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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 128/2003

R.A/C.P No.

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SECTION OFFICER (Judl.)

16.11.17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 128 / 2003

Misc Petition No:

Contempt Petition No:

Review Application No:

Applicants: - Sri P.K. Acharyee

Respondants: - Wor 2018

Advocate for the Applicants: - Mr. B. Choudhury

Advocate for the Respondants: - By Counsel

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Confession Section is filed / for / deposited vide 10/2/03 No. 89/488/28 Dated 9/6/03</p> <p><u>12/6/03</u> <u>1/2-Dy. Registrar</u></p>	<p>13.6.2003</p>	<p>Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. R.K. Upadhyaya, Member (A).</p> <p>Heard Mr. B. Choudhury, learned counsel for the applicant and also Mr. S. Sarma, learned counsel for the respondents.</p> <p>List again on 17.6.2003 for admission.</p> <p><u> </u> Member</p> <p><u> </u> Vice-Chairman</p> <p>mb</p>
	<p>17.6.2003</p>	<p>Put up again on 20.6.2003 for admission.</p> <p><u> </u> Member</p> <p><u> </u> Vice-Chairman</p> <p>mb</p>

20.6.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. R.K. Upadhyaya
Member (A).

Heard Mr. S. Sarma, learned
counsel for the respondents.

By memo dated 15.5.2003 a notification was issued to hold written examination for limited Departmental Competitive Examination for selection for the post of AEE/Group-B against 30% vacancies. The applicant moved this Tribunal for a direction for keeping the said communication in abeyance till the order passed by the Tribunal in O.A. 172/98 is given effect to. Against the said order a writ petition is pending before the High Court which is numbered and registered as W.P. (C) No. 7249/01 and the stay order passed by High Court on 20.12.2001 is also vacated.

Since the matter relates to promotion of the applicant against 70% vacancies on and from 3.6.98 is now under examination by the High Court and therefore the decision of this O.A. will be subject to the outcome of the writ petition.

In the circumstances, we are not inclined to pass any order on the respondents to keep in abeyance against 30% vacancies. Instead the applicant may appear in the said limited Departmental Competitive Examination without prejudice to his right claimed against 70% vacancies which was the subject matter of the O.A. 172/98.

Subject to the observations made above the application is disposed of. No order as to costs.

[Signature]

Member

[Signature]

Vice-Chairman

mb

15.7.2003

Copy of the order
has been sent to the
Office for issuing
the rule to the applicant
as well as to the Rly.
Counsel for the respondents.

HS

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O.A. No. _____/

Sri P.K. Acharjee Appellant.
-VS-
U. O. I & Ors Respondents,

LIST OF SYNOPSIS

1984 Joined N.F. Railway as Electrical Foreman.

February 1993 Applicant was posted at Guwahati.

7.8.96 Promoted to Senior Section Engineer (Electrical).

28.2.98 Notification issued by Respondant No. 2 for Selection
of 12 Person for the post of Asstt. Electrical Engineer
in group B' against 70 percent Vacancies.

 Applicant ^{appeared} in the Selection.

26.5.98 Due to enhancement of retirement age vacancies came
down from 12 to 10.

3.6.98 Interview was held.

26.6.98 Result of Selection was declared. 9 Persons was
Promoted including employees Junior to the
applicant was promoted. Applicant Name was not in
the list. Annexure I page 18.

 On making enquiry the applicant came to know that
he didnot get minimum 15 Marks for his ACRs and further
ACR of 1996 - 1997 was not before the Selection Board.
Annexure II page 20.

 Being aggrieved filed an Original application which
was registered and numbered as O.A. 172/98.

27.4.2001 O.A. Was disposed of directing the Respondants to
hold ~~Review~~ review DPC and Medical Examination
withing 3 Manth Annaxure BII page 21.

 Respondants ~~with~~ authorities went on appeal before
Gouhati High Court and same was registered and
numbered as W.P. (C) No. 7249-2001.

20.12.2001 High ~~Just~~ Court issued notice of motion and stayed
order dtd. 27.4.2001 till the matter is taken ~~up~~ up
after notice.

27. 2. 2003

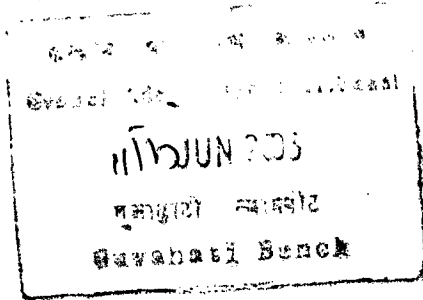
Notification issued by Respondant No. 2 for Selection for Asstt, Electrical Engineer/Group B against 30 percent vacancies Annexure # IV Pg 31

4. 4.2003

Stay was vacated on an application made by the applicant Annexure V page 33.

15. 5. 2003

Notification issued by Respondant No. 2 declaring date and Venue for LDCE for the Post of Asstt. Electrical Engineer against 30% Vacancies Annexure VI page 35.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH : GUWAHATI

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

O.A. NO. 128 OF 2003

Sri Pradip Kumar Acharjee

... Applicant

-Vs-

Union of India and others

... Respondents

I N D E X

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Filed by

Bikram Choudhury

Advocate

*Filed by the
applicant through
Bikram Choudhury,
Advocate.
11.6.03.*

Sri Pradip kr. Acharjee

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

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

O.A NO of 2003

Sri Pradip Kumar Acharjee,
S/o Sri Manindra Chandra
Acharhee, Senior Section
Engineer (Electrical),
Pandu Power House,
N.F. Railway, Pandu,
Guwahati.

... Applicant

-Versus-

1. Union of India
Represented by the General
Manager, N.F. Railway,
Maligaon, Guwahati-11.
2. General Manager (P)
N.F. Railway,
Maligaon, Guwahati-11.
3. Chief Electrical Engineer,
N.F. Railway, Maligaon
Guwahati-11.
4. Assistant Divisional
Electrical Engineer, N.F.

Railway, Maligaon,
Guwahati-11.

... Respondents

1. PARTICULAR OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE.


- i. Notification No. E/254/13-1/LDCE(O) dated 27.02.03 issued by the Respondent No.2 calling for selection for the post of Assistant Electrical Engineer/Group-B against 30% vacancies.
- ii. Notification No. E/254/13-1/LDCE(O) dtd. 15.5.03 issued by the Respondent No.2 notifying the date and venue for Limited Departmental Competitive Examination for the post of Assistant Electrical Engineer/Group-B against 30% vacancies.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal.

3. LIMITATION :

The applicant further declares that the application is within the limitation prescribed



under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :


1. That the applicant obtained the B.E. (Electrical) degree from the Tripura Engineering College in 1984. Having been duly selected, the applicant initially joined the N.F. Railway as an Electrical Foreman in the scale of Rs. 2000/ to 3200/-. He was posted to Railway Workshop, Dibrugarh where he served till February, 1989. The applicant was, thereafter transferred and posted to Train Lighting Depot, Dibrugarh where he worked till February, 1993. He was again transferred and posted to Train Lighting Depot, Guwahati and he resumed his duties at Guwahati in February, 1993. Subsequently in November, 1993 the applicant was posted in the same capacity as Senior Technical Assistant in the Office of the Assistant Electrical Engineer, Maligaon.

2. That, while serving as such, the applicant was allowed to cross the Efficiency Bar at the stage of Rs. 2300/- in the scale of Rs. 2000/- to Rs. 3200/- w.e.f. 1.7.94. In the same year, the applicant by memorandum dated 19.8.94, was informed that it has proposed to hold an enquiry against him under Rule-9 of the Railway Servants (D & A) Rules, 1960 on the charge and allegation that he remained



absent without any authority. The applicant duly submitted his explanation denying the charge and fully explaining the circumstances under which he had to remain absent after applying for leave on medical ground and the disciplinary authority, vide letter No. E/254/LW/DAR/ Misc/2899 dated 29.9.94, being satisfied with the explanation submitted by the applicant simply warned him to be ~~more~~ punctual and disciplined in the near future. Since the aforesaid warning was not a penalty, the applicant did not take any further steps in the matter.


