

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 171/2002

R.A/C.P No.

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SECTION OFFICER (Judl.)

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 171/2002

Misc Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicants. Ratan Das

-Vs-

Respondant(s) H.O. I Joms

Advocate for the Appellant(s) G.K. Bhattacharjee

B. Chandling

Advocate for the Respondant(s) C.A.S.C., B.K. Sharma Railway  
Standing Counsel.

Notes of the Registry	Date	Order of the Tribunal
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This is application in form C. F. for Rs. 50/- disposed vide 1P7/BY 12.5.74.895 Dated .... 27.5.2002 By Registrar	28.5.02	
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Heard Mr. G.K. Bhattacharjee,  
learned counsel for the applicant.

Issue notice to show cause as  
to why the application shall not be  
admitted. Returnable by two weeks.

Mr. S. Sarma, learned counsel  
appearing on behalf of the Railway  
standing counsel, accepts notice.

List on 11.6.2002 for admission.  
Endeavour shall be made to dispose  
of the same at the admission stage.

  
Vice-Chairman

Notice & order dtd. 28/5/02  
received by Mr. S. Sarma,  
Adv. on 31/5/02 for Ratan Das  
No. 183.

Steps and orders  
received

Usha Das  
Advocate  
31/5/02

mb

No. 183 has been  
filed

By  
10.6.02

(3)

11.6.02

Heard Mr. G.K. Bhattacharjee, learned Sr. counsel for the applicant. Mr. S. Sarma, learned counsel who has to obtain necessary instruction on the matter is not present today. List again on 17.6.2002 for admission.

No reply has been  
filed

By  
14.6.02

IC U Sharma  
Member

[Signature]  
Vice-Chairman

mb

17.6.02

On the prayer of learned counsel for the respondents the case is adjourned to enable them to file reply, if any.

List again on 23.7.2002 for admission.

IC U Sharma  
Member

[Signature]  
Vice-Chairman

mb

23.7.02

On the prayer of learned counsel for the Respondents, the case is adjourned to enable the Respondents to file reply, if any.

List on 21.8.2002 for admission.

No Reply has been  
filed

By  
20.8.02

[Signature]  
Vice-Chairman

mb






21.8.02

The respondents are yet to file written statement on a matter of promotion which is purely routine matter in engaging the applicant. According to the applicant the respondents announced the calendar of selection and viva-voce test as per Notification on 26.4.02 fixing the date of written test on 12.5.2002 and result was to be declared on 20.5.02. Applicant contended that the respondents are yet to adhere the calendar of selection and to

contd/-

(3)

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Notes of the Registry	Date	Order of the Tribunal
	21.8.02	<p>hold the examination. We granted the respondents time<sup>number</sup> of occasion for submitting written statement if any but the same was not done till now.</p> <p>The respondents are given two weeks time as a last chance for filing of reply if any, so that the matter be listed for order on 5.9.02 and on that<sup>day</sup> attempt should<sup>be</sup> taken to dispose the same.</p> <p>K. U. Sharma Member</p> <p> Vice-Chairman</p>
	lm 5.9.02	<p>List again on 30.9.2002 for admission so that the respondents may come with the positive instructions on the matter, else the matter shall be disposed at our length.</p> <p>K. U. Sharma Member</p> <p> Vice-Chairman</p>
<p>17-9.02</p> <p>W/S Submitted by the Respondent No. 1, 2 and 3.</p> <p></p>	mb 30.9.02	<p>Written statement has been filed by the respondents. List again on 11.10.02 for admission.</p> <p>K. U. Sharma Member</p> <p> Vice-Chairman</p>
	mb 11.10.2002	<p>Mr. B. Chaudhury, learned counsel for the applicant has prayed for time. List the matter after re-opening for admission or disposal. List on 11.11.2002.</p> <p>K. U. Sharma Member</p> <p> Vice-Chairman</p>
	bb	

Notes of the Registry

Date

Order of the Tribunal

11.11.02

pleadings are complete. The matter may now be listed for hearing on 9.12.2002.

*K. Ushara*  
Member

*[Signature]*  
Vice-Chairman

mb

12.11.02

9.12.02

None appears for the parties. List on 20.1.2003 for hearing.

*Rejoinder submitted by the applicant in reply to the O/s.*

*K. Ushara*  
Member

mb

20.1.2003

On the prayer of Mr. B.Choudhury, learned counsel for the applicant, the case is adjourned. List again on 27.1.2003 for hearing.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

27.1.2003

*Put upon 4/2/2003.*

4.2.2003

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

7.2.2003

*Copy of the Judgment has been sent to the office for issuing the same to the applicant as well as to the Rly. Counsel.*

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

nkM

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / XXX. No. 171 . . . . of 2002

DATE OF DECISION 4.2.2003  
.....

Shri Ratan Dey . . . . .APPLICANT(S).

Mr G.K. Bhattacharyya and Mr B. Chaudhury . . . . . ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

The Union of India and others . . . . .RESPONDENT(S).

Mr B.K. Sharma, Railway Counsel and  
Mr S. Sarma . . . . . ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE MR S.K. HAJRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes  
h
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? No  
h
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Vice-Chairman



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.171 of 2002

Date of decision: This the 4th day of February 2003

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

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

Shri Ratan Dey  
Q/No.642, D- Block,  
Upper Babu Patty,  
Kalibari Main Road.

.....Applicant

By Advocates Mr G.K. Bhattacharyya and  
Mr B. Chaudhury.

- versus -

1. The Union of India, represented by the  
General Manager,  
N.F. Railway,  
Maligaon, Guwahati.

2. The Divisional Railway Manager,  
N.F. Railway, Lumding,  
District- Nagaon.

3. The Senior Divisional  
Operations Manager,  
N.F. Railway, Lumding,  
District- Nagaon.

.....Respondents

By Advocates Mr B.K. Sharma, Railway Counsel  
and Mr S. Sarma.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue relates to promotion from the rank of  
Junior Clerk to Senior Clerk.

2. Admittedly, the applicant is the seniormost  
Junior Clerk under the respondents. According to the  
applicant he being senior he is entitled to the next  
higher grade of Senior Clerk, more so, when a vacancy  
arose due to the removal of Shri P. Vashum. The  
applicant also pointed out that another post of Head  
Clerk in Badarpur Area Office is lying vacant due to the

retirement of the incumbent.

3. The respondents placed before us the record indicating the vacancy position. The applicant can be considered for promotion against departmental promotion quota of 66.33%. The remaining posts are filled by direct recruit quota and Lower Division Clerk quota from the departmental graduate quota. The respondents pleaded that against the 66.33% of the departmental promotion quota, five posts are available, whereas the departmental promotees are seven as on today, who are in excess. Therefore, there is no scope for considering the case of the applicant against the promotional quota.

4. Mr S. Sarma, learned counsel appearing on behalf of the learned Standing Counsel for the Railways placed before us the record showing the number of vacancies. From the vacancy position, it appears that the applicant though seniormost cannot be considered for promotion against the vacancies earmarked for departmental promotion quota. Mr S. Sarma, however, submitted that there is a possibility of surfacing of some vacancies in the near future and in that event the case of the applicant shall be considered.


