

FORM NO. @  
(See Rule 42).  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. \_\_\_\_\_

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

Contempt Petition No. 5/06 in o.A. 294/2004

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

Applicant(s) Arundhati Kolita  
Respondent(s) A. K. Sonwalkar & Ors.

Advocate for the Applicants G. K. Bhattacharyee, B. Chaudhury  
Mrs. B. Chakraborty

Advocate for the Respondent(s) \_\_\_\_\_

GGSC

S. Sarma v/s. St. Counsel

for Dispt. Nos. 2, 3 & 4.

Notes of the Registry Date

Order of the Tribunal

This Contempt petition dated 8.2.06.  
has been filed by the  
counsel for the petitioner  
for willful and intentional  
violation of the order dated  
1.4.2004 passed by this  
Hon'ble Tribunal in o.A 294/2004

Laid before the  
Hon'ble Court for further  
orders.

*Notified 7.2.06*  
Section Officer

*Par*

Pl. comply order dated  
8.2.06.

*NS  
10.2.06.*

Notice & order sent to  
D/Section for issuing to  
resp. nos. 1 to 4 by regd.  
A/D post. D/No. 219 to 222  
(C/7/206) Dt. 20/2/06

1m  
2.3.2006

Ms. B. Das, learned counsel entering  
appearance on behalf of the respondents  
submits that she would like to file  
to issuance of notice. Let it be done.  
post on 5.4.2006.

*Vice-Chairman*

bb

Contd... 3.

*Vice-Chairman*

2

05.04.2006 Mr. B. Choudhury, learned counsel for the applicant submits that he has received reply statement filed by the respondents and he would like to react by filing reply affidavit.

Post on 08.05.2006

1-3-06

- (1) Service report awaited.
- (2) No Reply has been filed.

2  
Vice-Chairman

Notice duly served  
on resp no-4/3

3/3/06

08.05.2006 and 2nd alleged contemnor wanted further time to file reply statement. Let it be done.

Post on 31.05.2006

4-4-06.

No W.L.S has been filed.

3  
Vice-Chairman

mb

31.5.2006

Ms.B.Devi, learned counsel for the alleged contemners submits that reply affidavit has been filed in respect of all the contemners. Mr.B. Choudhury, learned counsel for the applicant requests time to file ~~replies~~ additional affidavit. Let it be done.

Post on 22.6.2006.

4  
Vice-Chairman

- (1) Cause shown by Cont no-3
- (2) Show cause awaited & Cont. nos-1, 2 & 4.

5  
DM

9-5-06

Show cause reply by  
Appt. no. 1 has been filed.

30-5-06

No Reply filed by the  
Contemnor No-2.

6

C.P. 5/2006

Notes of the Registry	Date	Order of the Tribunal
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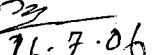
1.6.06 22.06.2006 Learned counsel for the applicant  
show cause reply  
wanted to have some more time to file  
rejoinder.  
Post on 12.07.2006.

  
Vice-Chairman

21-6-06 mb

Reply filed on behalf  
of R.No. 1 to 4.  
  
12.7.2006 Ms. B. Devi, learned counsel for the  
alleged contemners submits that reply affidavit  
has already been filed and the orders  
of the Tribunal have been complied with.  
Counsel for the applicant is not  
present. Post on 31.7.2006.

No rejoinder has been  
filed.

  
21.7.06.

Vice-Chairman

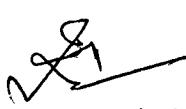
28-7-06  
Reply filed by the  
contemners no. 1-4.  


31.07.2006 Present: Hon'ble Sri K.V. Sachidanandan,  
Vice-Chairman.

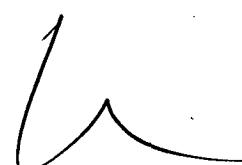
Hon'ble Sri Gautam Ray,  
Administrative Member.

Ms B. Devi, learned counsel for the  
respondents submitted that interim order  
that is being pressed by the learned  
counsel for the applicant has already been  
vacated. Let the document be produced.  
The Registry will also try to place such  
an order, if any.

Post on 01.08.2006.

  
mb

Member (A)

  
Vice-Chairman

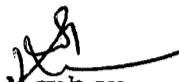
01.08.2006

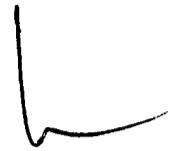
Heard learned counsel for the parties. The contempt petition is dismissed in terms of the order passed in separate sheets.

9.806

Copy has  
been collected  
by the applicant  
as a copy of the  
same has been  
sent to the offices  
of the Secretary to the  
Commissioner Not  
by post.  
R.H.

mb

  
Member

  
Vice-Chairman

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

C.P. 5 of 2006 (O.A. 294 of 2003)

01.08.2006

DATE OF DECISION

Sri A. Kalita ..... Applicant/s

Mr G.K. Bhattacharyya, Sr. Advocate and Mr. B. Choudhury ..... Advocate for the  
..... Applicant/s.

- Versus -

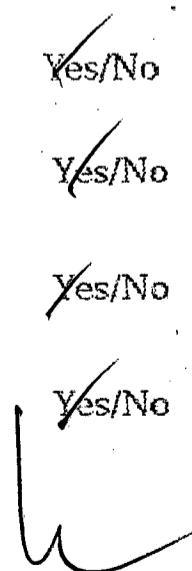
Sri A.K. Sanwalka & Others ..... Respondent/s

Mr S. Sarma and Ms B. Devi ..... Advocate for the  
..... Respondents

CORAM

HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN  
HON'BLE SRI GAUTAM RAY, ADMINISTRATIVE MEMBER

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

  
Vice-Chairman

6

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Contempt Petition No. 5 of 2006  
In  
Original Application No. 294 of 2003

Date of Order: This the 1st August 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

The Hon'ble Sri Gautam Ray, Administrative Member.

Sri Arundhoti Kalita  
W/o – Sri Arup Kr. Goswami  
Railway Quarter No. 167/B  
East Maligaon, Guwahati – 11.

... Petitioner

By Advocates Mr G.K. Bhattacharyya, Sr. Advocate and Mr B Choudhury and Mrs. B. Chakrabarty, Advocates.

- Versus -

1. Sri A.K. Sanwalka  
General Manager,  
N.F. Railway,  
Maligaon, Guwahati – 11.
2. S. Nurual Islam  
Chief Personal Officer,  
N.F. Railway, Maligaon  
Guwahati – 11.
3. Sri P.K. Singh  
Deputy Chief Personal Officer  
(Gaz), Office of the General Manager  
(Personal), N.F. Railway, Maligaon,  
Guwahati – 11.
4. Sri L.C. Trivedi  
Chief Safety Officer  
N.F. Railway, Maligaon  
Guwahati – 11.

... Contemners/  
Respondents

By Advocates Mr S. Sarma and Ms B. Devi.

\* \* \*



ORDER (ORAL)K.V. SACHIDANANDAN (V.C.)

This Contempt Petition has been filed by the Petitioner for non-compliance of the order dated 01.04.2004 passed by this Tribunal in O.A. No. 294 of 2003. The grievance of the Petitioner is that while she was working as Junior Scientific Officer on ad hoc basis, she was reverted to the post of Senior Scientific Research Assistant, which was challenged in O.A. No. 294 of 2003. This Tribunal vide order dated 01.04.2004 allowed the said Application with the following observations: -

"4. We have heard the learned counsel for the applicant at length. We find from the record that there was no order of abolition of the post of JSO. The post has been created by order dated issued by the Railway Board which is still in force and the General Manager cannot overriding the orders passed by the Railway Board abolish the post or restore it to Mechanic Branch. Though the respondents have denied the allegation that this order has been passed to accommodate some other person from personnel department but the fact remains that the post has not yet been abolished by the Railway Board and continues till today. This fact has been established by letter dated 22.04.96 (Annexure - G) written by the Executive Director Traffic Research (Psych.), wherein it has been clearly mentioned that as regards post of JSO is concerned, the N.F. Railway may fill up the post of local basis from its own sources and the present arrangement of utilizing a Calcutta based JSO is dispensed with. Thus we find that the order of reverting the applicant to the post of Sr. Scientific Research Assistant has been passed in an arbitrary manner as the post of JSO is still exist and has not been abolished and the applicant has a right to be continued to the post of JSO though purely on ad hoc basis. Since the sources to fill the post include the Traffic department to which the applicant belongs."

When the matter came up in Contempt Petition No. 31 of 2004, this tribunal vide order dated 17.02.2005 observed as follows:-

"We have heard Mr. G.K. Bhattacharyya, learned Sr. Counsel for the petitioner and Mr. S. Sarma, learned counsel for the respondents. It is stated by the respondents that pursuant to interim order dated 26.12.2003 passed in the aforesaid O.A. the applicant continues to occupy the post of JSO."

The Respondents approached the Hon'ble Gauhati High Court by way of filing Writ Petition (C) No. 5758/04, which has been dismissed on 13.09.2005.

2. Heard Mr. G. K. Bhattacharyya, learned Sr. Counsel for the Petitioner and Mr. S. Sarma, learned Counsel for the Respondents.

3. Mr. S. Sarma, learned Counsel for the Respondents submitted that the order of the Tribunal has already been complied with and compliance report of the order dated 02.11.2005 has also filed at annexure - VI to the Contempt Petition, wherein it is stated "The above promotion of Smt. Arundhati Kalita to the post of JSO(Group-'B')/HQ(Maligaon) is purely on adhoc basis and this will not confer on her any claim for automatic regular promotion to Group-'B' service or for seniority." Mr. G.K. Bhattacharyya, learned Sr. Counsel for the Petitioner submitted that this is not full compliance of the order of the Tribunal so far as the benefit of intermediate period, i.e. from 16.12.2003 to till the date of granting the benefit is concerned.

4. However, on going through the order dated 02.11.2005 and materials placed on record, we find that there is a substantial compliance of the order. Therefore, the Contempt Petition will not stand. Accordingly, the Contempt Petition is dismissed. However, the

Petitioner is given liberty to submit representation to the concerned authority for redressal of her grievance, if any, regarding what she is claiming now and the Respondents shall consider the same.

The Contempt Petition is dismissed as above. Notices, if any, are discharged.



( GAUTAM RAY )  
ADMINISTRATIVE MEMBER



( K.V. SACHIDANANDAN )  
VICE-CHAIRMAN

/mb/

केन्द्रीय न्यायालय  
Central Administrative Tribunal

- 7 FEB

गुवाहाटी बैच  
Guwahati Bench

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI  
BENCH : GUWAHATI

C.P. NO. 5 /2006.

IN O.A. NO. 294 OF 2004.

I N D E X

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(6)

Filed by :

*Mrs. Birena Chakravarty*  
Advocate

filed by the petitioner  
through  
Mrs. Bina Chakrabarty  
Advocate.

Amritkumar

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

C.P. NO. 5 /2006.

IN O.A. NO. 294 OF 2004.

IN THE MATTER OF :

An application under section 17 of the  
Administrative Tribunals Act., 1985.

- AND -

IN THE MATTER OF :

Intentional and willful disobedience of  
the order dated 01.04.2004 passed by  
this Hon'ble Tribunal in O.A. No. 294/  
2004.

- AND -

IN THE MATTER OF :

An application under Rule 24 of the  
C.A.T. (Procedure) Rules 1987 for non-  
implementation of the order dated  
01.04.2004 passed by this Hon'ble  
Tribunal in O.A. No. 294/2004.

- AND -

*Contd....*

IN THE MATTER OF :

Sri Arundhoti Kalita,  
W/o - Sri Anup Kr. Goswami,  
Railway Quarter No. 167/B,  
East Maligaon, Guwahati - 11

..... Petitioner.

- Versus -

1. Sri A.K. Sanwalkar  
General Manager, NF Railway,  
Maligaon, Guwahati - 11.

2. S. Nurul Islam  
Chief Personal Officer,  
N.F. Railway, Maligaon,  
Guwahati - 11.

3. Sri P.K. Singh,  
Deputy Chief Personal Officer,  
(Gaz), Office of the General Manager  
(Personal), N.F. Railway, Maligaon,  
Guwahati - 11.

4. Sri L.C. Trivedi,  
Chief Safety Officer,  
N.F. Railway, Maligaon,  
Guwahati - 11.

..... Contemnors/ Respondents

*Contd....*

The humble petitioner above named.

