Lumding and in the night they assaulted the Engineering Construction staff admitted in the hospital.

It was alleged that you being the on duty doctor instead of controlling the situation rather highlighting the misbehavior with you by one Engineering Construction staff.

Moreover it was also alleged that you had referred Mr. M. Ali, DAOOS/LMG and Sri Kushal Dutta, SSE/Works/Line/LMG to Private doctors at Guwahati and suspected for making money in the process.

It is requested to submit a vivid picture of that night incidence and your clarification regarding the referred cases at the earliest for further process of the case.

  
Chief Medical Supdt/LMG.

*Approved by  
Bhattacharjee*

To:

Dt: 22.7.2002

The CMS/Lumding

Sub: Explanation

Ref: Your letter No. UGCS/1 M/15 dt. 22.7.2002

On 17<sup>th</sup> June/2002, I was on Casualty duty from 13.00 hours onwards and about 15.00 hrs. three injured patients who sustained injuries in connection with collision with Motor Trolley and Goods train at Dihaku in N.C.Hills, Assam were admitted in Male Surgical Ward, N.F.Railway Hospital Lumding. At about 20.15 hrs. I got a message from my hospital staff that some security personnel with arms entered into Surgical Ward and were beating the injured patients. Then and there as a incharge of Casualty, I thought it prudent to inform the Police and DRM. While I was connecting through phone Police and DRM at that time one Rly. Staff of construction deptt. (Trolleyman) named Sri Subol Ch. Dey entered into Casualty and reacted violently with me. He has attempted to assault me by throwing Casualty Telephone and tilting and pushing the table towards me, but fortunately my dresser, ambulance staffs and some of my patients interferred and protected me. He has also used abusive languages. Wife of Mr. Samir Kanti Das (injured Motor Trolley Driver) was also present and charged me for not providing protection to her husband. However, ultimately I could contact Local Police and requested them to attend Rly. hospital immediately for providing security measures. In the mean time Commandant RPSF Mr. Mao arrived with his force and enquired about the matter in the Surgical Ward. I met him personally and told him about the complaint of Surgical Ward and requested him to provide security towards sick patients of the hospital. I have handed over Mr. Subol Ch. Dey Trolleymen/ Con/LMG who has misbehaved and tried to assault me physically in the Casualty few minutes back for no fault of mine. Mr. Subol Ch. Dey also confessed his guilt in front of Commandant RPSF. After few minutes Local Police arrived in response to my Telephonic call and started their inquiry regarding the unpleasant incidence in the hospital. Mr. Subol Ch. Dey, Trolley men left hospital before Local Police arrived. Mr. C.R. Seth, IOW/Con/LMG and others injured Trolleyman Mr. Kanowar were interrogated by the Police. Police told me to submit one FIR regarding the incidence for their formal inquiry. In the mean time ADRM/LMG (DRM was out of head Qr.) CMS/LMG, Sr. DOM, XEN(Con) and other Sr. Doctors arrived to the spot and have enquired about the matter. But surprisingly neither IOW/Con Mr. Seth nor his Trolleyman Kanowar did lodge any definite complaint against any body to Police, CO/ RPSF or ADRM regarding the allegation of being assault by the security personnel.

Contd. ... 27

*Arrester  
Bhandary -*

Then it was decided to settle the matter departmentally to keep the image of Railway in presence of ADRM, CMS, Sr.DOM, XEN/Con, Co. RPSF, Sr. Doctors and the representatives of two recognised Unions in CMS's chamber. It was also decided in presence of every body that I (Dr. A.K.Bhattacherjee, Sr. DMO/LMG) will not submit any FIR to Police regarding any incidence. But the unpleasant incidence that took place with me (as on duty Casualty doctor) will be investigated departmentally and the culprit will be brought to the book and will be punished immediately on receiving one written complaint from my end. Accordingly I lodged complaints to CMS/LMG against Mr. Subol Ch. Dey, Trolley man/Con/LMG vide my letter No. nil dt. 18.6.2002 which was duly forwarded by CMS to DRM with a copy to all concerned including Dy. CE/Con/LMG vide CMS's letter No. H/SS/LM/15 dt. 18.6.2002 for initiation of departmental action.

