50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No. 256/03
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)
20/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Applecation No: 256 /03

Mise Petition No: /

Contempt Petition No: /

Review Applecation No: /

Applecants:- R. Daimary & ors

Respondants:- U.O.I & ors.

Advocate for the Applecants:- B.K. Sharma, U.K. Nair, Miss U. Das.

Advocate for the Respondants:- Case.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Condonation Petition is filed / not filed C.F. for Rs. 50/- deposited vide IPO/BD No. 96704225 Dated 3.11.03 Dy. Registrar	07.01.2004	Heard Mr. U.K. Nair, learned counsel for the applicants and also Mr. S. Sengupta, learned counsel for the respondents. The matter is squarely covered by the decision rendered by this Bench in O.A. Nos. 44/2002 and 43/2002 disposed of on 1st day of May, 2003. In view of the matter, the applicants are directed to submit individual representation narrating all the facts to the authority within one month from the date of receipt of this order. If such representation is filed by the applicants, the respondents are directed to consider the same in the light of the decision taken earlier and pass appropriate order within three months from the date of receipt of the representation. The O.A. is disposed of. No order as to costs. Member (A)

Steps taken.

11.2.04
Copy of the order has been sent to the Office for issuing the same to the L/Advocate for the parties.

mb

3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 256 /2003

BETWEEN

Ratneswar Daimary & Ors.
... Applicants

- versus -

Union of India & Ors.
... Respondents

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Filed by : Bomolama Dwi

Advocate

File : WS4\ss\oa3 (old)

Filed by the applicants through Bonoloma Alvi Advocate 7/11/03

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

O.A. No. 256 of 2003

BETWEEN

1. Sri Ratneswar Daimary

2. Sri Monoranjan Daimary

3. Sri Nandi Daimary

4. Sri Nripen Deka

All Casual labourers in the Alipurduar Division (BG/CON) NF Railway.

... Applicants

- AND -

1. The Union of India, represented by the General Manager, NF Railway, Maligaon, Guwahati-11.

2. The General Manager (Construction), NF Railway, Maligaon, Guwahati-11.

3. The Divisional Railway Manager (P), Alipurduar Division, NF Railway, Alipurduar.

... Respondents

DETAILS OF APPLICATION

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

The instant application is not directed against any particular order, but is directed against the inaction on the part of the Respondent authorities in considering the cases of the Applicants for absorption against Grade-D post and in also denying to them their legitimate benefits flowing from the service rendered by them as casual labourers. This application is also directed against the discriminatory action of the

Respondent authorities is not granting ex-post facto approval to their appointments as casual labourers while granting the same to other similarly situated persons.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The Applicants further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicants are citizens of India and are permanent residents of Assam and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India. The Applicants further state that they belong to the Schedule Tribe (ST) and Schedule Caste (SC) communities and as such are also entitled to the special privileges guaranteed under the Constitution of India and the laws framed thereunder.

The Applicants are all Ex-Casual Labourers and the grievances raised and the relief prayed for in this application are common and similar to all the applicants. As such, the Applicants crave leave of this Hon'ble Tribunal to allow them to join together in a Single petition, invoking its powers under Rule 4 (5)

of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.2 That the Applicants beg to state that pursuant to their selection, they were appointed as casual labourers by the Respondent authorities. The Applicants joined their duties on various dates and discharged the responsibilities entrusted upon them to the best of their abilities and without blemish to any quater. During their period of engagement as such, the Applicants acquired the qualification required for conferment of the benefits of temporary labourers as well as other consequential benefits flowing therefrom.

4.3 That the Applicants state that they belong to the most economically backward sections of the society and discharged their duties without any blemish. The renumeration received from their engagement as casual labourers was their only ray of hope for sustaining the livelihood of their families. Poised thus, the Applicants were shocked and surprised on the action of the Respondent authorities in discharging them from services on different dates respectively. The Applicants were not in the know how regarding the rights and the protections available to them against the arbitrary and illegal action on the part of the Respondents. The modus operandi adopted by the Respondents were such that the Applicants were verbally asked not to come to work and no formal written orders were issued in that regard. Evenafter discharge from services the Applicants continued to serve the Respondents in various projects launched by them.

4.4 That the Applicants state that a procedure is in practice in the railways wherein a live registrar is maintained incorporating therein the names of all the casual labourers in order of seniority. Names of discharged employees also find a place in the said registrar and any future vacancies in the Grade-D are to be filled from this live registrar and persons whose name figures in the said registrar are to be given preference. By virtue of their services under the Respondents, the names of the Applicants also must figure in that live/supplementary registrar.

