

50/100
2
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE. 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org.App/ Misc.Petn/Cent.Petn/ Rev.Appl. 20/04

In O.A.

Name of the Applicant(s) Ashoke Kr. Das

Name of the Respondent(s) n. o. I. Toms

Advocate for the Applicant A. Chakrabarty

Counsel for the Railway/ S.G.S.C. Rh. counsel. B.C. Pathak
M.C. Sarma

OFFICE NOTE

DATE

• ORDER OF THE TRIBUNAL

This application is filed by the

from before the date

Contingency Fund

filed on 29.3.2004

for R. No. 116387879

Dated 5.2.04

15.3.2004

Heard Mr. A. Chakrabarty, learned
counsel for the applicant.

List on 29.3.2004 alongwith O.A.
293/2003.

K. Chakrabarty
Member (A)

Shrey

mb

ASmt
11/3/04 29.3.04

The learned counsel for the
applicant is unwell. List on
28.4.04 for Admission.

K. Chakrabarty
Member (A)

K. Chakrabarty
Member (J)

pg

128.4.2004

List on 3.5.2004 for admission.

mb

K. Chakrabarty
Member (A)

10.5.2004

present: The Hon'ble Shri Mukesh Kumar Gupta, Member (J).

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

Mr.A.Chakraborty, learned counsel for the applicant and also Mr.J.L. Sarkar, learned Standing counsel for the Railways were present.

Admit. Mr.Sarkar may file reply. List the case for hearing before the next Division Bench. This case and O.A.293/2003 are cross petitions and are to be heard simultaneously and accordingly it is ordered that both the cases are to be listed together.

27-9-04

No reply has been
rec'd by the D/o Pdt.

bb

K. Prahla
Member (A)

✓
Member (J)

28.9.04.

Present: Hon'ble Mr.Justice R.K. Batta, Vice-Chairman. Hon'ble Mr.K.V.Prahladan, Administrative Member.

Heard Mr.A.Chakraborty, learned counsel for the applicant and Mr.J.L.Sarkar, learned Railway counsel for the Respondents.

Service of Respondents is awaited. Awaiting service/Respondents the applicant in case so desired, may file fresh service, on the respondents. In that event fresh notice be issued. Stand over to 30.11.04 for hearing.

K. Prahla
Member

R
Vice-Chairman

As per order dt- 28/9/04
Notice sent to D/Section
for issuing to resp.
Nos. 2 to 7, by regd.
A/D post.

*Recd
10/10/04.*

Respondents no. 7

Received unexecuted due
(to address not clear)

*✓ 4/11/04 Notice duly
served on resp
N-53 6.37*

| Notes of the Registry | Date | Orders of the Tribunal |
|------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>29/11/04</u> | 30.11.04 | <p>The learned counsel for the applicant has sent sick note. Service of on serve for the Respondents is awaited. Applicant to take of notice. Stand over to 13.1.05 for orders.</p> <p><i>R</i></p> <p><i>K. Prahledan</i> Member</p> |
| 1) Notice duly served on R. Nos 3, 5 & 6. 2) SR is awaited for O. No. 1, 2 2427. 3) NO. WTS has demurred | | |
| <i>ND</i> <u>29/11/04</u> | | |
| <i>Received order</i> dt. 30/11/04. <i>K. Prahledan</i> Adv. cal. 3/12/04 | lm | |
| | 17.1.05 | <p>On the request made by learned counsel Sri S.Nath on behalf of Sri A.Chakraborty, learned counsel for the applicant the matter is adjourned to 25.1.05 for hearing. None present for the respondents.</p> <p><i>R</i></p> <p><i>K. Prahledan</i> Member</p> |
| <u>11/12/04</u> | | |
| 1) Notice duly served on R. Nos 3, 5 & 6. 2) Service Report is awaited 25.1.2005 3) NO. WTS has demurred by the respondents. | pg | <p>List before the next Division Bench.</p> <p><i>R</i></p> <p><i>K. Prahledan</i> Member (A)</p> |
| <i>ND</i> <u>11/31/05</u> | mb | |
| <i>21-3-GP</i> <i>110. art 5 for Secy.</i> <i>85 ktd</i> | 14.03.2005 | <p>present The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. The Hon'ble Mr.K.V.Prahledan Member (A).</p> <p>At the learned counsel for the parties adjourned to 22.3.2005 along with O.A.293/2003 for hearing.</p> <p><i>R</i></p> <p><i>K. Prahledan</i> Member</p> |
| | bb | |

O.A. 20/2004

• Notes of the Registry

Date

Orders of the Tribunal

22.03.2005

Present : The Hon'ble Mr. Justice
G. Sivarajan, Vice-Chairman
The Hon'ble Mr. K.V.
Prahladan, Member (A).

Heard Mr. A. Chakrabarty,
learned counsel for the applicant
and also Mr. J.L. Sarkar, learned
counsel for the respondents.

List on 11.04.2005 for hearing

K. V. Prahladan
Member (A)

G. Sivarajan
Vice-Chairman

mb

11.4.05

The matter heard in part.
The learned counsel for the applicant in fact challenging the
promotion to the Respondents Nos.
3 to 5 and 6. It is seen that
notices have not been served in
all the Respondents. In the circumstances the learned counsel
for the applicant will take further steps in all the matters.

Post the matter on 27.4.05.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

27.4.2005

These two cases (O.A. No. 20/04
and 293/03) are connected in which
two different Standing Counsel appeared.
Written statement has been filed in
O.A. 293/03 where Mr. J.L. Sarkar was
appeared for the respondents. Mr. B.C.
Pathak, learned counsel ~~was~~ appearing
in O.A. No. 20/2004 ~~submits~~ submits
that written statement is ready and sent
for vetting. Hence, post ~~on~~ these cases
on 25.5.2005.

G. Sivarajan
Vice-Chairman

22-4-05
No W/S has been
filed by the respondents

22-4-05

Pls. verify as per
Court's order dated 11.4.05
22/4/05

Notice duly served
on resp. Nos. 1, 3, 5, 6

22/4/05

| Office Notes | Date | Order of the Tribunal |
|--------------------------------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 25.5.2005 | On the prayer made by Mr. B.C. Pathak, learned counsel for the respondents list this case for hearing on 23.6.2005 along with O.A. 293/2003. |
| <i>WLS has been filed.</i> <i>By 22.6.05</i> | | <i>KR Dasgupta</i> Member |
| | 23.6.2005 | bb List on 27.7.2005 for hearing. |
| <i>WLS filed on behalf of R. No. 1 and 7.</i> <i>By 26.7.05</i> | | <i>S. Nath</i> Vice-Chairman |
| | 27.7.2005 | mb Adjournment is sought on behalf of Mr. A. Chakraborty, learned counsel for the applicant on account of his illness Post on 12.8.2005. |
| | | <i>KR Dasgupta</i> Member |
| | 12.8.05 | <i>S. Nath</i> Vice-Chairman mb At the request of Mr. S. Nath on behalf of Mr. A. Chakraborty, learned counsel for the applicant the case is adjourned post before the next Division Bench. |
| <i>WLS filed on behalf of R. No. 1 and 7.</i> <i>By</i> | | <i>S. Nath</i> Vice-Chairman |
| | 5.10.2005 | pg Counsel for the parties seek adjournment. Post on 17.11.2005. |
| | | <i>S. Nath</i> Member |
| | mb | <i>S. Nath</i> Vice-Chairman |

17.11.2005

Post before the next Division Bench

4-1-06*Ansari*

Vice-Chairman

① Wts filed on behalf
of R.No-1 & 7. bb.

② Respondant No 2,3,4,5
and 6 not yet filed. 5.1.06

On behalf of Dr M.C.Sarma, learned
Railway counsel an adjournment is sought
Post before next Division Bench.

*Ansari**K.P.M.*

Member

G.J.

Vice-Chairman

6-3-06

pg

① wts filed on behalf 7.3.2006
of R.No-1 & 7.

Heard Mr.A.Chakraborty, learned
counsel for the applicant and Dr.M.C.
Sarma, learned Railway counsel for the
respondents. Hearing is concluded.
Order is reserved.

Ansari

Vice-Chairman(J)

Vice-Chairman(A)

bb

10.3.2006

Judgment pronounced in open Court
kept in separate sheets.
The O.A. is dismissed in terms of
the order.

Vice-Chairman(J)

Vice-Chairman(A)

bb

24.3.06
copy of the Judg.
has been sent to the
apptee for issuing
the same to the appellee
as well as to the Rly.
Standby counsel for
the respndt.

*Ansari**K.P.M.*5/4/06

2

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application Nos. 293 of 2003 & 20 of 2004

Date of decision: This the 10th day of March 2006

Hon'ble Shri B.N. Som, Vice-Chairman (A)

Hon'ble Shri K.V. Sachidanandan, Vice-Chairman (J)

1. O.A.No.293/2003

1. Arun Kr Chaterjee, Chief Controller
2. Nirmalendu Bikash Dutta, Chief Yard Master
3. Dharmeswar Nath, Chief Yard Master
4. Samar Kr Das, Chief Controller
5. Ashok Kr Sur, Chief Controller

.....Applicants

All the applicants are working under the
Chief Operation Manager, N.F. Railway, Guwahati.

By Advocate Mr A. Chakraborty.

- versus -

1. Union of India, represented by the
General Manager,
N.F. Railway, Maligaon, Guwahati-11.
2. The General Manager (P),
N.F. Railway, Maligaon, Guwahati-11.
3. Shri Digambar Jha, Traffic Inspector/WR,
Office of the Divisional Railway Manager,
N.F. Railway, Katihar.
4. Shri Amar Kumar Das, Station Master,
Old Manda Railway Station,
N.F. Railway, West Bengal.
5. Shri G.S. Biswakarma, Chief Yard Master,
New Jalpaiguri Railway Yard,
N.F. Railway.

6. Shri Harindra Prasad Sinha,
Chief Controller,
Office of the Divisional Railway Manager,
N.F. Railway, Katihar. Respondents

By Advocate Dr J.L. Sarkar, Railway Counsel

II. O.A. No. 20/2004

Sri Ashoke Kr. Das, working as
Traffic Inspector in N.F. Rlys., resident of
Kamakhya Colony, Maligaon, Guwahati - 11. Applicant

By Advocate Mr. A. Chakraborty.

Versus -

1. Union of India, represented by the
General Manager,
N.F. Railway, Maligaon,
Guwahati - 11.
2. The General manager (P)
N.F. Railway, Maligaon,
Guwahati - 11.
3. Shri Digambar Jha
Assistant Operation manager,
Katihar, N.F. Railways.
4. Shri G.S. Biswakarma (SC)
Assistant Operation Manager
Katihar, N.F. Railways.
5. Shri Amar Kr. Das (SC)
Station Superintendent (Gaz)
Katihar, N.F. Railways.
6. Shri P.L. Bhutia (ST)
Assistant Operation Manager/G
Alipurduar Junction, N.F. RLY.
7. Sri A.S. Mallik (SC)
Assistant Operation Manager/G
Lumding, N.F. Railways. Respondents

By Advocate Dr. M.C. Sarma, Railway Counsel.