1. That the petitioner is presently serving the N.F. Railway as Junior Scientific Officer (Group - B) (hereinafter referred as J.S.O.) and at present she is posted in Psycho-technical cell under the Respondent No. 4 Office.
2. That the petitioner joined N.F. Railway service on 07.04.1997 as Senior Scientific Officer which is under the Operation Department, N.F. Railway.
3. That the petitioner begs to state that as per order dated 24.02.1993 issued by the Railway Board a Junior Scale Group - B post was created in Psycho-Technical cell and this post was subsequently designated as Junior Scientific Officer. This post could be filled up by transferring a regular post from traffic or Mechanical or Personnel Branch of their own Railway.

The petitioner by order dated 05.12.1997 was promoted to the post of Junior Scientific Officer (Group - B) and she continued to work as such. While working as such the petitioner was shocked and surprised when she received the order dated 16.12.2003 issued by the General Manager (P), whereby the petitioner was reverted back from the post of Junior Scientific Officer, Group - B to the post of Senior Scientific Research Assistant i.e., her substantive post with immediate effect. The petitioner being aggrieved assailed the reversion order dated 16.12.2003 before this Hon'ble Tribunal which was

*Contd....*

- 4 -

registered and numbered as O.A. 294/03 and this Hon'ble Tribunal by order dated 26.12.2003 directed the authorities to maintain status quo.

On 01.04.2004 the Hon'ble Tribunal after hearing the parties, issued a direction stating that the order of reversion was passed in arbitrary manner as the post of JSO was still existing and has not been abolished and the petitioner has a right to continue in the post and accordingly the reversion order dated 16.12.2003 was quashed and set aside.

A copy of the order dated 01.04.2004 is annexed herewith and marked as ANNEXURE - I.

4. That thereafter, the petitioner on receiving a copy of the Hon'ble Tribunal's order dated 01.04.2004 (Annexure - I), the petitioner on 5/6. 04.2004 submitted the order before the contemner/respondent No. 2 who received the same on that date.

A copy of the receipt of the order dated 5/6.04.2004 is annexed herewith and marked as ANNEXURE - II.

5. That thereafter the petitioner by virtue of this Hon'ble Tribunal's order has been rendering her services as Junior Scientific Officer and has conducted several psycho-Test for promotion of D.A.D. and A.S.M. but the respondents/contemners did not issued any order or taken any steps implement the order dated 01.04.2004 passed by this Hon'ble Tribunal.

*Contd....*

6. That the petitioner begs to state that inspite of her being continuing in the post of Junior Scientific Officer the respondents/contemners issued an order dated 01.07.2004 from the office of General Manager (S) Maligaon, stating that due to non-availability of JSO in N.F. Railway, Sri N.L. Sarma, Scientific Officer of S.E. Railway has given his consent to conduct the Psycho-Test of different categories of staff at Guwahati during July, 2004. The petitioner on coming over the above order was convinced that the contemner/ respondents are deliberately sitting over the order dated 01.04.2004 of the Hon'ble Tribunal and are not intending to implement the same and hence the petitioner filed a contempt petition before this Hon'ble Tribunal on 30.07.2004 which was registered and numbered as C.P. 31/2004. On 03.08.2004 this Hon'ble Tribunal issued show cause notice of contempt upon the Respondents/Contemners.
  
7. That the petitioner begs to state that after receiving the show cause notice in the contempt petition, the respondents/ contemner in order to overcome their dilly-dally attitude in implementing the order of the Tribunal filed a writ petition before the <sup>Hon'ble</sup> Gauhati High Court against the order of the Tribunal dated 01.04.2004 and the same was registered and numbered as <sup>w.p.(c)</sup> 5758/04.

On 13.08.2004 the Hon'ble Gauhati High Court admitted the writ petition and issued notice upon the Petitioner/ Respondent on the interim prayer for stay of the order of the Hon'ble Tribunal.

*Contd....*

- 6 -

8. That on 17.02.2005 when the contempt petition No. 31/04 came up for hearing before this Hon'ble Tribunal the respondents/contemners submitted that the contemners has preferred a writ petition against the aforesaid judgment and order of this Tribunal and the same was admitted. The respondents/contemners further stated that persuant to the interim order dated 26.12.2003 passed in the aforesaid Original Application, the petitioner is still continues to occupy in the post of JSO. On the submission made by both the parties the Hon'ble Tribunal held that the contempt petition be closed with liberty to the applicant to revive the same in case the aforesaid writ petition is dismissed.

A copy of the order dated 17.02.2005  
is annexed herewith and marked as  
ANNEXURE - III.

9. That thereafter the writ petition filed by the contemners/respondents came up for hearing before a Division Bench of the Hon'ble Gauhati High Court on 13.09.2005. The Hon'ble High court after hearing the parties and on consideration of the materials on record in their entirety held that it did not find any good and sufficient reason to interfere with the findings and/or conclusions of the Hon'ble Tribunal and dismissed the writ petition being without merit.

A copy of the judgment order dated  
13.09.2005 is annexed herewith and  
marked as ANNEXURE - IV.

10. That thereafter, the petitioner on receiving a copy of the judgment and order dated 13.09.2005 of the Hon'ble High

*Contd....*

Court, the petitioner on 21.09.2005 submitted a copy of the order dated 13.09.2005 before the contemner No. 1 along with an appeal/representation for release of the salaries and other dues entitled to her as JSO from 16.12.2003 (i.e. from the date of order of reversion set aside by this Hon'ble Tribunal and confirmed by the Hon'ble Gauhati High Court).

A copy of the above  
21.09.2005 is annexed herewith and  
marked as ANNEXURE - V.

11. That after a long time office of contemner/respondent No. 3 (i.e. General Manager(P)) issued office order No. 32/2005 (Traffic/Safety) dated 31.10.2005/02.11.05 whereby, surprisingly the petitioner in pursuance to the Hon'ble Gauhati High Court's Judgment and order dated 13.09.2005 was promoted to the post of the JSO (Group - B), Head Quarter, Maligaon and accordingly the petitioner submitted her assumption report on 07.11.2005.

It will be pertinent to mention here that as per Hon'ble Tribunal's order dated 01.04.2004 and also the Judgment and order dated 13.09.2004 passed by the Hon'ble High Court, the petitioner is in continuous service and also entitled for the salaries and other dues as JSO from the date of reversion order which was set aside by the Hon'ble Tribunal and the order of the Tribunal was also confirmed by the Gauhati High Court.

Copies of the order dated 31.10.2005/  
02.11.2005 and assumption report  
dated 07.11.2005 are annexed herewith  
and marked as ANNEXURE - VI AND  
VII respectively. Contd....

- 8 -

12. That the petitioner begs to state that after the order dated 31.10.2005/02.11.2005 (Annexure - VI and VII) and her assumption report dated 07.11.2005 (Annexure - VII) the petitioner has not been given the salaries and other benefits entitled to her as JSO. The petitioner further state that in order dated 17.02.2005 (Annexure - III) the contemnors/respondents admitted that she was continuing as JSO but inspite of the admission they have not paid her the salaries and other benefit due to her and she has been given salary at the lowest scale then what she was receiving before the order dated 16.12.2003.
13. That the petitioner begs to state that as per the Hon'ble Tribunal's order dated 01.04.2004 and the admission made by the Contemnors/Respondents in Contempt Petition 31/04 the petitioner is in continuous service as J.S.O. and she is entitled to the benefits due to her while working as J.S.O. It will be apperant from the order dated 31.10.2005/2-11-2005 the respondents are deliberately trying not to give the benefits to the petitioner and as such on 07.12.2005 the petitioner filed an appeal/representation before Respondent No. 2 praying for implementing the Hon'ble Gauhati High Court's order dated 13.09.2005 in its true spirit.

A copy of the representation dated 07.12.2005 is annexed herewith and marked as ANNEXURE - VIII.

14. That the petitioner begs to state that the above acts of the Respondents/Contemnors is contemptuous and amounts to willful and intentional disobedience of the order passed by this Hon'ble Tribunal and there can be no reasonable explanation for such act of contempt on the face of the record.

*Contd....*

- 9 -

15. That the petitioner states that the contemners are liable to be prosecuted and punished under the contempt of court proceeding.
16. That this application is filed bonafide and for the ends of justice.

It is, therefore, prayed that Your Lordship would be pleased to consider what is stated above, issue show cause notice to the Respondents/Contemners and take appropriate action for willful and intentional violation of the order dated 01.04.2004 (Annexure - I) passed by this Hon'ble Tribunal in O.A. 294 of 2004 and after hearing the causes shown, if any, be pleased to draw a contempt proceeding against the Respondents/contemners for imposition of appropriate punishment under the Contempt Court's Act and/or pass such order/orders as Your Lordships may deem fit and proper.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

Contd....

- 10 -

A F F I D A V I T

I, SRI ARUNDHOTI KALITA, wife of Sri Anup Kr. Goswami, aged about 39 years, resident of Railway Quarter No. 167/B, East Maligaon, Guwahati - 11, in the district of Kamrup, Assam do hereby solemnly affirm and state as follows :-

1. That I am the petitioner of the accompanying contempt petition and I am fully conversant with the facts and circumstances of the case.
2. That, the statements made in this affidavit and in paragraphs Nos. 1, 2, 4, 5, 10, 12, 13, 14, 15 and 16 of the petition are true to the best of my knowledge; those made in paragraphs Nos. 3, 6, 7, 8, 9 and 11 being matters of record, are true to my information derived therefrom which I believe to be true and the rest are humble submissions before this Hon'ble Court.

And I sign this affidavit on this 7th day of February, 2006 at Guwahati.

Identified by

*Biknam Choudhury.*

Advocate,

*Anundhati Kalita.*

D E P O N E N T

Solemnly affirmed and declared before me by the deponent who is identified by Biknam Choudhury Advocate, on this 7th day of February, 2006 at Guwahati.

*Motin Uddin Ahmed.*



ADVOCATE :: GUWAHATI.

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- 10 - (A)

DRAFT CHARGE

Whereas, the contemners namely (1) Sri A.K. Sonwalkar, General Manager, NF Railway, Maligaon, (2) S. Nurul Islam, Chief Personal Officer, N.F. Railway, Maligaon, are liable (3) Sri P.K. Singh, Deputy Chief Personal Officer, (Gaz), Office of the General Manager (Personal), N.F. Railway, Maligaon, (4) Sri L.C. Trivedi, Chief Safety Officer, N.F. Railway, Maligaon, are liable for contempt of Court's proceeding for their willful and deliberate violations of the order dated 01.04.2004 passed by the Central Administrative Tribunal, Guwahati Bench in O.A. No. 294 of 2004.

*Mrs. Birina Chatterjee*  
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 194 of 2003.

Date of Order : This the 1st Day of April, 2004.

The Hon'ble Shri Kuldip Singh, Judicial Member.

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

Smt. Arundhati Kalita,  
W/o Shri Arup Kumar Goswami,  
Railway Qrs. No. 167/B,  
East Maligaon, Guwahati-11. . . . Applicant.

By Advocate Sri Bipul Sarma.

- Versus -

1. Union of India,  
through the General Manager,  
N.F.Railway, Maligaon,  
Guwahati-11.
2. General Manager (Personnel)  
N.F.Railway, Maligaon,  
Guwahati-11.
3. Deputy Chief Personnel Officer,  
(Gaz), Office of the General Manager,  
Personnel, N.F.Railway,  
Maligaon, Guwahati-11.
4. Dy. Director, Estt.Gaz(Cadre),  
Railway Board, Rail Bhawan,  
New Delhi. . . . Respondents.

By Advocate (None present for the respondents)

O R D E R

KULDIP SINGH, MEMBER (J)

Heard Sri B.Sarma, learned counsel for the applicant.

None present for the respondents. However, we proceed to hear the matter under the provision of Rule 15 of the Central Administrative Tribunal (Procedure) Rules 1987.

2. This application has been filed challenging the arbitrary reversion of the applicant from the post of Junior Scientific Officer (Gr.B) which she was holding purely on ad hoc basis to the post of Senior Scientific Research Assistant i.e. her substantive post. The applicant submitted that vide order dated 24.2.93 issued by the Railway Board a Junior Scale Group B post was created which was subsequently designated as Junior Scientific Officer. <sup>Consequently</sup> This may be filled up by transferring a regular post from

contd..2

Attested by  
Mrs. Bipul Chakraborty

Traffic or Mechanical or Personnel Branch of their own Railway. The applicant belongs to Traffic branch and was ~~thus~~ posted to the post of Junior Scientific Officer. The applicant continued to work but suddenly the <sup>impugned</sup> order dated 16.12.2003 was issued by the General Manager(P), N.F.Railway, wherein it was mentioned that the post of JSO is restored back to Mechanical Department with ~~is~~ immediate effect and as a consequence thereof the applicant who was posted as JSO was ordered to be reverted to her substantive post of Sr. Scientific Research Assistant. The applicant thereafter filed an O.A. and this Tribunal vide order dated 26.12.2003 directed to maintain status quo. Notice was issued to the respondents.

