

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No. 05/2004.....

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 227 / 03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - J. N. Misra

Respondants: - Govt of Assam

Advocate for the Applicants: - Mr L. P. Sarma

Advocate for the Respondants: - Learned Counsel

Notes of the Registry	Date	Order of the Tribunal
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7.10.03

Present : The Hon'ble Mr K.V.Prahladan,
Administrative Member.

Heard Mr L.P.Sarma, learned counsel for the applicant. Issue notice to show cause as to why this application shall not be admitted. Returnable by three weeks.

List on 23.10.2003 for show cause and admission. In the meanwhile the respondents are directed to release the salary of the applicant as per law. The respondents are also directed to consider the representation of the applicant sympathetically and give him a reply within three weeks. pre decisional hearing may also be given to the applicant.

K.V. Prahladan
Member

Steps taken with
Amleap. 6/10/03
Notice and order
dated 7/10/03 sent
to D/S for issuing
to the respondents

D/No-2095 to
2096

pg

7/10/03
Dt.

23.10.03. There is no Bench today.
Adjourned to 30.10.03

19.11.2003

Reply not
yet been filed
by the Respondents.

30.10.2003 List the matter again on 8.11.2003
for further orders. In the meantime,
the respondents may file reply.


Vice-Chairman

mb

7.11.03 No Bench today.
Adjourned to 20.11.03.

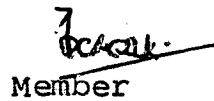
1870
100

5.12.03

Copy of the Judgment
has been sent to the
Office for searching
the same to the apphs.
as well as to the
Adv. Standby Counsel
in the Region.

20.11.2003 Present : The Hon'ble Smt. Lakshmi
Swaminathan, Vice-Chairman
The Hon'ble Shri S.K. Naik
Administrative Member

Order passed separately.


Member


Vice-Chairman

bb

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~Rxx~~No. 1111 227 of 2003.

DATE OF DECISION 20.11.2003.

.....Sri Jitendra Nath Misra.....APPLICANT(S).

.....Mr.L.P.Sharma.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

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

.....Dr.M.C.Sharma, Rly.Standing counsel.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE ~~XXX~~ SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.

THE HON'BLE SHRI S. K. NAIK, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble ~~Member~~ Vice-Chairman.

18
20/11

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.227 of 2003.

Date of Order : This, the 20th Day of November, 2003.

THE HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.

THE HON'BLE SHRI S. K. NAIK, ADMINISTRATIVE MEMBER.

Sri Jitendra Nath Misra
S/o Late Khageswar Misra
aged about 43 years
at present residing at Quarter No.A/17
Type-II, Uzanbazar, Guwahati-1, by profession
service in the N.F.Railway now posted at
Head Coaching Clerk
N.F.Railway, Lanka. . . . Applicant.

By Advocate Mr.L.P.Sharma.

- Versus -

1. Union of India
Represented by General Manager
N.F.Railway, Maligaon
Guwahati-11.
2. Divisional Railway Manager (P)
N.F.Railway
Lumding. . . . Respondents.

By Dr.M.C.Sharma, Railway Standing counsel.

O R D E R

SMT.L.SWAMINATHAN, (V.C.) :

We have heard Mr.L.P.Sharma, learned counsel for the applicant. We have also heard Dr.M.C.Sharma, learned counsel for the respondents and perused the relevant documents on record.

2. This application has been filed by the applicant stating that he is aggrieved ^{by} ~~as~~ no decision has been taken by the respondents regarding his request for transfer and posting in any suitable post at Guwahati Booking Office. In this regard, learned counsel for the applicant submits that applicant had made a representation to the respondents on 5.4.2003 (Annexure-V). During the hearing, learned counsel for the applicant submits that the applicant, being ^a physically handicapped person, may be given any suitable post in Guwahati Railway Station, in his post as Head Clerk

(Coaching) for which according to him, there are vacancies. He has submitted that in the facts and circumstances of the case, the applicant would be satisfied if the respondents are directed to consider the applicant's request for transferring him from Lanka to Guwahati Railway Station, taking into account ^{the relevant} facts, including the fact that he is a physically handicapped employee of the Railway Administration.

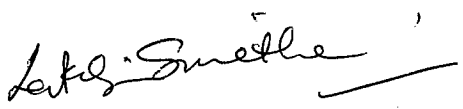
3. We note from the record that the applicant had filed the O.A. after about six months of submitting the aforesaid representation dated 5.4.2003. Learned counsel for the applicant submits that no reply has been given by the respondents to his request for transfer from Lanka to Guwahati Railway Station on the facts mentioned by him, including his physical handicap, for posting in any appropriate post equivalent to that of Head Coaching Clerk.

4. In the facts and circumstances of the case, mentioned above, we consider it appropriate to dispose of the O.A. with the following direction :-

We reiterate our previous order dated 7.10.2003 directing the respondents to consider the aforesaid representation of the applicant sympathetically and pass appropriate orders within three weeks from the date of receipt of a copy of this order, if not already done, with intimation to the applicant. They may also afford a hearing to the applicant, before passing the orders in terms of our previous order.

No order as to costs.


(S. K. NAIK)
ADMINISTRATIVE MEMBER


(LAKSHMI SWAMINATHAN)
VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI

O.A. No. 227 of 2003

Shri Jitendra Nath Misra ... Applicant

-Vs-

Union of India & ors Respondents

List of Dates

1.