.....

✓

ORDERSACHIDANANDAN, VICE-CHAIRMAN (I)

There are five applicants in O.A.No.293 of 2003 and one applicant in O.A.No.20 of 2004. The issue involved in these cases are identical and therefore, with the consent of the parties, these are disposed of by a common order.

2. The facts of the cases are that the applicants have appeared in the written test for selection to the post of ADM/ATM Group 'B' against 70% vacancies on 11.10.2003. The list of candidates under the zone of consideration was published which included the names of the applicants amongst others. The applicants on 11.10.2003 appeared in the examination and according to them they did very well. The list of candidates who qualified in the written examination of selection was published on 11.12.2003, which includes the names of 15 (fifteen) candidates amongst which 5 (five) belong to SC and 4 (four) to ST community. The viva voce test of the above selection was announced. The list of candidates for viva voce test was published which includes the names of 16 (sixteen) candidates as against 15 (fifteen) qualified candidates in the written test. The sixteenth candidate in the list of unreserved candidates all along his service career was treated as belonging to SC community. The total vacancies were shown as 13 (thirteen) (UR-10, SC-02 and ST-01). The applicants were not considered and therefore, aggrieved by the said inaction of the respondents they have filed the present O.A.s seeking the following reliefs:

Reliefs sought for in O.A.No.293/2003

"8.1 The selection for the post of AOM/ATM against 70% vacancies held on 11.10.2003 be declared illegal and be quashed.

8.2 The respondents be directed to reassess the correct vacancies of the post of AOM/ATM and prepare select list of eligible candidates according to rules, procedures and law of reservation and thereafter to hold the said selection of AOM/ATM against 70% vacancies afresh."

Reliefs sought for in O.A.No.20/2004

"8.1 The result of the selection against 70% vacancies for the post of AOM/ATM held on 11.10.2003 and 29.12.2003 respectively be modified and applicant's name be included in the select list/panel and consequently in the promotion order dated 12.01.2004.

8.2 The Office Order dated 12.01.2004 (Annexure-E) be modified by deleting the names of the ineligible candidates, both beyond the zone of eligibility and impermissible reservation, and the applicant's name be included in the said order."

3. The respondents have filed a detailed written statement contending that for calling of candidates as per 3X formula against minimum four number and above vacancies in the case of 70% Group 'B' selection, there is a laid down provision for adding equal number of candidates to the extent of those who had appeared twice and failed in earlier selections, over and above 3X formula, as per Railway Board's letter dated 10.09.1986 (Annexure-R1). The names of the

applicants did not appear as they could not qualify in the written examination. There is no mistake in the assessment of vacancies and calling of eligible and willing candidates was as per the laid down norms of Railways in filling up of Group 'B' posts and also as per existing 40-point Roster. Though a list of fifteen candidates was published by letter dated 11.12.2003, the name of another successful candidate in the written examination was inadvertently omitted and his name disappeared in letter dated 11.12.2003 and the list of total sixteen successful candidates in the written examination was accordingly notified by letter dated 18.12.2003. The excess number of SC/ST candidates were called for the selection as per the integrated seniority of the candidates concerned. The final empanelment of candidates for Group 'B' posts against 70% selection is based on candidate's performance and fitness under different heads of qualifying marks. There is no provision for extending proforma marks for seniority. Though thirty-nine eligible and willing candidates as per 3X formula were supposed to be called for written examination against thirteen posts, an additional nine eligible and willing candidates were also called to the extent of twice appeared and failed candidates (i.e. $39+9=48$ candidates) in the total field of eligibility as per Railway Board's letter dated 10.9.1986. Therefore, there is no irregularity in the procedure adopted in the selection and since the applicants have not come out successful in the examination they cannot agitate against the same.

4. Mr A. Chakraborty, learned counsel for the applicants in both the cases, Mr J.L. Sarkar, learned Railway counsel in O.A.No.293/2003 and Dr M.C. Sarma, learned Railway counsel in O.A.No.20/2004 are present.

5. We have heard the learned counsel for the parties. The learned counsel for the applicants argued that the Railway Authorities had committed mistakes in the assessment of vacancies, in calculating the number of eligible candidates, calling of excessive candidates of SC and ST community and thus violated Rule 203.4 and Rule 215 (e) of IREM and also Articles 14 and 16 of the Constitution of India.

6. The learned counsel for the Railways, on the other hand, persuasively argued that adding equal number of candidates from those who had appeared and failed twice in the earlier selection over and above the 3X formula was adopted as per Railway Board's letter dated 10.9.1986 and therefore 39+9 i.e. 48 candidates were called for the selection which cannot be faulted.

7. We have given due consideration to the arguments advanced by the learned counsel for the parties. Admittedly, the next promotion of the applicants to Group 'B' category of ADM/ATM are to be filled up by two methods - 70% by selection process and 30% by Limited Departmental Competitive Examination. For selection against 70% vacancies the number of vacancies is required to be correctly assessed and in case such number is 4 and above, the number of eligible candidates from the feeder cadre shall be determined by multiplying the said number by 3 which is expressed as 3X formula. This is a statutory compulsion. A list of eligible/willing candidates under the zone of consideration as per Annexure-A1 were called for and fortyeight persons have been listed thereof and thereafter fifteen persons qualified as per Annexure-B dated 11.12.2003. But when Annexure-C letter dated 18.12.2003 was published for viva voce test, the names of sixteen candidates had been included including one H.P.

Sinha. Both parties agreed that it is not Singh but Sinha. The learned counsel for the respondents submitted that though the 16th candidate qualified it was inadvertently omitted in the selection list, which was corrected by Annexure-R2 order dated 17.12.2003. The learned counsel for the respondents submitted that the respondents had every right to correct the mistake. We have no reason to disbelieve the averment of the respondents that it was a mistake and therefore the inclusion of the 16th candidate for viva voce test in the list cannot be said to be a manipulation. We, therefore, accept that Annexure-C letter dated 18.12.2003 which cannot be doubted.

8. The learned counsel for the applicant has taken our attention to Rule 203.4 and Rule 215(e) of the IREM and contended that according to the 3X formula against a minimum four numbers vacancies three times the number of candidates should only be called. Therefore, the nine candidates who have been called in excess of such formula is a fault on the part of the Railways. The Railways, on the other hand, relied on Railway Board's letter dated 10.9.1986 which is reproduced as under:

"The General Managers
All Indian Railways
including CLW, DLW & ICF.

The General Manager,
Wheel & Axle Plant
Bangalore.

SUB: Selection for appointment to Group 'B' post.

In terms of the instructions contained in Board's letter No. E (GP)81/1/18 dated 9.4.1981, the field of consideration for indicated therein with 3X formula being applied where the vacancies are four or more in number. Based on a recommendation of the CSEs and CEs who attended a Workshop in April'86, your views have been sought as to the need or desirability of extending the field to six, time

the number of vacancies as was the practice in force prior to the issue of instructions vide Board's letter dated 9.4.1984 quoted above. D.O. letter No. E (CP)86/2/49 dated 24.7.86 addressed to your Chief Personnel Officer by the Executive Director, Management Services refers in this connection. Pending an examination of the matter in the context of the issue referred to in EDMS's D.O. letter dated 24.7.86, it has been decided by the Board as follows:

- i) The field of consideration for the Group 'B' selection should continue to be determined on a sliding scale as indicated in Board's letter No. E (GP)81/1/18 dated 9.4.81.
- ii) If the field constituted as at (1) above includes employees who had failed twice in the earlier selections, a correspondence number of additional employees should be called for the selection, e.g. if the field consists of 15 employees for selection against five vacancies and it includes, say three employees who had appeared earlier in selections twice and failed, three more eligible employees as per seniority should be included in the field. This will apply in respect of selection initiated after the issue of this letter.

2. Kindly acknowledge receipt of this letter."

The learned counsel for the applicants submitted that the circular of the Railway Board dated 10.9.1986 has no relevance because the IREM came into force subsequently superseding all other circulars/ rules provided in the field. We are in respectful agreement of the said proposition. However, we are not happy with total ignorance that has been shown by the Railways in relying on a circular which has become obsolete and out dated. The Railways should take abundant caution not to commit such fault in future. They should bear in mind and take appropriate legal advice before finalisation of such directions in future.

9. But the very locus standi of the applicants in challenging this is under dispute by the respondents. The applicants have no case

that any of their juniors has been selected nor do they have a case that they have passed the written examination. This is a selection post on the merit of the written examination and viva voce. Admittedly, the applicants have not qualified in the written examination or in the viva voce. Therefore, the application of the formula and that of the reservation point cannot be agitated by persons who miserably failed in the written examination and also in the viva voce.

10. On an overall evaluation of the case we find that the claim of the applicant is on a wide spectrum and in the nature of public interest litigation. When specifically asked to the learned counsel for the applicant, he submitted that in case the excess candidates were deleted or avoided from the list of candidates they may get a better opportunity in the next examination where. This contention cannot be accepted for the reason that even if these nine alleged excess candidates are avoided the applicants cannot have a chance since they have not passed the qualifying examination and therefore they are not in the zone of consideration. Therefore, we are of the view that the contention on the reservation point and that of excessive candidates for vacancy position cannot be agitated by the applicants who are not qualified for the same and the learned counsel for the respondents submitted that any interference by this Tribunal will affect the system and the applicants also will not get any relief and it will be a heart burn to the candidates who have already been promoted by due process of selection.

11. The Hon'ble Supreme Court in Om Prakash Shukla Vs. Akhilesh Kumar Shukla, AIR 1986 SC 1043 has declared that "having

participated in the selection and failed such candidates cannot challenge the legality of the selection." Taking confidence of the said decision and the dictum laid down, we are of the view that the applicants cannot legally challenge the selection and the O.A.s are to be dismissed.

12. In the conspectus of the above facts and circumstances the applicants are legally not entitled to challenge the selection process and the O.A.s are devoid of any merit. Accordingly we dismiss both the O.A.s. In the circumstances no order as to costs.

Sd/ VICE CHAIRMAN (A)

Sd/ VICE CHAIRMAN (J)

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In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 20 /2004

Sri Ashoke Kr. Das

----- VS -----

Union of India & Ors

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

9.9.2003 Written examination for selection for the post of AOM/ATM Group "B" against 70% vacancies was announced to be held on 11.10.2003. List of eligible candidates under the zone of consideration was also published which includes the name of the applicant amongst others.

11.10.2003 Written examination for the said selection was held and the applicant appeared in the said examination and did very well.

11.12.2003 List of qualified candidates in the written examination of the above mentioned selection was published which includes the name of 15 (fifteen) candidates including the name of the applicant, amongst which 5 (five) belong to SC and 4 (four) belong to ST community.