In view of the above context, I should like to say, that I had discharged my duty properly and I had not failed to control the situation. My lacunae may kindly be detected after obtaining proper evidence from all eye witnesses namely Mr. Kartick Ch. Malakar, T. Boro, Ranjit Malakar, On duty sister of Surgical Ward, Mr. Sibu Dutta of Refugee colony of LMG and other staff present on that day by holding an enquiry of two isolated incidences that took place in the evening of 18.6.2002. Investigating Police Officer, Co. RPSF and other Rly. Officers present may also enlighten in the later part of the incidences. Though the provision for security in the hospital is the prime duty of the Rly. administration, yet this part is always neglected in every Rly. hospitals and the unfortunate doctors are always victimised for such act of omission. That day there were concentration of RPSFs man at LMG Rly. Station following death of one RPSF young man of 27 yrs. old. It was also observed in the accident site and in the Rly. station by our experienced Sr. Officers that some of the RPSF men were in hostile mood and expressing their grievances against construction staff due to recent loss of their friend's life in this accident. So, it was rather negligence on the part of Rly. administration for not providing prior security measures in the hospital before incidence happened. I on duty Casualty Officer, who had no idea about the situation of the surroundings, was suddenly attacked by hostile Rly. Staff of Construction department for the allegation of provision of security to their patients. However IOW/Con Mr. Seth and his staff had no courage to file immediate complain against the so called RPSF people who were alleged to be the culprit of the first incidence in the hospital and thereby lost the merit of an assault case. I was also obstructed and convinced by ADRM and CMS for not filing F.I.R. to the Police, otherwise the situation would have been different. Actually almost all matters ended after negotiation in CMS chamber in presence of every body when IOW/Con and his staff did not file any complaint regarding assault to them..

Contd...3/-

- 3 -

The part only remained was my personal complaint against Mr. Subol Ch. Dey, Trolleymen who hurt badly the sentiment of all the doctors of Lunidng Rly. Hospital. Sr. Doctors present including CMS /LMG were also not satisfied with the Unions' proposal of begging simple apology by Mr. Subol Ch. Dey to Dr. A.K.Bhattacharjee for his attempt of assault and act of obstruction to duty of a Rly Officer. The incidence can not be considered as simple outburst as highlighted by the Union people. It is a matter of pity that though doctors are also a human being but they have no right to show their outburst of their sentiment even they are being threatened or beaten !.

So my written representation on 18.6.2002 was justified in highlighting the incidence at Casualty as it happened in front of me. But I have not bypassed the first one which was a reported incidence to me. I was not also asked by my senior to submit a vivid picture of that night but to submit a complaint against trolleyman for initiation of departmental action as other matter ended with negotiation in CMS's chamber. I am ready to accept any punishment if the allegation against me is proved after proper investigation. I think, I have controlled the situation as it was rightly to be handled and there was no lapse what so ever on my part. However the assault on the on duty medical officer and obstruction to his duty is also a crime need to be punished and highlighting of it can not be termed as over reaction on my part

Thanking you

  
(Dr. A.K. Bhattacharjee )  
Sr. DMO/Lunidng.

To.

Dt : 22.7.2002.

CMS/Lumding.

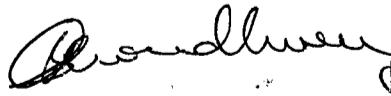
Sub : Referral of Mr. M. Ali, DACOS/LMG.

Ref : Your letter No. H/SS/LM/15 dt. 22.7.2002.

I have the honour to state that Mr. M. Ali, DACOS/LMG has been suffering from palpitation since long time and was consulted Dr. M.K. Sutradhar, Sr. DMO/CH/LMG. He prescribed him to take Tab. Isoptin but he was not relieved of alment and few month back once he got admitted in ICU/LMG for treatment. Then I came in contact of Mr. Ali for the first time. I did one ECG on admission and diagnosed the case to be W.P.W syndrome which is a defect in his heart where Paroxysmal Supraventricular tachycardia is the cardinal presentation. I told him frankly about his disease that it might trouble him in future, inspite of regular medication. He became nervous and sought my advice. I changed Tab. Isoptin and started Tab. Cordarone - X and advised him take a third opinion from a cardiologist. I suggested the name of Dr. A.K. Bhattacharjee, Prof and head of the department of Cardiology, Guwahati Medical College and Hospital whom he consulted later. Prof. Bhattacharjee advised him to continue the same medicine what I prescribed but mention in his prescription (Copy of which may obtained from Mr. Ali) that if drug treatment failed he may require Radio frequency ablation of aberrant path in future.