4.5 That the Applicants state that on pressure being mounted on the Respondent authorities by organisations fighting for the rights of the Applicants and the repeated please made by the few of the Applicants and some similarly situated persons, the Respondents carried out a special recruitment drive in order to clear the back log of SC/ST Applicants in Group-D. As directed the Applicants preferred individual applications showing their willingness for being considered for appointment against any Group-D post and basing on the applications so received a list of such persons was prepared. In the said list the service particulars of all the persons were also furnished. Further, a supplementary list was also published with the relevant particulars of all the Applicants. Mere perusal of the statements showing the service particulars of the Applicants would clearly go to show that all the Applicants have got the requisite number of working days under their belt for entitling them for

conferment of the benefits of temporary status and regularisation.

A copy of the said statement is annexed hereto as Annexure-1.

4.6 That the Applicants state that on receipt of applications from persons similarly situated, it was noticed that some of them belonged to the construction wing of the Railways and as such correspondence was made with the concerned authorities of the said wing for furnishing the service particulars of those persons for consideration of their cases for absorption against the available Group-D posts. It may be mentioned here that although amongst the Applicants there were persons who belonged to the said construction wing but, no steps were taken towards acquiring the service particulars of these persons and the whole process was carried out in a pick and choose manner.

4.7 That the Applicants beg to state that on verification and cross verification the Respondent No. 2 confirmed the service particulars of the persons referred to them. As the names of the Applicants were not forwarded to the said wing of the Railways, they were denied an opportunity of having their service particulars confirmed and deprived of an opportunity for consideration of their names for regular appointment in the Railways.

4.8 That the Applicants state that the service particulars of similarly situated persons were confirmed by the Respondent No. 2 and process was

initiated for grant of Ex-post facto approval by the General Manager. The Applicants were also assured the same treatment i.e. after the aforesaid development the same process would be initiated in their cases too. As such, the Applicants were under a legitimate expectation that they too would be considered for appointment on regular basis as has been done in the case of others, it turned to be nothing but yet another one of such blank assurances.

4.9 That the Applicants state that against the back drop of the said facts, some ex-casual labourers who were similarly situated approached this Hon'ble Tribunal by way of an Original Application being OA No. 79/1996 interalia praying for direction to the Respondent authorities for their absorption against the back log vacancies available for the SC/ST candidates. This Hon'ble Tribunal upon hearing the parties was pleased to dispose of the said OA directing the Respondent to consider their cases for appointment with the time limit specified therein.

4.10 That the Applicants state that the Applicants in OA No. 99/96 preferred representations as directed but the same was not attended to. The Respondents in the month of December 1999, issued call letters to persons to persons similarly situated like the Applicants on a pick and choose basis, for attending a screening for absorption against a Group-D post. The Applicants where not issued called letter and were kept in the dark regarding the whole selection process. The entire

exercise was carried out behind the back of the Applicants.

4.11 That the Applicants state that although they were similarly situated with the persons in OA No. 99/96 their cases were not considered in the screening held under the Respondents and were deprived of an opportunity for being considered for appointment on a regular basis under the Respondents. The persons called for the screening process were the only ones who were selected for appointment and this aspect of the matter would be clear by mere perusal of the office Memorandum dated 21.4.2000 issued by the Respondent No. 2. Mention may be made here of the fact that the persons so selected for appointment are either equal in rank/seniority or junior to the Applicants as regards their date of joining of service under the Respondents and as such the Applicants were discriminated against.

A copy of the said letter dated 21.4.2000 is annexed hereto as Annexure-2.

4.12 That the Applicant states that the persons so screened and selected vide annexure-3 memorandum dated 21.4.2000 have been appointed against vacancies available in Group-D post and for this the necessary post facto approval was also given by the General Manager, NF Railway. But, the Applicants who were similarly situated persons were deprived of this benefit.

4.13 That the Applicant states that having learnt regards the deprivation meted out to them as regards

their appointment, they brought the matter to the light of the All India SC and ST Railway Employees Association who subsequently appraised the National Commission for SC and ST regarding the grievances of the Applicants. The organisation persuing the cause of the Applicants have all along been urging the Respondents to initiate steps towards regularising the services of the ex-casual labourers. Be it stated here that the organisation fighting for the rights of the Applicants also recommended and submitted the Applicants name.

4.14 That the Applicant states that despite the repeated requests made by the organisations striving to bring justice to the Applicants, the Respondent have failed to take any action for considering the case of the Applicants as has been done in the case of 49 similarly situated persons. Due to this inaction and discriminatory effective on the part of the Respondents, the Applicants continues to suffer.