5. We have heard Mr B. Chaudhury, learned counsel for the applicant as well as Mr S. Sarma, learned counsel for the respondents at length. We have also perused the written statement where the respondents have stated that as and when the screening test is held due intimation to all eligible candidates will be given with prior notice. Mr B. Chaudhury, however, stated about the availability of some vacancies. But, on perusal of the records we find it difficult to uphold his contention.....

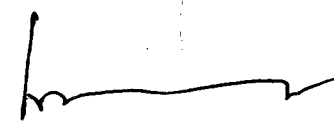


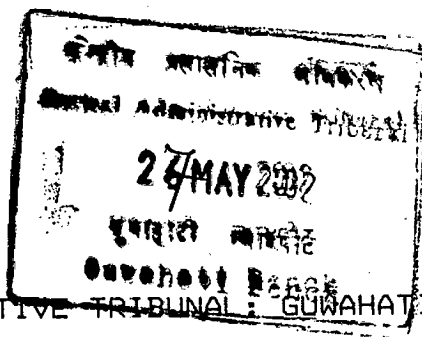
contention. The records placed before us does not support the assertion made by the learned counsel for the applicant as to the availability of vacancies.

6. In the set of circumstances we do not find any merit in this application. Accordingly the application stands dismissed. The dismissal of the application shall, however, not preclude the respondents from considering the case of the applicant in near future against available promotional vacancy in the slot reserved for departmental candidates.

No order as to costs.

  
( S. K. HAJRA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH:

GUWAHATI

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

O.A. NO. 171 OF 2002

Sri Ratan Dey

▪ Applicant

-Vs-

Union of India and others

▪ Respondents

I N D E X

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Filed by

*Bikram Choudhury*  
27.5.02  
(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. 171 OF 2002

1. Sri Ratan Dey,  
S/o Late Nikunja Bihari Dey,  
Q/No. 642, D- Block,  
Upper Babu Patty,  
Kalibari Main Road.

... Applicant

- Versus -

1. Union of India,  
Represented by the General  
Manager, N.F. Railway,  
Maligaon, Guwahati.
2. Divisional Railway Manager,  
N.F. Railway, Lumding,  
District- Nagaon.
3. The Senior Divisional  
Operations Manager, N.F.  
Railway, Lumding,  
District- Nagaon.

... Respondents

1/  
Shri Ratan Dey.  
Filed by the applicant  
through Bikram Choudhary  
Advocate  
27.5.02.

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

Action of the authorities in not considering the case of the applicant for promotion/ officiation to the rank of Sr. Clerk against one of the existing vacancy since 1999.

2. JURISDICTION OF THE HON'BLE TRIBUNAL :

The applicants declare that the subject matter of the orders against which he wants redressal is within the jurisdiction of this Tribunal.

3. LIMITATION :

That the applicants further declare 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 applicants has been working as a Junior Clerk in the scale of Rs. 3050-4590/- since 1994 in the office of the Respondent No. 3, Since the date of his joining the applicant has been carrying out his duties sincerely and to the satisfaction of all concerned. The applicant was also rewarded for outstanding work during the Railway Week at the Divisional Level during 1996-97. The applicant further states that at present he has rendered more than 7 years of service in the same post and as per existing

66/3/2  
33/1/2  
7 p.c.s.  
DPC

Reg.

instruction /norms the applicant is eligible for consideration to the next higher post of Senior Clerk.

2. That though the applicant has been serving as a Junior Clerk, under orders of the Asst. Operations Manager -- I, he has been given additional work loads with higher responsibility and engaged even after office hours and on holidays also and this has become a continuous process in view of the increased work load in the section. The Assistant Operations Manager-I, considering all this aspects by his office note dt. 18.7.2000, had recommended that the applicant be accommodated against one of the vacant posts of Sr. Clerk which has been lying vacant for a long period, but in spite of the aforesaid recommendation no action has been taken till date and the applicant have not been given the charge of officiation/ promotion.

A copy of the office note dated 18.7.2000 is annexed here with and marked as Annexure -I

3. That the applicant begs to state that the office of the Divisional Railway Manager (P), Lumding by order no E/39-25 (Gr-III)(T), dt. 19.9.01 circulated a provisional seniority list of Junior Clerk as on 1.4.2000 in which the name of the applicant appeared at serial no.1 and as such he is the seniormost Junior Clerk.

Reg

A copy of the provisional seniority list dt. 19.9.01 is annexed here with and marked as Annexure -II

① 4. That the applicant begs to state that at present there is one post of Senior Clerk lying vacant due to the removal from service of Sri P. Vashum who was unauthorisedly absent from 29.3.93 and was removed after holding a disciplinary proceeding. The applicant further states that another post of head Clerk in Badarpur Area Office is lying vacant from 31.12.2001 due to retirement of the incumbent and in this connection the applicant submitted several representations at various levels stating the above facts with the prayer for promotion/officiation to the rank of Sr. Clerk on that he be accommodated against one of the said two vacant posts, but till date there has been no response.

(2) Copies of the representations dated 2.6.98 and 3.8.2001 are annexed herewith and marked as Annexure-III and IV respectively.

5. That the applicant on 9.4.2002, submitted an appeal before the Respondent No.2, stating the above facts with the prayer that after perusal of the records he be allowed to officiate against one of the two vacant posts and further selection process be initiated to fill

up the posts in a regular manner, but again till date there has been no response whatsoever.

Copy of the appeal dated 9.4.2002 is annexed herewith and marked as Annexure --V.

6. That the applicant begs to state that after submitting the appeal the applicant has now come across got hold of the calendar of selection for suitability test for 2002, issued by the Divisional Railway Manager, (P), Lumding dt. 10.04.02 wherein it has been mentioned that the suitability test for Senior Clerk in the Operating dept will be held on 12.05.02 after formal notification on 26.04.02, but till date no such process has been initiated and the applicant apprehends that the matter will be further delays.

A copy of the calendar is annexed herewith and marked as Annexure --VI.

7. That the applicant begs to state that till date the authorities have not replied to his various representations and appeal dated 9.4.02 nor the process for holding the suitability test for senior clerk has been initiated and as such the applicant is convinced that no useful purpose will be served by waiting any longer and as such the applicant is approaching this Hon'ble Tribunal for adequate and just relief.

2004

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

I. For that the action of the authorities in denying the claim of the applicant for officiation as Senior Clerk since 1999 being the Seniormost Junior Clerk or for promotion is highly illegal, arbitrary and unusustainable in law and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief to the applicant.

II. For that the inspite of the recommendation made by the Assistant Operation Manager -- I for accommodating the applicant against one of the vacant posts of Sr. Clerk the action of the authorities in not doing the same is highly illegal and bad in law.

III. For that the action of the authorities in not initiating the process of suitability test for Sr. Clerk as indicated in the Calendar till date shows that the authorities has failed to exercise the jurisdiction vested in it and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief to the applicant.

Dee



- IV. For that, in any view, of the matter the impugned action of the authorities is bad in law and liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant had earlier filed several representations and appeal but there has been no response.

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

The applicants further declare that they have 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 a direction shall not be issued directing the respondents to allow the applicants to

Decy

officiate/ promote as Senior Clerk and after hearing the parties and perusing the cause shown, if any, be pleased to direct the authorities to allow the applicant to officiate/promote as Sr. Clerk or alternatively direct the authorities to hold the suitable test for senior clerk within a fixed period 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 applicants as in duty bound shall every pray.