3. The respondents filed their written statement contesting the case. In the affidavit the respondents pleaded that the post of JSO was created for operation in the psycho-technical cell by variation of a post of equivalent rank from the mechanical department and the said order also stated that the applicant who was working as Sr. Scientific Research Assistant was empanelled for promotion to the post of JSO Gr.B purely on ad hoc basis with the stipulation that this would not confer her any claims for regular promotion to Gr.B service and seniority. By the impugned order dated 16.12.2003 the post of JSO was restored back from the office of the Chief Safety Officer, N.F.Railway to the Mechanical Engineering department to which the post belonged. Consequently the order of reversion has been passed. Thus the respondents in the O.A. has taken a plea that the post of JSO is no more available to the applicant since the post has been restored to the mechanical department. Keeping in view the various considerations of administrative convenience the decision was taken to restore the post.

KA

contd..3

4. We have heard the learned counsel for the applicant at length. We find from the record that there was no order of abolition of the post of JSO. The post has been created by order dated issued by the Railway Board which is still in force and the General Manager cannot overriding the orders passed by the Railway Board. <sup>Abolition of post of JSO is not done by the Manager himself</sup> Though the respondents have denied the allegation that this order has been passed to accommodate some other person from Personnel department but the fact remains that the post has not yet been abolished by the Railway Board and continued till today. This fact has been established by letter dated 22.4.96 (Annexure-G) written by the Executive Director Traffic Research (Psych.), wherein it has been clearly mentioned that as regards post of JSO is concerned, the N.F. Railway may fill up the post on local basis from its own sources and the present arrangement of utilising a Calcutta based JSO is dispensed with. Thus we find that the order of reverting the applicant to the post of Sr. Scientific Research Assistant has been passed in an arbitrary manner as the ~~existing~~ post of JSO is still exist and has not been abolished and the applicant has a right to be continued to the post of JSO though purely on ad hoc basis. <sup>Since in houses to fill the post include the traffic department & which the applicant belongs to</sup> Accordingly we allow the O.A. and quash and set aside the order dated 16.12.2003 reverting back the applicant to the post of Sr. Scientific Research Assistant. <sup>on the same terms and conditions on Ad hoc basis for</sup> No order as to costs.

certified to be true Copy  
अमाधित अलिम्पिनी

sd/ MEMBER (J)  
sd/ MEMBER (Adn)

pg

Section Officer (S)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

155/4104

To  
The C.P.O.  
N. F. Railway, Maligaon  
Guwahati-781011

Dated: 05-04-2004

Sub: Hon'ble CAT's order dated 01-04-2004

Sir,

I have the honour to state you that I have attached herewith the Order given by Honourable CAT on dated 01-04-2004.

This is for your information and kind implementation of the same.

With thanks.

DA - As above

*Arundhati*  
(Arundhati Kalita)  
JSO, N. F. Railway  
Maligaon, GHY-11

Copy to:-

- 1) CSO/MLG
- 2) COM/MLG

*o/c*

*D.C.O.C.I  
C.G.T.O.S.*

*Recd  
M.D.I  
06/04/04  
S. T. S.  
S. B. P. C.*

*S. M. D. S. O. C. S.  
Dah 6/4/04*

*Attested by  
Mrs. Birendra Chakravarty*

CHIEF SUBJECT

Mr. G.K. Bhattacharya, Petitioner, 31/C/4

IN C.A. 294/C/3

Plaintiff(s) Smti. Ailundhanti Kalita  
Defendant(s) Respondent(s) Sri. Shyamal Kumar and others.

Advocate for the Plaintiff Mr. G.K. Bhattacharya, Mr. B. Chaudhury  
General for the Respondent(s) S.C. S. Sarma, R.L. Counsel for  
Report No. 2, 2001

OFFICE BENCH DATE: ORDER OF THE TRIBUNAL

17.2.2005 Present: Hon'ble Shri M.K. Gupta  
Judicial Member.

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

Wilful breach of directions  
issued by this Tribunal on 1.4.2004,  
disposing of O.A. No. 294 of 2003 is  
alleged in the present C.P.

If is contended by Mr S. Sarma,  
learned counsel for the respondents  
that a Writ Petition No. 5758 of 2004  
has been preferred against the  
aforesaid judgment and order of this  
Tribunal, and the same was admitted  
vide order dated 13.8.2004. Thereafter  
the said Writ Petition has not been  
listed till date, despite the fact  
that the reply has been filed by the  
applicant herein.

We have heard Mr. G.K.  
Bhattacharyya, learned counsel for the  
petitioner and Mr. S. Sarma, learned  
counsel for the respondents. It is  
stated by the respondents that  
pursuant to interim order dated  
26.12.2003 passed in the aforesaid  
O.A. the applicant continues to occupy  
the post of JSO.

Since the matter is under  
consideration before the High Court,  
we are of the view that it cannot be  
viewed that there was a wilful  
disobedience on the part of the  
respondents. Therefore, the present  
Contempt Petition is closed with  
liberty to the applicant to revive the  
same in case the aforesaid Writ  
Petition is dismissed.

S.D. Member (S)  
S.D. Member (C)

Attested to be true Copy  
Smti. Ailundhanti Kalita

Section Officer (S)  
C.A.T. GUWAHATI BANCH  
Guwahati-781005

Attested by  
Mrs. Bina Chakravarty

18.2.05

18/2/05

रायग्र और फॉलोनों की आवश्यकता  
संपूर्ण सूचित करने की निश्चित  
तारीख  
Date fixed for notifying  
the requisite number of  
stamps and follow.

अपूर्णित रद्दाप्र आर फॉलोनों  
देने की तारीख  
Date of delivery of the  
requisite stamps and  
follows.

संपूर्ण बेंगांक देने की तारीख  
प्रतिलिपि देखार भी  
Date on which the copy  
was ready for delivery.

संपूर्ण बेंगांक देने की तारीख  
प्रतिलिपि देखार भी  
Date of making over the  
copy to the applicant.

ANNEXURE-IV

9/05	17/9/05	17/9/05	17/9/05	17/9/05
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## THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR:  
TRIPURA: MIZORAM AND ARUNACHAL PRADESH)

WP(C) 5758/04

1. Union of India,  
Represented by the General Manager, NF Railway, ✓  
Maligaon, Guwahati.  
2. The General Manager,  
NF Railway, Maligaon, Guwahati.  
3. The Dy. General Manager (P),  
NF Railway, Maligaon, Guwahati.  
4. The Dy. Director Estt. Gaz (Cadre),  
Railway Board, Rail Bhawan, New Delhi.

.... Petitioners

Versus

Smt. Arundhauti Kalita,  
✓W/o Shri Arup Kr. Goswami,  
Railway Quarter, No. 167/B, R.T.A.T GUWAHATI  
East Malligaon, Guwahati-11, Assam.

... Respondent

### BEFORE

THE HON'BLE MR. JUSTICE AH SAIKIA  
THE HON'BLE MR. JUSTICE AMITAVA ROY

For the petitioners:-

Mr. S. Sharma,  
Ms. U Das, Standing Counsel, Railways.

For the respondent:-

Mr. GK Bhattacharjee, Sr. Advocate.  
Mr. B. Choudhury, Advocate.

Date of hearing:

13/9/2005

Date of Judgment:

13/9/2005

### JUDGMENT & ORDER(ORAL)

Amitava Roy, J

The judgment and order dated 1/4/2004 passed by the  
learned Central Administrative Tribunal, Guwahati Bench, (hereafter

referred to as the Tribunal) quashing the order dated 16/12/2003 issued by the General Manager (P), NF Railway has been called into question in this proceeding under Article 226 of the Constitution of India.

2. We have heard Mr. S Sharma, learned Standing Counsel, Railways for the petitioners and Mr. GK Bhattacharjee, Sr. Advocate assisted by Mr. B Choudhury, Advocate for the respondent/applicant.

3. A brief outline of the pleaded cases of the parties has to be made at the outset. The respondent/applicant approached the learned Tribunal being aggrieved by her reversion from the post of Junior Scientific Officer (Group 'B') held by her on adhoc basis to her substantive post of Sr. Scientific Research Assistant by the order dated 16/12/2003 impugned before the learned Tribunal. She had joined the services under the Railways on 7/4/1997 as Sr. Scientific Research Assistant in the office of the Chief Scientific Officer in the ~~GUWAHATI HIGH COURT AT GUWAHATI~~ Operation Department, NF Railway. The Ministry of Railways, Government of India, in the year 1993 decided and recommended creation of Psycho-Technical Cell in the Zonal Railways with a view to conduct psychological tests of certain cadres of recruitment to effectively deal with accident exigencies. With that end in view, the Railway Board decided to create posts in the Zonal Railways and for the purpose 7 posts of Jr. Scientific Officer were earmarked. In the letter dated 24/2/1993 to the said effect issued by the Deputy Director, Estt. Gaz. (Cadre), Railway, inter alia, the Central, the Northeast Frontier, and South Central Railways were permitted to find out the post of Junior Scientific Officer from the Traffic or Mechanical or Personnel Branch of their own Railways. This arrangement was also reflected in the letter dated 22/4/1996 issued by the Executive Director, Traffic Research (Psych.) of the Research and Designs and Standards Organisation, Ministry of Railways addressed to Chief Safety Officer, NF Railway, Guwahati. It was mentioned therein that the matter of identifying the post of Junior

Scientific Officer by the Zonal Railways from within their own resources from the Traffic, Mechanical or personnel Department was within their competence for which the sanction of the Board existed. It underlined that no further reference to the Board was necessary for the said purpose. It was further indicated that other Railways, which were required to take similar steps, had already complied with the Board's order as above.

1. A post of Assistant Mechanical Engineer in the Mechanical Engineering Department, NF Railway was thereafter identified to be designated as Junior Scientific Officer (Group B) in the operating department in which the respondent applicant was serving. Accordingly she on being empanelled for promotion to the said post on adhoc basis was appointed thereto on 5/12/1997. At the relevant time, the respondent applicant was holding the post of Sr. Scientific Research Assistant in the substantive capacity. While she was continuing as such the order of reversion was passed.

5. In the written statement filed by the respondent Railways, it was inter alia contended that the transfer of the post of Assistant Mechanical Engineer from the Mechanical Engineering Department to the Psycho Technical Cell where the respondent applicant was serving, <sup>was</sup> on purely temporary basis and that her adhoc promotion to the said post was only a stop gap arrangement which did not confer any right on her. While acknowledging the arrangement reflected in the letter dated 24/2/1993 authorizing the Zonal Railways to make their own arrangement to identify the required posts of Junior Scientific Officer (Group 'B') from their branches, it was sought to be contended that the order of reversion was necessitated by administrative requirements and, therefore, was unassailable.

6. The learned Tribunal on a consideration of the pleadings of the parties and other materials on record held that as the post of Junior Scientific Officer (Group 'B') held by the respondent applicant

had been created by the Railway Board, the General Manager, NF Railway, who passed the order of reversion, had no authority to override the arrangement and consequently her reversion was unsustainable in law. While coming to the said conclusion, the learned Tribunal noticed the letter dated 22/4/1996 referred to above and conclude that in the facts and circumstances of the case, the order of reversion was passed in arbitrary exercise of power. Having held that the post of Junior Scientific Officer (Group 'B') continues to exist, the reversion of the respondent applicant was declared as honest in law and quashed.

7. Mr. Sharma has argued that the promotion/appointment of the respondent applicant to the post of Junior Scientific Officer (Group 'B') transferred from the Mechanical Department of the NF Railway being *per se* illegal for lack of necessary approval of the Railway Board, she had no subsisting right to continue therein and, therefore, the learned Tribunal erred in law and on facts in interfering with her reversion. The transfer of the post from the Mechanical Department was purely temporary and consequent upon the administrative necessity thereof. In the parent department, the respondent applicant who was holding the same on purely adhoc basis had to be reverted as the necessary corollary. As her adhoc promotion to the post of Junior Scientific Officer (Group 'B') by the very nature thereof did not confer any right on her, the order of reversion on administrative demand ought not to have been interfered with. Mr. Sharma further argued that the adhoc promotion of the respondent applicant had been against the relevant recruitment Rules.