4.15 That the Applicant states that there is no dispute as regards the fact that the Applicants were all appointed as casual labourers at different point of time under the Respondent authority and they having expressed their willingness for being appointed against any Group-IV vacant post, it was incumbent on the Respondents to make necessary arrangements for their appointment as such. The pick and choose procedure adopted in this regard have resulted in the Applicants being discriminated against.

4.16 That the Applicant states that pending consideration of their cases for appointment, the Respondents have issued advertisement inviting applications from fresh candidates for filling up of the post of Trackman under a special recruitment drive for the SC and ST. As many as 595 posts have been advertised for. The Respondents ought to first clear the back log of ex-casual labourers before issue of any fresh advertisement for recruitment as because a right for accrued to the Applicants for getting preference in matters of appointments by virtue of themselves being ex-casual labourers. Be it stated here as gathered, the process as initiated vide the said advertisement is yet to be taken to its logical conclusion and the vacancies as advertised still exist.

A copy of the said advertisement is annexed as Annexure-3

4.17 That the Applicant states that in the event the process initiated vide Annexure-4 advertisement for filling up of the existing vacant posts is taken to its logical conclusion, the Applicants who are entitled for appointment against the said vacant Grade-D posts as a matter of preference would be deprived of their legitimate right and as such Your Lordships may be pleased to pass an interim direction as has been prayed.

4.18 That the Applicants beg to state that in the event Your Lordships being pleased to pass an interim direction, as has been prayed for, the balance of convenience would remain in favour of the Applicants

inasmuch as the Applicants are entitled for being appointed against the existing Group-D post and further till date in precedence to the Annexure-4 advertisement.

4.19 That against the backdrop of the above mentioned factual position persons similarly situated like the applicants herein had approached this Hon'ble Tribunal by way of filing O.A No. 79/1996 and this Hon'ble Tribunal vide order dated 11.1.1999 pleased to dispose of the same with a direction for the cases of the said applicants. The applicants herein are similarly placed and in the event their cases are also examined by applying the same yardsticks, there exits no any earthly reason for any further deprivation being meted out to them.

A copy of the order dated 11.1.1999 is annexed as Annexure-4.

4.20 That this application has been made bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the impugned action on the part of the Respondent authorities are not sustainable and in clear violation of the principles of natural justice in addition to being arbitrary, illegal and discriminatory.

5.2 For that the Applicants being ex-casual labourers and their names having figured the line/supplementary register, are entitled to the benefits under the rules

and the Respondents cannot perpetually discriminate between similarly situated persons.

5.3 For that the Respondents cannot take advantage of the fact that the Applicants belong to the lowest stratum of the society and their ignorance their rights. The Applicants being members of the ST community and entitled to special privileges.

5.4 For that similarly situated persons having already been considered for appointment, the Applicants cannot be deprived of an opportunity of consideration of their services.

5.5 For that in any view of the matter the entire action of the respondent are liable to be set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicants declares that he has no other alternative and efficacious remedy except by way of filing this application.

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

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

8. RELIEFS SOUGHT FOR :

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

8.1 To direct the Respondents to consider the cases of the Applicants appointing them against the vacant Group-D posts available for filling up of SC/ST backlog vacancies.

8.2 To direct the General Manager, NF Railways, Maligaon to issue necessary approval towards the appointments of the Applicants.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of this application, the Applicant prays that Your Lordships would be pleased to direct the Respondent authorities not to fill the vacancies advertised vide Annexure-4 advertisement.

10. .....

The application is filed through Advocate.

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

i) I.P.O. No. : 9G 704225

ii) Date : 3-11-03

iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Sri Ratneswar Daimary, aged about 38 years, son of Khoda Daimary, resident ofKekerikuchi, Pachim Jhargaon, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1-4.4, 4.6-4.10, 4.12-4.15, 4.17, 4.18, 4.20.. are true to my knowledge and those made in paragraphs 4.5.., 4.11, 4.16, 4.19 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2nd day of Nov:. of 2003.

Signature.

Ratneswar Daimary.

ANNEXURE-(1)

Service particulars of Ex.Casual Labour

Sl. No.	Name	Father's name	Date of Birth	Date of Joining	Date of left service	Place of working under
1.	Sri Ratneswar Daimary Ex. Gangman Vill -Kekerikuchi P.O. -Pachim Jhargaon Via -Dwarkuchi Dist. Kamrup(Assam)	Late Khoda Daimary	10.02.65	01.05.84	31.12.84	PWI/Con/Bongaigaon
2.	Sri Manoranjan Daimary Ex.Gangman Vill - Kekerikuchi P.O. - Pachim Jhargaon Via - Dwarkuchi Dist. Kamrupa(Assam)	Late Jabla Ram Daimary	07.03.65	01.05.84	13.12.84	PWI/Con/Bongaigaon
3.	Sri Nandi Daimary Ex. Gangman Vill - Kekerikuchi P.O. - Pachim Jhargaon Via - Dwarkuchi Dist - Kamrup (Assam)	Late Jabla Daimary	05.03.66	01.05.84	31.12.84	PWI/BG/Con/Bongaigaon
4.	Sri Nripen Deka Ex.Gangman Vill - Jagara P.O. - Jagara Dist - Nalbari	Late Satya Ram Deka	16.03.65	13.04.83	30.11.83	PWI/BG/Con/Sorbhog

