

01/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

R.A-17/04 ordersheet pg-1
disposed date 20/02/05

M.P-113/04 ordersheet Pg-1
disposed date- 10/01/05

petition copy pg-1 to 15

INDEX

O.A/T.A No. 233/003.....

R.A/C.P No. 17/04.....

E.P/M.A No. 83/04.....

1. Orders Sheet OA-233/03..... Pg. 1 to 10 Date 06/10/04
M.P- 83/04 order Pg-1 to 2 allowed

2. Judgment/Order dtd. 07/03/2006 Pg. 1 to 5 closed

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 233/03 Pg. 1 to 31
Amended petition Pg-1 to 22

5. E.P/M.P..... 83/2006 Pg. 1 to 11

6. R.A/C.P..... 17/04 Pg. 1 to 22

7. W.S. filed by the respondents 1 to 4 Pg. 1 to 7

8. Rejoinder submitted by the respondents 1 to 4 Pg. 1 to 16

9. Reply Pg. to

10. Any other Papers Pg. to

11. Memo of Appearance Pg. to

12. Additional Affidavit Pg. to

13. Written Arguments Pg. to

14. Amendment Reply by Respondents Pg. to

15. Amendment Reply filed by the Applicant Pg. to

16. Counter Reply Pg. to

Consolidated petition copy pg-1 to 41

W.S. filed by the respondents 1 to 4

Pg-1 to 11

Rejoinder submitted by the Respondents 1 to 4

Pg- 1 to 6

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

✓ Original Application No: 233/103

Mise Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Gouri Sankar

Respondents: - U.O.I Govt

Advocate for the Applicants: - K. K. Biswas

Advocate for the Respondents: - C.G.S.C. B.C. Pattnaik, Barrister
General

Notes of the Registry	Date	File	Order of the Tribunal
Ent. application by the form having in time.	21.10.2003		Heard Mr.K.K.Biswas, learned coun- sel for the applicant.
Filed by D.C.F. for R. Serial IPO Dated 5.9.03			The application is admitted, call for the records, returnable by four weeks List the case on 27.11.2003 for order.
20/10/03 D.C. B. D.			
Steps taken with envelops.	27.11.03 20/10/03 D.C. B. D.	bb	27/11/03 no Bench today. Adjourned to 15.12.03.
1. comply order dated 21/10/03	21/10/03 16.12.2003		27/12/03 List on 20.1.2004 for orders.
Received Rs=10/- only for respondent No- 6, 7, Receipt/CAT/Recd/IN= dt.			
And Notice & order dt. 21/10/03 sent to D/Section for issuing to respondent No- 1 to 7.			
29/10/03 (dt)	D/No- Dt.		10/12/03 Member (A)

20.1.2004 Present: Hon'ble Shri Bharat Bhushan,
12.12.03 Member (J)

No reply has been filed.

Hon'ble Shri K.V. Prahladan,
 Member (A).

bn

No reply has been filed.

By
19.1.03.

Mr B.C. Pathak, learned Addl. C.G.S.C. seeks time to file written statement. Four weeks time allowed for filing of written statement and two weeks for rejoinder thereafter. List for orders on 8.3.04.

KV Prahladan

Member (A)

J

Member (J)

No. W.L.S has been filed.

nkm

16.3.2004 Two weeks time is granted to the respondents to file written statement. List the case for hearing on 5.4.2004.

By
15.3.04

Notice issued vide
 NO. 2185-2181 dated
 29.10.03.

bb

KV Prahladan
 Member (A)

5.4.2004 Four weeks time is given to the respondents to file written statement. List on 30.4.2004 for orders.

No. W.L.S has been filed.

By
29.4.04

mb

KV Prahladan
 Member (A)

No. written statement
has been filed.

220
10.4.04

30.4.2004 On the plea of Mr. A. Deb Roy, learned proxy counsel on behalf of the Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents, list on 11.5.2004 for filing written statement.

KV Prahadan
Member (A)

mb

11.5.04 Present : The Hon'ble Sri M.K.Gupta,
Judicial Member
The Hon'ble Sri K.V.Prahadan
Judicial Member

It is stated by the learned counsel for the respondents that the applicant has been promoted to the post of Office Superintendent Gr.I(G) in the pay scale of Rs.6500-10500/- vide order dated 28.4.2004. Learned counsel for the applicant states that he is not satisfied with the said promotion order as it does not indicate from which date the applicant ~~was~~ stand promoted.

It is necessary that the respondents should file proper reply.

List on 18.6.2004 for filing reply.

KV Prahadan
Member (A)

Member (J)

pg

Reply has not been
filed by the respondents.

220
17-6-04

(4)

O.A.233/2003

✓

18.6.2004 Present: The Hon'ble Smt. Bharati Roy
Member (J).

The Hon'ble Shri K.V.Prahladan
Member (A).

Heard Mr.K.K.Biswas, learned counsel
for the applicant and also Mr.B.C.Path-
ak, learned Addl.C.G.S.C. for the res-
pondents.

Learned Addl.C.G.S.C. seeks further
time for filing reply. Considering the
facts and circumstances we direct the
respondents to file counter reply within
four weeks. Rejoinder, if any, to be
filed by the next date.

List the case before the next
Division Bench.

Member (A)

Member (J)

bb

19.7.2004 Present: The Hon'ble Shri K.V.Sachidanan-
dan, Member (J).

The Hon'ble Shri K.V.Prahladan
Member (A).

When the matter came up for hearing,
Mr.B.C.Pathak, learned Railway counsel,
submits that the order dated 28.4.2004 has
already been issued promotion the applicant.
On going through the said order, learned
counsel for the applicant Mr.K.K.Biswas
submits that he is not convinced from which
date and panel, he was promoted and ther-
efore, relief will not be completed from
passing of the aforesaid order.

Mr.B.C.Pathak, learned Railway counsel
submits that he would like to file a de-
tailed reply explaining why such order was
passed. Four weeks time is granted to the
respondents as a last chance to file written
statement. List on 26.8.2004 for hearing.

Member (A)

Member (J)

v bb

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

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

Heard learned counsel for the parties.

Reply has been filed by the Respondents to-day. Two weeks time is granted for filing of rejoinder if any.

List the case before the next available Division Bench.

KV Prahladan
Member

JK
Vice-Chairman

30.8.04

W.S. filed by the 1m
Respondent Nos. 1 to 4. 14.9.04

DR

no rejoinder has been
filed.

*W.S.
13/9/04*

Heard Sri K.K. Biswas, learned counsel for the applicant and Sri B.C. Pathak, learned Railway standing counsel.

Our attention has been drawn by learned Railway standing counsel to order dated 28.4.2004 whereby the applicant has already been promoted to the post of OS/I(G) with immediate effect. Learned counsel for the applicant to take specific instruction as to whether the applicant is interested in joining at the place referred to in order dated 28.4.04.

Stand over to two weeks.

List on 28.9.04 for hearing alongwith M.P.83/04.

KV Prahladan
Member

JK
Vice-Chairman

pg

DR

27-9-04
1) no rejoinder has been filed.
2) The Case-5 ready
for hearing.

JK

6
O.A 233/03

Notes of the Registry

Date

Orders of the Tribunal

27.9.04

28.9.2004

Present: Hon'ble Justice Shri R.K. Batta, Vice-Chairman

Hon'ble Shri K.V. Prahladan, Administrative Member.

Mr K.K. Biswas, learned counsel for the applicant, states that the applicant is interested in promotion and he will take instructions from the applicant as to when she will be joining pursuant to order of promotion dated 28.4.2004. For this purpose he seeks one week time. One week time is granted. Stand over to 6.10.04 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

6.10.2004

Mr.K.K.Biswas, learned counsel for the applicant as well as Mr.B.C. Pathak, learned counsel for the Railways are present.

Learned counsel for the applicant states that the applicant shall ~~join~~ comply with the order of promotion dated 28.4.2004 by 5.11.2004. The matter be listed for hearing on 8.12.2004. Applicant to place on record joining report within fifteen days of 5.11.2004 and the matter be placed on board on 22.11.2004 for that purpose.

[Signature]
Member (A)

[Signature]
Vice-Chairman

bb

O.A.No.233/2003

Notes of the Registry

Date

Orders of the Tribunal

14.12.2004

Present: Hon'ble Justice Shri R.K. Batta, Vice-Chairman

To be listed alongwith R.A. No.17/2004 on 20.1.2005.

Case is ready for hearing.

✓
R.A. 14.12.04

R
Vice-Chairman

nkm

20.1.05.

In view of the order dated 13.12.04 and alongwith joining report filed by the learned counsel for the applicant which is placed in M.P.No.113 of 04, the learned counsel for the applicant seeks time for amendment. in view of this said development. The matter is accordingly adjourned. The applicant may file amendment application within six weeks. The amendment application, if any filed, the O.A. be placed on Board on 7.3.04.

R
Member

R
Vice-Chairman

lm

7.3.05.

Present: Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

8

Hon'ble Mr.K.V.Prahladan, Member(A)

The learned counsel for the Railway submitted that the amendment application which has been filed by the applicant does not satisfy the requirement of law. Therefore, the applicant is directed to file amendment application strictly in accordance with the procedure prescribed in law. The learned counsel for the applicant is submitted that he will require time to file appropriate amended application. Two weeks time is granted to file amendment application. List on 22.3.05.

8
Member

R
Vice-Chairman

Reed copy of order
Nelson
09/01/05
Advocate (For Applicant)

lm

8

8 9

O.A. 233/2003

Notes of the Registry Date Order of the Tribunal

22.03.2005

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

The Hon'ble Mr. K.V. prahladan, Administrative Member.

13. 4. 05
A. Consolidated application has been submitted by the counsel for the petitioner, and placed in record.

APP

Mr. K. K. Biswas, learned counsel appearing on behalf of the applicant submits that the applicant's wife is undergoing major operation. Therefore, he is not able to file proper amendment application. Learned counsel further submits that three weeks time is required for the said purpose. Mr. B.C. Pathak, learned counsel for the respondents has no objection to the same. Hence, adjourned to 12.4.2005.

K. K. Biswas
Member (A)

G. Sivarajan
Vice-Chairman

mb

12.4.05.

The learned counsel for the applicant submits that the amended application has been filed. Mr. B.C. Pathak, learned Railway counsel submits that the Respondents will file their reply.

Post the matter on 13.5.05.

K. K. Biswas
Member

G. Sivarajan
Vice-Chairman

lm

13.5.2005

On behalf of Mr. B.C. Pathak, learned counsel for the respondents an adjournment is sought to enable the respondents to file written statement. Post on 12.6.2005. It is made clear that no further adjournment shall be granted. Counsel for the respondents shall also obtain the relevant records from the respondents.

K. K. Biswas
Member

G. Sivarajan
Vice-Chairman

mb

O.A. 233/2003

Notes of the Registry Date Order of the Tribunal

13.6.2005

Mr. B.C. Pathak, learned Railway counsel submits that though written statement has been sent for signature it has not been received. Counsel also submits that the case may be posted for final hearing and that in the meantime, the respondents will file written statement. Mr. K. K. Biswas, learned counsel for the applicant has no objection. Post on 21.7.2005 for hearing. The applicant, when ~~xx~~ received written statement shall file rejoinder.

Parin

21-6-05
W/S filed by
the Respondent Nos.
1 to 4.

mb

21.7.2005

K. K. Biswas
Member

21-7-05
Vice-Chairman

Mr. K.K. Biswas, learned counsel for the applicant is present. However, Mr. B. C. Pathak, learned counsel for the respondents has filed letter of absence and his junior submitted that his case may be adjourned. Post on 1.8.2005.

K. K. Biswas
Member

21-7-05
Vice-Chairman

mb
01.08.2005

Mr. B.C. Pathak, learned counsel for the respondents is not well. Mr. K.K. Biswas, learned counsel for the applicant submits that some modification in the application is required in view of the subsequent development. Post on 31.8.2005.

K. K. Biswas
Member

21-7-05
Vice-Chairman

17-8-05
The case is ready
for hearing.

Parin
29.7.05

Rejoinder submitted
by the applicant.

17-8-05
The case is ready
for hearing.

Parin
30.8.05

(10)

O.A. 230/2004 233/2003

(10)

31.8.2005

Post before the next
Division Bench.2-1-06

Vice-Chairman

The case is ready
for hearing.mg

mb

3.10.05. Post the matter before the
next available Division Bench.*After vacation**Manu*
Member*Shal*
Vice-Chairman

lm

3.1.2006 List the case after two weeks.

Manu
Member*Shal*
Vice-Chairman

Case is ready for hearing.

21/10/05

bb

7.3.2006 Heard learned counsel for the
parties. Order passed, kept in sepa-
rate sheets.The O.A. is closed in terms of
the order. No costs.

Vice-Chairman(J)

Vice-Chairman(A)

bb

17.8.06Copy of the present
order sent to the
D.P.C.C. for issuing
the same to the applicant
as well as to the
Rly. Standing Counsel.*dk*

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

233 of 2003

O.A. No.

07.03.2006

DATE OF DECISION

Smt Gouri Sarkar

..... Applicant/s

Mr. M.Chanda, S. Nath

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Others

..... Respondent/s

Dr.J.L.Sarkar, Railway Standing Counsel

..... Advocate for the
Respondents

CORAM

THE HON'BLE SRI B.N. SOM, VICE CHAIRMAN (A).

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN (J)

1. Whether reporters of local newspapers may be allowed to see the Judgment ?	Yes/No
2. Whether to be referred to the Reporter or not ?	Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench ?	Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment ?	Yes/No

Y 8/3/06
Vice-Chairman(J)/Vice-Chairman (A)

13

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 233 of 2003

Date of Order: This is the 7th March 2006.

THE HON'BLE SHRI B.N.SOM, VICE CHAIRMAN (A).

THE HON'BLE SHRI K.V.SACHIDANANDAN, VICE CHAIRMAN (J).

Smti Gouri Sarkar
Wife of Sri Dilip Kumar Sarkar
Working as Office Supdt/II(G)
Under Senior Materials Manager
N.F.Railway, New Jalpaiguri
West Bengal.

..... Applicant.

By Advocates S/Shri M.Chanda & S.Nath.

- Versus -

1. Union of India
Representing by the General Manager
N.F.Railway, Maligaon
Guwahati-781011.
2. The Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati-781011.
3. Controller of Stores
N.F.Railway, Maligaon
Guwahati-781011.
4. The Chief Materials Manager
N.F.Railway, Maligaon
Guwahati-781011.
5. Sri J.Bagchi now OS/I
Under Senior Materials Manager
N.F.Railway, New Jalpaiguri
Dist: Jalpaiguri, West Bengal.

..... Respondents.

By Dr.J.L.Sarkar, Railway Standing Counsel.

L

ORDER (ORAL)

SACHIDANANDAN, K.V. (V.C.) :

The applicant, while working as OS/II was promoted to the post of OS/I(G) vide Annexure-C order dated 3.4.1998 and vide Annexure-B order dated 15/16.6.1998 she was posted at BLST at Calcutta but she could not carry out the promotion due to domestic reason. The applicant made several representations praying for posting at New Jalpaiguri on her promotional post of OS/I(G) and the said series of representations were disposed of vide Annexure-A order dated 23.7.2003 declining her claim for promotion on the ground that she was not found suitable for empanelment by the selection committee in any of the suitability tests. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs:-

"8.(i) For quashing the miscarriage of justice caused by the General Manager(P), N.F.Railway, Maligaon by issuing the impugned orders/Letters/Memorandum at ANNEXURES-A & B.

8(ii) For promotional benefits of Pay, Scale, Allowances, Seniority and other benefits admissible in Office Superintendent I (G) in Scale Rs.6500-10,500/- from the date at per with the immediate and next junior of the Applicant, i.e. Sri J.Bagchi now Office Superintendent, Grade-I and posted under Senior Materials Manager, New Jalpaiguri with effect from 15.6.1998 till 31.10.03, after which the Applicant was promoted was promoted to the post of Office Superintendent, Grade-I(G) on up-gradation arising out of the

restructuring benefits given by the Railway Board as per Memorandum No.E/210/66 (S) Pt.v dated 3.11.04 followed by the Office Order No.E/174/NJP dated 13.12.04 issued by the Senior Material Manager, N.F.Railway, New Jalpaiguri, under whom the Applicant is working, and fixation of her present pay accordingly, the photo copies of which are annexed as Annexures N,O,P,Q, and as per provisional seniority list of O.S-I(G) of the Stores Department published by the Respondent No.1 vide No. E/225/101/8(s)Pt.III dated 9.5.01, the photo copy of which is annexed as ANNEXURE-L.

8.(iii) Any other relief(s) as the Hon'ble Tribunal may deem fit and proper."

2. We have heard Mr.M.Chanda, learned counsel for the applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways. Mr.Chanda brought our attention to the office order dated 22.6.2005 promoting the applicant w.e.f.12.7.2001 to the post of OS/I(G) which is reproduced below for better elicitation:-

" In supersession to this Office Order No.E/174/NJP communicated vide SAM/NJP's No.E/210/1 Pt.VIII dt.13-12-04, the promotion order of Smt. Gauri Sarkar, as OS/I(G) in scale Rs.6500-10500/- is allowed w.e.f. from 12-07-01 (from the date of junior Smt.R.Devi has been promoted). Smt. Gouri Sarkar will not be entitled for arrear but only proforma fixation benefit from 12-07-01. However she will be eligible for arrear on higher pay benefit from 01-11-03. The revised pay fixation of Smt. Gouri Sarkar on promotion as OS(G)I is shown as below.

Pay already fixed as OS(G)I in scale 01-11-03.	Pay now fixed as OS(G)I from 12-04-01
Rs.7700/-as on 01-11-03	Rs.7000/-as on 12-07-01

Rs.7900/- as on 01-11-04

Rs.7500/- as on 01-7-02
Rs.7700/- as on 01-7-03
only proforma fixation
benefit.

Rs.7700/- as on 01-11-03
Rs.7900/- as on 107-04
(eligible for arrear from
01-11-03).

The above order has been issued as per
GM(P)/Maligaon's office order No.170/-
E/Stores dt.27-05-05 communicated vide his
No.E/210/64(S) Pt.VI dt.27/30-5-05.

Staff concern may exercise her option
for fixation of pay from the date of next
annual increment in their substantive grade
within one month from the date of issue of
this office order."

3. Now the applicant submits that since by virtue of
the said order she has been given promotion on proforma
fixation benefits w.e.f. 12.7.2001 she is eligible for
getting arrear of promotional benefits from the date at per
with the promotion of her immediate and next junior. The
applicant submits that since she has been promoted, the
applicant may be given the liberty to file comprehensive
representation with all her grievances that has been left
out in the said order to the appropriate authority of the
respondents and the O.A. may be closed with such liberty.
Dr.J.L.Sarkar, learned Railway counsel has no objection in
adopting such course of action. Considering all the aspects
of the matter we are of the considered view that such
action will suffice the ends of justice. Accordingly, we
grant the applicant liberty to file a comprehensive
representation to the concerned respondent ventilating her

W

X

further grievances, if any, pertaining to her service benefits including the actual arrears not paid to her and antedated promotion etc as she wish.

The O.A. is closed as above. In the circumstances, no order as to costs.


(K.V.SACHIDANANDAN)
VICE-CHAIRMAN (J)


(B.N.SOM)
VICE-CHAIRMAN (A)

BB

CONSOLIDATED O.A.

15 APR 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI.

(An application Under Section 19 of the Administrative Tribunal Act,1985).

O.A.No.233 of 2003.

Smti. Gouri Sarkar.....Applicant.

-Vrs-

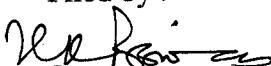
Union of India and Others....Respondents.

INDEX.

Sl. No.	Annexures.	Particulars.	Page.
1.		Application.	1 to 9.
2.		Verification.	9.
3.	Annexure-A.	The impugned letter dated 23.7.03 issued by General Manager, N.F.Railway, denying the promotion application.	10
4.	Annexure-B.	Memorandum of Office order showing promotion and Posting order of OS(G)/1.	11-12
5.	Annexure-C.	Memorandum dated 3.4.98 showing promotion of OS/1(G) in order of seniority in which the Applicant's name was reflected under serial No.6.	13
6.	Annexure-D.	Promotion and posting order of the Applicant dated 19.6.98 issued by the Controlling Officer of the Applicant.	14
7.	Annexure-E,F,G,H, I,J,K.	Copies and prayers, representations, requests and appeals of the Applicant submitted to The Respondents from time to time.	15-21
8.	Annexure-L.	Basic seniority list of staff of the Stores Department in the Grade of Head Clerk(G) as on 1.4.85.	22-30
9.	Annexure-M	The Applicant's representation dated 16.6.03 highlighting everything.	31
10.	Annexure-N,O.	Railway Board's Circular regarding promotion on up-gradation of posts arising out of restructuring benefits to take effect from 1.11.03.	32-36
11.	Annexure-P,Q.	Memorandum dated 3.11.04 and 13.12.04 regarding promotion of Applicant as OS/1 (G) to take effect from 1.11.03.	37-38,39
12.	Annexure-R.	Promotion and posting order of Sri J.Bagchi dated 9.5.01 to take effect from 15.6.98.	40-41
13.		Vokalatnama.	
14.		Acknowledgment of Service copy	42

Place : Guwahati.

Filed by :



(K.K.Biswas)
Advocate.

Date 12.04.05.

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.
GUWAHATI.

(An application Under Section 19 of the Administrative Tribunal Act,1985).

O.A.No.233 of 2003.

Smti. Gouri Sarkar.....Applicant.

-Vrs-

Union of India and Others.....Respondents.

List of Dates & SYNOPSIS.

Sl. No.	Date.	Particulars.	Annexure.	Page.
---------	-------	--------------	-----------	-------

1. 1.4.85.	Basic seniority list of Head Clerk(G).	Annexure-L.	22-30
2. 3/7-4-98.	Promotion order to the Post of OS/1(G) in Scale Rs.6,500-10,500/- of the Applicant which Was published by General Manager, Maligaon, In order of seniority showing the Applicant's Name under serial No.6. in the Select List.	Annexure-C.	13
3. 23.4.98.	Request of Applicant for arranging her posting at NJP considering the difficulties of her minor children prosecuting studies and sufferings of her husband which is permissible under the IREM Provision "on grave domestic difficulties and humanitarian consideration"	Annexure-E.	15
4. 24.4.98.	Prayer of the Applicant for consideration of her promotion and posting at NJP against the available vacancy at NJP.	Annexure-F.	16
5. 15.6.98	Promotion order of Sri J.Bagchi as OS/1(G) who is basically junior to the Applicant both in respect of Basic Seniority mentioned at Annexure-L and promotion order of the Select list published by the General Manager, Maligaon,	Annexure-C.	13
6. 16.6.98.	Office order of General Manager (P), for posting order of the Applicant at BLST (Beliaghata) in Calcutta.	Annexure-B.	11-12
7. 19.6.98.	Office order of the Controlling Officer of the Applicant for posting at Beliaghata.	Annexure-D.	14
8. 4.8.98.	Prayer of the Applicant for considering her Appeal for posting at NJP against her personal difficulties already mentioned.	Annexure-G.	17
9. 11.11.2000.	Prayer of Applicant for promotion and posting at NJP.	Annexure-H	18
10. 2.5.02.	Request of Applicant for her promotion at NJP considering the promotion of her junior superseding her claim.	Annexure-K.	21
10. 28.8.02.	Request of Applicant for her promotion as OS/I(G).	Annexure-I.	19
11. 31.3.03.	Request of Applicant for her promotion as OS/I(G) .	Annexure-J.	20

12. 16.6.03.- Representation of Applicant indicating the promotion of her junior Sri J.Bagchi, OS/I(G) at NJP. Annexure-R. 40-41

13. 23.7.03. Denial of the prayer for promotion as OS/I(G) by the Applicant by the General Manager(P), Maligaon, which is the impugned letter. Annexure-A. 10

14. 20.10.03. O.A.No. 233/2003 filed in the Hon'ble Central Administrative Tribunal, Guwahati Bench, praying for justice.

15. 3.11.04. During pendency of the Original Application before the Hon'ble Tribunal the Respondents gave promotion to the Applicant on up-gradation arising out of restructuring benefits as per Railway Board's Circular to take effect from 1.11.2003.

16. 11.4.05. Filing of the consolidated O.A. as ordered by the Hon'ble Tribunal consequent on the changed circumstances of giving promotion to the Applicant with effect from 1.11.03 mentioned above.

Place : Guwahati.

Date 14/04/05.

Filed by :

K.K.Biswas
(K.K.Biswas)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH :
AT GUWAHATI.

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

O.A.No. 233 of 2003.)

File No. 124/05
New Date
of Issue
12/4/05
of Date

Smti Gouri Sarkar
Wife of Sri Dilip Kumar Sarkar,
Working as Office Supdt/II(G)
Under Senior Materials Manager,
N.F.Railway, New Jalpaiguri, West Bengal Applicant.

-Vrs-

1. Union of India Representing by the
General Manager, N.F.Railway,
Maligaon, Guwahati-781011.
2. The Chief Personnel Officer,
N.F.Railway, Maligaon, Guwahati-781011.
3. Controller of Stores,
N.F.Railway, Maligaon, Guwahati-781011.
4. The Chief Materials Manager,
N.F.Railway, Maligaon, Guwahati-781011.
5. Sri J.Bagchi, now OS/I under Senior Materials Manager,
N.F.Railway, New Jalpaiguri, Dist. Jalpaiguri,
West Bengal.

..... Respondents.

DETAILS OF APPLICATION.

1. Particulars of the orders against which the Application is made

- a) General Manager (P)/ N.F.Railway / Maligaon's letter No.E/210/66(S)Pt
V dated 23-07-03 (Annexure-A).
- b) General Manager (P), N.F.Railway, Maligaon's Memorandum No.
E/210/66(S) Pt-V, dated 15/16-5-1998 (Annexure-B).

Copies of above letter and Memorandum of office order are enclosed as
ANNEXURES A and B.

Contd....p/2...Jurisdiction.....

2. Jurisdiction:

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

3. Limitation:

The Applicant submits that the application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case:

4.1 That the Applicant is a citizen of India and, therefore, is entitled to the rights and privileges guaranteed to the citizens of India under the Constitution.

4.2 That the Applicant along with other 19 employees of the N.F.Railway's Stores Department being the senior most office Supdt. Gr-II (herein after be known as OS/II) in scale Rs.5500- 9000/- on being found suitable were empanelled for promotion to the post of office Superintendent Gr-I(G) (herein after be known as OS/I(G) in scale Rs.6500-10500 by the General Manager (P), N.F.Railway, Maligaon who issued the Memorandum No.E/210/66(S) Pt.V dated 3-4-98 for posting against existing vacancies available in order of seniority.

Copy of the above Memorandum is submitted as Annexure-C.

4.3. That before publication of the posting order of the selected candidates by the General Manager (P), N.F.Railway, Maligaon vide their letter of even No. dated 15/16.05.1998, the Applicant submitted a prayer to the Principal Head of the Stores Department i.e. Controller of Stores, N.F. Railway, Maligaon vide her letter dated 23.4.98 requesting him to kindly arrange her posting at New Jalpaiguri in the capacity of Office Superintendent, Grade-I considering her certain unavoidable and stringent difficulties due to minor children prosecuting of studies and husband's prolong illness. But instead of replying to her representation, appeal and personal approaches to her immediate Controlling Officer and to all concerned authorities in the matter the Respondents have

Contd...p/3.....observed....

22
N. D. D.
12/4/05
Advocate

Gouri Sarkar

observed chilly silence for more than 5 years and only by their impugned letter dated 23.07.03,(at Annexure-A), informed the Applicant that she was not found suitable for empanelment by the Selection for the post of Office Superintendent, Grade-I(G).Against such peculiar and astonishing and vague reply of the Respondents, the Applicant has come to this Hon'ble Tribunal for justice and filed the instant Original Application.

Copy of the prayer dated 23.4.98 is annexed as **Annexure-E.**

4.4. That the Dist Controller of Stores, N.F.Railway, New Jalpaiguri, her Controlling Officer vide his Office Order No.E/I/NJP/98 communicated under No.E/210/I Pt.V dated 19.6.98 for promotion and posting of the promoted OS/I(G) working under his control to take immediate effect and the Applicant was shown her place of posting under ACOS/BLST.

Copy of the said office Order is submitted as **Annexure-D.**

4.5. That the Applicant had been repeatedly praying for her place of posting at New Jalpaiguri on her promotional post as OS/I(G) vide her appeals dated 24-4-98,4-8-98,11-11-2000,28-8-2002,31-3-2003 and 2-5-2002.

Copy of the above appeals are submitted under **ANNEXURES-E,F,G,H,I,J,K.**

4.6. That in spite of repeated appeals praying for posting at New Jalpaiguri on the promotional post of the Applicant as OS/I(G) the Respondents-N.F.Railway Administration have not given a single line in reply about the fate of the appeals/request/prayer of the Applicant during the long span of 5(five) years.

4.7. That the Respondents- N.F. Railway Administration have also issued posting order of Sri J. Bagchi Respondent No.5, who is junior to the Applicant in respect of promotion for the post of OS/I(G), at New Jalpaiguri itself against the existing vacancies without considering the representations of the Applicant and without intimating her about the destiny of her prayer mentioned under para-4,5..above. The basic seniority list as on 1-4-85 in the grade of Head Clerk(G) of all juniors promoted superseding the Applicant is enclosed as **ANNEXURE-L.**

4.8. That against the gross miscarriage of justice and arbitrary decision of the Respondents-N. F. Railway Administration the Applicant highlighted everything in detail vide application dated 16.6.2003 (ANNEXURE-M) and prayed for the justice and fair play of the whole episode.

4.9. That against the representation of the Applicant mentioned under para 4.8(ANNEXURE-M) the General Manager (P), N. F. Railway, Maligaon has issued the impugned letter No.E/210/66(S) Pt.V dt. 23.07.03 (ANNEXURE-A) to the Applicant which is not only a bolt from the blue but also does not carry any meaning at all. For, the words "not found suitable for empanelment by the selection committee in any of the above suitability tests " held on " 22.5.2001, 19.12.2001, 24.12.2002" for promotion to the post of OS/I(G) in scale of Rs.6500-10500/-" are in derogation and contradictory to their earlier orders and, hence, not maintainable in any form and in the eye of law.

4.10. That in the Memorandum of promotion order for the post of OS/I (G) issued by General Manager (P) /MLG on 3.4.98 vide ANNEXURE-C was "in order of seniority" and according to all services jurisprudence, specially the Railway's prevailing system, the juniormost persons shall be asked at first to carry out transfer on promotion. Of all the candidates shown in the said Memorandum, the Applicant's name was shown under Serial No.6 in order of placement of seniority and, as such, the juniormost person should have been ordered to be posted under ACOS/BLST in stead of a pretty senior like the Applicant, who was not given even a reply to her repeated representations and personal approaches made to all concerned authorities.

4.11. That in this connection it is humbly submitted that it has been clearly mentioned under Note 1 of the Para-224 under II, of the Indian Railway Establishment Manual, Vol-I in "Non-Selection Posts," it is clearly stated that in view of the grave domestic difficulties or other humanitarian consideration, the Administration can entertain request from employee for postponement of promotion for very short periods. The contents of the said provision are reproduced ad verbatim as under:

"Administration can, however, entertain request from employee for

Advocate
 Neelam
 124105
 Sonali Sarker

postponement of promotion for very short period on account of grave domestic difficulties or other humanitarian consideration. The employee concerned will be promoted after the period provided there is a vacancy and he will take his seniority from the date of his promotion."

But in the case of the Applicant the Respondents have bye-passed the Applicant straightway and promoted her juniors one after another without caring and considering her case of rightful claim, albeit she had never refused of her promotion, which she made to the administration was only a request/prayer for consideration of her difficulties mentioned in her series of appeals stated in the foregoing para-4.5.

And the Administration took long 5 years 6 months to reply to her representations vide the impugned letter at **ANNEXURE-A**.

4.12. That failing to get redress of her rightful claim the Applicant filed the instant Original Application before this Hon'ble Tribunal for correct discernment of the case and justice and during pendency of the Application the Respondents have arranged her promotion as Office Superintendent, Grade-I, on up-gradation of posts arising out of restructuring benefits to take effect from 1.11.03 in accordance with the Railway Board's Letter No.PC-III/2003/CRC/6 dated 6.11.04 and PC-III/2004/CRC/13 dated 28.6.04 and issued Memorandum under No.E/210/66(S) Pt.V dated 3.11.04 by the General Manager(P), N.F.Railway, ~~and Senior Material Manager, N.F. Railway~~, New Jalpaiguri's office order No.E/174/NJP dated 13.12.04.

Copies of the Railway Board's Circular and the above Memorandum and office order are annexed as **ANNEXURES-N,O,P,Q**.

4.13. That the Applicant begs to state that even in the changed circumstances of her being promoted in the capacity of Office Superintendent Grade-I(G) and getting benefit with effect from 1.11.03 mentioned above the Applicant reiterates and reaffirms her earlier claim of getting "just dues" mentioned in the Original Application and begs to state that her name in the list of promotion should be placed above her immediate junior Sri J.Bagchi who was promoted to the Post of Office Superintendent, Grade-I with effect from 15.6.98 vide office order No.E/255/101/8(S)I & III dated 9.5.2001 issued by the Respondents, (A copy of which is submitted herewith as ANNEXURE-R), with the consequential benefits of pay & allowances and other wages as per extant Rules right from the date of her promotion arising out of the said selection, including the promotional

Gouri Sarkar
Advocate
12/4/05

Contd....p/6.....benefits.....

benefits of fixation of Pay & allowances on the recent development mentioned above i.e. from 15.6.98. ~~to~~ 31-10-2003.

Copy of Sri J.Bagchi's promotion & posting order mentioned above is annexed as **Annexure-R**.

4.14. That the unfair treatment of the Respondents to this Applicant who was fairly senior both in the selection in the seniority list of promotion, as it appears in the Memorandum issued by the Respondents vide Annexure-C and B respectively, are very much candid which needs rectification immediately as per provision 228(I) of the IREM, Vol-I at pages 65-66, the crux of which are as under :

Gonei Sankalp
1294/05
Adv. O. C. S.

"Sometimes due to administrative errors, staff are overlooked for promotion to higher Grades could either be on account of wrong assessment of rate of seniority of the eligible staff or full facts not being placed before the competent authority at the time of according promotion or some other reasons". ".....such a case should be dealt with on its merits. The staff who have lost promotion on account of administrative error should on promotion be assigned correct seniority vis-à-vis their juniors already promoted irrespective of the date of promotion. Pay in the higher Grade of promotion may be fixed proforma at the proper time. The enhanced pay may be allowed from the date of actual promotion".

5. Grounds for relief:

For that the impugned orders (Annexures A and B) of the Railway Authority are " Malafide " and " bias " and not according to law & Rules of the service-matters, and hence, liable to be quashed.

5.1. For that the cause of the Applicant has not been examined with proper application of mind and care and, hence, caused " miscarriage of justice ".