8. Mr. Bhattacharjee in reply has submitted that it being apparent from the contemporaneous records that the identification of the post of Junior Scientific Officer (Group 'B') in the Psycho Technical Cell where the respondent applicant is serving had been made with the approval of the Board and she having been promoted

to the said post being one of the empanelled candidates therefor the order of reversion is *per se* illegal and, therefore, the learned Tribunal was perfectly justified in interfering therewith. According to him, the respondents having failed to plead want of Board's approval and violation of the recruitment rules in their written statement before the learned Tribunal, the contentions to the above effect ought not to be entertained by this Court. That the re-designation of the post brought from the Mechanical Engineering Department and adhoc promotion of the Respondent applicant had the approval of the Board, according to the learned Sr. Counsel is also borne out by the communication dated 10/2/2000, Annexure VII to the counter filed by the respondent applicant to the additional affidavit of the Railways and therefore no case having been made out for interference of the Court, the petition is liable to be dismissed.

9 GAUHAWI have carefully considered the rival submissions. The authenticity of the communications dated 24/2/1993, 22/4/1996 and 10/2/2000 referred to in the above narration has not been disputed by the Railways and rightly so, being their own documents. The empowerment of the Central, Northeast Frontier and South Central Railways to identify posts by transferring regular posts from Traffic or Mechanical or Personnel Branch of their own Railways and to designate those as Junior Scientific Officer as contained in the letter dated 24/2/1993, which forms the standing plank of the case of the respondent applicant in our view needs to be extracted for ready reference.

"Jr. Scale/Group 7 posts i.e.

2 posts for RDSO, 1 post each for  
CR, NE, SC and SE Railways.

RDSO at present has 4 posts at HQS (Lucknow). 2 should be retained with RDSO and 2 should transferred, one each to NE and

SE: Railways. The Central, Northeast Frontier and South Central Railways should find the post by transferring a regular post from Traffic or Mechanical or Personnel Branch of their own Railway. Personnel Branch of their own Railways should provide one post of Junior Scientific Officer by March 31, 1995)."

10. The above quoted portion of the letter dated 24/2/2003 issued by the Railway Board makes it abundantly clear that the Railways referred to therein were authorized to identify posts from their branch to designate the same as Junior Scientific Officer to meet their administrative needs. No reservation as such is noticeable in such authorization. The letter dated 22/4/1996 is more categorical in its contents and tenor. It clearly discloses that in terms of the Board's sanction, the post of Junior Scientific Officer had to be allotted from the own resources of the Zonal Railways out of the cadres of Traffic, Mechanical or Personnel department to be identified as Group 'B' post. It is more than apparent therefrom that the Railways concerned were competent to do so for which the sanction of the Board subsisted. It is made clear therein that to effect the arrangement as indicated, no further reference to the Board was necessary and that other Railways similarly situated had in the meantime taken identical steps.

11. Obviously it was thereafter that by order dated 5/12/1997, the respondent applicant was promoted to the post of Junior Scientific Officer (Group 'B'), the post having been brought from the Mechanical department in conformity with the above authorization. The appointment order demonstrates that the applicant had been empanelled for such promotion,

adhoc though. There is no indication therein that the post against which the respondent applicant was promoted had been brought to the Psycho Technical Cell on temporary basis and that the same could be withdrawn at any point of time. In the letter dated 10/2/2000 issued by the Research Designs and Standards Organization, Govt. of India and forwarded to the General Managers (Safety) of all Railways, the above arrangement has been shown to be continuing.

12. On a joint reading of the communications referred to above, we are persuaded to hold that the arrangement of bringing the post of Assistant Mechanical Engineer from the Mechanical Department to the Psycho Technical Cell and providing adhoc promotion to her was with the approval of the Board. Mr. Sharma has failed to bring to our notice any order of the Board rescinding the said arrangement or withdrawing its approval thereto.

*CHS*  
**ASSAM HIGH COURT AT GUWAHATI**  
13. The Railways in their written statement before the

learned Tribunal had failed to take the plea that the respondent applicant's promotion to the post of Junior Scientific Research Assistant had been without the approval of the Board or that it was against the Recruitment Rules. There being no pleading to the above effect; we are not inclined to entertain the submissions bearing thereon. There being no indication in the order dated 5/12/1997 that the promotion of the respondent applicant was subject to the approval of the Board or that the post was liable to be withdrawn at any point of time, the contention to the said effect also does not appeal to us. On the other hand, the said order clearly indicates that the same had been issued with the approval of the competent authority.

14. It is a trite law that an order made by a public authority has to be construed on the basis of the contents thereof and cannot be allowed to be supplemented by additional pleadings.

15. On a consideration of the materials on record in their entirety we do not see any good or sufficient reason to interfere with the findings and/or conclusions of the learned Tribunal. There being no illegality or perversity in the decision making process and the deductions being based on the facts on record, no interference in exercise of power of judicial review is warranted.

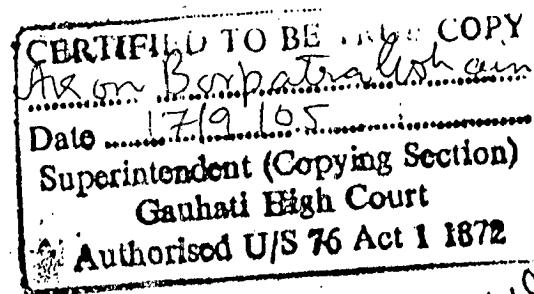
In course of the arguments, Mr. Sharma has informed this Court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may, in view of the determination on the issues raised before us, we do not find it to be a fit case to interfere with the conclusions recorded by the learned Tribunal. In view of the above, the petition being without merit fails and is, therefore, dismissed. No costs.

Sd/- Amitava Roy  
GAUHATI HIGH COURT AT GUW<sup>H</sup>AJ<sup>T</sup>  
Judge

Sd/- A. H. Saikia

P/No:- 40527

dd 17/9/05



HS  
17/9/05

Attested by  
Mrs. Birena Chakraborty

• No. T/2/48-P (Unit)  
To

Date: 21/9/05

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

Sub: Appeal for payment of my salaries and other dues.

Ref: i) Order dt. 01.04.2004 passed by Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. 294 of 2003 (Arundhati Kalita -vs- Union of India & Ors ).

ii) Order dt. 13.09.2005 passed by Hon'ble Guwahati High Court in W.P.(C) 5758/04 (Union of India & Ors -vs- Arundhati Kalita).

Sir,

With honour and humble submission I beg to state that I joined N.F.Railway as Senior Scientific Research Assistant (S.S.R.A) in April 1994 and was promoted to the post of Junior Scientific Officer (JSO) on adhoc basis in December, 1997. Since then I have been discharging my duties as JSO continuously and to the best of my knowledge and capacity. An office order however, was issued by the Dy. C.P.O (Gaz) on behalf of the G.M.(P) on dated 16.12.2003 under Memo No. E/283/82//Pt. XVII (O) reverting me to the post of S.S.R.A with immediate effect on the plea that the Gr. B post of the Mechanical Department which had been variated for operation as J.S.O vide Office Order No. 84/94 (Traffic) dt. 1/5-4-1994 and 202/97 (Mech) dt. 5-12-97 was restored back to the original department and consequently I was reverted.

Being aggrieved I filed an original application before the Hon'ble central administrative Tribunal (CAT) challenging the aforesaid order dated. 16-12-2003 and the same was registered and numbered as O.A.294/2003.

The Hon'ble Tribunal on dt. 01-04-2004 after hearing the parties held that "...the order of reverting the applicant to the post of Sr Scientific Research Assistant has been passed in an arbitrary manner as the post of J.S.O. still exist and has not been abolished and the applicant has a right

*to be continued to the post of J.S.O. purely on adhoc basis".* Accordingly the O.A. was allowed and the order Dt. 16-12-2003 quashed and set aside.

(A photocopy of the CAT's order is enclosed herewith for your perusal )

Thereafter, the Railway authorities went on appeal and filed a writ petition before the Hon'ble Gauhati High Court challenging the order of the CAT dated 01-02-2004 and it was numbered as W.P.(C) 5758/04.

On 13.09.2005 the Hon'ble High Court after hearing both the parties and on consideration of the materials on record in their entirety held that there was no good or sufficient reason to interfere with the findings and /or conclusions of the learned Tribunal and the aforesaid writ petition "*being without merit fails and is therefore dismissed.*"

(A photocopy of the Hon'ble Gauhati High Court's Order is attached herewith for your perusal .)

Under the circumstances I pray before your goodself to pass necessary orders so that I can effectively render my duties as J.S.O. and that steps be taken for early release of my salaries and all other dues along with arrears from which I have been deprived of following the reversion order dt. 16-12-2003 inspite of the interim order dt. 26-12-2003 passed by the Hon'ble Tribunal and the fact that I am discharging my duties as J.S.O. till date.

With regards,

Date: 20/09/05

Yours faithfully ,

*Arundhati Kalita*  
21/9/05.  
(Arundhati kalita)  
J.S.O. N.F.Rly  
Maligaon,Ghy-11

Copy to:

- 1) C.P.O. N.F.Rly/MLG
- 2) C.O.M.N.F.Rly/MLG✓
- 3) C.S.O.N.F.Rly/MLG
- 4) ED Traffic/Psycho, R.D.S.O./LKO
- 5) Dy Director, Estt.Gaz(Cadre)  
Railway Board, New Delhi.

*Dec 8/05*  
22.9.05,  
(CPO)

*Despatched*  
26/9/05  
(RDSO)

Attested by  
Mrs. Bibina Chakravarty

Arundhati Kalita, Senior Scientific Research Assistant/HQ

ANNEXURE 37

North East Frontier Railway

OFFICE ORDER NO. 32/2005 (Traffic/Safety)

The following orders are issued with immediate effect: -

- 1) The JS/Group-'B' post of AOM/KIR, on being vacated by Shri S. V. Janabandhu, who has been promoted to Sr. Scale and posted as DOM/KIR vide GM(P)/MLG's office order No. 31/2005 (TT&CD) dated 31.10.2005, is temporarily variated for operation as JSO(Group-'B')/HQ (Maligaon).
- 2) In pursuance of Hon'ble Guwahati High Court's judgment dated 13.09.2005 in WP(C) 5758/04, Smt. Arundhati Kalita, Senior Scientific Research Assistant in scale Rs.5,500-9,000/- is promoted to the post of JSO(Group-'B')/HQ (Maligaon), purely on adhoc basis, against the variated post indicated vide SI. No. 1 above, with the following conditions: -
  - (i) The above promotion of Smt. Arundhati Kalita to the post of JSO(Group-'B')/HQ (Maligaon) is purely on adhoc basis and this will not confer on her any claim for automatic regular promotion to Group-'B' service or for seniority.
  - (ii) Smt. Kalita must submit an assumption report on her promotion to the above post of JSO (Group-'B') on adhoc basis.

This issues with the approval of Competent Authority.

Ad.  
31.X.05  
(S. K. Chowdhury)  
APO(Gaz)  
for General Manager (P).

Maligaon, dated: 31.10.2005  
02-11-2005

No. E/283/82 Pt.XVII (O)

Copy forwarded for information and necessary action to: -

- 1) COM, CSO, CME, CPO & SD-GM/MLG.
- 2) DRMs/DRM(P)S/N. F. Railway.
- 3) FA&CAO/EGA & PF/MLG
- 4) Secy. to GM/CPRO/Sr.EDPM /DGM(G)/MLG
- 5) PPS to GM & ASY to AGM/1 LG
- 6) SPO(T), APO/W & APO/LC/ 1LG
- 7) Chief OS/ET and OS/EO-BII
- 8) GS/NFRPOA, NFREU & NFR MU/MLG
- 9) Smt. Arundhati Kalita, Senior Scientific Research Assistant/HQ.

Ad.  
31.X.05  
(S. K. Chowdhury)  
APO(Gaz)  
for General Manager (P).

Attested by  
Mrs. Biswa Chakravarty

No- T/2/48/P(Unit)  
To  
CPO/MLG  
N.F. Railway, Maligaon.

Maligaon  
Dated : 07-11-05

Sub : Assumption Report.

Ref : - Office Order No. 32/2005 (Traffic/Safety), circulated under GM(P)'s letter No. E/283/82/ Pt.VII(O) dt.31-10-2005.