9. INTERIM ORDER : NIL

10. DOES NOT ARISE:

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

- (i) I.P.O No. 761574895
- (ii) Date. 27.5.02
- (iii) Issued by Guwahati Post Office.
- (iv) Payable at Guwahati.

Ray

12. LIST OF ENCLOSURES :

As stated in the INDEX

Sr Clerk  
Tr Clerk

Deey

VERIFICATION

I, Shri Ratan Dey, Son of Late Nikunja Dey, aged about 43 years, Resident of Q. No. 642, D --Block, Upper Babu Patty, Kalibari Main Road, do hereby verify that the statements made in Paragraphs No. 1, 4, 5 and 7 are true to my personal knowledge and the statements made in paragraphs No. 2, 3 and 6 are believe to be true on legal advice and that I have not suppressed any material fact.

Place: GUWAHATI

Date: 27.5.02.

Shri Ratan Dey.  
Signature of the applicant.

Provisional seniority List as on 1-4-2000  
 Category:- Jr. Clerk in scale Rs. 3050-4590/-  
 Deptt:- Traffic Branch- Optg.  
 Classification of Post:- Divisional controlled.  
 Unit- Lunding Criterion- Length of non-fortuitous in the grade.

SN. No.	Name Design. & Station	Date of birth	Date of Apptt.	Whether SC/ST	Offg. or Corfdt.
1.	Shri Ratan Dey, Jr. Clerk/G under Sr.DCM/Lunding.	2-2-1958	9-3-84(Khal) 16-12-94(Clerk)	UR	Offg.
2.	Biswanath Dey, Jr. Clerk/G under Sr.DCM/LMG	10-1-1951	3-10-78(Peon) 14-3-96(Clerk)	UR	Offg.
3.	Miss Rakhi Roy, Jr. Clerk/G under AM/BPB	20/11/71	23-1-95(D/Khal) 24-4-98(Clerk)	SC	Offg.

N:B- Representation, if any against the seniority should be submitted within one month from the date of issue of the seniority list No representation will be entertained after the target date.

for Divil.Rly.Manager (P),  
 N.F.Rly. Lunding.

No.E/79-25(Gr.III)(T) Lunding, dtd: 18/06/2001

Copy forwarded for information and n/action to:-

- 1) Staff concerned thro:- Proper channel.
- 2) OS/Optg/LMG & BPB.
- 3) ~~Br. Secy.~~ Corl. Secy. NFRMU & NFEU/MIG with spare copies.
- 4) Br. Secy. NFEU & NFRMU/LMG with spare copies.
- 5) Secy. SC/ST Association/Lunding.
- 6) spare copy for P/case.

for Divil.Rly.Manager (P),  
 N.F.Rly. Lunding.

Attested by

*[Signature]*  
 Attested

To  
Sr. DOM/H.F. Rly.  
Lumding.

Subj:- Officiating as Sr. clerk(T).

Sir,  
With due veneration I beg to lay before you the following few lines for your kind & sympathetic orders please.

That Sir, Shri P. Vashum, Sr. clerk of this office is long unauthorised absent w.e.f. 29.3.93. As such one post of Sr. clerk is lying vacant since then.

That Sir, I being the Sr. most Jr. clerk of this office finding no light of promotion, approach your goodness to arrange for my promotion as Sr. clerk at the earliest for which act of your kindness, I, as duty bound, will ever pray.

Yours faithfully,

Ratan Day

Jr. Clerk,  
Sr. DOM's Office,  
Lumding.

Dt/- 2.6.93.

Attested by

*Chandrasekhar*  
ADVOCATE

To  
The Divisional Mgr. Manager,  
N. P. Railway/ Lunding.

(Through proper channel)

Sub:-Prayer for officiating/selection of  
Sr.clerk in Scale of Rs. 4500-7000/-

Sir,

With due veneration I beg to lay before you the following few lines for your kind & sympathetic consideration please.

That Sir, I am working in Sr.DOM/LMG's office as Clerk in Scale Rs.3000 - 4500/- since 1994 with the entire satisfaction of my Superiors.

That Sir, I am working here in darkness finding no light for promotion. However, one post of Sr.clerk is lying vacant for the removal of one Sr.clerk for long unauthorised absent from 23-3-93.

That Sir, with a hope to get promotion as Sr.clerk for the post, I applied for officiating. Accordingly Hon'ble Sr.DOM/LMG had given his order for the purpose. But sorry to inform you that no order has been issued from P/Branch till to-day. Moreover, proper justification for variation of one post of Sr.clerk from AM/MD's office has been given by Sr.DOM but no action has been initiated from P/Branch in this respect also.

That Sir, finding no other alternative than to crave your goodness to look into my case very sympathetically and necessary order may please be given so that a poor employee like me may be benefited by getting promotion as Sr.clerk, for which act of your kindness, I, as duty bound, will ever pray.

Dated Lunding  
The 03.8.2001

Yours faithfully,

Ratan Dey  
( Ratan Dey )  
Clerk under  
Sr.DOM/Lunding.

Copy to:- Sr.DOM & Sr.DPO/LMG for kind information Please.

Ratan Dey  
( Ratan Dey )

Attested by

*[Signature]*  
Advocate

*[Signature]*

3/8/01 (R/S)

3/8/01  
D M (R) W

- JS -      ANNEXURE - V

To  
The Divisional Railway Manager,  
N.F. Railway/Lumding.

Sub: Appeal for consideration for officiating/Selection  
to the rank of Sr. Clerk against one of the existing  
vacant posts in Scale Rs. 4500-7000/-.

Sir,

I would humbly like to place the following before your  
goodself for your kind consideration & necessary action so  
that I am not made to suffer and not deprived of Officiation/  
promotion otherwise due to me.

1. That I am working as a Junior Clerk in the Scale of  
Rs. 3050-4590/- since 1994 in the office of the Senior Divisional  
Operations Manager/Lumding. Since the date of my joining I  
have been carrying out my duties sincerely and to the satisfaction  
of all concern and infact, I was rewarded for my outstanding  
work during the Railway Week at the Divisional Level during  
1996-97. At present I have rendered more than 7 Years of service  
& I am eligible for consideration to the next higher post of  
Sr. Clerk.
2. That though I am serving as a Junior Clerk, under orders  
of the Asstt. Operations Manager-I. I was given additional  
work loads with higher responsibility and I am engaged even  
after office hours and on holidays also and this has become a  
continuous process in view of the increased work load in the  
section. Considering all this aspects the AOM-I had recommended  
by this Office Note dt: 18-7-2000 that I be accommodated  
against one of the vacant posts of Sr. Clerk which has been lying  
vacant for a long period till date, but unfortunately inspite  
of the aforesaid recommendations no action has been taken and  
I have not been given Officiation/Promotion as yet.
3. That the office of the DRM(P) by Order No. E/39-25 (Gr-III) (T),  
dt: 19.9.01 circulated a provisional seniority list of Jr. Clerk  
as on 1.4.2000 and in the said list my name has been shown at  
Serial No. 1 and as such I am the seniormost Jr. Clerk in the  
Office. Moreover, as stated above I have rendered more than 7 Yrs.  
of satisfactory service as a Jr. Clerk.
4. That I respectfully submit that at present there is one post  
of Sr. Clerk lying vacant due to the removal from service of  
Shri P. Vashum who was unauthorisedly absent from 29.3.93 and  
he was removed after holding a disciplinary proceeding. Another  
post of Head Clerk in Badarpur Area Office is lying vacant from  
from 31.12.2001 due to retirement of the incumbent and I can be  
easily accomodated against one of the said two vacant post.
5. That in this connection I had submitted various representatio  
at all levels and I had submitted a representation to your goodse  
on 3.8.2001 stating the above facts with the prayer that I be  
given promotion/Officiation to the rank of Sr. Clerk. but till  
date there has been no response and I am being made to suffer.