Applicant is a permanent resident of Nalbari Distt. He met with a Rly accident and his right hand completely damaged. Rly issued notice to the Employment Exchange for forwarding of names from the registered handicapped persons for appointment of clerk in N.F. Rly sometimes in 1981/1982. Applicant passed HSSLC and got his registered as physically handicapped person in Employment Exchange and the Rly administration after taking interview/test etc. selected and appointed the applicant as Coaching clerk on 17.9.1982 and posted at Gauhati Rly Station. He was promoted to the post of Sr.Coaching clerk on 1.3.1993 and he was further promoted to the post of Head Coaching Clerk on 27.2.03 vide Annex II. Page 18., and was released on 17.3.03 A.III P.19. Competent authority issued 90% disability certificate to the Respondent No.2. vide Annex I. P.17. Duties of Head Coaching Clerk at Lanka Station are para 6(ix) page 5, which is not possible to discharge by a single hand ~~xx~~ as the applicant is physically handicapped by 90%. Assistance and supervision are essentially necessary to the applicant in discharging his duties.

3.4.90
A.I.P.17

20.3.03
A.IV.P.20

The petitioner/applicant applied for his transfer to Gauhati Rly Station on 20.3.2003 vide Annx.IV P.20

5.4.03
A.V.P.21

Preferred to the G.M. on 5.4.03 vide Annx.V.P.21.

16.6.03
A.VI.P.22

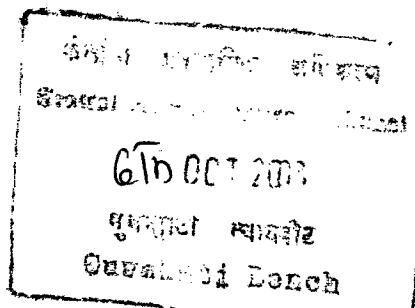
DRM(P) informed the G.M. that he will consider the case of the applicant in due course vide Annx.VI.P.22. But no action till to-day. The applicant is on leave on medical ground. No leave salary has been paid to him.

A.VII.P23
15.5.03

Again requested the DRM to consider his case for transfer by Annx. VII to Annx. X. vide pages 23 to 29.

The petitioner/applicant has his old widow mother, wife and two minor children who are school going and due to non-receipt of his salary from March/03 till this date, the applicant is suffering immense financial hardship.

So prayed for consideration of his transfer to Gauhati Rly station from Lanka and to pay his leave salary.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH : GUWAHATI.

O.A.No. 227 of 2003.

Sri Jitendra Nath Misra .. : APPLICANT.

- Versus -

Union of India & Ors. .. : RESPONDENTS

I N D E X.

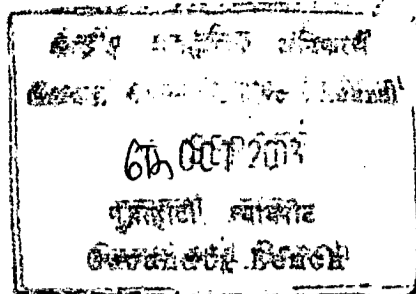
<u>Sl.No.</u>	<u>Description</u>	<u>page nos.</u>
1.	Application	01 - 15
2.	Verification	16
3.	Annexure-I - Medical certificate of the applicant.	17
3a.	Annexure-I Letter dtd. 3.4.1990 showing 90% disability	17
4.	Annexure-II order dated 27.2.2003	18
5.	Annexure-III Release order dt.16.3.03.	20 19
6.	Annexure-IV Letter dtd. 20.3.2003 for transfer.	20
7.	Annexure-V Appeal before the Respondent No.1 : 5.4.03	21
8.	Annexure-VI letter dt.16.03.03	22
9.	Annexure-VII Representation dated 15.5.2003	23 - 24
10.	Annexure-VIII Representation dated 16.8.2003.	25 - 26
11.	Annexure-IX Representation dated 29 30.7.2003	27 - 28
12.	Annexure-X Letter dated 26.9.2003.	29

Filed by :

Dated, Guwahati,

the day of 2003.

L. P. Sharma,
Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI.

1. PARTIBUNARS OF THE APPLICANT.

Sri Jitendra Nath Misra,
Son of Late Khageswar Misra,
aged about 43 years.,
at present residing at Quarter No.A/17
Type-II,Uzanbazar,Guwahati-1, by profession=
service in the N.F.Railway now posted as
Head Coaching Clerk,N.F.Railway,Lanka.

..APPLICANT.

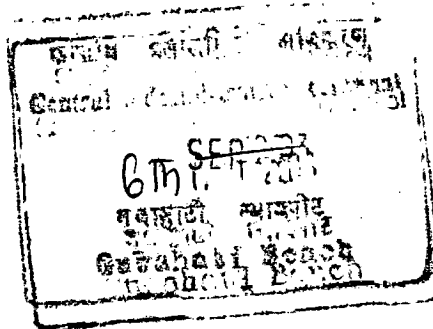
2. PARTICULARS OF RESPONDENTS.

1. Union of India represented by General
Manager,N.F.Railway,Maligaon,Guwahati-11.
- 2.Divisional Railway Manager(P),N.F.Railway,
Lumding.

..RESPONDENTS.

3. PARTICULARS OF THE ORDER AGAINST WHICH
APPLICATION IS MADE.

No.ES/92/MT dated 16.5.2003 issued by the
Sr. Divisional Personnel Officer,Lumding
for not transferring the Applicant from
Lanka to Guwahati.



: 2 :

4. JURISDICTION OF THE TRIBUNAL.

The Applicant declares that the subject matter of this application for which he wants redressal is within the jurisdiction of this Honourable Tribunal.

5. LIMITATION.

The applicant further declares that the application is within the limitation period prescribed in the Section 21 of the Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE:

The Petitioner abovenamed humbly sheweth as follows:

6(i) That the Petitioner abovenamed is a permanent resident of Village Zanigog (Karebari), P.O. Zanigog, P.S. Nalbari in the district of Nalbari. The Petitioner passed H.S.L.C. examination in the year 1978 and H.S.S.L.C. examination in the year 1980.

6(ii) That the Petitioner sometimes in the year 1975 was proceeding by Railway from Nalbari to Rangia and the Petitioner met with an accident near Ghograpar in N.F. Railway and as

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a result of the accident the right hand of the Petitioner completely damaged and he was not in a position to work by the said hand and the doctor in Calcutta operated his right hand and got plastic surgery on the right hand. As a result of the said accident the Petitioner also become deaf and he is suffering from hearing impairment, locomotor disability, and he is a person with disability. He has no capacity to work by his right hand and he could somehow use to write by his left hand after the accident.