5.2. For that the impugned order was perverse on the face of it.

5.3. For that the impugned orders were unreasonable, arbitrary and/or malafide.

5.4. For that there has been denial of Administrative Fairness.

5.5. For that the Respondents while considering her promotion in OS-I(G) to take effect from 01.11.2003 have carefully evaded the rightful claim of the Applicant as mentioned in the Sub-paras of above.

5.6. For that the impugned orders and actions of the Administration have violated the Fundamental rights guaranteed to the Applicant under Articles 14,16(1),21 and 309 of the Constitution of India.

5.7. For that the cardinal principles of Natural Justice was denied.

6. Details of remedy exhausted :

The Applicant declares that she has availed of all the remedies available to her under relevant service rules to the best of her capabilities and without getting proper relief to her appeals, representations/requests/prayers mentioned under the above ANNEXURES she has come to this Hon'ble Tribunal for having justice which she seems to be efficacious as per Art.21 of the Constitution of India.

7. Matters not previously filed or pending with any other court :

The Applicant most humbly submits that she has not filed any other 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 Tribunal or Court in respect of the subject matter of this application Save and except the instant O.A.No.233 of 2003 awaiting adjudication and justice by the Tribunal.

Ms. J. S. Gauri Sarker
Advocate
17/9/05

Gauri Sarker

8. Relief sought:

In the circumstances stated above the Applicant humbly prays that the Lordships of this Hon'ble Tribunal may be pleased to administer justice and issue orders-

8.(i). For quashing the miscarriage of justice caused by the General Manager (P), N.F. Railway, Maligaon by issuing the impugned orders /Letters/ Memorandum at ANNEXURE-A & B .

8.(ii) For promotional benefits of Pay, Scale, Allowances, Seniority and other benefits admissible in Office Superintendent I (G) in Scale Rs.6500 – 10,500/- from the date at per with the immediate and next junior of the Applicant, i.e. Sri J.Bagchi now Office Superintendent, Grade-I and posted under Senior Materials Manager, New Jalpaiguri with effect from 15.6.1998 till 31.10.03, after which the Applicant was promoted to the post of Office Superintendent, Grade-I(G) on up- gradation arising out of the restructuring benefits given by the Railway Board as per Memorandum No.E/210/66 (S) Pt.v dated 3.11.04 followed by the Office Order No. E/174/NJP dated 13.12.04 issued by the Senior Material Manager, N.F.Railway, New Jalpaiguri, under whom the Applicant is working, and fixation of her present pay accordingly, the photo copy of which are annexed as Annexures N,O,P,Q, and as per provisional seniority list of O.S-1(G) of the Stores Department published by the Respondent No.1 vide No.E/255/101/8(s) Pt.III dated 9.5.01, the photo copy of which is annexed as ANNEXURE-L.

8.(iii). Any other relief(s) as the Hon'ble Tribunal may deem fit and proper.

9. Interim Relief:

Pending finalization of this Application Your Lordships may be pleased to pass such order as deem fit and proper.

10. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

Advocate
Gauri Sarkar
M/s. Doss
12/10/05

11. List of ANNEXURES :

A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P,Q,R.

Reff no 1294105
Advocate

-VERIFICATION-

I, Smti Gouri Sarkar, wife of Sri Dilip Kr. Sarkar, aged about 50 years, now working as Office Superintendent, Grade-I (G) under the Dy. Chief Materials Manager, now Senior Materials Manager (D), N.F. Railway, New Jalpaiguri, do hereby solemnly affirm, verify and declare that the statement made under paras 1 to 41.....herein this Application/Petition are true to my knowledge, information and belief and I have not suppressed any material facts and the rests are my humble submission.

And I sign this VERIFICATION on this 12 th day of April, 2005.

Place : Guwahati.

Date 04.05.

Gouri Sarkar

SIGNATURE OF THE APPLICANT/PETITIONER.

Office of the
General Manager(P)
Malgachan, Guwahati-11

No. E/210/66(S) PTV

10

Dated, 23-07-03

To

Smt. Gouri Sarkar
OS/II(G) under Dy.CMM/NJP
(Through: Dy CMM/II(G))

Sub:- Prayer for Promotion as OS/I(G)
in scale Rs.6500-10500/- of Stores
Department.

Ref:- Your representation dtd, 16.06.03

Referred to your representation dtd 16.06.03 it is
to inform you that your name was duly included in the list of
OS/II(G) for promotion to the post of OS/I(G) in scale
Rs. 6500-10500/- on 22.03.2001, 19.12.2001 & 24.12.02, but
you were not found suitable for empanelment by the selection
committee in any of the above suitability tests. Hence no
promotion order in favour of you was issued.

This is for your information.


(23)7/03

(A.K. Chatterjee)
APO/TEST
for General Manager(P)/MLG.

Copy to:-(1) Dy.CMM/NJP-for information in reference
to his letter No. E/PC/III/NJP/17
dtd, 18.06.03

for General Manager(P)/MLG.

*checked
MLG
23/7/03
19/07/03
Advocate*

W.M.P.

1999/2000

*get done
19/07/03*

NORTHEAST FRONTIER RAILWAY

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Smt. Gouri Sarkar
19/6/98

In continuation of this office Memorandum of even No. Dtd. 3.4.98, the following OS/II(G) in scale Rs. 5500-9000/- of Stores Deptt. are temporarily promoted to officiate as OS-I(G) in scale Rs. 6500-10500/- posted in the Unit/Offices against the existing vacancy as under indicated against each with immediate effect.

Sl. No.	Name	Designation	Present place of posting in scale Rs. 5500/-	Now posted under as scale Rs. 9000/-	OS/II(G) in scale Rs. 6500-10500/-
1.	Sri Khagen Saikia	OS/II	DCOS/DBRT	DCOS/NBII	DCOS/NBII
2.	Smt. S. Hazarika(SC)	OS/II	DCOS/DBRT	DCOS/DBRT	DCOS/DBRT
3.	Sri S.M. Rahmān	OS/II	DCOS/DBRT	DCOS/NBII	DCOS/NBII
4.	Sri G.C. Seal	OS-II	COS/MLG	COS/MLG	COS/MLG
5.	Smt. Lekha Sen	OS-II	COS/MLG	COS/MLG	COS/MLG
6.	Smt. P. Muktan	OS-II	APS/KGN	APS/KGN	APS/KGN
7.	Smt. J. Bhadra	OS-II	COS/MLG	COS/MLG	COS/MLG
8.	Sri K.K. Das.	OS-II	Dy.COS/PNO	Dy.COS/PNO	Dy.COS/PNO
9.	Sri M.K. Roy Bardhan.	OS-II	DCOS/NJP	DCOS/NJP	DCOS/NJP
10.	Smt. Gouri Sarkar	OS-II	DCOS/NJP	ACOS/BLST	ACOS/BLST
11.	Sri M. Singh	OS-II	DCOS/NBII	DCOS/NBII	DCOS/NBII
12.	Sri J. Bagchi.	OS-II	COS/Con/MLG	COS/Con/MLG	COS/Con/MLG
13.	Sri A.K. Chakraborty	OS-II	Dy.COS/PNO	Dy.COS/PNO	Dy.COS/PNO
14.	Sri G. Hazarika	OS-II	COS/MLG	COS/MLG	COS/MLG
15.	Sri J.K. Das (SC)	OS-II	COS/MLG	COS/MLG	COS/MLG
16.	Sri S.C. Das (SC)	OS-II	DCOS/DBRT	ACOS/BLST	ACOS/BLST
17.	Smt. S. Saikia (ST)	OS-II	Dy.COS/PNO	COS/MLG	COS/MLG
18.	Sri K.M. Ghosh.	OS-II	DCOS/NBII	DCOS/NBII	DCOS/NBII
19.	Sri T.K. Roy	OS-II			

Kolkata

It should be brought to the notice of the employees that if they do not carryout the transfer order within a fortnight from the date of issue of this order in terms of Bd's instructions, circulated under GM(P)/MLG's letter No. E/253/Con/P-III dt. 12.3.91 it would be construed that they are unwilling to undertake the transfer and promotion and they would be debarred from promotion for a period of 1(One) year. As such, the above transfer/promotion ordered should be acknowledged & be sent to this office for taking further necessary action.

Implementation/Non-implementation of transfer order showing the date of sparing and joining the new post should invariably be intimated the cadre controlling officer (APO/GR) immediately. Staff concerned, on promotion to their new post would have the right to opt for their fixation of pay from the date of accrual of their next substantive increment in the lower scale, if so desired. They should however prefer their option within a period of one month from the date of issue of this order, failing which, no option preferred afterwards would be entertained. This clause may also be brought to the notice of the staff concerned.

✓ by each of the employees and their acknowledgement.

16/98

*allied
retd
12/4/05
Advocate*

*Not carried out
contd.....2.
Proofs*

--: 2 :--

This issue with the approval of competent authority.

N.B:- The promotion of Sri P. Talukder,
OS/II at S.L.No.14 of Memo. dt.
3.4.98 is withheld due to non-
receipt of Vig. Clearance.

15/6/98

✓ General Manager (P)
N.F.Railway/Maligaon.

No.. E/210/66(S) Pt.V.

Dated 15 - 06 - 1998.

Copy forwarded for information and necessary action
to :-

1. FA & CAO/Maligaon.
2. COS/Maligaon.
3. CMM/Maligaon.
4. COS/Con/Maligaon.
5. Dy.COS/IC/MLG.
6. Dy.COS/Pandu.
7. DCOS/NEQ
8. DCOS/NJP
9. DCOS/DBRT
10. ACOS/BLST.
11. ACOS/KIR
12. APS/RGN.
13. DCOS/D/SGUJ.
14. DCOS/D/NGC, LMC.
15. DCOS/D/MLUT.
16. WAO/NBB.
17. AAO/NJP.
18. DAO/KIR
19. AAO/BLST.
20. P/Case.
21. Staff Concerned.
22. GS/NFRMU/PNO. (with spare
23. GS/NFREU/PNO (copies.

15/6/98

for GENERAL MANAGER (P)
N.F.Railway/Maligaon.

15/6/98

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N. F. Railway.
MEMORANDUM.

The following senior most OS/II in scale Rs.5500-9000/- of Stores Deptt. on being found suitable for the post of OS/I(G) in scale Rs. 6500-10500/- are provisionally empanelled for promotion for the post of OS/I(G) in scale Rs.6500-10500/- against the existing vacancies available in order of seniority.

SN	Name and designation.	Place of working.
1.	Sri Khagen Saikia.	OS/II DCOS/DBRT.
2.	Mrs. S. Hazarika (SC)	-do-
3.	Sri S. N. Nahaman.	-do-
4.	" K. K. Das.	-do-
5.	" M. K. Roy Bardhan.	-do-
6.	" Gouri Sarkar.	-do-
7.	" M. Singh.	-do-
8.	" J. Bagchi.	-do-
9.	" A. K. Chakraborty.	-do-
10.	" G. Hazarika.	-do-
11.	" J. K. Das, (SC)	-do-
12.	" S. Ch. Das, (SC)	-do-
13.	Mrs. S. Saikia (ST)	-do-
14.	Sri Pradip Talukder.	-do-
15.	" K. M. Ghosh.	-do-
16.	" T. K. Roy.	-do-
17.	Miss Sipra Das.	-do-
18.	Sri R. K. Dutta.	-do-
19.	" D. N. Talukder.	-do-
20.	" N. H. Namasudra (SC)	-do-

This issues with the approval of Competent Authority.

3/4/98

for General Manager (P) :MLG.

No. E/210/66 (S) Pt. V. copy to:- Maligaon, dated 3-4-98.
 1. FA&CAG/MLG. (2) COS/MLG. (3) COS/CON/MLG. (4) Dv. COS/MLG.
 5. Dy. COS/NBQ. (6) DCOS/PNO. (7) DCOS/DBRT. (8) DCOS/NJP.
 9. DCOS/D/SGUJ. (10) ACOS/BLST. (11) ACOS/KIR. (12) ACOS/D/NGC.
 13. ACOS/D/MLDT. (14) ARS/XGN. (15) DCOS/APDJ. (16) DACOS/LMG
 17. ACOS/D/LMG. (17) DACOS/TSK. (19) DCOS/MLG. (20) GS/NF/MLU/PNO.
 (21) GS/NF/MLU/PNO. (22) Staff concerned. (23) P/Case.

for General Manager (P) :MLG.

ad/-3.4.98

S. K. Deka
Advocate

17 14
N.F.RAILWAY.

Office of the
Distt. Controller of Stores
New Jalpaiguri.

OFFICE ORDER NO. E/II/NJP/98

In terms of GM(P)/Maligaon's office order No.E/210/66(S) Pt.V dt.15/16-06-1998 the following promotion and posting is ordered to take immediate effect.

- 1) Shri M.K.Roy Bardhan, OS/II/G in scale of Rs.6500-9000/- working under DCOS/NJP is hereby temporarily promoted to officiate the post of OS/I(G) in scale Rs.6500-10500/- and posted at NJP and inst-existing vacancy.
- 2) Smt. Gouri Sarkar, OS/II(G) in xxx scale Rs.6500-9000/- working under DCOS/NJP is hereby temporarily promoted to officiate to the post of OS/I(G) in scale Rs.6500-10500/- and posted under ACOS/BLST.
- 3) Shri Munna Singh, OS/II(G) in scale Rs.6500-9000/- Working under DCOS/NJP is hereby temporarily promoted to officiate to the post of OS/I(G) in scale Rs.6500-10500/- and posted under ACOS/KIR.

For item (1) & (2) it is informing that if they are unwilling to carry out the posting order within the fortnight from the date of issue this order it would be construed that they are unwilling to under take the transfer and promotion and they would be debarred from promotion order for a period of 1(one) year.

The staff concerned may get his promotional officiating pay ~~xxx~~ refixed from the date of his next substantive increment by exercise option within 30 days from the date of issue of this order.

NO.E/210/I Pt.VIII Dt.19.6.98

Sd/- (S. R. Barpata)
Distt: Controller of Stores
N.F.Railway/New Jalpaiguri.

Copy to: 1) GM/P/MLG (2) COS/MLG (3) AAO/NJP (4) DCOS/D/SGUJ
5) DSK/I/G/NJP (6) OS/I/G/ADM at office (7) Staff Concerned
8) ACOS/BLST (9) ACOS/KIR (10) Spare cpy for P/Case
11) ACOS/D/MLDT (12) APQ/GR/MLG.

Distt: Controller Of Stores
N.F.Railway/New Jalpaiguri.

*Allow 10 days
New Jalpaiguri
14/05
Advocate*

18
15
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To,
The Controller Of Stores,
N. F. Railway/Maligaon.

Through Proper Channel.

Sub:-Arrangement for Posting at NJP as OS/I
under DCOS/NJP.

Ref:-GM/P/MLG's NO.E/210/66/(S) Pt.V dt.3/7.4.98.

Sir,

I have the honour to inform you that I already declared suitable for the post of OS/I vide GM/P/MLG's L/ No.E/210/66(S)Pt.V dt.3/7.4.98. As per above list my Sl.No. is 6. Now I beg to submit the following few point to you for posting me at NJP. That Sir, my minor children are pursuing studies at Siliguri and it is very difficult for me to move elsewhere. Secondly I am suffering from Hypertension and other several diseases. My husband is a ~~business man~~ business man he is not residing here.

So I earnestly requesting you to kindly posting me at NJP as a OS/I with your kind heart, thus I shall able to look after peacefully and I shall ever grateful to you.

Yours faithfully,

Gouri Sarkar

(GOURI SARKAR)
OS/II Under DCOS/NJP.

Dated:
NJP, 23-4-98.

Copy to: DCOS/NJP for information.
GS/MU/NJP. For information & Necessary action Please.

Gouri Sarkar

(GOURI SARKAR)
OS/II .

ofc

allied
Advocate
12/4/05

To
The Controller of Stores,

N.F.Railway (For kind attention of Sri N. Ramachandran, CMM)
Maligaon.

Through: Proper Channel.

Sir,

Sub:- promotion and posting as
OS/I(G).

Ref:- GM/P/MLG's Memorandum No.
E/210/66(S)Pt.V dated 3/7-4-98.

With due respect and humble submission, I beg to state the following few lines for your favourable consideration in regards to promotion and posting of the undersigned as OS/I(G).

That Sir, I have been declared suitable for the post of OS/I(G) in scale Rs.6500-10500/- and empanelled for promotion for the post of OS/I(G) vide GM(P)MLG's Memorandum endorsed under No. E/210/66(S)Pr.V dt. 3/7-4-98. Now, within a very short time p remotion & posting order will be issued against the available vacancies. My name is appearing at Sl. No. 6 of the aforesaid memorandum.

Now, in this context I beg to state in a nutshell that my husband is a middle class businessman in the Siliguri locality. Again I have only two issues & both are minor and reading in a Bengali medium school at Siliguri. Above all I am suffering from Hypertension. In view of the above critical situation I beg to state that neither shifting of whole family nor detachment from family is possible of myself is posted elsewhere except NJP.

I, therefore, request to your goodself in advance before issue of promotion & posting order for considering my promotion and posting at NJP under DCOS/NJP. Here I like to mention that Sri P.K. Das, OS/I(G) will retire from service on superannuation on 31.10.98 and my promotion & posting may kindly be considered against the aforesaid resultant vacancy if promotion & posting at NJP is not considered against the available vacancy at NJP or any other suitable means.

Hoping to be favour with as prayed for. With kind regard

Dated: NJP, the
24-4-98

Yours faithfully

Gouri Sarker
(GOURI SARKER)

OS/II under
DCOS/NJP

Attested
Nelson
12/4/05
Advocate

rd to 5/1/98
G. Sarker

~~17~~
37

To
The Controller of Stores,
N.F.Railway, Maligaon.

(for kind attention of Shri N. Ramachandran)
Through-Preper Channel. (CMM/MLG)

Respected Sir,

Sub:- Prayer for considering
posting of self (Gouri Sarkar
OS/II under DCOS/NJP) at NJP
on promotion as OS/I.

Most humbly I beg to invite your kind attention
to my appeal dated 23.4.98 forwarded to you by DCOS/NJP vide
his letter No. E/283/1/Pt.IV dated 7.7.98 to which your decision
is still awaited.

I beg to reiterate, Sir, that I have been promoted
to the post of OS/I and posted at BLST vide DCOS/NJP's office
order No. E/210/1/Pt.VIII dated 19.6.98 against the panel circula-
ted vide GM/P/MLG's No. E/210/66(S)Pt.V dated 3/7.4.98.

On receipt of the promotion order I had submitted
an appeal on 23.4.98 to your kindself praying for my retention
at NJP on promotion as OS/I on the ground mentioned therein.
I beg to submit that my son and daughter have been studying in
Schools at NJP and as such if I am shifted from this place, the
study of my children will seriously hamper. Moreover, I am a
patient of Hypertension. My husband is a businessman and has been
carrying out his business at Siliguri. If I am retained at NJP
I shall be able to enjoy my peaceful matrimonial life here at NJP
alongwith my husband and children.

I understand, that there is a provision in the
Establishment rules that the administration may consider retention
of an employee at a station where his or her spouse is staying.

In the above context, I would fervently
appeal to your kindself to consider my prayer sympathetically
and allow me to enjoy the promotional benefit at NJP instead of
transferring me to BLST for which act of your kindness I shall
remain ever grateful.

With regards.

Yours faithfully,

Dated: New Jalpaiguri.
The 4th August '98.

Gouri Sarkar
(Gouri Sarkar)
OS/II Under DCOS/NJP.

Copy to GM/P/MLG for kind information
and needful action please.

(Gouri Sarkar)
OS/II under DCOS/NJP.

allied
Advocate

To
The Controller of Stores
N.F.Railway/Maligaon.

Through: Proper Channel.

Respected Sir,

Sub:- Premotion and posting as OS/I/G.

Ref:- GM/P/MLG's Memorandum No. E/210/66
(S) pt.V dated 3/7.4.98.

.....

With due respect and humble submission I beg to state that I preferred an appeal on 27.4.98 forwarded by DCOS/NJP under his letter No. E/283/1/pt.IV dated 27.4.98 regarding my promotion and posting as OS/I/G at NJP vide GM/P/MLG's Memorandum No. E/210/66(S) pt.IV dated 3/7.4.98.

That Sir, I have already mentioned my disadvantages for family problems in my previous appeal against my transfer at ACOS/BEST on promotion as OS/I/G in scale of Rs.6500-10500/-, My promotion as held up during 2/3 years. In this period I have not received any letter from Head Quarter. Now, I am praying for my promotion and posting at NJP after long waiting.

In this connection, I like to mention that a resultant vacancy has been caused due to the retirement of Shri P.K.Das, OS/I/G/NJP on 31.10.2000. I, therefore, Pray to you kindly provide me at NJP as OS/I/G considering my seniority position.

For this act of Kindness, I shall remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully,

Dated: NJP
The 11th Nov, 2000.

(Gouri Sarkar)
OS/II/NJP under
DCOS/NJP.

Copy to Branch Secretary /N.F.Rly/MU/NJP for information and necessary action please.

Gouri Sarkar
(Gouri Sarkar)
OS/II/NJP under
DCOS/NJP.

*Attended
Ref no is
121405
On scale*

19

39

To,

The General Manager(P),
N.F.Rly, Maligaon,
Guwahati.

Through: Proper Channel.

Sir,

Sub:- Denial of due promotion to the post
of OS/I(G) in scale Rs.6500/- to 10,500/-.

Ref:- My appeal dated 02.05.2002 forwarded by
DCOS/NJP vide his L/No. S/PC/III/NJP/17
dated 05.05.2002 (copy enclosed).

I note with deep regret that my above appeal, for my
due promotion after the bar period of one year for inability to
carry out the order of promotion with transfer to BLST(KOLKATA)
in the year 1998, has not been considered by competent Authority
and meanwhile my Juniors are arranged to be promoted.

That, in the month of May, 2002, I personally met
the COS/MLGM when he assured me that Justice would be done to me.

It may be mentioned here that I was given promotion
to the post of OS/I when I was found suitable for it same officially
and formally. Hence, my said promotion can not be declared "Null and
Void" under any circumstances.

I, therefore, once again request you to please
arrange for my immediate promotion giving preference over my
juniors.

In case, no action is taken within a reasonable
time, I may have to seek justice under the Law of the Land.

Thanking you.

Enclo:- One letter
in 2(two) pages,

Dated, NJP,
The 28th August'02.

Yours faithfully,

Gouri Sarkar
(Gouri Sarkar)
OS/II under DCOS/NJP.

ofc

for 20/8/02
28/8/2002
Copy to EU/NJP for information and
necessary action please.

Gouri Sarkar
(Gouri Sarkar)
OS/II/G/under
DCOS/NJP

*allied
section
12/4/05
Fds/see*

re Jyoti

To,
CMM/MLG
N. F. Rly

Thro:- Proper Channal.

Sub:- Promotion of OS/1/G in Scale of Rs.6560 to
10,500/- P.M.

Sir,

With due respect and humble submission, I beg to lay down the following facts for your kind disposal please.

That Sir, having learnt from a very reliable source that a panel of OS/1/G is lying under your kind disposal. Through I am the seniormost OS/11 and eligible to perform my duties very clearly which is from my heart yet my name is not listed on that panel.

That Sir, very honestly I am requesting to you please consider my case sympathetically and help me to be an OS/1 under Dy.CMM/NJP.

The biddates are follows:-

1. Date of appointment :- 12 - 1 - 72
2. Date of Promotion as Sr.Clark:- 18 - 3 - 80
3. Date of promotion as Rd.Clark:- 1 - 1 - 84
4. Date of promotion as OS/11 :- 1 - 3 - 93

Yours faithfully,

Gouri Sarkar

(Gouri Sarkar)
08/II Under
Dy.CMM/NJP.

Dated, Nowjulpuiguri,

31 - 3 - 2003

Attest
Neftsoo
1294105
Advocate

rd - J. neftsoo

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

Thru: Proper Channel.

Sir,

Sub:-Promotion to the post of OS/I(G) in scale Rs.
6500-10500/- one year's after non-acceptance on
account of domestic constraints.

Ref:-1) Your office order no.E/210/66(S)Pt.V dated
15/16.05.1998.
2) Your memorandum no.E/210/66(S)Pt.V dated
16.4.2002.

Most respectfully I beg to submit the following few
lines for favour of your kind consideration and immediate action
please.

That sir, on being found suitable for the post of
OS/I(G) vide your memorandum no.E/210/66(S)Pt.V dated 3/7.4.1998,
I was promoted as such and ordered to be posted under DCOS/BLSI.
That, vide my appeal dated 23.07.1998, I expressed my unwillingness
to carryout the above promotion order with transfer on account of
the study of my children, as well as of my ill health and last but
not the least, on account of my husband's compulsion to stay
at NJP/Siliguri for his livelihood.

Through my above appeal I also requested you to
favour me with a posting at New Jalpaiguri. But my request was not
acceded to. That according to the content of your above office order
the staff unwilling to undertake the transfer and promotion would
be debarred from promotion for 1(One) year. But, after crossing of
the above bar of one year w.e.f. from 19.6.98 (Ref: DCOS/NJP's L/No.
E/210/1 Pt.VIII dt.19.6.98), no action has yet been taken by the
Rly Administration to reconsider my claim of promotion. Meanwhile,
I observed with great dismay that a fresh Memorandum vide no.E/
210/66(S) Pt.V dt.16.4.2002 has been circulated enlisting a host
of my Juniors found suitable for promotion to the post of OS/I.

Under the circumstances, ~~I would appreciate your indulgence~~
before effecting the above memorandum for promotion of my Juniors,
I may please be favoured with my due promotion w.e.f. from the date
of lifting of the above bar of one year for which Rly act of your
kindness I shall remain ever grateful to you.

So far as I know there is a post of OS/I lying
vacant and another post is likely to be vacant on account of
superannuation of its incumbent on 31st May, 2002 under DCOS/NJP.
I may being the senior most may please be posted against anyone
of the above two vacancies.

Thanking you,

Yours faithfully,

Gouri Sarkar

(GOURI SARKAR)
OS/II Under DCOS/NJP.

Dated, New Jalpaiguri.

02 -- 05 -- 02

Alsted &
N.P. 12/4/05
Advocate

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ANNEXURE ~~2~~ L

N. F. Railway.

Criteria:- Date of promotion.

Department: Stores.

Category : Hd. Clerk.

Provisional seniority list (Combined) of Hd.Clerk(G) in scale Rs.425-700/- as on 1.4.85.

Classification of posts, Unit: Controlled. Criterian:- Date of promotion with grade.

SN	Name of the staff in order of seniority.	Under whom working	Date of birth.	Date of Apppt.	Date of promotion to grade.	Confid. Temp.	Length of service.			Remarks.
							Y	M	D	
1	2	3	4	5	6	7	8	9	10	11
1.	Sri M.L.Roychowdhury.	Dy.COS/ BLST	1.1.30	22.6.48	30.9.80	Offg.	4	6	1	
2.	" Sreeram Ch. Saibya.	COS/MLG	1.3.36	18.5.59	30.5.83	"	1	10	1	
3.	" Rama Prasad Goose.	-do-	10.1.39	23.5.59	30.5.83	"	1	10	1	
4.	" Nirmal Ch.Nath.	Dy.COS/ BLST	1.2.39	20.5.59	30.5.83	"	1	10	1	
5.	" Mrinal Kanti Roy.	MTP/CA	7.3.38	23.5.59	30.5.83	"	1	10	1	
6.	" T.P.Bose.	DCOS/NJP	2.12.30	3.12.54 31.7.61	30.5.83	"	1	10	1	
7.	" T.K.Bose.	-do-	1.6.43	9.12.63	30.5.83	"	1	10	1	
8.	" P.K.Das.	-do-	15.10.40	1.9.64	30.5.83	"	1	10	1	
9.	" B.R.Sarbavidya,	ACOS/D/ SGJJ	31.12.34	26.2.59 25.6.66	30.5.83	"	1	10	1	
10.	" S.K.Chakraborty,	DCOS/NJP	2.8.40	27.8.60 25.6.66	30.5.83	"	1	10	1	
11.	Smt. M.K.Rai.	DCOS/NJP	15.1.38	12.6.58 31.7.61	30.5.83	"	1	10	1	
12.	Sri N.N.Gogoi.	DCOS/DBRT	1.3.38	9.5.59	9.6.83	"	1	9	22	
13.	" B.C.Sharma	DOS/MLG	1.1.37	30.10.58	5.7.83	"	1	8	26	
14.	" H.D.Tarun.	COS/MLG	1.8.37	21.5.59	5.7.83	"	1	8	26	

(Contd.....2/-)

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believe
12/4/05
Advocate

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		2	3	4	5	6	7	8	D
1. " A.K. Das.	COS/MLG	1.12.38	23.5.59	5.7.83	Offg.	1	3	0	
2. " K.C. Sangma. (ST)	DCOS/PNO	1.2.46	10.7.78	23.7.83	"	1	8	8	
3. " Md. Ayub Ibrahim.	ACOS/KIR	17.8.40	21.7.61	1.12.83	"	1	4	0	
4. " D.K. Hazarika. (SC)	DCOS/PNO	1.4.36	9.9.58	1.1.84	"	1	3	0	
5. " B.C. Dey.	-do-	9.5.28	11.5.50	1.1.84	"	1	3	0	
6. " Harish Ch. Das. (SC)	-do-	4.10.51	4.10.73	1.1.84	"	1	3	0	
7. " P. Malakar.	COS/MLG	1.11.39	21.5.59	1.1.84	"	1	3	0	
8. " N.K. Baruah.	COS/BG/ Cn.	1.2.35	11.8.59	1.1.84	"	1	3	0	
9. " Miss Arati Nag.	COS/MLG	15.1.38	30.1.60	1.1.84	"	1	3	0	
10. " Smt. S. Phukan.	DCOS/DBRT	22.12.39	22.3.62	1.1.84	"	1	3	0	
11. " Sri P.K. Gurung.	DCOS/NJP	8.2.38	4.7.58	1.1.84	"	1	3	0	
12. " D.N. Ghosh.	Dy.COS/ BLST	1.6.31	31.5.50	1.1.84	"	1	3	0	
13. " L.M. Thakuria. (SC)	COS/MLG	4.10.39	7.8.60	1.1.84	"	1	3	0	
14. " G.V. Mukherjee	DCOS/NJP	25.3.36	1.1.61	1.1.84	"	1	3	0	
15. " G.C. Basak.	COS/MLG	11.5.39	29.10.60	1.1.84	"	1	3	0	
16. " A.R. Roy.	COS/BG/ Cn.	4.6.42	31.7.61	1.1.84	"	1	3	0	
17. " S.K. Sengupta.	Dy.COS/ BLST	1.8.30	25.8.48	1.1.84	"	1	3	0	
18. " N.C. Bagchi.	DCOS/NJP	2.1.41	7.8.63	1.1.84	"	1	3	0	
19. " Sarjung Singh.	COS/MLG	17.1.34	18.11.52	1.1.84	"	1	3	0	
20. " T.B. Biswas. (SC)	COS/MLG	10.7.37	17.3.59	1.1.84	"	1	3	0	
21. " P.C. Goswami.	COS/MLG	9.10.33	17.12.59	1.1.84	"	1	3	0	
22. " Md. Osman Goni.	-do-	18.5.39	27.3.62	1.1.84	"	1	3	0	
23. " Sri K.C. Mali (SC)	-do-	1.1.42	29.3.62	1.1.84	"	1	3	0	
24. " Sailashar Goswami.	COS/BG/ Cn.	1.6.40	1.4.62	1.1.84	"	1	3	0	

(Contd..... 3/-)

*Ansir
Nehru
Advocate*

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2	3	4	5	6	7	8	9
						M	B
Sri P.K.Borah.	COS/MLG	1.2.42	1.4.62	1.1.84	Offgg.	1	3 0
" G.C.Bharali. (SC)	-do-	1.6.40	13.4.62	1.1.84	"	1	3 0
" H.K.Das.	DCOS/DBRT	14.5.39	26.10.73	1.1.84	"	1	3 0
" Bikash Hazarika	COS/BG/Con	19.5.51	17.3.75	1.1.84	"	1	3 0
" M.N.Brahma. (ST)	DCOS/NBQ	1.3.51	4.9.72	1.1.84	"	1	3 0
" P.M.Baruah.	COS/MLG	1.3.42	1.4.62	1.1.84	"	1	3 0
" E.Naniel.	DCOS/NJF	18.12.41	31.7.61	1.1.84	"	1	3 0
" E.Ram.	-do-	1.7.30	11.11.58	1.1.84	"	1	3 0
			25.6.66				
" N.Nandi.	Dy.COS/BLST	1.2.31	16.3.50	1.1.84	"	1	3 0
" Khagen Saikia.	DCOS/DBRT	17.1.55	10.1.75	1.1.84	"	1	3 0
" Smt. Madhuri Saikia. (ST)	-do-	3.2.47	1.10.76	1.1.84	"	1	3 0
" Sri Girish Ch.Goswami.	COS/MLG	1.3.42	2.4.62	1.1.84	"	1	3 0
" S.K.Chowdhury.	DCOS/PNO	2.7.30	6.11.50	1.1.84	"	1	3 0
" A.D.Sharma.	COS/MLG	1.2.42	15.4.62	1.1.84	"	1	3 0
" Smt. Pratibha Bose.	Dy.COS/BLST	1.4.30	26.2.66	1.1.84	"	1	3 0
" Sri B.Prasad.	DCOS/NJP	4.5.42	3.5.66	1.1.84	"	1	3 0
" Smt.Dipika Bose.	DCOS/NBQ	10.10.41	31.7.61	1.1.84	"	1	3 0
" Sri G.M.Kakati.	COS/MLG	1.1.43	13.4.62	1.1.84	"	1	3 0
" N.C.Bhattacherjee.	DCOS/PNO	17.3.33	1.12.51	1.1.84	"	1	3 0
" D.C.Medhi. (SC)	COS/MLG	1.11.41	2.7.62	1.1.84	"	1	3 0
" Smt.Anjana Sur.	DCOS/PNO	22.2.51	23.3.69	1.1.84	"	1	3 0
" Sri B.N.Chatterjee.	Dy.COS/BLST	16.4.29	8.4.48	1.1.84	"	1	3 0
" Smt.Sonpabi Hazarika. (SC)	DCOS/DBRT	1.1.54	1.4.77	1.1.84	"	1	3 0
" Dipa Devi.	-do-	22.12.55	20.4.77	1.1.84	"	1	3 0
" Sayed M.Rahman.	-do-	28.11.56	8.1.79	1.1.84	"	1	3 0
" Smt.Namita Chakraborty.	Dy.COS/BLST	2.4.50	7.1.71	1.1.84	"	1	3 0

(Contd.....4/-)