Attested
Advocates

ANNEXURE — 2

Northeast Frontier Railway

Office of the
Divl. Rly. Manager(P)/APDJ

Dated: 21/04/2000

MEMORANDUM : No.E/227/RCSV(E) AP

The result of the screening test held on 13.1.2000 in the screening of Ex: ST Casual labour of Construction Organisation and RCW Units are furnished below. The following Ex: ST Casual labour of Construction Organisation and retrenched Casual labour of RCW Units who worked in the territorial jurisdiction of this Division, their names are arranged in order of seniority based on total number of service put by them.

The result of screening test has been approved by ADRM/APDJ on 19.4.2000.

Sl. No.	Name	Father's name.	Under whom worked.	Date of birth.	Date of first engagement.	Total days.	Whether SC/ST OBC.	Educational qualification.
1	2	3	4	5	6	7	8	9
	S/Shri,							
1.	Ganesh Narjinary	D. Narjinary	GM/CON/MLG	20.11.65	1.5.84	975	ST	VIII passed.
2.	Keshab Ch. Boro	Kamala Kanta Boro	-do-	23.9.66	5.8.84	879	ST	VIII passed.
3.	Bhubaneswar Boro	Janaki Boro	-do-	13.3.65	27.3.84	847	ST	IX passed.
4.	Amir Boro	Lt. Lati Ram Boro	-do-	3.1.66	27.3.84	847	ST	X passed.
5.	Prafull Kherkatary	N. Kharkatary	-do-	3.2.66	27.3.84	817	ST	IX passed.
6.	Moniram Swargiary	Lt. J. Swargiary	-do-	31.3.66	27.3.84	817	ST	IX passed.
7.	Protin Ch. Kalita	Lt. Jogeswar Kalita	SEN/RCW/MLG	31.12.59	10.6.82	724	UR	X passed.
8.	Ananda Ramchiary	Lt. M. Ramchiary	GM/CON/MLG	21.3.66	2[illegible].4.84	[illegible]	[illegible]	IX passed.
9.	Hareswar Boro	Jeolaram Boro	-do-	16.7.66	26.9.84	680	ST	IX passed.
10.	Rupan Ch. Brahma	Dhapen Brahma	-do-	1.2.66	1.5.84	610	ST	IX passed.
11.	Hari Chandra Boro	Nepat Boro	-do-	3.5.67	1.5.85	610	ST	VIII passed.
12.	Arabinda Boro (I)	Dhandra Boro	-do-	1.4.67	1.5.85	610	ST	IX passed.
13.	Dwipen Boro	Hari Chandra Boro	-do-	27.5.66	1.8.84	590	ST	IX passed.
14.	Jadav Swargiary	Powl Swagiary	-do-	27.3.66	1.7.84	588	ST	IX passed.
15.	Khagendra Nath Boro	Belaram Boro	-do-	1.3.66	1.5.86	465	ST	IX passed.
16.	Jogen Boro	Khaniram Boro	-do-	20.10.65	1.8.84	518	ST	X passed.
17.	Mrinal Chakraborty	Lt. Khagendra Chakraborty	SEN/RCW/MLG	1.1.63	19.7.84	408	UR	S. F. passed.
18.	Tapen Seal	Amritlal Seal	-do-	3.8.60	22.7.78	404	UR	S. F. Failed.
19.	Pradip Kr. Boro	Nabin Boro	GM/CON/MLG	1.10.66	13.6.85	322	ST	IX passed.
20.	Ranjit Brahma	Lt. N. Brahma	-do-	1.10.66	13.6.85	322	ST	IX passed.
21.	Arabinda Boro (II)	Naren Ch. Boro	-do-	20.6.67	13.6.85	322	ST	X passed.
22.	Phuman Basumatary	Maheswar Basumatary	-do-	23.6.67	13.6.85	322	ST	VIII passed.
23.	Bimal Kr. Basumatary	Girish Kr. Basumatary	-do-	2.4.67	13.6.85	321	ST	IX passed.

(contd...2..)

