

6/100

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 50/2002.....

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

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

1. Orders Sheet. OA-50/02.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 19/07/2002.....Pg. 1.....to 6.....Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 50/02.....Pg. 1.....to 31.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. Filed by the Respondents.....Pg. 1.....to 12.....
8. Rejoinder. Filed by the Applicant.....Pg. 1.....to 20.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 50 of 2002

OF 199

Applicant(s) Surendra Nath Neog

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

Mr. P. Bhowmick.

Advocate for Applicant(s) Smti B. Devi, Mr. D. S. Neog, [REDACTED]

Advocate for Respondent(s) Railway counsel. [REDACTED]

Notes of the Registry

Date

Order of the Tribunal

This

C.F.

vide

Dated

18.2.02

Heard Mr. A. S. Bhattacharjee learned

Sr. counsel alongwith Mr. P. Bhowmick learned counsel appearing on behalf of the applicant and also Mr. S. Sengupta learned Railway counsel for the Respondent

Issue notice on the Respondents to show cause as to why the application shall not be admitted.

Issue notice on the respondents to show cause as to why the order of transfer and posting of the applicant from COM/Maligaon, N.F. Railway to the office of Sr. DOM, Lumding shall not be suspended.

In the meantime, the operation of the order No. E/254/76/Pt. VII(T) dated 28.1.2002 shall remain suspended, so far the applicant is concerned.

contd/

1.0. Shri's taken. Notice prepared and sent to D/S for min. the Respondent No. 1 & 5 by Regd. A.D. 19/2/02

D/Nb 506 & 510

19/2/02

Notes of the Registry	Date	Order of the Tribunal
	18.2.02	<p>The applicant shall take necessary steps for service of notice on the respondents No.5. Mr.S.Sengupta learned counsel accepts notice on behalf of respondents No.1 to 4. List on 13/3/02.</p> <p>K C Sharma Member</p> <p>Vice-Chairman</p>
Order dtd 13/3/02 Communicated to the parties counsel. 14/3/02	13.3.02	<p>After hearing the learned counsel for the parties the application is accepted. The respondents may file written statement within 2 weeks. List on 12.4.02 for orders. In the meantime the interim order dated 18.2.2002 shall continue.</p> <p>K C Sharma Member</p>
No. written statement has been filed. 11.4.02	12.4.02	<p>Mr.S.Sengupta learned counsel for the Respondents prays for adjournment for filing of written statement. Prayer is allowed. List on 10.5.02 for orders. The interim order dated 18.2.02 shall continue.</p> <p>K C Sharma Member</p>
No. written statement has been filed. 9.5.02	10.5.02	<p>Mr.S.Sarma, learned counsel requests on behalf of Mr.J.L.Sarkar, learned counsel for the respondents for further time for filing of written statement. Prayer accepted. List the case for order on 12.6.2002.</p> <p>K C Sharma Member</p>
No. written statement has been filed. 11.6.02		

3

3

O.A. 50 of 2002

Notes of the Registry Date

Order of the Tribunal

14.6.02

Written statement has been filed to-day. Let this case be listed for hearing on 12.7.02.

ICUshan  
Member

lm

12.7.

Heard Mr. P. Bhawork, learned Counsel for the applicant & Mr. S. Singh, learned Rty Counsel for the respondent (Rty).

Hearing concluded.  
Judgment reserved.

ICUshan  
12.7.

19.7.02

Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

ICUshan  
Member

lm

17.6.2002  
W/S submitted  
by the Respondents

Judgment order did  
10/7/02 communicated  
to the parties and  
& the applicant.  
25/7/02

Notes of the Registry Date

Order of the Tribunal

2.1.14

to fill in the blank space.

not to be used for any other purpose.

1901-1910 no. 112

1911-1920

1921-1930

1931-1940

1941-1950

1951-1960

1961-1970

1971-1980

1981-1990

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2111-2120

2121-2130

2131-2140

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2191-2200

2201-2210

2211-2220

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./X.X.No..50.of.2002...&

DATE OF DECISION.19.7.2002.....

Shri Surendra Nath Neog ..... APPLICANT(S)

Mr.P.Bhowmik,Ms.D.S.Neog & B.Devi. .... ADVOCATE FOR THE APPLICANT(S)

—VERSUS—

Union of India & Others. .... RESPONDENT(S)

S.Sengupta. .... ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE

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

Judgment delivered by Hon'ble Administrative Member.

166/gh

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.50 of 2002.

Date of Order : This the 19th Day of July, 2002.

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

Shri Surendra Nath Neog  
L/o Late Budu Ram Neog  
Resident of Central Goganagar  
Maligaon, Guwahati-11, Assam. . . . Applicant.

By Advocates Mr.P.Bhowmik, Ms.D.S.Neog & B.Devi.

- Versus -

1. The Union of India  
Represented by the General Manager  
N.F.Railway, Maligaon  
Guwahati-11.
2. The General Manager (Personnel)  
N.F.Railway, Maligaon  
Guwahati-11.
3. The Chief Passenger Transportation Manager  
N.F.Railways, Maligaon  
Guwahati-11.
4. The Deputy Chief Operating Manager/Coaching  
N.F.Railway, Maligaon  
Guwahati-11.
5. Sri Arnab Chakraborty  
Traffic Inspector in the Office of  
the Chief Operating Manager, Maligaon  
Guwahati-11. . . . Respondents.

By S.Sengupta, Railway Counsel.

O R D E R

K.K.SHARMA (ADMN.MEMBER):

By this application the applicant has challenged the order of transfer dated 28.1.2002 (Annexure - 1 to the O.A.) transferring the applicant on promotion from the post of T.I. in scale of Rs.6500 - 10500/- to T.I. in scale of Rs.7450-11500/-.

11/11/02

Contd./2

1. The applicant joined as Trains Clerk on 1.6.1964 in the office of the Divisional Manager, Tinsukia, N.F.Railway. On 29.1.1990 the applicant was transferred as Traffic Inspector from Tinsukia Division to Maligaon. By the aforementioned order dated 28.1.2002 the applicant has been transferred to Lumding Division on promotion. It is stated that the applicant was suffering from Neurological problem and is under treatment at Guwahati Neurological Research Centre. It is stated that similar facilities for treatment on Neurological ailments is not available at Lumding.

2. The applicant submitted a representation dated 1.2.2002 (Annexure - 3). The same has not yet been considered by the respondent No.4. Hence this application. It is stated that the applicant is unable to go to Lumding and he is prepared to surrender his promotion as Traffic Inspector in the pay scale of Rs.7450-11500/- on that ground. The applicant has challenged the transfer order on the ground that the transfer is malafide. The respondent No.5, who was also promoted under the same order and is junior to the applicant was posted at Maligaon by varying the post from Alipurduar Division.

3. Mr.P.Bhowmik, learned counsel appearing on behalf of the applicant challenged the transfer order on the ground that the transfer order was against the professed norms of transfer and was malafide on the ground that the respondent No.5, who was junior to the



applicant has been retained at Maligaon by transferring the post from Alipurduar to Maligaon. He argued that as per transfer guidelines the junior most <sup>officer</sup> is required to be transferred. Specific reference is made to Para 4.2 of the transfer guidelines of Group "C" and Group "D" Officer dated 15.2.1995.

4. The respondents have filed written statement and Mr.S.Sengupta appeared on behalf of the respondents. Mr.Sengupta argued by referring to the transfer order that the applicant was the first person to be promoted by the transfer order. He submitted that at Maligaon, there are six sanctioned posts of T.I.s in the scale of Rs.7450-11500/-. The actual strength is eight while at Lumding against five posts of T.I.s there was only one T.I. working, hence there was requirement of T.I. at Lumding. Mr.Sengupta referring to the written statement, stated that the transfer is an incident of service. The applicant had been transferred on promotion. It is a normal practice of transferring officers on promotion. It is stated that there are good medical facilities with full fledged hospital at Lumding and arrangement of treatment for Railway staff are available there. Lumding Division also covers Guwahati area and Central Hospital, Maligaon is within four hours reach from Lumding. The applicant has already completed more than twelve years at Maligaon and no post existed at Maligaon to accommodate him. It was stated that being a senior experienced hand the applicant's services was

required at Lumding. On the other hand, the respondent No.5 joined as T.I. in C.O.M. Office, at Maligaon in the year 1990. He is incharge of movement of all Military and Para-Military forces from North East and he is the only capable inspector presently available in Head Quarter office at Maligaon to handle effectively such movements etc. Considering all these aspects the respondent No.5 has been promoted with posting at Maligaon by transferring the post temporarily from Alipurduar Junction Division for one year. There is no discrimination against the applicant.