*Abelson
Advocate*

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		1	2	3	4	5	6	7	8	9
55.	Smt. Uma Bhattacherjee.	DCOS/DBRT	11.12.55	26.2.79	1.1.84	Offg.	Y	M	D	
55.	Sri R.N. Singh.	Dy. COS/BLST	29.11.29	30.11.48	1.1.84	"	1	3	0	
57.	" I.B. Chakraborty.	DCOS/PNO	25.6.28	1.6.48	1.1.84	"	1	3	0	
58.	" Kamala Giri.	ACOS/KIR	10.11.39	22.11.51	1.1.84	"	1	3	0	
59.	" P.D. Das.	COS/MLG	1.3.36	20.12.58	1.1.84	"	1	3	0	
60.	" Bharati Kantha Das. (SC)	-do-	1.5.39	17.7.62	1.1.84	"	1	3	0	
61.	" R. Sutradhar (SC)	-do-	1.3.42	2.8.62	1.1.84	"	1	3	0	
62.	" B.R. Das. (SC)	-do-	1.3.46	2.8.62	1.1.84	"	1	3	0	
63.	" S.N. Das.	-do-	1.5.41	18.3.63	1.1.84	"	1	3	0	
64.	" R.C. Chowdhury. (SC)	-do-	1.1.40	15.4.63	1.1.84	"	1	3	0	
65.	" K. Medhi.	-do-	1.3.43	21.6.63	1.1.84	"	1	3	0	
66.	" Ardhendu Bhattacherjee.	-do-	1.4.44	21.8.63	1.1.84	"	1	3	0	
67.	" Lure Chettri.	-do-	6.8.40	12.9.63	1.1.84	"	1	3	0	
68.	" Bharat Kumar Das.	-do-	1.2.42	24.12.63	1.1.84	"	1	3	0	
69.	Smt. S.K. Bhattacherjee.	-do-	1.12.43	30.12.63	1.1.84	"	1	3	0	
70.	Sri R.K. Medhi.	-do-	1.5.44	5.2.64	1.1.84	"	1	3	0	
71.	" Agni Kumar Bhattacherjee.	-do-	1.1.29	11.2.64	1.1.84	"	1	3	0	
72.	" M.C. Kangsa Banik.	-do-	30.9.44	13.2.64	1.1.84	"	1	3	0	
73.	" H.M. Kalita.	-do-	1.10.42	3.5.64	1.1.84	"	1	3	0	
74.	" G.C. Seal. (SC)	-do-	1.11.43	14.2.64	1.1.84	"	1	3	0	
75.	Smt. Lekha Sen.	-do-	8.10.44	22.2.64	1.1.84	"	1	3	0	
76.	Sri Banamali Goswami.	COS/BG/Con	1.4.44	27.2.64	1.1.84	"	1	3	0	
77.	" K.L. Dey.	DCOS/NBQ	3.4.42	4.4.66	1.1.84	"	1	3	0	
78.	Smt. P. Mukta.	DCOS/NJP	25.3.45	7.12.63	1.1.84	"	1	3	0	
			8,6.66							

(Contd.....5/-)

alleged
Nellie Banik
Advocate

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2	3	4	5	6	7	8	M	D	9
Sri N.C.Dey.	COS/MLG	1.3.37	31.12.63 25.6.66	1.1.84	Offg.	1	3	0	Transfer from Engg. Deptt.
" N.K.Mukhia.	DOOS/NJP	15.7.46	6.8.65 25.6.66	1.1.84	"	1	3	0	
" R.K.Bose.	-do-	11.11.31	4.11.58 27.4.67	1.1.84	"	1	3	0	
Smt.Sandhya Das.	COS/MLG	1.9.35	23.2.63 5.7.68	1.1.84	"	1	3	0	Transfer from Engg. Deptt.
Sri Bikau Prosad.	-do-	1.6.39	5.4.59 16.4.69	1.1.84	"	1	3	0	
" N.R.Ganguly.	-do-	12.7.34	17.12.53 4.4.70	1.1.84	"	1	3	0	Transfer from Engg. Deptt.
Smt.Jharna Bhadra.	-do-	7.8.40	22.5.70	1.1.84	"	1	3	0	
Sri R.N.Kundu.	DCOS/NJP	1.7.41	16.11.69 31.7.61	1.1.84	"	1	3	0	Joined on bottom seniority as Cl. on 7.8.70.
" Kirode Kumar Das.	DCOS/PNO	1.1.53	17.12.70	1.1.84	"	1	3	0	
" M.K.RayBardhan.	DCOS/NJP	1.7.44	9.8.63 1.11.71	1.1.84	"	1	3	0	Transferred from other deptt.
Smt.Gouri Sarkar.	DCOS/NJP	4.1.54	12.4.72	1.1.84	"	1	3	0	
Sri Munna Singh.	-do-	26.7.42	16.5.72	1.1.84	"	1	3	0	
" J.Bagchi.	DCOS/NBQ	6.1.54	26.6.72	1.1.84	"	1	3	0	
" A.K.Chakraborty.	DCOS/PNO	20.8.48	29.9.72	1.1.84	"	1	3	0	COS/BG/Com.
" Ganthir Hazarika.	-do-	1.3.51	8.1.73	1.1.84	"	1	3	0	
" Sudeb Ghosh.	-do-	19.6.50	18.5.73	1.1.84	"	1	3	0	
" U.K.Dastidar.	-do-	26.4.53	12.9.75	1.1.84	"	1	3	0	
Smt.Mani Hazarika.(SC)	-do-	5.10.54	19.4.77	1.1.84	"	1	3	0	
Sri R.N.Sutradhar. (SC)	ACOS/KIR	1.9.46	26.3.76	1.1.84	"	1	3	0	
Anil Ch.Thakuria(SC)	COS/MLG	31.12.54	20.4.76	1.1.84	"	1	3	0	
Sunil Ch. Das.(SC)	-do-	1.9.47	23.4.76	1.1.84	"	1	3	0	
J.K.Das. (SC)	-do-	2.4.51	23.4.76	1.1.84	"	1	3	0	
A. Sri Ganesh Muchi(SC)	DCOS/NJP	31.5.37	27.6.56 15.2.78	1.1.84	"	1	3	0	(Contd..... 6/-)

allied
Debtors
Advocate

										M	D
11.	Smt. Sarala Bordoloi (ST) COS/MLG		1.7.57	13.8.78	1.1.84	Offg. 1		3	0		
12.	" " Sakuntala Das. (ST)	-do-	1.5.49	27.1.77	1.1.84	11.8.11		3	0	Transfer from Engg. Deptt.	
13.	Smt. Swarnamayee Saikia DCOS/DBRT (ST)		1.1.49	20.6.80	1.1.84	16.5.1		3	0		
14.	Shri Asutosh Sarkar DCOS/DBRT		2.3.47	8.5.67	1.1.84	11.8.11		3	0		
15.	" Bhabani Kanta Das DCOS/PNO		28.10.38	6.7.58	1.1.84	" 1		3	0		
16.	Smt. Chitra Das.	-do-	6.3.55	14.3.74	1.1.84	" 1		3	0		
17.	" Rina Devi.	-do-	18.9.56	31.10.75	1.1.84	" 1		3	0		
18.	Sri Pradip Talukder.	-do-	11.2.51	5.11.75	1.1.84	" 1		3	0	COS/BG/CON	
19.	" B.M. Ghose.	-do-	1.6.56	15.11.75	1.1.84	" 1		3	0		
20.	" Ratan Kr. Dutta.	-do-	1.1.55	15.5.77	1.1.84	" 1		3	0		
21.	" D.N. Talukder.	-do-	11.10.55	30.6.77	1.1.84	" 1		3	0		
22.	" Tapan Kumar Roy.	DCOS/NBQ	3.2.58	12.8.77	1.1.84	" 1		3	0		
23.	" S.N. Namasudra. (SC)	DCOS/DBRT	1.11.47	25.10.76	1.1.84	" 1		3	0		
24.	" B.C. Majumder.	DCOS/NJP	29.11.47	8.8.80 1.7.68 16.5.72	1.1.84	" 1		3	0	Joined on 8.10.72 bottom sr.	
25.	" J. Sargiary (ST)	COS/MLG	1.3.50	2.9.74	1.1.84	" 1		3	0		
26.	" Bikram Rabha.	-do-	1.3.59	15.5.79	1.1.84	" 1		3	0	Joined on 8.10.72 on bottom seniority.	
27.	" K.K. Roy.	DCOS/NJP	10.4.31	27.10.51 1.1.63	1.1.84	" 1		3	0	Joined on 9.4.73 on bottom seniority.	
28.	" S.N. Dutta.	-do-	2.1.42	18.2.65 25.6.66	1.1.84	" 1		3	0		

(Contd. 7/-)

also
Referee
Advocate

1	2	3	4	5	6	7	8	9
							M	D
1.	Sri P.K.Biswas.	DCOS/NBQ	4.1.54	27.8.78	1.1.84	Offg.	1	3 0
2.	" Lekheswar Kalita.	DCOS/PNO	3.2.41	27.12.60	1.1.84	"	1	3 0
3.	" Nirmal Kr.Dey.	-do-	2.5.47	10.3.69	1.1.84	"	1	3 0
4.	" M.R.Dey.	-do-	6.5.49	31.3.69	1.1.84	"	1	3 0
5.	" H.S.Paul.	-do-	11.11.44	18.2.70	1.1.84	"	1	3 0
6.	" Udbab Ch.Das.(SC)	-do-	1.9.54	27.8.74	1.1.84	"	1	3 0
7.	" B.C.Hazarika.	-do-	1.1.53	2.11.78	1.1.84	"	1	3 0
8.	" J.C.Barthakur.	-do-	1.9.55	22.12.79	1.1.84	"	1	3 0
9.	" Nagen Nath Kalita.	-do-	1.8.59	22.12.79	1.1.84	"	1	3 0
10.	" Sanjib Saikia.	-do-	16.4.60	21.12.79	1.1.84	"	1	3 0
11.	" Banakanti Das.	-do-	2.4.53	18.6.80	1.1.84	"	1	3 0
12.	" Biplab Sarkar.	-do-	2.12.57	17.12.80	1.1.84	"	1	3 0
13.	" Dürgeswar Kalita.	-do-	1.3.57	18.12.80	1.1.84	"	1	3 0
14.	" Md.M.Ahmed.	-do-	1.1.52	19.12.80	1.1.84	"	1	3 0
15.	" M.L.Chowdhury.	-do-	1.9.54	31.12.80	1.1.84	"	1	3 0
16.	" Dhaneswar Sharma.	-do-	30.6.57	31.12.80	1.1.84	"	1	3 0
17.	" Santosh Kr.Singha.	-do-	20.11.57	3.6.81	1.1.84	"	1	3 0
18.	Smt.Nilima Bailung.	-do-	1.1.56	6.7.81	1.1.84	"	1	3 0
19.	Sri.Fradip Sarkar.	-do-	17.2.53	8.7.81	1.1.84	"	1	3 0
20.	" Dinesh Ch.Kalita.	-do-	1.3.56	4.8.81	1.1.84	"	1	3 0
21.	" Ramprabhash (SC).	DCOS/NJP	1.7.44	2.7.69	1.1.84	"	1	3 0
				4.6.82				
22.	Smt.Bharati Roy.	DCOS/NJP	1.3.46	19.4.65	1.1.84	"	1	3 0
				12.8.66				

Joined on
24.8.73 on
bottom. Sr.

(Contd..... 8/-)

*alias
Victor
Advocate*

1	2	3	4	5	6	7	8	9	10
151. Sri S.K.Dutta.	DCOS/NJP	29.1.36	17.10.60 31.7.61	1.1.84	Offig. 1	Y	M	D	Joined 24.8.77 bottom
152. " L.C.Das (SC)	-do-	1.4.47	13.2.69	1.1.84	" 8	1	3	0	
153. " P.C.Bhatt.	ACOS/KIR	28.10.54	1.10.80 17.11.75	1.1.84	" 8	1	3	0	
154. " S.C.Prasad.	-do-	1.1.34	17.11.65	1.1.84	"	1	3	0	
155. " Mahanta Prasad.	-do-	1.2.34	15.2.78 23.1.57	1.1.84	"	1	3	0	
156. " Chandreswar Singh.	-do-	23.1.39	15.2.78 23.12.57	1.1.84	"	1	3	0	
157. " Atul Ch. Das. (SC)	DCOS/PNO	31.12.54	21.6.74	1.1.84	"	1	3	0	
158. " Lekharu Ram Boro (ST)	DCOS/PNO	22.10.54	22.6.74	1.1.84	"	1	3	0	
159. " R.N.Biswas.	DCOS/NBQ	30.1.29	7.2.50	1.1.84	"	1	3	0	
160. " S.P.Pathak.	-do-	31.7.39	27.11.50	1.1.84	"	1	3	0	
161. " G.Prasad.	-do-	15.1.33	27.9.59	1.1.84	"	1	3	0	
162. " Nanu Mandal.	DCOS/NBQ	12.5.41	13.5.66	1.1.84	"	1	3	0	
163. " J.C.Sharma.	-do-	6.6.41	7.6.66	1.1.84	"	1	3	0	
164. " Bhagat Jha.	-do-	3.2.40	15.9.70	1.1.84	"	1	3	0	
165. " Asish Lodh.	DOOS/DBRT	1.8.63	8.4.81	1.1.84	"	1	3	0	
166. Smt.Krishna Raha.	ACOS/KIR	26.10.58	17.3.79	1.1.84	"	1	3	0	
167. Sri B.N.Mishra.	-do-	19.9.39	4.8.67	1.1.84	"	1	3	0	
168. " Gopal Mohan Jha.	-do-	10.5.35	1.10.62	1.1.84	"	1	3	0	
169. " G.N.Divedi.	-do-	27.2.38	16.2.63	1.1.84	"	1	3	0	
170. Smt.Arati Sutradhar. (SC)	DCOS/NBQ	18.11.59	30.4.82	1.1.84	"	1	3	0	

(Contd.....9/-)

26
allied
relatives
- Advocate

30

30/8

: 9 :

2	3	4	5	6	7	8	9	
						Y	M	D
1. Smt. Arati Das. (SC)	DCOS/NBQ	25.11.57	4.5.82	1.1.84	Offg.	1	3	0
2. Smt. X. Kalo. (ST)	DCOS/NJP	9.8.55	11.5.82	1.1.84	"	1	3	0
3. Sri N. Sarkar. (SC)	ACOS-NP	3.6.57	23.6.82	1.1.84	"	1	3	0
4. " J. C. Podder. (SC)	ACOS-NP	3.1.44	8.3.67 16.10.82	1.1.84	"	1	3	0
5. " A. C. Chakraborty. DCOS/NBQ		1.3.50	22.11.70	1.4.85	"			

for Controller of Stores. (P):MLG.

Maligaon, dated 26-11-86

No. E/255/101/7 (S).

Copy forwarded for information and necessary action to :-

1. Dy.COS/BLST.
2. DCOS/PNO, NBQ, NJP and DBRT.
3. ACOSs/SGUJ, KIR, NGC, and APS/KGN.
4. COS/MTP/CA and New Delhi.
5. CVO/Maligaon.
6. COS/Maligaon.
7. General Secretary/NFREU/PNO with 30 spare copies.
8. General Secretary/NFRMU/PNO with 30 spare copies.

Any representation against the positions in this seniority list should be forwarded to this office within a month from the receipt of the same. Representations received after the target date will not be entertained.

B. Names of Offg. Chief Clerk promoted on regular basis holding lien as Hd.Clerk have not been shown in this list.

for Controller of Stores. (P):MLG.

ad/-25.11.86

alist
26/11/86
12/4/05
Advocate

Thanking you for your participation.

u9

Controller of Stores/MLG (COS)
Railway.

ANNEXURE - M

Through Proper Channel

Subj: Denial of due promotion of OS(I)G in scale Rs.6500-

10500/-

Ref: GM(P)/MLG's O.O.no.E/210/66(S) Pt.V dt.15/16/06.98.

Respected Sir,

With due respect and humble submission, I beg to draw your kind attention for the following facts and immediate action please.

That Sir, I Smt. Gouri Sarker, OS(II)G working under DCOS/NJP (Now Dy. GM/NJP) as per GM(P)/MLG's above order no. E/210/66(S) Pt.V dated 15/16.06.98 was promoted to the post of OS(I)G and posted under ACOS/BLST in the year 1998. But due to my various disadvantages for family problems, I was unable to join on that promotion and posting. In addition to this matter I preferred an appeal for my posting at NJP on 3rd July 1998 to GM(P)/MLG.

During 5(five) years no action has been taken to reconsider my claim of promotion or any reply from personnel branch. In the meantime I personally met with Sri S.C.Sen, the then COS at Maligon/HQ in the year 1999 and was assured by him verbally for promotion after the resultant vacancy at NJP.

From a reliable source I came to know that my personal case was missing from HQ. Mr.T.K.Ganguly was the then APO at HQ. At that time P/Case was hidden by some one due to enmity. For this reason no action was taken to my appeals until now.

In the meantime (2) Two posts of OS(I)G were vacant due to retirement of Mr.P.K.Das and Mr.T.K.Bose, one post was filled up by posting of J.Begchi,OS(I) from NBG who is junior to me superseding my seniority.

I personally met with you at HQ in the month of May/2002 and submitted an appeal regarding my promotion but after your assurance I have not received any letter or promotion order and my juniors are promoted as OS(I)G like Shri B.C.Mazumdar depriving me and keeping my case pending.

As you are a good administrator so I am praying to you for actual justice by investigating the full facts and proper arrangements.

For this act of kindness I shall remain ever grateful to you.

Thanking you in anticipation,

Yours faithfully,

Gouri Sarker

(Gouri Sarker)

OS(II)Under Dy. GM/NJP.

Dated, NJP
the 14/6/2003.

Encls:- one letter by
list in 2 (Two) pages.

Copy to:- GM(P)/MLG for information and necessary action please.

(Gouri Sarker)

alleged
N.K.Sarker
Advocate

32

No.E/304/0-Restructuring (C)

General Manager, Maligaon
Maligaon (Div. No. 11)

Dated, 13.01.2004.

To

All PWDAs, All DRMs, All DPOs, DPMs,
 CWM/NEQs, DBWS, WAO/NBQ, DBWS, All SLDME(D)s,
 Area Managers, All Non-Divisionalised Units, SCDEN/MLG,
 DY.CE/Br.line/MLG., DY.CAO/Cash & Pay/MLG, DY.CSTE/ATW/MLG,
 DY.CSTE(TC)/MLG, All SPOs & APCOs Personnel Branch/Maligaon,
 The GS/NEREU, NERMU, AISC/TREA & NEROBCA/Maligaon.

Sub:-Restructuring of certain Group 'C' & 'D' Cadres.

A copy of Railway Board's letter No.PC-HI/2003/CRG/6 dated 06.01.2004 (RBE No.5/2004) on the above subject is forwarded for information and necessary action. Board's earlier letter dated 09.10.2003 as referred to in their present letter was circulated under GM(P)MLG's No.E/304/0-Restructuring (C) dated 30.10.2003.

(S.C.Banerjee)

SPO/MLG & R

For General Manager (P)

(Copy of Railway Board's letter No.PC-HI/2003/CRG/6 dated 06.01.2004)

Sub:- Restructuring of certain Group 'C' & 'D' cadres.

Reference this Ministry's letter of even number dated 09-10-2003 on the above subject.

2. Pursuant to the discussions held with the Staff side, Ministry of Railways have, with the approval of the President in partial modification of orders contained in this Ministry's letter of even number dated 09-10-2003 decided the following

(i) Percentage distribution of posts in the categories of Shunting Drivers and Diesel Assistants/Electrical Assistants should be revised from the existing 20:80 to the ratio of 30:70;

(ii) Percentage distribution of the posts for the category of Technical Supervisors for the cadres where 'Mistries' posts are not existing should be revised from the existing 17:28:25:30 to the ratio of 21:29:24:26.

2.1. Accordingly, the relevant entries in Annexure 'B' & 'E' attached to the Board's restructuring order of even number dated 09.10.2003 should be substituted by the following:

ANNEXURE - 'B'

CATEGORY	GRADE (Rs.)	EXISTING		REVISED	
		%AGE	%AGE	%AGE	%AGE
Shunting Drivers	3500-8900 1950-6000	20	80	30	70
Technical Supervisors					

Attended
Mr. Advocate
14/1/05

10 12 33
5
ANNEXURE - 'E'

CATEGORY	GRADE (Rs.)	EXISTING %AGE	REVISED %AGE
Technical Supervisors (for cadres where posts of Supervisors (or otherwise Mistries) are available)	7450-11500 6500-10500 5500-9000 5000-8000	17 28 25 30	18 29 24 29
Technical Supervisors (for cadres where posts of Supervisors (or otherwise Mistries) are not available)	7450-11500 6500-10500 5500-9000 5000-8000	17 28 25 30	21 29 24 26

3. It has also been decided to substitute the provisions in respect of the following appearing as items 1, 3, 4 & 6 of Boards letter of even number dated 09.10.2003 as indicated hereinunder:

Date of effect:

Pay Fixation (Rule
1313(FR-22)-R-II)

1. This restructuring of cadres will be with reference to the sanctioned cadre strength as on 01.11.2003. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grades w.e.f. 01.11.2003.

2. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1313 (FR-22)(I)(E)(1)-R-II w.e.f. 01.11.2003 with the usual option for pay fixation as per extant rules. The benefit under this rule will, however, no longer be available in the case of movement from lower grade to higher grade in the non-functional situations where there is no change in duties and responsibilities e.g. as in the case of movement from Goods Guards to Sr. Goods Guards and Goods Drivers to Sr. Goods Drivers etc. In the case of such movement, the pay will be fixed under Rule 1313 (FR-22) (I) (a) (2)-R-II. However, the benefit of fixation of pay under rule 1313 (FR-22)(I) (a) (1)-R-II will now be admissible in the cases of functional promotions such as promotion from Sr. Goods Guards to Passenger Guards and Sr. Goods Drivers to Passenger Drivers etc. though in identical scales of pay. *Shri: [Signature]*

*allied
ref to
Re. date*

34

11

13

8

Existing classification
and filling up of the
vacancies

4. The existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual Railway servant becomes due for promotion to a post classified as a 'selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and confidential reports without holding any written and / or viva-voce test. Naturally under this procedure the categorization as 'outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of the numbers involved, with the objective of expediting the implementation of these orders. Similarly for posts classified as 'non-selection' at the time of this restructuring the promotion will be based only on scrutiny of service records and confidential reports. In the case of Artisan staff, the benefit of restructuring under these orders will be extended on passing the requisite Trade Test. However, in case of placement of Supervisors (erstwhile Mistries) to grade Rs.5000-8000 the instructions contained in Para-13.2 should be followed.

4.1 Normal vacancies existing on 01.11.2003 except direct recruitment quota and those arising on that date from this cadre restructuring including chain/resultant vacancies should be filled in the following sequence:

- (i) From panels approved on or before 01.11.2003 and current on that date;
- (ii) and the balance in the manner indicated in para 4 above

4.2 Such selections which have not been finalised by 01.11.2003 should be cancelled/abandoned.

4.3 All vacancies arising from 02.11.2003 will be filled by normal selection procedure.

4.4 All vacancies arising out of the restructuring should be filled up by senior employees who should be given benefit of the promotion w.e.f. 01.11.2003 whereas for the normal vacancies existing on 01.11.2003 junior employees should be posted by modified selection procedure but they will get promotion and higher pay

2000/-

Adarsh
Mehta
Advocate

12/10/04
35

Minimum years of service in each grade

from the date of taking over the posts as per normal roles. Thus the special benefit of the promotion w.e.f. 01.11.2003 is available only for vacancies arising out of restructuring and for other vacancies, the normal rules of prospective promotion from the date of filling up of vacancy will apply.

4.5 In cases where percentages have been reduced i.e. 2.2 lower grade and no new post becomes available as a result of restructuring, the existing vacancies on 01.11.2003 should be filled up by normal selection procedure.

4.6 Employees who retire/resign in between the period from 01.11.2003 i.e. the date of effect of this restructuring to the date of actual implementation of these orders, will be eligible for the fixation benefits and arrears under these orders w.e.f. 01.11.2003.

6 While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. However, while considering any relaxation in the residency period prescribed for promotions to various categories, General Managers would personally ensure that the safety aspect of Railways is not compromised.

Kindly acknowledge receipt.

Hindi version will follow.

Shri Prakash

(Shriprakash)
Director, Pay Commission-II
Railway Board

No. PC-III/2003/CRC/6

New Delhi, dated 06-01-2004

Copy (with 40 spares) forwarded to ADAT, Railways, New Delhi.

and
Velbon
Advocate

G. Suman
For Financial Commissioner, Railways.

36

ANNEXURE -3

Office of the
General Manager (P)
Maliagaon (Gauhati-11).

No. E/304/0-Restructuring (C)

Dated: 9-7-2004.

To
 GM/MLG, GM(CON)MLG, AG/MLG,
 All FHO/DS, DMIS, ADMS, DE, DPO, DPO/DEMS,
 CWM/DBMS, DBWS, MAO/MLG, DMS, SMO/NJP
 All Area Managers, Sr. EMER(D), AEM, APO/CHY
 APO/CH/MLG, APO/DBMS, EMER, & NJP
 4.11. Non-divisionalized Units, DDM/DEBT
 WM(EWS)/ENGN, ZTU/ADM, SMC/DEQ,
 Dy. CSE/Br. M. Ine/MLG, Dy. CGIB (IC)/MLG, Dy. CSTE(MW)/MLG,
 Dy. CSE/Cash & Pay/MLG, Br. DEB/MLG,
 All SPOs & APOs of P. Branch/MLG,
 The CG/NTPEU, NFTIU, ATCTIU, NPROCEA & NFRPA/MLG.

Sub: Restructuring of Certain Group 'C' and 'D' cadres.

A copy of Railway Board's letter No. PC-111/2004/CRC/13 dated 28-6-2004 (RBF No. 139/2004) on the above subject is forwarded for information and necessary action. Board's earlier letter dated 9-10-2003 as referred to in their present letter was circulated under GM(P)/Maliagaon's No. E/301/0-Restructuring (C) dated 30-10-2003.

Own

(P. Sarkar)
 Sr. Personnel Officer (MPP&Trg.)
 for General Manager (P) Maliagaon.

(Copy of Railway Board's letter No. PC-111/2004/CRC/13 dated 28-6-2004.)

Sub: Restructuring of certain Group 'C' & 'D' cadres.

CY/PA

S/Br/PA

It has been represented by the Staff Federations to the Railway Board that certain difficulties are being faced in expeditious implementation of restructuring of various Group 'C' & 'D' categories in terms of Board's letter No. PC-111/2003/CRC/6 dt. 09.10.2003 due to prior pin pointing of additional posts arising out of restructuring.

1. The issue has been considered by the Ministry of Railways (Railway Board) and it has been decided that in those cases where due to pin-pointing of posts staff is required to join duties in the upgraded posts at a different station, such staff may be allowed the benefit of upgradation / promotion on "as is where is basis" for the time being and allowed to join the pin-pointed post at the new station within six months time from the date of issue of promotion order, subject to the satisfaction of HOD on merit in each case.

English version will follow.

(P. E. GM(P))
 Director, Pay Commission-1
 Railway Board

Re: PC-111/2004/CRC/13
 Date: 28-06-2004
 New Dated, dated 28-06-2004.

Mr. D. D. D. D.
 Advocate

OC 1937 P
N.F.RAILWAY
MEMORANDUM

ANNEXURE-4

In terms of Rly. Bd's letter No. PC/III/2003/CRC/6 dt.09.10.03 circulated under GM(P)'s letter NO. E/304/0-Restructuring@ dt. 31.10.03, the following senior most OS/II(G) in scale Rs. 5500-9000/- of Stores Deptt., On being found suitable through process of modified selection in terms of GM(P)'s circular "NO. E/304/0-Restructuring@ dt. 13.01.04 have been provisionally empanelled for promotion for the post of OS/I(G) in scale Rs. 6500-10500/- effective from 01.11.03 against the upgraded post & resultant vacancies created under GM(P)'s Memo No. E/41/204 restructuring Ministerial (S) dt. 28.05.04 and with immediate effect against existing vacancies. The names are arranged in order of seniority. This is subject to free from SRE/Vig/DAR Case.

<u>Sl.No.</u>	<u>Name & community</u>	<u>Designation</u>	<u>Place of working</u>
1	Sri Khagen Saikia	OS/II/G	SMM/D/DBRT
2	Smt. Deppa Devi	OS/II/G	SMM/D/DBRT
3	Md. S.M. Rahaman	OS/II/G	SMM/D/DBRT
4	Smt. Gouri Sarlal	OS/II/G	SMM/D/NJP
5	Sri Pradeep Talukdar	OS/II/G	COS/CON/MLG
6	Sri N.N. Namusudra (SC)	OS/II/G	SMM/D/DBRT
7	Smt. Gokha Chakraborty	OS/II/G	SMM/D/NJP
8	Sri B. Kalita	OS/II/G	COS/MLG
9	Md. N.I. Chowdhury	OS/II/G	COS/MLG
10	Sri P.G. Bhownick	OS/II/G	COS/MLG
11	Sri P.C. Roy (SC)	OS/II/G	SMM/D/MLDT
12	Smt. Kabitা Mandal	OS/II/G	COS/MLG
13	Sri B.K. Mitra	OS/II/G	AMM/BLST
14	Sri S. Mukhopadhyaya	OS/II/G	AMM/BLST
15	Sri K.L. Chanda	OS/II/G	COS/MLG
16	Sri Krishnা Dulal Das (SC)	OS/II/G	COS/MLG
17	Smt. Arati Sutradhar (SC)	OS/II/G	SMM/D/NBQ
18	Smt. Taramai Das (SC)	OS/II/G	COS/MLG
19	Sri Samir Kr. Roy	OS/II/G	COS/MLG
20	Sri Barun Ch. Kalita	OS/II/G	COS/MLG
21	Sri Mrinal Kanti Das	OS/II/G	COS/MLG

contd..page 2/

*allied
relation
12/4/85
Advocate*

PAGE-2
AGAINST SC QUATA

22	Sri Bulan Ch. Barua (SC)	OS/II/G	COS/CON/MLG
23	Sri Pradip Kr. Das (SC)	OS/II/G	COS/MLG
24	Sri Deepak Chowdhury (SC)	OS/II/G	COS/MLG
25	Sri Narayan Ch. Das (SC)	OS/II/G	COSMLG

AGAINST ST QUATA

26	Sri T. S. Mahilar (ST)	OS/II/G	SMM/D/NBQ
27	Smt. S. Basumatary (ST)	OS/II/G	COS/MLG

Staff at Sl. No. 1 to 7, 9 & 17 already empanelled for the post of OS/II/G in earlier selected list.

The provisional panel has been approved by CMM on 02.11.2004.

(R. Narzary)

SPO/NG

For General Manager(P)
N.F.Railway, Maligaon

Dated: 03-11-2004

No. E/210/66(S)P.I.V

Copy forwarded for information please.

1. FA&GAC/MLG
2. COS/MLG
3. COS/CON/MLG
4. CMM/MLG
5. DY.CMM I/MLG
6. DY.CMM/PNO
7. DY.CRO/CON/MLG
8. SMM/D/NJP
9. SMM/D/NEQ
10. SMM/D/FCRT
11. SMM/P/SGUJ
12. SMM/D/MLDT
13. AM.I/BLST
14. AM.I/D/KIR
15. AM.I/P&S/KGN
16. STAFF CONCERNED
17. P/CASE
18. GS/NFRMU/PNO
19. GS/NFEU/PNO
20. GS/AISCTREA/MLG

For General Manager(P)
N.F.Railway, Maligaon

Rao.

Date 12/11/04
Advocate

58
Annexure-Q

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12

N.F.RAILWAY

Office of the
Senior Material Manager
New Jalpaiguri.

OFFICE ORDER NO.E/174/NJP

Dt.13-12-04.

In pursuance of GM(P)/Maligaon's Office Order No.144(E/Stores) communicated vide his No.E/210/66(S)Pt.IV dt.09-12-04 and memorandum No.E/210/66(S)Pt.V dt.04-11-04, the following OS/II in scale Rs.5500-900/- are hereby promoted to officiate as OS/I(G) in scale Rs.6500-10500/- w.e.f. from 01-11-03 and posted under SMM/NJP, as is the basis for a period of 6 months as under.

Sl. No.	Name & Design.	Promoted as OS(G) I in scale of Rs.6500-10500/- and posted under.	Pay fixed as on
1.	Smt. Gouri Sarkar, OS(G)II/NJP.	OS(G) I Under SMM/NJP.	Rs.7700/- as on 01-11-03.
2.	Smt. Sikha Chakraborty, OS/II(G)/NJP.	- do -	Rs.7900/- as on 01-11-04. Rs.7100/- as on 01-11-03. Rs.7300/- as on 01-11-04.

Staff concerned may exercise their option for fixation of pay from the date of next annual increment in their substantive grade within one month from the date of issue of this office order.

This has the approval of Competent Authority vide P.P-16 of file No.E/210/1/Pt.VIII.

Senior Material Manager
N.F.Rly., New Jalpaiguri

Dated: 13-12-04.

NO.E/210/1/Pt.VIII

Copy forwarded for information and necessary action to :

1. GM(P)/Maligaon (2) COS/Maligaon (3) Sr.AFA/NJP (4) FC/CCF/NJP
5. DMS/I/G/NJP (6) DMS/I/TDN (7) Secy.NFRBU/NFRMU/AISCTREA/NJP.
8. Staff concerned (9) S/copy for F/case & S/R
10. APO/NJP. 11. OS(G)/Admin/NJP.
12. E/Bill in office.

13/12/04
Senior Material Manager
N.F.Rly., New Jalpaiguri

12/12/04
NJP
12/12/04
Advocate

Department: Stores
Category : OS/I/G
HQ. Controlled Post

N. F. RAILWAY

40/28
Anexure - R
OSII

ESV. Section
P. Tare
Xerox copies
and intimate
and Govt concerned
10/10/2001
Acc to RPS

Provisional Seniority List of OS/II G in scale Rs.6500-10500/- (RPS) of Stores Deptt. as on 01-04-2001.

Authority: Seniority assign as per CPO's circular No.E/210/Resv/Court dt. 05.06.98.