While serving as such, the applicant received letter No. EL/CON/BR-606/221 dated 22.2.96 whereby certain purported adverse remarks appearing in the A.C.R. for the year ending 31.3.95 were belatedly communicated to him and the same was received by the applicant on 29.4.96. On receipt of the said communication the applicant, immediately, on 30.4.96, submitted a representation to the Respondent No.3 praying that he be furnished with the substance of the favourable remarks in his A.C.R. as required under Railway Board's letter dated 17.6.91 so as to enable him to prepare and submit an effective representation against the same for expunging the purported adverse remarks. The applicant was not furnished with the favourable remarks and as such he could not submit any



representation against the same but, surprisingly, the authority, by letter No.EL/CON/CR-606/288 dated 12.6.96, informed the applicant in a routine manner that his appeal against the adverse remarks in the A.C.R. of 1994-95 had been duly considered by the authority and that it regretted that the final authority had rejected his appeal.

3. That the applicant was highly aggrieved by the manner in which his A.C.R. matter was disposed of without any application of mind but before he could take any action against the same, the applicant, by Office Order Communicated by memo No. E/254/50(Elect.) dated 7.8.96 passed by the Respondent No.2 promoted the applicant to officiate in the post of Senior Electrical Foreman (now designed^{as} as Senior Section Engineer (Electrical) in the scale of Rs. 2375/- to Rs. 3500/-.

4. That, the applicant begs to state that since the applicant was found suitable to be promoted to the higher rank inspite of the warning and the purported ~~adverse~~ remarks against which the applicant was not given any opportunity to file representation and since the purported adverse remarks could not be further used while considering his case for promotion to Group-B posts, the applicant did not take any further action with regard to the purported adverse remarks and the manner in which the same was disposed of. Moreover,




the applicant had come to know that in his A.C.R. for the year 1994-95 against column no. 17, it had been incorrectly stated that the applicant had been censured on the basis of a minor penalty charge-sheet when, in fact, he had only been warned which is quite different from being censured and is not penalty. The applicant further states that the Railway Board had by letter No.E/GP87/2/123 dated 19.9.88 and memorandum No. E(NG)1/90/CR/4 dated 17.6.91 had amplified all instructions regarding the procedure for maintaining and grading the A.C.R. of employees for promotion from Class-III to Class-II.

5. That the Respondent No.2 by his letter No. E/254/13/Pt-II(O) dated 20.2.98, notified that it was decided to hold a selection for forming a panel of 12 (11-UR) and 1 ST) persons for the post of Assistant Electrical Engineers in Group-B against 70% vacancies. It was also notified that the selection would be based on the candidates' performance both in the written test as well as Viva-voce tests and the written test would consist of one paper of 150 marks for which the qualifying marks were 90.50 marks. were also allotted for the oral test out of which 25 marks were given for the

five years' A.C.R. and 25 marks for personality etc. Along with the said letter a main list consisting of 40 employees, in order of seniority, was annexed and stand by list of 19 persons was also included. The applicants name figured at serial no.38.of the main list and thereafter the name of the other persons junior to the applicant appeared.

6. That thereafter the Respondent No.2 by his message dated 4.5.98, forwarded a list of 15 candidates who had qualified in the written test for selection of Assistant Electrical Engineer and in the said list the name of the applicant was at serial No.1. By the same message, the applicant and other selected candidates were directed to obtain physical fitness certificate and to appear in viva-voce test on 28.5.98.

7. That, meanwhile, the Railway Board, vide letter dated 14.5.98, had enhanced the age of retirement from 58 to 60 years and as such all vacancies were reviewed. As a result of the review, the number of vacancies against 70% quote came down to 10 (U.R.-9 Sc-nil S.T.-1) and 6 (six) Junior candidate were excluded out of which two had qualified in the written test. This fact was communicated by the General Manager vide his letter No. E. 254/13/Pt-II (O) dated 26.5.98 and two of



the candidate who had qualified were dropped and as such 13 employees were called for viva-voce test.

8. That, as directed, the applicant got himself examined for physical fitness in the Central Hospital, Maligaon and he was found fit for promotion to Group-B service and he duly appeared in the Viva test ultimately held on 3.6.98. In the interview the applicant^{was} also informed that the whole selection would now be depend on the marks obtained in the A.C.R. for the last 5 (five) years.


9. That the applicant begs to state that except for the A.C.R. for the year 1994-95 which was belatedly communicated, no other adverse remark in his A.C.R. was ever communicated to him. As stated earlier paragraph, the applicant was not given any opportunity to submit any representation against the same but since the applicant had been promoted to the higher grade inspite of the said remark, the applicant had not taken any action in this regard to the said A.C.R. Moreover, the aforesaid remarks could not be used while assessing the suitability for promotion of a Group-B post. Since no other adverse remark was communicated to him. The applicant was confident that he would get the minimum 15 marks if not more, for being classified as fit for promotion.

[Handwritten signature]

10. That as such the applicant was surprised when the Respondent No.2 issued the impugned officers order No. 12/98 (Elect) and communicated vide memo No.E/203/123/Pt-VIII (O) dated 24.6.98 whereby 9 employees including his juniors who had appeared in the interview were promoted to the rank of Assistant Electrical Engineer. Out of the aforesaid 9 persons, five employees whose names appeared at serial No. 1,2,3,8 and 9 were already working as Assistant Electrical Engineer on ad-hoc basis and of the other four at serial nos. 4,7, 10 and 12 were promoted. Since no Scheduled Tribe candidate was available, one post reserved for S.T. had not been filled up.

Copy of the said order is annexed herewith and marked as Annexure -12.

11. That the applicant made enquiries and he has come to know that he was not selected and empanelled though a junior has been to empanelled only on the ground that he could not get the minimum 15 marks from the five A.C.R's. The applicant was highly aggrieved by the said order by which his juniors were promoted as otherwise, the applicant had done very well in the written examination and in the oral interview and except for one year against which the applicant could not submit representation, no other adverse remark was




ever communicated of him. Moreover, in the A.C.R. for 1994-95, it was wrongly recorded that the applicant was censured and this could have also influenced the Selection Board while giving marks for the A.C.R's. The applicant further states that for reasons best known to the authority, the A.C.R's for the year 1993-94 were initiated only to February's 1996 and therefore could not have been a fair assessment at that belated stage.

Later on the applicant came to know from letter No. LW(L)C and S/GHY/683 dated 16.7.98 issued by the Divisional Electrical Engineer, that his A.C.R. for the year ending 1996-97 was not available and has sent fresh forms for initiation and early return, from the said letter, it is apparent that though in the selection the A.C.R's for the last 5 years including 1996-97 was required to be taken into account, the A.C.R. for 1996-97 was not before the Selection Board for which no marks could have been given to him and that A.C.R. for only 4 years had been taken into account.

Copy of the letter dated.
16.7.1998 is annexed
herewith and marked as
Annexure - II.

12. That the applicant being aggrieved by the order dated 24.6.1998 filed an original application




before the Hon'ble Tribunal amongst other, on the ground that A.C.R. for the 1993-94 was only initiated in 1996, adverse remark for 1994-95 was belatedly communicated and A.C.R's for 4 years were considered by the Selection Board instead of 5 years as required and the same^{copy} registered and numbered as O.A.172 of 1998.

The said original application was admitted and this Hon'ble Tribunal after hearing both sides on 27.4.01 passed an order directing the Respondents to hold a review DPC as well as fresh medical examination of the applicant within 3 months from the date of receipt of the order.

A copy of the order dt. 27.4.01 is annexed herewith and marked as Annexure-III

13. That, thereafter the respondent authorities went on appeal before the Hon'ble Gauhati High Court challenging the above order dated 27.4.01, amongst other, on the ground that there is no vacancy or post to accommodate the applicant, even if, he is found to be suitable on review selection and the writ petition was registered and numbered as W.P.(C) No. 7249 of 2001.