( Contd....P/2 ).

*[Signature]*



N.F. Railway.

DRM(O)/LMG's Office  
Dtd: 18/7/2000.

Office Note.  
No.T/Office Dist/LM.

Sub: Permanent variation of 1(one) post of Sr.Clerk existing at BPS since long lying vacant.

After thorough study it reveals that Shri Ratan Dey, Jr.Clerk under Sr.DOM/Lunding is over burdened with heavy work load. The setting up of punctuality headed by AOM/I has imposed additional work load which are enlisted below and Shri Dey is performing the works.

- (i). Punctuality.
- (ii). Detention to Passenger and Goods trains.
- (iii). DRMs MDO,
- (iv). Correspondence of train detention.
- (v). Sorting of Guards Journal and Vehicle Guidance.
- (vi). Maintenance of Goods/Passenger trains performance Register.
- (vii). Checking of Guards Mileage bills.
- (viii). Irregularities of preparation of Guards Journal and Statistical train report.
- (ix). Maintenance of Charge Sheet Register and Charges against defaulting staff.
- (x). Calculation of Control Chart.
- (xi). FATO record.
- (xii). Monthly Statement of late start of Passenger train.
- (xiii). Disciplinary action against staff for negligence in Transportation duties in connection with train running.
- (xiv). DAR ~~cases~~ cases and follow up action.

The above named Jr.Clerk was directed to work with higher responsibility also, I am engaging him after Office hours and on holidays and this has almost become a continuous process in view of the increased work loads of the Section.

In order to offer more responsibility and to avoid delay in working the post of Sr.Clerk which is lying vacant since long at BPS- Sub-division considered permanent variation to LMG. Hence, in the light of the above, it is suggested that such a situation can not continue for long and I request you to kindly arrange the above variation.

Sr.DOM & Sr.DFO may kindly give their consent and get concurrence of DAO for the permanent variation of the said post.

Submitted for kind approval please.

*[Signature]* 18/7/2000  
Asst.Operations Manager/I.

Sr.DOM. *[Signature]*

Sr.DFO.

Attested by

*[Signature]*  
Asst.Operations Manager/I.

I, therefore, pray before your goodself to kindly consider what is stated in above, call for the records and after perusal thereof direct that I be allowed to officiate against one of the said two posts and also direct that the selection process be initiated to fill up the posts in a regular manner. In this connection I would also like to humbly state that I could have been given the Officiating promotion a long time back and I have already suffered a huge loss being a low paid employee I do not have the necessary resources and it will be extremely difficult on my part to approach the Court of Law for getting the relief due to me.

Thanking you in anticipation.

Yours faithfully,

*Shri, Ratan Dey.*

( RATAN DEY )

Jr. Clerk under Sr. DOM/  
Lumding/N.F. Railway.

Dtd: Lumding,

9/4/2002.

Copy to:

1. Shri Vipin Nanda, General Manager/N.F. Railway/Maligaon: for kind information.
2. Shri P. Malviya, Chief Operations Manager/N.F. Railway/Maligaon: for kind information.
3. General Manager (Law)/N.F. Railway/Maligaon: for kind information.
4. Chief Personnel Officer/N.F. Railway/Maligaon: for kind information.

*Shri, Ratan Dey. 09.4.2002.*

( RATAN DEY )

Sr. Clerk working  
under Sr. DOM/Lumding.

*O/C*

\*\*\*\*

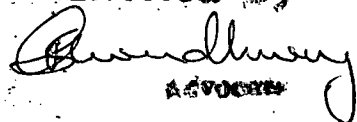
*[Signature]*

On D...

## Calendar of Selection of written test - 2002

Deptt.	Sl. No.	Category	Scale of pay.	Approx. No. of post.	Date of notification.	Date of written test.	Date of absentee test.	Date of Viva-voce test.	Date of absentee Viva-Voce test.	Date of publication of result.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
S&T.	1	OS/II.	5550-9000/-	2	4.4.02	20.4.02	27.4.02	07.5.02	10.5.02	21.5.02	
Engg.	2	COS	7450-11500/-	1	13.12.01	20.4.02	3.5.02	23.5.02	5.6.02	26.6.02	
	3.	JE/Gr.II.	5000-8000	4	5.5.02	25.5.02	4.6.02	23.6.02	3.7.02	27.7.02	
Mech.	4	JE/II(C&W) against 25% Intermediate Apprentice.	5000-8000	2	05.4.02	08.05.02	-	28.06.02	-	5.7.02	
	5	Office Supt./II.	5500-9000	7	7.01.02	27.4.02	11.05.02	05.06.02	17.06.02	05.7.02	
Med.	6	Pharmacist Gr.II.	5000-8000	1	30.4.02	03.06.02	15.06.02	30.7.02	15.08.02	20.8.02	Against anticipated resultant vacancy.
	7	OS/II.	5500-9000	1	3.05.02	20.05.02	15.05.02	30.06.02	15.07.02	31.7.02	Against resultant vacancy against the incumbent which is called for S/Test of OS/I & controlled by Hd. Qs.
Elect.	8	JE/Gr.II.	5000-8000	1	30.4.02	3.06.02	15.06.02	30.7.02	15.08.02	20.08.02	03
Personnel.	9	COS(P).	7450-11500	1	22.02.02	April/02	-	April/02	-	April/02	w/Test will be held shortly.

Attested by



Contd... P/No.2

	2	3	4	5	6	7	8	9	10	11	12
Comp.	10	CTHC	5500-9000	8	10.05.02	09.06.02	08.05.02	12.09.02	18.09.02	30.09.02	
	11	Stg.JDR.	4000-6000	11	08.05.02	28.05.02	23.05.02	18.7.02	30.7.02	05.03.02	
	12	SFM-II.	4000-6000	13	18.05.02	7.06.02	28.05.02	19.07.02	28.7.02	06.03.02	
Comm.	13	OS-II.	5500-9000	2	13.04.02	18.05.02	30.05.02	17.06.02	23.06.02	03.07.02	

The reasons as to why selection of the post of EIII/I, EIII/II (CC), EIII/II (TC) and E/I/1 & 2 are not possible have been stated in separate sheets which is enclosed.

CALENDAR OF SELECTION FOR SUITABILITY TEST - 2002.