Sl. No.	Name of the Employees	Community	Working Place	Dt. of birth	Dt. Of Appt.	Date of promotion to the Grade	Confld./ Offg.	Length of Service Y-M-D	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
01.	Smt. Jini Deka Raju	ST	DY.COS/PNO	01.01.59	15.07.77	01.03.93	Confld.	08-00-00	
02.	Sri A.D. Sharma	UR	COS/MLG	01.02.42	13.04.62	09.03.94	Confld.	06-07-22	
03.	Sri G.M.Kakati	UR	COS/MLG	01.01.43	13.04.62	09.03.94	Confld.	06-07-22	
04.	Sri R. Sutradhar	SC	COS/MLG	01.03.42	02.08.62	09.03.94	Confld.	06-07-22	
05.	Smt. Madhuri Saikia	ST	DCOS/DBRT	03.02.47	01.10.76	09.03.94	Confld.	06-07-22	
06.	Sri K.C. Sangma	ST	DY.COS/PNO	01.02.45	10.07.78	22.03.96	Confld.	04-07-09	
07.	Sri H.C. Das	SC	DY.COS/PNO	04.10.51	04.10.73	22.03.96	Confld.	04-07-09	
08.	Sri D. Prased	UR	DCOS/DP	04.05.42	03.05.66	22.03.96	Confld.	04-07-09	
09.	Smt. Namita Chakraborty	UR	ACOS/ELST	02.04.50	07.01.71	22.03.96	Confld.	04-07-09	
10.	Smt. Uma Chakraborty	UR	COS/MLG	01.12.55	26.02.79	22.03.96	Confld.	04-07-09	
11.	Sri U.K. Dastidar	UR	Director Steel/Cul	26.04.53	12.09.75	22.03.96	Confld.	04-07-09	
12.	Smt. Laxmi Kumari Das	SC	COS/MLG	01.01.60	15.11.78	22.03.96	Confld.	04-07-09	
13.	Sri S. N. Das	UR	COS/MLG	01.05.41	18.03.63	22.03.96	Confld.	04-07-09	
14.	Sri K. Medhi	UR	COS/MLG	01.03.43	21.05.63	22.03.96	Confld.	04-07-09	
15.	Sri A.Bhattacharjee	UR	COS/MLG	01.01.44	21.05.63	01.10.99	Confld.	01-06-00	
16.	Sri M.C.Kangbamani	UR	COS/MLG	30.09.44	13.02.64	23.06.97	Confld.	03-09-03	
17.	Sri H.M. Kalita	UR	DY.COS/PNO	01.10.42	03.05.64	23.06.97	Confld.	03-09-08	
18.	Sri K.L. Dey	UR	DCOS/NBQ	03.02.42	14.01.66	23.06.97	Confld.	03-09-08	
19.	Sri R.N. Kundu	UR	DCOS/D/SGUJ	01.07.41	16.11.66 11.07.61	23.06.97	Confld.	03-09-08	
20.	Smt. S. Hazarika	SC	DCOS/DBRT	01.01.54	01.04.77	15.05.98	Confld.	02-09-15	

Delhi
12/08/05
24/08/05
Advocate

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
21.	Sri G.C. Seal	UR	COS/MLG	01.11.43	14.02.64	15.06.98	Confid.	02-09-15	
22.	Smt. Lekha Sen	UR	COS/MLG	08.10.44	22.02.64	15.06.98	Confid.	02-09-15	
23.	Smt. P. Muktan	UR	AM(P&S) KGN	25.03.45	07.12.63	15.06.98	Confid.	02-09-15	
24.	Sri K. K. Das	UR	DY.COS/PNO	01.01.53	17.02.70	15.06.98	Confid.	02-09-15	
25.	Sri M.K.Roy Bardhan	UR	DCOS/NJP	01.07.44	09.08.63	15.06.98	Confid.	02-09-15	
26.	Sri J. Bagchi	UR	DCOS/NJP	06.01.54	26.05.72	15.06.98	Confid.	02-09-15	
27.	Sri A.K.Chakraborty	UR	COS/Con/MLG	20.03.48	29.09.72	15.06.98	Confid.	02-09-15	
28.	Sri G. Hazarika	UR	DY.COS/PNO	01.03.51	06.01.73	15.06.98	Confid.	02-09-15	
29.	Smt. Minu Deka	SC	DY.COS/PNO	01.07.56	19.04.77	23.03.97	Confid.	03-09-05	
30.	Sri A.C. Thakuria	SC	COS/MLG	31.12.54	29.04.76	23.03.97	Confid.	03-09-05	
31.	Smt. Sarala Borodikar	ST	COS/MLG	01.07.57	13.08.78	23.03.97	Confid.	03-09-05	
32.	Smt. Sakuntala Das	ST	COS/MLG	01.06.49	28.09.77	23.03.97	Confid.	03-09-05	
33.	Sri J.K. Das	SC	COS/MLG	02.04.51	21.04.76	15.06.98	Confid.	02-09-15	
34.	Sri S.C. Das	SC	DY.COS/PNO	01.09.47	23.04.76	15.06.98	Confid.	02-09-15	
35.	Sri K. M. Ghosh	UR	DY.COS/PNO	01.06.56	15.11.75	15.06.98	Confid.	02-09-15	
36.	Sri T. K. Roy	UR	DCOS/NBQ	03.02.58	12.03.77	15.06.98	Confid.	02-09-15	

For General Manager(P)MLG 9.5.2001

Dated: 10/5/2001

No.E/255/101/E(S) Pt III

Copy forwarded for information and necessary action to :

(1) COS/MLG, (2) COS/Con/MLG, (3) Dy.COS/PNO (4) Dy.COS/IC/MLG (5) DCOS/DBRT,NJP,NBQ
 (6) DCOS/MDL/DT, SGUJ, (7) ACOS/KIR/BLST (8) ACOS/SD/LMG,NGC (9) AM/P&S/KGN, (10) DSK/TDH, GHY
 (11) Director(St) Calcutta, (12) GS/NFRMUPNO, (13) GS/NFRMUPNO, (14) GS/AISCTREA/MLG
 (15) P/Case (16) Staff concerned

NB: If there is any representation from the staff concerned, regarding their position in the seniority list it should be submitted by them within 30 days postively, duly forwarded by the respective unit officer with detailed remarks. No representation will be entertained submitted after the above stipulated date.

For General Manager(P)MLG

MSL
Rector
10/5
Advocate

9/9/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI.

Central Administrative Tribunal

- 3 MAR 2005

Central Administrative
Guwahati Bench

O.A No.233 of 2003

File No. 2
Advocate
1-3-05
Smti Gouri Sarkar

Smti Gouri Sarkar Applicant.

-Vrs-

Union of India and Others..... Respondents.

IN THE MATTER OF :

**"AN AMMENDED APPLICATION" AS PER ORDER OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL PASSED ON 20-1-05 IN THE REVIEW
APPLICATION NO.17 of 2004 ARISING OUT OF THE INSTANT O.A.**

Most respectfully sheweth :

1. That the Applicant has filed the Original Application No.233 of 2003 before this Hon'ble Tribunal for being deprived of her not getting the "just dues" of promotion in the capacity of Office Superintendent,Grade-I in scale Rs.6500-10,500, being found suitable and empanelled in the select list of promotees under serial No.6 of the Memorandum published by the General Manager (P),N.F.Railways,Maligaon vide No.E/210/66(S)pt.-v dated 3/7.4.98, the copy of which was annexed to the O.A as Annexure-C at page-16 of the Original Application and also is re-submitted herewith as Annexure-3.
2. That before publication of the posting order of the selected candidates by the General Manager (P),N.F.Railways,Maligaon vide their letter of even No. dated 15/16.05.1998, the Applicant submitted a prayer to the Principal Head of the Stores Department i.e. Controller of Stores,N.F.Railway,Maligaon vide her letter dated 23.4.98, a copy of which has been annexed to the Original Application as Annexure-E at page-18 of the instant O.A requesting to kindly arrange her posting at New Jalpaiguri in the capacity of Office Superintendent,Grade-I considering her certain unavoidable and stringent difficulties due to minor children prosecuting of studies and husband's illness. But instead of replying to her representation appeal and personal approaches to her immediate Controlling Officer and to all concerned authorities in the matter the Respondents have

Contd..... p/2... deserved...

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deserved chilly silence for more than 5 years and only by their impugned letter dated 23.07.03, at Annexure-A at page-14 of the O.A, informed the Applicant that she was not found suitable for empanelment by the Selection for the post of Office Superintendent, Grade-I(G). Against such peculiar and astonishing and vague reply of the Respondents the Applicant has come to this Hon'ble Tribunal for justice and filed the instant Original Application. *A copy of the prayer dated 23-4-98 of the Applicant is re-submitted herewith as Annexure-4.*

3. That during the pendency of this application the Respondents have arranged her promotion as Office Superintendent, Grade-I without making any categorical mention as to from which date and arising out of what selection the promotion of the Applicant shall stand not mentioned. The matter was challenged against such irregular order of promotion and thereby filed a Review Application under No.17 of 2004 duly citing the reference of Railway Board that the senior candidates were eligible to get the promotion arising out of the restructuring benefit with effect from 1.11.03 and shall be posted at "as is where is basis" and no promotion and transfer would be made unless all the promotion/up-gradation/arising out restructuring benefits of vacancy dues as on 1.11.03 are filled in/make finalized according to the Railway Board Circular annexed in the said Review Application as Annexure-R/1, Annexure-R/2 and Annexure-R/3 at pages 12 to 18 of the Review Application. After submission of the Review Application, being convinced the Respondents modified their earlier order of promotion and issued a memorandum of even No.E/210/66(S)/Pt.V dated 3.11.04, a copy of which has been annexed as Annexure-4 at page-19 of the said Review Application and under such order the Applicant was posted at her present working place of New Jalpaiguri with the consequential benefits of her Pay and Wages to take effect from 1.11.2003 *as per the office order made by the General Manager(P), N.F.Railway, maligaon vide Office order No. E/210/66(S) Pt-V*

Dated 03-11-2004 and office order No. E/210/11/pt-VIII dated 13-12-2004 issued by the Senior Materials

Manager, N.F.Railways, New Jalpaiguri, Applicant has joined her promotional post on

Vide application, A copy of which is annexed as Annexure-4. The copies of these Annexures are resubmitted herewith as Annexures- 5, 6, 7, 8, 9, 10 respectively.

4. That in view of the developments mentioned in the foregoing para under para-3, this Hon'ble Tribunal has disposed of the Review Application and ordered the Applicant for submission of an amended petition.

A copy of the above order of the Hon'ble Central Administrative Tribunal is annexed as Annexure- 12.

5. That the Applicant humbly begs to state that the promotion made in the

Contd.....p/3...memorandum.....

*K. K. Joshi
1/3/05
Acting
Advocate*

Gonee Sarker

memorandum at Annexure R/4 was due to the Applicant owing to her seniority in service and she has deemed to be promoted to such post automatically in accordance With the Railway Board's orders mentioned under Annexures-1,2 and 3 mentioned above and giving such promotion the Applicants, have not made any favourable to her and this does not deprive her of not getting her original claim of promotion in the panel 1998 as per Annexure-C at page-16 of the Original Application in which she was selected and empanelled and not got her promotion, even not a single line in reply was communicated to her before issuing the letter No.E/210/66(S)/Pt.V dt. 23.7.03 at Annexure-A at page-14 of the Original Application which has been impugned and against which this Original Application has been filed for having justice.

Mr. Somit
Advocate
1-3-05

Gouri Sankar

6. That the Applicant's claim and relief as mentioned in the O.A is still remained unsettled by the Respondents and the Respondents rather by-pass and disowning her rightful claim gave promotion to her junior superseding her seniority and her rightful claim of being selected and empanelled in the promotional post of Office Superintendent Grade-I(G) in 1998.
7. That as per prevailing system and Rules of the Railway Board itself the Applicant should get her promotion before her immediate junior namely Sri J.Bagchi, the Respondent No.5 of the O.A who got promotion on 15-06-1998 and posted at New Jalpaiguri itself against the resultant vacancy and the Applicant was most arbitrarily and unfairly discriminated to be promoted and posted at the right moment and at the right place. A copy of the said promotion order is annexed as Annexure - II.
8. That inspite of submitting a Miscellaneous Petition No.83/04 by the Applicant the Respondents have not produced the documents which are most essential and relevant in the instant case so as to ascertain the vacancy position of the Office Superintendent, Grade-1(G) unit wise right from April, 1998 till date as provided in the distribution of posts by book of sanction and other relevant records.
9. That the Railway Board circular as quoted by the Respondents in their letter No.E/210/66/S/Pt-VI, 15/16.06.98 at Annexure-B at page-15 of the Original Application does not debar a promoted employee in any selection for the indefinite period, even in the case of refusal by the person for being posted immediately according to the posting orders.

Contd....p/4..... The unfair.....

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That

10. The unfair treatment of the Respondents to this Applicant who was fairly senior both in the selection in the serial No.6 and in the seniority list of promotion as it appears in the memorandum issued by the Respondents and as in the promotion Order under serial No.10 as it appears in the office order by the Respondents vide Annexure-C and B respectively annexed in the Original Application are very much candid right from publication of the result and posting orders.

11. That the Applicant begs to state that even in the changed circumstances of her being promoted in the capacity of Office Superintendent, Grade-I(G) and getting benefit with effect from 1.11.03 mentioned above the Applicant reiterates and reaffirms her earlier claim of getting "just dues" mentioned in the Original Application and begs to state that her name in the list of promotees should be placed above her immediate junior Sri J.Bagchi who was promoted to the Post of Office Superintendent, Grade-I with effect from 1.5.2003 vide office order No. E/255/01/8 (S) P. 11 dated 9.5.2003. Issued by the Respondents, and a copy of which is submitted here-with as Annexure-1. With the consequential benefits of pay allowance and other wages as per extent Rules right from the date of her promotion arising out of the said selection, including the promotional benefits of the recent development mentioned above.

12. That the *Submission* of this amended Application, as ordered by the Hon'ble Tribunal mentioned above, is bonafide and for the cause of justice.

In the premises above, it is, therefore, prayed that Your Lordships may be magnanimous enough to accept this amended petition and call for the records, examine the cause of merit, and thereby disseminate justice for redressal of the long standing grievances of this Applicant as prayed for in the Original Application as well as in this amended petition.

For this act of your kindness as in duty bound, the Applicant shall pray and remain ever grateful and be obliged.

*Mr. J. S. Gourie
Advocate
1/3/05*

*Gouri
Sarkar*

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VERIFICATION-

I,Smti Gouri Sarkar,wife of Sri Dilip Kr.Sarkar,aged about 50 years,now working as Office Superintendent,Grade-I(G) under the Dy.Chief Materials Manager,now Senior Materials Manager (D) ,N.F.Railways,New Jalpaiguri,do hereby verify and declare that the statement made under paras 1 to... herein this Application/Petition are true to my knowledge,information and belief and I have not suppressed any material facts and the rests are my humble submission.

And I sign this VERIFICATION on this 1st day of March,2005.

Place: Guwahati

Date. 1.02.05.

Gouri Sarkar

SIGNATURE OF THE APPLICANT/PETITIONER

Verbal
1-3-05
A. S. Sarkar

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 233/03

Mise Petition No: /

Contempt Petition No: /

Review Application No: /

Applicants: - Gouri Sankar

Respondents: - U.C.I Form

Advocate for the Applicants: - K. K. Bhattacharjee

Advocate for the Respondents: - C.G.C. B.C. Pathak, Baidyanath
Gowri

Notes of the Registry Date File Order of the Tribunal

20.1.05.

In view of the order dated 13.12.04 and alongwith joining the report filed by the learned counsel for the applicant which is placed in M.P.No.113 of 04, the learned counsel for the applicant seeks time for amendment. in view of this said development. The matter is accordingly adjourned. The applicant may file amendment application within six weeks. The amendment application, if any filed, the O.A. be placed on Board on 7.3.04.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

Original Order

Copy to the following
Date of issue 31/1/05
Date of filing 31/1/05
Date of hearing 31/1/05
Date of adjournment 31/1/05
Date of final hearing 31/1/05

4/1/05

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Annexure-2

8

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

17/04 in C.A. 233/03

Applicants: Gauri Sarkar

Respondents: U. O. I. Govt.

Advocate of the Applicants: K. K. Bhattacharyya

Advocate for the Respondents:-

Notes of the Registry | Date | Order of the Tribunal

20.1.05.



The learned counsel for the applicant has placed before this Tribunal the order dated 13.12.04 alongwith joining report in M.P. No. 113 of 04.

In view of the same the learned counsel for the applicant seeks to withdraw the application. Application is allowed to be withdrawn and disposed of.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

31/1/05

প্রতিক্রিয়া

31/1/05

বেঙ্গল প্রদেশ (প্রাদুর্ভাব)

Central Administrative Tribunal

প্রদেশ প্রাদুর্ভাব আয়োজন

Guwahati Bench, Guwahati-781009

প্রাদুর্ভাব আয়োজন কর্তৃপক্ষ

17/05

16
8

ANNEXURE-3

N. E. Hillways
M E M O R A N D U M.

The following senior most Os/II in scale Rs.5500-9000/- of Stores Dentt. on being found suitable for the post of Os/I(G) in scale Rs. 6500-10500/- are provisionally empanelled for promotion for the post of Os/I(G) in scale Rs.6500-10500/- against the existing vacancies available in order of seniority.

SN.	Name and designation.	Place of working.
1.	Sri Khagen Saikia.	Os/II DCOS/DBRT.
2.	Mrs. S. Hazarika (SC)	-do-
3.	Sri S. N. Nahaman.	-do-
4.	" K. K. Das.	-do- DCOS/PNO.
5.	" M. K. Roy Bardhan.	-do- DCOS/NJP.
6.	" Gouri Sarkar.	-do- -do-
7.	" H. Singh.	-do- -do-
8.	" J. Bagchi.	-do- Dy. COS/NBQ.
9.	" A. K. Chakraborty.	-do- COS/CON/MLG.
10.	" G. Hazarika.	-do- DCOS/PNO.
11.	" J. K. Das, (SC)	-do- COS/MLG.
12.	" S. Ch. Das, (SC)	-do- -do-
13.	Mrs. S. Saikia (ST)	-do- DCOS/DBRT.
14.	Sri Pradip Talukder.	-do- COS/Con/MLG.
15.	" K. M. Ghosh.	-do- DCOS/PNO.
16.	" T. K. Roy.	-do- Dy. COS/NBQ.
17.	Miss Sipra Das.	-do- DCOS/PNO.
18.	Sri R. K. Dutta.	-do- -do-
19.	" D. N. Talukder.	-do- -do-
20.	" N. H. Nareshudra (SC)	-do- DCOS/DBRT.

This issues with the approval of Competent Authority.

for General Manager(P):MLG.

No. E/210/66 (S) Pt. V. copy to:- Maligaon, dated 3-4-98.
 1. FAECIO/MLG. (2) COS/MLG. (3) COS/CON/MLG. (4) Dy. COS/10/MLG
 5. Dy. COS/NBQ. (6) DCOS/PNO. (7) DCOS/DBRT. (8) DCOS/NJP.
 9. DCOS/D/SGUJ. (10) ACOS/BLST. (11) ACOS/KIR. (12) ACOS/D/NGC.
 13. ACOS/D/MLDT. (14) APS/KGN. (15) DACOS/APDJ. (16) DACOS/LMG
 17. ACOS/D/LMG. (17) DACOS/TSK. (19) DCOS/ ~~APDJ~~. (20) GS/NF-MU/PNO.
 (21) GS/NF-MU/PNO. (22) Staff concerned. (23) F/Case.

for General Manager(P):MLG.

ad/-3.4.98

16/3/98
A. K. Roy
for

69

To,
The Controller Of Stores,
R. F. Railway/Maligaon.

9

Through Proper Channel.

.....

Sub:-Arrangement for Posting at NJP as OS/I
under DCOS/NJP.

Ref:-GM/P/MLG's NO.E/210/66/(S) Pt.V dt.3/7.4.98.

Sir,

I have the honour to inform you that I already declared suitable for the post of OS/I vide GM/P/MLG's L/ No.E/210/66(S)Pt.V dt.3/7.4.98. As per above list my Sl. No. is 6. Now I beg to submit the following few point to you for posting me at NJP. That Sir, my minor children are prosecuting studies at Siliguri and it is very difficult for me to move elsewhere. Secondly I am suffering from Hypertension and other several diseases. My husband is a ~~business man~~ business man he is not residing here.

So I earnestly requesting you to kindly posting me at NJP as a OS/I with your kind heart, thus I shall able to look after peacefully and I shall ever grateful to you.

Yours faithfully,

Gouri Sarkar

(GOURI SARKAR)
OS/II Under DCOS/NJP.

Copy to: DCOS/NJP for information.
GS/MU/NJP. For information & Necessary action Please.

Gouri Sarkar

(GOURI SARKAR)
OS/II .

.....

attested
R. D. S. S.
- 1/3/05
Advocate

o/c

~~10~~ ANNEXURE-15 ~~10~~

16/1-C/2004

12.01.2004, Maligaon/Imphal/11

Dated, 13.01.2004.

To
All PIRODs, All DRMs, Sr.DPO-DPO, DEMs,
CWNHQs, DBWS, WAO/NBQ, DBWS, All Sr.DME(D)s,
Area Managers, All Non-Divisionalised Units, Sr.DEN/MLG,
Dy.CE/Br.line/MLG, Dy.CAO/Cash & Pay/MLG, Dy.CSTE/MW/MLG,
Dy.CSTE(TC)/MLG, All SPOS & APOS/ Personnel Branch/Maligaon,
The GS/NFREU, NFRMU, AISCIREA & NFRDIBCA/Maligaon.

Sub:-Restructuring of certain Group 'C' & 'D' Cadres.

A copy of Railway Board's letter No.PC-II/2003-CRC/6 dated 06.01.2004 (RBE No.5/2004) on the above subject is forwarded for information and necessary action. Board's earlier letter dated 09.10.2003 as referred to in their present letter was circulated under GM(P)2003-
No.5/304/0-Restructuring (C) dated 30.10.2003.

(3.1.1) (a) (i) (c)

SPC/2004/26/2

For General Manager (P)

(Copy of Railway Board's letter No.PC-II/2003-CRC/6 dated 06.01.2004)

Sub:- Restructuring of certain Group 'C' & 'D' cadres.

Reference this Ministry's letter of even number dated 09-10-2003 on the above subject.

2. Pursuant to the discussions held with the Staff side, Ministry of Railways have, with the approval of the President in partial modification of orders contained in this Ministry's letter of even number dated 09-10-2003 decided the following:

(i) Percentage distribution of posts in the categories of Shunting Drivers and Diesel Assistants/Electrical Assistants should be revised from the existing 20:80 to the ratio of 30:70.

(ii) Percentage distribution of the posts for the category of Technical Supervisors for the cadres where 'Mistries' posts are not existing should be revised from the existing 17:28:25:30 to the ratio of 21:29:24:26.

3. Accordingly, the relevant entries in Annexure 'B' & 'E' attached to the Board's restructuring order of even number dated 09.10.2003 should be substituted by the following:

ANNEXURE- 'B'

CATEGORY	GRADE (Rs.)	EXISTING %AGE	REVISED %AGE
Shunting Drivers	5000-8000	20	30
	8000-8500	80	70

Attested
Advocate
1/3/05

CATEGORY	GRADE (Rs.)	EXISTING %AGE	REVISED %AGE
Technical Supervisors (for cadres where posts of Supervisors (erstwhile Mistries) are available)	7450-11500 6500-10500 5500-9000 5000-8000	17 28 25 30	18 29 24 29
Technical Supervisors (for cadres where posts of Supervisors (erstwhile Mistries) are not available)	7450-11500 6500-10500 5500-9000 5000-8000	17 28 25 30	21 29 24 26

3. It has also been decided to substitute the provisions in respect of the following appearing as items 1, 3, 4 & 6 of Boards letter of even number dated 09.10.2003 as indicated hereinunder:

Date of effect

Pay Fixation (Rule 1313 (FR-22)-R-II)

1. This restructuring of cadres will be with reference to the sanctioned cadre strength as on 01.11.2003. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grades w.e.f. 01.11.2003.

2. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1313 (FR-22)(J)(e)(1)-RII w.e.f. 01.11.2003 with the usual option for pay fixation as per extant rules. The benefit under this rule will, however, no longer be available in the case of movement from lower grade to higher grade in the non-functional situations where there is no change in duties and responsibilities, e.g. as in the case of movement from Goods Guards to Sr. Goods Guards and Goods Drivers to Sr. Goods Drivers etc. In the case of such movement, the pay will be fixed under Rule 1313 (FR-22) (I) (a) (2)-RII. However, the benefit of fixation of pay under rule 1313 (FR-22)(I) (a) (1)-RII will now be admissible in the cases of functional promotions such as promotion from Sr. Goods Guards to Passenger Guards and Sr. Goods Drivers to Passenger Drivers etc. though in identical scales of pay.

attd
R. S. S.
19/05
Advocate

12
12
Annexure-5/2
12

Existing classification and filling up of the vacancies

4. The existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual Railway servant becomes due for promotion to a post classified as a 'selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and confidential reports without holding any written and / or viva-voco test. Naturally under this procedure the categorization as 'outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of the numbers involved, with the objective of expediting the implementation of these orders. Similarly for posts classified as 'non-selection' at the time of this restructuring the promotion will be based only on scrutiny of service records and confidential reports. In the case of Artisan staff, the benefit of restructuring under these orders will be extended on passing the requisite Trade Test. However, in case of placement of Supervisors (erstwhile Mistries) to grade Rs.5000-8000 the instructions contained in Para-13.2 should be followed.

✓ 4.1 Normal vacancies existing on 01.11.2003 except direct recruitment quota and those arising on that date from this cadre restructuring including chain/resultant vacancies should be filled in the following sequence:
(i) From panels approved on or before 01.11.2003 and current on that date;
(ii) and the balance in the manner indicated in para 4 above

✓ 4.2 Such selections which have not been finalised by 01.11.2003 should be cancelled/abandoned.

✓ 4.3 All vacancies arising from 02.11.2003 will be filled by normal selection procedure.

4.4 All vacancies arising out of the restructuring should be filled up by senior employees who should be given benefit of the promotion w.e.f. 01.11.2003 whereas for the normal vacancies existing on 01.11.2003 junior employees should be posted by modified selection procedure but they will get promotion and higher pay

✓ 4.5

Attested
N.K.Biswas
1/3/05
Advocate

15/13

Annexure-5/3

23

from the date of taking over the posts as per normal rules. Thus the special benefit of the promotion w.e.f. 01.11.2003 is available only for vacancies arising out of restructuring and for other vacancies, the normal rules of prospective promotion from the date of filling up of vacancy will apply.

4.5 In cases where percentages have been reduced in the lower grade and no new post becomes available as a result of restructuring, the existing vacancies on 01.11.2003 should be filled up by normal selection procedure.

4.6 Employees who retire/resign in between the period from 01.11.2003 i.e. the date of effect of this restructuring to the date of actual implementation of these orders, will be eligible for the fixation benefits and arrears under these orders w.e.f. 01.11.2003.

5. Minimum years of service in each grade

6. While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. However, while consideration may relaxation in the minimum period prescribed for promotion to various categories, General Manager would personally ensure that the safety aspect of Railways is not compromised.

Kindly acknowledge receipt.

Hindi version will follow.

S. Prakash

(Shriprakash)
Director, Pay Commission - II
Railway Board

No. PC-II/2003/CRC/6

New Delhi, dated 06.01.2004

Copy (with 40 copies) forwarded to ADAT, Railways, New Delhi.

G. Suman
(G. Suman)
For Financial Commissioner, Railways.

*attested
2/1/04
1/3/05
Advocate*

No. E/304/0-Restructuring (C)

Dated: 22-6-2004.

To
 GM/MLG, GM(CON)MLG, AGM/MLG
 All PHODs, DPMs, ADRMs, Sr.DPO/DPOs, DPMs
 CWM/NBQs, DBWS, WAO/NBQs, DBNS, SAO/NJP
 All Area Managers, Sr.DME(D)'s, AENs, APO/CHY
 APO/CH/MLG, APO/DBWS, NBQs & NJP
 WM(EWS)/BNON, DEN/DBRT
 All Non-divisionalised Units, Dy.CE/Br.Line/MLG
 Dy.CSTE(TC)/MLG, Dy.CSTE(MW)/MLG,
 Dy.CAO/Cash & Pay/MLG, Sr.DEN/MLG
 All SPOs, & APOs of P.Branch/MLG.
 The GS/NFREU, NFRMU, AISCTREA, NFROBCEA & NFRPPA/MLG.

Sub:- Restructuring of certain Group 'C' & 'D' cadres- Status of selections finalised between 01.11.2003 and 06.1.2004.

A copy of Railway Board's letter No. PC-III/2004/CRC/3 dated 03.6.2004 (RBE No. 114/04) on the above subject is forwarded for information and necessary action. Board's earlier letters dated 9.10.2003 and 6.1.2004 as referred to in their present letter were circulated under GM(P)/MLG's No.E/304/0-Restructuring (C) dated 30.10.2003 and E/304/0-Restructuring (C) dated 13.1.2004 respectively.

11/6/04
 (N. N. Thakur)
 SPO(R)
 for General Manager (P)MLG.

(Copy of Rly. Board's letter No. PC-III/2004/CRC/3 dated 03.06.2004).

Sub:- Restructuring of certain Group 'C & 'D' cadres - Status of selections finalised between 01.11.2003 and 06.1.2004.

Ref: Railway Board's letter No. PC-III/2003/CRC/6 dt. 09.10.2003 & 06.1.2004.

As per the provisions contained in para 4 of this Ministry's letter dt. 09.10.2003, existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, was to remain unchanged and action was to be taken to position the employees as per the existing procedure. Subsequently, above provision was substituted by new para 4 of this Ministry's letter dt. 06.01.2004 and modified selection procedure had been introduced. According to the revised provisions as contained in para 4.1 & 4.2, normal vacancies existing on 01.11.2003 (except direct recruitment quota) and those arising on that date from the cadre restructuring including chain/resultant vacancies should be filled up in the following sequence:

- (I) From panels approved on or before 01.11.2003 and current on that date;
- (II) and the balance in the manner indicated in para 4 (viz. Modified selection procedure).

It was also provided in para 4.2 that such selections which have not been finalised by 01.11.2003 should be cancelled/abandoned.

2. A number of references have been received from the Railways regarding the status of panels/selections finalised between 01.11.2003 and 06.01.2004. The issue of status of selections finalised between 01.11.2003 and 06.1.2004 has been examined and it has been decided with the approval of the President that the provisions of Board's letter dated 06.01.2004 regarding Existing classification and filling up of the vacancies as contained in para 4.1 and 4.2 may be modified as under:

- 4.1 Normal vacancies existing on 01.11.2003 except direct recruitment quota and those arising on that date from the restructuring

11/6/04
 1/3/05
 Advocate

Including chain/resultant vacancies should be filled in the following sequence:

- (i) from the panels approved on or before 05.01.2004 and current on that date.
- (ii) and the balance in the manner indicated in para 4 (viz. modified para 4 of Board's letter dated 06.01.2004).
- 4.3 Such selections which have not been finalized by 05.01.2004 should be cancelled / abandoned.

3. It is also clarified that the panels approved till 05.01.2004 and current on above date are to be operated to cover only the already existing vacancies (except DR quota) as on 01.11.2003 as per Para 4 (i) above and the remaining existing vacancies (except DR quota) and those arising out of restructuring (including chain/resultant vacancies) should be filled up as per para 4 (ii) above. The candidates left out in the un-operated portion of the above panels may be considered as per their seniority for promotion as per para 4 (ii) above. If they are not promoted as per their seniority, such candidates placed on the un-exhausted portion of the panel may be considered for promotion against the anticipated vacancies for which they were selected, without subjecting them to fresh selection, provided they are otherwise eligible as per normal rules and the panel is also in force. The panels which were formed to fill up only the normal anticipated vacancies arising after 01.11.2003 may be operated as per normal rules after filling up the existing vacancies and those arising out of restructuring including chain/resultant vacancies.

4. Kindly acknowledge receipt.
5. Hindi version will follow.

P.Wheel
 (P.K. Goel)
 Director Pay Commission-I
 Railway Board

No. PC-III/2004/CRC/3

New Delhi, dated 03.06.2004

Copy (with 40 spares) forwarded to Comptroller and Auditor General of India, Railways, New Delhi.

for Financial Commissioner, Railways
 3/6

03/EW

25/6/04

Dy. CE/BL

9
 25/6/04

*allied
R.K. Goel
13/05
Advocate*

By C.E./Br. Manager, P.M.
N.E. Railway.

ANNEXURE - 37

Office of the
General Manager (P)
Maliagon (Cauhut-1).

NO. E/304/O-Restructuring (C)

Dated: 9-7-2004.

To
GM/MLG, GM(GEN)MLG, AGM/MLG
All PWDs, DRMs, ADMs, Sr. DPO/DPOs, DMs,
CWH/NBQs, DBWS, WAO/NBQs, DBWS, SAO/NJP
All Area Managers, Sr. DME(O)s, AEMs, APO/CHY
APO/CHY/MLG, APO/DSWS, NBQs & NJP
All Non-divisionalised Units, DEN/DRBT
WM(EWS)/ENGN, ZTC/APDJ, SMC/NBQs,
Dy. CE/Br. Line/MLG, Dy. CSTE(TC)/MLG, Dy. CSTE(MW)/MLG,
All SPOs & APOs of P.Branch/MLG,
The OS/NP/HEU, NP/OU, ATGCTM, NPPGCEA & NPPFA/MLG.

Sub: Restructuring of Certain Group
'C' and 'D' cadres.

A copy of Railway Board's letter No. PC-III/2004/CRC/13 dated 28-6-2004 (RBF No. 139/2004) on the above subject is forwarded for information and necessary action. Board's earlier letter dated 9-10-2003 as referred to in their present letter was circulated under GM(P)/Maliagon's No. E/304/O-Restructuring (C) dated 20-10-2003.

QWED 08.07.04

(P. Sarkar)
Sri Personnel Officer (MPP&Trg.)
for General Manager (P)Maliagon.

(Copy of Railway Board's letter No. PC-III/2004/CRC/13 dated
28-6-2004.)

Sub: Restructuring of certain Group 'C' & 'D' cadres.

CYOA

SDP/R

1. It has been represented by the Staff Federations to the Railway Board that certain difficulties are being faced in expeditious implementation of restructuring of various Group 'C' & 'D' categories in terms of Board's letter No. PC-III/2003/CRC/6 dt 09.10.2003 due to prior pin pointing of additional posts arising out of restructuring.

2. The issue has been considered by the Ministry of Railways (Railway Board) and it has been decided that in those cases where due to pin-pointing of posts staff is required to join duties in the upgraded posts at a different station, such staff may be allowed the benefit of upgradation / promotion on "as is where is basis" for the time being and allowed to join the pin-pointed post at the new station within six months time from the date of issue of promotion order, subject to the satisfaction of HOD on merit in each case.

3. Kindly version will follow.

General Manager
Lala
28.06.2004

P. K. GOEL
(P. K. GOEL)
Director, Pay Commission-I
Railway Board

No. PC-III/2004/CRC/13, New Delhi, dated 28.06.2004.

Advocate
Advocate
Advocate

Contd... P/2 - implemented with.....

In terms of Rly. Bd's letter No. PC/III/2003/CRC/6 dt.09.10.03 circulated under GM(P)'s letter NO. E/304/0-Restructuring© dt. 31.10.03, the following senior most OS/II(G) in scale Rs. 5500-9000/- of Stores Depl., On being found suitable through process of modified selection in terms of GM(P)'s circular NO. E/304/0-Restructuring© dt. 13.01.04 have been provisionally empanelled for promotion for the post of OS/II(G) in scale Rs. 6500-10500/- effective from 01.11.03 against the upgraded post & resultant vacancies created under GM(P)'s Memo No. E/41/204 Restructuring Ministerial (S) dt. 28.05.04 and with immediate effect against existing vacancies. The names are arranged in order of seniority. This is subject to free from SRE/Vig/DAR Case.