5. I have carefully considered the submissions made on behalf of the applicant as well as the respondents and have gone through the documents filed with the application. The learned counsel for the applicant Mr.P.Bhowmik has referred to Para 4.2 of the Transfer Guidelines dated 15.2.1995 to argue that junior officer should be transferred first. I have gone through the relevant Para and find that Para 4.2 refers to a situation where there is curtailment of Cadre. The transfer of the applicant is not on account of curtailment of any Cadre. The applicant has been transferred on promotion. As such Para 4.2 of the Transfer Guidelines of Group "C" and "D" employees dated 15.2.1995 is not applicable in the case of the applicant. The applicant had been at Maligaon for the last 13 years and the respondent No.5 had stayed at Maligaon for ten years. Though respondent No.5 has been

made a party to the application, he has not filed any reply. However, the respondents have stated that the respondent No.5 is looking after the movement of Military and Para-Military forces and as such there was requirement of his being kept at Maligaon. Transfer is an incident of employment. The employer is the best Judge to know where to place the officers. The action of the employer cannot be challenged, if it is done honestly and in good faith. The transfer made for malafide reasons can be challenged and the Tribunal interfere in such transfers. The transfer made in the normal course are not interfered with.

6. From the materials placed before me, I am not in a position to accept that the applicant's transfer is made for malafide reasons. The applicant has been transferred on promotion. There was vacancy at Lumding. The applicant is unwilling to join at Maligaon on account of his personal reasons. He has made a representation dated 6.2.2002 for surrendering the promotion. Mr. Sengupta referred to Rule 224(1)(i) of Indian Railway Establishment Manual, 1989 which is reproduced below :

" Refusal of Promotion

1. Selection Posts

(i) The employee refusing promotion expressly or otherwise (i.e. that he does not give in writing his refusal but also does not join the post for which he has been selected,) is debarred for future promotion for one year but he is allowed to be retained at the same station in the same post. promotion


10/11/02

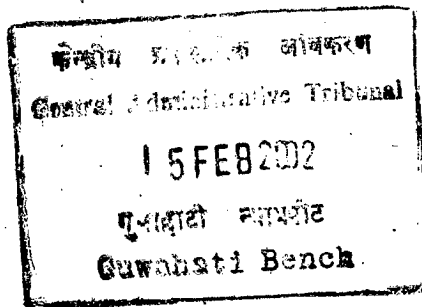
after one year will be subject to continued validity of the panel in which he is, borne otherwise he will have to appear again in the selection."

It is submitted that the applicant's case can be considered on account of surrendering the promotion. Having considered all the facts and circumstances of the case, I do not find any malafide in the transfer order dated 28.1.2002. The same is not interfered with. However, as the applicant has made a representation for surrendering his promotion dated 6.2.2002, which is pending before the respondents a direction is given to the respondents to take a decision on the representation and communicate the same to the applicant. A copy of the representation is annexed with this order, so that the respondents can consider the case of the applicant. It will also be open to the applicant to file a fresh representation within two weeks from the date of the receipt of the order. The respondents are directed to take a decision on the applicant's representation within a period of three months from the date of the receipt of the order.

The application is disposed of as indicated above.

There shall, however, be no order as to costs.

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER



13  
Suresh Nath Neog

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

O.A. NO. 50 /2002

Shri Surendra Nath Neog

...Applicants

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

SL.NO.	PARTICULARS	PAGE NOS.
1.	Application	1 to 11
2.	Verification	12
3.	Annexure - 1	13 to 14
4.	Annexure - 2	15 to 29
5.	Annexure - 3	30
6.	Annexure - 4	31

Filed by:

S. Neog

Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
AT GUWAHATI

O. A. NO. /2002

BETWEEN

Shri Surendra Nath Neog,  
S/o Late Budu Ram Neog,  
Resident of Central Goganagar,  
Maligaon, Guwahati -11, Assam.

..APPLICANTS

-VERSUS-

1. The Union of India,  
represented by the General Manager,  
N.F. Railway, Maligaon, Guwahati-11.
2. The General Manager ( Personnel )  
N. F. Railway, Maligaon, Guwahati -11.
3. The Chief Passenger Transportation Manager,  
N.F. Railways, Maligaon, Guwahati-11.
4. The Deputy Chief Operating Manager/<sup>C</sup>oaching,  
N.F. Railway, Maligaon, Guwahati-11.

Contd..P/-

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Surendra Nath Neog -  
Filed by -  
D. Bhikha Neog  
Advocate  
14.2.02

5. Sri Arnab Chakraborty,

Traffic Inspector, in the Office of  
the Chief Operating Manager, Maligaon,  
Guwahati-11.

15  
Sri Arnab Chakraborty

...RESPONDENTS

DETAILS OF APPLICATION

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

Order issued by the Assistant personnel  
Officer (P) for General Manager(P), Maligaon, vide order  
No. E/254/76/Pt- VII (T) dated 28.1.2002 whereby the  
applicant has been transferred on <sup>officiating</sup> promotion in the pay  
scale of Rs. 7450-11500/- to Lunding Division in the  
Office of <sup>the</sup> Senior Divisional Operating Manager, Lunding.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declares that the  
application is filed within the limitation period pre-  
scribed under Section 21 of the Administrative Tribunal  
Act, 1985.

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the work  
6 SCC - preferred work

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 Sree Narayana

#### 4. FACTS OF THE CASE:

4.1 That the applicant ~~is~~ citizen of India and permanent resident in the State of Assam and as such they are entitled to all the rights, protections and privileges guaranteed under the Constitution of India. The applicant belongs to the Other Backward Community and as such ~~are~~ entitled to the Special privileges guaranteed under the Constitution of India & the laws framed thereunder.

4.2 That the applicant was appointed as Trains Clerk in the Office of the Divisional Manager, Tinsukia, N.F. Railway on 1.6.64. Since then the applicant performing his service to the utmost satisfaction of his higher authority and got several promotions.

4.3 That on 29.1.90 the applicant has been transferred from Tinsukia Division, N.F. Railway on promotion as Traffic Inspector in the Office <sup>of</sup> Chief Operating Manager, N.F. Railway Maligaon, in the standing pay scale of Rs. 4500/- and the applicant has been working in the capacity of traffic Inspector till date and now his basic pay scale is Rs. 8500/- - 10,500/- <sup>in pay scale 8500/-</sup>

4.4 That your applicant begs to state that vide office order No. E/254/76/Pt-VII(T) dated 28.1.2002 issued by the Assistant Personnel Officer (R) for General Manager (P) N.F. Railway, Maligaon, your applicant has been transferred and posted in the office of <sup>M</sup>Senior

Contd..P/-



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Sundera m...  
[Signature]

Divisional Operating Manager, Lumding Division, on officiating promotion in the capacity of Traffic Inspector in the pay scale of Rs. 7450-11500/- per month.

Copy of the office order dated 28/1/2002 is annexed hereto as Annexure - 1.

4.5 That your applicant is *very* unfortunate in the sense that on 13.12.2000 he suddenly became unconscious and fall down. Thereafter he was immediately admitted at the Central Hospital N.F. Railway, Maligaon. As the conditions of the applicant was serious in nature ~~and~~ he was shifted to Guwahati Neurological Research Centre and the applicant under went a major brain operation viz. Left Parietal Burr-hole evacuations due to left fronto-parietal chronic Subdural Haematoma. Since then the applicant has been under treatment of concerned physician till today although he resumed his duty.

Copies of the Medical documents and Reports are annexed hereto as Annexure - 2.series.

4.6 That your applicant begs to state that being a Neurological patient he <sup>is</sup> not in a position to carryout the transfer order to Lumding Division on promotion vide letter No. E/254/76/Pt-VII(T) dated 28.1.2002 issued by the Assistant Personnel Officer ( P ) N.F. Railway

Contd..P/-

Maligaon, as no such medical facilities are available at Lumding in case of applicant's urgent need . Hence your applicant submitted a representation before the Chief Passenger Transportation Manager , N. F. Railway, Maligaon , for retention of your applicant at Head Quarter , Maligaon on promotion vide his representation dated 1.2.2002 .

A copy of the representation dated 1.2.2002 is annexed hereto as Annexure-3.

4.7 That your applicant begs to state that he come to know that his representation dated 1.2.2002 has not been considered by the Respondent No. 4 i.e. the Chief Passenger Transportation Manager, Maligaon. Further the applicant come to know from the office that the respondent No. 4 endorsed an office note stating negative consideration over the representation of your applicant.

4.8 That your applicant begs to state that finding no other alternative your applicant compelled to file an application to surrender his officiating promotion as Traffic Inspector at pay scale of Rs. 7450-11500/- as his health condition does not permit him to stay at Lumding where the medical facilities for treatment of a patient like the applicant is not available.

Contd..P/-

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A copy of the application dated 6.2.2002 is annexed hereto as Annexure - 4.