Deptt.	Sl. No.	Category.	Scale of pay.	Approx. No. of post.	Date of notification.	Date of Suitability test.	Date of Absentee s/Test.	Date of publication of result.	Remarks.
1	2	3	4	5	6	7	8	9	10
Med.	1	Chief Pharmacist Gr.I.	7450-11500	1	23.3.02	3.4.02	2.5.02	15.05.02	
	2	-do-Gr.II.	6500-10500	1	-do-	-do-	-do-	-do-	Resultant vacancy vice above.
	3	Nursing sister.	5500-9000	1	15.04.02	3.05.02	05.05.02	2.7.02	Against clear vacancy.
	4	Sr.JDR/SFLA.	2750-4000	8	3.4.02	30.4.02	17.5.02	30.05.02	Against clear vacancy.
	5	JDR/SFLA.	2650-4000	25	03.05.02	31.05.02	15.06.02	30.06.02	-do-
	6	Sr.SFLA.	2610-3540	36	03.05.02	30.06.02	15.7.02	31.7.02	-do-
Optg.	7	HTNC.	5000-8000	22	22.4.02	07.05.02	18.05.02	30.05.02	
	8	Sr.Clerk.	4500-7000	1	26.04.02	12.05.02	20.05.02	25.05.02	

Contd. P/1013

1	2	3	4	5	6	7	8	9	10
Compl.	9	LR TC for T.E.	3000-4500	3	10.04.02	26.04.02	30.04.02	10.05.02	
Mech.	10	Office Supt./I.	6500-10000	1	12.05.02	-	-	-	Suitability based on ACR.
	11	Sr. Pass. Driver.	6000-9800	5	5.05.02	-	-	-	xxxx -do-
	12	Sr. Goods Driver.	5500-9000	5	28.05.02	-	-	-	-do-
	13	Sr. Tech. nician (CP).	5000-8000	4	10.7.02	7.02.02	22.08.02	29.08.02	
Mech/ EL.	14	Tech.-I/ DSL/Mech.	4500-7000	5	19.03.02	-	-	-	Suitability based on ACR.
Elect.	15	Hd. Clerk/G	5000-8000	2	15.4.02	02.05.02	23.05.02	02.05.02	
	16	Sr. Clerk/G	4500-7000	2	30.4.02	03.06.02 (Written)	15.06.02	30.7.02 (V.V) 15.08.02 (Absentee) 20.8.02 (Result)	
	17	MM.	5000-8000	3	16.04.02	02.05.02	23.05.02	02.06.02	
	18	Super- visor/TL.	4500-7000 plus spl. pay Rs.100/-	1	15.04.02	02.05.02	23.05.02	02.05.02	
	19	Supervi- sor (P).	4500-7000	1	-do-	-do-	-do-	-do-	
	20	SD(P)Gr.I	4500-7000	1	-do-	-do-	-do-	-do-	

1	2	3	4	5	6	7	8	9	10	11	12
Elect.	21	RF(P)/Gr.I	4500-7000	1	16.04.02	02.05.02	23.05.02	21.06.02			
	22	S/Men/Gr.I	4500-7000	2	-do-	-do-	-do-	-do-			
Deptt.	Sl. No.	Category.	Scale of pay.	Approx. No. of post.	Date of notification.	Date of written test.	Date of absentee test.	Date of Viva-voce.	Date of absentee Viva-voce.	Date of publication of result.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
Engg.	23	P.M.	4500-7000	6	26th March/02	28th March	18th April.	25th April	7th May.	10th May.	Suitability test.
	24	SOSR.	-do-	3	15th March/02	28th March	26th April	24th April	12th May.	20th May	-do-
	25	Hd. Clerk.	5000-8000	2		On the basis of ACR only.	-	-	-	-	-do-
	26	Sr. Clerk.	4500-7000	2	7th May/02	16th May.	20th June	27th June	10th July.	20th July.	-do-
	27	Polisher Gr.I.	4500-7000	1	20th May/02	On the basis of ACR only.	-	-	-	Aug.	-do- DEN/II units.
	28	Fitter Gr.I	-do-	1	26th June/02.	-do-	-	-	-	Aug.	-do-
	29	Pickman Gr.I.	-do-	2	12th July/02.	-do-	-	-	-	Sept.	-do-
	30	FPO Gr.I.	-do-	2	7th Aug/02.	-do-	-	-	-	Oct.	-do-
	31	Mason Gr.I.	-do-	2	26th July/02.	-do-	-	-	-	Sept.	-do-

1	2	3	4	5	6	7	8	9	10	11	12
Engg. Contd...	32	Painter Gr.I.	4500-7000	1	11th Sept/02	On the basis of ACR only.				Nov.	Suitabi- lity test.
	33	Carpenter Gr.I.	-do-	1	10th April/02.	-do-				June.	-do-Sr.DEN units.
	34	B/Smith Gr.I.	-do-	1	15th May/02.	-do-				Aug.	-do-
	35	Fitter Gr.I	-do-	1	14th June/02	-do-				Sept.	-do-
	36	Carpenter Gr.I.	-do-	1	20th June/02.	-do-				Sept.	-do-
	37	Carpenter MSM.	5000-8000	1	21st July/02.	-do-				Oct.	-do-

CALENDER OF SELECTION FOR TRADE TEST-2002.

Deptt.	Sl. No.	Category.	Scale of pay.	Approx. No.of post.	Date of notifica- tion.	Date of Trade test.	Date of absentee Trade test.	Date of publication of result.	Remarks.
1	2	3	4	5	6	7	8	9	10
Engg.	1	Painter Gr.II.	4000-6000	1	11th Aug/02.	10th Sept/02	9th October.	7th November.	DEN/II Unit.
	2	Fitter Gr.II.	-do-	1	10th July/02	12th Aug/02.	14th Sept.	13th Oct.	-do-
	3	Pickman Gr.II.	-do-	2	12th Aug/02.	10th Sept/02	11th Oct.	14th Nov.	-do-
	4	FPO Gr.II	-do-	2	15th Sept/02.	12th Oct.	10th Nov.	7th Dec.	-do-

Contd...P/No.6

- 6 -

1	2	3	4	5	6	7	8	9	10
Engg. Contd...	5	Welder Gr.II.	4000-5000	1	14th July/02.	11th Aug.	17th sept.	22nd Oct.	DEN/II unit.
	6	Mason Gr.II.	-do-	1	20th Aug/02.	17th Sept.	10th Oct.	12th Nov.	-do-
	7	Carpenter Gr.II.	-do-	1	12th June/02.	18th July.	13th Aug.	16th Sept.	Sr.DEN unit.
	8	B/Smith Gr.II.	-do-	1	20th July/02	18th Aug.	15th Sept.	13th Oct.	-do-
	9	Fitter Gr.II	-do-	1	26th June/02.	22nd July.	23rd Aug.	20th Sept.	-do-
	10	TPO Gr.II.	-do-	1	12th June/02.	20th July.	11th Aug.	9th Sept.	-do-
	11	Helper-I	2550-4000	5	25th July/02.	22nd Aug.	10th Sept.	12th Oct.	-do-
<u>Diesel.</u>	12	Tech.-II/ DSL Mech.	4000-6000	5	10.9.02	-	-	21.11.2002	Date of T/Test will be fixed by the res- pective AME giving at least 03 days notice.
<u>Med.</u>	- Nil -								
<u>Elect.</u>	13	B/Man/Gr.II	4000-6000	1	16.4.02	02.05.02	23.05.02	02.06.02	
	14	FCD/Gr.II	-do-	1	-do-	-do-	-do-	-do-	
	15	Carpenter/ TL/Gr.II.	-do-	1	-do-	-do-	-do-	-do-	
	16	MF(P)/Gr.II.	-do-	1	-do-	-do-	-do-	-do-	