- 6(iii) That the N.F.Railway is an establishment owned, controlled and managed by the Union of India and as an establishment within the meaning of Section 2(a) 1(a) and the Employment Exchange (Compulsory Notification of vacancies) Act, 1959 is applicable to them, and as per Section 4 of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 the Respondent No.1 notified the Employment Exchange for filling up vacancies of clerk in the pay scale of Rs.275 - 430/- per month from handicapped person and the

Petitioner being a handidapped person his name was forwarded by the Employment Exchange to the Respondents and the Respondents after taking test and interview etc. selected and appointed the Petitioner as Goaching Clerk in the Gauhati Railway Station and the Petitioner joined in his service as Coaching Clerk on 17.9.1982 in the pay scale of Rs.275/- to 430/- per month.

6(iv) That being satisfied with the sincere and honest service of the Petitioner as per his capacity the Petitioner was promoted to the post of Sr. Coaching Clerk and he was posted at Guwahati Railway Station on 1.3.1993.

6(v) That the & Respondent No.2 asked the Chief Medical Superintendent, N.F. Railway to examine the Petitioner for his disabilities while he was serving as Goaching Clerk by his letter No.25/92-J (T) dated 2.1.1990 and in persuance with the said letter dated 2.1.1990, the Sr. Hospital Superintendent, N.F. Railway Maligaon examined the Petitioner on 8.3.90 and his disability was assessed at 90%

: 5 :

and accordingly a disability certificate was issued to the Respondent No.2 copy of which was also endorsed to the Petitioner vide letter No.H/174/2/Pt.I dated 2 3.4.1990.

A copy of the disability certificate is annexed herewith and marked as

ANNEXURE-I.

6(vi) That while the Petitioner was working at Guwahati Railway Station he was assisted by 2/3 coaching clerk and his works were supervised by Head Clerk and he was somehow managing his duties satisfactorily to the N.F.Railway Administration.

6(vii) That being satisfied with the sincere and honest service of the Petitioner as per his capacity the Petitioner was promoted to the post of Head Coaching Clerk, N.F.Railway, Lanka by order dtd. 27-2-2003 by the Respondent No.2 .

A copy of the office order dated 27-2-03 promoting the Petitioner to the post of Head Coaching Clerk is annexed herewith and marked as ANNEXURE-II.

6(viii) That the Petitioner begs to state that he was proposing to submit a representation with a request to the Respondent No.2 to post him at Guwahati Railway Station instead of Lankam as per order dated 27.2.2003, but suddenly the Station Master N.F.Railway, Guwahati released the Petitioner from the service from Guwahati on 16.3.03 with a direction to join as Head Coaching Clerk at Lanka on 17.3.2003.

A copy of the release order dated 16.3.2003 is annexed herewith and marked as ANNEXURE - III.

6(ix) That ~~ix~~ finding no other alternative the Petitioner joined at Lanka Railway Station on 17.3.2003. At Lanka the Petitioner was to discharge the following duties -

- (a) Sale of local/foreign printed tickets.
- (b) Sale of local/foreign blank paper tickets.
- (c) Sale of local/foreign extension ~~fair~~ fare tickets.

15

: 7 :

- (d) Reservation of passenger tickets.
- (e) Parcel/luggage, balance sheet and return of both local and foreign goods etc.

and his duty hours was from 6.00 AM to 6.00 PM. There was no person to assist or supervise the work of the Petitioner at Lanka Railway Station and it was not possible on the part of the Petitioner to discharge all the above duties by his left hand. The Petitioner had to work there for 12 hours a day which was not possible on his part as he is 90% handicapped as per certificate dated 3.4.1990 issued by the competent authority of the N.F. Railway Administration.

- 6(x) That the Petitioner applied for his transfer to the Respondent No.2 on 20.3.2003. The Petitioner in his letter specifically mentioned that the Petitioner is a 90% physically handicapped employee and all the above works cannot be done by the Petitioner himself alone as there was none to assist him in Lanka Railway Station and therefore, he

requested the Respondent No.2 to transfer and post him at Guwahati Booking Office where the post of Head Clerks are lying vacant.

A copy of his representation dated 20.3.03 is annexed herewith and marked as

ANNEXURE - IV.

- 6(xi) That as the Respondent No.2 did not take any action, the Petitioner preferred an appeal before the Respondent No.1 on 5.4.2003 with a request to consider this case for transfer from Lanka to Guwahati as he is a physically handicapped person and his residential quarter is also at Guwahati wherein his old mother, wife and two school going children are residing.

A copy of his representation dated 5.4.2003 is annexed herewith and marked as ANNEXURE-V.

- 6(xii) That the Respondent No.1 by his letter No.E/283/ Div(Transfer)/Pt.II(T) dated 7/7-5-2003 and letter dated 14.5.2003 asked the Respondent No.2 to consider the

: 9 :

the case of the Petitioner for his transfer to Guwahati. But the Respondent No.2 by letter dated 16.5.2003 vide No.ES/92/T informed the Respondent No.1 that the case of the Petitioner has been registered and will be considered in due course.

A copy of the reply dated 16.5.2003 is annexed herewith and marked as ANNEXURE-VI.

6(xiii) That thereafter the Petitioner again requested the Respondent No.2 by his letter dated 15.5.2003, 16.8.2003 and 26.9.2003 to consider the case of the Petitioner and to transfer him from Lanka to Guwahati as it is not physically possible on the part of the Petitioner to discharge his duties at Lanka with heavy workload without any assistance and supervision from other person and this fact was very well known to the Respondents as the Petitioner is a physically handicapped person with 90% disability.

6(xiv) That the Petitioner also again represented on 30-7-2003 to the Respondent No.1 to ~~xx~~ consider his case for

transfer from Lanka to Guwahati.