4.9 That now the applicant is on leave on medical ground from 28.1.2002 vide sick Certificate No. S.43/5.02 dated 28.1.2002 i.e. before issuance of the impugned order. Now by the issuance of the impugned order his mental agony has accelerated his blood pressure with hypertension. *The applicant still has not handed over his charges, though he has come to court from reliable sources that he has been released.*

4.10 That the respondent No.5 Sri Arnab Chakraborty Traffic Inspector and who is a junior to your applicant and <sup>working</sup> in the same office has been promoted alongwith your applicant and posted him in the same office i.e. COM/MLG by variating a post from Alipurduar Division to COM/ Maligaon vide GM (P), Maligaon's memo No. E/264/76/Pt- VII(T) dtd. 28.1.2002.

4.11 That your applicant begs to state that as the representation and repeated request of the applicant has not been considered and apathetic attitude of the respondents compelled the applicant to file this application before the Hon'ble Tribunal. Hence the interference of the Tribunal is inevitable for appropriate relief and for ends of justice.

4.12 That your applicants state that there is no earning member in his family and he has two daughters

Contd..P/-

and two sons alongwith his household wife and the present service is the only source of livelihood with the member of his family.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that in any view of the matter the impugned action on the part of the authorities in denying to the applicant ~~to~~ retaining him at Head quarter, Maligaon is illegal, one sided, bias and not according to law.

5.2 For that the respondents have committed error both in law and facts .

5.3 For that the order passed by the Respondents is unreasonable , malafide , misconceived , perverse, arbitrary, whimsical and high handed and the same is influenced by some interested persons.

5.4 For that the applicant is entitled to promotion without transfer considering his ill health.

5.5 For that your applicant has working continuously for more than 38 years to the utmost satisfaction to the higher authorities without any blemish and only three <sup>years</sup> are ahead with him for retirement and the date of his superannuation is 31.1.2005. So considering his old <sup>and</sup> age <sup>and</sup> ill health the respondents ought to have considered the rest period of his service at his home town where he has been working now.

Contd..P/-

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Sundera Nath Nay

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Contd. n. P/-

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Suresh Nalk Nork

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has exhausted all the avenues and he has no other alternative and efficacious remedy except by way of filing this application for relief and the relief sought for would be just and proper if the same is granted to your applicant.

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

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs:

8.1 The impugned order passed by the Assistant Personnel Officer (A) for General Manager (Personnel) ,

Contd..P/-

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Sunder Lal Nath  
Secretary

N.F. Railway , Maligaon, vide order No. E/245/76/Pt-VII(T) dated 28.1.2002 transferring your applicant to the Office of the Sr . Divisional Operating Manager, Lumding Division, on officiating promotion may kindly be set aside and quashed and allow the applicant to function as Traffic Inspector with promotion at pay scale of Rs. 7450 - 11500/- in the office of the Chief Operating Manager, Head Quarter, N.F.Railway, Maligaon, i.e. his current posting place till his superannuation.

B.2 If your applicant's officiating promotion in the Head Quarter , N.F.Railway Maligaon, is not absorbable your applicant may be allowed to retain in his earlier post of Traffic Inspector in the pay scale of Rs. 6500 - 10500/- <sup>At</sup> the Office of Chief Operating Manager, Maligaon.

B.3 Any other reliefs the Hon'ble Tribunal may be pleased to grant.

B.4 Cost of the application.

9. INTERIM ORDER PRAYED FOR:

During pendency of this application the applicant prays for the following reliefs:

9.1 The operation of the impugned order dtd. 28.1.2002 vide No. E/245/76/Pt-VII(T) may kindly be stayed/suspended for the ends of justice.

Contd..P/-

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Sundera nalki Neog  
Advocate

10.....

The application is filed through Advocate.

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

- i) I.P.O. No. : 76547183  
ii) Date : 14.2.02  
iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.



VERIFICATION

I, Shri Surendra Nath Neog, aged about 57 years, Son of Late Budu Ram Neog resident of Central Gutanagar, Maligaon, in the district of Kamrup, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1, 4.2, 4.3, 4.6 to 4.11, 6, 7..... are true to the best of my knowledge, those made in paragraphs 4.4, 4.5, 5..... are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this  
14 day of February, 2002 at Guwahati.

*Surendra Nath Neog.*

Annexure - 1

N.F.RLY

OFFICE ORDER

The following T.I. in scale of Rs.6500 - 10500 who have been empanelled for promotion to the post of TI in scale Rs. 7450 - 11500 vide GM / P's memorandum No. E/254/7/Pt-VII(T) dated 9.1.2002 are hereby temporarily appointed to officiate as T.I. in scale Rs.7450 - 11500 and post as under shown against each with immediate effect subject to the conditions that they are free from - R/SPE/VIG.Cases .

Sl.No.	Name	Working under	Posted under	Remarks
--------	------	---------------	--------------	---------

- |    |               |         |            |  |
|----|---------------|---------|------------|--|
| 1. | Sri S.N.Neog  | COM/MLG | Sr.DOM/LMG |  |
| 2. | Sri A.R. Mali | DOM/TSK | DOM/TSK    |  |
| 3. | Sri Arnab     |         |            |  |

Chakraborty	COM/MLG	COM/MLG	A - varia ted post from APDJ-DIVN to COM/MLG vide GM (P) MLG's memo No.E264-76/Pt-
-------------	---------	---------	---

VII(T) dt.28.1.02

- |    |          |           |             |
|----|----------|-----------|-------------|
| 4. | H.Prasad | SRDOM/KTR | Sr.DOM/APLJ |
|----|----------|-----------|-------------|

The above named staff are entitled to opt. for fixation of pay within one month from the date of issued of this promotion order, option received after the target date will not be entertained.

This issue with the approval of competent authority .

sd/- illegible

Assistant Personnel Officer(R)

For General Manager (P) MLG

NO.E/254/76/Pt-VII(T)

Maligson dtd. 28.1.2002

Copy to:....

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**GUWAHATI NEUROLOGICAL RESEARCH CENTRE LTD.****(ASSAM GOVT. ASSISTED SECTOR PROJECT)****AN ISO 9002 ORGANISATION.**

DISPUR, GUWAHATI - 781 006, ASSAM (INDIA)

Phone: 261654 / 266536 / 267195 / 267198 / 231667 / Fax: 562465

**CASE SUMMARY & DISCHARGE RECORD****(DEPARTMENT OF NEUROSURGERY)**

QR/24-11(A)

PATIENTS NAME	: SURENDRA NATH NEOG	SEX	: MALE
ADDRESS	: DISPUR, GUWAHATI, ASSAM.	AGE	: 56 YRS.
CONSULTANT	: DR. ANUP CHAKRABARTY, MS. M.Ch.	MARITAL STATUS	: MARRIED
DATE OF ADMISSION	: 13/12/2K	BED NUMBER	: 1328
DATE OF SURGERY	: 20/12/2K	HOSPITAL NO.	: 1115536
DATE OF DISCHARGE	: 29/12/2K	MRD NO.	: I-1022051

**FINAL DIAGNOSIS :- LEFT FRONTO-PARIETAL CH. SDH.****CASE HISTORY :-** Mr. Surendra Nath Neog, from Guwahati, presented to INS with history of sudden onset of severe bursting type of headache for the last 3 days mainly over the left side.

No history of head injury or loss of consciousness.

No history of vomiting, fits or ENT bleed.

No history of diabetes or hypertension.

**ON EXAMINATION:-**

Pulse - 80 min

B.P. - 200/100 mm Hg

Chest, CVS &amp; P/A NAD.

GCS - 15/15.

Pupils 3 + B/L.

Mild slurring of speech present.

No sensory motor deficit.

DTR - B/L. diminished all over

Plantar - Down going B/L.

Please send self addressed envelope for reply

Case Summary &  
Discharge Record

Annexure - 2 Series 2

29

**GUWAHATI NEUROLOGICAL RESEARCH CENTRE LTD.**

(ASSAM GOVT. ASSISTED SECTOR PROJECT)

IN NO 9002 ORGANISATION.

HOSPITAL GUWAHATI - 781 006, ASSAM (INDIA)

Phone: 26754 / 26755 / 267195 / 267198 / 221667 / Fax: 562465.

**CASE SUMMARY & DISCHARGE RECORD**

(DEPARTMENT OF NEUROSURGERY)

QR 24-1161

PATIENT'S NAME	SURENDRA NATH NEOG	SEX	MALE
ADDRESS	DEPT. GUWAHATI, ASSAM	AGE	76 YRS.
CONSULTANT	DR. ANECH CHAKRABARTY, MS. MCh	MARITAL STATUS	MARRIED
DATE OF ADMISSION	13/12/2K	BED NUMBER	1328
DATE OF SURGERY	20/12/2K	HOSPITAL NO.	1115536
DATE OF DISCHARGE	29/12/2K	MRD NO.	1-1022051

30/12/2K

**FINAL DIAGNOSIS :- LEFT FRONTO-PARIETAL CHL SDIL.**

**CASE HISTORY :-** Mr. Surendra Nath Neog, from Guwahati, presented to INS with history of sudden onset of severe bursting type of headache for the last 3 days mainly over the left side.

No history of head injury or loss of consciousness.

No history of vomiting, fits or ENT bleed.