Attested
Advocate

1	2	3	4	5	6	7	8
S/Shri,							
24.	Ashok Ramchiary	Lt. M. Ram Basumatary	GM/CON/MLG	11.3.67	1.11.85	304	ST	IX passed.
25.	Bhabit Boro	Pati Boro	-do-	30.9.67	1.11.85	304	ST	VIII passed.
26.	Damaburam Deka	Bhekularam Deka	-do-	27.3.67	1.8.84	275	ST	IX passed.
27.	Kamaleswar Boro	B.R. Boro	-do-	1.1.68	1.4.85	275	ST	IX passed.
28.	Anil Kr. Yadav	J.P. Jadav	SEN/FCW/MLG	15.2.67	10.6.85	261	OBC	VIII passed.
29.	Uttam Ch. Boro	Baliram Boro	GM/CON/MLG	2.1.68	1.5.86	259	ST	-do-
30.	Karuna Kanta Swargiary	Katiram Swargiary	-do-	1.3.66	10.4.86	243	ST	-do-
31.	Samala Boro	Lt. Mangla Boro	-do-	15.6.66	[illegible].85	239	ST	-do-
32.	Hari Chandra Boro	Lt. Umesh Boro	-do-	[illegible].66	[illegible].5.84	214	ST	-do-
33.	Maneswar Swargiary	Lt. D.R. Swargiary	-do-	1.9.66	[illegible].85	214	ST	-do-
34.	Naren Swargiary	Ratan Swargiary	-do-	30.5.67	[illegible].6.85	214	ST	-do-
35.	Rukmal Basumatary	B. Basumatary	-do-	1[illegible].1.67	[illegible].8.85	212	ST	-do-
36.	Arun Boro	Lt. Biren Boro	-do-	1.3.67	[illegible].1.85	184	ST	IX passed.
37.	Heramba Kr. Daimary	Phisala Daimary	-do-	1.3.67	[illegible].6.85	184	ST	-do-
38.	Ratiram Boro	Lt. Jogendra Boro	-do-	31.1.66	[illegible].4.84	183	ST	-do-
39.	Rajendra Daimary	Donda Daimary	-do-	30.11.65	[illegible].5.84	153	ST	VIII passed.
40.	Golak Ch. Boro	Dabar Boro	-do-	3[illegible].2.66	[illegible].4.84	153	ST	-do-
41.	Subhas Boro	Anaram Boro	-do-	17.2.66	[illegible].4.84	153	ST	IX passed.
42.	Moniram Boro	Lt. Umesh Ch. Boro	-do-	21.3.66	[illegible].8.85	153	ST	-do-
43.	Khishna Basumatary	Soni Basumatary	-do-	7.1.67	[illegible].11.85	151	ST	-do-
44.	Narayan Basumatary	Rajendra Basumatary	-do-	1.3.66	3.4.85	141	ST	-do-
45.	Jitendra Boro	D.R. Boro	-do-	1.2.65	[illegible].5.84	123	ST	-do-
46.	Bakul Ch. Boro	Moraram Boro	-do-	20.8.66	[illegible].5.84	123	ST	-do-
47.	Prafulla Swargiary	N.C. Swargiary	-do-	30.6.67	[illegible].5.85	123	ST	-do-
48.	Gajendra Nath Boro	D.N. Boro	-do-	2.1.60	2.5.79	121	ST	S.F. Passed.
49.	Paresh Boro	Anaram Boro	-do-	20.9.67	12.85	121	ST	IX passed.

Copy forwarded for information & necessary action to :-

1) GM(P)/MLG. (2) SPO/RESV/MLG. (3) GM/CON/MLG. SPO/HQ/MLG
4) Dy. CE/CON/MLG. (5) SEN/FCW/MLG. (6) DRM(W)/APDJ.
7) Divl. Secy./NFREU/APDJ. (8) Convener/NFRMU/APDJ. (9) Divl. Secy./AISCTREA/APDJ.
10) C.A. to Sr.DPO/APDJ. (11) C.M.S./APDJ.

21/4/00

for DIVL. RLY. MANAGER(P)/APDJ.

(sdas/21 4Y 2K)

Attested
Advocate

21/4/00

for DIVL. RLY. MANAGER(P)
ALIPURDUAR JUNCTION.

Compared
21-4-2000

ANNEXURE-3

AST FRONTIER RAILWAY
AON, GUWAHATI (ASSAM)

ial Recruitment Drive for Scheduled Caste & Scheduled Tribe Candidates

Notice No. NFR-2/2001

Category No. 01

Closing Date : 23 Nov. 2001

invited from the eligible SC and ST candidates for filling up of 595 posts of Trackman N.F Railway.

RTMENTS FOR 4 (FOUR) DIVISIONS OF N.F RAILWAY I.E. TINSUKIA, LUMDING, BAR AND KATIHAR.

ad the entire notification carefully before filling up the application form.