Copies of representations dated 15.5.03, 16.8.2003, 30-7-2003 and 26-9-2003 are annexed herewith and marked as ANNEXURE- VII, VIII, IX and X respectively.

- 6(xv) That the applicant begs to state that there are 4 posts of Head Coaching Clerk lying vacant in the Guwahati Rly. Station and the Respondents can easily accommodate the applicant in Guwahati Railway Station, considering the position and situation of the applicant, as he is 90% physically handicapped person.
- 6(xvi) That the applicant further begs to state that the applicant has not been paid the salary from the month of May 2003 till this date, though he is now on medical leave on the basis of the certificate issued by the competent authority of the Central Hospital, N.F. Railway, Maligaon, Guwahati-11 and due to non-payment of salary from the month of May, 2003 till this date, the Applicant and his family members are suffering immense financial hardship and the Respondents may be directed to pay his salary for the period for which he has ...11.

: 11 :

not received the salary from March/2003 till this date and further till the case of the Applicant is finally ~~is~~ decided by the Respondents.

7. GROUND FOR RELIEF WITH LEGAL PROVISIONS.

7(i) For that the action of the Respondents in not considering the case of the applicant for transferring him from Lanka Railway Station to Guwahati Railway Station ~~as~~ Head Coaching Clerk is illegal in as much as the applicant was appointed against physically handicapped quota and therefore the Respondents are liable to consider the case of the applicant for transferring him to Guwahati, or to nearby Guwahati where his family members are residing at Guwahati who is to lookafter them ~~for his~~ with his physical deformity.

7(ii) For that the action of the Respondents for not transferring the applicant to Guwahati is illegal in as much as the competent authority of the N.F. Railway Administration has already ceritifed that the applicant is 90% physically

: 12 :

handicapped and it is not possible on his part to work independently without any assistance or supervision of other person.

7(iii) For that N.F.Railway Administration have already considered the case of the applicant and therefore he was appointed and posted at Guwahati so that his son and daughters may not suffer as the applicant is suffering.

7(iv) For that the applicant being a person with disability within the meaning of Section 2(t) of the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act 1995 and therefore the case of the applicant is genuine one and the Respondents are under obligation to consider the case of the applicant for his transfer to Guwahati.

7(v) For that the aforesaid Act under Section 33 provides that Reservation of Posts should be maintained and it is the duty of the Respondents to consider the case of the applicant as he is not

not in a position to work without the assistance or supervision of other person.

7(vi) For that the action of the Respondents are discriminatory and the case of the applicant is liable to be considered for transferring the applicant from Lanka to Guwahati by the Respondents.

7(vii) For that ~~xxx~~ in any view of the matter the action of the Respondents for not considering the case of the applicant to transfer him from Lank~~ax~~ to Guwahati is illegal and the Respondents may be directed to ~~xx~~ consider the case of the applicant for his transfer to Guwahati.

8. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicant declares that he has no other alternative efficacious legal remedy other than the present application before this Hon'ble Tribunal and the applicant has already preferred an appeal to the Respondent No.1 on 5-4-2003 which is still pending before him and the Respondent No.2 also evading his responsibilities.

: 14 :

9. MATTER NOT PREVIOUSLY FILED OR PENDING
WITH ANY OTHER COURT.

That the applicant further declares that he has not filed any application/Writ Petition or suit except the present Application before this Hon'ble Tribunal in respect of the subject matter in the instant application before any other Court or Tribunal and further states that no such application, Writ Petition or suit is now pending anywhere.

10. RELIEF SOUGHT FOR.

In view of the facts and circumstances, ~~of~~ the applicant most respectfully prays that the application may be admitted relevant records may be called for and upon hearing the parties and cause or causes that may be shown, this Hon'ble Tribunal may be pleased to grant the following relief to the applicant :

- (1) to direct the Respondents to consider the case of the applicant for transferring him from Lanka to Guwahati Railway Station, giving due consideration and weightage

: 15 :

to all the relevant factors as provided in Law.

- (2) to direct the Respondent No.2 to pay the applicant the salary for the period for which he has not been paid his salary till this date.

11. INTERIM ORDER/RELIEF PRAYED FOR.

Pending disposal of this Petition/
Application, the applicant seeks the following relief :-

- (1) to direct the Respondents to pay his salary for the period for which he has not been paid his salary till this date.
- (2) to consider the case of the applicant within a period of 15 (fifteen) days.

12. PARTICULARS OF INDIAN POSTAL ORDER.

- (1) I.P.O.No. 9G 700026 for Rs.50/-
- (2) Dated : 01-10-2003.
- (3) Payable at Guwahati.

13. LIST OF ENCLOSURES.

- (a) As stated in the INDEX.

: 16 :

V E R I F I C A T I O N .

I, Sri Jitendra Nath Misra, aged about 43. years, son of Late Khageswar Misra, ~~xxx~~ at present residing at Quarter No.A/17, Type-II, Uzanbazar, Guwahati-1, by profession- service in the N.F.Railway now posted as Head Coaching Clerk, N.F.Railway, Lanka do hereby verify that the contents of paragraphs 1 to 6 are true to my personal knowledge and those made in paragraphs 7 to 11 are my respectful submissions which I believe to be true on legal advice and I have not suppressed any material facts.

DATED : 6-10-03

PLACE: GUWAHATI.

Sri Jitendra Nath Misra
(Sri Jitendra Nath Misra)

17
N.F. No. 17

26
CHS's Office/Maligaon

No.H/174/2Pt.I

Dt.3.4.90.

ANNEXURE - I

To
DRM/P/LMG

Sub:-Disability cert.No.66/90 dt.8.3.90
for 90%(ninety percent) issued in
favour of Sri Jitendra Nath Mishra,
CC/Tr/GHY under SS/GHY.

Ref:-Your L/No.ES/92-J(T) dt.2.1.90.