No history of diabetes or hypertension

**ON EXAMINATION :-**

Pulse - 80 min

B.P. - 200/100 mm Hg

Chest, CVS & P/A - NAD

GCS - 15/15.

Pupils - 3 + B/L.

Mild slurring of speech present.

No sensory motor deficit.

DTR - B/L diminished all over

Plantar - Down going B/L

Please send self addressed envelope for reply

Case Summary &  
Discharge Record

## CASE SUMMARY & DISCHARGE RECORD

### INVESTIGATION

#### BLOOD -

Hb% - 12.0 mg%

BSG - 81 mg%

BT - 15"

HIV - Negative

Na - 133 mmol/L

Blood group - "A" (+) ve.

Urea - 26 mg%

Cr - 4.18"

Creat - 0.8 mg%

K - 3.2 mmol/L

**CHEST X-RAY** :- No significant abnormality was seen in this study.

**CT SCAN OF BRAIN** (14<sup>th</sup> Dec) :- Acute subdural haematoma without significant mass effect.

**CT SCAN OF BRAIN** (15<sup>th</sup> Dec) :- Decrease in attenuation of the left fronto-parietal subdural tentorial haematomas. No increase in mass effect noted.

**CT SCAN OF BRAIN** (25<sup>th</sup> Dec) :- Left fronto-parietal chronic subdural haematoma with mild mass effect.

**DISCUSSION & MANAGEMENT** :- Mr. Surendra Nath Neog, from Guwahati, presented INS with history of sudden onset of severe bursting type of headache for the last 3 days mainly on the left side. CT scan of brain revealed acute subdural haematoma without significant mass effect. He was managed conservatively as the SDH was not very significant to be evacuated immediately. But then patient's BP almost constantly remained high and his headache increased. On 15/12/2k another CT scan of brain was done which compared to the previous one revealed decreased attenuation and he now complains of severe headache with occasional episodes of confusion. On 19/12/2k another CT scan of brain was done which revealed left fronto-temporo-parietal Ch. SDH. On 20/12/2k left parietal burr-hole evacuation was done under I/A. Post operatively his symptoms diminished and he became calm. No further untoward incident was noticed during his further hospital stay.

**CONDITION AT DISCHARGE** :- Headache diminished. Afebrile, on normal diet. Wound healthy.

Note: 1. Please quote the hospital registration No. & M.D. No. For all future correspondence.  
2. To avoid inconvenience, please call for appointment with prior appointment.

- 17 -

31

CASE SUMMARY & DISCHARGE RECORD

ADVICE ON DISCHARGE

1. Tab Eptoin 100 mg      Sig: 1 tab thrice daily to continue.
  2. Tab Cefspan 200 mg      Sig: 1 tab twice daily X 7 days.
  3. Tab Ketanov      Sig: 1 tab thrice daily X 7 days.
  4. Tab Amlodac 5 mg      Sig: 1 tab twice daily to continue.
  5. Cap Cardace 5 mg      Sig: 1 cap twice daily to continue.
  6. Tab Lasilactone 50 mg      Sig: 1 tab twice daily X 5 days, then once daily X 5 days.
  7. Tab Rotane 75 mg      Sig: 1 tab twice daily X 15 days.
- \* Rest X 6 weeks.
- \* Review at N/S OPD after 6 weeks on any Monday or Wednesday.

DISCHARGE SUMMARY PREPARED BY # DR. BRAJEN SHARMA MBBS, JUNIOR RESIDENT  
(NEUROSURGERY).

DR. ANUP CHAKRABARTY, MS. MCh.  
CHIEF CONSULTANT, NEUROSURGEON.

7/21

DR. NAKHIL BARUA, MS. MCh.  
CONSULTANT, NEUROSURGEON.

10/10/12

Note: 1. Please quote the hospital Registration No. & MRD No. For all future correspondence.  
2. To avoid inconvenience please come for check-up with prior appointment.

15/1/13

2. Tab Eptoin 100 mg  
Sig: 1 tab thrice daily to continue

Tab Amlodac 5 mg  
Sig: 1 tab twice daily to continue

Connect Physician at Rly Hospital  
for check-up at 1 month

3

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U. S. National Museum

THE UNIVERSITY OF CHICAGO  
 1100 S. EAST ASIAN BLVD.  
 CHICAGO, ILL. 60607

Page, 212: 100

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**SECRET / PROPAGANDA**

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ॐ श्री गुरुभ्यो नमः । Relationship to employee if dependent

State and the Occupation if any of Dependents.

नाम (Name) : \_\_\_\_\_ Designation of Ecologists and geographers

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पेता ५/१०५

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37  
S. N. Neog  
Date: 10/10/2019  
Page: 1 of 1

Medical department  
Prescription Memo

5290  
Signature/Stamp  
Date/Time

Name of Employee/Department: S. N. Neog  
Age: 45 Sex: M  
Relation to employee if dependent: -  
Occupation of Employee: -  
Address (Res): -  
Date of Admission: 10/10/2019  
Diagnosis: -

Remarks, Notes and Treatment		Signature/Initial



4120 10 20/R B MFD/P 6  
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Info to: Train/Medical department

नुस्खा पर्ची/Prescription Memo

हस्पताल/Hospital  
दवाखाना/Dispensary

क्रमांक ०/S. No.

कर्मचारी का नाम और विभाग/Name of employee and Department

84/ Apr.

first sex

and a net of 10% to 15% of the employee's salary if dependent

6. Name of the person on whom the dependent is dependent: \_\_\_\_\_  
 7. Occupation of dependent: \_\_\_\_\_

कार्गिलारी का पदनाम और Designation of Employee and department

पता निवास स्थान / Address (Res)

धेनन/Pay ..... ता०/Date ..... दाखिल/Admission .....

**निदान/Diagnosis.**

তারিখ/Date	বিবরণী of symptoms and Treatment	তারিখ/Date
27/10/07	<p>১৫: ২২০  <math>\frac{220}{110}</math></p> <p>✓</p> <p>১০০%</p>	<p>১৫: ২২০  <math>\frac{220}{110}</math></p> <p>১০০%</p>



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दिनांक / Date	विषय / Topic	नोट्स / Notes
	कृ ② Mr. N. K. Sharma B. Kannur Amalwadi Chennai	20

*[Signature]*

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कर्मचारी का नाम और निवासस्थान Employee and Department

CH/AD ..... 6/1/97

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आविष्कार प्राप्त/आविष्कार नही

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107

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नं./दिनांक/Date	विषय (Topic) / Notes and Treatment	आचार्य/Initial
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To,  
The Chief Passenger Transportation Manager,  
N.F.Railway,  
Maligaon.

Sir,

Sub: Prayer for retention at HQrs on promotion at Maligaon.

With due respect and humble submission I beg to lay before you the following few lines for your kind consideration and necessary sympathetic action please.

That sir, I am working as TI in NR Cell under your kind control since last two years. Now I have been ordered to carry out transfer order to Lumding Division on promotion vide **GM/P's letter No. E/254/76 Pt.VII(P)** dated **28.1.2002**.

That sir, I have rendered about 38 years of service to this Railway in various categories and in various places of all the four divisions with best satisfaction to the administration. Now I am in verge of retirement.

That sir, I am very sorry to inform you that due to my ill fate I have undergone a major brain operation on 20.12.2000 in GNRC, Guwahati, as I am a patient of high blood pressure and Subdural Himatoma. As per doctor's advice I have to stay near by the hospital where this type of treatment can be done.

Under the circumstances mentioned above I would like to request your honour to kindly issue necessary order to retain me on promotion at HQrs considering the fact that I am in the verge of retirement and the senior most TI in the panel for which act of kindness I shall be ever grateful to you.

Thanking you, Sir,

Yours faithfully,

S. N. Neog  
(S.N.Neog)

TI/NR Cell/COM's office,  
N.F.Rly, Maligaon

To,  
The Chief Operations Manager (P)  
N.F. Railway,  
Guwahati-781011

Sir,

Sub: Surrendering of promotion

With due respect I like to lay before you the following few lines for your kind consideration and necessary action please.

That sir, I have been ordered to carry out transfer order to Lumding Division on promotion vide GM/P's letter No. E/254/76/ Pt. VII(P) dated 28.01.2002. But, now I am not in a position to carry out my promotion order due to my illness. Moreover, as I am a neurological patient I am unable to leave a place like Guwahati where the treatment of patient like me is available.

For the above reason I am very sorry to inform you that I am surrendering the promotion order given by your honour though this may be a great loss to my service life

This is for your kind information please.

Yours faithfully,

Surendra Nath Neog  
(Surendra Nath Neog) 6/2 J  
2/22

সুন্দর নাথ নেগ (পরিচালক)  
প. দ. রেল. মালিয়ারি  
Chief Office Supdt (Operating)  
N. F. Railway. Guwahati

14

46

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

IN THE MATTER OF :

O.A. No. 50 of 2002

Sri Surendra Nath Neog

... Applicant.