<u>Sl.No.</u>	<u>Name & community</u>	<u>Designation</u>	<u>Place of working</u>
1	Sri Khagen Saikia	OS/II/G	SMM/D/DBRT
2	Smti. Dipa Devi	OS/II/G	SMM/D/DBRT
3	Md. S.M. Rahaman	OS/II/G	SMM/D/DBRT
4	Smti. Gouri Sarkar	OS/II/G	SMM/D/NJP
5	Sri Pradeep Taiukdar	OS/II/G	COS/CON/MLG
6	Sri N.N. Namusudra (SC)	OS/II/G	SMM/D/DBRT
7	Smti. Nokha Chakraborty	OS/II/G	SMM/D/NJP
8	Sri B. Kalita	OS/II/G	COS/MLG
9	Md. Nil. Chowdhury	OS/II/G	COS/MLG
10	Sri P.G. Bhattacharjee	CS/II/G	COS/MLG
11	Sri P.C. Roy (SC)	OS/II/G	SMM/D/MLDT
12	Smti. Kabita Mandal	OS/II/G	COS/MLG
13	Sri B.K. Mitra	OS/II/G	AMM/BLST
14	Sri S. Mukhopadhyaya	OS/II/G	AMM/BLST
15	Sri K.L. Chanda	OS/II/G	COS/MLG
16	Sri Krishna Dulal Das (SC)	OS/II/G	COS/MLG
17	Smti. Arati Sulradhar (SC)	OS/II/G	SMM/D/NBQ
18	Smti. Taramai Das (SC)	OS/II/G	COS/MLG
19	Sri Samir Kr. Roy	OS/II/G	COS/MLG
20	Sri Barun Ch. Kalita	OS/II/G	COS/MLG
21	Sri Mihai Kantil Das	OS/II/G	COS/MLG

Contd..page 2/

*gallish d.
N.C.R. 1/3/05
Advocate*

*A copy of the same
will be sent
to the concerned
authorities
as soon as
possible.*

22 Sri Bulan Ch. Barua (SC) OS/II/G
23 Sri Pradip Kr. Das (SC) OS/II/G
24 Sri Deepak Chowdhury (SC) OS/II/G
25 Sri Narayan Ch. Das (SC) OS/II/G

COS/CON/MLG
COS/MLG
COS/MLG
COSMLG

AGAINST ST QUATA

26 Sri T. S. Mahilar (ST) OS/II/G
27 Smt. S. Basumatary (ST) OS/II/G

SMM/D/NBQ
COS/MLG

Staff of Sl. No. 1 to 7, 9 & 17 alreadyominated for the post of OS/II/G in earlier selected list.

The provisional panel has been approved by CMM on 02.11.2004.

(R. Narzary)
SPO/NG

For General Manager(P)
N.F.Railway, Maligaon

Dated: 03-11-2004

No. E/210/66(S)Pt.V

Copy forwarded for information please.

1. FA&CAC/MLG
2. COS/MLG
3. COS/CON/MLG
4. CMM/MLG
5. DY.CMM I/MLG
6. DY.CMM/PNO
7. DY.GRO/CON/MLG
8. SMM/D/NJP
9. SMM/D/NEQ
10. SMM/D/DERT
11. SMM/P/SGUJ
12. SMM/D/MLDT
13. AM/BLST
14. AM/D/KIR
15. AM/P&S/KGN
16. STAFF CONCERNED
17. P/CASE
18. GS/NFRMU/PNO
19. GS/NFEU/PNO
20. GS/AISCTREA/MLG

Rao.
For General Manager(P)
N.F.Railway, Maligaon

*Alleged
Rekha
1/3/05
Advocate*

N.F.RAILWAY

Office of the
Senior Material Manager
New Jalpaiguri.

Dt. 13-12-04.

OFFICE ORDER NO. E/174/NUP

In pursuance of GM(P)/Maligaon's Office Order No.144(E/Stores) communicated vide his No.E/210/66(S)Pt.IV dt.09-12-04 and memorandum No.5500-900/- are hereby promoted to officiate as OS/II in scale P.6500-10500/- w.e.f. from 01-11-03 and posted under SMM/NJP as is where basis for a period of 6 months as under.

Sl. No. Name & Design.

Promoted as OS(G)I Pay fixed
in scale of P.6500/- as on
10500/- and posted
under.

1. Smt. Gouri Sarkar, OS(G)II/NJP.	OS(G)I Under SMM/NJP.	P.7700/- as on 01-11-03.
2. Smt. Sikha Chakraborty, OS/II(G)/NJP.	- do -	P.7900/- as on 01-11-04.
		P.7100/- as on 01-11-03.
		P.7300/- as on 01-11-04.

Staff concern may exercise their option for fixation of pay from the date of next annual increment in their substantive grade within one month from the date of issue of this office order. This has the approval of Competent Authority vide P.P-18 of file No.E/210/1/Pt.VIII.

1/1/04
Senior Material Manager
N.F.Rly., New Jalpaiguri

Dated: 13-12-04.

NO. E/210/1/Pt.VIII

Copy forwarded for information and necessary action to :

1. GM(P)/Maligaon (2) COS/Maligaon (3) Sr.AFA/NUP (4) FC/CCF/NUP
5. DMS/I/G/NJP (6) DMS/I/TDN (7) Secy.NFREU/NFRMU/AISCTREA/NJP.
8. Staff concerned (9) S/copy for P/case & S/R
10. APO/NJP. 11. OS(G)/Admin./NJP.
12. E/Bill in office.

3/12/04
Senior Material Manager
N.F.Rly., New Jalpaiguri

1/1/05
1/1/05
Absent
Absent

20

Annexure-10

80

Go,

SMM/NRP

N.F.Ry.

Through: - proper channel.

Madam,

Sub: - Promotion of OS/1/6
as per GM(P)/MLG/8
of o. no. E/210/66 (S) pt IV
dt 09-12-04 and Memorandum
no. E/210/66 (S) pt V dated
04-11-04.

X —

In terms of GM(P)/MLG/8 above
o/o. no. E/210/66 (S) pt IV and Memorandum no.
mentioned above endorsed vide your o/o. no.
E/210/1/pt VIII dated 13-12-04, I resumed
duty as OS/1/6 under your kind control.

Thanking you.

yours faithfully,

Gouri Sarkar.

OS/1/6 under
SMM/NRP.

Address
Revised
1/3/05
Advocate

Department: Stores
Category : OS/I/G
HQ. Controlled Post

N. F. RAILWAY

OS/1

2nd Section
P. D. E. R.
Xerox copied
and intimate
to Staff concerned
10/04/2001
occurring

Provisional Seniority List of OS/I/G in scale Rs.6500-10500/- (RPS) of Stores Deptt. as on 01-04-2001.

Authority: Seniority assign as per CPO's circular No.E/210/Res/Court dt. 05.06.98.

Sl. No.	Name of the Employees	Community	Working Place	Dt. of birth	Dt. Of Appt.	Date of promotion to the Grade	Confd./ Offig	Length of Service - Y-M-D	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
01.	Smt. Jini Deka Raju	ST	DY.COS/PNO	01.01.59	15.07.77	01.03.93	Confd.	08-00-00	
02.	Sri A.D. Sharma	UR	COS/MLG	01.02.42	13.04.62	09.03.94	Confd.	06-07-22	
03.	Sri G.M.Kakati	UR	COS/MLG	01.01.43	13.04.62	09.03.94	Confd.	06-07-22	
04.	Sri R. Sutradhar	SC	COS/MLG	01.03.42	02.08.62	09.03.94	Confd.	06-07-22	
05.	Smt. Madhuri Salkia	ST	DCOS/DBRT	03.02.47	01.10.76	09.03.94	Confd.	06-07-22	
06.	Sri K.C. Sangma	ST	DY.COS/PNO	01.02.45	10.07.78	22.03.96	Confd.	04-07-09	
07.	Sri H.C. Das	SC	DY.COS/PNO	04.10.51	04.10.73	22.03.96	Confd.	04-07-09	
08.	Sri D. Prasad	UR	DCOS/TP	04.05.42	03.05.66	22.03.96	Confd.	04-07-09	
09.	Smt. Namita Chakraborty	UR	ACOS/ELST	02.04.50	07.01.71	22.03.96	Confd.	04-07-09	
10.	Smt. Uma Chakraborty	UR	COS/MLG	01.12.55	26.02.79	22.03.96	Confd.	04-07-09	
11.	Sri U.K. Dastidar	UR	Director Steel/Cal	26.04.53	12.09.75	22.03.96	Confd.	04-07-09	
12.	Smt. Laxmi Kumari Das	SC	COS/MLG	01.01.60	15.11.78	22.03.96	Confd.	04-07-09	
13.	Sri S. N. Das	UR	COS/MLG	01.05.41	18.03.63	22.03.96	Confd.	04-07-09	
14.	Sri K. Medhi	UR	COS/MLG	01.03.43	21.05.63	22.03.96	Confd.	04-07-09	
15.	Sri A. Bhattacharjee	UR	COS/MLG	01.01.44	21.05.63	01.10.99	Confd.	01-06-00	
16.	Sri M.C.Kengsabani	UR	COS/MLG	30.09.44	13.02.64	23.06.97	Confd.	03-09-08	
17.	Sri H.M. Kalita	UR	DY.COS/PNO	01.10.42	03.05.64	23.06.97	Confd.	03-09-08	
18.	Sri K.L. Dey	UR	DCOS/NBQ	03.02.42	14.01.66	23.06.97	Confd.	03-09-08	
19.	Sri R.N. Kundu	UR	DCOS/D/SGUJ	01.07.41	16.11.66 11.07.61	23.06.97	Confd.	03-09-08	
20.	Smt. S. Hazanka	SC	DCOS/DBRT	01.01.54	01.04.77	15.05.98	Confd.	02-09-15	

Printed
1/3/05
Advocate

22

Annexure-11/1

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
21.	Sri G.C. Seal	UR	COS/MLG	01.11.43	14.02.64	15.06.98	Confd.	02-09-15	
22.	Smt. Lekha Sen	UR	COS/MLG	08.10.44	22.02.64	15.06.98	Confd.	02-09-15	
23.	Smt. P. Mukherjee	UR	AM(P&S) KGN	25.03.45	07.12.63	15.06.98	Confd.	02-09-15	
24.	Sri K. K. Das	UR	DY.COS/PNO	01.01.53	17.02.70	15.06.98	Confd.	02-09-15	
25.	Sri M.K.Roy Bardham	UR	DCOS/NJP	01.07.44	09.08.63	15.06.98	Confd.	02-09-15	
26.	Sri J. Bagchi	UR	DCOS/NJP	06.01.54	26.05.72	15.06.98	Confd.	02-09-15	
27.	Sri A.K.Chakraborty	UR	COS/Con/MLG	20.03.48	29.09.72	15.06.98	Confd.	02-09-15	
28.	Sri G. Hazarika	UR	DY.COS/PNO	01.03.51	08.01.73	15.06.98	Confd.	02-09-15	
29.	Smt. Minu Deka	SC	DY.COS/PNO	01.07.56	19.04.77	23.03.97	Confd.	03-09-05	
30.	Sri A.C. Thakuria	SC	COS/MLG	31.12.54	29.04.76	23.03.97	Confd.	03-09-05	
31.	Smt. Sarala Bordoloi	ST	COS/MLG	01.07.57	13.08.78	23.03.97	Confd.	03-09-05	
32.	Smt. Sakuntala Das	ST	COS/MLG	01.06.49	23.09.77	23.03.97	Confd.	03-09-05	
33.	Sri J.K. Das	SC	COS/MLG	02.04.51	22.04.76	15.06.98	Confd.	02-09-15	
34.	Sri S.C. Das	SC	DY.COS/PNO	01.09.47	23.04.76	15.06.98	Confd.	02-09-15	
35.	Sri K. M. Ghosh	UR	DY.COS/PNO	01.06.56	15.11.75	15.06.98	Confd.	02-09-15	
36.	Sri T. K. Roy	UR	DCOS/NBQ	03.02.58	11.08.77	15.06.98	Confd.	02-09-15	

For General Manager(P)MLG 9.5.2001

Dated: 10/5/2001

No. E/255/101/8(S) Pt.III

Copy forwarded for information and necessary action to :

(1) COS/MLG, (2) COS/Con/MLG, (3) Dy.COS/PNO (4) Dy.COS/IC/MLG (5) DCOS/DBRT,NJP,NBQ
 (6) DCOS/DAMLDT, SGUJ, (7) ACOS/KIR/BLST (8) ACOS/DAMLG,NGC (9) AM/P&S/KGN, (10) DSK/TDH, GHY
 (11) Director(Steel)/Calcutta, (12) GS/NFRMU/PNO, (13) GS/NFRUE/PNO, (14) GS/AISCTREA/MLG
 (15) P/Case (16) Staff concerned

N.B: If there is any representation from the staff concerned regarding their position in the seniority list it should be submitted by them within 30 days positively, duly forwarded by the respective unit officer with detailed remarks. No representation will be entertained submitted after the above stipulated date.

For General Manager(P)MLG

9/5/01

allied
Sect
11/3/05
Advocate

82

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : : AT GUWAHATI

83
23
Oct 2003
Guwahati Bench

O. A. NO..... 233 of 2003.

Smt. Gouri Sarkar Applicant

-vs-

Union of India and others Respondents.

: INDEX :

SL: NO:	Particulars/ ANNEXURES	Subject	Page
1	-	Application	1 to 12
2	-	Verification	13
3.	A	General Manager(P)/N.F.Rl/Maligaon's impugned letter NO:E/210/66(S)Pt V dt: 23-07-03 denying Applicant's promotion as Office Supdt:/1 (G)	14
4	B	Promotion & posting Order as OS/1(G)	15
5	C	Promotion Order of OS/1(G)	16
6	D	Dist: Controller of Stores/New Jalpa- guri's Order for posting at BLST	17
7	E	Appeal dt: 23-4-98 of the Applicant	18
8	F,G,H,I,J,K	Appeals dated 24-4-98, 4-8-98, 11- 11-2000, 28-8-2002, 31-3-2003 and 22-6-2002 of the Applicant	19 to 24
9	L,M,N,O,P	Dist: Controller of Stores/New Jal- paiguri's letters dt: 27-4-98, 7.7.98, 6-5-2002, 5-9-2002, 1-4-2003 forwarding Applicant's Appeals to N.F.Rly's HD:Qrs.	25 to 29
10	Q	Seniority List as on 1-4-1985 in the Grade of Head Clerk(G) of Stores Deptt: Representation dt: 16-6-2003 of Applicant-31	30 to 30/8
11	R	Vakalatnama	31
12	-	Service Copy of Ack: of Rly.Counsel	32
13	-		33

Filed on: 20-10-2003

Filed by:

K.K.BISWAS
(K.K.BISWAS) 20/10/03
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

GUWAHATI BENCH : AT GUWAHATI

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

233
O.A. NO..... of 2003.

Smt. Gouri Sarkar,
Wife of Sri Dilip Kumar Sarkar,
working as Office Supdt/II(G)
under Deputy Chief Materials Manager,
N.F.Railway, New Jalpaiguri,
Dist. Jalpaiguri, West Bengal Applicant

- 18 -

..... Respondents' ^{contd. 2.} Details..

DETAILS OF APPLICATION

1. Particulars of the orders against which the
Application is made:

a) General Manager(P) N.F.Railway/Maligaon's letter
No: E/210/66(S)Pt V dated 23-07-03 (ANNEXURE - A).

b) General Manager(P), N.F.Railway, Maligaon's
Memorandum No: E/210/66(S)Pt-V dated 16-5-1998
(ANNEXURE - B).

Copies of above letter and Memorandum of Office
Order are enclosed as ANNEXURES A and B.

2. Jurisdiction

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

3. Limitation

The Applicant submits that the application has been
filed with the limitation period prescribed under
section 21 of the Administrative Tribunal Act, 1985.

contd. 3. Facts...

85
New Jorhat - 20/07/03
Advocate
Gourie Sarkar

4. Facts of the case:

4.1 That the Applicant is the citizen of India and, therefore, is entitled to the rights and privileges guaranteed to the citizens of India under the Constitution.

4.2 That the Applicant along with other 19 employees of the N.F.Railway's Stores Department being the senior most Office Supdt Gr-II (herein-after be known as OS/II) in Scale Rs 5500- 9000/- on being found suitable were empanelled for promotion to the post of Office Superintendent Gr-I(G) (herein-after be known as OS/I(G)) in scale Rs 6500-10500 by the General Manager (P), N.F.Railway, Maligaon and issued the Memorandum No. E/210/66(S) Pt.V dated 3-4-98 for posting against existing vacancies available in order of seniority.

Copy of the above Memorandum is submitted as
ANNEXURE - C

4.3 That the General Manager(P), N.F.Railway, Maligaon vide his order No: E/210/66(S) Pt.V dated 15/16-05-1998 issued posting orders of the promoted OS/I(G) in scale Rs 6500-10500 in the Unit/Offices against the existing vacancy as indicated against each of the promotees with immediate effect.

Copy of the said Office order is submitted as
ANNEXURE - B.

4.4 That the Distt Controller of Stores, N.F.Railway, New Jalpaiguri vide his Office Order No:E/IIMJP/98

General
Sarkar
Ansar
29/5/03

communicated under No: E/210/I Pt.Viii dated 19-6-98 ordered promotion and posting of the promoted OS/I(G) working under his control to take immediate ^{effect} and the Applicant was shown her place of posting under ACOS/BLST.

Copy of the said Office Order is submitted as ANNEXURE-D.

4.5 That immediately after receiving the Memorandum of promotion order of OS/I(G) mentioned above under ANNEXURE ^{b1D} ~~the Applicant~~ submitted an appeal to the Controller of Stores, N.F.Railway, Maligaon, detailing the inconveniences for her school-going ^{children's} studies and other reasons to consider ~~in~~ the case of the Applicant for her place of posting at New Jalpaiguri where she was working.

Copy of the Appeal dated 23-4- 98 is enclosed as ANNEXURE - E.

4.6 That notwithstanding the appeal of the Applicant praying for retention of the promotional post of OS/I(G) for her posting at New Jalpaiguri on the grounds mentioned therein the General Manager(P), N.F.Railway, Maligaon and Distt: Controller of Stores, N.F.Railway New Jalpaiguri vide their orders mentioned under paras 4.3. and 4.4 ^{above} arranged place of posting for the Applicant under ACOS/BLST , that is, Beliaghata in Kolkata.

4.7 That the Applicant had been repeatedly praying for her place of posting at New Jalpaiguri on her promo-

contd.5 promotional..

Gouri Sarker
Advocate

87

Adv. Sarker
1/20/98

promotional post as OS/1(G) vide her appeals dated 24 -

4- 98, 4-8-98, 11-11-2000, 28-8-2002, 31-3-2003 and
12- 5- 2002.

Copies of above appeals are submitted under ANNEXURES -

E , G, H, I, J, K.

4.8 That the Distt: Controller of Stores, N.F.Railway, New Jalpaiguri forwarded the Appeals of the Applicant to the concerned authorities at N.F.Rly.'s Hd: Qrs: at Maligaon for disposal of the same vide his letters Nos: E/283/1 pt.IV dated 27-4-98, 7-7-98, 6-5-2002, 5-9-2002, 1.4.2003.

Copies of aforementioned letters are annexed under ANNEXURES - L , M , N , O , P.

4.9 That inspite of repeated appeals praying for posting at New Jalpaiguri on the promotional post of the Applicant as OS/1(G) the Respondents- N.F.Railway Administration have not given a single line in reply about the fate of the appeals of the Applicant during the long span of 5 (five) years.

4.10 That during pendency of disposal of the appeals of the Applicant the General Manager(P), N.F.Railway, Maligaon gave promotions to a host of employees, who are juniors to the Applicant, as OS/1(G) and arranged their place of postings suitably in the Offices where vacancies existed and/or by adjusting the posts/incumbencies conveniently , superseding the ^{bonafide} claim and prayer of the Applicant. The Applicant humbly submits that the formal Office Orders of those promotees could not be collected and prays that the Hon'ble Tribunal may ^{please} direct the Rly Administration to produce the relevant Office Orders of the said promotions of OS/1(G) of the N.F.Rly.'s Stores Deptt: right from May/98 till date, so as to ascertain the veracity of the Applicant's humble submission, in the Tribunal at the time of submitting their Written Statement.

contd... 6 ... That...

4.11 That the Respondents- N.F.Railway Administration have also issued posting orders of Sri J.Bagchi and Sub. S. Malco, and Sri B.C.Majumder, Respondents Nos: 5,6,7, who are junior to me in respect of promotion for the post of OS/I(G), at New Jalpaiguri ^{itself} against the existing vacancies without considering the representations of the Applicant and without intimating her about the destiny of her prayer mentioned under para 4.5 above. The basic seniority list as on 1-4-85 in the grade of HdClerk(G) of all juniors, promoted superseding the Applicant is enclosed as ANNEXURE - Q.

4.12 That against the gross miscarriage of justice and arbitrary decision of the Respondent-N.F.Railway Administration ^{the Applicant} highlighted everything in detail vide application dated 16-6-2003 (ANNEXURE - R) and prayed for the justice and fair play of the whole episode.

4.13 That against the representation of the Applicant mentioned under para 4.12 above (ANNEXURE -R) the General Manager(P), N.F.Railway, Maligaon has issued the impugned letter No: E/210/66(S) Ptv dt: 23-07-03 to the ^(Annexure - A) Applicant which is not only a bolt from the blue but also does not carry any meaning at all. For, the words " not found suitable for empanelment by the selection committee in any of the above suitability tests" held on " 22-5-2001, 19-12-2001, 24-12-2002" " for promotion to the post of OS/I(G) in scale Rs 6500- 10500/-" are in derogation and contradictory to their earlier orders and, hence, not maintainable in any form.

4.14 That how ridiculous the said impugned letter is !

contd. The ...

been

The Applicant has already selected, empanelled, promoted and posted as OS/I(G) under ACOS/BLST vide General Manager(P)/N.F.Railway/Maligaon and Distt: Controller of Stores/N.F.Railway/New Jalpaiguri's aforementioned Memorandum and Office Orders under ANNEXURES - B,C,D and awaiting for administrative decision of her appeals for consideration of the place of posting at New Jalpaiguri instead of BLST, i.e. Beliaghata in Kolkata, for the last 5½ years.

4.15 That it fails to understand as to how the same General Manager(P)/N.F.Rly/Maligaon could issue such contradictory letter (ANNEXURE -A) on the face of his earlier Memorandum and Office orders for promotion of the Applicant to the post of OS/I(G) in scale Rs 6500 - 10500/- ^{half} " ON BEING FOUND SUITABLE "as many as five and ^{half} years back as mentioned in the said Memorandum and Office orders (ANNEXURES B,C).

4.15 That the Respondent - N.F.Railway Administration according to their letter NO.E/210/66(S) Pt.V dated 15/16-05-1998 (ANNEXURE -B) could at best debar the Applicant " from promotion for a period of 1(one) year" for being " unwilling to undertake the transfer and promotion " immediately on the issuance of such orders. But " not found suitable for empanelment" for promotion to the post of OS/I(G) " , as mentioned in the impugned letter under ANNEXURE - A, is but horrible to understand by any human being of ordinary prudence :

4.17 That the Applicant firmly believes that the impugned

letter under ANNEXURE -A was not issued with the approval of the competent Authority but by a subordinate delegation for and on behalf of General Manager(P) to make the matter exasperated and despondent .

4.18 That in the Memorandum of promotion order for the post of OS/I(G) issued by General Manager(P)/MLG on 3-4-98 vide ANNEXURE -C was " in order of seniority " and according to all service jurisprudence, specially the Railway's prevailing system, the juniormost persons shall be asked to carry out transfer on promotion. Of all the candidates shown in said Memorandum, the Applicant's name was shown under Serial No: 6 in order of placement of seniority and as such, the juniormost person should have been ordered to be posted under ACOS/BLST in stead of a pretty senior like the Applicant, who was not given even a reply to her repeated representations and personal approaches to all concerned authorities.

4.19 That in accordance with terms & conditions of the promotion order of OS/I(G) communicated vide General Manager/N.F.Railway/Maligaon's No: E/210/66(S) Pt.V dated 15/16 - 05- 1998 (ANNEXURE - B) the Respondents- N.F.Railway Administration should have reviewed suo motu their orders on expiry of one year period for the Applicant and other employees who could not carry out the transfer on promotion orders due to certain unavoidable and obvious reasons stated in their appeals and players.

4.20 That instead of reviewing the case of the Applicant after one year for issuance of the posting order of the promotional post of OS/I(G), the Respondents N.F.Railway Administration put the case under the carpet to be slumbered for long more than 5 (five) years and then abruptly,

for the reasons best known to them, issued the impugned letter dated 23-07-03 submitted under ANNEXURE - A.

4.21 That without least caring for the suffering ^{of the} Applicant the Respondents-N.F.Railway Administration issued promotion and posting orders of the Juniors of the Applicant to the post of OS/I(G) in scale Rs 6500 - 10500/- and thereby victimised the Applicant in respect of promotion, seniority and consequential benefits of Pay & allowances admissible on promotion for all these years right since May/1998 .

4.22 That this Applicant humbly submits that the principle of equality in respect of the Government policy as to conditions of service is vitiated by " reason of arbitrariness, malafides, importation of extraneous factors."

4.23 That it is humbly submitted that in all service matters " the deciding authority will be presumed to make an honest effort to carry out its obligation to decide fairly and will be mindful to examine the record with particular care," but in the case of the Applicant the deciding authority dealt with the case in a most casual way and ^{not} did apply their mind and care at all and thus infringed constitutional safeguards in respect of right to equality and right to employment guaranteed under Arts. 14 & 16.

4.24 That above all, fairness of administrative justice was not at all observed and principles of Natural Justice denied to cause bias and malafide.

4.25 That the Applicant humbly prays for submitting Additional Written Statement and/or amend the Application , if necessary, for the ends of justice.

92

Verdict - 29/10/03
Admitted

Gorai Sarkar

5. Grounds for Relief :

5.1. For that the impugned orders (Annexures A and B) of the Railway Authority are " Malafides" and "bias" and not according to law & Rules of the service- matters, and hence, liable to be quashed.

5.2 For that the case of the Applicant has not been examined with proper application of mind ^{and care} and, hence, caused " miscarriage of justice ".

5.3 For that the Railway authority have flouted their own set of Rules & system in respect of transfer or promotion.

5.4 For that the impugned order was perverse on the face of it.

5.5 For that the impugned orders were unreasonable, arbitrary and/or malafide.

5.6 For that there had been denial of Administrative Fairness.

5.7 For that the impugned orders and actions of the Administration have violated the Fundamental rights guaranteed to the Applicant under Articles 14,16 and 309 of the Constitution of India.

5.8 For that the cardinal principles of Natural Justice was denied.

Gouri Sarker

Rev. Dr. Sarker

28/10/03

6. Details of remedy exhausted:

The Applicant declares that she has availed of all the remedies available to her under relevant service rules to the best of her capabilities and without getting proper relief to her appeals and representations mentioned under the above ANNEXURES she has come to this Hon'ble Tribunal for having justice.

*Neelam Singh
Advocate*

7. Matters not previously filed or pending with any other Court:

The Applicant most humbly submits that she has not filed any other 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 Tribunal or Court in respect of the subject matter of this application.

Gouri Sarker

8. Relief Sought :

In the circumstances stated above the Applicant humbly prays that the Lordships of this Hon'ble Tribunal may be pleased to administer justice and issue orders-

(i) For quashing the miscarriage of justice caused by

the General Manager(P), N.F.Railway, Maligaon

by issuing the impugned orders/letters/Memorandum

at ANNEXURES - A, and hold the earlier order of
promotion as OS/I(G) good, sufficient, valid and
operative from the date of issuance of the said
order.

contd. 12 For...

95

N.D. 20/10/03
Approved

(ii) For promotional benefits of Pay, Scale, allowances, Seniority and other benefits admissible in grade of OS/I(G) in Scale Rs 6500 -10500/- from the date at par with the immediate and next junior of the Applicant promoted as OS/I(G) as mentioned in the Memorandum NO: E/210/66/S) Pt.V dated 3- 4-98 (ANNEXURE -C), issued by General Manager(P), N.F.Rly.,Maiigaon.

(iii) Any other relief(s) as the Hon'ble Tribunal may deem fit and proper.

9. Interim Relief :

Pending finalisation of this Application Your Lordships may be pleased to pass such order as deem fit and proper.

Gauri Sarker

10. Particulars of Application Fee :

SG 435987

Indian Postal Order No..... dated ..5-9-03
amounting to Rs 50.00 (Rupees fifty only) to be drawn in the Head Post Office, Guwahati is enclosed.

11. Details of Index :

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

12. List of ANNEXURES :

A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R

ab

VERIFICATION

I, Shrimati Gouri Sarkar, Wife of Sri Dilip Kumar Sarkar, aged about 49 years, working as Office Supdt: -II(G) under Deputy Chief Materials Manager, N.F.Railway, New Jalpaiguri and resident of Rly. QRs: No: 344/B, Central Colony, New Jalpaiguri, do hereby solemnly affirm and verify that the contents of paragraphs 4.1 to 4.20 are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts and paras 4.21 to 4.25 are my humble and most respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this 20th day of October, 2003.

Place: Guwahati.

Date. 20/10/2003

Gouri Sarkar

Signature of the Applicant.

To
The Deputy Registrar,
Central Administrative Tribunal,
Guwahati.

14
Annexure - A

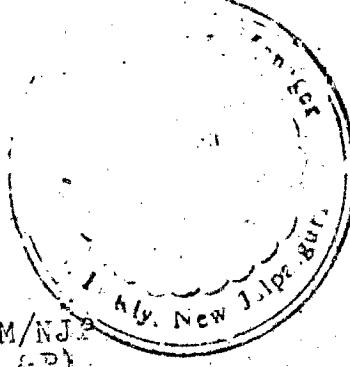
Office of the
General Manager(P) of
Maligaon, Guwahati-11

No. E/210/66(S) PTV

Dated, 23-07-03

To

Ent. Gouri Sarkar
OS/II(G) under DyCMM/NJP
(Through: Dy CMM/N & P)



Sub:- Prayer for Promotion as OS/I(G)
in scale Rs.6500-10500/- of Stores
Department.

Ref:- Your representation dtd, 16.06.03

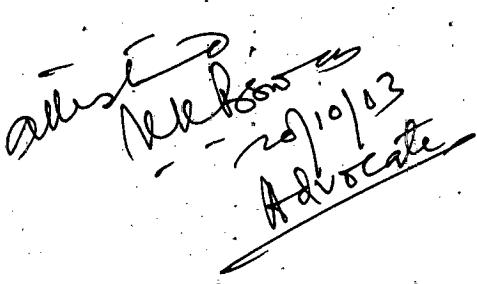
Referred to your representation dtd 16.06.03 it is
to inform you that your name was duly included in the list of
OS/II(G) for promotion to the part of OS/I(G) in scale
Rs. 6500-10500/- on 22.03.2001, 19.12.2001 & 24.12.02, but
you were not found suitable for empanelment by the selection
committee in any of the above suitability tests. Hence no
promotion under in favour of you was issued.

This is for your information.


23/7/03

(A.K. Chatterjee)
A.P.O./TEST
for General Manager(P)/MLG.

Copy to:-(1) Dy.CMM/NJP-for information in reference
to his letter No. E/PC/III/NJP/17
dtd, 18.06.03


for General Manager(P)/MLG.

NORTHEAST FRONTIER RAILWAY

Ans. from Sarkar
S. 1/4/98

In continuation of this office Memorandum of even No. Dtd. 3.4.98, the following OS/II(G) in scale Rs. 5500-9000/- of Stores Deptt. are temporarily promoted to officiate as OS-I(G) in scale Rs. 6500-10500/- posted in the Unit/Offices against the existing vacancy as under indicated against each with immediate effect.

Sl. No.	Name	Designation	Present place of posting in scale Rs. 5500-9000/-	New post under as OS/I(G) in scale Rs. 6500-10500/-
1.	Sri Khagen Saikia	OS/II	DCOS/DBRT	DCOS/NB.I
2.	Smt. S. Hazarika(SC)	OS/II	DCOS/DBRT	DCOS/DBRT
3.	Sri S.M. Rahman	OS/II	DCOS/DBRT	DCOS/NB.I
4.	Sri G.C. Seal	OS-II	COS/MLG	COS/MLG
5.	Smt. Lekha Sen	OS-II	COS/MLG	COS/MLG
6.	Smt. P. Muktan	OS-II	APS/KGN	APS/KGN
7.	Smt. J. Bhadra	OS-II	COS/MLG	COS/MLG
8.	Sri K.K. Das.	OS-II	Dy.COS/PNO	Dy.COS/PNO
9.	Sri M.K. Roy Barhan.	OS-II	DCOS/NJP	DCOS/NJP
10.	Smt. Gouri Sarkar	OS-II	DCOS/NJP	ACOS/BLST. <i>under</i>
11.	Sri M. Singh	OS-II	DCOS/NJP	ACOS/KIR
12.	Sri J. Bagchi.	OS-II	DCOS/NB.I	DCOS/NB.I
13.	Sri A.K. Chakraborty	OS-II	COS/COn/MLG	COS/COn/MLG
14.	Sri G. Hazarika	OS-II	Dy.COS/PNO	Dy.COS/PNO
15.	Sri J.K. Das (SC)	OS-II	COS/MLG	COS/MLG
16.	Sri S.C. Das (SC)	OS-II	COS/MLG	COS/MLG
17.	Smt. S. Saikia (ST)	OS-II	DCOS/DBRT	ACOS/BLST.
18.	Sri K.M. Ghosh	OS-II	Dy.COS/PNO	COS/MLG.
19.	Sri T.K. Roy	OS-II	DCOS/NB.I	DCOS/NB.I

It should be brought to the notice of the employees that if they do not carryout the transfer order within a fortnight from the date of issue of this order in terms of Bd's instructions, circulated under GM(P)/MLG's letter No. E/253/COn/P-III dt. 12.3.91 it would be construed that they are unwilling to under take the transfer and promotion and they would be debarred from promotion for a period of 1(One) year. As such, the above transfer/promotion ordered should be acknowledged to be sent to this office for taking further necessary action.

Implementation/Non-implementation of transfer order showing the date of sparing and joining the new post should invariably be intimated the cadre controlling officer (APO/GR) immediately. Staff concerned, on promotion to their new post would have the right to opt for their fixation of pay from the date of accrual of their next substantive increment in the lower scale, if so desired. They should however prefer their option within a period of one month from the date of issue of this order, failing which, no option preferred afterwards would be entertained. This clause may also be brought to the notice of the staff concerned.

✓ by each of the employees and their acknowledgement.

Contd.....2.

Ans. from Sarkar
29/10/03
Advocate

15/1

--: 2 :--

This issue with the approval of competent authority.

N.B:- The promotion of Sri P. Talukder,
OS/II at S.L.No.14 of Memo. dt.
3.4.98 is withheld due to non-
receipt of Vig.Clearance.