Sir,

I beg to state that in regard to the Office Order No. 32/2005 (Traffic/Safety), circulated under GM(P)/MLG's No.E/283/82 Pt.XVII (O) dated 31.10.2005, I have been continuously working as J.S.O since my joining in the post of J.S.O on dated 5-12-97. I further like to draw your attention to the fact that the Hon'ble CAT/GHY had already quashed and set aside the GM(P)/MLG's Office Order No. E/283/82/Pt.XVII(O) dated 16-12-03 in its verdict on the O.A.294 of 2003, dated 01-04-04 which has been upheld by the Hon'ble Gauhati High Court in its judgment on 13-09-05 on the Writ Petition (C) No 5758/04 and as such there is no question of my assuming report again.

Further, that I have been continuously working as J.S.O has been admitted by the Rly authority in the Hon'ble CAT /GHY as will be apparent from Order dated 17-02-05 passed in the hearing of the C.P.No 31/2004.

The undersigned therefore likes to put forward a copy of her original joining report in regard to your Office Order No. 32/2005 (Traffic/Safety) dated 31.10.2005 for your kind consideration and necessary action.

I also pray before your goodself to kindly implement the judgment passed by the Hon'ble CAT/GHY, dt.1-04-2004 in OA 294/03 so that I am not compelled to revive the C.P No. 31/04 as allowed by the Hon'ble Tribunal.

Thanking you,

Yours faithfully

DA - 2 (two)

(Arundhati Kalita)  
J.S.O/ N.F.Rly

Copy to : -1) Secy to GM/N.F. Rly for information of GM please.  
2) COM & CSO for kind information please  
3) FA & CAO / EGA & PF for kind information please  
4) Chief OS/ET & OS/EO-Bill for information.

*Arundhati*  
(Arundhati Kalita)  
J.S.O/ N.F.Rly

*O/c*

*Despatched*  
8.11.05.  
2(CPR)

*Despatched*  
S. 7.11.05

*Attested by*  
Mrs. Biria Chakravarty

No- T/2/48/P (Unit)

To  
CPO/MLG  
N.F. Railway, Maligaon.

Maligaon  
Date: 07/12/2005

Sub : Prayer for implementing the Hon'ble Gauhati High Court's Order in toto.

Ref : - No- T/2/48/P (Unit) dated 07-11-2005.

Sir,

With honour I beg to state that in regard to the Office Order No- 32/2005 ( Traffic Safety), I have submitted a copy of my original assumption report submitted at the time of my joining to the post of JSO in 1997.

I am very much grateful to you for the steps you have taken in pursuance to the Hon'ble Gauhati High Court's judgement dated 13-09-2005, which uphold the verdict of the CAT- GHY dated 1-04-2004. In this regard I pray you kindly to pursue the judgement of the CAT-GHY in toto which by its verdict orders *set aside* the Office Order No E/283/82/ Pt.XVII(0) dated 16-12-03 and terms it '*arbitrary*' on the part of the administration.

On the basis of the above cited order of CAT- GHY, as well as your submission in the Hon'ble Tribunal on dated 17-2-05 I humbly request you to provide me all the benefits in regard to my continuity in the Post of JSO and the dues i.e. my salaries and the arrears accordingly from which I have been deprived of following the office order dated 16-12-03 and do not compell me to revive the contempt petition in the Hon'ble Tribunal , even against my will.

With regards,

Yours faithfully

*Arundhati Kalita*  
(Arundhati Kalita)  
J S O / N.F Rly

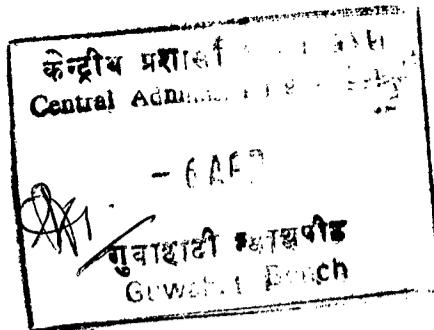
Copy forwarded to :-

1. Secy to GM/N.F. Rly. for kind information of GM please.
2. COM for kind information please.
3. CSO for kind information please.

*OK*  
(Arundhati Kalita)  
J S O / N.F Rly

*Rec'd*  
*10/12/05*

Attested by  
Mrs. Birina Chakravarty



40  
Filed by : -  
The Contumex No. 3  
through  
Bordona Devi  
Advocate  
5.4.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.P. NO 05/06.

D.A. NO 294/04

Smt. Arundhuti Kalita.

-vs-

A.K. Sanwalka & ors.

IN THE MATTER OF:

Show Cause reply filed by the  
respondent No. 3.

1. That a copy of the C.P., has been served on the respondent and the respondents have gone through the copy of the C.P. filed by the applicant and have understood the contents thereof.
2. That save and except the statements which are specifically admitted hereinbelow, other statements made in the C.P. are categorically denied. Further the statements which are borne on records are also denied and the applicant is put to the strictest proof thereof.
3. That with regard to the statement made in para 1, and the answering respondents while denying the statement made therein begs to state that the petitioner is presently serving as JSO purely on adhoc basis. That the petitioner was reverted to

her substantive post of Sr. Scientific Research Assistant from Junior Scientific Office Gr. 'B' on 16.12.2003 and since then she was paid the pay of scale of Sr. SRA till her repromotion as JSO vide GM(P)IMLG's office order No. E12B3/82/Pt. XVII (8) dt 31.10.05 purely on adhoc basis and this does not confirm on her automatic regular promotion to group 'B' or for seniority. She resumed the present office on 07.11.05.

It is to be mentioned that the petitioner being aggrieved by the office order dt. 16.12.03, filed a OA in the Hon'ble CAT/Guahati which was registered as O.A. No. 294/04. The Hon'ble Tribunal disposed of the OA on 01.01.04. The respondents, i.e. the present contemners have assailed order of the Tribunal before the Hon'ble Guahati High Court by filling the WP(C) No. 5758/04, which was also disposed of by the Hon'ble High Court on 13.09.05.

That on receipt of the Hon'ble High Court order dt. 13.09.05, the present contemners have immediately proceeded to implement the CAT/GHY's order dt 01.04.05 and issued the promotion order of Smt. A. Kalita, as JSO on purely adhoc basis vide GM(P)/WILG's O.O dt. 31.10.05. That in terms of the order dt. 31.10.05, the applicant resumed her duty as JSO, on 07.11.05. It is therefore the intention of the contemners regarding violation of the Judgment passed by the Hon'ble Tribunal as contended does not arise. The allegation raised by the petitioner is baseless and ill founded. As soon as the Judgment passed by the Hon'ble High Court was received, it was implemented without any delay. It is stated that at no point of time there was even any attempt to violate the Judgment passed by the Hon'ble Tribunal.

4. That with regard to the statement made in para 3 of the C.P., the answering respondents beg to state that the as per Railway Board's order dt. 24.02.1993 the post in question i.e., the post of JSO was operated by transferring a regular post from Mechanical Dep'tt. i.e. AME. Accordingly Smt. Kalita was promoted to JSO on adhoc basis on 05.12.1997. for operation of Psycho technical cell/under CSD/N.F. Railway, Maligaon.

That the present petitioner, being Group-'B' officer on adhoc should have the full Knowledge that an adhoc arrangement could not be made for longer period but it is only a stop gap arrangement. An adhoc appointee can not claim right of regularization of her promotion or seniority except her own post i.e. substantive post as Sr. Scientific Research Assistant. Therefore, her claim for continuation as JSO on adhoc basis was clearly against the perview of this Railway Administration.

Though the post of JSO exists in CSD Psycho-technical Cell, the same could not be continued as soon as when the post of AME (safety) was restored back to Mechanical Department. (from which AME/Safety was transferred to operate as JSO) for administrative exigencies and as a consequence, Smt. Kalita was to revert back to his substantive post of Sr. SRA vide GM(P)/MLG's O.O dt. 16.12.03.

5. That with regard to the statement made in para 4 of the C.P. the answering respondents begs to state that against the judgment and order dt. 01.04.04, Writ Petition was preferred before the Hon'ble Guwahati High Court which was registered as WP(C) No. 5758/04.

6. That with regard to the statement made in para 5 of the C.P., the answering respondents begs to state that the it is wrong state that the petitioner was rendering as JSO by virtue of the Hon'ble Tribunal order dt. 01.04.04. Against the Hon'ble Tribunal's judgment and order the respondents assailed the matter before the Hon'ble High Court in which the petitioner had filed her counter affidavit and the matter was disposed of by the Hon'ble Court on 13.09.05. Therefore, her continuation and rendering the duty as JSO does not arise. Moreover, her pay was fixed at her substantive post of Sr. SRA after her reversion. It is also stated that to conduct Psycotest, for candidates of N.F.Railway, assistance of Scientific Officer from S.E.Railway, was taken. For performing the same job, two persons can not be paid the salary of JSO, moreso, when administrative order of reversion of the applicant was in operation. Till the order of promoting her to the post JSO, is issued by administrative, she had no right to perform the duty of JSO. However, it is admitted that various administrative concerned of N.F. Railways made official correspondences addressed to JSO, Psycho-technical cell under CSO/MLG and thereby believed that Smt. Kalita was performing as JSO, inspite of the fact that she was reverted to her substantive post on 16.12.03.

7. That with regard to the statement made in para 6, 7 and 8 the answering respondents begs to state that it is wrong to state that the respondents/present contemners were deliberately sitting over the judgment and order dt. 01.04.04 of the Hon'ble Tribunal, Instead on receipt of the said order, the contemner being aggrieved, assailed the matter before the Hon'ble High

Court by filing a Writ petition, which was numbered as WP(C) No. 5758/05. The petitioner apprehensive of filing such writ petition by the respondents filled a Caveat before the Hon'ble Gauhati High Court. The Caveat was discharged on 13.08.04 and the petitioner had also filed her counter affidavit. But suppressing all these facts, the present petitioner had filed a Contempt Petition No. 31/04 in OA No. 294/03 before the Hon'ble Tribunal.

However, the Hon'ble Tribunal was pleased to close the contempt petition under the following observation-

"Since the matter is under consideration before the High Court we are of the view that it cannot be viewed that there was a willful disobedience on the part of the respondent. Therefore the present contempt petition is closed with liberty to the applicant to revive the same in case the aforesaid is dismissed."

8. That with regard to the statement made in para 9 of the C.P. the answering respondents begs to state that the Hon'ble High Court dismissed the WP(C) on 13.09.05 with the following observation-

"In course of argument, Mr. Sarma has informed this court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may in view of the determination on the issues raised before us, we don't find it to be a fit case to interfere with the conclusions recorded by

the learned Tribunal. In view of the above, the petition being without merit fails and is, therefore dismissed.

That on receipt of the Hon'ble High Court's order dt. 13.09.05, the present respondents without any delay complied the order dt 01.04.04 passed by the Hon'ble CAT/GHY and repromoted the petitioner as JSO on purely adhoc basis vide GM(P)/MLG's order dt. 31.10.2005, thereby the Hon'ble Tribunal's order has implemented honorably. This shows that the respondents have got fullest respect to the directions contained in the judgment and order passed by the Hon'ble Tribunal.

9. That with regard to the statement made in para 10 of the C.P the answering respondents begs to state that the arrear salary as JSO, from the date of reversion dt. 16.12.03 till her repromotion as JSO as per judgment of the Hon'ble High Court read with the Hon'ble Tribunal's judgment and order dt. 01.04.04 does not arise. The petitioner had never performed the duty of JSO nor she was shouldering the responsibility of JSO since after 16.12.03. Arrear of salary on adhoc arrangement more so, without shouldering the responsibility of duty cannot be claimed. The claimant was entitled for substantive pay of Sr. SRA which was paid to her. Infact, to perform the duties of JSO, assistance from SE Railway was taken to conduct the psychotest for the candidate of N.F.Railway.

10. That with regard to the statement made in para 11 of the C.P the answering respondents while denying the statement made therein begs to state that no administrative order was

issued to discharge the duty of JSO after reversion to her substantive post of Sr. SRA and she was paid the salary of same post, therefore payment of arrear as JSO since her reversion does not arise. It is stated that the law is well settled the ad-hoc appointment is a stop gap arrangement and it is directly related to availability of work.

11. That with regard to the statement made in para 12 the answering respondents begs to state that the petitioner has been repromoted/appointed to JSO purely on adhoc terms & conditions in pursuance of the Hon'ble High Court's order dt. 13.09.05 vide GM(P)/MLG's office order dt. 31.10.05. Accordingly she is being paid the salary of JSO. After her reversion, she was paid the salary of her substantive post of Sr. SRA till her assumption as JSO on 31.10.05/02.11.05.