The above named employee reported for medical
examination on 8.3.90 has been examined on 8.3.90
by DMO/Ortho/CH/MLG and the disability is assessed
to be 90%(ninety percent).The above mentioned dis-
ability certificate issued in favour of Sri Jitendra
Nath Mishra,CC/Tr/GHY under SS/GHY is sent herewith
for your further disposal please.

DA:as above.

Chief Hospital Supdt.
Maligaon.

Copy to 1.DMO/Ortho/CH/MLG for information.

2.SS/GHY for information.

3.Sri Jitendra Nath Mishra,CC/Tr/GHY
under SS/GHY for information.

3490

Chief Hospital Supdt.
Maligaon.

Jcs.

Refused to sign
N.F. No. 17
Maligaon, Dt. 3.4.90

Advocate

Certified to be true Copy

Certified to be true Copy

Advocate

ANNEXURE - II

N.F. RAILWAY.

Office of the
Divil. Rly. Manager (P),

OFFICE ORDER.

Lunding, Dt. 27.02.2003.

The following staff in Scale Rs. 4000-6000/- who have found suitable are hereby promoted to the post of Hd.CC(Coaching) in Scale Rs. 5000-8000/- with immediate effect (i.e. from the date of assumption of higher responsibility) vice existing vacancies. Their place of posting are shown against each.

Sl.No. Name, Desing. & Station.

New place of posting on
Promotion as HCC(Coaching)
in Scale Rs. 5000-8000/-
He cannot be promoted
due to pending of DAR.

1. Shri Durgā Prāsād Sārma (UR), Sr.CC(C)/RTBR - Hd.CC(C)/GHY, }
2. " Durlav Ch. Das(SC), Sr.CC(C)/GHY - Hd.CC(C)/HKD, }
3. " Sujan Mitra (UR), Sr.CC(C)/SCL - Hd.CC(C)/KXJ, }
4. 2. Tilak Chandra Das, (ER) Sr.CC(C)/GHY - Hd.CC(C)/KXJ, }
5. " Dipak Ch. Das (ER), Sr.CC(C)/GHY, - Hd.CC(C)/GHY, }
6. " Gangadhar Barma (UR), Sr.CC(C)/GHY - Hd.CC(C)/CHBN, }
7. " Tarun Ch. Dey (UR), Sr.CC(C)/GHY, - Hd.CC(C)/LLBR, }
8. " Subhash Ch. Majunder (UR), Sr.CC(C)/GHY - Hd.CC(C)/HJI, }
9. " Parimal Kr. Chakraborty (UR), Sr.CC(C)/GHY, Hd.CC(C)/HTG, }
10. " Jitendra Nath Misra (UR), Sr.CC(C)/GHY Hd.CC(C)/LKA.

The above named staff may exercise their option for fixation of their pay from the date of their next increment in substantive grade within one month from the date of issue of this order.

Sl.No. 3,4,6,7,8,9 & 10 are entitled to get CTG, Joining Time, T/Pass etc. as per extent rules.

This has the approval of the competent authority.

(N.B. Das, APO/II/LMG)
for Divisional Railway Manager(P),
N.F. Railway, Lunding.

No. E 39-20(CC) Pt. III(T), dated. 27.02.2003.

Copy forwarded for information and necessary action to :-

1. Staff concerned through Proper Channel. It is to inform that if a staff without any valid reason fails to submit his written unwillingness to DRM(P)/LMG within 30 days of issue of this order or does not carry out his promotion and posting orders within 30 days of issue of this orders it will be seemed that the staff concerned is not willing to carryout his promotion and posting orders. Accordingly thereafter the promotion of such staff will stand forfeited and that the staff concerned shall himself be held responsible for any other benefit incidental to his carrier.
2. SS(Gaz)/GHY, SCL, HKD, KXJ, LMG, HJI, LKA 3. BCIC/CHBN, LLBR, HTG.

N.B: All subordinate incharges are advised to spare the above named staff working under them to carry out their promotion/posting order within 30 days under intimation to this office.

3. APM/GHY, DCM/GHY, APD/GHY, 4. AM/BPB, 5. DAO/LMG, 6. DCM/LMG, 7. OS/ET/Bill; 8 CS(Coaching)/GHY, CS(Coaching)/LMG.

Certified to be true

(N.B. Das, APO/II/LMG)
Divisional Railway Manager(P),
N.F. Railway, Lunding.

27/2/03

ANNEXURE - III

उपरात पर दोनो तरफ लिखें
Use both sides if required

ए. सी. रेलवे
N. P. Railway

नार. सी. जी. एन. / A. B. G. I. J.
ए. सी. रेलवे / N. P. G-40

द. No. G/E-2411/CHY दिनांक/Date. 16/3/03

सेवा/From Secy/CHY सेवा से/To Secy J.N. Sharma

विषय/Subject Transfer & posting on probation.
संदर्भ/Ref. DRM (P) Mgrs - 8/0 No E39-2022C
Pt-III (T) dt 27/2/03

In terms of above mentioned order you are hereby spared from this ser on A/N of 16/3/03 & directed to carryout your transfer & posting order on probation as HdCC @ LKA in scale Rs 5000-8000/-.

P.O. by 801up of 17/3/03 on this to LKA in 2nd class.

Copy to SM/LKA, DRM (P) Mgrs & APO/CHY for information & OPA file.

Recd at 16/3/03
for 16/3

16/3/03
Secy/CHY
Secy J.N. Sharma
Secy G. V. Guvahiath

Secy/CHY

Certified to be true Copy
[Signature]
Advocate.

ANNEXUS - IV

Sub : Prayer for transfer & posting to Guwahati Booking Office
(in Return Section) to Physically Handicapped staff.