12.12.2003

The applicant was asked for physical fitness certificate from medical authorities along with 3 others for holding Group 'B' posts of AOM/ATM. He qualified the medical test and fit certificate was also given.

18.12.2003

Date and time of viva voce test of the above selection was announced to be held on 29.12.2003. List of candidates called for to appear in the said viva voce test was also published which includes the name of 16 (sixteen) candidates as against 15 (fifteen) qualified candidates in the written test as explained above. The sixteenth candidate included in the list as UR candidate though all along his service he was treated as belonging to SC community.

29.12.2003

The applicant appeared in the viva voce test and did very well.

12.01.2004

Office Order No. 02/2004 issued for promotion and posting of

✓A

candidates in which the applicant's name was omitted.

After 12.01.2004

The applicant could come to know from the said Order dated 12.01.2004 that an OA No. 293/2003 has been filed before this Hon'ble Tribunal challenging the said selection on the ground of such anomalies, and the promotions have been made subject to the outcome of the said OA No. 293/2003. On enquiring into the said OA No. 293/2003, the applicant has further come to know that the respondent Railway authorities have done mistakes in assessment of vacancies, in calculating the number of eligible candidates, calling of excessive candidates of SC & ST and thus violated Rule 203.4 & Rule 215 (e) of IREM and also violated Article 14 & 16 of the Constitution of India.

#####

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In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

D.A. No. 20 /2004

Shri Ashoke Kr. Das _____ Applicant

----- Versus -----

Union of India & Ors _____ Respondents

I N D E X

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Filed by:


(Anupam Chakraborty)

ADVOCATE

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 1/2004

BETWEEN

Sri Ashoke Kr. Das, working as
Traffic Inspector in N.F.
Rlys, resident of Kamakhya
Colony, Maligaon, Guwahati-11.

Applicant

- Vs. -

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

2. The General Manager (P)
N.F. Railways, Maligaon,
Guwahati-11.

3. Shri Digambar Jha
Assistant Operation Manager,
Katihar, N.F. Railways.

4. Shri G.S. Biswakarma (SC),
Assistant Operation Manager
Katihar, N.F. Railways.

5. Shri Amar Kr Das (SC),
Station Superintendent (Gaz)
Katihar, N.F. Railways.

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Filed by the applicant
on behalf of S. Ashoke Kr Das

Ashoke Kr Das

6. Shri P.L. Bhutia (ST)

Assistant Operation Manager/G

Alipurduar Junction.

N.F. RLY.

7. Sri A.S. Mallik (SC)

Assistant Operation Manager/G

Lumding, N.F. Railways.

Respondents

Details of the Application :

1. Particulars of the order against which the application is made :

i) The application is made for modification of panel as a result of the selection for the post of AOM/ATM against 70% vacancies held on 11.10.2003 & 29.12.2003 respectively and for including the name of the applicant in the promotion order dated 12.01.2004.

ii) For modification of the Office Order No.82/2004 dated 12.01.2004 by including the name of the applicant and promoting him in the post of AOM/ATM.

2. Jurisdiction:

The Applicant declares that the subject matter of the application is within the jurisdiction of the hon'ble tribunal.

Ashok Kr Das

3. Limitation:

The applicant declares that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

4.1 That the Applicant is citizens of India and as such is entitled to the rights and Privileges guaranteed by the Constitution of India.

4.2 That the Applicant is working as Traffic Inspector in Group 'C' post in N.F. Railways in the Operating Department. The next promotional avenue of the applicant is to Group 'B' category post of Assistant Operation Manager (for short AOM)/ Assistant Traffic Manager (for short ATM). The posts of AOM/ATM are filled up by two methods. 70% are filled up by selection process and 30% by Limited Departmental Competitive Examination. It is stated that selection for 70% vacancies is made on the basis of seniority cum departmental examination.

4.3 That it is stated that for selection against 70% vacancies the number of vacancies is required to be correctly assessed and as per Rule 203:4 of IREM if number of vacancies is 4 and above, the number of eligible candidates from the feeding cadre shall be determined by multiplying the said number by 3 which is expressed as 3X formula. This is a statutory compulsion. It is also stated that this formula of calling candidates is according to the terms of the general principle of eligibility for calling

Ashoke Kr Das

candidates as per Department of Personnel of Training, Ministry of Home Affairs. In the railways, long back there was a proposal for calling candidates beyond this 3X formula considering number of candidates failed in earlier two occasions. This was tried in the railways for a temporary phase as administrative instructions, but by specific rules published in 1989 (Rule 203.4 & 215(e) of IREM) this has been abandoned. There is at present no Rule for calling candidates beyond 3X formula.

4.4 That in August, 2003 the applicant along with others were asked to give a declaration giving their willingness for appearing in a selection for ADM (70% vacancy) which the applicant gave.

4.5 That by a letter dated 09.09.2003 list of eligible/willing staff under zone of consideration for the above selection was published fixing the date of written examination on 11.10.2003. The applicant was in the list of eligible candidates and his name appears at serial no. 39. The applicant accordingly appeared in the said written examination.

Copy of the letter dated 09.09.2003
is enclosed as Annexure-A.

Copy of the List of eligible
candidates is enclosed as
Annexure-A/1".

4.6 That the applicant did very well in the written

Ashok Kumar Dab

examination and was declared successful by a letter dated 11.12.2003 along with 14 others. His name appears at serial No.7 of the said letter dated 11.12.2003. As such his merit position is 7 (seven) in the written qualified candidates list. It is stated that by letter dated 12.12.2003 the applicant was asked for physical fitness certificate from medical authorities along with 3 others for holding Group 'B' posts of AOM/ATM. He qualified the medical test and fit certificate was also given.

Copy of the letter dated 11.12.2003
is enclosed as Annexure-B.

Copy of the Letter dated 12.12.2003
is enclosed as Annexure-C.

4.7 That by letter dated 18.12.2003 sixteen candidates including the applicant were asked to appear in the viva voce test fixing the date on 29.12.2003. The applicant appeared in the said viva voce test and did very well. It is stated that though 15(fifteen) candidates were declared qualified in the written examination total candidates called for the viva voce test was 16 numbers. The inclusion of 16th candidate suggests the anomaly in the said examination and is an example of malafide exercise of power and/or susceptibility to mistakes in the process of such a vital selection.

Copy of the letter dated 18.12.2003
is enclosed as Annexure-D.

4.8 That the panel of the above selection has not been circulated. A promotion and posting order consequent upon

Ashok K. Vora

the said selection was issued by office order No.02/2004 on 12.01.2004. Thirteen candidates were named in the said order and their promotion and posting orders were also issued with immediate effect. The applicant's name is absent in the above order dated 12.01.2004. It is stated that the applicant qualified in the written examination and found place at serial no.7 (Annexure-B). It is also stated that there is nothing adverse in the records of service of the applicant and that as regards ACR also he has never received anything adverse.

Copy of the office order dated 12.01.2004 is enclosed as Annexure-E.

4.9 That the applicant has come to know that there were various mistakes and anomalies in the said selection process. The SC/ST candidates were called and considered in excess of the quota under the law of reservation. The applicant has come to know from the office order dated 12.01.2004 that an OA. No.293/2003 has been filed before this Hon'ble Tribunal challenging the said selection on the ground of such anomalies, and the promotions have been made subject to the outcome of the said OA. No. 293/2003. It has also come to the notice of the applicant, specially after enquiring with reference to the said OA.No. 293/2003, that the respondent Railway Authorities have done mistakes in assessment of vacancies, in calculating the number of eligible candidates, calling of excessive candidates of SC & ST.. The applicant, thereafter, has also come to know that the respondents Railway Authorities by malafide exercise of

Asheke Vradas

powers have selected candidates of their choice giving no regards to the actual performances and Rule and Procedures. Such a consideration has highly prejudice the selection process and scope of promotions of the applicant to the aforesaid posts. It is also stated that the respondent Railway Authorities have violated the norms of administrative fairness and principles of equity and fair play by malafide exercise of powers.

4.10 That the applicant begs to state that Rule 219 of IREM enunciates that an employee must not secure less than 60% in the professional ability and not less than 60% in the aggregate to be eligible to be empanelled. Marks are required to be awarded by the Selection Board under the following heads taking total marks as 100:

i) Professional Ability :

a) Written Test 35 marks

b) Viva voce 15 marks

ii) Personality, address, leadership

and academic qualifications 20 marks

iii) Record of service 15 marks

iv) Seniority 15 marks

Under Rule 219(g) of IREM a candidate to qualify must secure 60% marks in the written examination i.e. 21 marks (60% of 35 marks). The applicant, as already stated above, was placed at serial No.7 out of 16 candidates declared qualified for viva voce test, and hence it is reasonable expectation of the applicant that he has secured

higher marks in the written examination commensurate with his 7th position.

The applicant also did very well in the viva voce and also reasonably deserves and expects that he has secured very good marks. The marks of Professional Ability in viva voce has relation with his Professional Ability adjudged in the written test of Professional Ability as otherwise candidates are likely to be subjected to whims and caprice of the selection board. Because no record of questions and answers of viva voce test are preserved. Next comes the head stated in (ii) above which carries 20 marks. Marks under this head are awarded on the basis of entries in the relevant columns in the Confidential Reports. The marks for the head stated in (iii) above shall be awarded after considering last three years Confidential Reports. However, the applicant heard whispers in Office that five years confidential reports have been considered by the selection board. The basis for assessing the Confidential Reports for marking are followed as under:

| | |
|-------------|-----------|
| Average | - 2 marks |
| Good | - 3 marks |
| Very Good | - 4 marks |
| Outstanding | - 5 marks |

It is respectfully stated that the applicant has never been communicated any adverse remarks in the confidential reports nor he has ever been informed about any incidents of poor performances. It is, therefore, reasonable expectation of the applicant that his marking under the above two heads i.e. (ii) and (iii) are very good.

A
Shomekr DAS

It is stated that the minimum marks of seniority for the junior most is of 5 marks. It is also stated that the applicant is senior to the some of the candidates who were empanelled for the said promotion. His marks for seniority can not be, thus, lower than 10 marks. It is further stated that he has secured more than 60% marks in aggregate and hence is eligible to be empanelled for promotion under Rule 219(g) of IREM. Moreover, as because more candidates beyond eligibility zone have been called for there has been arbitrariness in awarding seniority marks.

4.11 That the applicant begs to state that he understood that there were sixteen vacancies of AOM/ATM against 70% vacancies for which $16 \times 3 = 48$ candidates were called for in the written examination. But from the OA.No.293/2003 the applicant could come to know about the letter dated 13.08.2003, which was not circulated to him, that there were thirteen (13) vacancies. As such maximum 39(thirty nine) candidates would have been eligible under Rule 203.4 and Rule 215(e) of IREM as against 48(forty eight) wrongly called for. The respondent Railway Authorities have called additional candidates beyond the eligibility zone on the ground of failures on last occasions is not permitted by any rule and is illegal. It is also stated that the provision as regards calling equal candidates for equal number of failures twice is very vague and abstract. It does not specify which failures are to be counted for the employees during the whole career nor list of such failures were/are ever circulated. Such unreasonable

Ashok Verma

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instruction is against the principle of openness and just and fair play.