- 7 -

1	2	3	4	5	6	7	8	9	10
Elect. Contd.	17	B/Man Gr.III.	3050-4590	1	30.4.02	03.06.02	15.6.02	Viva-Voce 30-7-02	
	18	FCD(P)/Gr.III.	-do-	1	-do-	-do-	-do-	Absentee 15.08.02	Result 20.08.02
	19	Carpenter/TF Gr.III.	-do-	1	-do-	-do-	-do-	-do-	-do-
	20	MF(P)/Gr.III.	-do-	1	-do-	-do-	-do-	-do-	-do-

for Divl. Railway Manager (P)  
M.F. Railway, Lumding.

No.E/207/LM(EC)/selection schedule. LMG, Dtd. 10/04/2002.

Copy forwarded for information and r/action to :-

1. CPO/MLG,
2. Sr.DPO & DPO/LMG, All APOs/LMG & APO/GHY, 3. AM & MS/BPB,
4. Sr.DME(P), DME(C&W), Sr.DEN, Sr.DOM, Sr.DEE, DCM, Sr.DSTE & CMS/LMG,
5. CS(G) to DRM & ADRM/LMG.
6. COS, E/Engg., E/Med, ET, E/Elect, E7, E/S&T.
7. Convenor, MU/LMG, Divl. Secy., EU/LMG.

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

*Compared*  
*Dist.*

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

Filed by  
the Respondents Through  
*Liedman Law*  
For B.K. Shave  
S.E. KY  
Sr. Advocate  
17/9/02

- VS -

Written statement on behalf of the respondents No. 1,2  
and 3.

3. That with regard to the statement made in para 2 of the answering respondents beg to state that at present there is no vacancy in the cadre of Sr. clerk and as such he could not be considered. The ANNEXURE-1 recommendation, however will not provide indefeasible right to the applicant for promotion to the post Sr. clerk.

1101011  
N. F. R/W/M/18.  
R. B. 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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4. That with regard to the statement made in para 3 of the OA the answering respondents while denying the contention made therein and retentions and reaffirming the statement made above beg to state that the seniority is not the sole criteria for the promotion to the post of Sr. clerk and he can not claim the right of promotion only on the basis of seniority when vacancy will arise in the cadre of Sr. clerk taking into consideration his seniority position his case will also be considered along with other incumbents.

5. That with regard to the statement made in para 4 of the OA the answering respondents while denying the contentions made therein beg to state that the contention regarding vacancy as highlighted by the applicant is not correct. In fact, due to removal of Sri P. Vashum, Sr. clerk/ Dptg, one post of Sr. clerk became vacant since 7.10.1999, but Mrs. Ajanta Bhuyan, Sr. clerk, is working as DEO under Sr.EDPM/LMG against ex-cadre post. her lien is maintained in the parent department Later, she was awarded with promotion to the post Head clerk(T) in her normal channel. The existing cadre strength in the departmental promotion quota is full rather against 5 posts. There are 7 incumbents are on roll. As per the Post Based Roster, there is excess operation in departmental quota and hence there is no scope for promotion at this stage to the post of Sr. clerk.

6. That with regard to the statement made in para 5,6 and 7 of the OA the answering respondents while reiterating and reaffirming the statements made above beg to state that though initiative for holding of screening test for the post of Sr. clerk for 2002 was taken, but due to the aforesaid reason it

110182-781011  
N. F. RIV/MIS.  
Dy. C.P.O./HQ.  
9. 11 12, 11/12/11  
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could not be materialised. However, as and when screening test will be held due intimation to all concerned will be given with prior notice.

7. That with regard to the statement made in para 5 (Grounds for relief with legal provisions) the answering respondents state that there is no good ground for entertaining this application and as such the application is liable to be dismissed with cost.

8. That the answering respondents beg to state that the present application is bad non-joinder of necessary parties and same does not indicate any clear course of action. This application is also barred by limitation and hit by the principles of waiver, estoppel and acquiescence and as such he is not entitled to any relief and same is liable to be dismissed with cost.

- 4 - 27 -


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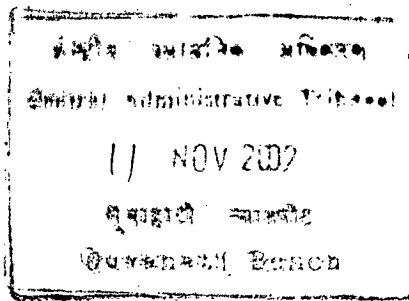
VERIFICATION

I Shri C. SAIKIA aged about 38 years, son of Shri B.K. SAIKIA, resident of Maligaon, Guwahati-11, presently working as Dy. C.P.O./HQ, N.F. Railway do hereby verify and state that the statement made in paragraphs 1, 2, 7, 8 are true to my knowledge and those made in paragraphs 3, 4, 5, 6 being matters of records are true to my information derived therefrom, which I believe to be true and the rest of my humble submissions before this Hon'ble Tribunal.

this 16th day of Sept. July 2002.

And I sign this verification on

  
Deputy Clerk  
अपुष्ट कार्यालय अधिकारी/मुख्यालय  
Dy. C.P.O./HQ.  
ए. सी. रेलवे, मालीगाँव.  
D. F. Niy/MIS.  
गुवाहाटी/असम रेलवे, 781 011



28-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI  
BENCH: GUWAHATI

IN THE MATTER OF:

O.A NO. 171 of 2002

Sri Ratan Dey.

....Applicant

-Vs-

Union of India and Others.

.....Respondents.

An affidavit- in - reply/  
rejoinder by the applicant  
to the written statement  
filed by the Respondent No.  
1, 2 and 3.

I, Sri Ratan Dey, Son of Late Nikunja Dey,  
aged about 43 years, resident of Q.No. 642, D-  
Block, Upper Babu Patty, Kaliabari Main Road,  
Lumding do hereby solemnly affirm and declare as  
follows:-

1. That I am the applicant in the above noted  
application and I am conversant with the facts and  
circumstances of the case. A copy of the written  
statement filed by the official respondents was

Ratan Dey. 28  
Filed by the deponent through  
Bikram Choudhury, Advocate, 11-11-02.

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duly served upon my counsel and having gone through the same I have understand the contents thereof.

2. That the deponent/applicant before replying to the statements made in the written statement, begs to state that all the statements made in the written statement, shall be deemed to have been denied by the deponent, save and except those, if so, specially.

3. That, the statement made in paragraph No.1 is routine and the deponent begs to offer no comment.

4. That, the statement made in paragraph No.2 and 3 are denied and the deponent reiterates what is stated in the original application.

5. That the statement made in paragraph 4 is denied and the deponent in this context reiterates that as per the recommendation of Assistant Operation Manager-I (Annexure-I to the original application) a post of the ~~an~~ Clerk which <sup>was</sup> lying vacant since long at Badarpur Sub-division ~~be~~ considered permanent variation to Lunding for accommodation of the deponent and being the senior most he does have a right for promotion/officiation to the post.