This is all about the vivid picture of the case of Mr. Ali, DACOS/LMG whom I referred to a renowned Cardiologist of Guwahati Medical College but not to a private doctor of Guwahati, only for his own benefit without any motive of mine. Therefore CMS/LMG is requested to take Mr. Ali's statement to prove the authenticity of the fact narrated by me. If my statement is found correct he baseless charge brought against me may be withdrawn forthwith and natural justice may be conferred.

  
(Dr. A.K. Bhattacharjee)  
Sr. DMO/LMG



To.

Dt: 22.7.2002.

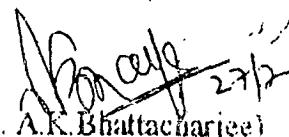
CMS/Lumding.

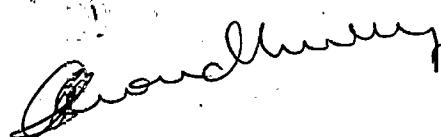
Sub : Referral of Mr. Kushal Dutta, SSE/Work/Line/LMG.

Ref: Your letter No. H/SS/LM/15 dt. 22.7.2002.

I have the pleasure to state that Mr. Kushal Dutta, SSE/Work/Line/LMG consulted me once in his life time about 1 1/2 year back in my chamber of Ruy. Hospital /LMG in the evening hours. Mr. Dutta stated me that he had been suffering from Chest pain with palpitation since afternoon. He also told me that he came to Casualty and consulted Dr. (Mrs) B. Kumari, ADMO/LMG at about 14.30 hrs. and then to Dr. N. Motra, Private Practitioner but without getting any relief Dr. Motra advised him to consult me as he might had some Cardiac problems. I did one ECG immediately and observed him for 1/2 hr. in ICU but I did not found any thing specific and told him frankly about my observation and assured him. Then he left the hospital. This all about the case history of Mr. Kushal Dutta whom I did not refer to any doctor of Guwahati.

Therefore CMS/LMG is requested to take Mr. Dutta's Statement to prove the authenticity of the fact narrated by me. If my statement is found correct and allegation against me is not proved it is sufficient to vindicate all other charges brought against me and complainant may be considered as vindictive.

  
(Dr. A.K. Bhattacharjee)  
Sr. DMO/LMG



N.F.RAILWAY

CONFIDENTIAL

No. F/SS/LM/15

Office of the  
Chief Medical Supdt.  
Lumding, dt. 22.7.2002.

To.

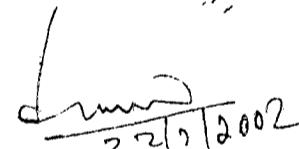
Sri Kushal Dutta,  
SSE/Works/Line/LMG.

Sub : Allegation against Dr. A. K. Bhattacharjee  
Sr. DMO/Lumding.

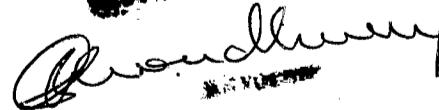
There are an allegation raised against Dr. Bhattacharjee that he had referring you to outside private doctors in Guwahati and suspected for making money in the process.

Would you kindly intimate this office regarding the authenticity of the allegation for further process of the case.

An early reply is requested.

  
22.7.2002

Chief Medical Supdt/LMG.

Attested by  




- 24 -

RECORDED

VII

N.F.RAILWAY

CONFIDENTIAL

No. H/SS/LM/15.

Office of the  
Chief Medical Supdt.  
Lumding dt. 22.7.2002.

To:

Sri M. Ali,  
DACOS/LMG.

Sub: Allegation against Dr. A. K. Bhattacharjee  
Sr. DMO/Lumding.

There are an allegation raised against Dr. Bhattacharjee that he had referring you to outside private doctors In Guwahati and suspected for making money in the process.

Would you kindly intimate this office regarding the authenticity of the allegation for further process of the case.

An early reply is requested.

22/7/2002  
Chief Medical Supdt/LMG.

*Paradip Deka*

CONFIDENTIAL

N.F.RAILWAY

No.HSS/LM/15

Office of the  
Chief Medical Supdt.  
Lumding dt. 14.8.2002

To,

CMD/Maligaon.