Copy of the letter dated 13.08.2003
is enclosed as Annexure-F.

4.12 That out of thirteen vacancies 10(ten) vacancies are shown as unreserved(UR), 2(two) SC and 1(one) ST. It is stated that against the promotional post there is no scope of reservation for SC and ST and there is no mandate of such reservation. The respondents Railway Authorities have not formed any opinion that the SCs and STs are not adequately represented in the cadre of AOM/ATM. It is stated that the cadre of AOM/ATM is adequately represented by SC/ST employees and such employees constitute more than the prescribed percentage of 15(fifteen) and 7 (seven) respectively. The Hon'ble Tribunal may be pleased to call for the Gradation List of AOM/ATM.

4.13 That the applicant begs to state that he comes within the eligibility zone under Rule 203.4 and 215(e) of the IREM and his name in the list of eligibility appears at serial No.39. It is also stated that respondents No.3, 4 and 5 do not come within the zone of eligibility under the above Rules. Their considerations for promotion is illegal and not sustainable in the eye of law. The applicant further begs to state the following for appraisal of the Hon'ble Court :

| Name of the Candidates | Place in the Eligibility List | Place in Written | Place in the Order dt.12.1.04 |
|------------------------|-------------------------------|------------------|-------------------------------|
| Dipak Das | 7 | 1 | 2 |
| Tuleswar Medhi | 8 | 6 | 3 |

| | | | |
|---------------------------|----|----|---------|
| Rajendra Pd. Sharma | 9 | 5 | 4 |
| P.L. Bhutia (ST) | 12 | 13 | 5 |
| Nilanjan Roy | 15 | 9 | 6 |
| P.K. Boro | 26 | 15 | 10 |
| B.N. Chowdhury | 30 | 14 | 11 |
| Chandan Dutta | 31 | 2 | 12 |
| A.S. Mallik(SC) | 35 | 10 | 13 |
| Ashok Kr. Das (Applicant) | 39 | 7 | Omitted |
| Digambar Jha | 40 | 3 | 14 |
| G.S. Biswakarma(SC) | 42 | 8 | 16 |
| Amar Kr. Das (SC) | 43 | 4 | 17 |

4.14 That the applicants humbly prays that the Hon'ble Tribunal be pleased to call for the records of the said selection which shall unveil the actions of the respondents Railways Authorities.

5. **Ground for reliefs with legal provisions.**

5.1 For that the respondent Railway authorities have failed to assess correct vacancy position for selection of the post of AOM/ATM against 70% vacancies.

5.2 For that the respondent Railway authorities have failed to apply 3X formula in the matter of determining and calling eligible candidates.

5.3 For that the respondents Railway authorities have violated Rule 203.4 and Rule 215(e) of IREM and called excess candidates than what is permitted under the said rules.

5.4 For that the respondent Railway authorities have called excess candidates than what is permitted under law and called 48 (forty eight) candidates in the written examination instead of 39 (thirty nine) maximum possible candidates which has adversely affected the scope of promotion of the applicants.

5.5 For that the respondents Railway authorities have called SC/ST candidates in excess of the quota though the cadre of AOM/ATM is adequately represented by SC/ST employees.

5.6 For that the respondents Railway authorities have called in viva voce the unqualified/not declared qualified candidate of the written test.

5.7 For that there is no justification in calling candidates who have failed in past selections in addition to the eligible candidates as per 3X formula.

5.8 For that the respondent Railway authorities have acted in a sloth sod manner and such action is the result of arbitrariness, capricious, whimsical and colourable exercise of power and offends Article 14 and 16 of the Constitution of India.

5.9 For that in any view of the matter the applicants are entitled to the reliefs sought for.

Ashok Kr Das

6. **Details of the remedies exhausted**

There is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter.

7. **Matters not previously file or pending with any other court**

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution.

8. **Reliefs sought for**

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The result of the selection against 70% vacancies for the post of AOM/ATM held on 11.10.2003 and 29.12.2003 respectively be modified and applicant's name be included in the select list/panel and consequently in the promotion order dated 12.01.2004.

8.2 The Office Order dated 12.01.2004 (Annexure-E) be modified by deleting the names of the ineligible candidates, both beyond the zone of eligibility and impermissible reservation, and the applicant's name be included in the said order.

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

As per order
As per order

9. **Interim Relief**

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 The applicant be promoted to the post of AOM/ATM on ad-hoc basis.

9.2 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

10. This application is filed through the Advocate.

11. **Particulars of Postal Order:**

i) IPO No : _____

ii) Date of Issue : _____

iii) Issued from : _____

iv) Payable at : _____

12. **List of Enclosures**

As per Index.

Verification

:: 15 ::

Verification

I, Sri Ashoke Kr. Das, son of Late Anukul Ch. Das, aged about 47 years, working as Traffic Inspector in N.F.Rly, a resident of Kamakhya Colony, Pandu, Guwahati-12., do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 30th day of January, 2004.

Ashoke Kr Das
SIGNATURE

NORTHEAST FRONTIER RAILWAY

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

dated : 09-09-2003.

No.E/254/11/Pl.II(O).

To.

COM, CSO, CFTM & CPTM/Maligaon,
DRM(P)s/KIR, APDJ, RNY, LMG & TSK;
Sr.DOMs & Sr.DSOs/KIR, APDJ, RNY & LMG;
DY.COM/Coaching/MLG, Dy.COM/Goods/MLG, Dy.COM/PL/HQ,
DY.CVO/T/MLG, DOM & DSO/TSK, DOM/GHY,
AREA MANAGERS/NJP, NBO, GHY & BPB,
PRINCIPAL, ZONAL TRAINING CENTRE, ALIPURDUAR JN.,
ATM/CENTRAL CONTROL/MALIGAON, SPO/TEST/MLG.

Sub:- Selection for the post of AOM/ATM (Group-'B') against 70% Vacancies.

Ref.: - This office notification of even number dated 13.08.2003.

Reference above, the written examination for selection for the post of AOM/Group-'B' against 70% vacancies will be held on 11.10.2003 as per details given below:-

i) Date of Written examination : 11.10.2003
ii) Time : From 10.00 to 13.00 hours.
iii) Venue : CPO's Office/Maligaon.

The list of eligible/willing staff under zone of consideration for the above selection is enclosed as ANNEXURE-'A'.

All the Controlling officers are requested to circulate the above notice and ensure sparing of the staff concerned (as shown in the enclosed ANNEXURE-'A') to appear in the above written examination on 11.10.2003 from 10.00 hours WITHOUT FAIL.

Please acknowledge receipt.

DA : As above.

19/09/03
(P.K. SINGH)
DY.CPO/GAZ.
For GENERAL MANAGER(P)

19/09/03
P.K. SINGH
DY.CPO/GAZ.

**LIST OF ELIGIBLE WILLING CANDIDATES UNDER ZONE OF CONSIDERATION WHO
ARE APPEARING IN THE WRITTEN EXAMINATION FOR THE SELECTION OF
AOM/ATM (GROUP 'B') AGAINST 70% VACANCIES:**

| SN | NAME OF THE STAFF S/SHRI | COMMUNITY | DESIGNATION & STATION |
|------|-----------------------------|-----------|-----------------------|
| (1) | (2) | (3) | (4) |
| ✓ 01 | JAYLENDRA NATH BRAHMA | ST | Sr.CYM/GHY |
| ✓ 02 | NIRMANENDU BIKASH DUTTA | UR | CYM/LMG |
| ✓ 03 | DHARMESWAR NATH | UR | CYM/LMG |
| ✓ 04 | DHANANJOY DAS | SC | SM/FKG |
| ✓ 05 | JADULAL BASUMATARY | ST | SS/NAM |
| ✓ 06 | HARICHARAN PRASAD | SC | SS/TSK |
| ✓ 07 | DIPAK DAS | SC | SS/SILGR |
| ✓ 08 | TULESWAR MEDHI | ST | SS/DMV |
| ✓ 09 | RAJENDRA PRASAD SHARMA | UR | TM/MXN |
| ✓ 10 | CHANDRA SEKHAR THAPA | ST | SS/NMZ |
| ✓ 11 | HARENDRA NATH BORO | ST | SS/RNY |
| ✓ 12 | PEMBA LAL BHUTIA | ST | TM/NJP |
| ✓ 13 | DASARATH CHANDRA PATHAK | ST | CHC/LMG |
| ✓ 14 | SANKAR LAL DAS | SC | CHC/BPB |
| ✓ 15 | NILANJAN ROY | UR | CHC/APDJ |
| ✓ 16 | ARVIND BORO | ST | TM/KIR |
| ✓ 17 | UJJIRENDRA KUMAR GABUR | ST | SM/Sanshi |
| ✓ 18 | MANESWAR BRAHMA | ST | SS/NBQ |
| ✓ 19 | RAM ASHRAYA YADAV | UR | CHC/LMG |
| ✓ 20 | KRISHNA KANTA BASUMATARY | ST | SS/GOGH |
| ✓ 21 | SAMAR KUMAR DAS | UR | CHC/APDJ |
| ✓ 22 | ARUN KUMAR CHATTERJEE | UR | CHC/CGHQ |
| ✓ 23 | TENJING HENUEN | ST | CHC/APDJ |
| ✓ 24 | ASHOK KUMAR SUR | UR | CHC/RNY |
| ✓ 25 | HARINDRA PRASAD SINGH | SC | CHC/KIR |
| ✓ 26 | PRAFULLA KUMAR BORO | ST | TM/COM/MLG |
| ✓ 27 | SAILENDRA NATH SAIGA | ST | SS/JEFIN |
| ✓ 28 | RAMADHAR RAM | SC | CYM/TSK |
| ✓ 29 | GAUR Gopal BOWAS | SC | CHC/APDJ |
| ✓ 30 | DISWAJNATH CHOWDHURY | SC | TM/COM/MLG |
| ✓ 31 | CHANDAN DUTTA | UR | CYM/NJP |
| ✓ 32 | SUKUMAR CHANDRA ROY | SC | SS/RAMG |
| ✓ 33 | KHUDI RAM BORO | ST | SS/RPAN |
| ✓ 34 | BIMAL CHANDRA BRAHMA | ST | Dy.SS/JRB |
| ✓ 35 | ABDUSH PALAM MALLIK | UR | SS/TFCLMG |
| ✓ 36 | KUHIRAL BORO | ST | SS/MPP/LMG |
| ✓ 37 | JITEN CHANDRA DAS | SC | TM/PLG/COM/MLG |
| ✓ 38 | SANKAR MUKUL DWE | UR | TM/COM/MLG |
| ✓ 39 | ASILOK KUMAR DAS | UR | TM/COM/MLG |
| ✓ 40 | DIGAMBAR JHA | UR | TM/KIR |
| ✓ 41 | AUDY BANIK | UR | TM/GHY |
| ✓ 42 | GOPAL SIKHIT VISVABARMA | SC | CYM/NJP |
| ✓ 43 | AMAR KUMAR DAS | SC | SM/OMLF |
| ✓ 44 | DANIEL BASUMATARY | ST | SS/HJO |
| ✓ 45 | NIL RATAN ROY CHOWDHURY | UR | SM/NG/GHY |
| ✓ 46 | SISIR DEB BARMAN | ST | SS/KYQ |
| ✓ 47 | BHANU RANJAN DAS | SC | DYC/LMG |
| ✓ 48 | PAULOUS BASUMATARY | ST | DYC/RNY |

*Not extract
Chakrabarty
P.D. caste*

9/9/03

NORTHEAST FRONTIER RAILWAY

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

Dated 11.12.2003

No. E/254/11/OPTG.-Pt.II(O)

To:

COM, CSO/Maligaon, DRM(P)s/KIR, APDJ, LMG & TSK;
Sr.DOMs/KIR, APDJ, LMG & TSK; Sr.DSO/KIR,

Sub. :- Selection for the post of AOM/Group-'B' against 70% vacancies.