On 20.12.2001, the Hon'ble High Court issued notice of motion returnable within six weeks



and stayed the judgment/order date 27.4.2001 till the matter is taken up after notice.

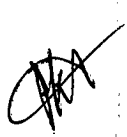
14. That the applicant begs to state that during the pendency of the writ petition before the Hon'ble High Court for adjudication, the Respondent No.2 issued the impugned notification no E/254/13-1/LDCE(O) dated 27.2.03 calling for application for selection for the post of Assistant Electrical Engineer/ Group-B against 30% vacancies.

A copy of the notification dated 27.2.03 is annexed herewith and marked as **Annexure-IV.**

15. That the applicant then filed a miscellaneous petition for vacating the interim order and the same was registered and numbered as Misc. Case No.384/03. The Hon'ble High Court, after hearing both sides, on 4.4.03, disposed of the misc. case vacating the stay order dated 20.12.2001.

A copy of the order dated 4.4.03 is annexed herewith and marked as **Annexure-V.**

16. That, the respondent authorities till date have not taken any steps for implementing the order dated 27.4.2001 passed by this Hon'ble Court in



O.A. No. 172/98 even after vacation of the stay granted by the Hon'ble High court. Instead the respondent authorities has now issued the notification No. E/254/13-1/LDCE/(O) dated 15.5.03 issued by the Respondent No.2 declaring the date and venue for the Limited Departmental Competitive Examination for the post of Assistant Electrical Engineer/Group-B against 30% vacancies.

A copy of the impugned notification dated 15.5.03 is annexed herewith and marked as **Annexure-VI**.

17. That the applicant begs to state that the respondent authorities instead of settling his grievances has now by issuing the above impugned notification led him to a precarious/^{uncertainty} state of mind as to what is his position in both 70% and 30% vacancies. As such, unless some interim orders are passed protecting his rights the applicant will suffer irreparable loss and injury. The applicant further states that he is going to file a contempt petition for non-implementation of the order dated 27.4.01 passed in O.A. 172/98 by this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

I. For that the impugned actions of the respondents authorities in meting out

highly discriminatory treatment to the applicant is highly illegal and arbitrary and as such the same is bad in law and liable to be set aside.

II. For that as per Railway Board letter No. E(GP)91/2/10 dated 19.11.93 examination of 30% vacancies shall be held after completion of examination of 70% candidates and as such the action of the authorities when one post of 70% still lying vacant is bad in law and is liable to be set aside.


III. For that, in any view of the matter the impugned action/orders of the Respondent authorities is bad in law and is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant has got no other efficacious remedy available to him under the service rules.

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


The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the



Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. PRAYER:

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why a direction shall not be issued for keeping in abeyance the impugned notifications dated 27.2.03 (Annexure-V) and dated 15.5.03 (Annexure-VI) till the order dated 27.4.01 (Annexure-III) passed by this Hon'ble Tribunal in O.A. No. 172/98 is implemented/ completed and after hearing the causes shown, if any, be pleased to direct the authorities to keep in abeyance the impugned notifications dated 27.2.03 (Annexure-V) and dated 15.5.03 (Annexure-VI) till the order dated 27.4.01 (Annexure-III)



passed by this Hon'ble Tribunal in O.A. 172/98 is implemented/complied and/or pass such order/order as Your Lordships may deem fit and proper.

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

9. INTERIM ORDER:

It is, therefore prayed that pending disposal of the applicant, the Hon'ble Tribunal may be pleased to pass an interim order staying the operation of the notifications dated 27.2.03 (Annexure-IV) and dated 15.5.03 (Annexure-VI) and/or pass such interim order as may be deem fit and proper.


10. DOES NOT ARISE:

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

- (i) I.P.O No. : 86488028
- (ii) Date. : 2.6.03.
- (iii) Issued by Guwahati Post Office.
- (iv) Payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the INDEX



23

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

I, Sri Pradip Kumar Acharjee, aged about 33 years, Son of Late Manindra Chandra Acharjee, Senior Section Engineer (Electrical), Pandu Power House, N.F. Railway, Pandu, Mariani in the district of Kamrup, (Assam) do hereby verify that the statements made in Paragraphs No. 1, 2, 3, 4, 5, 6, 8, 9 and 17 are true to my personal knowledge and the statements made in paragraphs No. 7, 10, 11, 12, 13, 14, 15 and 16 are believe to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this the 11th day of June, 2003 at Guwahati.

Place: Guwahati

Date: 11-6-03

Sri Pradip kr Acharjee

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER NO. 12/92 (ELECT)

- ✓ 1) Shri B.B.Das who is at present working as AEE/HQ on adhoc basis will now continue as AEE/HQ on regular basis.
- ✓ 2) Shri S.Majumder, who is at present working as AEE/CON/AGT on ad-hoc basis will continue as AEE/CON/AGT on regular basis under GM/CON.
- ✓ 3) Shri S.B.P.Singh, who is at present working as AEE/W/HQ on adhoc basis will continue as AEE/W/HQ on regular basis.
- ✓ 4) Shri U.K.Biswas, SEE/APDJ on being empanelled for promotion to Gr.'B' as AEE against 70% is appointed to officiate in Gr.'B' service and transferred and posted as AEE/C/HBQ vice Shri S.P.Das.
- 5) Shri S.P.Das, AEE/C/HBQ, on relief is transferred and posted as AEE/APDJ vice Shri R.K.Dora, on his own request.
- 6) Shri R.K.Shaw, who is working as DEE/Con/JPZ under GM/CON on deputation from ASEB and whose further deputation terms to work under GM/CON has not been accepted by the Railway is relieved on repatriation to ASEB with immediate effect.

The post of DEE/CON/JPZ on vacation by Shri Shaw, will be operated in Gr.'B' as AEE/CON/JPZ.

Shri R.K.Dora, AEE/APDJ is transferred and posted as AEE/CON/JPZ, against the above mentioned post.

- ✓ 7) Shri D.Kahali, SEE/Elec/CON/MLG on being empanelled for for promotion to Gr.'B' as AEE against 70% is appointed to officiate in Gr.'B', service and transferred and posted as AEE/CON/PLG./MLG against an existing vacancy.
- ✓ 8) Shri Arunangshu Roy, who is at present working as AEE/CON/SCL ~~max~~ on ad-hoc basis will now continue as AEE/CON/SCL on regular basis.

Contd..2...

- ✓ 9) Shri A.Kundu, who is at present working as AEE/MLG on ad-hoc basis will now continue as AEE/MLG on regular basis.
- ✓ 10) Shri S.K.Bhowmick, SSE/NDQ, on being empanelled for promotion to Gr.'B' as AEE against 70% is appointed to officiate in Gr.'B' service and transferred and posted as AEE/S/NDQ vice Shri S.Bhattacharjee.
- 11) Shri S.Bhattacharjee, AEE/S/NDQ, on relief is transferred and posted as AEE/CON/MLG against the existing vacancy.
- ✓ 12) Shri K.K.Senaskar, SSE/P/Gosala on being empanelled for promotion to Gr.'B' as AEE against 70% is appointed to officiate in Gr.'B' service and transferred and posted as AEE/MLG against the existing vacancy.

for GENERAL MANAGER(P)MLG.

No.E/233/123/Pt.VIII(O)

Maligaon, dated 24.6.98.

Copy forwarded for information and necessary action to:

- | | |
|---------------------------------------|---------------------|
| 1) GM/CON/MLG | 2) FA & CAO/CON/MLG |
| 3) CEE/MALIGAON | 4) All DEMS |
| 5) All DRM(P)s | 6) All DAO's |
| 7) Secy.to GM/MLG | |
| 8) DY.CPO/CON/MLG | |
| 9) DY.CME/NS/NDQ | |
| 10) APO/GHY | |
| 11) PS to GM/MLG | |
| 12) SPO/Engg./MLG. | |
| 13) OS/EQ/B111/P.Branch. | |
| 14) OS/Elect, CPO's office. | |
| 15) Staff/Officers concerned. | |
| 16) Spare copies for P/case & M/File. | |

Sd/-
for GENERAL MANAGER(P)MLG

Nei-LM(L)/CLS/GHY/ 623

Office of the
DEE/GHY

Dt. 16/7/98

To

SSE (AC)/GHY

SSE (F)/NGC

SSE (TL)/GHY

Subj:- Annual confidential report period ending/97

The annual confidential report period ending /97 of following staff are enclosed herewith for initiation and early return to this office of the undersigned. The above ACR/97 is not available in this office, if the staff have been transferred from other division during 96-97 i.e. joined after 1.1.97 are not required.