EN TEST SHALL BE CONDUCTED ON SAME DAYS FOR ALL FOUR DIVISIONS TIONED BELOW. HENCE CANDIDATES MUST SEND APPLICATION TO ONE OF THE LLOWING DIVISIONS ONLY AS PER THEIR CHOICE.

case a candidate applies to more than one division, his/her candidature is liable to be cancelled.

Special drive for filling up of SC/ST backlog vacancies (Total number :595)

Division	Category of Post	Total number of vacancies	Breakup of Vacancies SC	Breakup of Vacancies ST	Address for sending application
Katihar	Trackman	182	67	65	Divisional Railway Manager (Personnel) N.F. Railway, Katihar, Bihar, Pin-854105
	Khalasi	2	1	1	
Lumding	Trackman	144	58	86	Divisional Railway Manager (Personnel), N.F. Railway, Lumding, Assam Pin-782447.
	Khalasi	35	11	24	
Alipurduar	Trackman	130	37	93	Divisional Railway Manager (Personnel), N.F. Railway, Alipurduar, West Bengal, Pin-736123
	Khalasi	12	6	6	
Tinsukia	Trackman	140	67	63	Divisional Railway Manager (Personnel) N.F. Railway, Tinsukia, Assam, Pin-786125
	Total	595	237	358	

Abbreviation : SC-Scheduled Caste, ST-Scheduled Tribe.

Note : The number of vacancies given are provisional and may increase or decrease as per requirement of the Railway. This Railway will not be responsible for any loss suffered by the candidate due to reduction of vacancies.

The Administration reserves the right to hold separate, additional/supplementary or re-examination for all or some of the candidates.

No application will be accepted at N.F Railway Headquarters Office.

2. Scheme for Recruitment

The recruitment process shall be in three stages:

(i) Objective type written examination (Preliminary Test)

(ii) Objective type written exam (Final Test)

(iii) Physical efficiency test.

Successful candidates who have come through the two stage written test will be subjected to physical efficiency test to assess candidates, fitness for the post.

(However, the procedure is liable to change without any further notice).

The medium for these examinations shall be Hindi and/or English.

THE WRITTEN EXAMINATIONS AND PHYSICAL EFFICIENCY TEST SHALL BE HELD AT DIFFERENT PLACES WITHIN THE JURISDICTION OF N.F RAILWAY ONLY.

3. Job Requirements : The post of Trackman is basically meant for the maintenance of Railway Track. The job entails lifting of heavy rails and working with spade, sickle, beater steel, bar-crow, take ballast and other P. Way tools for the upkeep of Track, Bridges and other track fixtures.

The posting of the Trackman will be in the remote areas of Divisions. The nature of job is arduous and requires a high level of physical fitness for efficient discharge of duties.

Similar requirements of physical fitness and job conditions are also applicable in case of Khalasis.

4. Pay Scale : Rs. 2610-60-3150-65-3540/- plus usual allowances as per the prevailing rates for Trackman.

Rs. 2550-55-2660-60-3200/- plus usual allowances as per the prevailing rates for Khalasi.

5 Minimum Academic Qualification :

Class VIII pass from recognized educational institution.

(Submission of bogus School Certificate will disqualify the candidate)

6. Age as on 01.09.2001

SC/ST : 18 to 38 years.

For Serving Railway Employee:

(Who have put in 3 years continuous service including Casual Labour and Substitutes)

Upper age limit is - SC/ST-43 years.

Their application should be sent through the cadre controlling authority.

7. Physical Standard:

The candidate must possess sound bodily health and physical fitness to do hard work as indicated in "job requirement", anywhere and at any time throughout the year. The physical efficiency test may inter alia include lifting weight of 40 kg. and ability to run with the weight for a distance of 100 mts within prescribed qualifying time.

8. Medical Standard :

Candidates selected in order of merit and as per existing reservation rules, will be put through detailed medical examination to assess their fitness.

9. Eye Sight : B-1 (with or without glasses) for Trackman and Khalasi.

10. Place of posting : They can be posted within the jurisdiction of the divisions of N.F Railway. However, they are liable to serve anywhere on N.F Railway.

11. Payment of examination fee/postal expenses :

Examination Fees :

For SC/ST candidates : Rs. 10.00 (only postal charges)

12. Mode of Payment: Crossed Indian Postal Order(s) drawn in favour of FA&CAO/N.F Railway. The postal orders should be payable at Guwahati. Candidates must write their name, full address on the place provided in the Postal Order(s). The date of issue of Postal Order(s) must not be prior to the date of issue of this Employment Notice. Postal Orders without the seal from the issuing post office will not be accepted and their candidature will be rejected. Payment in any other form will not be accepted and the application will be summarily rejected.