Sub : Peace and harmony in Lumding Hospital premises  
Ref : CMI/VMLG's Confidential letter No. HSS/74  
dt 15.7.02

In reference to the letter mentioned above, I like to inform you that the following for your kind perusal and necessary action please.

On 17<sup>th</sup> June/2002 there was a head on collision between a Motor Trolley and M.G. Goods Train between Diakho and Mupa station, the detail of which was intimated to your office immediately. Following the accident some unfortunate incidence happened at Divl. Railway Hospital/Lumding. Some of the RPSF Jawans concentrated at Rly. hospital being agitated seeing the dead body of their colleague and they misinterpreted that the incidence happened due to engineering people, one Mr. Seth, SSE/Works for his wrong decision to start the Motor Trolley and in consequence of the accident, Mr. Seth and other Trolley men were admitted. The RPSF Jawans for their anguish came to hospital and assaulted the engineering people.

Dr. A.K. Bhattacharjee, Sr.DMC/LMG was on Visually duty. Seeing the RPSF Jawans on move and chaos at hospital, Dr. Bhattacharjee sought help from all concern. In the mean time one Mr. Subol Ch. Dey, T/Min/Con/LMG under Mr. Seth was moved seeing his master's harassment and rushed to Casualty and abused and assaulted Dr. Bhattacharjee by throwing the Telephone and tilting the table to Dr. Bhattacharjee. ADRM, Commandant and OC/Local Police/LMG and myself all came to rescue Dr. Bhattacharjee and also to tackle the adverse situation. DRM narrated that Dr. Bhattacharjee wanted to give more importance to the incidence happened with him due to assault of Mr. Dey, but actually in CMS chamber in presence of ADRM, CO/1<sup>st</sup> RN, XEN/Con and all the Union officials was busy to tackle the overall situation and finding out for some peaceful solution of the tense situation.

Glendhuay

Regarding the false report given by M.L.A that Dr. K.K.Das, Sr.DMO/LMG drunk on duty was vague and found incorrect checked by ADRM, Sr.DPO, DSC and myself.

Same also with the Cabin where it is found cabin was full with genuine patients.

Now the allegation from DRM that I am already informed you regarding the private practice, which is stopped after DRM's instruction. Regarding Dr. Bhattacherjee sending Mr. Ali, DACOS and Mr. Kushal Dutta, BSI/Work/LMG to the private doctors for further consultation and the explanation from Dr. Bhattacherjee is self explanatory. That regarding groupism done by Dr. Bhattacherjee is not true. Because Doctor fraternity & patient had also played a vital role regarding the recent set back in the hospital.

That DRM recommended transfer of Dr. Bhattacherjee is to be thought for. Dr. Bhattacherjee is very competent Physician and only Physician in the hospital. For any Medical emergency of the Rly. population as a whole and also the doctor and officers of Lumding Division is solely dependent on him. He is managing ICU and Medical Ward very efficiently. I am also getting representation from various corner for retention of Dr. Bhattacherjee at Lumding for their own interest. So if Dr. Bhattacherjee is at all being transferred as per recommendation of DRM/LMG, a suitable replacement must be provided for the benefit and welfare of Rly. population of Lumding Division.

Lastly, I on behalf of all doctors, paramedical staff of Lumding Hospital and the Rly. beneficiaries as a whole of Lumding fervently request you to exert all effort to keep Dr. Bhattacherjee at Lumding hospital for better management of the hospital as well as to keep peace and harmony in Rly. Hospital Lumding.

Thakur

Yours faithfully,

(Dr. S.C.Das) 21.8.2002

Chief Medical Supdt/LMG.

1X  
3

NERAILWAY

OFFICE ORDER NO. 18/2002(MEDICAL.)

The following transfer & posting orders are issued with immediate effect

- 1) Dr. A K Bhattacharjee, Sr.DMO/LMG is transferred in the same capacity and posted at RPAN hospital vice Dr. B Basumatri.
- 2) Dr. B. Basumatri, ADMO/RPAN hospital is transferred in the same capacity and posted at LMG hospital vice Sr.No. 1 above.

This issues with the approval of General Manager.

(P K Singh)  
Dy.CPO/GAZ  
For GENERAL MANAGER(P).