The matter is most urgent in H.Q. office.

SN	NAME OF STAFF	DESIGNATION	PLACE OF WORKING
1.	Sri, P.K. ROY	SE	SSE (TL)/GHY
2.	" Debabrata Roy	JE/II	-de-
3.	" M.G. Banerjee	-de-	-de-
4.	" P.K. Acharjee	SSE/FNO-2222	SSE (P)/FNO
5.	" S K. Doy	JE/II	SSE (P)/NGC

Divl. Electrical Engineer
N.F.R.L.Y. GUWAHATI.

27-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.172 of 1993

Date of decision: This the 27th day of April 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Pradip Kumar Acharjee,
Senior Section Engineer (Electrical),
Pandu Power House, N.F. Railway,
Guwahati.

.....Applicant

By Advocates Mr G.K. Bhattacharyya, Mr G.N. Das and
Mrs B. Dutta Das.

- versus -

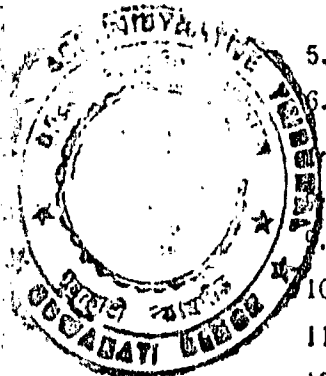
1. The Union of India, represented by the
General Manager, N.F. Railway,
Maligaon, Guwahati.
2. The General Manager (Personnel),
N.F. Railway,
Maligaon, Guwahati.
3. The Chief Electrical Engineer,
N.F. Railway,
Maligaon, Guwahati.
4. The Divisional Electrical Engineer,
N.F. Railway,
Maligaon, Guwahati.
5. Shri K.K. Sen Laskar,
6. Shri B.B. Das
Shri S. Mazumdar
Shri S.B.P. Singh
Shri U.K. Biswas
10. Shri D. Kahall
11. Shri Arunangshu Roy
12. Shri A. Kundu
13. Shri S.K. Bhowmick

Applicant Nos.5 to 13 are working as Assistant Engineers under the
N.F. Railway.

.....Respondents

By Advocate Mr J.L. Sarkar, Railway Counsel.

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-22-

ORDER

CHOWDHURY.J. (V.C.)

The application under Section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the Office Order No.12/98 dated 24.6.1998 promoting nine officers including the respondent No.5, who is junior to the applicant, to the rank of Assistant Electrical Engineer superseding the claim of the applicant as well as the selection process including the Select List prepared by the Selection Committee for the post of Assistant Electrical Engineer Group 'B' against the 70% vacancies, in the following circumstances:

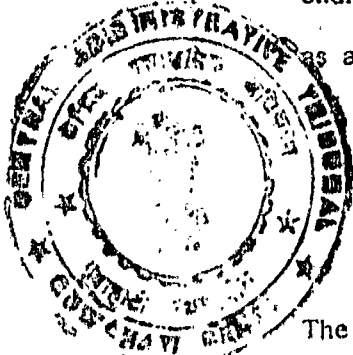
The applicant, on obtaining the B.E. degree (Electrical), joined the N.F. Railway as Electrical Foreman in the scale of pay of Rs.2000 to Rs.3200/-. He was posted at Dibrugarh and Guwahati. In November 1993 he was posted in the same capacity as Senior Technical Assistant in the Office of the Assistant Electrical Engineer, Maligaon. While the applicant was serving under the Assistant Electrical Engineer, Maligaon, he was served with a letter dated 22.2.1996 communicating adverse remarks in the Annual Confidential Report (ACR for short) for the year ending 31.3.1995. The relevant part of the adverse remarks communicated

as above are reproduced below:

"3.(a) Initiative and direction - Needs further improvement.

(c) Keenness/promptness and efficiency. - He is not keen and prompt in discharging his duties efficiently.

15. Has his work been satisfactory - Almost satisfactory. But his attitude is reluctant."



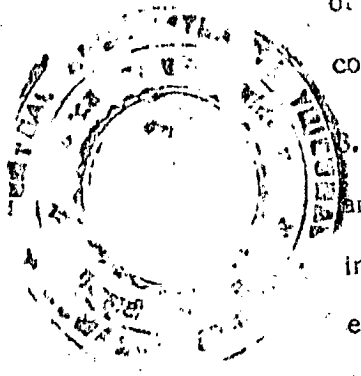
The applicant wrote to the Chief Electrical Engineer, N.F. Railway requesting him to furnish the substance of the favourable remarks contained in the ACR for the year ending on 31.3.1995 to enable him to put up an appeal against the adverse remarks. Alongwith the representation the applicant also enclosed the Railway Board's letter No.E(NG)/90/CR/4 dated 17.6.1991 indicating the requirement of furnishing the favourable remarks in the ACR. The applicant was, however, not favoured with the materials as sought for by him in his representation dated 30.4.1996.

The respondents, however, by their communication dated 12.6.1996 informed the applicant that on consideration of his appeal against the adverse remarks appearing in the ACR of 1994-95 the same was rejected. However it will be pertinent to mention that by his communication dated 30.4.1996 addressed to the Chief Engineer, he only sought for certain materials to enable him to submit an effective representation. The respondents by Office Order dated 7.8.1996 promoted seven officers including the applicant to operate in the post of SS/CTA/Sr.EF in the scale of Rs.2375-3500. The respondent authority decided to hold the selection for forming a panel of 12 (11 Unreserved and 1 Scheduled Tribe) persons for the post of Assistant Engineer, Group 'B' against 70% of the vacancies. A communication to that effect was sent vide memo No.E/254/13 Pt.II(O) dated 20.2.1998 addressed to the General Manager (Construction)/Maligaon, General Manager (Personnel)/Metro Railway, Calcutta, CEE, Maligaon, etc. The communication also indicated that the selection would be based on the candidate's performance both in written test as well as viva-voce test and that the written test would consist one paper of 150 marks for which the qualifying marks was 90.5. Marks were also allotted for oral test, out of which 25 marks were given for five years' ACR and 25 marks for personality etc. The communication also mentioned that an employee was required to get a minimum of 15 marks in the ACR for five years in order to be qualified as fit for promotion. The communication contained a main list of forty employees in order of seniority. It also enclosed a standby list of nineteen persons. The name of the applicant figured at serial No.38 of the main list and the name of the respondent No.5 appeared at serial No.2 of the standby list. By a message dated 4.5.1998 the respondent No.2 forwarded a list of sixteen candidates who had qualified in the written test for Assistant Electrical Engineer (AEE for short) and the name of the applicant in that list appeared at serial No.1. The message instructed the applicant and the other successful candidates to obtain physical fitness certificates and to appear in the viva voce test on 28.5.1998. Due to the extension

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of the age of retirement from 58 to 60 years the vacancy position was reviewed. As a result of the review, the number of vacancies against 70% quota came down to 10 (Unreserved - 9, SC - nil, ST - 1). As a result of the said exercise, six junior candidates were excluded and only 13 persons were called for the viva-voce test. The viva-voce test was finally held on 3.5.1998. The applicant appeared in the said viva-voce test.