It is also stated that Smt. A. Kalita was reverted to her substantive post of S.S.R.A. w.e.f. 16.12.03 and Hon'ble CAT/Guwahati vide their order dated 26.12.03 before admitting the OA No.294/03 have passed orders as "Let the Present Status Quo as on today continue till next date." After that on 26.2.04 Hon'ble CAT while admitting the OA has passed orders as Application was admitted and called for record. Meanwhile there is no bar to implement the office order dated 16.12.03." Hence on date 26.12.03 when Hon'ble CAT/Guwahati has passed orders for Status Quo, Smt. A.Kalita's status was S.S.R.A.

12. That with regard to the statement made in para 13, the answering respondent begs to state that as already stated in para 6 this Railway took the assistance of Scientific Officer, S.E.Railway to conduct psycho test for candidates of N.F.Railway.

Hence making payment of salary as JSO to Smt. A. Kalita does not arise.

13. That with regard to the statement made in para 14 to 16, the answering respondent begs to state that in pursuance of the Hon'ble High Court Judgment dt. 13.09.2005, as well as the judgment and order dt. 01.04.04 passed by the Hon'ble Tribunal in DA No. 294/03, has been complied with Honorable without any delay and there was no ulterior motive or with intention to defeat the right of the petitioner as contended. As per utmost administrative exercisability the order of the Hon'ble High Court as well as the Hon'ble Tribunal's judgment and order has been implemented in its true spirit, therefore the present contempt petition filed against the Respondents/contemners is liable to be dismissed with cost.

14. That the respondent/Contemners beg to state that the petitioner in his petition has raised various allegation indicating disregard to the Court orders, which is not at all correct and same is denied. None of the petitioner nor his agent even apprised the Railway authority regarding any kind of allegation as indicated in the petition. Even assuming but not admitting there is any such violation, that may be treated as unintentional and for the same the contemners/respondents through this reply place their unconditional apology with an assurance of not repeating the same in future.

## AFFIDAVIT.

I Shri. Pradeep Kumar Singh aged about 40 years, resident of Maligaon ..... in the Dist. of Kamrup do hereby solemnly affirm and state as follows;

1. That I am the Dy. CPO/ GAZ ..... under N.F.Railway, Maligaon, Guwahati, Assam and as such am well acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying petition in paragraphs 1, 2, 5 ..... and 3, 4, 6-13 ..... are true to my knowledge and the statements made in paragraphs ..... are matters of records and rests are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 5<sup>th</sup> day of April ..., 2006.

Pradeep Kumar Singh

DEPONENT.

Identified by  
Bonoban Devi  
Advocate.

Solemnly affirm and state by the deponent who is identified by Ms. B. Devi, Advocate on this the 5<sup>th</sup> day of April 2006, before me.

Mridulatha Damer  
Advocate

Central  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
Guwahati Bench

- 9 MAY

C.P. NO 05/06.

O.A. NO 294/04

Smt. Arundhuti Kalita.

-Vs-

A.K. Sanwalka & ors.

IN THE MATTER OF:

Show Cause reply filed by the *N. P. R.*  
respondent No. 1.

1. That a copy of the C.P. has been served on the respondent and the respondent has gone through the copy of the C.P filed by the applicant and has understood the contents thereof.
2. That save and except the statements which are specifically admitted hereinbelow, other statements made in the C.P are categorically denied. Further the statements which are not borne on records are also denied and the applicant is put to the strictest proof thereof.
3. That with regard to the statement made in para 1, and the answering respondents while denying the statement made therein begs to state that the petitioner is presently serving as JSO purely on adhoc basis. That the petitioner was reverted to her substantive post of Sr. Scientific Research Assistant from Junior Scientific Officer Gr. 'B' on 16.12.2003 and since then she was paid the

Filed by :  
The Respondent No.  
Through  
Bandonor  
Advocate  
8/5/06

*Present*

General Manager  
To the Com  
*N. P. R.*

pay scale of Sr. SRA till her repromotion as JSO vide GM(P)/MLG's office order No. E/283/82/Pt. XVII (0) dt. 31.10.05 purely on adhoc basis and this does not confirm on her automatic regular promotion to group 'B' or for seniority. She resumed the present office on 07.11.05.

It is to be mentioned that the petitioner being aggrieved by the office order dt. 16.12.03, filed a OA in the Hon'ble CAT/Guahati which was registered as O.A. No. 294/04. The Hon'ble Tribunal disposed of the OA on 01.01.04. The respondents, i.e. the present contemnors have assailed order of the Tribunal before the Hon'ble Guahati High Court by filling the WP(C) No. 5758/04, which was also disposed of by the Hon'ble High Court on 13.09.05.

That on receipt of the Hon'ble High Court order dt. 13.09.05, the present contemnors have immediately proceeded to implement the CAT/GHY's order dt. 01.04.05 and issued the promotion order of Smt. A. Kalita, as JSO on purely adhoc basis vide GM(P)/MLG's O.O. dt. 31.10.05. That in terms of the order dt. 31.10.05, the applicant resumed her duty as JSO, on 07.11.05. It is therefore the intention of the contemnors regarding violation of the Judgement passed by the Hon'ble Tribunal as contended does not arise. The allegation raised by the petitioner is baseless and ill founded. As soon as the Judgement passed by the Hon'ble High Court was received, it was implemented without any delay. It is stated that at no point of time there was even any attempt to violate the Judgement passed by the Hon'ble Tribunal.

4. That with regard to the statement made in para 3 of the C.P., the answering respondents beg to state that as per Railway Board's order

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dt. 24.02.1993 the post in question i.e. the post of JSO was operated by transferring a regular post from Mechanical Deptt. i.e. AME. Accordingly Smt. Kalita was promoted to JSO on adhoc basis on 05.12.1997 for operation of Psycho technical cell/under CSO/N.F. Railway, Maligaon.

That the present petitioner, being Group-'B' officer on adhoc should have the full knowledge that an adhoc arrangement could not be made for longer period but it is only a stop gap arrangement. An adhoc appointee cannot claim right for regularization of her promotion or seniority except her own post i.e. substantive post as Sr. Scientific Research Asistant. Therefore, her claim for continuation as JSO on adhoc basis was clearly against the purview of this Railway Administration.

Though the post of JSO exists in CSO Psycho-technical Cell, the same could not be continued as soon as when the post of AME (safety) was restored back to Mechanical Department. (from which AME/Safety was transferred to operate as JSO) for administrative exigencies and as a consequence, Smt. Kalita was to revert back to his substantive post of Sr. SRA vide GM(P)/MLG's O.O dt. 16.12.03.

5. That with regard to the statement made in para 4 of the C.P the answering respondents begs to state that against the judgement / order dt. 01.04.04, Writ Petition was preferred before the Hon'ble Guwahati High Court which was registered as WP (C) No. 5758/04.

6. That with regard to the statement made in para 5 of the C.P, the answering respondents begs to state that it is wrong to state that the petitioner

was rendering as JSO by virtue of the Hon'ble Tribunal order dt. 01.04.04. Against the Hon'ble Tribunal's judgement / order the respondents assailed the matter before the Hon'ble High Court in which the petitioner had filed her counter affidavit and the matter was disposed of by the Hon'ble Court on 13.09.05. Therefore, her continuation and rendering the duty as JSO does not arise. Moreover, her pay was fixed at her substantive post of Sr. SRA after her reversion. It is also stated that after her reversion, to conduct Psycho tests for candidates of N.F. Railway, assistance of Scientific Officer from S.E. Railway was taken. For performing the same job, two persons cannot be paid the salary of JSO, moreso, when administrative order of reversion of the applicant was in operation. Till the order of promoting her to the post of JSO is issued by the Administration, she could not have performed the duty of JSO. However, it is possible that certain administrative officials of N.F. Railway may have made some official correspondence addressed to Smt. Arundhati Kalita as JSO, Psycho-technical cell under CSO/MLG which was inadvertent and unintentional. However, she did not take any action thereon in her capacity as JSO since she was already reverted to her substantive post on 16.12.03.

7. That with regard to the statement made in para 6, 7 and 8 the answering respondents begs to state that it is wrong to state that the respondent/present contemnors were deliberately sitting over the judgement/order dt. 01.04.04 of the Hon'ble Tribunal; instead on receipt of the said order, the contemnors being aggrieved, assailed the matter before the Hon'ble High Court by filing a Writ Petition, which was numbered as WP(C) No. 5758/05. The petitioner being apprehensive of filing such writ petition by the respondents filed a Caveat before the Hon'ble Gauhati High Court. The Caveat was discharged on 13.08.04 and the petitioner had also filed her counter affidavit. But suppressing all these facts, the

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present petitioner had filed a Contempt Petition No. 31/04 in OA No. 294/03 before the Hon'ble Tribunal.

However, the Hon'ble Tribunal was pleased to close the contempt petition under the following observation-

General Manager  
Smt. G. Venkateswaran

"Since the matter is under consideration before the High Court we are of the view that it cannot be viewed that there was a willful disobedience on the part of the respondent. Therefore the present contempt petition is closed with liberty to the applicant to review the same in case the aforesaid Writ Petition is dismissed."

8. That with regard to the statement made in para 9 of the C.P the answering respondent begs to state that the Hon'ble High Court dismissed the WP(C) on 13.09.05 with the following observation-

"In course of argument, Mr. Sarma has informed this court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may in view of the determination on the issues raised before us, we don't find it to be a fit case to interfere with the conclusions recorded by the learned Tribunal. In view of the above, the petition being without merit fails and is therefore dismissed."

That on receipt of the Hon'ble High Court's order dt. 13.09.05, the present respondents without any delay complied the order dt. 01.04.04 passed by the Hon'ble CAT/GHY and repromoted the petitioner as JSO on purely adhoc basis

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vide GM(P)/MLG's order dt. 31.10.2005, thereby the Hon'ble Tribunal's order has been implemented honorably. This shows that the respondents have got fullest respect to the directions contained in the judgement/order passed by the Hon'ble Tribunal.

9. That with regard to the statement made in para 10 of the C.P the answering respondent begs to state that the arrear salary as JSO from the date of reversion dt. 16.12.03 till her repromotion as JSO as per judgement of the Hon'ble High Court read with the Hon'ble Tribunal's judgement/order dt. 01.04.04 does not arise. The petitioner had never performed the duty of JSO nor she was shouldering the responsibility of JSO since after 16.12.03. Arrear of salary on adhoc arrangement more so, without shouldering the responsibility of duty cannot be claimed. The claimant was entitled for substantive pay of Sr. SRA which was paid to her. Infact, to perform the duties of JSO, assistance from SE Railway was taken to conduct the psychotest for the candidate of N.F. Railway.

10. That with regard to the statement made in para 11 of the C.P the answering respondent while denying the statement made therein begs to state that no administrative order issued to discharge the duty of JSO after her reversion to the substantive post of Sr. SRA and she was paid the salary of same post, therefore payment of arrear as JSO since her reversion does not arise. It is stated that the law is well settled that adhoc appointment is a stop gap arrangement and it is directly related to availability of work.

11. That with regard to the statement made in para 12 the answering respondents begs to state that the petitioner has been repromoted/appointed to JSO purely on adhoc terms & conditions in pursuance of the Hon'ble High

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Court's order dt. 13.09.05 vide GM(P)/MLG's office order dt. 31.10.05.

Accordingly she is being paid the salary of JSO. After her reversion, she was paid the salary of her substantive post of Sr. SRA till her assumption as JSO on 07.11.05.

It is also stated that Smt. A. Kalita was reverted to her substantive post of S.S.R.A. w.e.f 16.12.03 and Hon'ble CAT/Guwahati vide their order dated 26.12.03, before admitting the OA No. 294/03, have passed orders as "Let the Present Status QUO as on today continue till next date." After that on 20.02.04 Hon'ble CAT while admitting the OA, has passed orders as "Application was admitted and called for record. Meanwhile there is no bar to implement the office order dt. 16.12.03." Hence on date 26.12.03, when Hon'ble CAT/Guwahati has passed orders for Status Quo, Smt. A. Kalita's status was S.S.R.A.

12. That with regard to the statement made in para 13, the answering respondent begs to state that as already stated in para 6 this Railway took the assistance of Scientific Officer, S.E. Railway to conduct psycho test for candidates of N.F. Railway. Hence making payment of salary as JSO to Smt. A. Kalita does not arise.