Sir,

That Sir as per your transfer order now I am working as Hd.CC (Coaching) under SS/LKA at Booking office. It is very painful to manage my duty at this office for some difficulties as I have to deal with ticket sale for P.C.T., HPT, SCRT, Luggage, Parcel, Return C etc. short out then being a 50% Physically Handicapped staff (medical certificate enclosed)

Therefore, I favrently request you to please look into the matter personally and kindly take necessary action for transfer & posting at Guwahati Booking office in Return Section where I am working earlier.

Yours faithfully,

Copy to :—

1. D.R.M., N.P. Rly. LMG
2. C.M./N.P. Rly. LMG
3. Director Traffic, Commercial (C)
Rail Bhawan, Room No-472-A
Rly. Board, New Delhi

For favourable consideration
and necessary action
please.

Certified to be true Copy

Blue
Advocate

Attended with the same

INTELLIGENCE

UNCLASSIFIED
REL 6538
7/6 : DILL
TO: DIRECTOR, INTELLIGENCE AND SECURITY
H. DEBRI-1, PIR:
MI : 2001 TUES
PS: U. 000, AAI : CS-000, 190303Z0003, 17 : EO : 4
PAGE 4 0000 000

भारतीय डाक
INDIA POST

MO: 2007-2365
 FD-302a (Rev. 05-08-2002) 17:20:15
 PAGE 4 OF 2000 PAGES

भारतीय डाक
INDIA POST

31 8539
 PR : ALL
 10:38 P 855,
 1100100,PM:
 31:2007485
 PS:0.00,BS:25.00,20.00,20.00
 HAVE # 5000 007

भारतीय डाक
INDIA POST

भारतीय डाक
INDIA POST

ANNEXURE - 7

Dated, Lanka the 5th April, 2003

To
The Director Traffic, Commercial (G)
Rail Bhawan, Railway Board
Room No. 472 - ' A ', New Delhi - 1

The General Manager,
N.E. Railway, Maligaon, Guwahati - 1

भारतीय डाक



GUWAHATI SPO (781001)

RL 3064

PA : PCH

To: THE DIRECTOR TRAFFIC, RLY BHAWAN

N. DELHI 1, PIN:

Wt: 20 grams

PS: 0.00, Amt: 25.00, 05/04/2003, 14:24:47

HAVE A GOOD DAY

Sub :- Prayer for Transfer & Posting at Guwahati Booking Office (in return sec-
tion) to a physically Handicapped Staff like me .

Ref :- My application dated 20th March 2003 address to DRM (P), NE Rly LMG.
& a copy send to you by Regd. Post.

Respected Sir ,

With reference to the above , I have the honour to lay before you the
following few lines for favour of your sympathetic necessary action .

That Sir , as per DRM / P / LMG's letter no E 39 - 20 (CC) pt III (T) Dt. 27.02.03
Transfer Order , now I am working as Hd cc (coaching) under SS / LKA at Booking Office . But
since I am a Physically Handicapped employee of the Railway Dept.. It is very painful to manage
my duty at this office for some difficulties as I have to deal with ticket sale for P.C.T. , E.E.T. ,
B.P.T. , S.C.R.T. Luggage , Parcel , Return and Balancesheet etc.

A residential quater was allotted to me by AO / NGC at Uzanbazar Rly colony
Guwahati - 1 and my wife and old mother along with two school going little children have been
living there . In view of my sudden transfer all of them have been distressed save along my case.

Therefore I fervently request you to please look in to the matter personally and
kindly take necessary action for transfer and posting me at Guwahati Booking Office in return
section , where I was working earlier till 16th March 2003 for this act of your kindness I shall
remain grateful to you.

Thanking you in anticipation.

Yours faithfully

Jitendra Nath Misra

(SRI JITENDRA NATH MISRA)

Hd. CC (coaching)

Lanka, NE Rly

Under SS / LKA

LMG, Divn.

05/04/03

GUWAHATI SPO (781001)

RL 3063

PA : PCH

To: THE OFFICE D.P. BHAWAN, A.G.O. N.E. RLY

MALIGAON GHY, PIN:

Wt: 20 grams

PS: 0.00, Amt: 25.00, 05/04/2003, 14:22:53

HAVE A GOOD DAY

CPO HR

R/559

24/4/03

E.T.

Certified to be true Copy

[Signature]
Ag. Secy.

22
31
S.N. 137
NORTHEAST FRONTIER RAILWAY

ANNEXURE - 71

Office of the
DRM(Personnel)
Lumding (Assam)

Date: 16.06.2003

No. ES/92-IT)

To
General Manager (Personnel),
N.F. Railway,
Maligaon.

(for personal attention of SPO/TEST/MLG)

Sub: Prayer for transfer of Shri J.N. Mishra, Hd.CC/LKA from LKA to
Guwahati area on handicapped ground.

Ref: Your letter No. E/283/DIV(Transfer)Pt.II(T) dtd. 7/8.5.2003 and No.
E/295/64/Commn.IT dtd. 14.5.2003.

In reference to your letter quoted above, it is informed that request of Shri
J.N. Mishra, HCC/LKA for transfer to Guwahati area has been registered and will
be considered in due course.

[Signature]
(A. Kishor) 16/6
Sr.DPO/MLG

Copy to: Shri J.N. Mishra, HCC/LKA through SS/LKA for information in
reference to his appeal dtd. 20.3.2003.

[Signature]
Sr.DPO/MLG 16/6

Certified to be true Copy

[Signature]
Advocate.

23
32

By Registered Post

ANNEXURE - VII

To, .

The D.R.M. (P)/L.M.G. , N.F RAILWAY
C/O Sr. D.C.M./L.M.G. , Through the D.C.M., Guwahati.

Sub:- 1. Prayer for transfer & posting at Guwahati Booking Office (in return Section) to physically Handicapped Staff like me. Vide ~~E/283~~ G.M./P/Malignon . L.No. E/283/Divn. (Transfer) Pt./II, datd. 8-5-2003.

2. Non payment of salary for the month of April/2003 vide HMC Fit " certificate S/No.50/20.

Sir,

With respect, I have the honour to lay before you the following few lines for favour of your sympathetic necessary action.