15/6/98

General Manager (P)
N.F.Railway/Maligaon.

No. E/210/66(S) Pt.V.

Dated 15 - 06 - 1998.

Copy forwarded for information and necessary action

to :-

1. FA & CAO/Maligaon.
2. COS/Maligaon.
3. CMM/Maligaon.
4. COS/Con/Maligaon.
5. Dy.COS/IC/MLG.
6. Dy.COS/Pandu.
7. DCOS/NBQ
8. DCOS/NJP
9. DCOS/DBRT
10. ACOS/BLST.
11. ACOS/KIR
12. APS/EGN.
13. DCOS/D/SGUJ.
14. DCOS/D/NGC, LMG.
15. ACCS/D/FILET.
16. WAO/NBQ.
17. AAO/NJP.
18. DAO/KIR
19. AAO/BLST
20. P/Case.
21. Staff Concerned.

22. GS/NFRMU/PNO. 1 with spare23. GS/NFREU/PNO 1 copies.

for GENERAL MANAGER (P)
N.F.Railway/Maligaon.

allied
M.Law
Advocate
10/03

N. F. Railway.
MEMORANDUM.

The following senior most OS/II in scale Rs.5500-2000/- of Stores Deptt. on being found suitable for the post of OS/I(G) in scale Rs. 6500-10500/- are provisionally empanelled for promotion for the post of OS/I(G) in scale Rs.6500-10500/- against the existing vacancies available in order of seniority.

<u>SN</u>	<u>Name and designation.</u>	<u>OS/II</u>	<u>Place of working.</u>
1.	Sri Khagen Saikia.	-do-	DCOS/DBRT.
2.	Mrs. S. Hazarika (SC)	-do-	-do-
3.	Sri S. T. Nahaman.	-do-	-do-
4.	" K. K. Das.	-do-	DCOS/PNO.
5.	" M. K. Roy Bardhan.	-do-	DCOS/MLG.
6.	<u>Gouri Sarkar.</u>	-do-	-do-
7.	" M. Singh.	-do-	-do-
8.	" J. Bagchi.	-do-	Dy. COS/MLG.
9.	" A. K. Chakraborty.	-do-	COS/CON/MLG.
10.	" G. Hazarika.	-do-	DCOS/MLG.
11.	" J. K. Das, (SC)	-do-	COS/MLG.
12.	" S. Ch. Das. (SC)	-do-	-do-
13.	Mrs. S. Saikia (ST)	-do-	DCOS/DBRT.
14.	Sri Pradip Talukder.	-do-	COS/CON/MLG.
15.	" K. M. Ghosh.	-do-	DCOS/PNO.
16.	" T. K. Roy.	-do-	Dy. COS/NB.
17.	Miss Sipra Das.	-do-	DCOS/PNO.
18.	Sri R. K. Dutta.	-do-	-do-
19.	" D. N. Talukder.	-do-	-do-
20.	" N. N. Namasudra (SC)	-do-	DCOS/DBRT.

This issues with the approval of Competent Authority.

for General Manager (P) : MLG.

No. E/210/66 (S) Pt. V. copy to:- Maligaon, dated 2-4-98

1. FAS&AO/MLG. (2) COS/MLG. (3) COS/CON/MLG. (4) Dy. COS/MLG. (5) Dy. COS/NB. (6) DCOS/PNO. (7) DCOS/DBRT. (8) DCOS/MLG.
 9. DCOS/D/SGUJ. (10) ACOS/BLST. (11) ACOS/KIR. (12) COS/D/NGC.
 13. ACOS/D/MLDT. (14) APS/KGN. (15) ACOS/APDJ. (16) ACOS/LMG.
 17. ACOS/D/MLG. (17) ACOS/TSK. (19) DCOS/ ~~APDJ~~. (20) GS/NF/MLG/PNO.
 (21) GS/NF/MLG/PNO. (22) Staff concerned. (23) P/Case.

for General Manager (P) : MLG.

ad/-5.4.98

allied
Nelson
28/10/03
Advocate

N.F.RAILWAY.

Office of the
Distt. Controller of Stores
New Jalpaiguri.17
101
OFFICE ORDER NO. E/II/NJP/98

In terms of GM(P)/Maligaon's office order No. E/210/66(S) Pt. V dt. 15/16-06-1998 the following promotion and posting is ordered to take immediate effect.

- 1) Shri M.K.Roy Bardhan, OS/II/G in scale of Rs.5500-9000/- working under DCOS/NJP is hereby temporarily promoted to officiate the post of OS/I(G) in scale Rs.6500-10500/- and posted at NJP and inst-existing vacancy.
- 2) Smt. Gouri Sarker, OS/II(G) in xxx scale Rs.5500-9000/- working under DCOS/NJP is hereby temporarily promoted to officiat to the post of OS/I(G) in scale Rs.6500-10500/- and posted under ACOS/BLST.
- 3) Shri Munna Singh, OS/II(G) in scale Rs.5500-9000/-Working under DCOS/NJP is hereby temporarily promoted to officiate to the post of OS/I(G) in scale Rs.6500-10500/- and posted under ACOS/KIR.

For item (1) & (2) it is informing that if x they are unwilling to carry out the posting order within the fortnight from the date of issue this order it would be construed that they are unwilling to under take the transfer and emtion and they would be debarred from promotion order for a period of 1(one) year.

The staff concerned may get his promotional officiating pay xxx fixed from the date of his next substantive increment by exercise option within 30 days from the date of issue of this order.

No. E/210/I Pt. VIII Dt. 19.6.98

Sd/- (S. R. Barpata)
Distt: Controller of Stores
N.F.Railway/New Jalpaiguri.

Copy to: 1) GM/P/MLG (2) COS/NLG (3) AAO/NJP (4) DCOS/D/SCUJ
5) DSK/I/G/NJP (6) OS/I/G/ADM at office (7) Staff Concerned
8) ACOS/BLST (9) ACOS/KIR (10) Spare copy for P/Case
11) ACOS/D/MLDT (12) APO/GR/MLG.

Distt: Controller Of Stores
N.F.Railway/New Jalpaiguri.

Attested
M. S. Barpata
28/10/03
Advocate

18
TO,
The Controller Of Stores,
N. F. Railway/Maligaon.

ANNEXURE - E

Through Proper Channel.

Sub:-Arrangement for Posting at NJP as OS/I
under DCOS/NJP.

Ref:-GM/P/MLG's NO.E/210/66/(S) Pt.V dt.3/7.4.98.

Sir,

I have the honour to inform you that I already declared suitable for the post of OS/I vide GM/P/MLG's L/ No.E/210/66(S) Pt.V dt.3/7.4.98. As per above list my Sl.NO. is 6. Now I beg to submit the following few point to you for posting me at NJP. That Sir, my minor children are prosecuting studies at Siliguri and it is very difficult for me to move elsewhere. Secondly I am suffering from Hypertension and other several diseases. My husband is a ~~business man~~ business man he is not residing here.

So I earnestly requesting you to kindly posting me at NJP as a OS/I with your kind heart, thus I shall able to look after peacefully and I shall ever grateful to you.

Yours faithfully,

Gouri Sarkar

(GOURI SARKAR)
OS/II Under DCOS/NJP.

Dated:
NJP, 23-4-98.

Copy to: DCOS/NJP for information.
GS/MU/NJP. For information & Necessary action Please.

Gouri Sarkar

(GOURI SARKAR)
OS/II .

OK

Attstd

(Signature)

- 25/10/03

Advocate

To
The Controller of Stores,
N.F.Railway (For kind attention of Sri N. Ramachandran, CMM)
Maligaon.

Sir,
Through: Proper Channel.

Sub:- promotion and posting as
OS/I(G).

Ref:- GM/P/MLG's Memorandum No.
E/210/66(S)Pt.V dated 3/7-4-98.

With due respect and humble submission, I beg to state the following few lines for your favourable consideration in regards to promotion and posting of the undersigned as OS/I(G).

That Sir, I have been declared suitable for the post of OS/I(G) in scale Rs.6500-10500/- and empanelled for promotion for the post of OS/I(G) vide GM(P)MLG's Memorandum endorsed under No. E/210/66(s)Pr.V dt. 3/7-4-98. Now, within a very short time p remotion & posting order will be issued against the available vacancies. My name is appearing at Sl. No. 6 of the aforesaid memorandum.

Now, in this context I beg to state in a nutshell that my husband is a middle class businessman in the Siliguri locality. Again I have only two issues & both are minor and reading in a Bengali medium school at Siliguri. Above all I am suffering from Hypertension. In view of the above critical situation I beg to state that neither shifting of whole family nor detachment from family is possible of myself is posted elsewhere except NJP.

I, therefore, request to your goodself in advance before issue of promotion & posting order for considering my promotion and posting at NJP under DCOS/NJP. Here I like to mention that Sri P.K. Das, OS/I(G) will retire from service on superannuation on 31.10.98 and my promotion & posting may kindly be considered against the aforesaid resultant vacancy if promotion & posting at NJP is not considered against the available vacancy at NJP or any other suitable means.

Hoping to be favour with as prayed for. With kind regard

Dated: NJP, the
24-4-98

Yours faithfully

Gouri Sarker
(GOURI SARKER)

OS/II under
DCOS/NJP

attested
M. K. Sarker
27/10/03
Advocate

20
The Controller of Stores,
N.F.Railway, Maligaon.

(for kind attention of Shri N. Ramchandran)
Through-Proper Channel. CMM/MLG

Respected Sir,

Sub:- Prayer for considering
posting of self (Gouri Sarkar
OS/II under DCOS/NJP) at NJP
on promotion as OS/I.

Most humbly I beg to invite your kind attention
to my appeal dated 23.4.98 forwarded to you by DCOS/NJP vide
his letter No. E/283/1/Pt.IV dated 7.7.98 to which your decision
is still awaited.

I beg to reiterate, Sir, that I have been promoted
to the post of OS/I and posted at BLST vide DCOS/NJP's office
order No. E/210/1/Pt.VIII dated 19.6.98 against the panel circula-
ted vide GM/P/MLG's No. E/210/66(S)Pt.V dated 3/7.4.98.

On receipt of the promotion order I had submitted
an appeal on 23.4.98 to your kindself praying for my retention
at NJP on promotion as OS/I on the ground mentioned therein.
I beg to submit that my son and daughter have been studying in
Schools at NJP and as such if I am shifted from this place, the
study of my children will seriously hamper. Moreover, I am a
patient of Hypertension. My husband is a businessman and has been
carrying out his business at Siliguri. If I am retained at NJP
I shall be able to enjoy my peaceful matrimonial life here at NJP
alongwith my husband and children.

I understand, that there is a provision in the
Establishment rules that the administration may consider retention
of an employee at a station where his or her spouse is staying.

In the above context, I would fervently
appeal to your kindself to consider my prayer sympathetically
and allow me to enjoy the promotional benefit at NJP instead of
transferring me to BLST for which act of your kindness I shall
remain ever grateful.

With regards.

Yours faithfully,

Dated: New Jalpaiguri.
The 4th August '98.

Gouri Sarkar
(Gouri Sarkar)
OS/II Under DCOS/NJP.

Copy to GM/P/MLG for kind information
and needful action please.

(Gouri Sarkar)
OS/II under DCOS/NJP.

Attest
N.F.Railway
20/8/98

To
The Controller of Stores
H.F.Railway/Maligaon.

Through: Proper Channel.

Respected Sir,

Sub:- Promotion and posting as OS/I/G.

Ref:- GM/P/MLG's Memorandum No. E/210/66
(S) pt.V dated 3/7.4.98.

.....

With due respect and humble submission I beg to state that I preferred an appeal on 27.4.98 forwarded by DCOS/HJP under his letter No. E/283/1/pt.IV dated 27.4.98 regarding my promotion and posting as OS/I/G at NJP vide GM/P/MLG's Memorandum No.E/210/66(S) pt.IV dated 3/7.4.98.

That Sir, I have already mentioned my disadvantages for family problems in my previous appeal against my transfer at ACOS/BLST on promotion as OS/I/G in scale of Rs.6500-10500/-, My promotion is held up during 2/3 years. In this period I have not received any letter from Head Quarter. Now, I am praying for my promotion and posting at NJP after long waiting.

In this connection, I like to mention that a resultant vacancy has been caused due to the retirement of Shri P.K.Das, OS/I/G/NJP on 31.10.2000. I, therefore, pray to you kindly provide me at NJP as OS/I/G considering my seniority position.

For this act of Kindness, I shall remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully,

Dated: NJP
The 11th Nov, 2000.

(Gouri Sarkar)
OS/II/NJP under
DCOS/NJP.

Copy to Branch Secretary /H.F.Rly/MU/NJP for information and necessary action please.

Gouri Sarkar
(Gouri Sarkar)
OS/II/NJP under
DCOS/NJP.

allied
Mr. Basu
20/6/03
Advocate

22

ANNEXURE - I

106

To,

The General Manager(P),

N.F.Rly, Maligaon,

Guwahati.

Through: Proper Channel.

Sir,

Sub:- Denial of due promotion to the post of OS/I(G) in scale Rs.6500/- to 10,000/-.

Ref:- My appeal dated 02.05.2002 forwarded by DCOS/NJP vide his L/No. E/PC/III/NJP/17 dated 05.05.2002 (copy enclosed).

I note with deep regret that my above appeal, for my due promotion after the bar period of one year for inability to carry out the order of promotion with transfer to BLST(KOLKATA) in the year 1998, has not been considered by competent Authority and meanwhile my Juniors are arranged to be promoted,

That, in the month of May, 2002, I personally met the COS/NLGM when he assured me that justice would be done to me.

It may be mentioned here that I was given promotion to the post of OS/I when I was found suitable for it same officially and formally. Hence, my said promotion can not be declared "Null and Void" under any circumstances.

I, therefore, once again request you to please arrange for my immediate promotion giving preference over my juniors.

In case, no action is taken within a reasonable time, I may have to seek justice under the Law of the Land.

Thanking you,

Enclo:- One letter
in 2(two) pages,

Dated, NJP,

The 28th August '02.

Yours faithfully,

Gouri Sarkar
(Gouri Sarkar)
OS/II under DCOS/NJP.

o/c

Copy to EU/NJP for information and necessary action please.

gauri
referred
as
28/10/03
Advocate

Gouri Sarkar
(Gouri Sarkar)
OS/II/G/under
DCOS/NJP

To,
CMM/MLG
N. F. Rly

Through Proper Channel.

Sub:- Promotion of OS/1/G in Scale of Rs.6500 to
16,540/- P.M.

Sir,

With due respect and humble submission, I beg to lay down the following facts for your kind disposal please.

That Sir, having learnt from a very reliable sources that a panel of OS/1/G is lying under your kind disposal. Through I am the seniormost OS/11 and eligible to perform my duties very clearly which is from my heart yet my name is not listed on that panel.

That Sir, very honestly I am requesting to you please consider my case sympathetically and help me to be an OS/1 under Dy.CMM/NJP.

The biddates are follows:-

1. Date of appointment :- 13 - 1 - 72

2. Date of Promotion as Sr.Clerk:- 18 - 8 - 80

3. Date of promotion as Ed.Clerk:- 1 - 1 - 84

4. Date of promotion as OS/11:- 1 - 3 - 93

Yours faithfully,

Gouri Sarkar.

(Gouri Sarkar)
08/II Under
Dy.CMM/NJP.

Dated, Nowjalpuriguri,

31 - 3 - 2003

attested
by
28/3/03
Advocate

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

Thru: Proper Channel.

Sir,

Sub:-Promotion to the post of OS/I(G) in scale Rs.
6500-10500/- one year's after non-acceptance on
account of domestic constraints.

Ref:- 1) Your office order no. E/210/66(S)Pt.V dated
16/16.05.1998.
2) Your memorandum no. E/210/66(S)Pt.V dated
16.4.2002.

Most respectfully I beg to submit the following few
lines for favour of your kind consideration and immediate action
please.

That sir, on being found suitable for the post of
OS/I(G) vide your memorandum no. E/210/66(S)Pt.V dated 3/7.4.1998,
I was promoted as such and ordered to be posted under ACOS/BLSI.
That, vide my appeal dated 3.07.1998, I expressed my unwillingness
to carryout the above promotion order with transfer on account of
the study of my children, as well as of my ill health and lost but
not the least, on account of my husband's compulsion to stay
at NJP/Siliguri for his livelihood.

Through my above appeal I also requested you to
favour me with a posting at New Jalpaiguri. But my request was not
succee'ded to. That according to the content of your above office order
the staff unwilling to undertake the transfer and promotion would
be debarred from promotion for 1(One) year. But, after crossing of
the above bar of one year w.e.f. from 19.6.98 (Ref: DCOS/HJP's L.No.
E/210/1 Pt.VIII dt. 19.6.98), no action has yet been taken by the
Rly. Administration to reconsider my claim of promotion. Meanwhile,
I observed with great dismay that a fresh Memorandum vide no. E/
210/66(S) Pt.V dt. 16.4.2002 has been circulated enlisting a host
of my Juniors found suitable for promotion to the post of OS/I.

Under the circumstances, I would request your honour
before effecting the above memorandum for promotion of my Juniors,
I may please be favoured with my due promotion w.e.f. from the date
of lifting of the above bar of one year for which your act of your
kindness I shall remain ever grateful to you.

So far as I know there is a post of OS/I lying
vacant and another post is likely to be vacant on account of
superannuation of its incumbent on 31st May, 2002 under DCOS/HJP.
I may being the senior most may please be posted against anyone
of the above two vacancies.

Thanking you,

Yours faithfully,

Gouri Sarkar

(GOURI SARKAR)
OS/II Under DCOS/HJP.

Dated, New Jalpaiguri.

02 -- 05 -- 02

Attest
N.S. Sarker
28/10/03
Advocate

25

ANNEXURE - L

N.F.RAILWAY

RAxe No.E/283/1/Pt.IV.

Office of the
Distt. Controller of Stores
New Jalpaiguri.
Dt. 27-4-98.

To

The Controller of Stores
N.F.Rly., Maligaon.

Sub: - Promotion and Posting as OS/I(G)

An appeal on the above subject received from Smt. Gouri
"Sarkar, OS/II/G under DSK-I-G/NJP is sent herewith for your further
disposal please.

DA: - 1.

Distt. Controller of Stores
N.F.Railway, New Jalpaiguri

Copy to : Smt. Gouri Sarkar, OS/II/G
through DSK/I/G/NJP : for information.

27/04/98
Distt. Controller of Stores
N.F.Railway, New Jalpaiguri

*affers - a
Mr. R. S.
28/10/03
Advocate*

N.F.RAILWAY

26

Office of the
Distt. Controller of Stores
New Jalpaiguri.

ANNEXURE - M

NOTE/283/1 Pt.IV

Dt. 7-7-98.

VO

To

The General Manager (P)
N.F.Rly., Maligaon.

Sub: - Promotion and posting.

An appeal on the above subject (which is self explanatory) received from Smt. Gouri Sarkar, OS/II/NJP is forwarded herewith (in duplicate) for taking further necessary action from your end please.

DN:-1 (in duplicate)

✓
Distt. Controller of Stores
N.F.Railway, New Jalpaiguri

Copy to : Smt. Gouri Sarkar,
OS/II/NJP Through
DSK-I-G/NJP,

B. P. B. 220208
Distt. Controller of St
N.F.Railway, New J

*Attest
N. K. B.
29/10/98
Advocate*

H.F.RAILWAY

ANNEXURE-N

No: E/PC/III/NJP/17.

Office of the
Distt. Controller of Stores
New Jalpaiguri.
Dt. 06-5-2002.

To

GM(P)MLG
H.F.Rly.

Sub:- An appeal from Smt Geuri Sarkar, OS/II(G) of this office against the promotion of OS/I(G) in scale of Rs. 6500-10500/-.

An application in favour of Smt Geuri Sarkar, OS/II(G) is forwarded for further disposal, please.

DA:- One application.

Distt. Controller of Stores
H.F.Railway/New Jalpaiguri

Copy to:- Smt Geuri Sarkar, OS/II(G) - For information please.

Buy of
Distt. Controller of Stores
H.F.Railway/New Jalpaiguri.

*allied
N. L. S.
- 20/5/03
Advocate*

N.F.RAILWAY

Office of the
Distt. Controller of Stores
New Jalpaiguri.

NO.E/PC/III/NJP/17

Dt.5-9-2002.

To

General Manager(P)
Maligaon, Guwahati.

Sub:- Denial of due promotion to the post of
OS/I(G) in scale of Rs.6500-10500/-.

Ref:- Application dated 28-8-2002.

An application of Smt. Gouri Sarkar, OS/II(G) working
under this office which is self explanatory is sending herewith
for your further necessary action please.

DA:- One application.

Distt. Controller of Stores
N.F.Railway, New Jalpaiguri

✓ Copy to:- Smt. Gouri Sarkar, OS/II(G) : For information please.

attested
R.K. Baruah
28/8/03
Advocate

Distt. Controller of Stores
N.F.Railway, New Jalpaiguri

29
ANNEXURE - P

N.F.RAILWAY

Office of the
Dy. Chief Materials Manager
New Jalpaiguri.

NO. E/210/I Pt. VIII

Dt. 01-4-2003.

To

CMM/MLG
N.F.RLY

Sub:- Promotion of OS/I/G in scale of
Rs. 6500-10,500/- P.M.

Ref:- Application of Smt. Gouri Sarkar,
OS/II on 31-3-83.

An application of Smt. Gouri Sarkar, OS/II working under
this depot which is self explanatory is forwarded for your
further disposal please. The particulars of service of Smt.
Gouri Sarkar is given on her application.

DA:- One application.

Dy. Chief Materials Manager
N.F.Railway, New Jalpaiguri

Copy to:- Smt. Gouri Sarkar, OS/II.

under DMS/I/G at depot.

Dy. Chief Materials Manager
N.F.Railway, New Jalpaiguri

29/03/03
Advocate

Criteria:- Date of promotion.
 Department: Stores.
 Category : Hd. Clerk.

SN Name of the staff
 in order of seniority.
 Under whom working

SN	Name of the staff in order of seniority.	Under whom working	Date of birth.	Date of Apppt.	Date of promotion to grade.	Confd. or Temp.	Length of service.			Remarks.
							Y	M	D	
1	2	3	4	5	6	7	8			9
1.	Sri M.L.Roychowdhury.	Dy.COS/ BLST	1.1.30	22.6.48	30.9.80	Offg.	4	6	1	
2.	" Sreeram Ch. Baishya.	COS/MLG	1.3.36	18.5.59	30.5.83	"	1	10	1	
3.	" Rama Prasad Ghose.	-do-	10.1.39	23.5.59	30.5.83	"	1	10	1	
4.	" Nirmal Ch.Nath.	Dy.COS/ BLSR	1.2.39	20.5.59	30.5.83	"	1	10	1	
5.	" Mrinal Kanti Roy.	MTF/CA	7.3.38	23.5.59	30.5.83	"	1	10	1	
6.	" T.P.Bose.	DCOS/NJP	2.12.30	3.12.54 31.7.61	30.5.83	"	1	10	1	
7.	" T.K.Bose.	-do-	1.6.43	9.12.63	30.5.83	"	1	10	1	
8.	" P.K.Das.	-do-	15.10.40	1.9.64	30.5.83	"	1	10	1	
9.	" B.R.Sarbavidya,	ACOS/D/ SGJJ	31.12.34	26.2.59 25.6.66	30.5.83	"	1	10	1	
10.	" S.K.Chakraborty,	DCOS/NJP	2.8.40	27.8.60 25.6.66	30.5.83	"	1	10	1	
11.	Smt. M.K.Rai.	DCOS/NJP	15.1.38	12.6.58 31.7.61	30.5.83	"	1	10	1	
12.	Sri N.N.Gogoi.	DCOS/DBRT	1.3.38	9.5.59	9.6.83	"	1	10	1	
13.	" B.C.Sharma	DOS/MLG	1.1.37	30.10.58	5.7.83	"	1	9	22	
14.	" H.D.Tarun.	COS/MLG	1.8.37	21.5.59	5.7.83	"	1	8	26	

30

ANNEXURE - Q

N. F. Railway.

Provisional seniority list (Combined) of Hd.Clerk(G) in scale Rs.425-700/- as on 1.4.85. Classification of posts-Unit: Controlled. Criterion:- Date of promotion with grade.

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114

		1	2	3	4	5	6	7	8	9
1. " Sri	A.K. Das.	COS/MLG	1.12.38	23.5.59	5.7.83	Offg.	1	3	0	
2. " "	K.C. Sangma. (ST)	DCOS/PNO	1.2.46	10.7.78	23.7.83	"	1	3	0	
3. " "	Md. Ayub Ibrahim.	ACOS/KIR	17.8.40	21.7.61	1.12.83	"	1	8	8	
4. " "	D.K. hazarika. (SC)	DCOS/PNO	1.4.36	9.9.58	1.1.84	"	1	4	0	
5. " "	B.C. Dey.	-do-	9.5.28	11.5.50	1.1.84	"	1	3	0	
6. " "	Harish Ch. Das. (SC)	-do-	4.10.51	4.10.73	1.1.84	"	1	3	0	
7. " "	P. Malakar.	COS/MLG	1.11.39	21.5.59	1.1.84	"	1	3	0	
8. " "	N.K. Baruah.	COS/BG/ Cn.	1.2.35	11.8.59	1.1.84	"	1	3	0	
9. " "	Miss Arati Nag.	COS/MLG	15.1.38	31.1.60	1.1.84	"	1	3	0	
10. " "	Smt. S. Phukan.	DCOS/DBRT	22.12.39	22.3.62	1.1.84	"	1	3	0	
11. " "	Sri P.K. Gurung.	DCOS/NJP	8.2.38	4.7.58	1.1.84	"	1	3	0	
12. " "	D.N. Ghosh.	Dy. COS/ BLST	1.6.31	31.5.50	1.1.84	"	1	3	0	
13. " "	L.M. Thakuria. (SC)	COS/MLG	4.10.39	7.8.60	1.1.84	"	1	3	0	
14. " "	G.V. Mukhia.	DCOS/NJP	23.5.36	1.1.61	1.1.84	"	1	3	0	
15. " "	G.C. Basak.	COS/MLG	11.5.39	29.10.60	1.1.84	"	1	3	0	
16. " "	A.R. Roy.	COS/BG/ Cn.	4.6.42	31.7.61	1.1.84	"	1	3	0	
17. " "	S.K. Sengupta.	Dy. COS/ BLST	1.8.30	25.8.48	1.1.84	"	1	3	0	
18. " "	N.C. Bagchi.	DCOS/NJP	2.1.41	7.8.63	1.1.84	"	1	3	0	
19. " "	Sarjung Singh.	COS/MLG	17.1.34	18.11.52	1.1.84	"	1	3	0	
20. " "	T.B. Biswas. (SC)	COS/MLG	10.7.37	17.3.59	1.1.84	"	1	3	0	
21. " "	F.C. Goswami.	COS/MLG	9.10.33	17.12.59	1.1.84	"	1	3	0	
22. " "	Md. Osman Guni.	-do-	18.5.39	27.3.62	1.1.84	"	1	3	0	
23. " "	Sri K.C. Mali (SC)	-do-	1.1.42	29.3.62	1.1.84	"	1	3	0	
24. " "	Sailadhar Goswami.	COS/BG/ Cn.	1.6.40	1.4.62	1.1.84	"	1	3	0	

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(Contd... 3/4)

1	2	3	4	5	6	7	8	9
1.	Sri P.K.Borah.	COS/MLG	1.2.42	1.4.62	1.1.84	Offg.	1	3 0
2.	" G.C.Bharali. (SC)	-do-	1.6.40	13.4.62	1.1.84	"	1	3 0
3.	" H.K.Das.	DCOS/DBRT	14.5.39	26.10.73	1.1.84	"	1	3 0
4.	" Bikash Hazarika	COS/BG/Con	19.5.51	17.3.75	1.1.84	"	1	3 0
5.	" M.N.Brahma. (ST)	DCOS/NBQ	1.3.51	4.9.72	1.1.84	"	1	3 0
6.	" P.M.Baruah.	COS/MLG	1.3.42	1.4.62	1.1.84	"	1	3 0
7.	" E.Naniel.	DCOS/NJF	18.12.41	31.7.61	1.1.84	"	1	3 0
8.	" B.Ram.	-do-	1.7.30	1.11.58 25.6.66	1.1.84	"	1	3 0
9.	" N.Nandi.	Dy.COS/BLST	1.2.31	16.3.50	1.1.84	"	1	3 0
10.	" Khagen Saikia.	DCOS/DBRT	17.1.55	10.1.75	1.1.84	"	1	3 0
11.	Smt.Madhuri Saikia. (ST)	-do-	3.2.47	1.10.76	1.1.84	"	1	3 0
12.	Sri Girish Ch.Goswami.	COS/MLG	1.8.42	2.4.62	1.1.84	"	1	3 0
13.	" S.K.Chowdhury.	DCOS/PNO	2.7.30	6.11.50	1.1.84	"	1	3 0
14.	" A.D.Sharma.	COS/MLG	1.2.42	13.4.62	1.1.84	"	1	3 0
15.	Smt.Pratibha Bose.	Dy.COS/BLST	1.4.30	26.2.66	1.1.84	"	1	3 0
16.	Sri B.Prasad.	DCOS/NJP	4.5.42	3.5.66	1.1.84	"	1	3 0
17.	Smt.Dipika Bose.	DCOS/NBQ	10.10.41	31.7.61	1.1.84	"	1	3 0
18.	Sri G.M.Kakati.	COS/MLG	1.1.43	13.4.62	1.1.84	"	1	3 0
19.	" N.C.Bhattacherjee.	DCOS/PNO	17.3.33	1.12.51	1.1.84	"	1	3 0
20.	" D.C.Medhi. (SC)	COS/MLG	1.11.41	2.7.62	1.1.84	"	1	3 0
21.	Smt.Anjana Sur.	DCOS/PNO.	22.2.51	23.3.69	1.1.84	"	1	3 0
22.	Sri B.N.Chatterjee.	Dy.COS/BLST	16.4.29	8.4.48	1.1.84	"	1	3 0
23.	Smt.Sonpahi Hazarika. (SC)	DCOS/DBRT	1.1.54	1.4.77	1.1.84	"	1	3 0
24.	" Dipa Devi.	-do-	22.12.55	20.4.77	1.1.84	"	1	3 0
25.	" Sayed M.Rahman.	-do-	28.11.56	8.1.79	1.1.84	"	1	3 0
26.	Smt.Namita Chakraborty.	Dy.COS/BLST	2.4.50	7.1.71	1.1.84	"	1	3 0

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1	2	3	4	5	6	7	8	9
55.	Smt.Uma Bhattacherjee.	DCOS/DBRT	1.12.55	26.2.79	1.1.84	Offg.	Y 1	M 3 D 0
56.	Sri R.N.Singh.	Dy.COS/BLST	29.11.29	30.11.48	1.1.84	"	1	3 0
57.	" I.B.Chakraborty.	DCOS/PNO	25.6.28	1.6.48	1.1.84	"	1	3 0
58.	" Kamala Giri.	ACOS/KIR	10.11.39	22.11.51	1.1.84	"	1	3 0
59.	" P.D.Das.	COS/MLG	1.3.36	20.12.58	1.1.84	"	1	3 0
60.	" Bharati Kantha Das. (SC)	-do-	1.5.39	17.7.62	1.1.84	"	1	3 0
61.	" R.Sutradhar (SC)	-do-	1.3.42	2.8.62	1.1.84	"	1	3 0
62.	" B.R.Das.(SC)	-do-	1.3.46	2.8.62	1.1.84	"	1	3 0
63.	" S.N.Das.	-do-	1.5.41	18.3.63	1.1.84	"	1	3 0
64.	" R.C.Chowdhury.(SC)	-do-	1.1.40	15.4.63	1.1.84	"	1	3 0
65.	" K.Medhi.	-do-	1.3.43	21.6.63	1.1.84	"	1	3 0
66.	" Ardhendu Bhattacherjee.	-do-	1.4.44	21.8.63	1.1.84	"	1	3 0
67.	" Lure Chettri.	-do-	6.8.40	12.9.63	1.1.84	"	1	3 0
68.	" Bharat Kumar Das.	-do-	1.2.42	24.12.63	1.1.84	"	1	3 0
69.	Smt. S.K.Bhattacherjee.	-do-	1.12.43	30.12.63	1.1.84	"	1	3 0
70.	Sri R.K.Medhi.	-do-	1.5.44	5.2.64	1.1.84	"	1	3 0
71.	" Agni Kumar Bhattacherjee.	-do-	1.1.29	11.2.64	1.1.84	"	1	3 0
72.	" M.C.Kangsa Banik.	-do-	30.9.44	13.2.64	1.1.84	"	1	3 0
73.	" H.M.Kalita.	-do-	1.10.42	3.5.64	1.1.84	"	1	3 0
74.	" G.C.Seal. (SC)	-do-	1.11.43	14.2.64	1.1.84	"	1	3 0
75.	Smt. Lekha Sen.	-do-	8.10.44	22.2.64	1.1.84	"	1	3 0
76.	Sri Banamali Goswami.	COS/BG/Con	1.4.44	27.2.64	1.1.84	"	1	3 0
77.	" K.L.Dey.	DCOS/NBQ	3.4.42	4.4.66	1.1.84	"	1	3 0
78.	Smt. P.Muktan.	DCOS/NJP	25.3.45	7.12.63	1.1.84	"	1	3 0
				8.6.66				

(Contd.....5/-)