Ref. :- This office letter of even number dated 09.09.2003, 14.10.2003 &
19.11.2003

The following staff under your control have qualified in the written examination of above mentioned selection held on 11.10.03, 01.11.03 & 25.11.03 :-

1. Sh. Deepak Das (SC), SM/SLGR
2. Shri Chandan Datta, CYM/NJP
3. Shri Digambar Jha(SC), TI/WR/KIR
4. Shri Amar Kumar Das (SC), SM/OMLF
5. Shri R.P. Sharma, TI/MXN
6. Shri Tuleswar Medhi (ST), SM/DMV
7. Shri Ashoke Kumar Das, TI/HQ
8. Shri G.S. Biswakarma (SC), CYM/NJP
9. Shri Nitanjan Roy, CHC/APDJ
10. Shri Abdus Salam Mallik, SC/TEC/LMG
11. Shri Sankar Mukherjee, TI/HQ
12. Shri Arvind Horo (ST), TI/KIR
13. Shri P.L. Bhutia (ST), TI/NJP
14. Shri Biswanath Choudhury(SC), TI/HQ
15. Shri P.K. Boro (ST), TI/HQ

You are, therefore, requested to direct them to their respective Medical Authorities to obtain Physical fitness certificates for holding the Group-'B' posts of AOM/ATM in Technical/Safety category and send the same to Dy.CPO/Gaz./MLG within 22.12.2003. You are also requested to send the departmental DAR clearance in favour of the staff concerned, so as to reach this office within 7 days from the date of issue of this letter. Candidates concerned should also be advised to keep themselves in readiness to appear before Viva voce test on short notice.

Please acknowledge receipt.

11/12/03
(S.K.CHOWDHURY),

APG/GAZ.

For GENERAL MANAGER(P)

*Not sent to
Ranbir Singh
P.D. Gorkha*

N.F.RAILWAY

OFFICE OF THE
CHIEF OPERATIONS MANAGER
MALIGAON/GUWAHATI-18

Dated, 12/12/2003

NO.T/OS/STAFF/03

To
S/o DMO/Central Hospital,
N.F.Railway,
Maligaon.

Sub:- Medical Test for Physical fitness
Certificates for holding Group 'B'
Post of AOM/ATM.

Ref:- GM(P)/MLG's letter No. E/254/19/Optg.
PT-II (S) dt'd. 11/12/03.

In terms of above quoted GM(P)/MLG's letter the
following staff are spared and sir w.e.f. 12/12/03 (AN) and
directed to report to you to conduct Medical Test for their
physical fitness for holding the Group 'B' Posts of AOM/ATM
in technical/Safety Category:-

- 1) Sri Ashoke Kumar Bas, TI/HQ
- 2) Sri Sankar Mukherjee, TI/HQ,
- 3) Sri Biswanath Choudhury (SC) /TI/HQ
- 4) Sri P.K. Boro, (ST), TI/HQ.

Please send their physical fitness Certificates
to DY:CO/Gao/MLG within 22.12.03.

for CHIEF OPERATIONS MANAGER
N.F.RAILWAY/MALIGAON.

Copy forwarded for information and necessary action to:-

- 1) APO/Gao/N.F.Rly./MLG.
- 2) Staff concerned. (S/o K.K. Dass, T9/HQ)

for CHIEF OPERATIONS MANAGER
N.F.RAILWAY/MALIGAON

*Attested
K. K. Dass
P. W. C. S.*

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NORTHEAST FRONTIER RAILWAY

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

Dated: 18.12.2003.

No. E/254/11/OPTG - PII(O)

To,
COM, CSO/Majigaon, DRM(P)&KIR, APOJ, LMG & TSK;
Sr.DRM&KIR, APOJ, LMG & TSK; Sr.DSO/KIR

Sub:- Selection for the post of AOM/Group 'B' against 70% Vacancies

Ref:- This office letter of even number dated 11.12.03 & 17.12.03.

It has been decided with the approval of Competent Authority to hold Viva-voce test of AOM/Group 'B' against 70% vacancies, as per programme, detailed below:-

- (i) Date of Viva-voce test : 29.12.2003 (Monday)
- (ii) Time of Viva-voce test : From 11.00 hours
- (iii) Venue of Viva-voce test : COM/Majigaon's chamber

2. The Controlling officers are requested to spare and direct the following staff working under their control, to appear in the viva-voce test on the above mentioned date and time positively:-

| | | |
|-----|-------------------------------------|--------|
| 1. | Shri Deepak Das (SC), SM/SLGR | SL No: |
| 2. | Shri Chandan Dutta, CYM/NJP | 40 |
| 3. | Shri Digamber Jha, TAWR/KIR | |
| 4. | Shri Amar Kumar Das (SC), SM/OMLF | 43 |
| 5. | Shri R.P. Shanna, T/VMXN | |
| 6. | Shri Tuleswar Mezn (ST), SM/DMV | |
| 7. | Shri Ashoke Kumar Das, T/HQ | |
| 8. | Shri G.S. Biswakarma (SC), CYM/NJP | 42 |
| 9. | Shri Nilanjan Roy, CHC/APOJ | |
| 10. | Shri Abdus Salam Mallik, SC/TFC/LMG | |
| 11. | Shri Sankar Mukherjee, T/HQ | |
| 12. | Encl Arindro Hora (ST), T/KIR | |
| 13. | Shri P.L. Basutia (ST), T/NJP | |
| 14. | Shri Biswanath Choudhury(SC), T/HQ | |
| 15. | Shri P.K. Hora (ST), T/HQ | |
| 16. | Shri Harindra Prasad Sinha, CHC/KIR | |

3. The concerned officers concerned should be informed that they will be allowed to appear in the Viva-voce test on 29.12.2003, only on production of Physical fitness certificates (for holding Group 'B' post of AOM) issued by respective Railway Medical Authorities.

4. The Controlling Officers are also requested to send the departmental DAR clearance in favour of staff concerned under their control, so as to reach this office on or before 23.12.2003.

Please acknowledge receipt

dn.
18/12/03
(S.K. CHOWDHURY)
APO/GAZ.
FOR GENERAL MANAGER(P)

*After and
before above
document*

N.F.RAILWAY

OFFICE ORDER NO.02/2004 (TTR&CD/ENGG.)

*Over next
page*

The following promotion/transfer/posting orders are issued with immediate effect :-

1. The workcharged post of ATM/CON (Open Line) which is now under operation as ACM/G/HQ is restored to Operating Department for operation as ATM/Planning/HQ. Shri Sankar Mukherjee, TI/HQ on being empanelled for promotion to Group-'B' service as AOM/ATM against 10% selection, is posted as ATM/Planning/HQ against the above post.
2. Shri Dipak Das, SM/SLGR on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as SS(Gaz)/TSK against the existing vacancy.
3. One vacant post of ACM/HQ is temporarily variated for operation as AOM/Coaching/LMG. Shri Tuleswar Medhi, SM/DMV on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as AOM/Coaching/LMG against the above arrangement.
4. Shri R.P.Sarma, TI/MXN, on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as ADSO/TSK against the existing vacancy.
5. Shri P.L.Bhutia (ST), TI/NJP on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as AOM/G/APDJ against the existing vacancy.
6. Shri Nilanjan Roy, CHC/APDJ on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as AOM/GHY vice Shri P.S.Seal.
7. Shri P.S.Seal, AOM/GHY on relief, is transferred and posted as SS(Gaz)/NJP vice Shri D.D.Chowdhury.
8. Shri D.D.Chowdhury, SS(Gaz)/NJP on relief, is transferred and posted as ATM/Coaching/ HQ vice Shri Sukumar Das.
9. Shri Sukumar Das, ATM/Coaching/HQ on relief, is transferred and posted as Vice Principal/Z/IC/APDJ against the existing vacancy.
10. Shri P.K.Boro, TI/HQ on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as AOM/RNY vice vacancy of Shri A.K.Sarma, presently on sick leave.
11. Shri B.N.Chowdhury, TI/HQ on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is posted as ATM/Movement/HQ against the existing vacancy.
12. Shri Chandan Dutta, CYM/NJP on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as ACM/C/APD) against the existing vacancy.

*After last
Circular 52
Adv. copy*

(Contd.... 2)

13. Shri A.S. Mallick, SC/TEC/LMG on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is posted as AOM/G/LMG against the existing vacancy. *R.B.*

14. The post of AOM/G/KIR, which was so long being operated as ADSD/KIR vide this office order No. 39/2003(Fnig./TT&CD) is hereby restored for operation as AOM/G/KIR.

✓ Shri Dilmabir Jha, IT/WR/KIR on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is posted as AOM/G/KIR against the above restored post. *Def.*

15. Shri S.K. Verma (DEN/Group-'B'), presently posted as ADSD/KIR against the above post of AOM/G/KIR, is now posted as ADEN/KIR against the existing vacancy. *Def.*

✓ 16. Shri G.S. Bhawakarma (C.C.), CMM/MLF on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as AOM/KIR against the existing vacancy. *Def.* (U2)

17. Shri Amar Kr. Das (SC), SM/OMLF on being empanelled for promotion to Group-'B' service as AOM/ATM against 70% selection, is transferred and posted as SS(Gaz)/KIR against the existing vacancy. *Def.* (U3)

This issues with the approval of Competent Authority.

The promotion of Sl.No.1 to 6, 10 to 14 & 16 to 17 to Group-'B' service of AOM/ATM will be subject to outcome of CAT/GHY's Interim order dated 26.12.2003 in O.A. No. 293/2003.