2. By the impugned Office Order No.12/98, communicated vide memo No.E/283/128/Pt-VIII(O) dated 24.6.1998, nine persons including respondent No.5 were promoted to the rank of AEE. The applicant assailed the aforesaid exercise for not considering him for promotion as arbitrary and discriminatory. It was averred in the application that the reason for not empanelling the applicant was on the ground that the applicant failed to get the minimum 15 marks from 5 years ACR. According to the applicant the respondents acted upon the entries of the ACRs without giving him an opportunity to explain or represent against the entries of the said ACRs. It was alleged that against the adverse remarks in the ACR for the year 1994-95, the applicant since could not submit his representation, the same could not have been acted upon and the ACR of 1994-95 was not before the Selection Board and for which no marks could be provided to the applicant.



The respondents submitted their written statement and denied and disputed the applicant's claim. In the written statement it was stated inter alia, that the adverse entries contained in the ACR for the year ending 31.3.1995 was duly communicated to the applicant advising him to submit appeal against the adverse remarks, if he so desired, for due consideration of the accepting authority. According to the respondents the applicant chose not to submit any representation. Instead, the applicant requested the administration to furnish him with the substance of the favourable remarks appearing in the ACR. Non-communication of favourable entries did not nullify the communicated adverse remarks. As regards the promotion of the applicant to the non-gazetted cadre from the grade

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o. Rs.2000-3200 to the grade o. Rs.2375-3500, it was stated that the said promotion had no bearing with the communication o. adverse remarks in the ACR for the period ending 31.3.1995. For promotion to non-gazetted cadre, the actual points earned in the ACR were added to the total marks obtained by the candidates. For Group 'B' selection, one has/had to acquire minimum 15 marks out o. 25 under the head 'Record o. Service'. There is/was no qualifying marks laid down for promotion within non-gazetted cadre under the head 'Record o. Service' and there is/was a specific minimum qualifying mark, i.e. 15 out o. 25 under the head 'Record o. Service'. For promotion to Group 'B' post, passing o. the prescribed medical examination was a necessary prerequisite. In the instant case, the other candidates were cleared on medical examination, but the applicant was given a conditional certificate and relaxation o. medical standard was not contemplated under the system. The respondents denied the allegation o. the applicant that the ACR for the year 1996-97 was not made available before the Selection Board. The Selection Committee on objective assessment, recommended the eligible persons for promotion. The case o. the applicant was fairly considered and the competent authority did not find him eligible for promotion. Therefore, the promotions were lawfully made. The respondents placed the relevant ACRs before us and asserted that the gradings were made on the basis o. record o. service. It was also asserted that the applicant did not qualify in the medical test and for that purpose referred to the records.

4. Mr G.K. Bhattacharyya, the learned Sr. counsel for the applicant, in course o. his arguments, urged that passing o. the visibility test for the post o. Assistant Engineer was not an essential condition. The learned counsel for that purpose invited our attention to the Indian Railway Medical Manual and referred to some o. the provisions, more particularly, the provisions contained in paras 529 and 530 o. the said Manual. The learned counsel submitted that since the post in question is not connected with train working and use o. trolley on open line, the question o. examination o. visual acuity was not a statutory requirement.

5. Mr J.L. Sarkar, learned Railway Counsel, countering the arguments o. Mr Bhattacharyya, also referred to the Indian Railway Medical.....

Medical Manual and particularly referred to paras 530, 531 and 532 and submitted that all employees for promotion to the gazetted cadre from non-gazetted cadre are required to be examined for visual acuity and colour perception as per standard mentioned in respect of medical examination of non-gazetted cadre. On perusal of the provisions of the Manual, the examination for visual acuity and colour vision as per standard prescribed cannot be ruled out.

6. Mr Bhattacharyya next referred to the medical examination report and placed at our disposal reports of eight officers for the purpose of promotion. The learned counsel submitted that the report that was heavily relied upon by the respondents for excluding the applicant from consideration for promotion was a casual and perfunctory report. The learned counsel, particularly referred to the forms differently used for different purposes. Pointing to the report dated 25.5.1998, the learned counsel submitted that the concerned officer remarked that the applicant was not to be connected with train working or use of trolley. The learned counsel submitted that the report was not used in the written statement nor the full materials justifying the remark of the Medical Officer was placed, and therefore, it would not be just and fair to act upon ipse dixit. Mr Sarkar, however, submitted that the reports were submitted by the Medical Officer on proper assessment of the fact situation and this could not be lightly brushed aside.

7. We have perused the three medical examination reports dated 13.5.1998, 15.5.1998 and 25.5.1998. The first two reports were addressed to the General Manager(P), Maligaon and copies of the reports were endorsed to the concerned staff, besides sending a copy to the Deputy Chief Engineer/CON/Maligaon. The aforementioned two reports were furnished as per the requisition sent by the General Manager on 4.5.1998. The report dated 25.5.1998 was instead addressed to the DEE/Elect/MLG on the requisition of the DE dated 6.5.1998. Why separate procedures were adopted by the Railway Administration in this matter was not made known to us. The first two requisitions were sent by the General Manager,

but.....

but as to why a different requisition had to be sent by the DEE in the case of the applicant was, however, not made known to us. The report found the applicant fit for promotion to Group 'B' service, but qualified the said remark by stating that the post was not to be connected with train working or use of trolley. Why that remark had to be made by the communication dated 25.5.1998 was not discernible. The nature of the test applied for determining the visual acuity as well as the reasons made it difficult to accept the conclusion indicated in the report.

8. Admittedly, the ACRs were the inputs for the record of service and marks were awarded on the basis of the 'Record of Service'. As per their own showing marks for 'Record of Service' was to be given on the basis of confidential report for the last five years. For that purpose the weighted average of the five attributes of Section II of the ACRs of non-gazetted staff in grades of Rs.1600-2660 and above was to be taken. The ratings on the ACRs were already indicated by executive instructions/circulars. As per the ratings on the ACRs, 5 marks were to be allotted for 'Outstanding', 4 marks for 'Very Good', 3 marks for 'Good', 2.5 marks for those who were found 'not fit', 2 marks for 'Average' and 1 mark for 'Below Average'. Therefore, the ACRs play a vital role. A person who is/was shown as 'average' in the ACR is/was not found fit for promotion. Naturally, for the sake of fairness, the concerned person is to be intimated or made known ahead of time about the remarks 'average' entered in the ACR to enable him to improve his performance or otherwise to clarify his position. An adverse remark is not to be acted upon for denying the promotional benefit unless the same was communicated to the person concerned so that such person is provided with an opportunity to improve his quality of work and conduct and otherwise to explicate and/or demonstrate his quality. An ACR is the index of the performance of a Government servant. The object of such confidential report is basically with an object to improve the performance of the Government servant by making him aware of his area of weakness. The reason for communicating the adverse entries is to enable the Government servant either to have the opportunity to explain.....



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explain his conduct so that he may effectively explain the adverse entries as uncalled for or to provide him with an opportunity to ponder over the matter for his improvement.

9. From the records made available before us in the ACR of 1993-94 the applicant was shown as 'Average'. The Reporting Officer in his report dated 3.2.1996 against the columns 'Attendance', 'General Intelligence', 'Power to control others', 'Organising/Supervising ability', 'Capacity for hard work', 'Power of drafting' and 'Knowledge of Rules, Regulations and procedure' remarked as 'Good'. Against the columns 'Relations with others: (a) those above' it was remarked as 'Average' and '(b) those below' it was remarked as 'Good'. Against the column 'Integrity' it was shown as 'Beyond doubt'. However, against the columns 'Tact and Temper', 'Conduct', 'Initiative and direction' and 'Keeness/promptness and efficiency', the applicant was shown as 'Average'. Against the column 'Technical abilities', the applicant was shown as 'Good'. Against the column 'Has his/her work been satisfactory? I. not, in what respect he/she has failed?', the Reporting Officer remarked as 'No so satisfactory. He does not take initiative in discharging his duties promptly and efficiently.' In the last column, 'Grading' the Reporting Officer remarked as 'Average'. It would be pertinent to mention that in the column for Sel. Appraisal of Part II, the applicant at serial No.2 made the following report at item 2 under the heading 'Award':

"(2) AWARD: Mr J. Upadhyay, Member Electrical, RLY. BOARD Inspected TL depot GHY on 1.10.93 and sanctioned Rs.5000/- as award to TL and AC staff vide Rly. Board's L/No.93/Elec(G)/145/1 dt. 2.10.93 New Delhi."