That sir, following my transfer and posting at ~~Langkax~~ Langka, I carried out the order and joined there accordingly. But, since I am a physically handicapped employee and I was residing at Guwahati with my family, I was in a great distress and because of mental worries I fell sick and had to undergo medical treatment from 25/3/2003 to 15/05/2003 . Now I have been declared fit to resume my duties and I shall report to duties tomorrow. But sir, I have to run from pillar to post with a prayer for my posting into original placement. The authority concerned has all along termed a deaf ear and blinded eyes to the plights of the handicapped persons like me . Even inspite of a communique from SPO/TEST/ MLG no action has so far been taken in that regard.

Certified to be true Copy

GUWAHATI RPL (781001)
AL 5190
PA: SPN
To A K BHUTTA
LUMDING, PIN



SH-23/2003
SPN (A-227) AS. TANGULI
GUWAHATI, PIN

That sir, because of these overlooking and laxity by some officials, I was put to problems as I did not get my salary for last one months.

You could very well imagine how hardships a low grade employee like me can experience for non-payment of salary for last one months,. Even after giving option as early as 16th March, 2003 I do not understand the reason as to why my salary has been held uptill date.

In view of my personal plights as well as of my family members I fervently request you to kindly look into the matter and take early steps so as to transfer me to Guwahati Booking office and pass acts for early payment of my salaries for which act of yours I shall remain grateful to you.

Thanking you in anticipation.

Yours faithfully,

Jitendra Nath Misra
(SRI JITENDRA NATH MISRA)

Hd. C.C. (Coaching) / KKA,

N.F. RLY. LANKA.

15/5/03

Enclosure:-

1. ~~Exx~~ G.M./P/Maligaon L. No.
E/283/Divn. (Transfer) Pt./II,
dated 8-5-2003.

2. My appeal dtd. 20/3/03 Addressed to DM/P/L.M.L.

3. My Appeal dtd. 5/4/2003 & Addressed to G.M., N.F Rly. M.L. G.

4. R/ Quater order. dtd. 13/3/86,

5. Handicapped certificate. dtd. 2/4/90

6. RME Rtd certificate dtd. 15/5/03

7. Option dtd. 16/3/03

Certified to be true Copy

[Signature]

25
ANIL K. MISHRA
BY REGD. POST



To

The Divisional Rly. Manager,
N.F.Rly, Lumding.

W11650666
PS:0.00,Art:27.00,13/08/2003,12:27:44
HAVE A NICE DAY

Dated: 16th August, 2003.

Sir,

- Sub:- 1) Prayer for transfer of Sri J.N.MISRA, Hd. Coaching Clerk, Lanka from Lanka to Guwahati on physically Handicapped ground vide GM/P/MLG order No. E/283/DIV(Transfer)Pt-II dtd.8/5/03, GM/P/MLG.order No. E/255/64/Comm1(T)dt.3/7/03 and DRM/P/LMG letter No. ES/92-J(T) dt.16/6/03.
- 2) Non payment of salary for the month of April/03 on sick period vide Sr. DMO/MLG RMCS/No. 50/90, dtd. 25/03/03 to 15/05/03, copy enclosed for necessary action for sanction H/LAP.
- 3) Non payment of salary for the month of June/03 to July/03 (11/6/03 to 10/8/03) leave application submitted to DCM/LMG by Regd. Post copy enclosed for necessary action for sanction 90 days LAP.

Ref:- My representation dtd. 15/05/03 & 20/03/03.

With profound respect and honour, I beg to draw your kind attention on my representation dt. 20/03/03 & 15/05/03 for favour of consideration and necessary action.

That Sir, I have been requesting for my transfer from Lanka to Guwahati on physically Handicapped ground as I have 90% physical disability in my right hand for which I have been suffering a lot for want of proper care of my family members due to transfer & posting under SS/Lanka at Oneman Booking Office. Moreover, it is very painful to manage my duty at Lanka station as I have to deal with ticket sale for printed Card Ticket, (Local & FGN) Extension Excess Fare ticket (local & FGN), Blank paper Ticket (Local & FGN), ~~xxxx~~ reservation ticket (Local & FGN), Luggage, Parcel, return (FGN & Local) and balance-sheet, etc.

That Sir, after registering my representation for consideration GM/P/MLG has referred the matter to Sr. D.P.O./Lumding and D.C.M/Lumding vide GM/P/MLG order No. E/255/64/Comm1.(T) dtd. 03/07/03 & E/283/DIV (Transfer) Pt-II dtd. 08/05/03 and DRM/P/LMG Letter No. ES/92-J(T) dtd. 16/06/03, but till date nothing has been done by the Divisional authority concerned although a few vacancies are available at Guwahati as I gathered information from reliable source.

Certified to be true Copy

[Signature]
Address

contd...p/2.

That Sir, I also approached personally to Sr.DPO/LMG & DCM/LMG and requested for arranging my transfer as early as possible but no fruitful result has come out so far.

That Sir, I was great in a great distress and because of mental worries I fell sick and had to undergo medical treatment from 25/03 to 15/05/2003 vide RMC No. 50/20 issued by Sr. DMO/MLG, Copy enclosed for necessary action for sanctioned H/LAP due to non payment of salary for the month of April, 2003.

That Sir, I have already submitted application for 30 days LAP to DCM/LMG by registered post on 26-05-03 also submitted to DCM/GHY & SS/LKA on 25/5/03 and extension application submitted on 21/06/03 and 23/07/03 (90 days) by regd. post, copy enclosed for take necessary action for sanction due to my physical condition & mental agony as I am a 90% physically handicapped person.

That Sir, because of these overlooking and laxity by some officials, I was put to problems as I did not get my salary for the month of April/2003, June/2003 & July/2003.

You could very well imagine how hardships a low grade employee like me an experience for non-payment of salary for last 3 months Even after giving option Through SS/LKA by Regd. post (copy enclosed) as early as 17/18-03-2003, I do not understand the reason as to why my salary has been held-up till date.