The date of promotion/assumption of the charges of the above officers should be intimated to this office in due course.

(P.K.SINGH)
Dy.CPO/Gaz.
for General Manager (P).

Malgao, dt.d. 12.01.2004

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

Copy forwarded for information and necessary action to:-

1. GM/CON/MLG.
2. COM, CCM, CE(Co-ord.), CPO, CVO, CSO, CCO, CPTM & CPTM/MLG.
3. All PHDs & DRMs/N.F.Railway.
4. Sr.DEN/KIR, Sr.DOMs/KIR, ADJ, RNY, LMG & DOM/TSK.
5. All DFM, DRM(P)s/N.F.Railway & WAO/NBQS.
6. FA&CAO/CA & PI/MLG.
7. Secy. to CM/Malgao, DGM(G), Sr.EDPM & SPP/CON/MLG.
8. GS/NFRCA, NH/POA, HFRM & NFRM/MLG.
9. OS/EO(BII), Malgaon.
10. Officers concerned.

*Affected
Distribution
P.W.D. only*

12/1/04
for General Manager (P).

NORTHEAST FRONTIER RAILWAY

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

Ho.F/254/11/OP/PG, P.D.H(O)

Dated: 13-08-2003

To,

The General Manager(P)(Construction)/Majuliaganj, 11
COM/CCO, CP/PA & CT/PA/Dibrugarh
DR/PA/KIR, APD, RHY, LMG & ISK;
SR/DO/BS/KIR, APD, RHY, LMG, DO/OM/ISK, All Stations, & Dibrugarh R.F. railway,
DY/COM/CO/CH/PA G, DY/COM(Goods)/MLG, Dy/Com/Planning/HQ & Dy/Com/IT/MLG,
AREA MANAGER/PA, APB, RPA, HDP & NDO
Principal/PA/PA/PA, SPC/PA/ST/MLG, CS/NER/MLG & NERI/MLG.

Sub:- Selection for the post of AOM/ATM(Group-B) against
70% vacancies.

It has been decided with the approval of Competent Authority to hold a
selection for forming a panel of 13 (UR-10, SC-02 & ST-01) persons for the post of
AOM/ATM(Group-B) against 70% vacancies, as per details given below:-

(I) PRE-SELECTION COACHING FOR ASSESS CANDIDATES.

Date - 11 days from 01.09.2003.

Venue - Zonal Training Centre/APD.

(II) WRITTEN EXAMINATION.

Date of written examination - 11.10.2003.

Time - From 10.00 hours.

Venue - Office of the COM/MT/MLG.

(1) THE DATE OF ELIGIBILITY OR LENGTH OF REQUIRED YEARS OF
DUTY FOR THE POST OF STAFF OF OPERATING DEPARTMENT IS 30.06.2003
FOR BOTH 70% SELECTION AND 30% UCT.

(2) The above selection will be based on the candidates' performance both in written
examination and viva voce test. The candidates, who qualify in the written examination,
will only be called for viva-voce test. The placement of the candidates in the panel based
on their performance in written exam/viva voce test/Record of service will be as per
existing procedure of Railway Board's instructions.

(3) The written examination will consist of only ONE PAPER on the subject, total
marks & qualifying marks as indicated below -

| SUBJECT | MAXIMUM MARKS | QUALIFYING MARKS |
|----------------------|---------------|------------------|
| Professional subject | 150 | 90 |
| Establishment | | |
| Financial Rules | | |
| Rajbhushan Rule | | |

(4) The question paper will be bilingual, i.e. Hindi and English. It will be open to the
candidates' choice to write in any one of these languages. The candidates should clearly
indicate the language in the space of the application form.

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(6) The controlling Officers should give wide publicity of this notification amongst the eligible staff of Operating Department as mentioned in **MAIN LIST** and **STAND-BY LIST** (Annexure 'A' & 'B' respectively) under their control and ensure submission of written willingness/unwillingness by the candidates in the prescribed proforma (specimen copy enclosed as Annexure 'C') within the under mentioned stipulated time. If no willingness/unwillingness is received from any eligible staff from the **MAIN LIST** (Annexure 'A') within the stipulated date, it will be presumed that he is unwilling to appear in the said selection and in that case, willing staff from **STAND-BY LIST** will be called in his place. The candidates mentioned in the Stand-by list should, therefore, be advised to express their Willingness/Unwillingness. The Controlling officers should ensure that all staff under their control, whose names appear in the **MAIN & STAND-BY LIST**, have expressed their **WILLINGNESS/UNWILLINGNESS** in writing to enable this office to finalize the selection without delay. It may be noted that **WILLINGNESS/UNWILLINGNESS** options received by the Controlling Officers should be sent in a BUNCH with a forwarding letter so as to reach DY.CPO/GAZ/Maligaon, on or before 25.08.2003 positively. Any options received and forwarded after the target date will not be entertained under any circumstances.

(7) In case, any representation is received from any staff against the Integrated seniority position furnished vide Annexure 'A' and Annexure 'B' or any other particulars shown therein are found incorrect, all such representations should be forwarded to this office in a BUNCH on or before 25.08.2003 certifying the correct service particulars/records of the staff, as the case may be. No representation against the integrated seniority position etc. will be entertained at a later date.

(8) In case, service particulars furnished by the candidates and also certified to be in order by the concerned authority are found incorrect/false subsequently, the candidature of the staff will liable to be cancelled at any stage during pendency of the above selection proceedings.

(9) Since 02 posts are earmarked for SC & 01 post for ST, pre-selection coaching is mandatory for SC/ST candidates. The list of willing/eligible SC/ST staff who will require to attend pre-selection coaching will be circulated soon after receipt of applications within the above mentioned target date. The Controlling Officers should ensure that the SC/ST staff working under their control and whose names will be notified from this end and, are spared and directed to attend the above pre-selection coaching, without fail. If any SC/ST candidate refuses to undergo pre-selection coaching, a written undertaking in this regard should be obtained from him and sent to Principal/ZTC/APD3 directly with a copy to Dy.CPO/Gaz. No appeal to this effect will be entertained after completion of pre-selection coaching.

(10) The date of written examination having been fixed on 11.10.2003, the candidates in general should be advised to keep themselves in readiness to appear for the same. However, the list of willing/eligible staff (whose options has been invited within 25.08.2003) will be circulated from this end, to the extent of zone of consideration.

(11) The field of eligibility will be as per 3X formula plus equal number of candidates appeared and failed twice in last two occasions.

Please acknowledge receipt.

DA: (i) Integrated seniority list
(Annexure 'A' & 'B').
(ii) Proforma of option.

(S.K.Chowdhury)
APO/Gaz.
For General Manager (P)

13.8.2003

५
- 6 MAY 2005

गुवाहाटी बैच नं २५
Guwahati Bench

Office of
B. Chakraborty
Advocate
Date 5/5/05

Pradeep Kumar Singh
Dr. Chief Personnel Officer /S
N.F. Railway, Morigaon
Guwahati-11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

OA No. 20 of 2004

Sri Ashoke Kr. Das Applicant

-Vs-

Union of India & others Respondents

(Written statements filed by the Respondent No.1 and 7)

The written statements of the Respondents are as follows:-

1. That a copy of the Original Application No. 20/04 (hereafter referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. This instant application is similar to the application in OA No. 293/2003. The respondents have filed their written statements against that application. The respondents crave the leave of this Hon'ble Tribunal to allow them to argue and refer to such statements made in that written statements also at the time of hearing the matter and to take up both the cases together.
2. That save and except these statements which are specifically admitted by the respondents, the rest of the statements made in the application may be treated as denied.

Pradeep Kumar Singh
 Dr. Chief Personnel Officer /b6
 N.F. Railway, Maligaon
 Curno/11

3. That with regard to the statements made in Para 1 of the application, the respondents state that there is apparently no cause of action to justify the filing of the instant application and the application is liable to be dismissed with cost.
4. That the answering respondents have no comment to offer to the statements made in para 2, 3 and 4.1 of the application, the respondents have no comments to offer.
5. That with regard to the statements made in para 4.2 of the application, the respondents do not admit anything which are not supported by any such records and the provisions of the Rules. It is denied by the respondents that the selection for 70% vacancies is made on the basis of seniority-cum-suitability and by holding written examination as contended by the applicants. The selection for 70% vacancies is made on the basis of the performance of the candidates in written examination, viva-voce and required number of marks in Annual Confidential Reports and no seniority marks are assigned in such Group-B selection.
6. That with regard to the statements made in para 4.3 of the application, the respondents have admit the statements made by the applicant to the extent they are supported by the provisions of the Rules of IREM. The contention of the petitioner that there is at present no rule for calling candidates beyond the 3X formula is not correct. There is a provision for adding more number of candidates from those who had appeared and failed twice in the earlier selections as laid down in the Railway Board's letter No. E(GP)85/1/78 dated 10.9.86. The provision of the rules of IREM as mentioned by the applicant is not exhaustive and there are

other instructions/circulars issued by the Railway Board from time to time in the matter of procedure of holding Group-B selection in the railways and all such instructions/circulars are also considered and taken into account in the matter of such selection process.

The copy of the said letter dated 10.9.86 is annexed hereto as Annexure R1.

7. That with regard to the statements made in Para 4.4 and 4.5 of the application, the respondents have no comments to offer.
8. That with regard to the statements made in Para 4.6 of the application, the respondents state that it is not correct that that the merit position of the applicant is at number 07 in the written examination. The list of successful candidates in the written examination was published vide GM(P)/MLG's letter No. E/254/11/Optg-Pt.II(O) dated 11.12.2003 (Annexure B in the application) and this list was not in the descending order of marks obtained by each candidates. It was only a list containing the names of all the successful candidates in the said written examination without any order of merit or seniority. Hence, the contention of the applicant that his merit No. is at 07 is not correct.
9. That with regard to the statements made in Para 4.7 of the application, the respondents state that the calling of the 16th candidate is not irregular as alleged by the applicant. The calling of the 16th candidate, Shri Harindra Prasad Sinha, CHC/KIR, was on the basis of the letter issued by the General Manager (P), Maligaon vide No. E/254/11/OPTG.Pt.II(O) dated 17.12.2003. With reference to the said letter, the letter No. E/254/11/OPTG.-Pt.II(O) dated 18.12.2003 (Annexure C

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Pradeep Kumar Singh
N.F. Railway, Maligaon
Chief Personnel Officer/Co.

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Shri Dinesh Kumar Singh
Chief Personnel Officer/BS
N.F. Railway, Malgaoon
Curren

in the application) was issued thereby adding the name of the 16th candidate to the list of 15 candidates previously shown to be qualified in the written examination by the letter dated 11.12.2003 (Annexure B in the application). There is no anomaly or malafide on the part of the respondents in inclusion of the name of the 16th candidate and such inclusion was done bonafide to rectify an inadvertent clerical oversight as clarified in the letter dated 17.12.2003.