Union of India & Ors.

... Respondents.

IN THE MATTER OF :

Written Statement for and on behalf of  
respondents.

The respondents most respectfully beg to submit as  
under :-

1. That the respondents have gone through the copy of the application submitted by the applicant and have understood the contents of the same.
2. That the applicant has got no valid cause of action for filing the present application.
3. That, the applicant has got no right for filing the present application.

Contd.....2

47  
JRM  
Chief Personnel Officer (A)  
M. P. R. / M. P. R.  
Gandhinagar-15

4. That, the present case is a case of transfer of the applicant from Maligaon to Lunding on promotion in higher grade and post in pay scale Rs. 7450 - 11,500/- after he has been empanelled for the post and no service conditions and prospects or his pay benefit etc. have been affected. The present application is not maintainable in its present form.

5. That, the present application is vexatious one and as such not entertainable.

6. That, the present transfer has been ordered on administrative interest and his action in not carrying out administrative order is not only in the nature of flouting the valid transfer order but also is in the nature of creation of hurdle in the normal functioning and smooth running of the Government establishment.

7. That, except those averments of the applicant which are borne on records or are specifically admitted here-under, all other averments/allegations of the applicant are denied herewith.

8. That, the answering respondents has been advised to confine their replies only on those points or allegations which have got direct bearing for a proper decision in the case. The other allegations are also denied herewith.

9. That, transfer is one of the incidence of service. As a Government employee the applicant should have moved and carried out the office order and he had ample scope to

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188  
A. V. P. M. / ...  
October-13

ventilate his grievances for proper consideration and redressal of same if his cause is found genuine and such retention is possible and on work interest and cadre position. But he has not carried out the office order and instead filed the present O.A..

The present application (O.A.) is thus pre-nature and liable to be dismissed.

10. That, with regard to averments at paragraphs 4.1 to 4.3 of the application it is submitted that the respondents admit all those statements which are only borne on records and also those which are specifically admitted herein below and for the rest the applicant is put to strictest proof thereof. It is also stated that by the present transfer to Lunding on promotion none of the Constitutional provisions have been violated not to speak of the rules framed by the Government/Railway Board. Lunding is within the state of Assam and all facilities like medical and educational etc. are already available there in the Lunding Division of the N.F. Railway and there has not been malafide or any other intention behind the transfer, which has been made on his due empanelment and on his turn. Hence, there is no irregularity/illegality in issuing the transfer order to fill up the vacant post there at Lunding.

11. That, the averments made at paragraph 4.4 of the application is admitted. It is submitted that the transfer of the applicant on promotion to Lunding was ordered by the Competent Authority and the order was issued from General Manager(P)/N.F. Railway, Maligaon's Office under Office



Office Order No.E/254/76/Pt.VII(T) dated 28.01.2002 as will reveal from the Order itself and question of signing such order for General Manager(P) by any of the authorised official is immaterial and has little to do with the validity etc. of the order which has been issued on the Authority of the Competent Authority's approval.

12. That, with regard to averments at paragraphs 4.5, 4.6 and 4.7 of the application it is stated <sup>these</sup> these are his personal matters and have got no relation with the impugned Office Order in question. However, it is submitted that there is medical facility and a full pledged Railway Hospital also at Lunding which covers the entire field of medical care to Railway men stationed at Lunding/Lunding Division and all necessary arrangements for treatment of the Railway staff and their family members are made by the Hospital Authority and Railway Administration as are done with other Railway officials posted there whenever need arises. Moreover, the Central Hospital, Maligaon is located within 4 hours reach from Lunding in case of emergency.

It is also to mention here-in that the service of the applicant is needed at Lunding for operations/safety reason etc. and vice vacancy of the post. The Lunding Division covers the Guwahati area also.

In view of above, the pleas advanced by the applicant were found to be not tenable and acceptable and his plea for his posting/retention at Maligaon could not be acceded to. The applicant has already passed more than 12 years at this particular station at Maligaon (i.e. more than a decade) and no

and no post exists to accommodate him. Besides, work at Lunding is suffering for want of T.I. in scale Rs. 7,450 - 11,500/-.

As regards the disposal of his appeal/representation dated 1.2.2002 it is stated that from the own admission/averm-ent of the applicant at paragraph 4.7 of the application it is well evident that the applicant is well aware about the consideration made by the competent authorities i.e. by the Chief Passenger Transportation Manager, Maligaon, on his representation dated 1.2.2002 and that the departmental Chief i.e. Chief Passenger Transportation Manager could not agree to his request/pleas forwarded by him and has passed orders to that effect rejecting his contention/request.

13. That, with regard to averments at paragraph 4.8 and 4.9 of the application, it is to submit that nothing are admitted except these which are borne on records or are admitted specifically here under. It is stated that the letter of the applicant about refusal of promotion as submitted by the applicant is under consideration since after issue of his promotion order consequent adjustment of staff in different categories had to be made and for retention of the applicant at Maligaon or in some other places in his former post and scale, fresh review of staff arrangement is to be made and staff/ vacancy position is to be analysed and finalised. The appli- cant's statement that there is no medical facilities available at Lunding is not correct. As submitted in foregoing paragraphs of the Written Statement there is full fledged Hospital facili- ties available at Lunding, and, Guwahati is within the reach of 6-7 hours by train journey from Lunding. Nothing can be commented about his personal matters.

51  
381  
Joint Personnel Office  
A. P. Rly. / Maligaon  
Guwahati

14. That, as regards the averments/allegation made at paragraph 4.10 of the application it is to submit that the applicant Sri Heeg is the senior most staff in the panel of Traffic Inspector in Grade B.7, 450 - 11,500/- and his posting order at Lunding has been done against permanent vacancy under Lunding Division. He has also completed about 13 years service at Maligaon at a stretch. Being senior and experienced hand his services is highly needed at Lunding Division considering safety aspect etc. attached to this post. As regards his allegations about Sri Anab Chakraborty's posting/promotion in COM/Maligaon office it is stated that Sri A. Chakraborty, TI joined in September, 1990 as TI in C.O.M. Office, Maligaon and has been working as incharge of Movement of all Military and Para-Military forces from North-east and he is the only capable inspector presently available in Head quarter office at Maligaon to handle effectively such movements etc. in this strategic portion of the N.F. Railway and taking into consideration all these aspects Sri Chakraborty had been promoted with posting at Maligaon and that too by way of transfer of a temporary post from Alipurduar Junction Division for one year as is well evident from Annexure-I to the application also and as such no discrimination etc. has been made in regard to posting etc. and all actions have been taken in consideration of work need and public interest.

15. That, with regard to averments made at paragraph 4.11 of the application, it is submitted that the allegations to the effect that the representations/requests of the applicant were not considered and that there has been apathetic attitude of the respondents etc., are quite uncalled for and baseless and hence these are emphatically denied herewith in view of the submission of detailed factual position of the case in the foregoing paragraphs of the Written Statement.

It is also to submit herein that the post of Traffic Inspector is a Head quarter Controlled post and staff are promoted against higher grade by taking up together the vacancies of other divisions as well. There was one vacancy of T.I. in scale Rs.7,450 - 11,500/- available at Lunding against which Sri Neog was ordered to be posted on promotion. There was no apathetic attitude in issuing such transfer order on promotion, as the T.I. post is an important safety category post and the vacancy of such post cannot be kept unfilled for long particularly, in the case of a division.

*A statement showing the grade-wise vacancy position and staff on roll in the Maligaon Railway HQ. office and in 4 Divisions is annexed hereto as Annexure I for ready perusal.*

16. That, the averments made at paragraph 4.12 of the application relates to personal matters of the applicant and no comment can be offered for want of knowledge.

17. That, with regard to grounds as stated in paragraph 5 and relief claimed at paragraphs 8 and 9 of the application it is submitted that in view of what have been submitted in the foregoing paragraphs of the written statement, none of the grounds etc. as put forward by the applicant are sustainable and the relief as prayed for in paragraphs 8 and 9 of the application are also not admissible in view of the fact of the case.

It is reiterated that :

(a) the order of transfer on promotion was done in public interest and in exigency of service on administrative ground.

(b) The transfer order is quite legal, valid and proper and there has been no illegality as it

does not constitute as penalty under any of the service rule in Railways and involves no civil consequences.

(c) It is not a correct representation that the transfer order has been passed by an official i.e. by the Assistant Personnel(R) for General Manager(P). Rather, as submitted herein before, the order of transfer was passed by the competent official and not by APO i.e. Asstt. Personnel Officer for General Manager(P) as alleged.

(d) There is no question or cause for setting aside/ or quashing the order No.E/245/76/Pt.VII(T) dated 28.1.2002 and permitting/allowing the applicant to function as Traffic Inspector with benefit of promotion at pay scale Rs.7,450 - 11,500/- in the office of the Chief Operations Manager, Head quarter, N.F. Railway, Maligaon (in brief COM/Maligaon), till his superannuation etc. as desired/prayed by him since

(i) there is no error in law and on facts in the case.