The Reporting Officer in column 1 against the entry: 'Does the Reporting Officer agree with the statement made in Part-II? I. not the extent of disagreement and reasons therefor?', remarked as 'Yes, agreed to except Item No.2 since it is not his sel.-contribution.' In the sel. appraisal resume, the applicant clearly pointed out that the award was given to TL and AC staff. In the ACR of 1994-95 the applicant was graded as 'Good'. In the same report at column 17 it was remarked as 'One minor penalty chargesheet was issued and censured'. However in Section II of

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the ACR, the applicant was reported as 'Average' except in column 2(e) 'Ability to enforce discipline, where he was shown as 'Good'. The aforesaid report showing the applicant 'Average' for the year 1994-95 was, admittedly, not furnished. Against the adverse entries in the ACR of 1993-94, the applicant was informed about the adverse remarks vide communication dated 22.2.1996. The applicant sought for more details for submitting the representation and/or appeal. In a most cavalier fashion the respondents turned down his application dated 30.4.1996 by their communication dated 12.6.1996. Despite the aforementioned adverse entries in the ACR of 1993-94 the applicant was promoted to a higher grade. Naturally, it can be inferred that despite the purported remarks in the ACR of 1993-94 the applicant was promoted.

10. We have already mentioned about the nature of the performance appraisal. The sanctity and importance of appraisal of performance cannot be gainsaid. The authority who is entrusted with the preparation of the ACR is to act with full responsibility and since those remarks are of crucial nature in determining the career of an officer, the authority must objectively judge the situation and only after due care and caution make such entries. Such remarks as mentioned earlier are necessary to be introduced to set at right the wrong committed by the officer and provide him with an opportunity for improvement. An ACR is not meant to be used only as a punitive measure. It may be pertinent to recall the following observations of the Supreme Court in P.K. Shastri vs. State of M.P. and others, reported in (1999) 7 SCC 329:

".....Be that as it may, we think that the CRs of an officer are basically the performance appraisal of the said officer and go to constitute vital service record in relation to his career advancement. Any adverse remark in the CRs could mar the entire career of that officer. Therefore, it is necessary that in the event of a remark being called for in the confidential records, the authority directing such remark must first come to the conclusion that the fact situation is such that it is imperative to make such remarks to set right the wrong committed by the officer concerned. A decision in this regard must be taken objectively after careful consideration of all the materials which are before the authority directing the remarks being entered in the CRs....."

1. The right guaranteed under Article 16 is not confined to mere consideration for promotion, but it also includes right to be considered

justly.....



justly, fairly and reasonably. Where the considerations fall far short of just and reasonable consideration it amounts to a breach of the constitutional imperatives guaranteed under Articles 14 and 15.

12. In the circumstances set out above, we are of the opinion that the applicant's case for promotion requires to be considered by the authority on the basis of the ACRs sans the ACRs for the years 1993-94 and 1995-96. We do not think it proper to issue a direction to the respondents to give an opportunity to the applicant to submit his reply against the adverse remarks made in the aforesaid two ACRs in view of the fact that the matter pertains to promotion of the year 1998 and also in view of our observation made relating to the nature of the performance appraisal. The respondents are accordingly directed to hold a review DPC towards selection against 70% vacancies drawn on 3.6.1998 on the basis of the available records mentioned therein. For the sake of fairness we feel that the respondents should also take steps to cause fresh medical examination of the applicant. The respondents are further directed to complete the above exercise as expeditiously as possible, preferably within a period of three months from the date of receipt of the order by holding a review DPC as well as fresh medical examination of the applicant.

13. The application is allowed to the extent indicated. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (A)

आयुक्त अधिकारी (आदि प्रशासन)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायालय, गुवाहाटी-8

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General Secretary
N. F. Railway

ANNEXURE-IV

N.F. RAILWAY

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

No. E/254/13-1/LDCE(O)

Dated: 27-02-2003

To

The General Manager (Construction), Maligaon.

The General Manager (Personnel), Metro Railway, Metro Rail Bhawan, 33/1
Chowringhee Road, Kolkata - 71.

CEE, CESE, CVO/Maligaon, CE (CON)/Maligaon,

LRM (P)/KIR, APD, LMG & TSK; CWM(JAG)/NBQS, CWM(JAG)/DBWS,

SR.DEE/ KIR & LMG, SR.EDPM/MLG, DEE/NJP, APD, RNY, GHY, TSK & DBWS;

DEE(W)/NBQ, SEE/PS/MLG, PRINCIPAL/STC/NBQ, AEE/KIR, NJP, APC, RPA, HQ,

MLG, GHY, LMG, BPB & TSK; AEE(W)/HQ, SFO/EST/MLG, APO/NBQ, GHY & DERT.

GS/NFRMU & NFREU/Pandu, Guwahati - 12.

Sub:- Limited Departmental Competitive Examination for selection for
the post of AEE/Group-B against 30% vacancies.

Ref:- This office notification No.E/254/13-1/LDCE(O) dated 25.07.2000.

It has been decided with the approval of Competent Authority to cancel
this office earlier notification quoted under reference and to issue a fresh
notification for holding the Limited Departmental Competitive Examination for
forming a panel of 4 (UR-3 & SC-1) persons for the post of AEE/Group-B against
30% vacancies.

2. The LDCE will comprise of both written examination and viva-voce test.
The candidates who qualify in the written examination, will only be eligible for
the viva-voce test. The subjects of written examination and marks allotted in
each paper are given as under:-

<u>SUBJECT</u>	<u>MAXIMUM MARKS</u>	<u>QUALIFYING MARKS</u>
<u>PAPER - I</u> Professional subject, General Knowledge & Rajbhasha.	150	90
<u>PAPER - II</u> Professional subject, Establishment & Financial Rules.	150	90

3. The question paper will be BI-LINGUAL, i.e. HINDI and ENGLISH. It will
be the candidate's choice either to write in English or in Hindi.

4. The above LDCE is open to all Group-C Technical staff of Electrical
Engineering Department of this Railway who volunteer for the same on fulfilment
of the conditions mentioned below:-

- He/she should be regularly selected in the grade, the minimum of
which is Rs.5000/- & higher Group-C grade, with 05 years non-
fortuitous service in the grade as on 31-12-1997.
- All the volunteers, who fulfill the conditions of eligibility as
mentioned vide (i) above, will be allowed to compete in the written
examination without any restriction to the number of candidates, to
be admitted for the above examination.

(Contd..2)

5. The Controlling Officers are requested to notify this widely amongst the staff of Electrical Engineering Department under their control and obtain applications from the volunteers in the prescribed proforma, enclosed as Annexure-A and forward the applications duly verified and certified that the service particulars are correct so as to reach Dy.CPO/Gaz./MLG on or before 25th March 2003, without fail. Cadre Officers of Personnel Branch will take care of those candidates, who are currently out of the cadre on DEPUTATION to other organisations, to intimate them to apply within the target date. Incomplete applications and applications forwarded without verification of service records, will summarily be rejected. Applications sent in a piece-meal manner to this office after the target date will not be entertained under any circumstances.

6. Candidates who volunteer for above mentioned LDCE and become eligible for the same should be informed that a pre-selection coaching for SC/ST candidates will be conducted & arranged by the Department concerned, the same being mandatory as against Reserved vacancies. The date and venue of pre selection of SC/ST staff will be announced in due course of time.

7. It may be notified for general information that the written examination for above-mentioned selection will be held as early as possible and the volunteers who will become eligible for the same may be advised to keep themselves in readiness to appear in the above written examination at short notice.

8. In case of service particulars furnished by the candidates are found to be not in order, or if he/she is otherwise not eligible to appear in the said LDCE selection, the candidature of the volunteers will liable to be cancelled at any stage during pendency of the selection proceedings. The candidates should also be informed that there will be **NO ABSENTEE SELECTION** under any circumstances.