In the above circumstances, I request your honour to consider my case sympathically and look into the matter and advise the concerned Sr. DPO/LMG & DCM/LMG to materialise the issue of my transfer from Lanka to Guwahati so that my day to day problems arising due to my physical disability can be solved for discharging my duties effectively.

Hope that you would do the needful at an early date.

with deep regards.

Yours faithfully

Jitendra Nath Misra

(SRI JITENDRA NATH MISRA)
Hd. Coaching Clerk, Lanka,
N.F. Railway.

16/8/03.

Certified to be true Copy

[Signature]

S. No - 219
Receipt - 11/2/03

ANNEXURE IX

To
The General Manager,
N.F. Railway, Maligaon,
Guwahati-11.

NOT INSURED

Amount of Stamps affixed

Received & Registered*

Addressed to

Mr. Dehri-2

Date : 30/07/03.



Sir,

Sub:- Prayer for transfer of Sri J.N.Mishra
Hd.CC/Lanka to Guwahati on physically
handicapped ground.

Ref:- My application dt. 5th April, 2003
and GM(P) order No. E/255/64/Comm1(T)
dt. 03.7.03.

With profound respect and honour, I
beg to draw your kind attention on my representation
dt. 5.4.03 through the Hon'ble M.P. Sri INDRAMONI BORA
dt. 8.6.2003 for favour of consideration and necessary
orders please.

That Sir, I have been ^{requesting} ~~traying~~ for my
transfer from Lanka to Guwahati area on physically
handicapped ground as I have 90% physical disability of
my right hand for which I have been suffering a lot
for want of proper care of my family members due to
transfer & posting under SS/LKA at booking office.
Moreover, it is very painful to manage ~~tax~~ ~~deal~~ ~~with~~
my duty at Lanka Station as I have to deal with ticket
sale for PCT, EFT, BPT, SCRT, Luggage, parcel,
return and balance-sheet etc.

That Sir, after registering my represent-
ation for consideration, GM(P) MLG has referred the
matter to Sr. DPO/IMG and DCM/IMG Vide No.E/255/64/
Comm1(T) dt. 3.7.2003 but till date nothing has been

Contd..2

Certified to be true Copy

[Signature]
A. S. S. S.

-28-

37

= 2 =

done by the divisional authority concerned although a few vacancies are available at Guwahati as I gathered information from reliable sources.

That Sir, I also approached personally to Sr. DPO/LMG and DCM/LMG and requested for arranging my transfer as early as possible but no fruitful result has come out so far.

In the above circumstances, I request your honour to consider my case sympathetically and to look into the matter and advise the concerned authority to materialise the issue of my transfer from Lanka to Guwahati so that my day to day problems arising due to my physical disability can be solved for discharging my duties effectively.

Hope that you would do the needful at an early date.

With deep regards.

Yours faithfully,

Jitendra Nath Mishra
(Sri Jitendra Nath Mishra)
Hd. CC/Lanka

30/7/03.

Copy to :

Sri ENDRAMONI BORA, Member of Parliament (Rayasabha) phatic Ch. Road, Uzanbazar, Guwahati, for kind information with the request to look into the matter for early materialisation of my transfer from Lanka to Guwahati.

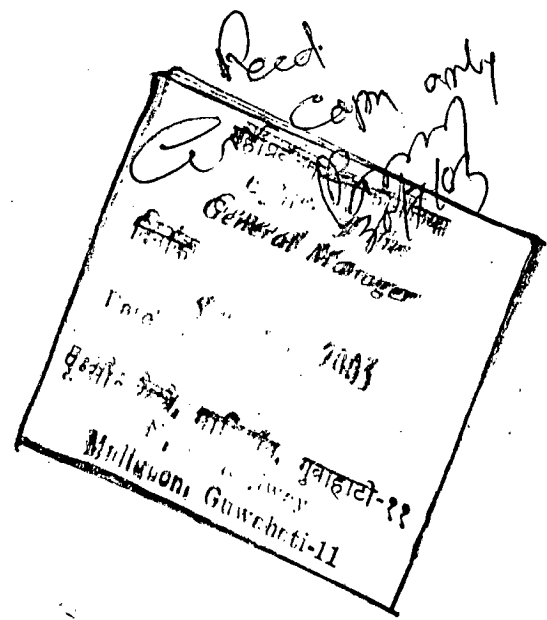
Jitendra Nath Mishra
(Sri Jitendra Nath Mishra)
Hd. Coaching clerk, N.F.Rly. Lanka.

Encls: 5
(Five)

Certified to be true Copy

RWS
Secretary

s/c



29
By Registered Post

ANNEXURE - X

TO

The General Manager,
N.F. Railway,
Maligaon, Guwahati-11.

Date: 26-09-2003.

Sub:- Prayer for transfer of Sri J.N.MISHRA, Hd CC/Lanka
to Guwahati on physically handicapped ground.

Ref:- My representation dt. 05-04-2003 and 30-07-2003
and GM(P) order No. E/255/64/Comm1 (T) dt. 03-07-2003.

Sir,

With due respect and humble submission I beg to draw your kind attention on my representation dt. 05-04-2003 and 30-07-2003 (copy enclosed) and request your honour to consider my case sympathetically and to issue necessary order to the concerning authority for my transfer from Lanka to Guwahati on physically handicapped ground. I have already brought to your notice vide my above representation about my physical disability and painful circumstances.

On the circumstances stated above, I would like to request you again to take prompt action in this regard for which act of your kindness I shall remain ever grateful to you.



RECEIVED

26/9/03

26/9/03

26/9/03

26/9/03

26/9/03

26/9/03

26/9/03

Yours faithfully

Jitendra Nath Mishra

(SRI JITENDRA NATH MISHRA)
Hd. Coaching Clerk,
N.F.Rly. Lanka.

26/9/03

Certified to be true Copy

flw