13. How to apply :

1. The candidate should apply to the Divisional Railway Manager (Personnel) of the Division according to their choice as per application format given at Annexure-"A" on good quality plain paper of A-4 size.

2. All entries in the application form should be duly filled in blue/black ball point pen, in case any entry is not applicable for a candidate, "Not applicable" (NA) should be written against that column.

3. Full postal address of the candidate with pin code for communication with the name of the nearest Railway Station and Permanent address must be given.

4. Candidates must sign in full (and not initial) in different places on the application form as indicated therein and not merely write their names in block capital letters in signature column.

The style and language (English or Hindi) of signature on the upper portion of Admit Card, Answer Sheet, Photographs and in different places of the application form must be the same. THIS SHOULD BE NOTED VERY CAREFULLY. Any variation may disqualify the candidate. Applications should be sent by ordinary post ONLY.

5. The last date and time of receipt of application is 23.11.2001 (5.00 p.m) and it will not be extended on any account. Applications received after the closing date and time will be summarily rejected.

6. Application should be filled in by the candidate in his or her own handwriting only

7. If more than one application is received in one envelop all the applications will be rejected.

8. Candidates who are working in any government department or public sector undertaking should send their application through their department and they should also submit 'no objection certificate' alongwith the application.

9. Envelop containing the application and its enclosure should be addressed to the Divisional Railway Manager (Personnel) of the concerned division according to the choice of the candidates superscribing the words "Application in response to Employment Notice No. NFR-2/2001 (Special Recruitment Drive for SC/ST)" on the top left side of the envelop.

10. Enclosures :

The following enclosures should be properly stapled/stitched along with the application

A) Copies of certificates in regards to academic qualification, proof of age, caste, mark sheet must be attested by any of the following authorities and enclosed along with application. Particulars printed on the back of the mark sheet/certificates should also be photocopied invariably.

(1) Members of Parliament or Members of Legislative Assembly.

(2) Gazetted Officers of Central or State Government.

(3) Tahasildars or Nayab/Dy. Tahasildars authorised to exercise Magistrate Powers.

(4) Principals or Head Masters of all recognized Educational Institutions.

B) Three recent pass port size photographs of the applicant with full signature on the front of the photographs, one of which should be pasted in the space provided in the application form and the other two stapled/stitched firmly with all enclosures.

C) SC and ST candidates must attach caste certificates in prescribed format issued by the competent authority. (Format of certificate for SC/ST is given at Annexure-B)

14. Notes :

(A) Necessary certificates/testimonials/documents must be in English or Hindi. If it is not so, the exact translation of the same typed in English/Hindi and attested by any of the authorities mentioned at - 13.10 (A) above should be produced.

(B) A candidate who submits any forged certificate for securing eligibility shall be liable not only for rejection of his candidature for this particular recruitment but he will be debarred from appearing in any examination conducted by any zonal railways/Railway Recruitment Boards and will also be liable for legal action.

(C) Candidates' final appointment will be made based on verification of the Caste Certificate etc.

(D) The decision of the Divisional Railway Manager (Personnel) of the divisions in all matters relating to eligibility of candidates, allotment of examination centres and any other matter related to this recruitment shall be final and binding on the candidates and no enquiry or correspondence will be entertained in this connection.

(E) N.F. Railway shall intimate only to those found eligible to appear in the written test and subsequent stages of selection. It does not undertake any responsibility for sending reply to the candidates not selected or not called for written/physical efficiency test etc.

(F) N.F. Railway is not responsible for any postal delay and wrong delivery etc.

(G) The number of vacancies shown in this employment notice is provisional and may increase or decrease according to exigencies.

(H) Candidates trying to use unfair means or canvassing in any form will be disqualified and their candidature will be cancelled without any notice.

(I) Impersonation or misbehaviour in the examination hall will render the candidate disqualified

(J) Railway Administration reserves the right to hold any re-examination or additional examinations/physical efficiency test/interview.

(K) For any legal action arising out of this employment notice the jurisdiction shall be CAT/Guwahati only.

(L) Do not buy the form from any person or agency as nobody has been authorised to sell forms.

(M) Railway administration is not responsible for any inadvertent error in the advertisement and will not be held for any postal delay or wrong delivery.

Dy. Chief Personal Officer (Gaz) & Controller of Recruitment

Annexure-A

APPLICATION FORMAT

(To be filled by the candidate in his/her own handwriting)

* Community (SC/ST) [ ] ** Division for which applied [ ]

* SC-Scheduled Caste; ST-Scheduled Tribe

** State choice for one Division only out of 4 Divisions i.e. Alipurduar, Katihar, Lumding & Tinsukia.

(Indicate your District and State according to present address)

DISTRICT [ ] STATE [ ]

Space for recent passport size photograph signed on the front of photograph by the candidate.