(ii) Railways are public utility service and in the larger interest of smooth functioning of this organisation the authorities on whom the responsibility for running this organisation smoothly has been entrusted, had to take ~~xxx~~ certain steps which are decided in work interest and

57  
381  
M. P. Personnel Officer (A)  
A. S. P. (Personnel)  
C. S. P. (Personnel)

54  
M. P. M. / Maligaon.  
G. P. M. / Maligaon.  
G. P. M. / Maligaon.

- (iii) the orders of transfer on promotion as passed, cannot be said to be mala fide, arbitrary etc. as alleged by the applicant. His transfer was bona fide. His posting was done vice existing vacancy against which he was empanelled for promotion as there was no vacancy in the Head quarter office at Maligaon.
- (iv) he was transferred on promotion after considering the exigencies of service on administrative ground and on panel position for which post he appeared in the selection. Divisional Safety posts cannot be kept vacant for long duration.
- (v) he has worked about 13 years service at a stretch at this place i.e. Maligaon and he is due for promotion consequent on his empanelment for the higher scale post.
- (vi) since Lundings post is a Safety category post it cannot be kept vacant for long period and as his posting at Lundings has been made on public interest, it would <sup>be</sup> against the public interest to keep the Lundings post unfilled on the plea of representation etc. of the staff. The order of transfer should be carried out on public interest, and it is not desirable to delay it on plea of further consideration of his case for retention at Maligaon or any other place/post in future.

5  
28/11/02  
Chief Personnel Officer (A)  
S. P. D. / Maligaon  
18/11/02

(vii) as said in foregoing paragraph Sri Chakraborty's posting was done in public interest considering the importance of the work and capability of the staff and that too against a temporary varied post from Alipurduar Junction post/ as no post/vacancy was available at Maligaon to provide/post him.

(viii) the transfer/posting has been made within Assam and no violation etc. to any rule/ Railway Board's order has been made in posting him at Lunding.

(ix) As seen from the verification portion of the application, he is only 57 years on Feb' 2002 and is still to serve for considerable period.

18. That, the answering respondents crave leave of the Hon'ble Tribunal <sup>to</sup> permit them to file additional Written Statement in future, in case the same is found to be necessary for the ends of Justice.

19. That, under the facts and circumstances of the case as stated above, the instant application is not maintainable and same is also liable to be dismissed.

Verification .....

VERIFICATION

I, Jai Shankar Prasad Singh son of  
Shri Raghubansh Narayan Singh aged about 46 years,  
by occupation, service, at present working as Chief Personnel  
officer (Admin.) N.F. Rly, Maligaon  
of the N.F. Railway Administration, do  
hereby solemnly affirm and state that the statements made  
at paragraphs 1 and 8 are  
true to my knowledge and those made at paragraphs 10, 11,  
12, 13 and 14 are true to my information as gathered  
from records which I believe to be true and the rest are  
my humble submissions before the Hon'ble Tribunal.

✓

usl

NORTHEAST FRONTIER RAILWAY ADMINISTRATION  
FOR AND ON BEHALF OF UNION OF INDIA.

Chief Personnel Officer  
N. F. Rly. Maligaon. (A)  
Dated: 18



*Sanctioned*

GRADEWISE POSITION OF T.I. ARE WORKING AS UNDER :

<u>Category</u>	<u>Scale</u>	<u>Unit</u>	<u>BOS</u>	<u>On Roll</u>
TI	7450-11500/-	HQ	<u>6</u>	<u>8</u>
	-do-	KIR	4	5 (one long sick)
	-do-	APDJ	5	3
	-do-	IMG	<u>5</u>	<u>1</u>
	-do-	TSK	<u>3</u>	<u>3</u>
			23	20
TI	6500-10500/-	HQ	<u>7</u>	<u>8</u> (Two on CVI)
		KIR	4	1 (operated grade IV)
		APDJ	4	3 (operated at grade <sup>IV</sup> V)
		IMG	<u>3</u>	<u>1</u> (operated at grade <sup>IV</sup> VI)
		TSK	<u>1</u>	<u>2</u>
			19	15
TI	5500-9000/-	HQ	2	2
		KIR	2	2
		APDJ	2	2
		IMG	1	3
		TSK	<u>3</u>	<u>NIL</u>
			10	9
T I	5000-8000/-	HQ	3	1
		KIR	2	3
		APDJ	1	4 (2 against higher <sup>post</sup> and 2 against post of IMG)
		IMG	3	2 (one post transf. to APDJ)
		TSK	<u>1</u>	<u>2</u>
			10	11

*case for posting*  
Two ~~cases~~ positions in grade 7450-11500/- issued against IMG but candidates did not turn up. Upper grade vacancies arisen due to death of staff of IMG Division retired voluntarily etc.

In the Central Administrative Tribunal ::::: Guwahati.

OA NO. 50/2002

Sri Surendra Nath Neog .... Applicant

- Vs -

Union of India & Ors. .... Respondents.

- And -

In the matter of :

A rejoinder filed on behalf of the  
application against the written  
statement filed by the respondents.

The applicant above named begs to  
states as follows :-

1. That all the ~~arguments~~ and submissions made in the written statement (herein after referred as a counter) has been denied by the applicant save what has been specifically admitted herein and what appears in record of the case.
2. That the applicant denies the correctness of the statements made in paragraphs 2 and 3 of the counter and reiterates and reaffirms the facts that he has every reasons to believe that he has put forward a valid cause of action for adjudication before the Hon'ble Tribunal as because according to the provisions of clauses 4.2 (i) of M.C. No. 24 No. 105 G/2/24 (MS) (C) 'B' dtd. 15.2.95 issued by the Chief Personnel Officer, N.F. Rly, Maligaon, Guwahati the Junior most employee should be transferred first. Whereas in the instant case even though the respondent No. 5 is

contd....2..

58  
Sri Surendra Nath Neog

Filed by -  
D. Surendra Neog  
Attorney

7.02

Junior to the petitioner in the cadre of Traffic Inspector is apparent from Zonal Seniority List of Traffic Inspector Circular vide letter No. E/255/119/Pt.V(T). dtd. 16.12.98 by the General Manager (P) N.F. Rly, Maligaon the respondent No.5 has been retained at Maligaon whereas the applicant has been sought to be transferred to Lunding in contravention of the professional norms governing transfer of Rly servants is violation of the law governing transfer of Govt. servant as laid down by the appexed Court.

Copies of the aforesaid circular dtd. 15.2.95 and seniority list dtd. 16.12.98 is enclosed herewith as Annexure 5 and 6 respectively.

3. That the applicant denies the correctness of the statements made in paragraphs 4, 5, 6 and 7 of the counter and reiterates the facts that though he has been sought to be transferred to Lunding on promotion which he has already given an undertaking to forgo, the respondent No.5 even though is Junior to the applicant has also been promoted and has been retained in the same station in violation of the law as well as the professional norms governing transfer as has been stated in the proceeding paragraphs.

4. That the applicant denies the correctness of the statements made in paragraphs 8, 9, 10, 11, 12 and 13 of the counter and reiterates and reaffirms the facts that he has been sought to be transferred in a mala fide manner as because

contd....3..

the relevant professional norms has been violated by the respondents No. 1, 2, 3, and 4 with all impunity in order to grant undue privileges to the respondent No. 5 who appears to be their blue eyed boy. In this connection it would be pertinent to mention that the applicant has been suffered severe brain haemorrhage as is <sup>is</sup> apparent from Annexure - 2 of OA No. 50/2002 and had undergone prolonged treatment at the Guwahati Neurological Research Centre. Even though there is a fly hospital of sorts at Luming the standard of treatment available there leaves a lot to be desired and is ill-equipped to render the kind of medical assistance required by the applicant. This is a relevant consideration which ought to have weighed in the mind of Respondent No. 3 while issuing the impugned transfer order dtd. 28.1.02. It is true that transfer is an incident of service and it is upto the administration to decide whom to transfer where but when a transfer order is issued in a mala fide manner in violation of professional norms governing such transfer the applicant has every reason to feel aggrieved more particularly when <sup>he expressed</sup> his representation dtd. 1.2.02, his willingness to surrender promotion conveyed by him to the respondents via letter dtd. 6.2.02, has been turned down by passing a non-speaking order.