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2	3	4	5	6	7	8	9
	COS/MLG	1.3.37	31.12.63 25.6.66	1.1.84	Offg.	Y 1 3	D Transfer from Engg. Deptt.
1. Sri N.C.Dey.							
2. " N.K.Mukhia.	DCOS/NJP	15.7.46	6.8.65 25.6.66	1.1.84	"	1 3 0	
3. " R.K.Bose.	-do-	11.11.31	4.11.58 27.4.67	1.1.84	"	1 3 0	
4. Smt. Sandhya Das.	COS/MLG	1.9.35	23.2.63 5.7.68	1.1.84	"	1 3 0	Transfer from Engg. Deptt.
5. Sri Bikau Prosad.	-do-	1.6.39	5.4.59 16.4.69	1.1.84	"	1 3 0	Transfer from Engg. Deptt.
6. " N.R.Ganguly.	-do-	12.7.34	17.12.53 4.4.70	1.1.84	"	1 3 0	
7. Smt. Jharna Bhadra.	-do-	7.8.40	22.5.70	1.1.84	"	1 3 0	
8. Sri R.N.Kundu.	DCOS/NJP	1.7.41	16.11.69 31.7.61	1.1.84	"	1 3 0	Joined on bottom seniority as Cl. on 7.8.70.
9. " Kirode Kumar Das.	DCOS/PNO	1.1.53	17.12.70	1.1.84	"	1 3 0	
10. " M.K.Raybarhan.	DCOS/NJP	1.7.44	9.8.63 1.11.71	1.1.84	"	1 3 0	Transferred from other deptt.
11. Smt. Gouri Sarkar.	DCOS/NJP	4.1.54	12.4.72	1.1.84	"	1 3 0	
12. " Sri Munna Singh.	-do-	26.7.42	16.5.72	1.1.84	"	1 3 0	
13. " J.Bagchi.	DCOS/NBQ	6.1.54	26.6.72	1.1.84	"	1 3 0	
14. " A.K.Chakraborty.	DCOS/PNO	20.8.48	29.9.72	1.1.84	"	1 3 0	COS/BG/Con.
15. " Ganthir Hazarika.	-do-	1.3.51	8.1.73	1.1.84	"	1 3 0	
16. " Sudeb Ghosh.	-do-	19.6.50	18.5.73	1.1.84	"	1 3 0	By.Director Steel/Calcutta.
17. " U.K.Dastidar.	-do-	26.4.53	12.9.75	1.1.84	"	1 3 0	
18. Smt. Mani Hazarika.(SC)	-do-	5.10.54	19.4.77	1.1.84	"	1 3 0	
19. Sri R.N.Sutradhar. (SC)	ACOS/KIR	1.9.46	26.3.76	1.1.84	"	1 3 0	
20. " Anil Ch.Thakuria(SC)	COS/MLG	31.12.54	20.4.76	1.1.84	"	1 3 0	
21. " Sunil Ch. Das.(SC)	-do-	1.9.47	23.4.76	1.1.84	"	1 3 0	
22. " J.K.Das. (SC)	-do-	2.4.51	23.4.76	1.1.84	"	1 3 0	
23. A. Sri Ganesh Muchi(SC)	DCOS/NJP	31.5.37	27.6.56 15.2.78	1.1.84	(Contd.....	1 3 0	18

10/10/03
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30/5

: 6 :

1	2	3	4	5	6	7	Y	M	D	9
11.	Smt. Sarala Bordoloi (ST)	COS/MLG	1.7.57	13.8.78	1.1.84	Off. 1		3	0	
12.	" Sakuntala Das. (ST)	-do-	1.5.49	27.1.77	1.1.84	" 1		3	0	
13.	Smt. Swarnamayee Saikia (ST)	DCOS/DBRT	1.1.49	20.6.80	1.1.84	" 1		3	0	Transfer from Engg. Deptt.
14.	Shri Asutosh Sarkar	DCOS/DBRT	2.3.47	8.5.67 8.8.80	1.1.84	" 1		3	0	
15.	" Bhabani Kanta Das	DCOS/PNO	28.10.38	6.7.58	1.1.84	" 1		3	0	
16.	Smt. Chitra Das.	-do-	6.3.55	14.3.74	1.1.84	" 1		3	0	
17.	" Rina Devi.	-do-	18.9.56	31.10.75	1.1.84	" 1		3	0	
18.	Sri Pradip Talukder.	-do-	11.2.51	5.11.75	1.1.84	" 1		3	0	
19.	" B.M. Ghose.	-do-	1.6.56	15.11.75	1.1.84	" 1		3	0	COS/BG/CON
20.	" Ratan Kr. Dutta.	-do-	1.1.55	15.5.77	1.1.84	" 1		3	0	
21.	" D.N. Talukder.	-do-	11.10.55	30.6.77	1.1.84	" 1		3	0	
22.	" Tapan Kumar Roy.	DCOS/NBQ	3.2.58	12.8.77	1.1.84	" 1		3	0	
23.	" S.N. Namasudra. (SC)	DCOS/DBRT	1.11.47	25.10.76	1.1.84	" 1		3	0	
24.	" B.C. Majumder.	DCOS/NJP	29.11.47	8.8.80 1.7.68	1.1.84	" 1		3	0	
25.	" J. Sargiary (ST)	COS/MLG		16.5.72		" 1		3	0	Joined on 8.10.72
26.	" Bikram Rabha.	-do-	1.3.50	2.9.74	1.1.84	" 1		3	0	bottom sr. no.
27.	" K.K. Roy.	DCOS/NJP	1.3.59	15.5.79	1.1.84	" 1		3	0	
28.	" S.N. Dutta.	-do-	10.4.31	27.10.51 1.11.63	1.1.84	" 1		3	0	Joined on 8.10.72 on bottom seniority.
			2.1.42	18.2.65 25.6.66	1.1.84	" 1		3	0	Joined on 9.4.73 on bottom seniority.

attested
N.D. Deka
28/10/03
Advocate

(Contd..... 7/-)

1	2	3	4	5	6	7	8	9
						Y	M	D
1. " Sri P.K.Biswas.	DCOS/NBQ	4.1.54	27.8.78	1.1.84	Offg.	1	3	0
2. " Lakeswar Kalita.	DCOS/PNO	3.2.41	27.12.60	1.1.84	"	1	3	0
3. " Nirmal Kr.Dey.	-do-	2.5.47	10.3.69	1.1.84	"	1	3	0
4. " M.R.Dey.	-do-	6.5.49	31.3.69	1.1.84	"	1	3	0
5. " H.S.Paul.	-do-	11.11.44	18.2.70	1.1.84	"	1	3	0
6. " Udbhab Ch.Das.(SC)	-do-	1.9.54	28.8.74	1.1.84	"	1	3	0
7. " B.C.Hazarika.	-do-	1.1.53	2.11.78	1.1.84	"	1	3	0
8. " J.C.Barthakur.	-do-	1.9.55	22.12.79	1.1.84	"	1	3	0
9. " Nagen Nath Kalita.	-do-	1.8.59	22.12.79	1.1.84	"	1	3	0
10. " Sanjib Saikia.	-do-	16.4.60	21.12.79	1.1.84	"	1	3	0
11. " Banakanti Das.	-do-	2.4.53	18.6.80	1.1.84	"	1	3	0
12. " Biplab Sarkar.	-do-	2.12.57	17.12.80	1.1.84	"	1	3	0
13. " Dürgeswar Kalita.	-do-	1.3.57	18.12.80	1.1.84	"	1	3	0
14. " Md.M.Ahmed.	-do-	1.1.52	19.12.80	1.1.84	"	1	3	0
15. " M.L.Chowdhury.	-do-	1.9.54	31.12.80	1.1.84	"	1	3	0
16. " Dhaneswar Sharma.	-do-	30.6.57	31.12.80	1.1.84	"	1	3	0
17. " Santosh Kr.Singha.	-do-	20.11.57	3.6.81	1.1.84	"	1	3	0
18. Smt.Nilima Bailung.	-do-	1.1.56	6.7.81	1.1.84	"	1	3	0
19. Sri Pradip Sarkar.	-do-	17.2.53	8.7.81	1.1.84	"	1	3	0
20. " Dinesh Ch.Kalita.	-do-	1.3.56	4.8.81	1.1.84	"	1	3	0
21. " Ramprabhash (SC).	DCOS/NJP	1.7.44	2.7.69 4.6.82	1.1.84	"	1	3	0
22. Smt.Bharati Roy.	DCOS/NJP	1.3.46	19.4.65 12.8.66	1.1.84	"	1	3	0

Joined on
24.8.75 on
bottom Sr.

Attested
Neelam
28/10/03
Advocate

(Contd.....8/-)

30/7

8

1	2	3	4	5	6	7	8	9	10
151.	Sri S.K.Dutta.	DCOS/NJP	29.1.36	17.10.60 31.7.61	1.1.84	Offg. 1	1 3	0	Joined top 24.8.73 on bottom Sr.
152.	" L.C.Das. (SC)	-do-	1.4.47	13.2.69 1.10.80	1.1.84	" 1	3 0		
153.	" P.C.Bhatt.	ACOS/KIR	28.10.54	17.11.75	1.1.84	" 1	3 0		
154.	" S.C.Prasad.	-do-	1.1.34	17.11.65 15.2.78	1.1.84	" 1	3 0		
155.	" Mahanta Prasad.	-do-	1.2.34	23.1.57 15.2.78	1.1.84	" 1	3 0		
156.	" Chandreswar Singh.	-do-	23.1.39	23.12.57 15.2.78	1.1.84	" 1	3 0		
157.	" Atul Ch. Das. (SC)	DCOS/PNO	31.12.54	21.6.74	1.1.84	" 1	3 0		
158.	" Lekharu Ram Boro (ST)	DCOS/PNO	22.10.54	22.6.74	1.1.84	" 1	3 0		
159.	" R.N.Biswas.	DCOS/NBQ	30.1.29	7.2.50	1.1.84	" 1	3 0		
160.	" S.P.Pathak.	-do-	31.7.39	27.11.50	1.1.84	" 1	3 0		
161.	" G.Prasad.	-do-	15.1.33	27.9.59	1.1.84	" 1	3 0		
162.	" Nanu Mandal.	DCOS/NBQ	12.5.41	13.5.66	1.1.84	" 1	3 0		
163.	" J.C.Sharma.	-do-	6.6.41	7.6.66	1.1.84	" 1	3 0		
164.	" Bhagat Jha.	-do-	3.2.40	15.9.70	1.1.84	" 1	3 0		
165.	" Asish Loddh.	DCOS/DBRT	1.8.63	8.4.81	1.1.84	" 1	3 0		
166.	Smt.Krishna Raha.	ACOS/KIR	26.10.58	17.3.79	1.1.84	" 1	3 0		
167.	Sri B.N.Mishra.	-do-	19.9.39	4.8.67	1.1.84	" 1	3 0		
168.	" Gopal Mohan Jha.	-do-	10.5.35	1.10.62	1.1.84	" 1	3 0		
169.	" G.N.Divedi.	-do-	27.2.38	16.2.63	1.1.84	" 1	3 0		
170.	Smt.Arati Sutradhar (SC)	DCOS/NBQ	18.11.59	30.4.82	1.1.84	" 1	3 0		

(Contd.....9/-)

allied
Advocate
20/03

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	2	3	4	5	6	7	8	9
	Y	M	D					
• 5. Smt. Arati Das. (SC)	DCOS/NBQ	25.11.57	4.5.82	1.1.84	Offg.	1	3	0
• 6. Smt. X. Kalo. (ST)	DCOS/NJP	9.8.55	11.5.82	1.1.84	"	1	3	0
• 7. Sri N. Sarkar. (SC)	DCOS/NBQ	3.6.57	23.6.82	1.1.84	"	1	3	0
• 8. J. C. Podder. (SC)	DCOS/NJP	3.1.44	8.3.67 16.10.82	1.1.84	"	1	3	0
• 9. " A. C. Chakraborty. DCOS/NBQ	1.3.50	22.11.70	1.4.85	"				

No. E/255/101/7 (S).

for Controller of Stores. (P):MLG.

Maligaon, dated 26-11-86

Copy forwarded for information and necessary action to :-

1. Dy.COS/BLST.
2. DCOS/FNO, NBQ, NJP and DBRT.
3. ACOSs/SGUJ, KIR, NGC, and APS/KEN.
4. COS/MTP/CA and New Delhi.
5. CVO/Maligaon.
6. COS/Maligaon.
7. General Secretary/NFREU/PNO with 30 spare copies.
8. General Secretary/NFRMU/PNO with 30 spare copies.

Any representation against the positions in this seniority list should be forwarded to this office within a month from the receipt of the same. Representations received after the target date will not be entertained.

E.B. - Names of Offg. Chief Clerk promoted on regular basis holding lien as Hd.Clerk have not been shown in this list.

ad/-25.11.86

for Controller of Stores. (P):MLG.

Attested
N. N. Das
29/10/03
Advocate

80/6/11/86

ADVANCE COPY

31
The Controller of Stores/MLG (cos)
N.F. Railway.

ANNEXURE ²³ R

Through: Proper Channel

Subj: Denial of due promotion of OS(I)G in scale Rs.6500/-
18500/-

Ref: GM(P)/MLG's O.O.no. E/210/66(S) Pt.V dt. 15/16.06.98.

Respected Sir,

With due respect and humble submission, I beg to draw your kind attention for the following facts and immediate action please.

That Sir, I Smt. Gouri Sarkar, OS(II)G working under DCOS/NJP (NCO Dy. GM/NJP) as per GM(P)/MLG's above order no. E/210/66(S) Pt.V dated 15/16.06.98 was promoted to the post of OS(I)G and posted under ACOS/BLST in the year 1998. But due to my various disadvantages for family problems, I was unable to join on that promotion and posting. In addition to this matter I preferred an appeal for my posting at NJP on 3rd July 1998 to GM(P)/MLG.

During 5(five) years no action has been taken to reconsider my claim of promotion or any reply from personnel branch. In the meantime I personally met with Sri S.C.Sen, the then COS at Maligon/HQ in the year 1999 and was assured by him verbally for promotion after the resultant vacancy at NJP.

From a reliable source I came to know that my personal case was missing from HQ. Mr.T.K.Ganguly was the then APG at HQ. At that time P/Case was hidden by some one due to enmity. For this reason no action was taken to my appeals upto now.

In the meantime (2) Two posts of OS(I)G was vacant due to retirement of Mr.P.K.Das and Mr.T.K.Bose, one post was filled up by posting of J.Bagchi, OS(I) from NBQ who is junior to me supreceding my seniority.

I personally met with you at HQ in the month of May/2002 and submitted an appeal regarding my promotion but after your assurance I have not received any letter or promotion order and my juniors are promoted as OS(I)G like Shri B.C.Mazumdar depriving me and keeping my case pending.

As you are a good administrator so I am praying to you for actual justice by investigating the full facts and proper arrangements.

For this act of kindness I shall remain ever grateful to you.

Thanking you in anticipation,

Dated , NJP
the 16th June/2003.

Yours faithfully,
Gouri Sarkar

(Gouri Sarkar)
OS(II) under Dy. GM/NJP.

Enclo:- one seniority

list in 2 (two) pages.

Copy to:- GM(P)/MLG for information and necessary action please.

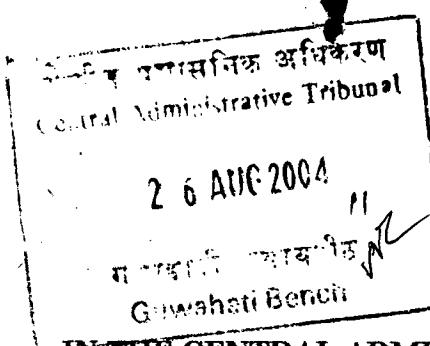
Attestd

M. Doss

20/6/03

Advocate

(Gouri Sarkar)



Filed by :
B.C. Pathak
(B. C. Pathak) 25/8/04
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A.NO.233/2003

Smt.Gauri SarkarApplicant

-versus-

Union of India & othersRespondents.

(Written Statement filed by the respondents No.1 to 4)

The written statement of the above noted respondents are as follows:

1. That a copy of the O.A.NO.233/2003(referred to as the "application") has been served on the abovementioned respondents. The said respondents have gone through the same and understood the contents thereof. The interest of all the above respondents being common and similar, the written statements is filed as common for all of them.
2. That the statements made in the application which are not specifically admitted by the answering respondents are hereby denied.
3. That the application is not maintainable for raising multiple grievances/reliefs and the same is therefore liable to be dismissed under Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987.
4. That before traversing the various paragraphs of the application, the respondents give a brief resume to the issues raised in the application as under:

24/08/2004
DX-1
Copy forwarded to
Smt. B. C. Pathak, Addl. Govt. Standing Counsel
Central Admin. Tribunal, Guwahati

a) The applicant is an employee working in the capacity of Office Superintendent/Gr.II (referred to as "OS") in the pay scale of Rs.5500-9000/- under the Deputy Chief Material Manager/N.F.Railway, New Jalpaiguri. She is a candidate to be considered for promotion to the next higher grade, viz. OS. Gr.I in the scale of pay of Rs.6500/- to 10,500/-. The posts of OS Gr.I are manned by the Headquarter of N.F.Railway located at Maligaon. This is a promotional post based on seniority-cum-suitability. For this purpose the seniority list is published in every two years duration on every grade and scale basis. The question of suitability is judged by a duly nominated officer on the basis of the service records for last three years. The service records include Annual Confidential Report (ACRs), performance during the year etc. The suitability test is to be conducted at a gap of minimum six months time from one test to the other subject to the provision that (i) vacancy is available and (ii) candidates in the feeder grade with 2 years continuous service is available, (iii) and the assessment is to be made in the ratio of 1:1 basis, i.e one post one candidate only. Departmental SAG officers need to approve the proposal for conducting the suitability test for filling up the vacant post and to nominate the officer to conduct the said test. The staff, who is eligible, however, need not be called or advised about the suitability test.

b) The applicant was adjudged suitable in the suitability test conducted on 11.6.98 and accordingly order for her promotion and posting was issued vide order NO.E/210/66(S)Pt.V dated 15.6.98 indicating her name as Sl.NO.10. She was ordered to be posted at AMM/Beliaghata Office as per availability of vacancies in the grade. The applicant did not carry out the order of promotion and submitted a representation on 7.8.98 for her posting at New Jalpaiguri. The respondents considered her representation and rejected the same, as it could not be acceded to. The respondent vide their letter dated 25.9.98 intimated the applicant about her representation and at the same time it was also intimated to her that she would not be entitled for consideration for her promotion for 1 year as per extant Rules. Her representation was treated as refusal to accept the promotion.

c) Thereafter, subsequent suitability tests were conducted as on March, 2001, April, 2002 and May, 2003 in which the applicants case was also considered. But the applicant was found "unfit" on the basis of her ACRs etc for the relevant period of 3 years. Those who were found suitable and fit for promotion, were given the promotion. Consequently, those who have accepted the said promotion prior to her, they have become senior to her. Under the circumstances, this application has been filed in this Hon'ble Tribunal.

But during the pendency of the application in this Hon'ble Tribunal and before filing this written statement, the respondent again considered the case of the applicant and she has been promoted to the post of OS/I(G) in the scale of Rs. 6500-10,500/- and posted under SMM/NBQ Depot against the vacancy with immediate effect vide Office Order No.132(E/Stores) dated 28.4.04. By the said order of promotion and the order of transfer on promotion, it was also made clear that in case the applicant fails to carry out the order, she would be debarred from promotion for 1 year.

A copy of the said order of promotion is annexed hereto as ANNEXURE-R1.

5. That with regard to the statements made in para 1 of the application, the respondents state that there is no cause of action in the application and hence the application is liable to be dismissed with cost.
6. That the respondents have ^{no} comment to offer to the statements made in para 2 of the application.
7. That with regard to the statement made in para 3 of the application, the respondents state that the application is hopelessly barred by law of limitation and hence the same is liable to be dismissed with cost. The cause of action relates back to the year 1998, therefore the application is barred under section 20 and 21

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Dy. Comm. reviewing officer: JH&
S. P. M. / Signature
Date: 20/01/2018

of the Central Administrative Tribunal Act, 1985. Law is also well settled that by filing successive representations, the law of limitation cannot be extended.

8. That with regard to the statements made in para 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 and 4.9 the respondents state that those being matter of records, nothing is admitted beyond such records. In this connection, the respondents reiterate and reassert the foregoing statements made in this written statements. In this connection, the respondents also state that the order of promotion of the applicant was issued on 19.6.98(ANNEXURE-D in the Application) whereas the applicant submitted her representation on 23.4.98(ANNEXURE-E) which will speak for itself as to how the applicant was acting upon matter. It is also clarified that the designation of "DY.COS/NJP", the authority to whom the representation was submitted, was changed subsequently to "DY.CMM". The respondent also state that subsequently, when the applicant was found suitable and fit, her case was considered and she was posted on promotion as OS/Gr.I in the scale of pay of Rs.6500-10500/- As there was only one vacancy at NJP in 1998, One Sri M.K.Roy Bardhan was posted at NJP and she was posted at Beliaghata against the available vacancy. The case of the applicant is a transfer on promotion. But the law relating to transfer is well settled that no employee has any right to seek posting or remain posted at a particular place during his service career. It is the employer who will decide as how, where and in what manner the service of an employee is to be utilized for the interest of service.
9. That with regard to the statements made in para 4.10, the answering respondents state that the applicant failed to qualify for promotion as per extent rules of the respondents. Therefore, she has no right to challenge any such promotion of others, who were found suitable and fit by the authorities as per rules and duly promoted. Moreover, promotion is not a matter of right. On the other hand a mere chance of promotion does not confer any right on an employee. The law in this regard is well settled.

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J. D. Orr.
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J. V. City, 1 Bedford
January 25, 1900

10. That with regard to the statements made in para 4.11, the respondents reassert the foregoing statements made in the written statements and state that while the applicant refused to accept the promotion in 1998, she was under bar for promotion for 1 year and she failed to qualify for promotion up to May, 2003. As a result, employees even who were juniors to her and who qualified for promotion and accepted the promotion and promoted, become senior to her. Such seniority cannot be faulted as alleged by the applicant and there is no illegality in such promotion and fixing the seniority.
11. That with regard to the statements made in para 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25 of the application, the respondents reiterate and reassert the forgoing statements and state that these are all repetition of the same averments and therefore nothing is admitted. The respondents also state that the seniority of the respondent No.5, 6&7 which has been challenged, can not be disturbed at this belated stage as law is settled that the long settled position can not be unsettled as it will create administrative chaos. It is also pertinent to mention here that the order of promotion has again been issued to the applicant as stated herein above, but the applicant has not carried out the said order so far on this or that plea. As she has again violated the stipulated condition of promotion and failed to carry out the order, she will again be debarred from promotion for 1 year.
12. That with regard to the statements made in para 5.1 to 5.8, the respondents state that the grounds put forwarded by the applicant in support of her claim is not supported by any provisions of law, hence the said grounds can not sustain in law. Therefore the application is liable to be dismissed as devoid of any merit.
13. That with regard to the statements made in para 6&7, the respondents state that they have nothing to comment on it.

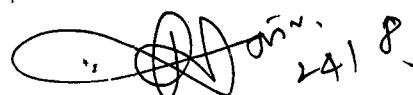
14. That with regard to the statements made in para 8(i) to 8(iii) and 9, the respondents state that under the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief whatsoever and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Sri.....R. AINU.....at present working as Dy. CDO/HQ in the office of the G. M. (P.) Malignaon...., Guwahati being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in Para. 1, 2, 3, 4, 4b, 5, 6, 7, 9 to 11 and 12 are true to my knowledge and belief, those made in para. 4c and 8....., being matter of records are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 24th day of March, 2004 at Guwahati.

 24/3/04

DEPONENT

Dy. CDO/ H.Q.
R. AINU / Malignaon
24/3/04

Northeast Frontier Railway

NO-132 (E/Starred) OFFICE ORDER.

Smt. Gouri Sarkar, OS/II(G) in scale Rs.5500-9000/- under Dy.CMM/NJP who has been empanelled for promotion to the post of OS/I (G) in scale rs.6500-10500/- is now hereby promoted to officiate as OS/I(G) in scale rs.6500-10500/- and posted under SMM/NBQ Depot against the vacancy with immediate effect.

It should be brought to the notice of the employee that if she does not carry out the transfer order within fortnight from the date of issue of this order in terms of Bd's instruction, circulated under GM(P)/MLG letter No.E/253/Con/P-III dt.12.3.91, it would be construed that she is unwilling to undertake the transfer and promotions and she would be debarred from promotion for a period of 1(One) year.

Implementation/non-implementation of transfer order showing the date of sparing and joining the new post should invariably be intimated to the cadre controlling officer (SPO/NG) immediately.

Staff concerned, on promotion to her new post will have the right to opt. for her fixation of pay from the date of accrual of her next substantive increment in the lower scale if desired. She would however prefer her option within a period of one month from the date of issue of this order, failing which, no option preferred afterwards would be entertained.

This issues with the approval of COS/MLG.

SPO/MPP & Trg.
for General Manager (P)
N.F.Rly.MLG.

dt. 28-4-2004

No.E/210/66(S) Pt.V.

Copy forwarded for information & necessary action to :-

1. COS/MLG, 2.CMM/MLG, 3.Dy.CMM/MLG. 4.Dy.CMM/NJP
5. SMM/NBQ, 6.WAO/NBQ, 7 AMO/NJP & P/Case.
8. Staff concerned, 9.GS/NFRMU/PNO,
10. GS/NFREU/PNO, 11. GS/AISCREA/MLG.

for General Manager (P)
N.F.Rly, Maligoan.

if changed - C-A
11. Convey the care
A copy of this order
has to be sent to
RA with a forward
this is urgent
29/4/04

27 SEP 2006

~~Central Adminstrative Tribunal~~
Guwahati Bench

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Advocate
27.9.04
Nehru Bhawan
Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH AT GUWAHATI

O.A. NO: 223 of 2003

Smt. Gouri Sarkar ... Applicant

-vs-

Union of India & Others ... Respondents

IN THE MATTER OF:

REJOINDER to the Written Statement submitted by the
Respondents Nos: 1 to 4 .

The Petition of the Applicant most respectfully
sheweth :

1. That the Applicant in reply to the para-1 of the Statement written submitted by the Respondents after lapse of complete 10 (ten) months offer no comments.
2. That the Applicant offers no comments against para- 2 of the Written statement submitted by the Respondents.
3. That it is submitted that the statement made under para-3 has not been correctly reflected by the

contd..2..Respondents..

Respondents in their Written Statement. The grievance of the Applicant is her promotion to the post of Office Superintendent/Grade-I(G) in scale Rs 6500-10500/- which has to be followed by posting and its consequential benefits. The Rule 10 of the Central Adminstrative Tribunal (procedure) Rules, 1987 is very much protective for the instant Original Application submitted by the Applicant. The Rule 10 above provides as under:

An application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another. "

4. That the Applicant offers no comments in respect of para-4(a) of the Written statement submitted by the Respondents save and except that the Result of all selctions/Suitability tests shall have to be published and communicated to the candidates calld for the zone of consideration of those selctions/suitability tests.
5. That it is submitted that the Statement made under para-4(b) of the wriiten statement of the Responde- nts has not been correctly reflected. The result of the panel for promotion to the post of OS/I(G) was published in order of seniority by the General Manager(P)/N.F.Railway /Maligaon vide his letter No: E/210/66(S)Pt.V dated 3/7-4-93, the copy of which was annexed to the O.A. as ANNEXURE- A at

Recd. by
Gouri Sarkar
27-9-04

at Page 16 of the O.A. and the seniority postion of the Applicant was shown under SN-6 of the 20 passed/qualified candidates. Immediately after publication of the said Memorandum the Applicant Submitted a written reporesentation to the controller of Stores, N.F.Railway, Maligaon, on 23-4-98 requesting and praying for ~~her~~ posting at New Jalpaiguri by ~~h~~ subsequent letter dated 24-4-98 against the vacancy to be caused consequent on retirement of Sri P.K.Das, OS/1(G) on 31-10- 98. The Copies of ~~her~~ those representations were submitted with the instant OA under ANNEXURES - E & F at Pages 18 and 19., much before the posting order ~~was~~ out by the Respondents as mentioned in their letter of even No: dated 15/16-06-1998.

No letter dated 25-9-98 as mentioned by the Respondents in the said para was received by the Applicant . The Respondents are challenged to show strict proof of its Receipt by the Applicant.

The Applicant had never refused of her promotion. She has only submitted her " REQUESTS "&" PRAYERS" to her Employers only to consider the difficulties faced by ~~her~~ in the event of her being posted at BLST (Beliaghata at Calcutta). It fails to understand that the Respondents could not differentiate between the words between " REQUEST/Prayer and " REFUSAL " and as a result of which victimised the Applicant without making any communication to her by the long span of about ~~6~~ 6 (six) years.

Re. Joints
27-9-04
Anscombe

Gouri Sarkar

124

6) That it is submitted that it is not understood as to how and why the Applicant was found " unfit " on the basis of ACRs. No adverse Report was communicated to the Applicant in respect of ACRs of 2001, 2002, 2003. Only ACR of 2000 was received for adverse remarks and reply to that was given on time. The Respondents have not mentioned about the ACRs of 1998, 1999. As per Board's Circular the Applicant's Case should have been expedited in April/1999.

By refusing the Applicant her due promotion in accordance with the Memorandum No: E/210/66(S) Pt.V dt:

3/7-4-98 issued by General Manager(P)/N.F.Railway/ Maligaon in which the Applicant was " found SUITABLE " and placed in the panel under SN-6 in order of seniority, and giving promotions to the Respondents 5,6,7 of the instant O.A. and others, who are junior to the Applicant from the basic seniority till the promotion of OS/II(G), the Respondents have flouted their own set of Rules and system.

The Rules under Ss 214(a) and (b) of Indian Railways Establishment Manual, Vol.I, 1999 edition provide as

under:- "(a) Non-selection posts will be filled by promotion of the senior most suitable Railways servant. Suitability whether an individual or a group of Railway Servants being determined by the authority competent to fill the posts on the basis of the record of service and/or departmental tests if necessary. A senior Railway servant may be passed over only

Advocate
Mr. P. S. Sarker
27-9-04

Govt. of India
Ministry of Railways
General Manager
N.F. Railway
Maligaon
Assam

if he/she has been declared unfit for holding the post in question. A declaration of unfitness should ordinarily have been made sometime previous to the time when the promotion of the Railway servant is being considered.

(E) When, in filling of a non-selection post, a senior Railway servant is passed over the Authority making promotion shall record briefly the reason for such supersession."

The Applicant has reason to believe that such provisions of the IREM were not followed.

Moreover, their Lordships in the Hon'ble Supreme Court observed in Baidyanath Mahapatra -vs- State of Orissa reported in AIR 1989 SC 2218 that Adverse remarks must be communicated within reasonable time.

In Gurdial Singh Fijji -vs- State of Punjab & ors. reported in AIR 1979SC 1622 the Hon'ble Supreme Court observed : " The Principle is well-settled that in accordance with the rules of Natural Justice, an adverse report in a confidential roll cannot be acted upon to deny promotional opportunities unless it is communicated to the person concerned so that he has an opportunity to improve his work and conduct or to explain the circumstances leading to the report..... and the Govt has to consider his explanation and decide whether the report was justified ."

The copies of adverse remarks on ACR-2000 received and replied are annexed as ANNEXURES:- R/I & R/II.

Advocate
Refon
27-9-04

Gurjeet Sarmah

Further, it was not mentioned by the Respondents in their Office order No: 132(E/Stores) dated 28-4-04 as against which panel and from what date they had given promotion to the Applicant despite this Hon'ble Tribunal's categorical orders on 11-5-04 and 19-7-04. This was in violation of the Tribunal's order as not to mention the panel and the date from which the promotion of the Applicant was to take effect.

7. That the statement made under para-5 of the written statement of the Respondents the Applicant denies in toto and reiterates her earlier submission mentioned in the O.A.
8. That the Applicant has no comments on the statement made by the respondents under para-6 of their written statement.
9. That the contention of the Respondents made under para-7 of their written statement is not correct. The Original Application is very much covered so far the Limitation underss 20 & and 21 of the A.T.Act are concerned. The Respondents' only reply against series of representation by the Applicant was received only in July, 2003 as annexed under ANNEXURE - A at Page 14 of the O.A. and impugned.
10. That it is submitted that the promotion order of OS/I(G) was published by the Respondents on 3/7-4-93 (ANNEXURE -A at page 16 of the O.A.) and immediately after its issuance the Applicant made request the Respondent NO. 3 being the Head of the Stores Department to consider the Applicant's Case on the grounds mentioned therein, vide her applications

dated 23-4-98 and 24-4-98 (vide ANNEXURES E & F at pages 18 and 19 of the OA).

The Respondents have wrongly treated the case of the Applicant as " transfer on promotion " instead of " PROMOTION ON TRANSFER " which, as per prevailing system of the Railways the 1st man in the order of promotion shall move first in case there is no vacancy in his/her working place. The Applicant is pretty senior to all 12 candidates in ^{the} list of promotion order; even then it is not understood as to why the Respondents victimised the Applicant for transfer to BLST (Beliaghata in Calcutta). This postulates to be of MALAFIDE action of the Respondents and discrimination to infringe Arts. 14 and 16 of the constitution of India.

11. That the statement made by the Respondents under para-9 of their written statement is not admitted . TRANSFER IS A MATTER OF RIGHT as opined by their Lordships in the Hon'ble Supreme Court in the celebrated Ajit Singh's Case delivered on 18-9-1999. The Respondents' actions are proof of infringement of the said orders .

12. That it is submitted that the statement made by the Respondents under para-10 of their written statement is misrepresentation of the fact and violations of the IREM provisions. Instead of replying to the series of representation made by the Applicant in 1998 how ^{could} Respondents forget to promote the Applicant in 1998-¹ October on consequent upon a post of OS/I(G) being fallen vacant at New Jalpaiguri due to superannuation of Sri P.K .Das , OS/I(G)/New Jalpaiguri , which was

Advocate
27.9.04
New Jorhat

Gouri Sarkar

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138

categorically highlighted by the Applicant in her Application dated 24-4-98 (ANNEXURE - F at Page 19 of O.A.) . Thus, the question of violation of the condition of the promotion order by the Applicant does not arise at all.

Moreover, the promotion of the Respondents Nos: 5,6,7 were wrongly given superseding the seniority and claim of the Applicant . The Respondents 1 to 4 have still have the means to rectify their wrong action according to provisions 228(1), 228(ii)(A) and 228(d) of the Indian Railways Establishment Manual , vol 1, 1989 edition.

In the eye of law nothing is belated. And moreover, there are ample instances where the Respondents 1 to 4 have corrected the seniority positions of the employees even after 17/18 years. An example of the Engg: Department of the Respondents on this issue is annexed as ANNEXURE-R/III.

13. That with regard to seniority of the Respondents Nos: 5,6,& 7 as mentioned in the written statement of the Respondents under para-11 it is submitted that the Respondents on many occasions unsettled the settled position, an example of which has been submitted at para-12 above. Moreover, the Respondents 5,6,7 are the proforma Respondents in the instant O.A., but they have not submitted any written statement from their sides which postulates to be of their silence on the issue because of their undue benefits granted by the Respondents Nos: 1 to 4 of the OA.

Further, the question of violating the stipulated condition, as alleged by the Respondents in their written statement , does not arise at all, as the Hon'ble

Mr. Justice
Gourie Sankar
Advocate
27-9-04

Tribunal vide their orders dated 11-5-04 and 19-7-2004 repeatedly directed to the Respondents to indicate that against which date and panel the Applicant was given promotion in 2004 while the the case was under subjudice. The Applicant has already submitted the reference to this context in the M.P. No: 83 of 2004 filed by this Applicant.

14. That with regard to paras- 12, 13 & 14 it is submitted that the grounds are well- founded as mentioned in the O.A. and the Respondents have not filed the documents in support of their submissions along with their written statement.

In the premises above, it is, therefore, prayed that your Lordships may be magnanimous enough to call for the records, examine the case on merits and thereby disseminate justice for redressal of the longstanding grievances of this Applicant as prayed for in the original Application.

And for this act of your kindness, as in duty-bound, the Applicant shall pray and remain ever grateful and be obliged.

contd..10..verification.