1. I do hereby apply for recruitment to Group 'D' post in ..... Division of NF Railway in response to Employment Notice No. NFR-2/2001 CATEGORY NO.01.

2. Name of the candidate :

3. Father's Name (Shri/Late):

4. (i) Date of Birth (in Christian Era): Date ___ Month ___ Year ___

(ii) Age as on 1.9.2001 : Year ___ Month ___ Days ___

(iii) If you claim age relaxation, state the reason thereof. (Documentary proof to be attached)

5. Full Postal Address for communication: (in capital letters):

Name.....

C/o.....

Road/Lane.....

Village.....

Post Office.....

Dist.....

Pin.....

State.....

6. Nearest Railway Station ..... Over ..... Railway

Candidate's signature

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ANNEXURE-24

Original Application No. 79 of 1996.

Date of decision : This the 11th day of January 1996

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

Hon'ble Shri G.L.Sanglyine, Administrative Member

Shri Ananda Ramchiary & 31 Others
All are ex-casual labourers
in the Alipurduar Division,
N.F.Railway.

By Advocate Mr. S.Sarma.

-versus-

1. Union of India,
represented by the General Manager,
N.F.Railway,
Maligaon, Guwahati-11.

2. The Divisional Railway Manager (P),
Alipurduar Junction,
Alipurduar.

3. The General Manager (Construction),
N.F.Railway, Maligaon,
Guwahati-11

..... Respondents

None appears on behalf of the respondents.

O R D E R

BARUAH J (V.C.).

Thirty two applicants have filed this present application. Permission as per the provisions of Rule 4 (5) (a) of the Central Administrative Tribunal(Procedure) Rules 1987 was granted by order dated 28.5.[illegible]

2. In this application the applicants have prayed for directions to the General Manager, Maligaon, to issue necessary approval [illegible]

Contd...

Attested.
Advocate

of the applicants made on or after 1.1.1981 and also to confer the benefits to the applicants as casual labourers under the rules and thereafter appoint the applicants against the available backlog vacancies meant for Scheduled Tribe candidates and another reliefs they are entitled to.

3. All the applicants belong to a community recognised as Scheduled Tribe and therefore they are entitled to special privileges under the Constitution. The applicant on being selected, were engaged as casual worker and had been working as such. They worked the requisite number of working days to get temporary status as well as other benefits under theScheme. However, service of the applicants had been terminated prior to 1981. Thereafter, in the year 1995, the Divisional Railway Manager, Alipurduar Junction, N.F.Railway, issued a circular dated 13.02.1995 regarding Special Recruitment Drive of SC/ST candidates. As per the said circular in order to clear the back log of SC/ST Group 'D' recruitment categories in terms of GM(P)/MLG's letter dated 1.7.1993, special recruitment drive was under the process and due to non-availability of Scheduled Tribe candidates amongst the existing casual labourers in combined seniority list, a list of SC/ST ex-casual labour of open line

Contd...

Attested
Advocate

and construction organisation was submitted by the Divisional Secretary AISCTERA/APDJ. In the said list names of 56 numbers of construction ex-casual labour was submitted. Pursuant to this list, the name of the applicants were included. However, name of the applicant No. 18 was not in the said list.

4. Heard Mr. S.Sarma, learned counsel appearing on behalf of the applicants.

5. Mr. Sarma submits that the authority after having decided to engage casual workers and application having been forwarded except the applicant No.18 they ought to have been engaged but nothing was done. Mr. Sarma further submits that non-action of the authorities to engage the applicants giving all the benefits they are entitled to under the scheme has caused great hardships to the applicants besides they are being prejudiced. Therefore he prays a direction to the respondents to act in terms of the decision taken by the authorities concerned as mentioned above.

6. On hearing the counsel for the applicant and on perusal of the application we feel it will be expedient if the applicants file representation giving details about their grievances within a period of one month from the date of receipt of this order. If such representation is filed within this period,

Contd...

Attested
Advocate

the authority shall consider the same and take a decision regarding engagement of the applicants. As the respondents have already taken a decision to engage the applicants there may not be any difficulty in taking such decision.

7. We, therefore dispose of this application with direction to the respondents to consider the case of the applicants if any representation is filed within one month from the date of receipt of this order and respondents shall take decision regarding the engagement of the applicants within two months thereafter.

8. Considering the facts and circumstances of the case, we however, make no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (Admn)

trd

Attested
Advocate