13. That with regard to the statement made in para 14 to 16, the answering respondent begs to state that in pursuance of the Hon'ble High Court Judgement dt. 13.09.2005, as well as the judgement/order dt. 01.04.04 passed by the Hon'ble Tribunal in OA No. 294/03, has been complied with Honorably without any delay and there was no ulterior motive or with intention to defeat the right of the petitioner as contended. As per utmost administrative exercisability the order of the Hon'ble High Court as well as the Hon'ble Tribunal's judgement / order

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has been implemented in its true spirit, therefore the present contempt petition filed against the Respondents/contemners is liable to be dismissed with cost.

14. That the respondent/contemners beg to state that the petitioner in his petition has raised various allegation indicating disregard to the Court orders, which is not at all correct and same is denied. None of the petitioner nor his agent even apprised the Railway authority regarding any kind of allegation as indicated in the petition. Even assuming but not admitting there is any such violation, that may be treated as unintentional and for the same the contemners/respondents through this reply place their unconditional apology with an assurance of not repeating the same in future.

General Manager  
P.M.

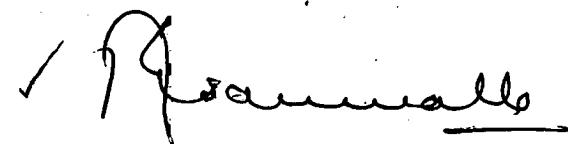
57

## AFFIDAVIT

I Shri... A. K. Sanwalka ..... aged about 58 years, resident of ... Maligaon ..... in the Dist. of ... Kamrup ... do hereby solemnly affirm and state as follows:

1. That I am the ... General Manager ..... under N.F. Railway, Maligaon, Guwahati, Assam and as such well acquainted with the facts and circumstances with the case and also competent to swear this affidavit.
2. That the statement made in this affidavit and in the accompanying petition in paragraphs ..... 2 ..... and ..... 14 ..... are true to my knowledge and the statements made in paragraphs ... 3-13 ..... are matters of records which and rests are my humble submissions before the Hon'ble Court.

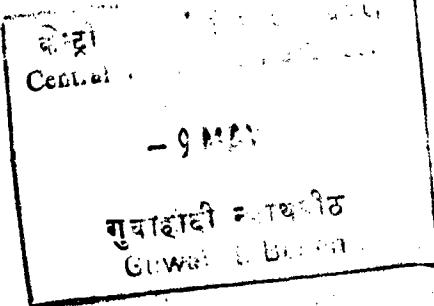
And I sign this affidavit on this the ... 26<sup>th</sup> ... day of ... April ...  
2006.

  
A. K. Sanwalka

Identified by

Advocate's clerk.

DEPONENT.  
A. K. Sanwalka  
General Manager  
N. F. Rly



Filed by:-  
The Respondent No. 4

Through S.  
Bordoloi Devi  
Advocate  
8/5/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.P. NO 05/06.

D.A. NO 294/04

Smt. Arundhuti Kalita.

-vs-

A.K. Sonwalkar & ors.

IN THE MATTER OF:

Show Cause reply filed by the  
respondent No. 4.

1. That a copy of the C.P., has been served on the respondents and the respondents have gone through the copy of the C.P. filed by the applicant and have understood the contents thereof.
2. That save and except the statements which are specifically admitted hereinbelow, other statements made in the C.P. are categorically denied. Further the statements which are borne on records are also denied and the applicant is put to the strictest proof thereof.
3. That with regard to the statement made in para 1, and the answering respondents while denying the statement made therein begs to state that the petitioner is presently serving as JSO purely on adhoc basis. That the petitioner was reverted to

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her substantive post of Sr. Scientific Research Assistant from Junior Scientific Office Gr. 'B' on 16.12.2003 and since then She was paid the pay of scale of Sr. SRA till her repromotion as JSO vide GM(P)IMLG's office order No. E1283/82/Pt. XVII (8) dt 31.10.05 purely on adhoc basis and this does not confirm on her automatic regular promotion to group 'B' or for seniority. She resumed the present office on 07.11.05.

It is to be mentioned that the petitioner being aggrieved by the office order dt. 16.12.03, filed a OA in the Hon'ble CAT/Guwahati which was registered as O.A. No. 294/04. The Hon'ble Tribunal disposed of the OA on 01.01.04. The respondents, i.e. the present contemners have assailed order of the Tribunal before the Hon'ble Gauhati High Court by filling the WP(C) No. 5758/04, which was also disposed of by the Hon'ble High Court on 13.09.05.

That on receipt of the Hon'ble High Court order dt. 13.09.05, the present contemners have immediately proceeded to implement the CAT/GHY's order dt 01.04.05 and issued the promotion order of Smt. A. Kalita, as JSO on purely adhoc basis vide GM(P)/WILG's O.O dt. 31.10.05. That in terms of the order dt. 31.10.05, the applicant resumed her duty as JSO, on 07.11.05. It is therefore the intention of the contemners regarding violation of the Judgment passed by the Hon'ble Tribunal as contended does not arise. The allegation raised by the petitioner is baseless and ill founded. As soon as the Judgment passed by the Hon'ble High Court was received, it was implemented without any delay. It is stated that at no point of time there was even any attempt to violate the Judgment passed by the Hon'ble Tribunal.

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4. That with regard to the statement made in para 3 of the C.P., the answering respondents beg to state that the as per Railway Board's order dt. 24.02.1993 the post in question i.e., the post of JSO was operated by transferring a regular post from Mechanical Deptt. i.e. AME. Accordingly Smt. Kalita was promoted to JSO on adhoc basis on 05.12.1997. for operation of Psycho technical cell/under CSD/N.F. Railway, Maligaon.

That the present petitioner, being Group-'B' officer on adhoc should have the full Knowledge that an adhoc arrangement could not be made for longer period but it is only a stop gap arrangement. An adhoc appointee can not claim right of regularization of her promotion or seniority except her own post i.e. substantive post as Sr. Scientific Research Assistant. Therefore, her claim for continuation as JSO on adhoc basis was clearly against the perview of this Railway Administration.

Though the post of JSO exists in CSD Psycho-technical Cell, the same could not be continued as soon as when the post of AME (safety) was restored back to Mechanical Department. (from which AME/Safety was transferred to operate as JSO) for administrative exigencies and as a consequence, Smt. Kalita was to revert back to his substantive post of Sr. SRA vide GM(P)/MLG's O.O dt. 16.12.03.

5. That with regard to the statement made in para 4 of the C.P. the answering respondents begs to state that against the judgment and order dt. 01.04.04, Writ Petition was preferred before the Hon'ble Guwahati High Court which was registered as WP(C) No. 5758/04.

6. That with regard to the statement made in para 5 of the C.P., the answering respondents begs to state that the it is wrong state that the petitioner was rendering as JSO by virtue of the Hon'ble Tribunal order dt. 01.04.04. Against the Hon'ble Tribunal's judgment and order the respondents assailed the matter before the Hon'ble High Court in which the petitioner had filed her counter affidavit and the matter was disposed of by the Hon'ble Court on 13.09.05. Therefore, her continuation and rendering the duty as JSO does not arise. Moreover, her pay was fixed at her substantive post of Sr. SRA after her reversion. It is also stated that to conduct Psycotest, for candidates of N.F.Railway, assistance of Scientific Officer from S.E.Railway, was taken. For performing the same job, two persons can not be paid the salary of JSO, moreso, when administrative order of reversion of the applicant was in operation. Till the order of promoting her to the post JSO, is issued by administrative, she had no right to perform the duty of JSO. However, it is admitted that various administrative concerned of N.F. Railways made official correspondences addressed to JSO, Psycho-technical cell under CSD/MLG and thereby believed that Smt. Kalita was performing as JSO, inspite of the fact that she was reverted to her substantive post on 16.12.03.

7. That with regard to the statement made in para 6, 7 and 8 the answering respondents begs to state that it is wrong to state that the respondents/present contemners were deliberately sitting over the judgment and order dt. 01.04.04 of the Hon'ble Tribunal, Instead on receipt of the said order, the contemner being aggrieved, assailed the matter before the Hon'ble High

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Court by filing a Writ petition, which was numbered as WP(C) No. 5758/05. The petitioner apprehensive of filing such writ petition by the respondents filled a Caveat before the Hon'ble Gauhati High Court. The Caveat was discharged on 13.08.04 and the petitioner had also filed her counter affidavit. But suppressing all these facts, the present petitioner had filed a Contempt Petition No. 31/04 in SA No. 294/03 before the Hon'ble Tribunal.

However, the Hon'ble Tribunal was pleased to close the contempt petition under the following observation-

"Since the matter is under consideration before the High Court we are of the view that it cannot be viewed that there was a willful disobedience on the part of the respondent. Therefore the present contempt petition is closed with liberty to the applicant to revive the same in case the aforesaid is dismissed."

8. That with regard to the statement made in para 9 of the C.P the answering respondents begs to state that the Hon'ble High Court dismissed the WP(C) on 13.09.05 with the following observation-

"In course of argument, Mr. Sarma has informed this court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may in view of the determination on the issues raised before us, we don't find it to be a fit case to interfere with the conclusions recorded by

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the learned Tribunal. In view of the above, the petition being without merit fails and is, therefore dismissed.

That on receipt of the Hon'ble High Court's order dt. 13.09.05, the present respondents without any delay complied the order dt 01.04.04 passed by the Hon'ble CAT/GHY and repromoted the petitioner as JSO on purely adhoc basis vide GM(P)/MLB's order dt. 31.10.2005, thereby the Hon'ble Tribunal's order has implemented honorably. This shows that the respondents have got fullest respect to the directions contained in the judgment and order passed by the Hon'ble Tribunal.

9. That with regard to the statement made in para 10 of the C.P the answering respondents begs to state that the arrear salary as JSO, from the date of reversion dt. 16.12.03 till her repromotion as JSO as per judgment of the Hon'ble High Court read with the Hon'ble Tribunal's judgment and order dt. 01.04.04 does not arise. The petitioner had never performed the duty of JSO nor she was shouldering the responsibility of JSO since after 16.12.03. Arrear of salary on adhoc arrangement more so, without shouldering the responsibility of duty cannot be claimed. The claimant was entitled for substantive pay of Sr. SRA which was paid to her. Infact, to perform the duties of JSO, assistance from SE Railway was taken to conduct the psychotest for the candidate of N.F.Railway.

10. That with regard to the statement made in para 11 of the C.P the answering respondents while denying the statement made therein begs to state that no administrative order was

issued to discharge the duty of JSO after reversion to her substantive post of Sr. SRA and she was paid the salary of same post, therefore payment of arrear as JSO since her reversion does not arise. It is stated that the law is well settled the ad-hoc appointment is a stop gap arrangement and it is directly related to availability of work.

11. That with regard to the statement made in para 12 the answering respondents begs to state that the petitioner has been repromoted/appointed to JSO purely on adhoc terms & conditions in pursuance of the Hon'ble High Court's order dt. 13.09.05 vide GM(P)/MLG's office order dt. 31.10.05. Accordingly she is being paid the salary of JSO. After her reversion, she was paid the salary of her substantive post of Sr. SRA till her assumption as JSO on 31.10.05/02.11.05.

It is also stated that Smt. A. Kalita was reverted to her substantive post of S.S.R.A. w.e.f. 16.12.03 and Hon'ble CAT/Guwahati vide their order dated 26.12.03 before admitting the OA No.294/03 have passed orders as "Let the Present Status Quo as on today continue till next date." After that on 20.2.04 Hon'ble CAT while admitting the OA has passed orders as Application was admitted and called for record. Meanwhile there is no bar to implement the office order dated 16.12.03." Hence on date 26.12.03 when Hon'ble CAT/Guwahati has passed orders for Status Quo, Smt. A.Kalita's status was S.S.R.A.

12. That with regard to the statement made in para 13, the answering respondent begs to state that as already stated in para 6 this Railway took the assistance of Scientific Officer, S.E.Railway to conduct psycho test for candidates of N.F.Railway.

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Hence making payment of salary as JSO to Smt. A. Kalita does not arise.

13. That with regard to the statement made in para 14 to 16, the answering respondent begs to state that in pursuance of the Hon'ble High Court Judgment dt. 13.09.2005, as well as the judgment and order dt. 01.04.04 passed by the Hon'ble Tribunal in OA No. 294/03, has been complied with Honorable without any delay and there was no ulterior motive or with intention to defeat the right of the petitioner as contended. As per utmost administrative exercisability the order of the Hon'ble High Court as well as the Hon'ble Tribunal's judgment and order has been implemented in its true spirit, therefore the present contempt petition filed against the Respondents/contemners is liable to be dismissed with cost.