6. That the statements made in paragraph No.5 and 6 are denied and the deponent in this context begs to state that as per the B.O.S. of operation

department of Lunding Division on 21.3.2002 a post of Sr. Clerk is still lying vacant.

The deponent further states that in the operating department the number of sanction posts of Senior Clerk is 8 out of 9 which 5 are departmental promotion <sup>where</sup> quota/there are 7 incumbents on roll but there are still 2 posts of direct recruit and 1 post of departmental <sup>graduate</sup> quota lying vacant since long.

The deponent further states that the authorities after taking into consideration the above vacant position decided to hold the screening test for the post specifying that the number of vacant post is 1 (one) and as such there cannot be any confusion now that due to excess the screening test could not be materialized.

The relevant <sup>portion</sup> of the B.O.S. dt. 21.3.2002 is annexed herewith and marked as ANNEXURE-VII

7. That as regards the statement made in paragraph 7 and 8, the deponent denies the statement made therein and states that he has made out ~~the~~ case for his promotion/officiation to the post of Sr. Clerk or to hold the screening test within a fixed period and this Hon'ble Tribunal may



be pleased to allow the original application and give appropriate relief to the deponent.

8. That the statement made in this affidavit and in paragraph No. 1, 2 and 7 are true to my Knowledge and those made in paragraph Nos. 3, 4, 5 and 6 being matter of records are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal Court.

And I sign on this 11<sup>th</sup> day of November, 2002 at Guwahati.

IDENTIFIED BY

*Bikram Choudhury*

ADVOCATE

*Ratan Dey*  
DEPONENT

Solemnly affirmed and declared before me by the Deponent who is identified by Bikram Choudhury on this 10<sup>th</sup> day of November 2002 at Guwahati

*Murharaj*  
Advocate

N.F.Railway.

Office of the  
DRM(O)/LMG,  
Date : 21-03-2002.

No. T/MP-01/LM.

To,  
Dy.COM/PL/MLG,

Sub : Man Power Planning.

Ref : Your letter No. T/555/89/Pt.I dated. 08.02.2002.

In reference to your above mentioned letter, following position regarding Man Power Planning of Operations Department of LMG Division is furnished below for kind information :

1. Position of category-wise B.O.S, Target of surrender & surrender done, Surplus staff, Re-deployment done up to 31.03.2001 are enclosed as Annexure - 'A' (3 pages).
2. Position from 1<sup>st</sup> April, 2000 to 31<sup>st</sup> January, 2002 - Target of surrender, surrender done, Re-deployment done, surplus staff awaiting for Re-deployment and B.O.S. are enclosed as Annexure - 'B' (in 3 pages).
3. Position of category-wise break-up of surplus staff awaiting for Re-deployment and surplus staff already Re-deployed are shown in Annexure - A & B.
4. Position of category-wise vacancy position as on 28-02-2002 is shown in Column No.8 of Annexure - B.
5. Position of category-wise B.O.S. as on 28-02-2002 is shown in Column No.7 of Annexure - B.
6. Position of category-wise identified posts to be surrendered to achieve the target of 2001-2002 upto 31-03-2002 is given below :

- (a). Surrender proposal vide this Office letter No.TW/MPP-01/LM, dated : 15/6/01 (in Group-A) for surrender of 8 posts of Dy.SS & ASM of MLG Cash Office is still awaiting to issue surrender Memorandum by P/Branch ( proposal for surrender of these posts is enclosed ).
- (b). Surrender proposal vide this Office letter No.TW/MP-01/LM, dated : 15/11/01 for surrender of 23 posts of Asstt. Guard of the Division is still awaiting to issue surrender Memorandum by P/Branch ( proposal for surrender of these posts is enclosed ).
- (c). Proposal No. TW/MP-01/LM (I), dated : 26/11/01 for surrender of 8 posts of Sr.TNC of the Division is also awaiting to issue surrender Memorandum by P/Branch ( proposal for surrender of these posts is enclosed ).
- (d). Proposal No. TW/MP-01/LM (II), dated : 26/11/01 for surrender of 8 posts (i.e. Cipher Operator, Sr.Typist, Jr.Clerk & R.R. Cook) of the Division is also awaiting to issue surrender Memorandum by P/Branch ( proposal for surrender of these posts is enclosed ).
- (e). Proposal No. TW/MP-01/LM (III), dated : 26/11/01 for surrender of 1 post of RRI of the Division is also awaiting to issue surrender Memorandum by P/Branch ( proposal for surrender of these posts is enclosed ).
- (f). Proposal No. TW/MP-01/LM, dated : 20/03/02 for surrender of 38 posts of Box Porter of the Division has been sent to DRM(P)/LMG to issue surrender Memorandum at the earliest ( proposal for surrender of these posts is enclosed ).

( Total 86 Optg. posts have been identified for surrender ).

Enclo : As above.

21-3-02  
Sr.DOM/LMG.

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**ANNEXURE - B**

Grade-wise and Category-wise cadre position of optg. Deptt. of Lunding Division including surrender i.e. from 01.4.01 to 31.01.02 and actual staff strength as on 28.02.2002). Target for surrender during 2001-02 : 150

Category	Scale	BOS after Surrender (ie 31/3/01)	Vacant Posts Surrendered.	Occupied Posts Surrendered.	Super- nume- rary Posts Created	BOS after Surrender.	Actual (on Roll) 28/2/02.	Vacancy/ Excess Position as on 28/2/02.	
								Vacant	excess
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
SS	7450-11500/-	21	-	-	-	21	14	7	
DY.SS	6500-10500/-	109	-	-	-	109	64	45	
SM/ASM	5500-9000/-	128	-	-	-	128	123	5	
ASM	5000-8000/-	225	-	-	-	225	206	19	
ASM	4500-7000/-	35	-	-	-	35	19	16	
	<b>Total=</b>	<b>518</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>518</b>	<b>426</b>	<b>92</b>	
CYM	7450-11500/-	3	-	-	-	3	3	0	
CYM	6500-10500/-	16	-	-	-	16	15	1	
YM	5500-9000/-	34	-	-	-	34	24	10	
AYM	5000-8000/-	20	-	-	-	20	13	7	
	<b>Total=</b>	<b>73</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>73</b>	<b>55</b>	<b>18</b>	
CHC	7450-11500	13	-	-	-	13	11	2	
DYC	6500-10500/-	23	-	-	-	23	19	4	
SCR	5500-9000/-	6	-	-	-	6	4	2	
	<b>Total=</b>	<b>42</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>42</b>	<b>34</b>	<b>8</b>	
TI	7450-11500/-	5	-	-	-	5	2	3	
TI	6500-10500/-	3	-	-	-	3	1	2	
TI	5500-9000/-	1	-	-	-	1	3	0	2
TI	5000-8000/-	3	-	-	-	3	2	1	
	<b>Total=</b>	<b>12</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12</b>	<b>8</b>	<b>6</b>	<b>2</b>
S/C (P-W)	7450-11500/-	1	-	-	-	1	1	0	
-Do-Tfc.	6500-10500/-	1	-	-	-	1	1	0	
-Do-LoCo	-Do-	1	-	-	-	1	1	0	
-Do-C&W	-Do-	1	-	-	-	1	1	0	
	<b>Total=</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>4</b>	<b>0</b>	
RRI	4500-7000/-	1	-	-	-	1	1	0	
	<b>Total=</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>0</b>	
Mail Gd.	5500-9000/-	23	-	-	-	23	18	5	
Sr.P/Gd.	5500-9000/-	9	-	-	-	9	8	1	
P.Guard	5000-8000/-	34	-	-	-	34	25	9	
Sr.G/Gd.	5000-8000/-	38	-	-	-	38	36	2	
G/Guard	4500-7000/-	150	-	-	-	150	139	11	
Asst. Gd.	4000-6000/-	5	-	-	-	5	5	0	
-Do-	3050-4590/-	18	-	-	-	18	16	2	
	<b>Total=</b>	<b>277</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>277</b>	<b>247</b>	<b>30</b>	

Contd...P/2...