No. E/283/III/130-P/EXI(O)

Maligaon, dated 05-09-2001

Copy forwarded for information and necessary action to -

1. CMD/MLG, CVO/MLG, FA & CAO/EGA & PI/MLG
1. DRM, DRM(P) & DAO/LMG & APDJ
2. CMS/LMG & APDJ
3. MS/IC/RPAN
4. PS to GM,
5. Asstt. Secy. to AGM
6. Doctors Concerned.

(P K. Singh)  
Dy CPO/GAZ  
For GENERAL MANAGER(P).

*Dear Sirs*

H.E. Bhatiary

W/203/LA(GAZ)/PG.11

CRS% OFFICE, LPG  
06.6.9.2001.

DRM/LNG

Sub:- Transfer order of Dr. A. N. Bhattacharjee, Dr.  
Sr. BMO/LNG.

It is to inform you that a cover containing transfer order has  
arrived to Dr. A. N. Bhattacharjee, Sr. BMO/LNG but he refused to  
receive the same, as he reported sick from Dr. R. Bhattacharjee, H/c Stk  
Hospital, Lending.

( Dr. A. C. Bro )  
DRM/LNG

Copy to DR/ALS, DR  
DRM/P/Bar/LNG DR for information please.

( Dr. S. G. Chakraborty )  
DRM/LNG

N.F.RAILWAY

No. EG/41/9(Med)  
Dated: 09.09.2002

Office of the  
Medical Superintendent  
N.F.Railway/Rangapara N

To ✓  
Dr. Bisheswar Basumatary  
ADMO/Rangapara North.

Sub: Sparing on Transfer  
Ref: GM(P)/MLG's Ofice Order No. 18/2001(MEDICAL)  
Dated: 05.09.2002

In reference to the above office order and as per the directive of  
CMD/MLG you are hereby spared from this end on 09.09.2002 AN. You are advised to  
report to CMS/LMG for your further duty.

Transfer pass is enclosed herewith for your onward journey. ✓

✓ 09/09/02  
Dr. S.K. Deka  
MS/RPAN

Copy forwarded for information and necessary action to:

1. CMD/MLG, CVO/MLG, FA&CAO/MLG,
2. GM (P)/MLG
3. DRM/APDJ, DRM/LMG.
4. CMS/APDJ, CMS/LMG.
5. DAO/APDJ, DAO/LMG
6. OS/P/RPAN

✓ Dr. S.K. Deka  
MS/RPAN

*checked by  
Choudhury*

Annexure XI

OFFICE ORDER

OFFICE OF THE  
DIVISIONAL RAILWAY MANAGER (P)  
N.E.RAILWAY / ALIPURDUAR JN.

DATED: -09-02.

In terms of GM(P)/MLG's office order No. 18/2000(Medical) under his endorsement No. E/283/III/130 - Pt. XI(O) dated 05-09-02, the following Medical Officer have been transferred and posted as under :-

1. Dr. A.K.Bhattacharjee, Sr. DMO/LMG is transferred and posted as Sr.DMO at RPAN vico Dr. B.Basumatari.
2. Dr. B. Basumatari, ADMO/RPAN, is transferred and posted as ADMO at LMG vico Dr. A.K.Bhattacharjee.

This Issue with the approval of the competent authority.

*J. A. K. Bhattacharjee*  
(. A. K. Bhattacharjee)  
APO  
For DRM(P)/APDJ

No. E/283/43 (Med.)AP-Pt-II dt 10-09-02.

Copy forwarded for information and necessary action to :-

1. CMD/MLG,
2. PS to GM,
3. FA & CAO/EGA/MLG,
4. Dy.CPO/Gaz/MLG,
5. DRM(P)/LMG,
6. DAO/EGA/LMG,
7. CMS/APDJ,
8. MS/IC/RPAN,
9. Sr.DAO/EGA/APDJ,
10. Officer concerned,
11. OS to DRM for appraisal of DRM/ADRM.

*J. A. K. Bhattacharjee*  
(. A. K. Bhattacharjee)  
12-9-02  
For DRM(P)/APDJ

*Chaudhury*

BOS of Doctors of Lumding Hospital

	LMG
CMS	(1)
MS/IC	1
Sr. DMO	10
DMO	6
ADMO	2
ADDS	1
MP	2
Vacancy	2
Total	24

b1  
Total

12th JULY 1978  
LUMDING HOSPITAL  
SILKCON, ASSAM  
INDIA

Dr. S. D. Doley