5. That the applicant denies the correctness of the statements made in paragraphs 14, 15, 16 and 17 of the counter and reiterates and reaffirms the facts that the impugned order of transfer dtd. 28.1.02 has been issued in a mala fide manner and is violation of professional norms governing such

contd...4\*

transfer more particularly in view of the facts that the respondent No.5 who has also completed 13 years of service at Maligaon at a ~~xxxxxx~~ strich and is junior to the applicant has been retained at Maligaon on promotion by transferring a post for him from Alipurduar Division. In fact the discriminatory treatment meted out to the applicant is apparent in the face of the impugned order of transfer as because on the one hand the respondents has not hesitated to transfer the applicant who is senior to the Respondent No.5 even though he has suffered severe brain hammarage to Lumding where no adequate medical treatment is available. On the other hand they have retained the respondent No.5 on promotion at Maligaon by creating a post for him and a rather fantastic reason has been put forward to defence such arbitrary action of respondents authority, that the respondent No.5 is supposedly an expert in movement of military and para-military forces and in fact he is the only capable Inspector who can handle such kind of works. In this connection the applicant begs to state that if the respondent No.5 is so outstanding why has he not been awarded the certificate of merit by the Rly. authorities as is the standard practice in Rly. In fact the applicant is no less competent then the respondent No.5 as his service has been requisitioned by various Raibway Officers even since his posting at Maligaon as is apparent from various office order issued from time to time requisitioning the service of the applicant over and above the daily routine works done by him. Moreover the Railway authority awarded certificates of merit to the applicant on various times which is apparent from the copies inclosed herewith.

contd...5..

62

Copies of such order dtd. 24.2.93, 1.9.93, 27.9.94, 16.11.94, 4.7.95, 7.8.95 and 30.7.97, 10.11.01, are annexed as Annexure 7 series, and copies of the certificate of merit are annexed as Annexure 8 series respectively.

63 That under the facts and circumstance it is respectfully stated that ~~as~~ is apparent from what has been stated in the proceeding paragraphs since the empugned order of transfer dtd. 28.1.02 has been passed in a mala fide manner ignoring the profess norms governing such transfer to grant undue privileges to the respondent No.5, it is preeminently a fit case wherein the Hon'ble Tribunal would be pleased to set aside and quash the empugned transfer order dtd. 28.1.02 and direct the respondents to retain the applicant at Maligaon on promotion and for pass such ~~the~~ order or orders along with adquate cost.

contd...6..

Verification

I, Sri Surendra Nath Neog, aged about 57 years son of Late Buder Ram Neog resident of Central Motanagar Maligaon, in the district of Kamrup, Assam, do hereby solemnly affirm and verify that the statements made in para 1,2,3,4, & 5 are true to the best of my knowledge and information and the rest, are my humble submission before this Hon'ble Tribunal.

And I sign this verification in this        th  
day of July, 2002 at Guwahati.

Surendra Nath Neog

N. F. Railway

No. 195G/2/24(MS)(C) 'B'

Maligaon, dated, 15.2.95

To,

All Heads of Deptt.  
All DRMs,  
All Distt. & Asstt. Officers of  
Non-divisionalised Offices.

Genl. Secy./NFREU.

" " /NFRIU.

GS/AISCTREA/N. F. ZONE/Maligaon.  
Guwahati-11.

Sub :- Transfer of Group 'C' & Group 'D' Railway  
Servants - MASTER CIRCULAR.  
.....

A copy of MASTER CIRCULAR NO.24 on the above subject  
received under Rly.Board's letter No.E(NG)1/90/TR/46 dt.  
8.4.91 is forwarded herewith for necessary guidance please.

DA :- As above.

for CHIEF PERSONNEL OFFICER, MLG

( Copy of MASTER CIRCULAR NO.24/91 ).  
.....

Sub :- Transfers of Group 'C' & Group 'D' Railway  
Servants - Master Circular.  
.....

The instructions issued by the Railway Board from  
time to time on the subject of transfer of non-gazetted  
Railway servants are contained in several letters. It has now  
been decided by the Railway Board, to issue a consolidated  
Master Circular, as below, incorporating all the instructions  
issued so far on the subject for the information and guidance  
of all concerned.

2. Transfer means the movement of a Railway servant  
from one headquarter station in which he is employed, to  
another such station, either.

- (i) to take up the duties of a new post; or
- (ii) in consequence of a change of his headquarter.

(Ref : Rule 103(51) - Indian Railway Establishment  
Code Vol.I 1985).

contd..2..



3. Transfer may be ordered either on a temporary basis or on a basis otherwise than temporary.

3.1. Wherever the transfer of a Railway servant is temporary, the same should be mentioned in the transfer order.

4. Transfers otherwise than on temporary basis, are necessitated by administrative requirements or occasioned by consideration of requests received from the Railway Servants. Transfer is not a punishment.

4.1. Transfer of a Railway servant, ordered as a result of his promotion should be carried out by the employee as early as possible in his own interest.

4.2. (i) Whenever any <sup>Curtailment</sup> ~~curt~~ ~~leant~~ in a cadre takes place and Railway servant have to be transferred, as a general rule the Junior most employee should be transferred first.

(Ref: Board's letter NoE(NG)/66/TR2/20 dt.27.7.66).

(ii) If there is closure of activity on a particular station on a Railway like closing down a shed or a particular establishment necessitating transfer of Railway servants enmasse, the matter should be discussed with the Labour, to help in proper arrangements being made for dealing with the human problems that might arise in such cases.

(Ref: Board's letter No.E(NG)II/77/TR/21 dt.10.6.77)

4.3. (i) Railway servants holding sensitive posts and who came into contact with public or/and contractors/suppliers etc., should be transferred out of their existing post/seat or station as the case may be, after every four years.

(ii) Posts in the different departments which have been identified as sensitive posts for the purpose of periodical transfer are as follows :

A. Accounts Department to :

1. Staff passing contractors/Firms' bills.
2. Staff dealing with claims/refund and wharfage/Remurrage for general public;
3. Cheque writers;
4. Cashiers;
5. Staff dealing with Pension/PF claims;
6. Staff dealing with Passes/release of unpaid wages; and
7. Staff dealing with post audit of paid vouchers and issue of acquittance.

contd...3..

N.F. Railway

Zonal Seniority list of TI in Scale Rs. 6500 - 10500/- of  
N.F. Railway as on 1.4.98.

SN	Name	Divn.	Date of Birth	Date of Appst.	Date of promotion.	SC/ST
1.	Sri K.N.Chakraborty	APDJ	27.2.52	6.1.88	12.12.98	-
2.	" Ajoy Banik	HQ	30.1.61	11.6.87	1.3.93	-
3.	" A.K. Das	HQ	9.1.57	11.6.87	1.3.93	-
4.	" C.K.Choudhury	KIR	11.5.54	11.6.76	1.3.93	-
5.	" D. Jha	KIR	2.6.44	27.4.65	1.3.93	-
6.	" A.K. Doley	TSK	1.7.53	12.7.77	1.3.93	ST
7.	" A.K. Roy	APDJ	1.4.52	12.12.77	1.3.93	SC
8.	" S.N. Neog	HQ	1.2.45	1.6.64	1.3.95	-
9.	" A.R. Mali	TSK	1.1.52	15.7.77	1.3.95	ST
10.	" A. Chakraborty	HQ	15.2.52	11.6.87	1.3.95	-
11.	" Hazari Prasad	KIR	17.7.42	1.8.62	1.3.95	-
12.	" D Kakati	HQ	1.2.84	17.5.90	11.1.96	SC
13.	" S.I. Ahmed	APDJ	28.11.48	2.8.63	11.1.96	-
14.	" N.G. Sarker	LMG	1.6.45	14.3.66	11.1.96	-
15.	" E. Hussain.	HQ	1.11.53	28.8.75	17.9.96	-
16.	" S. Pandey	KIR	1.1.43	7.6.62	17.9.96	-
17.	" S. Mandal	LMG	28.2.55	12.12.77	11.1.96	SC
18.	" R.K. Sarker	HQ	1.1.57	12.12.77	17.9.96	SC
19.	" T. Bahadur	APDJ	16.6.54	7.3.77	17.9.96	SC
20.	" A.C. Mahala	HQ	1.3.60	14.11.83	17.9.96	ST

for General Manager(P)/MLG.

No.E/255/119/Pt.V(7)

Maligaon, dated 16/17-12-98.

Copy for information and necessary action to :-

1. DRM(P)/KIR, APDJ, LMG, TSK ..... spare copies are sent herewith for staff concerned.
2. Sr. DOM/KIR, APDJ, LMG, DOM/TSK.
3. Dy.COM(C)/MLG ... spare copies are sent herewith for staff concerned.
4. Any representation against the seniority position shown in the seniority list should be submitted within 30 days.
5. NFRMU/MLB
6. NFREU/MLG.

for General Manager(P)/MLG.

Annexure - 7 Serie  
67

N.F. Railway

COM's Office,  
N. F. Rly/MLG.

No. T/Staff/DS/93.

Dated :  
24.2.93.

Shri S.N. Neog, TI/HQ and Shri A.C. Mahela,  
TI/HQ both of you are directed to report to ARMY/GRY  
immediately to assist him in some important works at  
his end.

This is as per verbal orders of COM and CFTM.

32/-

OFFICE SUPDT. (T)

Shri S.N. Neog, TI/HQ

Shri A.C. Mahela, TI/HQ.

COM's Office/Maligaon.