9. A copy of syllabus of LDCE of AEE/Group-B will be sent to all concerned.

10. It is also advised that applications of all volunteers duly verified (as stated above), may be sent in a bunch, through Special Messenger, to reach this office within the target date (25-03-2003).

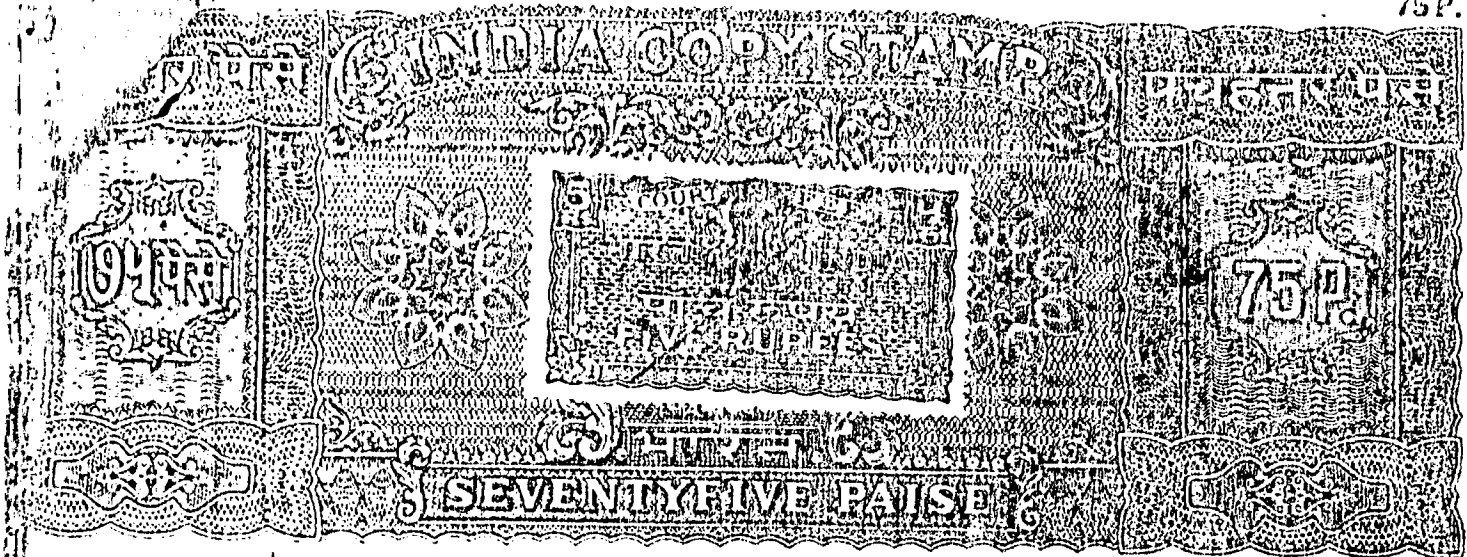
Please acknowledge receipt.

DA : 1) A sample copy of proforma of application.

[Signature]
26/2/03
(S.K. CHOUDHURY)

APO/GAZ.

For GENERAL MANAGER(P)



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
11/4/03	11/4/03	11/4/03	11/4/03	11/4/2003

IN THE GAUHATI HIGH COURT

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

MISC. CASE NO. 384/03

in W.P(C) NO. 7249/01

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

2. The General Manager
(Personnel) NF Railway
Maligaon, Guwahati.

3. The Chief Electrical
Engineer, NF Railway,
Maligaon, Guwahati.

4. The Division Electrical
Engineer, NF Railway,
Maligaon, Guwahati.

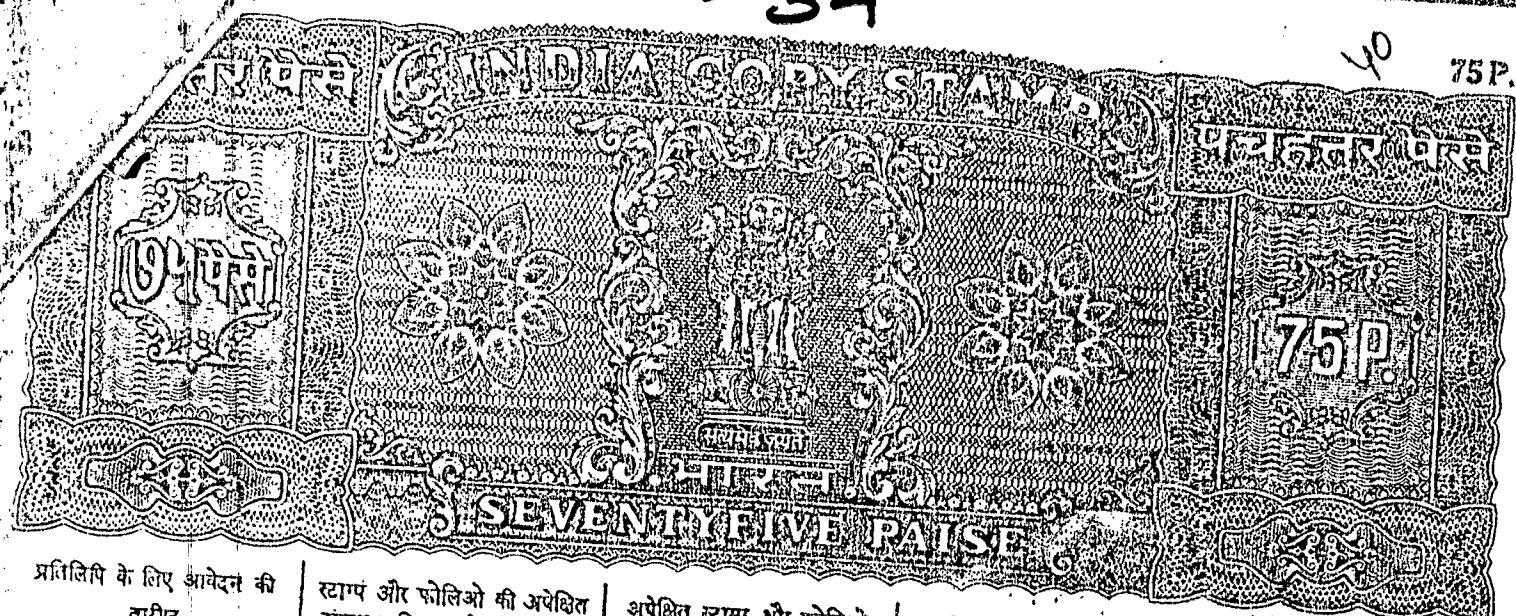
Petitioners.

-Vs-

Sri Pradeep Kumar Acharjee,
Senior Section Engineer
(Electrical), Pandu Power
House, NF Railway, Guwahati.

Respondent.

contd...



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

PRESENT

THE HON'BLE THE CHIEF JUSTICE MR. P. P. NAOLEKAR
THE HON'BLE MR. JUSTICE AMITAVA ROY

For the petitioner: Mr. B. K. Sarma, S. C. Rly.
Mr. D. K. Sarmah, Advts.
For the respondent: Mr. G. K. Bhattacharjee,
Mr. B. Chakraborty,
Mr. B. Choudhury, Advts.

Date
4.4.03

ORDER

After hearing the counsel for the parties, we do not find any reason to continue with the stay order dated 20.12.2001 and accordingly, the stay stands vacated.

Misc. case stands disposed of:

Sd/-AMITAVA ROY
JUDGE.

Sd/-P. P. NAOLEKAR
CHIEF JUSTICE.

Registered No. of Petition..... 6641
Filed/Date by Type by..... 11/4/03
Read by..... 11/4/03
Sponsored by.....