14. That the respondent/Contemners beg to state that the petitioner in his petition has raised various allegation indicating disregard to the Court orders, which is not at all correct and same is denied. None of the petitioner nor his agent even apprised the Railway authority regarding any kind of allegation as indicated in the petition. Even assuming but not admitting there is any such violation, that may be treated as unintentional and for the same the contemners/respondents through this reply place their unconditional apology with an assurance of not repeating the same in future.

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AFFIDAVIT.

I Shri. L. C. Trivedi aged about 50 years, resident of Maligaon in the Dist. of Kamrup do hereby solemnly affirm and state as follows;

1. That I am the Chief Safety Officer under N.F.Railway, Maligaon, Guwahati, Assam and as such am well acquitted with the facts and circumstances with the case and competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying petition in paragraphs 2, 13 and ..... are true to my knowledge and the statements made in paragraphs 3-13 are matters of records and rests are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 8<sup>th</sup> day of May, 2006.

Identified by

Advocate's Clerk.

DEPONENT.

(Lalit Chandra Trivedi)

30/04

81-3-05

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.P. NO 05/06.

O.A. NO 294/04

Smt. Arundhuti Kalita.

-Vs-

A.K. Sanwalka & ors.

IN THE MATTER OF:

Show Cause reply filed by the  
respondent No.2.

1. That a copy of the C.P. has been served on the respondent and the respondent has gone through the copy of the C.P filed by the applicant and has understood the contents thereof.
2. That save and except the statements which are specifically admitted hereinbelow, other statements made in the C.P are categorically denied. Further the statements which are not borne on records are also denied and the applicant is put to the strictest proof thereof.
3. That with regard to the statement made in para 1, and the answering respondents while denying the statement made therein begs to state that the petitioner is presently serving as JSO purely on adhoc basis. That the petitioner was reverted to her substantive post of Sr. Scientific Research Assistant from Junior Scientific Officer Gr. 'B' on 16.12.2003 and since then she was paid the

pay scale of Sr. SRA till her repromotion as JSO vide GM(P)/MLG's office order No. E/283/82/Pt. XVII (0) dt. 31.10.05 purely on adhoc basis and this does not confirm on her automatic regular promotion to group 'B' or for seniority. She resumed the present office on 07.11.05.

It is to be mentioned that the petitioner being aggrieved by the office order dt. 16.12.03, filed a OA in the Hon'ble CAT/Guwahati which was registered as O.A. No. 294/04. The Hon'ble Tribunal disposed of the OA on 01.04.04. The respondents, i.e. the present contemners have assailed order of the Tribunal before the Hon'ble Guwahati High Court by filling the WP(C) No. 5758/04, which was also disposed of by the Hon'ble High Court on 13.09.05.

That on receipt of the Hon'ble High Court order dt. 13.09.05, the present contemners have immediately proceeded to implement the CAT/GHY's order dt. 01.04.04 and issued the promotion order of Smt. A. Kalita, as JSO on purely adhoc basis vide GM(P)/MLG's O.O. dt. 31.10.05. That in terms of the order dt. 31.10.05, the applicant resumed her duty as JSO, on 07.11.05. It is therefore the intention of the contemners regarding violation of the Judgement passed by the Hon'ble Tribunal as contended does not arise. The allegation raised by the petitioner is baseless and ill founded. As soon as the Judgement passed by the Hon'ble High Court was received, it was implemented without any delay. It is stated that at no point of time there was even any attempt to violate the Judgement passed by the Hon'ble Tribunal.

4. That with regard to the statement made in para 3 of the C.P, the answering respondents beg to state that as per Railway Board's order

dt. 24.02.1993 the post in question i.e. the post of JSO was operated by transferring a regular post from Mechanical Deptt. i.e. AME. Accordingly Smt. Kalita was promoted to JSO on adhoc basis on 05.12.1997 for operation of Psycho technical cell/under CSO/N.F. Railway, Maligaon.

That the present petitioner, being Group-'B' officer on adhoc should have the full knowledge that an adhoc arrangement could not be made for longer period but it is only a stop gap arrangement. An adhoc appointee cannot claim right for regularization of her promotion or seniority except her own post i.e. substantive post as Sr. Scientific Research Asistant. Therefore, her claim for continuation as JSO on adhoc basis was clearly against the purview of this Railway Administration.

Though the post of JSO exists in CSO Psycho-technical Cell, the same could not be continued as soon as when the post of AME (safety) was restored back to Mechanical Department. (from which AME/Safety was transferred to operate as JSO) for administrative exigencies and as a consequence, Smt. Kalita was to revert back to his substantive post of Sr. SRA vide GM(P)/MLG's O.O dt. 16.12.03.

5. That with regard to the statement made in para 4 of the C.P the answering respondents begs to state that against the judgement / order dt. 01.04.04, Writ Petition was preferred before the Hon'ble Guwahati High Court which was registered as WP (C) No. 5758/04.

6. That with regard to the statement made in para 5 of the C.P, the answering respondents begs to state that it is wrong to state that the petitioner

was rendering as JSO by virtue of the Hon'ble Tribunal order dt. 01.04.04. Against the Hon'ble Tribunal's judgement / order the respondents assailed the matter before the Hon'ble High Court in which the petitioner had filed her counter affidavit and the matter was disposed of by the Hon'ble Court on 13.09.05. Therefore; her continuation and rendering the duty as JSO does not arise. Moreover, her pay was fixed at her substantive post of Sr. SRA after her reversion. It is also stated that after her reversion, to conduct Psycho tests for candidates of N.F. Railway, assistance of Scientific Officer from S.E. Railway was taken. For performing the same job, two persons cannot be paid the salary of JSO, moreso, when administrative order of reversion of the applicant was in operation. Till the order of promoting her to the post of JSO is issued by the Administration, she could not have performed the duty of JSO. However, it is possible that certain administrative officials of N.F. Railway may have made some official correspondence addressed to Smt. Arundhati Kalita as JSO, Psycho-technical cell under CSO/MLG which was inadvertent and unintentional. However, she did not take any action thereon in her capacity as JSO since she was already reverted to her substantive post on 16.12.03.

7. That with regard to the statement made in para 6, 7 and 8 the answering respondents begs to state that it is wrong to state that the respondent/present contemners were deliberately sitting over the judgement/order dt. 01.04.04 of the Hon'ble Tribunal, instead on receipt of the said order, the contemners being aggrieved, assailed the matter before the Hon'ble High Court by filing a Writ Petition, which was numbered as WP(C) No. 5758/05. The petitioner being apprehensive of filing such writ petition by the respondents filed a Caveat before the Hon'ble Gauhati High Court. The Caveat was discharged on 13.08.04 and the petitioner had also filed her counter affidavit. But suppressing all these facts, the

present petitioner had filed a Contempt Petition No. 31/04 in OA No. 294/03 before the Hon'ble Tribunal.

However, the Hon'ble Tribunal was pleased to close the contempt petition under the following observation-

“Since the matter is under consideration before the High Court we are of the view that it cannot be viewed that there was a willful disobedience on the part of the respondent. Therefore the present contempt petition is closed with liberty to the applicant to review the same in case the aforesaid Writ Petition is dismissed.”

8. That with regard to the statement made in para 9 of the C.P the answering respondent begs to state that the Hon'ble High Court dismissed the WP(C) on 13.09.05 with the following observation-

“In course of argument, Mr. Sarma has informed this court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may in view of the determination on the issues raised before us, we don't find it to be a fit case to interfere with the conclusions recorded by the learned Tribunal. In view of the above, the petition being without merit fails and is therefore dismissed.”

That on receipt of the Hon'ble High Court's order dt. 13.09.05, the present respondents without any delay complied the order dt. 01.04.04 passed by the Hon'ble CAT/GHY and repromoted the petitioner as JSO on purely adhoc basis.

vide GM(P)/MLG's order dt. 31.10.2005, thereby the Hon'ble Tribunal's order has been implemented honorably. This shows that the respondents have got fullest respect to the directions contained in the judgement/order passed by the Hon'ble Tribunal.

9. That with regard to the statement made in para 10 of the C.P the answering respondent begs to state that the arrear salary as JSO from the date of reversion dt. 16.12.03 till her repromotion as JSO as per judgement of the Hon'ble High Court read with the Hon'ble Tribunal's judgement/order dt. 01.04.04 does not arise. The petitioner had never performed the duty of JSO nor she was shouldering the responsibility of JSO since after 16.12.03. Arrear of salary on adhoc arrangement more so, without shouldering the responsibility of duty cannot be claimed. The claimant was entitled for substantive pay of Sr. SRA which was paid to her. Infact, to perform the duties of JSO, assistance from SE Railway was taken to conduct the psychotest for the candidate of N.F. Railway.

10. That with regard to the statement made in para 11 of the C.P the answering respondent while denying the statement made therein begs to state that no administrative order issued to discharge the duty of JSO after her reversion to the substantive post of Sr. SRA and she was paid the salary of same post, therefore payment of arrear as JSO since her reversion does not arise. It is stated that the law is well settled that adhoc appointment is a stop gap arrangement and it is directly related to availability of work.

11. That with regard to the statement made in para 12 the answering respondents begs to state that the petitioner has been repromoted/appointed to JSO purely on adhoc terms & conditions in pursuance of the Hon'ble High

Court's order dt. 13.09.05 vide GM(P)/MLG's office order dt. 31.10.05. Accordingly she is being paid the salary of JSO. After her reversion, she was paid the salary of her substantive post of Sr. SRA till her assumption as JSO on 07.11.05.

It is also stated that Smt. A. Kalita was reverted to her substantive post of S.S.R.A. w.e.f 16.12.03 and Hon'ble CAT/Guwahati vide their order dated 26.12.03, before admitting the OA No. 294/03, have passed orders as "Let the Present Status QUO as on today continue till next date." After that on 20.02.04 Hon'ble CAT while admitting the OA, has passed orders as "Application was admitted and called for record. Meanwhile there is no bar to implement the office order dt. 16.12.03." Hence on date 26.12.03, when Hon'ble CAT/Guwahati has passed orders for Status Quo, Smt. A. Kalita's status was S.S.R.A.

12. That with regard to the statement made in para 13, the answering respondent begs to state that as already stated in para 6 this Railway took the assistance of Scientific Officer, S.E. Railway to conduct psycho test for candidates of N.F. Railway. Hence making payment of salary as JSO to Smt. A. Kalita does not arise.

13. That with regard to the statement made in para 14 to 16, the answering respondent begs to state that in pursuance of the Hon'ble High Court Judgement dt. 13.09.2005, as well as the judgement/order dt. 01.04.04 passed by the Hon'ble Tribunal in OA No. 294/03, has been complied with Honorably without any delay and there was no ulterior motive or with intention to defeat the right of the petitioner as contended. As per utmost administrative exercisability the order of the Hon'ble High Court as well as the Hon'ble Tribunal's judgement / order

has been implemented in its true spirit, therefore the present contempt petition filed against the Respondents/contemnors is liable to be dismissed with cost.

14. That the respondent/contemnors beg to state that the petitioner in his petition has raised various allegation indicating disregard to the Court orders, which is not at all correct and same is denied. None of the petitioner nor his agent even apprised the Railway authority regarding any kind of allegation as indicated in the petition. Even assuming but not admitting there is any such violation, that may be treated as unintentional and for the same the contemnors/respondents through this reply place their unconditional apology with an assurance of not repeating the same in future.

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## AFFIDAVIT

I Shri Dr. S. M. N. Islam.... aged about 50. years, resident of ... Lucknow..... in the Dist. of Lucknow do hereby solemnly affirm and state as follows:

1. That I am the Ex. Chief Personnel Officer under N.F. Railway, Maligaon, Guwahati, Assam and as such well acquainted with the facts and circumstances with the case and also competent to swear this affidavit.
2. That the statement made in this affidavit and in the accompanying petition in paragraphs ... 1, 2, 5....., and 3, 4, 6-13... are true to my knowledge and the statements made in paragraphs..... are matters of records which and rests are my humble submissions before the Hon'ble Court.

And I sign this affidavit on this the 31<sup>st</sup> day of May 2006.

Identified by  
Bordona Devi  
Advocate's Clerk

Swd  
DEPONENT.

(Dr. S.M.N. Islam)  
Chief Personnel Officer  
RDSO, Lucknow  
Ex. Chief Personnel Officer  
N.F. Railway, Maligaon.  
Ex. Chief Personnel Officer  
N.F. Railway, Maligaon  
Guwahati-11

Solemnly affirm and state  
before me by the deponent  
who is identified by Bordona  
Devi, Advocate at Guwahati.

Nidharth Devra  
Advocate