The copy of the letter dated 17.12.2003 is annexed hereto as Annexure R2.

10. That with regard to the statements made in Para 4.8 of the application, reiterate the statements made hereinabove in this written statements and state that as per existing convention/practice, the list of finally empanelled candidates for promotion to Group B services of various departments are not published but promotion orders are issued from time to time as and when vacancy arises as per turn according to panel position. Since final empanelment of a candidate is based on his/her performance in the written examination, viva-voce, ACR marks and that too as per extent of number of posts notified, the petitioner did not find place for being empanelled for the post of AOM (Group B) as he failed to obtain required pass marks in each column and also in aggregate as per requirement under the extant rules.

11. That with regard to the statements made in Para 4.9 of the application, the respondents state that the statements made in this paragraph are baseless and are not factually correct in so far as the laid down procedure/rules are concerned. As per the provisions of Para-203.4(IREM/Vol.I) and the Railway Board's letter No. E(GP)/1/78 dated 10.9.86, the number of candidates to be called for selection against 70% vacancies shall be in accordance with the sliding scale plus additional

number of vacancies beyond the sliding scale who appeared and failed twice in earlier selections in order of their integrated seniority irrespective of their community (ie. UR, SC/ST). The notification for selection to the post of AOM/ATM (Group B) was issued for only 13 posts with the break-up of UR-10, SC-02 and ST-01 vide GM(P)/NF Railway, Maligaon's notification No. E/254/11/Opgt-Pt.II(O) dated 13.8.2003. Though a total of 39 number of candidates are eligible as per the 3X formula (13 X 3 = 39) an additional 9 candidates were found eligible for being twice appeared and failed candidates. Hence extending the zone of consideration to 48 (39 + 9 = 48) candidates (UR, SC/ST) as per their integrated seniority is not violative of any rules. The issuance of the promotion/transfer/posting orders vide office order No. 02/2004 (TT&CD/Engg) dated 12.1.2004 (Annexure E in the application) mentioning therein that "the promotion of Sl. No. 1 to 6, 10 to 14 and 16 to 17 to Group B service of AOM/ATM will be subject to outcome of interim order dated 26.12.2003 passed in OA No. 293/2003" by the Hon'ble Tribunal is obligatory on the part of the respondents as a compliance to the Hon'ble Tribunal's order. The respondents deny the allegations of irregularities and mistakes as alleged by the applicant.

Copy of the said notification dated 13.8.2004 is annexed hereto as Annexure R3.

12. That with regard to the statements made in Para 4.10 of the application, the respondents state that the statements made in this paragraph pertains to the rules governing the promotion of Group C staff and they do not attract compliance in case of selection of Group B (Gazetted) posts. The procedure for Group B selection are laid down in Para 201 to 209 of IREM/Vol.I (1989 edition) and other instructions/orders issued from time to time by the Railway Board. Hence,

Pradeep Kumar Singh
By Chief Personnel Officer
N.F. Railway, Maligaon

the statements made by the applicant are baseless and irrelevant.

Pradeep Kumar Singh
Dy. Chief Personnel Officer
N.F. Railway, Maligaon

13. That with regard to the statements made in **Para 4.11** of the application, the respondents state that the statements made in this para are not factually correct. The notification for selection to the post of AOM/ATM (Group B) was issued for only 13 posts with the break-up of UR-10, SC-02 and ST-01 vide GM(P)/NF Railway, Maligaon's notification No. E/254/11/Opgt-Pt.II(O) dated 13.8.2003 (Annexure R3). Though a total of 39 number of candidates are eligible as per the 3X formula ($13 \times 3 = 39$) an additional 9 candidates were found eligible for being twice appeared and failed candidates as per Railway Board's letter dated 10.9.1986 (Annexure R1). Hence extending the zone of consideration to 48 ($39 + 9 = 48$) candidates (UR, SC/ST) as per their integrated seniority is not violative of any rules. The respondents also reiterate and reassert the foregoing statements made in this written statements and state that they have not violated any rules as alleged by the applicant and their action has all along been bonafide and within the parameters of law.

14. That with regard to the statements made in **Para 4.12** of the application, the respondents state that the identification of the posts to be filled up by UR, SC and ST candidates was done in strict accordance with the 40 point Roaster for Gazetted Group B selection and with clearance from the Special Reservation Cell of the Railways. Hence, the allegations of the applicant are baseless and are not tenable.

15. That with regard to the statements made in **Para 4.13 and 4.14** of the application, the respondents deny the correctness of the same and reassert and reiterate the foregoing statements made in this written statements.

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16. That with regard to the statements made in para 5.1 to 5.9 of the application showing the different grounds to vindicate the cause of filing of the application are not tenable in law as the grounds shown by the applicant are no grounds at all in view of the facts and circumstances of the present case and the settled position of law as stated hereinabove in this written statements. Hence, the application is liable to be dismissed as devoid of any merit.

17. That the answering respondents have no comment to offer to the statements made in para 6 and 7 of the application.

18. That with regard to the statements made in para 8. 1 to 8.3 and 9.1 and 9.2 (prayer) of the application, the respondents respectfully submit that under the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

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

Pradeep Kumar Singh
Dy. Chief Personnel Officer /
N.F. Railway, Maligaon
C.P.M.

Verification

I, Pradeep Kumar Singh, at present working as the Dy.CPO/1407 in the office of the General Manager, N.F.Rly, Maligaon, being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 14 are true to my knowledge and belief, those made in para 6, 9, 11 and 13 being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this ^{May} 5th day of April, 2005 at Guwahati.

Pradeep Kumar Singh
DEPONENT

Dy.Chief Personnel Officer/G
N.F. Railway, Maligaon
Guwahati-11

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF TRANSPORT (PARIVAHAN MANTRIYAAYA)
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)
(RAILWAY BOARD)

NO.E(GP)85/1/78

New Delhi, Dated: 10-9-1986

The General Managers
All Indian Railways,
including CLW, DLW & ICF.

The General Manager,
Wheel & Axle Plant,
Bangalore.

SUB: Selection for appointment to Group 'B' post.

In terms of the instructions contained in Board's letter No.E(GP)81/1/18 dated 9.4.1981, the field of consideration for Group 'B' selection is determined on the basis of a sliding scale indicated therein with 3X formula being applied where the vacancies are four or more in number. Based on a recommendation of the CSTEs and CESs who attended a Workshop in April '86, your views have been sought as to the need or desirability of extending the field to six times the number of vacancies as was the practice in force prior to the issue of instructions vide Board's letter dated 9.4.1984 quoted above. D.O. letter No.E(GP)86/2/49 dated 24.7.86 addressed to your Chief Personnel Officer by the Executive Director, Management Services refers in this connection. Pending an examination of the matter in the context of the issue referred to in EDMS's D.O. letter dated 24.7.86, it has been decided by the Board as follows:-

~~SECRET~~ ~~CONFIDENTIAL~~ ~~TOP SECRET~~

- i) The field of consideration for the Group 'B' selection should continue to be determined on a sliding scale as indicated in Board's letter No. E(GP)81/1/18 dated 9.4.81.
- ii) If the field constituted as at (i) above includes employees who had failed twice in the earlier selections, a corresponding number of additional employees should be called for the selection, e.g. if the field consists of 15 employees for selection against five vacancies and it includes, say three employees who had appeared earlier in selections twice and failed, three more eligible employees as per seniority should be included in the field. This will apply in respect of selections initiated after the issue of this letter.

Jan Ali
(N. ANANTARAMAN)
Joint Director, Establishment (Gaz)
Railway Board

Specified
on 3/10/86
Specified to be true Copy.

Certified to be true Copy.

Jali Gogoi
Advocate

-10-

NORTHEAST FRONTIER RAILWAY

ANNEXURE R2

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

No.E/254/11/OPTG.-Pt.II(O)

Dated : 17.12.2003.

To,
DRM(P)/KIR
SR.DOM/KIR,

Sub:- Selection for the post of AOM/Group-'B' against 70% vacancies.

Ref.: This office letter of even number dated 11.12.2003.

In continuation to this office letter quoted under reference, it is ~~to be~~ intimated that **Shri Harindra Prasad Sinha, CHC/KIR** has also qualified in the written examination of above mentioned selection held on 11.10.2003, 01.11.2003 & 25.11.2003. His name was inadvertently omitted from the list of qualified candidates, in this office letter of even number dated 11-12-2003, by oversight.

You are, therefore, requested to direct Shri Sinha to his respective Medical Authority to obtain Physical fitness certificate for holding the Group-'B' post of AOM/ATM, in Technical/Safety category and send the same to DY.CPO/GAZ, immediately. The DAR clearance in favour of Shri Sinha should also be sent to PS to COM/MLG immediately. Candidate concerned should also be advised to keep himself in readiness to appear before the Viva Voce, likely to be fixed very soon.

Please acknowledge receipt

(S. K. Chowdhury)
Asstt. Personnel Officer(Gaz)
For General Manager(P)

Copy to:-

PS to COM/MLG, to please collect the CR of Shri Harindra Prasad Sinha, CHC/KIR, for last 5 years including the current one(i.e. for the year ending 31-3-2003).

OK
17.12.03

For General Manager(P)

OK

Certified to be true Copy.

Juli Gogoi ..
Advocate

NORTHEAST FRONTIER RAILWAY

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

No.E/254/11/OPTG-PLII(O)

Dated: 13-08-2003

TO,
The General Manager(P)(Construction)/Maligaon,
COM, CSO, CPTM & CFTM/Maligaon
DRM(P)/KIR, APDJ, RNY, LMG & TSK;
Sr.DOMs/KIR, APDJ, RNY & LMG, DOM/TSK, All Sr.DSOs & DSOs/N.F.Railway,
DY.COM/COACH/MLG, DY.COM(Goods)/MLG, Dy.COM/Planning/HQ & Dy.CVO/T/MLG,
AREA MANAGERS/GHY, BPD, RPAN, NJP & NBQ
Principal/ZTC/APDJ, SPO/TEST/MLG, GS/NFRMU & NFREU/MLG.

Sub. :- Selection for the post of AOM/ATM(Group-'B') against
70% vacancies.

It has been decided with the approval of Competent Authority to hold a selection for forming a panel of 13 (UR-10, SC-02 & ST-01) persons for the post of AOM/ATM(Group-'B') against 70% vacancies, as per details given below:-

(I) PRE-SELECTION COACHING FOR SC/ST CANDIDATES.

Date - 21 days from 01.09.2003.
Venue - Zonal Training Centre/APDJ.

(II) WRITTEN EXAMINATION.

Date of written examination - 11.10.2003.
Time - From 10.00 hours.
Venue - Office of the COM/N.F.Railway/MLG.

(2) THE CUT-OFF DATE OF ELIGIBILITY OF LENGTH OF REQUIRED YEARS OF NON-FORTUITOUS SERVICE OF STAFF OF OPERATING DEPARTMENT IS 30.06.2003 FOR BOTH 70% SELECTION AND 30% LDCE.