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P/2 ANNEXURE - B.									
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CITT	6500-10500/-	X	-	-	-	X	1		1
ITT	5500-9000/-	X	-	-	-	X	1		1
Hd.SR	5000-8000/-	X	-	-	-	X	24		24
Sr.SR	4000-6000/-	X	-	-	-	X	3		3
	Total=	X	-	-	-	X	29		29
STM-I	5000-8000/-	23	-	-	-	23	19	4	
STM-II	4000-6000/-	40	-	-	-	40	25	15	
STG.JDR	4000-6000/-	21	-	-	-	21	11	10	
	Total=	84	-	-	-		55	29	
CTNC	5500-9000/-	43	-	-	-	43	27	16	
Hd.TNC	5000-8000/-	66	-	-	-	66	27	39	
Sr.TNC	4000-6000/-	30	-	15	15	15	49	0	34
Jr.TNC	3050-4590/-	X	-	X	X	X	44	0	44
	Total=	139	-	15	15	124	147	55	78
Caretaker	3050-4590/-	2	-	-	-	2	2	0	
-Do-	2750-4400/-	6	-	1	1	5	3	2	
	Total=	8	-	1	1	7	5	2	
C/Man-I	4000-6000/-	45	-	-	-	45	53		8
-Do-II	3050-4590/-	142	-	-	-	142	187		45
	Total=	187	-	-	-	187	240	0	53
P/Man'A	3050-4590/-	562	-	-	-	562	539	23	
	Total=	562	-	-	-	562	539	23	
R.R.Cook	4000-6000/-	6	-	2	2	4	5		1
-Do-	3050-4590/-	20	-	-	-	20	16	4	
	Total=	26	-	2	2	24	21	4	1
COS	7450-11500/-	1	-	-	-	1	-	1	
OS-I	6500-10500/-	1	-	-	-	1	2		1
OS-II	5500-9000/-	3	-	-	-	3	3	0	
Hd.Clerk	5000-8000/-	7	-	-	-	7	7	0	
Sr.Clerk	4500-7000/-	8	-	-	-	8	7	1	
Jr.Clerk	3050-4590/-	3	-	-	-	3	3	0	
	Total=	23	-	-	-	23	22	2	1
Con/Asst.	5500-9000/-	1	-	-	-	1	1	0	
C/Steno	5000-8000/-	3	-	-	-	3	3	0	
Steno	4000-6000/-	X	-	-	-	X	1		1
	Total=	4	-	-	-	4	5	0	1
Sr. Typist	4000-6000/-	1	-	-	-	1	1	0	
c-operator	5500-9000/-	1	-	-	-	1	2		1
-Do-	5000-8000/-	1	-	-	-	1	-	1	
	Total=	3	-	-	-	3	3	1	1
MTDriver	3050-4590/-	1	-	-	-	1	1	0	
J/Driver	3050-4590/-	2	-	-	-	2	2	0	
-Do-	4000-6000/-	1	-	-	-	1	1	0	
	Total=	4	-	-	-	4	4	0	

Contd....P/3

66331-5 P-5  
33

20% Grant  
13.33 Dept Grant

66  
13  
79

8-35-45

P/3 ANNEXURE - B									
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
P/Man 'B'	2650-4000/-	149	-	-	-	149	141	8	
	Total=	149	-	-	-	149	141	8	
Box Porter	2610-3540/-	29	-	1	1	28	18	10	
-Do-	2550-3200/-	12	-	-	-	12	14	0	2
	Total=	41	-	1	1	40	32	10	2
Gateman	2650-4000/-	18	-	-	-	18	10	8	
Gateman	2610-3540/-	75	-	-	-	75	63	12	
	Total=	93	-	-	-	93	73	20	
R.R.Cook	2650-4000/-	17	-	-	-	17	13	4	
RRW Man	2610-3540/-	21	-	-	-	21	21	0	
-Do-	2550-3200/-	1	-	-	-	1	9	0	8
	Total=	39	-	-	-	39	43	4	8
RR.Bearer	2610-3540/-	5	-	-	-	5	3	2	
-Do-	2550-3200/-	2	-	-	-	2	3		1
Call Man	2610-3540/-	7	-	1	1	6	5	1	
-Do-	2550-3200/-	2	-	1	1	1	4		3
L/ Man	2610-3540/-	X	-	-	-	X	9		9
-do-	2550-3200/-	X	-	-	-	X	3		3
	Total=	16	-	2	2	14	27	3	16
Stn. Peon	2610-3540/-	16	-	-	-	16	9	7	
-Do-	2550-3200/-	15	-	-	-	15	27		12
CNL Peon	2610-3540/-	3	-	-	-	3	1	2	
-Do-	2550-3200/-	6	-	-	-	6	7		1
Tele Peon	2610-3540/-	X	-	-	-	X	7		7
-Do-	2550-3200/-	X	-	-	-	X	9		9
	Total=	40	-	-	-	40	60	9	29
T/ Man	2650-4000/-	4	-	-	-	4	3	1	
-Do-	2610-3540/-	2	-	-	-	2	2	0	
	Total=	6	-	-	-	6	5	1	
Chow.kdr	2610-3540/-	X	-	-	-	X	2		2
-Do-	2550-3200/-	X	-	-	-	X	3		3
	Total=	X	-	-	-	X	5		5
O/Peon	2610-3540/-	3	-	-	-	3	2	1	
-Do-	2550-3200/-	3	-	-	-	3	4		1
	Total=	6	-	-	-	6	6	1	1
E/Peon	2550-3200/-	1	-	-	-	1	1		
	Total=	1	-	-	-	1	1		
M/Khalasi	2550-3200/-	1	-	-	-	1	1		
J/Khalasi	2550-3200/-	1	-	-	-	1	-	1	
	Total=	2	-	-	-	2	1	1	
	G/Total=	2360	-	21	21	2339			

NB: Target of Surrender from 1/4/2001 to 31/3/2002 = 150 + 29 back log of previous year = 179  
 Surrender done: 21 (occupied posts). Redeployment done : Nil (under processing with DRM/P/LMG).  
 Surplus staff waiting for redeployment = 268 (247 of previous year + 21 of this year)  
 BOS as on 1/3/2002 = 2339.