Office Order  
No.T/Staff/OS/93.

Dated: 1-9-93.

To  
Shri S.N.Neeg, TI/M/HQ,  
Maligaon.

As per instruction of Dy.COM/G/Maligaon  
you are hereby directed to proceed to NCC to  
assist ARM/GHY in connection with Broad Gauge  
conversion works, and report tomorrow positively.

for Chief Operations Manager.

Copy to ARM/Guwahati for information and necessary  
action please.

for Chief Operations Manager.

OFFICE SUPERINTENDENT  
COM'S OFFICE

...  
To Mr. ...  
N.E. ...

- 12 -  
N.F. RAILWAY

69  
OFFICE OF THE  
CHIEF OPERATIONS MANAGER  
MALIGAON

OFFICE ORDER

No. T/Staff/OS/CPTS./94.

Guwahati-781011, dated 27.9.94

To

Shri S.N. Neog,  
TI/Movt./HQ.

As per instruction of CFTM, you are hereby directed to proceed to NGC to assist Sr. ARM/GHY in connection with BG Marshalling yard work at NGC for a period of one month.

please report to Sr. ARM/GHY for further duty.

*Del 27.9.94*  
for CHIEF OPERATIONS MANAGER

Copy to Sr. ARM/GHY for information and necessary action please.

for CHIEF OPERATIONS MANAGER

N.F. Railway

Office of the  
Senior ARM/GHY's

No. E/AD/GHY/Staff

Date : 16.11.94

To,  
Shri S.N. Neog,  
TI/Movt/HQ,  
Guwahati.

Sub :- Sparing

Ref :- Your Officer Order No.T/Staff/OS/  
OPTS/94 dtd. 27.9.94.

As Shri R.K. Hazarika has joined as TI/GHY on 15/11/94 vide Sr. DOM/LMG's Office order No.T/134/O/LMG dt. 11.11.94. You are humbly spared from this office on the A.N. of date and directed to report to your H.Q. at Maligaon under COM/MLG.

Please report to COM/MLG for further duty.

Sd/-

DOM/GHY.  
for Sr. ARM/GHY.

Copy to :-

COM/Maligaon for information and necessary action please.

Sd/-

DOM/GHY.  
for Sr. ARM/GHY.

- 14 -  
T.F. Railway

No. T/OS/CI 10/95

Dated: 4/7/95

To  
Shri S.N. Neog,  
TI/Love/HQ/LG

You are hereby spared from this office on date to work under ARM/GHY at NWC complex as desired by Dy.COM/G. You should report to ARM/GHY immediately for further duty for a period of ~~one month~~ fifteen days.

*[Signature]*  
for Chief Operations Manager

Copy to: 1) ARM/GHY  
2) Dy.COM/G

for information please.

for Chief Operations Manager

15  
N.F. Railway

No. T/OS/OPTG/95

72  
Dated: 7/8/95

To  
Shri S.N. Neog,  
TI/Move/HQ/MLG.

You are hereby spared from this office on date to work under ARM/GHY at NGC complex as desired by Dy.COM/G. You should report to ARM/GHY immediately for further duty for a period of fifteen days.

*M 7/8/95*  
for Chief Operations Manager

Copy to: 1) ARM/GHY

2) Dy.COM/G

for information please.

for Chief Operations Manager



- 16 -

73

N.F. Railway

Office of the  
Chief Operations Manager,  
Maligaon.

No. \_\_\_\_\_

Dt. 30.7.97.

To,  
The Officer's Incharge,  
Rail Nivash  
New Delhi.

I am directing TI. Sri S.N. Neog in connection  
with urgent Official Work at Rly. Board and Northern Rly  
Borada House.

Kindly arrange accomodation of Sri Neog in  
Domatory at - Rail Nivash - New Delhi from 1.8.97 to  
4.8.97.

sd/-

for Chief Passenger Transportation,  
Manager - N.F. Rly. Maligaon.

SRI PANKAJ MALVIYA  
C.O.M

Office of the  
Chief Operations Manager  
Maligaon, Guwahati-11.

D.O. No. T/OS/Staff/2001

Dated the 10<sup>th</sup> Sept/2001

My dear Thanga,

Sub:- Posting of Operating staff in N.R. Cell.

Ref: Your D.O. Letter No. C/357/N.R Cell/Policy/98  
dt. 13.08.2001.

In reference to your above D.O. letter, it is to inform you that all the Divisional and HQr N.R. Cells have been provided with Operating staff as per details given below :-

- |                   |                                     |
|-------------------|-------------------------------------|
| 1. KIR Division - | Shri Nandeshwar Prasad, TNC.        |
| 2. APDJ Division- | Shri Manabendra Paul, Asstt. Guard. |
| 3. LMG Division - | Shri A.K. Dey, CTNC.                |
| 4. TSK Division-  | Shri Kunal Ghosh, Sr. TNC           |
| 5. <u>HQ.</u> -   | <u>Shri S.N. Neog, TI.</u>          |

With regards.

Yours sincerely,

  
(Pankaj Malviya)

Shri R.K. Thanga  
CCO/N.F.RLY/MLG

Annexure - 8 series

- 18 -

# NORTHEAST FRONTIER RAILWAY



RAILWAY WEEK — 1980

## CERTIFICATE OF MERIT



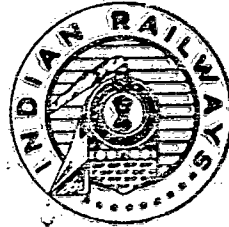
Awarded to Shri Surendra Nath Neog  
Assistant Yard Master, Tinsukia Goods  
for meritorious performance during the year

  
(A. G. Chatterjee)

DIVISIONAL SUPERINTENDENT  
DIVISIONAL RAILWAY MANAGER

TINSUKIA

16 - 4 - 1981



# NORTHEAST FRONTIER RAILWAY

Railway Week 1985

## CERTIFICATE OF MERIT

Awarded to Shri Surendra Nath, Neog Asstt. Yard Master / Tinsukia Goods  
for meritorious performance for the year 1984-85

*R. Kumar*  
10.4.85

**RAJ. KUMAR**  
**DIVISIONAL RAILWAY MANAGER**  
**N. F. RAILWAY**  
Tinsukia

16. 4. 1985

N.F. RAILWAY  
M E M O R A N D U M

Sub : Men of the month award.

Ref : Railway Board's Letter No.35/PE/16/  
Misc. (iii), dated 22.11.85 received  
under C.P.O. R.O/Maligaon's No.D/2/30  
VII, dated 10.1.86.

---

D.R.M./TSK has pleased to declare Shri S.N. Neog,  
A.Y.N./TSKG as 'Man of the Division' for the month of February,  
86 for the following activities :-

"Shri S.N. Neog, A.Y.M/Tinsukia Goods has been deputed to supervise placement, withdrawal and clearance of SLGR-MRHT and SLGR-NOM branch lines and main line stations from AGI to ROJ. He is selected by D.O.S/TSK as "Man of the month Award" for his special outstanding performances on 24.2.86. He took MRHT Shuttle from SLGR, called for 8-00 hrs., out 9-30 hrs., Loco No. 6125, Driver - Shri N.C. Chakraborty, Guard - Shri M. Ahmed. He did placement and withdrawal at MRHT and despite no arrangement of watering of Steam Engine between SLGR-MRHT of which distance is 53.61 K.M.s, he called for Fire Brigade and arranged watering at MRHT with the help of Fire Brigade. He left with the outward loads from MRHT at 13-00 hrs and arrived SLGR at 16.20 hrs. On arrival at SLGR on 24.2.86, he formed and cleared 71 loads by up M.T.C.D.H. and in the morning of 25.2.86 he worked as Guard by T.M.C. No. 18 as Guard claimed rest at SLGR and thereafter no Guard was available. His entire performance at SLGR area are considered as outstanding. "

As per Railway Board's letter under reference employees chosen as "Man of the division" is eligible for award of Rs.300/- in cash, hence Shri S.N. Neog is awarded Rs. 300/- in cash as award for "Man of the Division"(TSK Divn.) for the month of February, 86. Rax

Fund is available.

For DIVISIONAL RAILWAY MANAGER(P),  
N.F. RAILWAY, TINSUKIA.

No.E/236/Misc./V/Con. Tinsukia, dated: 27th February, 1986.

Copy to :- 1) Shri S.N. Neog, A.Y.M/TSKG(through C.Y.M/TSKG) -  
for information.

2) D.A.O/Lumding alongwith this office P.O.No.002087/  
52 dtd. 3.3.86 for Rs.300/- only in favour of Shri  
S.N.Neog, AYM/TSKG - for audit and payment through  
P.C./DBRT in presence and on identification of  
C.Y.M/TSKG. Man of the month Award is introduced on  
this division from the month of February/86 and  
hence a copy of Rly.Board's letter referred to above  
enclosed for the first time.

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Sd/-

3.3.86  
for DIVL. RAILWAY MANAGER(P)/TSK