Advocate
27-9-04

Gauri Sarker

VERIFICATION

I, shrimati Gouri Sarkar, wife of Sri Dilip Kumar Sarkar, aged about 50 years, working as Office Supdt:/II(G) under Deputy Chief Materials Manager, N.F.Railway, N.F.Railway, New Jalpaiguri, do hereby solemnly affirm and verify and declare that the contents of the paragraphs- 1 to 14 are true to my knowledge, information and belief and I have not suppressed any material facts in my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this 27/09
Day of September, 2004.

Place: Guwahati

Date : 27.9.04

Gouri Sarkar

SIGNATURE OF THE APPLICANT

To

The Deputy Registrar,
Central Administrative Tribunal,
Guwahati.

Neelam
27.9.04
Advocate

CONFIDENTIAL

N. F. RAILWAY

Office of the
Controller of Stores,
Maligaon, Guwahati-11

Dated 25-10-2000

No. S/SS/7/II

To

Smt. Gouri Sarkar

OS/II/NJP

Through : DCOS/NJP

Sub:- Adverse remarks on the Confidential Reports.

Adverse remarks as appeared in your Annual Confidential Report for the year ending 31.3.2000 is reproduced below :-

PART - III

1. Does the Reporting Officer : Part III-2-Performance agree with the statement is not satisfactory made in Part-III ? If not the extent of disagreement and reasons therefor ? Wherever applicable

2. (a) Tact and Temper : Poor in tact :- Various instructions have been given

(b) Conduct : Rough-Not satisfactory

(c) Attendance : Irregular- Various remarks have given in attendance register

3. (d) Initiative and direction : Very Poor - Instructions have been given for improvement

(e) Keenness/Promptness & efficiency : Not prompt & efficient. Improvement is required

(f) Power to control others : Poor - Improvement is required

(g) Amenability to discipline : Poor disciplined

8. Power of drafting : Very poor. Various instructions have been given during course of duties

Contd.....2

Pls. see
Ref. No. 66
27.9.04
Advocate

12

50

12

1 2 3

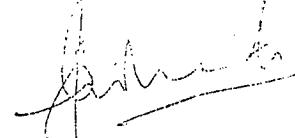
9. Knowledge of Rules, : Poor. Improvement is needed
Regulations and
procedure

15. Has his/her work been : Initiative, direction,
satisfactory ? if not, Controlling to others,
in what respect he/ Drafting Knowledge, Attendance,
she has failed ? Discipline & Co-operation
to below - These areas are
poor & need improvement.

It is not the intention that these remarks should,
in any way, discourage you but it is desired that they
should enable you to know and rectify your defects.

Please acknowledge receipt of this letter on the
extra copy enclosed which should be returned to this
office early and in any case not later than one month.

Enc: One extra copy (to be
returned duly acknowledged.


for Controller of Stores

Allesd
Not 21/9/04
Advise

B

(51) ANNEXURE - R/11

143

CONFIDENTIAL

To
The Controller of Stores,
N.F.Railway, MLG.

Through : DCOS/NJP

Respected Sir,

Subj : Adverse remarks on the confidential Report
for Y.E. 31/3/2000.

Ref: Your confidential letter No. S/SS/7/11 dated
25.10.2K received on 15.11.2000.

Respectfully I beg to state that the contents of your above quoted letter in reference ^{to} adverse remarks made by my Controlling Officer in my ACR for Y.E. 31.3.2000 have been noted by me with a very heavy heart.

In this regard, I beg to lay before you the following few lines for favour of your consideration on application of your judicious mind and pray that all those adverse remarks which are not on based on facts and reality but for reasons best known to present DCOS/NJP may kindly be blotted out from my ACR Y.E. 31.3.2000.

1) That Sir, it is surprising that while putting up remarks against all the column of Part-III, of the report my benevolent Controlling officer did not notice any appreciable quality in me but only adverse qualities to his mind and thinking.

2) That Sir, after a prolonged service period, I have been ~~excessed~~ ^{to} ~~the~~ ^{expext} raised to the post of OS/II from the very post of Jr.Clerk. And during that course of time I had to qualify in departmental examination in each stage of advancement in service and have worked under a dozen of Officers holding the chair of DCOS/NJP.

3) And as a routine rule & procedure every such officers had to write my yearly ACRs based on my service records and periodical assessment. But prior to the present ACR I had never received any adverse Act.

4) Sir I had been promoted to the post of OS/II on consideration and examination of my required No. of year ACRS which had proved my worth beyond doubt.

*Advocate
M. S. A. 27.9.04*

5). Sir can any sensible man could reasonable believe that an employee with although good ACRs for years could deteriorate in his service in all respect over night as has been assessed by present Controlling Office as would be evident from my present ACR.

6). My ACRs even upto Y.E. 31.3.99 were all good in all respect, of which the last one of 31.3.99 perhaps had been initiated by the same Officer who has initiated my present ACR of 31.3.2000

7). Sir, the activities of any person may deteriorate to some extent in a particular period for many reasons but in no way and under no circumstances can deteriorate in such a manner as my present benevolent controlling officer has assessed.

8). Sir, would your kind could consider that all the previous DCOS who had assessed my abilities till 31.3.99 were all fool and in-capable of assessing the abilities of their staff so that they all found me an able and efficient employee and accordingly wrote my ACRS as good and never made any adverse comments.

9). Sir, then how all on a sudden only during a period for 1.4.99 to 31.3.2000 my ability and efficiency could deteriorate in all respect and in such a degree that my present benevolent DCOS while writing my ACRs did not find any quality in me and thus had put adverse comments against each and every cell of the part III of this report.

10). Sir except in regard to my attendance in some extent I do not agree with the opinion of my DCOS as endorsed in my ACRs.

11). Sir, "King does ^{see} sent with ears and not with eyes" is a well known saying.
And in my case, my present benevolent controlling office has also acted like the so called king. In fact I have no direct work link with DCOS and hence he has a little scope to assess my abilities. He has simply acted having been biassed on malicious reports from some vested corners just to deprive me from my ensuing promotion to the post of OS/Gr.I which is however due of a vacancy consequent on retirement of Shri P.K.Das OS/1/NJP.

attested
R.K. Datta
27.9.04
Advocatep/3

~~XS~~~~145~~

- - 3 - -

I, therefore pray to your goodself to kindly consider the issue on application of your judicious ~~me~~ mind keeping the points revised herein by me and take suitable step to blot out the adverse comments passed by DCOS/NJP.

In fine, I pray that justice may kindly be restored by expunging the adverse comments from my ACRs and oblige thereby.

With kind regards,

Dated, NJP,
The 22nd nov, 2000.

Yours faithfully,

Gouri Sarkar
OS/11/S/NJP.

ofc

Recd 2 copy
23/11/00

copy to DCOS/NJP for information.

2. G.S./M.U./NJP for information
and necessary
action please.

W.C. SARKAR
23/11/2000

Yours faithfully,
Gouri Sarkar,
OS/11/NJP.

allied
relief
27.9.04
Advocate

ANNEXURE - R/III

16

OS/CS/ET/MLG.

N. F. Railway.

Provisional seniority list of HDM as on 1.1.2001 scale
of pay Rs.3500-9000/- Unit: N.F.Rly., Deptt.: Signal & Tele. com.

SN	Name in order of seniority.	Whether SC/ST	Place of posting.	Date of birth.	Date of apptt.	Date of promotion.	Remarks
				1	2	3	4
1.	Dhiren Ch. Paul	UR	KIR	1.11.58	23.11.85	1.12.95	
2.	Smt. Niva Das.	UR	CON/MLG	21.3.58	1.5.84	23.4.98	
3.	Subhra Das	SC	LMG	2.01.65	18.1.89	23.4.90	
4.	Sri K.K. Bose	UR	CSTE/MLG	1.3.58	27.9.84	1.9.96	
5.	Mr. Sabir Ahmed.	UR	CSTE/MLG	1.1.65	22.12.89	17.8.98	
6.	Sri K.B. Deo.	UR	CSTE/MLG	29.2.64	9.10.90	21.10.98	

Asstt. Personnel Officer (S&T)
for General Manager (F) MLG.

Copy to: 1N0.E/255/38 (N) Pt. III.

copy to: 1) CSTE/MLG. (2) SSTE/Signal/MLG. (3) DSTE/KIR (4) Dy. CSTE/Con/PL/MLG. (5) Sr. DAE/MLG.
8) Staff concerned. (7) copy for P/Case. (6) DRM(P)/LMG (9) DRM(F)/KIR.
10) GS/NFR/MLG with 15 spare copies.
11) GS/NFR/MLG with 15 spare copies.

Maligaon, dated 20-1-2001.

NB: The target date for submission of representation if any against this seniority list
is one month from the date of issue of the same after which no appeal or representation will be entertained.

Asstt. Personnel Officer (S&T)
for General Manager (P) :MLG.

Asstt. S.
NFR/MLG
Advocate
ad/- 20.1.2001

Verbal

Shubhanta

MB

0 JUN2005

Filed by
Dipak Jaiswar
Advocate
142

21/6/05

Dy. Chief Personnel Officer/HQ
N.F. Railway, Morigaon
Guwahati-11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A. No.233/2003

Smti. Gauri Sarkar ...Applicant

-versus-

Union of India & others ...Respondents

(Written Statements filed by the respondents No. 1 to 4)

The written statements of the above noted respondents are as follows:

1. That a copy of the O.A. No.233/2003 (referred to as the "application") has been served on the abovementioned respondents. The said respondents have gone through the same and understood the contents thereof. The interest of all the above respondents being common and similar, the written statements is filed as common for all of them.
2. That the statements made in the application which are not specifically admitted by the answering respondents, are hereby denied.
3. That the application is not maintainable for raising multiple grievances / relieves and the same is therefore, liable to be dismissed under Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.

That before traversing the various paragraphs of the application, the respondents give a brief resume to the issues raised in the application as under:

(a) The applicant is an employee working in the capacity of Office Superintendent / Gr.II (referred to as "OS") in the pay scale of Rs.5500/-9000/- under the Deputy Chief Material Manager / N.F.Railway, New Jalpaiguri. She is a candidate to be considered for promotion to the next higher grade, viz. OS.Gr.I in the scale of pay of Rs.6500/- to 10500/-. The posts of OS Gr.I are manned by the Headquarter of N.F.Railway located at Maligaon. This is a promotional post based on seniority-cum-suitability. For this purpose the seniority list is published in every two years by a duly nominated officer on the basis of the service records for last three years. This service records include Annual Confidential Report (ACRs), performance during the year etc. The suitability test is to be conducted at a gap of minimum six months time from one test to the other subject to the provisions that (i) vacancy is available and (ii) candidates in the feeder grade with 2 years continuous service is available, (iii) and the assessment is to be made in the ratio of 1: 1 basis, i.e. one post one candidate only. Departmental SAG officers need to approve the proposal for conducting the suitability test for filling up the vacant post and to nominate the officer to conduct the said test. The staff, who is eligible, however, need not be called or advised about the suitability test.

(b) The applicant was adjudged suitable in the suitability test conducted on 11.6.98 and accordingly order for her promotion and posting was issued vide order No.E/210/66(S) Pt.V dated 15.6.98 indicating her name at Sl. No. 10. She was ordered to be posted at AMM/Beliaghata Office as per availability of vacancies in that grade. The applicant did not carry out the order of promotion and submitted a representation on 7.8.98 for her posting at New Jalpaiguri. The respondents considered her representation and rejected the same, as it could not be acceded to. The respondents vide their letter dated 25.9.98 intimated the applicant about her representation and at the same time it was

also intimated to her that she would not be entitled for consideration for her promotion for 1 year as per extant Rules. Her representation was treated as refusal to accept the promotion.

(c) Thereafter, subsequent suitability tests were conducted as on March-2001, April-2002 and May-2003 in which the applicant's case was also considered. But the applicant was found "unfit" on the basis of her ACRs etc. for the relevant period of 3 years. Those who were found suitable and fit for promotion, were given the promotion. Consequently, those who have accepted the said promotion prior to her, they have become senior to her. Under the circumstances, this application has been filed in this Hon'ble Tribunal.

But during the pendency of the application in this Hon'ble Tribunal and before filing this written statements, the respondents again considered the case of the applicant and she has been promoted to the post of OS/I (G) in the scale of Rs.6,500/-10,500/- and posted under SMM/NBQ Depot against the vacancy with immediate effect vide Office Order No. 132(E/Stores) dated 28.4.2004. By the said order of promotion and the order of transfer on promotion, it was also made clear that in case the applicant fails to carry out the order, she would be debarred from promotion for 1 year.

During the pendency of the application the case of the applicant has again been considered against the vacancy that has occurred as a result of restructuring the cadre and the applicant has accepted the said promotion. For the new development, the applicant has filed her amended and consolidated application and accordingly this amended/ modified written statements is filed in the case.

A copy of the said order of promotion, dated 28.4.2004 is annexed hereto as ANNEXURE-RI.

149

Dy Chief Personnel Officer / H.S
N.F. Railway, Maitigaon
Guwahati-11

149

By Chief Personnel Officer / 149
N.F. Railway, Maligaon
Guwahati-11

5. That with regard to the statements made in para 1 of the application, the answering respondents state that the applicant has been promoted w.e.f 1.11.2003 vide order Memo No.E/210/66(S) Pt.V dated 3.11.2004 (as in Annexure-P in the OA) and Office Order No.E/174/NJP dated 13.12.2004 (as in Annexure-Q) and No.E/210/66(S) Pt.VI dated 27.5.2005. The applicant has accepted the said promotion without any protest or reservation. If the applicant had any objection, she should have impugned the aforesaid subsequent orders of promotion which she has accepted. Hence, there is no cause of action to justify the filing of the instant application in this Hon'ble Tribunal. As such the application is liable to be dismissed with cost.

6. That the respondents have no comment to offer to the statements made in para 2, 4.1 and 4.2 of the application.

7. That with regard to the statements made in para 3 of the application, the respondents state that the application is hopelessly barred by law of limitation and hence, the same is liable to be dismissed with cost. The cause of action relates back to the year 1998, therefore, the application is barred under section 20 and 21 of the Administrative Tribunal Act, 1985. Law is also well settled that by filing successive representations, the law of limitation cannot be extended.

8. That with regard to the statements made in para 4.3, 4.4, 4.5 and 4.6 the respondents state that the applicant along with others, who were promoted as OS-I(G) in the scale of pay of Rs.6,500/-10,500/ and posted against the available vacancies as per communication issued by the GM (P), Maligaon, vide Office Order No.E/210/66(S) Pt.V dated 15.6.1998. In this connection it is pertinent to state here that the alleged letter dated 23.4.1998 as claimed by the applicant to have been submitted to the Controller of Stores, N.F.Railway, Maligaon by the applicant allegedly requesting the respondents for her posting at New Jalpaiguri was not received by the office of the respondents. The first appeal dated 7.8.1998 requesting for retention at New Jalpaiguri on promotion

151

was disposed of. As no vacancy was available at New Jalpaiguri to accommodate the applicant as per seniority, she was debarred from promotion for 1 year under GM(P), Maigaon letter No. E/210/66(S) Pt.V dated 25.9.1998.

The copy of the reply dated 25.9.1998 is annexed as ANNEXURE – RII.

Dy. Chief Personnel Officer / 149
N.F. Railway, Maigaon
Guwahati-14

9. That with regard to the statements made in para 4.7, the answering respondents state that Shri J.Bagchi who is junior to the applicant was promoted along with the applicant in the same promotion order and Shri Bagchi was promoted and retained against vacancy at NBQ. He has shouldered higher responsibilities on 15.6.98. The applicant did not carry out promotion. Shri N.K.Roy Bardhan who is senior to her has been promoted and retained at NJP. Shri Bagchi has carried out promotion immediately and by virtue of this he has become senior to the applicant. The applicant can not compare with junior Shri Bagchi as their cases are different. The applicant was debarred from promotion for one year and subsequently became junior to Shri Bagchi in OS/Gr.I in scale Rs. 6500-10500/- Shri Bagchi appealed for posting at NJP and was considered subsequently and he was posted on transfer at NJP w.e.f. 28.5.01.

The applicant was eligible to be considered for promotion after one year debarment period is over. She is eligible for promotion in the subsequent suitability test. She has been erroneously left out for subsequent promotion. The case of senior employees who have been erroneously left out for promotion has to be considered and they are entitled for promotion at par with their immediate junior on proforma basis. Smt. Rina Devi is her immediate junior. The applicant has been granted promotion after the debarment period of the applicant is over and proforma promotion has been granted to the applicant at par with her immediate junior. Therefore, the applicant is not entitled for proforma promotion w.e.f. 15.6.1998.

10. That with regard to the statements made in para 4.8 and 4.9, the respondents state that the appeal dated 16.6.2003 preferred by the applicant was duly considered and disposed of vide GM(P), Maigaon letter No. E/210/66(S) Pt.V dated 23.7.2003

The copy of the letter dated 23.7.2003 is annexed as ANNEXURE – RIII.

11. That with regard to the statements made in para 4.10 of the application, the respondents state that the post of OS-II (G) onwards in Store Department of N.F.Railway is centrally controlled by the Head Quarter. While issuing promotion/posting order for OS-I (G) candidates posted at different places

spread over geographical jurisdiction of N.F.Railway, were considered and posting orders were issued by taking into account the seniority and the availability of posts from where the candidates were considered. The respondents categorically state that none of the juniors to the applicant was posted at New Jalpaiguri on promotion as OS-I (G).

12 That with regard to the statements made in para 4.11, 4.12, 4.13 and 4.14, the respondents state that the request made by the applicant was duly entertained and she was debarred from promotion for 1 year. The promotion of the applicant has, however, been considered against the re-structuring vacancy with effect from 1.11.2003. Moreover, the benefit of proforma promotion has been granted to the applicant with effect from 12.7.2001, i.e. from the date of her junior, Smti Rina Devi has been promoted. This was communicated vide office order No.170/E/Stores dated 27.5.2005 and No. E/210/66(S) Pt. VI dated 27.5.2005.

The copy of the office order dated 27.5.2005 is annexed as ANNEXURE-RIV.

13. That with regard to the statements made in para 5.1 to 5.7, the respondents state that for the facts and circumstances of the case and the provisions of law, the grounds shown by the applicant are not tenable in law. Hence the application is liable to be dismissed with cost. In this connection, the respondents crave the leave of this Hon'ble Tribunal to allow them to rely upon and refer to any statements / records that had already been filed by the respondents as written statements before filing of this written statements to the amended / consolidated application.

14. That with regard to the statements made in para 6 and 7, the respondents state that they have nothing to comment on it.

15. That with regard to the statements made in para 8.(i) to 8.(iii) and 9, the respondents state that in any view of the matter and for the reasons as stated

15/8
By
Chittaranjan
Sarkar
Officer
N.F. Railway,
Guwahati-11

hereinabove, the applicant is not entitled to any relief whatsoever as prayed for in the application and the application is liable to be dismissed with cost as devoid of any merit.

In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri R. AAIKU, at present working as Dy. Chief Personnel Officer/In the office of the G.M.(P) N.F. Railway Maligaon Guwahati, being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 3, 6, 7, 11 and 13 — are true to my knowledge and belief, those made in para 4, 5, 8, 9, 10 and 12 —, being matter of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 16th day of June, 2005 at Guwahati.



DEPONENT

Dy. Chief Personnel Officer / H.O.
N.F. Railway, Maligaon
Guwahati-11

St. Gouri Sarkar, OS/II(G)
Smt. Gouri Sarkar, OS/II(G)
Smt. Gouri Sarkar, OS/II(G)

Northeast Frontier Railway

NO. 132 (E/Star) OFFICE ORDER.

Smt. Gouri Sarkar, OS/II(G) in scale Rs.5500-9000/- under Dy.CMM/NJP who has been empanelled for promotion to the post of OS/I (G) in scale rs.6500-10500/- is now hereby promoted to officiate as OS/I(G) in scale rs.6500-10500/- and posted under SMM/NBQ Depot against the vacancy with immediate effect.

It should be brought to the notice of the employee that if she does not carry out the transfer order within fortnight from the date of issue of this order in terms of Bd's instruction, circulated under GM(P)/MLG letter No.E/253/Com/P-III dt.12.3.91, it would be construed that she is unwilling to undergo take the transfer and promotions and she would be debarred from promotion for a period of 1(One) year.

Implementation/non-implementation of transfer order showing the date of sparing and joining the new post should invariably be intimated to the cadre controlling officer (SPO/NG) immediately.

Staff concerned, on promotion to her new post will have the right to opt for her fixation of pay from the date of accrual of her next substantive increment in the lower scale if desired. She would however prefer her option within a period of one month from the date of issue of this order, failing which, no option preferred afterwards would be entertained.

This issues with the approval of COS/MLG.

No.E/210/66(S) Pt.V.

SPO/MPP & Trg.
for General Manager (P)
N.F.Rly. MLG.

dt. 28.4.2004

Copy forwarded for information & necessary action to :-

1. COS/MLG, 2.CMM/MLG, 3.Dy.CMM/MLG, 4.Dy.CMM/NJP
5. SMM/NBQ, 6.WAO/NBQ, 7.AMO/NJP & P/Case
8. Staff concerned, 9.GS/NFRMU/PNO,
- 10.GS/NFREU/PNO, 11.GS/AISCREA/MLG

for General Manager (P)
N.F.Rly, Maligoan,

Certified to be true Copy.

Dilip Baruah
Advocate

28.4.04

U. P. RAILWAY

DEPATCHED

ANNEXURE : R

C.P.O./N.J. P.L.Y.

OFFICE OF THE
GENERAL MANAGER (P)
MALIGAON
GMV-11

No. E/210/66(S)Pt.V

Dated: 25-9-98

To

Smt. Gouri Sarkar,
OS-II under DCOS/NJP.

Sub: Prayer for transfer/posting on
promotion to the post of CS/I
in scale Rs.6500-10,500/-.

Ref: Your appeal dated: 7.8.98.

Your above appeal for consideration of your
posting on promotion as OS/I in scale Rs.6500-10,500/-
was put up to the competent authority who has not agreed
to your appeal and thus you are debarred for promotion
to the post of CS/I for one year as per extant rule
treating your appeal as your refusal for accepting the
promotion to the post of OS/I by you.

for General Manager(P)

Copy for information and necessary action to:-

- 1) Dy.COS/IC/MLG
- 2) DCOS/NJP

for General Manager(P)
Maligaon.

O/C
25/9/98

COPY

25/9/98
DJP from

Office of the
General Manager(P)
Mnligron, Guwahati-11

No. E/210/66(S)Pty

Dated, 23-07-03

To

Smt. Gouri Sarkar
OS/II(G) under DyCMM/NJP
(Through: Dy CMM/N & P)

Sub:- Prayer for Promotion as OS/I(G)
in scale Rs.6500-10500/- of Stores
Department.

Ref:- Your representation dtd, 16.06.03

Referred to your representation dtd 16.06.03 it is
to inform you that your name was duly included in the list of
OS/II(G) for promotion to the part of OS/I(G) in scale
Rs. 6500-10500/- on 22.03.2001, 19.12.2001 & 24.12.02, but
you were not found suitable for empanelment by the selection
committee in any of the above suitability tests. Hence no
promotion order in favour of you was issued.
This is for your information.

(A.K. Chatterjee)

APG/TEGT

Dy for General Manager(P)/MLG.

Copy to:- (1) Dy.CMM/NJP-for information in reference
to his letter No. E/PC/III/NJP/17
dtd, 18.06.03

for General Manager(P)/MLG.

Certified to be true Copy.

Dilip Baruah
Advocate

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER NO. 170/E/Stores) Maligaon, dt. 27-05-2005

Consequent on non carrying out of promotion Order by Smt. Gauri Sarker, OS-11(G) in scale Rs. 5500-9000/- to the post of OS-1(G) in scale Rs. 6500-10500/- vide O.O.No.E/210/66(S) Pt-Vt. 15-6-98 further vide No. E/210/66(S)Pt-V dt. 23-6-98 and disbarred from promotion issued vide No. E/210/66(S)Pt-V dated 23-9-98 Smt. Sarker has been posted as OS-1 in scale Rs. 6500-10500/- and posted at NJP against restructuring Vacancy W.o.f. 1-11-03.

Promotion Order of Smt. Sarker ^{on} proforma as OS-1(G) in scale Rs. 6500-10500/- is allowed w.o.f. 12-7-01 from the date of Junior Smt. Reena Devi has been promoted. She will not be entitled for arrears. She will be eligible for higher pay from 1-11-03.

This issues with the approval of Competent authority.

17 May 27-5-05
(N. N. Thakur)
Senior Personnel Officer (NG)
for General Manager (P) Maligaon.

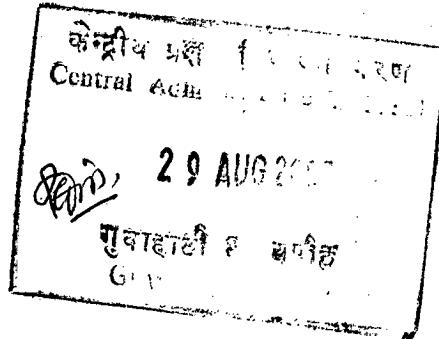
NO: E/210/66(S)Pt-V1 Maligaon, dt. 27-05-2005

30
Copy forwarded for information and necessary action
please:

- 1. COS/MLG. (2) CMM/MLG. (3) DY.CMM/C/MLG.
- 4. SMM/D/NJP (5) AAO/NJP. (6) APO/LC/MLG;
- 7. P/caso & Staff concerned.

17 May 27-5-05
for General Manager (P) Maligaon.

Mc true Copy.
Dilip Bhowmik
Advocate



File No. 81
M. D. 2005
17.8.2005
Affidavit

Gouri Sarkar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, AT GUWAHATI.

O.A.No 233/03.

Smti. Gouri Sarkar Applicant.

-Vrs-

Union of India and others Respondents.

IN THE MATTER OF:

RE-JOINDER TO THE WRITTEN STATEMENT SUBMITTED BY THE
RESPONDENTS NOS. 1 to 4 DATED 21.6.2005.

AND

IN THE MATTER OF:

CERTAIN MODIFICATIONS TO THE CONSOLIDATED O.A. SUBMITTED
BY THE APPLICANT FOLLOWING THE OFFICE ORDER NO E/180/NJP
DATED 22.6.2005 ISSUED BY THE RESPONDENTS GIVING
PROMOTIONAL BENEFIT OF THE APPLICANT IN THE CAPACITY OF
OFFICE SUPERINTENDENT, GRADE-I IN SCALE Rs.6,500-10,500/- WITH
EFFECT FROM 12.07.2001.

The petition of the Applicant most respectfully sheweth :

1. That in reply to the re-joinder submitted by the Respondents mentioned above, the Applicant humbly submits that the Written Statement of the Respondent is almost the same as was submitted by the Respondents on 25.8.04 to which the Applicant has already replied vide her re-joinder dated 27.9.04.
2. That the Applicant submits that the contents of the Written Statement of the Respondents mentioned above are almost the same to their previous submission and the Applicant humbly reiterates that what she has already submitted on 27.9.2004 those are sufficient to counter the submission put forth by the Respondents save and except very few to which the Applicant submits as under for the brevity and clarity of the case:.

Contd.....p/2.....That in response....

2.1. That in response to the Para-5 of the Written Statement of the Respondents the Applicant humbly submits that immediately after getting the promotion order No.E/210/66(S) Pt.V dated 3.11.04 the Applicant brought the matter to the knowledge of the Respondents and also to the knowledge of this Hon'ble Tribunal vide her consolidated amended O.A. And in this connection it is humbly submitted that the Applicant has been constantly pursuing the matter with the Administration and praying before this Hon'ble Tribunal that her promotion to the higher Grade of Office Superintendent, i.e Grade-I in scale Rs.6,500-10,500/- shall have to be given at par with her immediate junior Sri J.Bugchi, who has been made as Private Respondent No.5 in the Original Application, promoted to the same capacity and Grade with effect from 15.6.98 as per Annexure-R at page 41 annexed with the amended Original Application. Hence, the question of raising no protest or reservation, as alleged by the Respondents, does not arise at all.

2.2. That in reply to the statements under Para-8 of the Written Statement of the Respondents, it is humbly submitted that the content of the said Para regarding the non-receipt of the Applicant's letter or request/prayer dated 23.4.98 for considering her posting at New Jalpaiguri owing to the ailing of her age-old husband and the educational problems of her children, is now an afterthought of the Respondents; for, the Respondents have never during this long period of correspondences and even after filing this Original Application stated that her aforementioned letter was not received by the Respondents. In this connection this is further stated that the issuance of the Respondent's letter No.E/210/66(S)/PT.V dated 25.9.98 as annexed as R/2 of their Written Statement was not received by the Applicant at all. The Respondents are requested to prove the acknowledged receipt of the said letter by the Applicant to the strictest proof and submission of their statement before this Hon'ble Tribunal..

2.3. That the contention of the Respondents in the first part of the Para-9 of their Written Statement is not true at all. The Applicant has never refused her promotion order. What she made to her employer, the Respondents No. 1 to 4 in the O.A., were only to consider her case in the event of her being stayed and posted at New Jalpaiguri following the vacancy to be caused to the retirement of one Sri P.K.Das, who was to retire from service on superannuation on 31.10.98 as

requested by the Applicant vide his letter dated 23.4.98 mentioned as Annexure-F in the consolidated O.A. But instead the Respondents have treated the case of the Applicant as "refusal" and gave promotion to her Junior Sri J. Bagchi in the post of Office Superintendent, Grade-I Rs.6,500-10,500/- as per his appeal for posting at New Jalpaiguri and subsequently he was posted at New Jalpaiguri on 28.5.01, as stated by the Respondents in their said Written Statement.

So far the second part of the same Para of their Written Statement, it is submitted that when the Respondents came to know of their lapses and irregularities for giving erroneous promotion to the junior of the Applicant, as mentioned by the Respondents in their Written Statement, they should have taken the matter as per Provision of Rule 228 of the IREM, Vol-I and rectified their wrongs done and injustices caused to the Applicant following the Pro-forma Promotion of the Applicant with effect from 15.6.98 i.e. the date of promotion of the Private Respondent No.5, Sri J.Bagchi ,as shown in their promotional order No.E/255/101/8(S)/Pt.iii dated 9.5.01 as annexed under Annexure-R at page 41 of the Consolidated OA.

2.4. That with regard to the statement made under Para-11 of the Written Statement of the Respondents it is submitted that the statement is contradictory to their earlier submission at Para-9 of the same Written Statement.

2.5. That with regard to the Statements made under Paras-13,14,15 of the Written Statements of the Respondents the Applicant humbly submits that she has to rely upon and refer her statements and records already filed before this Hon'ble Tribunal under her Original Application, Miscellaneous Petition, Review Application and Consolidated Application before this Hon'ble Tribunal for administering justice and she with her humble submission reiterates on those statements and records hereto.

2.6. That with regard to the statement made under Para-12 of the Written Statement submitted by the Respondents this is humbly submitted that during the

Gouri Sarkar

pendency of the Original Application before this Hon'ble Tribunal the Respondents Nos. 1 to 4 have issued and published as many as 4 office orders/memorandum for promoting the Applicant to the next higher grade of Office Superintendent, Grade-I in Scale Rs.6,500-10,500/- on 28.4.04, 3.11.04, 13.12.04, 27.5.05 and 22.6.2005 and finally shown her promotional effect with effect from 12.07.01 But it is a matter of peculiar grief and great regret that even to this distant date of her promotion order as impugned under Annexures-A & B of the Consolidated O.A. published on 3.4.98, the Respondents 1 to 4 have not realised the gravity of the case and the wrongs and injustice caused by them to this Applicant for not giving the due promotion to the Applicant at par with her immediate Junior Sri J.Bagchi, the Private Respondent No.5, as prayed for. The Applicant offers her thanks to the Respondents 1 to 4 that though belated, the Respondents have given her promotion showing the effect from 12.07.01. In this connection it is humbly submitted that the matter could have been settled and finished once for all had the respondents' good conscience could have made them to issue necessary orders righteously with effect from 15.6.98 i.e. from the date of taking effect of the promotional benefit of Sri J.Bagchi, the immediate Junior of the Applicant instead of issuing several promotion orders one after another realizing the earlier one was wrong or not in order.

2.8. That the Applicant would earnestly and fervently pray that the Respondents Nos. 1 to 4 may be pleased enough to realize their wrong actions done to this humble Applicant and still, it is reiterated, have the means to rectify their wrong action according to Provision 228(i), 228(ii)(A) and 228(D) of the Indian Railways Establishment Manual, Vol-I, 1989 Edition. In the eye of law nothing is belated if the Truth is to survive. And moreover there are ample instances where the Respondents 1 to 4 have corrected the seniority and promotional aspects of the employees even after 17/18 years. The Respondents No. 1 to 4 have already realized their lapses and irregularities caused to the Applicant and it would have been a great favour and summum bonum if they could have considered the case of the Applicant and given her the promotion and consequential promotional benefits of Office Superintendent Grade-I from the date of her immediate Junior's promotion for which the Applicant has been repeatedly praying for the Applicant and highlighted in the foregoing Paras.

Gauri Sarkar

3. That it is humbly and most respectfully submitted that consequent upon the promotional order issued by the Respondents vide their Office order NoE/180/NJP Dated 22.6.2005 as annexed as Annexure-S to this Re-joinder, the promotional benefit of Pay, Scale, Allowances, Seniority and other benefits admissible in Office Superintendent, Grade-I in Scale Rs.6,500-10,500/- from the date at par with the immediate and next junior of the Applicant i.e. Sri J.Bagchi, now Office Superintendent, Grade-I posted under Dy. Chief Materials Manager, New Jalpaiguri, and take effect from the date 15.6.98 to 11.7.01 and not at par with Smti. R.Devi as ordered in the said order after which the Applicant was promoted to the post of Office Superintendent Grade-I(G) as per the aforementioned Office order issued by the Respondent No.1. It is further prayed that the relief as sought for under Para-8(2) of the consolidated O.A. by the Applicant shall be modified accordingly to effect her promotional benefit from 15.6.98 to 11.7.01 and not from 15.6.98 till 31.10.03 as prayed for in the Consolidated O.A. and your Lordship may kindly be pleased enough to pass suitable orders accordingly and/or other orders as deem fit and proper.

In the premises above, it is, therefore, prayed that your Lordships may be magnanimous enough to examine the case on merits and thereby disseminate justice for redressal of the longstanding grievances of this Applicant as prayed for in the Consolidated Original Application duly modified & mentioned above under Paras-2.6 and 3 in this Re-joinder,

And for this act of your kindness as in duty bound, the Applicant shall pray and remain grateful and be obliged.

-VERIFICATION-

I, Smti. Gouri Sarkar, wife of Sri Dilip Kr. Sarkar, aged about 50 years, now working as Office Superintendent (G), Grade I under the Dy. Chief Materials Manager, N.F.Railways, New Jalpaiguri, do hereby verify and declare that the statement made under paras 1 to 3 herein this Re-joinder/Petition are true to my knowledge, information and belief and I have not suppressed any material facts and the rests are my humble submission.

And I sign this VERIFICATION of this 17th day of August, 2005.

Place: Guwahati
Date. 17.8.2005

Gouri Sarkar

SIGNATURE OF THE APPLICANT/PETITIONER.