CERTIFIED TO BE TRUE COPY
Date..... 11/4/03
Superintendent (Copying Section)
Cochin High Court
Authorized U/S 76, Act I, 1870

AEE/MLG -35-

ANNEXURE-VI

NORTHEAST FRONTIER RAILWAY

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

No.E/254/13-1/LDCF(O)

Dated :15.05.2003

To

The General Manager(Construction)/Maligaon,
CEE, CEE(CON), CESE & CVO/MLG,
DRM(P)s/KIR, APDJ, RNY, LMG & TSK;
CWM(JAG)/NBQ, CWM(JAG)/DBWS, SR.DEE/KIR & LMG,
SR.EDPM/MLG, DY.CEE/PS/MLG, DEEs/NJP, APDJ, RNY, GHY, & TSK ;
DEE(W)/NBQ, DEE(W)/DBWS, SEE/PS/MLG, PRINCIPAL/STC/NBQ,
AEEs/KIR, NJP, APDJ, RPAN, HQ. MLG, GHY, LMG, BPB & TSK; AEE(W)/HQ,
SPO(EST)/MLG, APOs/NBQS, GHY & DBWS. GS/NFRMU & GS/NFREU/MLG.

Sub:- Limited Departmental Competitive Examination for the post
of AEE/Group-'B' against 30% vacancies.

Ref:- This office notification of even number dated 27.02.2003 &
letter of even number dated 07/08.05.2003.

It has been decided with the approval of Competent Authority to hold the
written examination of above mentioned LDCE as per programme detailed below:-

I. WRITTEN EXAMINATION:-

1. Venue of written examination :- Office of the CEE/Maligaon
2. Date of Examination :- 21.06.2003.(Saturday)

TIME OF EXAMINATION:-

- i) Paper-I :- From 10.00 hour to 13.00 hours.
- ii) Paper-II :- From 14.30 hour to 17.30 hours.

2. The list of total volunteers found eligible to appear in the above mentioned
LDCE, is enclosed as ANNEXURE-'A'.

3. The Controlling officers are requested to direct all the 65 eligible volunteers
(shown vide enclosed Annexure-'A') to report to office of the Chief Electrical
Engineer/Maligaon's Office to appear in the written examination on 21.06.2003
(Saturday) from 10.00 hours without fail.

4. A copy of Syllabus for the above written examination is enclosed for wide
circulation amongst all the eligible staff shown vide Annexure-'A'

The receipt of this letter may please be acknowledged.

DA : (1) One list of eligible volunteers
(2) One Syllabus.

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15/5/03
(S.K. CHOUDHURY)
APO/GAZ.
For GENERAL MANAGER(P)

NAME	DESIGNATION	WORKING UNDER
01 Seemabrata Kar	CVI/Elec/MLG	CVO/MLG
02 Bipul Ch Das (SC)	SSE/HQ	CEE/MLG
03 Moioy Kr Deb	SE/HQ	CEE/MLG
04 Pradip Kumar Achterjee	SSE/P/PNO	ADEE/MLG
05 Debuprakash Kalita	SE/P/MLG	ADEE/MLG
06 Pratap Sarkar (SC)	JE/II/PNO	ADEE/MLG
07 Nani Gopal Das (SC)	SE/PI/PNO	ADEE/MLG
08 Pradip Kumar Sinha	SEE/P/MLG	ADEE/MLG
09 Gautam Narzary (ST)	SE/DRG/Con/MLG	Dy CEE/Con/MLG
10 Ram Ch Yadav	SSE(E)/Con/MLG	Dy CEE/Con/MLG
11 Amalendu Roy Choudhury	SSE(E)/Con/DBRT	Dy CEE/Con/MLG
12 Nihar Rn Chakraborty	SE/Elec/Con/SC	Dy CEE/Con/MLG
13 Prafulla Ch Datta	SE/Elec/Con/APDJ	Dy CEE/Con/MLG
14 Jitu Rosaily (SC)	SE/AC/DBRT	DEE/TSK
15 Subir Das	SSE/TSK	DEE/TSK
16 Bipin Ch Sarma	SSE/P/INTSK	DEE/TSK
17 Guneswar Saikia	SSE/E/TSK	DEE/TSK
18 Animesh Ghosh Dastidar	SSE/E/TSK	DEE/TSK
19 Rabin Rabidas (SC)	JE/INTSK	DEE/TSK
20 Rup Ram Medhi	SSE/E/PI/TSK	DEE/TSK
21 Dambaru Sonowal (ST)	SE/E/DBRT	DEE/TSK
22 Pundari Kakshya Boruah	SE/TL/DBRT	DEE/TSK
23 Dadul Chandra Borah	JE/II/DBWS	DEE/DBWS
24 Sunil Kumar Duori (ST)	SSE/EMWS/DBWS	DEE/DBWS
25 Gunin Chandra Das (SC)	SE/DBWS	DEE/DBWS
26 Arjun Chandra Achterjee	SE/DBWS	DEE/DBWS
27 Pradip Kumar Adhikari	SE/TL/DBWS	DEE/DBWS
28 Nabaranjan Chutla	SEE/DBWS	DEE/DBWS
29 Sajal Chandra Ray	SSE/LMG	Sr. DEE/LMG
30 Prabir Kanti Dey	SEE/Drg/LMG	Sr. DEE/LMG
31 Biswajit Sikidar	SE/LMG	Sr SE/P/LMG
32 Pradip Kumar	SSE/P/LMG	Sr. DEE/LMG
33 Gopal Chakraborty	SSE/P/MLG	Sr. DEE/LMG
34 Kishori Mohan Das (SC)	SE/Elec/AC/GHY	DEE/GHY
35 Baruan Ch Mahanta	SE/E/AC/GHY	DEE/GHY
36 Sibendu Samadder	JE/TL/PNO	DEE/GHY
37 Subhasis. N. Ghosh	JE/II/AC/GHY	DEE/GHY
38 Mukunda Deka (SC)	SSE/GHY	DEE/GHY
39 Himadri Das	SSE/TECH/GHY	DEE/GHY
40 Deepak Kumar Bharali	SE/P/GHY	DEE/GHY
41 Diganta Kumar Kalita	JE/II/TL/GHY	DEE/GHY
42 Kishore Bhattacharjee	SE/TL/GHY	DEE/GHY
43 Rupak Bhanja	SE/TL/GHY	DEE/GHY
44 Mukut Das (ST)	JE/II/NLP	SE/Elect./RPAN
45 Md. Baharul Islam	Sr. Instructor/E/NBQ	PSTC/NBQ
46 Gautam Das (SC)	Sr. Instructor/E/NBQ	PSTC/NBQ
47 Ajit Kr Majumder (SC)	Chief Instructor/E/NBQ	PSTC/NBQ
48 Gajen Narzary (ST)	JE/II/TL/NBQ	SSE/TL/NBQ
49 Ratul Chandra Baruah	JE/II/NBQ	SSE/SE/PH/NBQ
50 Basistha Das (SC)	SE/EMWS/NBQS	DEE/WINBQS
51 Mokhlesur Reza Khandker	SSE/NBQ	DEE/NBQ
52 Madhab Chandra Halder (SC)	SSE/PH/NBQ	DEEWS/NBQ
53 Manoj Kumar Dasgupta	SSE/E/NBQS	DEEWS/NBQS
54 Jayanta Deka	JE/II/NBQ	SE/TL/NBQ
55 Akhil Ch Barman (SC)	SSE/E/BNGN	DEE/APDJ
56 Nirmalendu Nandi	ISE/E/NMX	DEE/APDJ
57 Bilu Chakraborty	SE/E/BG/NBQ	DEE/APDJ
58 Santi Ranjan Deb	SSE/E/PI/APDJ	DEE/APDJ
59 Bimal Prasad Bhattacharjee	SE/MBZ	DEE/APDJ
60 Bidyut Ranjan Das	SSE/APDJ	DEE/APDJ
61 Maheswar Saikia (SC)	JE/PI/KIR	Sr. DEE/KIR
62 Uday Shankar Sarkar	SE/TOH	Sr. DEE/KIR
63 Rash Bhari Deb	SE/MLDT	SE/MLDT
64 Amitabh Sarma Sarkar	SE/TL/NJP	SSE/TL&AC/NJP
65 Debasis Munshi	SE/AC/NJP	SSE/TL&AC/NJP

Dns.
15/5/03