(3) The above selection will be based on the candidates' performance both in written examination and viva-voce test. The candidates, who qualify in the written examination, will only be called for viva-voce test. The placement of the candidates in the panel based on their performance in written exam/viva-voce test/Record of service will be as per extant procedure of Railway Board's instructions.

(4) The written examination will consist of only **ONE PAPER** on the subject, total marks & qualifying marks as indicated below:-

| SUBJECT | MAXIMUM MARKS | QUALIFYING MARKS |
|----------------------------------------------------------------------------------|---------------|------------------|
| Professional subject, Establishment, Financial Rules & Rajbhasha Rules. | 150 | 90 |

(5) The question paper will be bi-lingual, i.e. Hindi and English. It will be open to the candidates' choice to write in any one of these languages. The candidates should clearly indicate his choice of language in the space of the application format.

(Contd....2)

13.8.03

Cert.

Juli Gogoi
Advocate

(6) The controlling Officers should give wide publicity of this notification amongst the eligible staff of Operating Department as mentioned in **MAIN LIST** and **STAND-BY LIST** (Annexure-'A' & 'B' respectively) under their control and ensure submission of written willingness/unwillingness by the candidates in the prescribed proforma (specimen copy enclosed as Annexure-'C') within the under mentioned stipulated time. If no willingness/unwillingness is received from any eligible staff from the **MAIN LIST** (Annexure-'A') within the stipulated date, it will be presumed that he is unwilling to appear in the said selection and in that case, WILLING staff from **STAND-BY LIST** will be called in his place. The candidates mentioned in the Stand-by list should, therefore, be advised to express their Willingness/Unwillingness. The Controlling officers should ensure that all staff under their control, whose names appear in the **MAIN & STAND-BY LIST**, have expressed their **WILLINGNESS/UNWILLINGNESS** in writing to enable this office to finalize the selection without delay. It may be noted that **WILLINGNESS/UNWILLINGNESS** options received by the Controlling Officers should be sent in a **BUNCH** with a forwarding letter so as to reach **DY.CPO/GAZ/Maligaon**, on or before **25.08.2003** positively. Any options received and forwarded after the target date will not be entertained under any circumstances.

(7) In case, any representation is received from any staff against the Integrated seniority position furnished vide Annexure-'A' and Annexure-'B' or any other particulars shown therein are found Incorrect, all such representations should be forwarded to this office in a **Bunch** on or before **25.08.2003** certifying the correct service particulars/records of the staff, as the case may be. No representation against the integrated seniority position etc. will be entertained at a later date.

(8) In case, service particulars furnished by the candidates and also certified to be in order by the concerned authority are found Incorrect/false subsequently, the candidature of the staff will liable to be cancelled at any stage during pendency of the above selection proceedings.

(9) Since 02 posts are earmarked for SC & 01 post for ST, pre-selection coaching is mandatory for SC/ST candidates. The list of willing/eligible SC/ST staff who will require to attend pre-selection coaching will be circulated soon after receipt of applications within the above mentioned target date. The Controlling Officers should ensure that the SC/ST staff working under their control and whose names will be notified from this end and, are spared and directed to attend the above pre-selection coaching, without fail. If any SC/ST candidate refuses to undergo pre-selection coaching, a written undertaking in this regard should be obtained from him and sent to Principal/ZTC/APDJ directly with a copy to **Dy.CPO/Gaz**. No appeal to this effect will be entertained after completion of pre-selection coaching.

(10) The date of written examination, having been fixed on **11.10.2003**, the candidates in general should be advised to keep themselves in readiness to appear for the same. However, the list of willing/eligible staff (whose options has been invited within **25.08.2003**) will be circulated from this end, to the extent of zone of consideration.

(11) The field of eligibility will be as per **3X** formula - plus - equal number of candidates appeared and failed twice in last two occasions.

Please acknowledge receipt.

DA: (i) Integrated seniority list
(Annexure-'A' & 'B').
(ii) Proforma of option.

S.K. Chowdhury
13.8.2003
(S.K.Chowdhury)
APO/Gaz.
For General Manager (P)

**INTEGRATED SENIORITY LIST OF SENIOR SUPERVISORY STAFF OF
OPERATING DEPARTMENT FOR SELECTION FOR THE POST OF
AOM/ATM GROUP-'B' AGAINST 70% VACANCIES.**

MAIN LIST

| SN' | Name of the staff S/Shri | Community | Designation & Station | Date of Birth | Date of Appointment | Date of promotion to grade Rs. 6500/- 10,500/- |
|-----|-----------------------------|-----------|-----------------------|---------------|---------------------|------------------------------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 01 | M.C. Bharali | SC | CYM/LMG | 01.03.44 | 30.09.64 | 01.08.82 |
| 02 | J.N. Brahma | ST | CYM/LMG | 01.10.47 | 08.01.80 | 01.08.82 |
| 03 | N.B. Dutta | UR | QYM/LMG | 01.04.44 | 26.04.65 | 01.08.82 |
| 04 | D. Nath | UR | CYM/LMG | 01.11.44 | 27.04.65 | 01.08.82 |
| 05 | Dhananjoy Das | SC | SS/TSK | 01.01.45 | 21.03.64 | 01.08.82 |
| 06 | Jadulal Basumatary | ST | SS/TSK | 11.11.49 | 18.09.75 | 01.08.82 |
| 07 | Haricharan Prasad | SC | SS/TSK | 22.11.44 | 10.12.65 | 01.08.82 |
| 08 | Dipak Das | SC | SS/TSK | 13.07.51 | 09.12.77 | 01.08.82 |
| 09 | S.C. Choudhury | ST | SS/LMG | 10.04.47 | 12.11.76 | 01.08.82 |
| 10 | S.C. Das | SC | SS/LMG | 01.03.48 | 13.07.79 | 01.08.82 |
| 11 | J.C. Das | SC | SS/LMG | 01.10.45 | 24.04.65 | 01.08.82 |
| 12 | T. Medhi | ST | SS/LMG | 01.01.54 | 04.10.75 | 01.08.82 |
| 13 | Sova Das | SC | CHC/LMG | 01.08.44 | 18.12.64 | 03.09.82 |
| 14 | R.P. Samah | UR | TI/TSK | 29.12.48 | 04.04.73 | 20.01.83 |
| 15 | B.C. Rabha | ST | CYM/APDJ | 01.04.47 | 14.05.76 | 01.08.83 |
| 16 | S.N. Gayari | ST | SS/APDJ | 26.12.49 | 25.08.75 | 01.08.83 |
| 17 | A.K. Brahma | ST | SS/APDJ | 01.11.50 | 10.09.75 | 01.08.83 |
| 18 | D.N. Das | UR | SS/APDJ | 19.12.43 | 17.07.63 | 01.08.83 |
| 19 | C.S. Thapa | ST | SS/APDJ | 01.03.54 | 03.10.77 | 01.08.83 |
| 20 | H.N. Boro | ST | SS/APDJ | 18.12.51 | 10.09.75 | 01.08.83 |
| 21 | Sardha Soren | UR | CYM/KIR | 15.12.46 | 26.08.75 | 01.08.83 |
| 22 | S. Rahman | UR | TI/KIR | 30.06.59 | 05.04.80 | 01.01.84 |
| 23 | P.L. Bhutia | ST | TI/KIR | 15.06.54 | 07.07.77 | 01.01.84 |
| 24 | P.N. Chanda | UR | CHC/APDJ | 01.06.44 | 22.04.71 | 01.01.84 |
| 25 | D.C. Pathak | UR | CHC/LMG | 01.12.55 | 12.11.76 | 01.01.84 |
| 26 | R. Majumder | UR | CHC/APDJ | 25.03.48 | 20.03.68 | 01.01.84 |
| 27 | S.L. Das | SC | CHC/LMG | 01.02.53 | 04.10.75 | 29.12.84 |
| 28 | N. Roy | UR | CHC/APDJ | 10.04.50 | 06.05.75 | 06.07.85 |
| 29 | A. Horo | ST | TI/KIR | 12.07.59 | 16.06.77 | 01.01.86 |
| 30 | D.K. Gabur | ST | SS/KIR | 09.06.50 | 19.06.77 | 12.04.86 |
| 31 | M. Brahma | ST | SS/APDJ | 04.03.55 | 15.07.77 | 22.06.86 |
| 32 | R.A. Yadav | UR | CHC/LMG | 01.08.47 | 23.03.68 | 12.02.88 |
| 33 | B.N. Karlee | SC | SS/APDJ | 01.05.44 | 09.07.64 | 04.06.88 |
| 34 | K.K. Basumatary | ST | SS/APDJ | 01.04.44 | 15.12.62 | 20.06.88 |
| 35 | Misri Ram | SC | SS/KIR | 20.04.44 | 07.04.65 | 07.04.88 |
| 36 | R.K. Basumatary | ST | SS/APDJ | 01.04.44 | 15.12.62 | 20.06.88 |
| 37 | Samar Das | UR | CHC/APDJ | 01.02.50 | 06.05.75 | 05.05.89 |
| 38 | A.K. Chatterjee | UR | CHC/HQ | 26.10.59 | 30.09.82 | 09.02.90 |
| 39 | T. Hengen | ST | CHC/APDJ | 03.04.51 | 13.11.76 | 24.05.90 |
| 40 | A.K. Sur | UR | CHC/APDJ | 25.07.44 | 11.12.64 | 24.05.90 |
| 41 | H.P. Singh Simha | SC | CHC/KIR | 02.03.56 | 24.02.79 | 07.06.90 |
| 42 | Moni Brahma | ST | SS/APDJ | 01.11.53 | 10.07.75 | 16.11.90 |
| 43 | P.K. Boro | ST | TI/HQ | 01.07.52 | 12.11.76 | 17.12.90 |
| 44 | J.K. Chowdhury | ST | TI/HQ | 01.12.54 | 06.07.77 | 17.12.90 |
| 45 | N.R. Das | SC | TI/HQ | 01.12.48 | 19.04.76 | 17.12.90 |
| 46 | S.N. Saikia | ST | SS/TSK | 01.03.53 | 15.11.76 | 22.07.91 |
| 47 | Arbind Sankar | SC | SM/KIR | 10.02.57 | 06.12.77 | 01.01.91 |
| 48 | N.K. Rabidas | SC | SS/TSK | 28.12.43 | 28.05.65 | 22.07.91 |

C
13/81/2

STAND-BY LIST

| SN | Name of the staff S/Shri | Community | Designation & Station | Date of Birth | Date of Appoint- ment | Date of promotion to grade Rs.6500 10,500/- |
|-----|-----------------------------|-----------|-----------------------|---------------|--------------------------|------------------------------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 01 | Ramadhar Ram | SC | CYM/TSK | 20.02.45 | 01.08.64 | 04.08.91 |
| 02 | G.G. Biswas | SC | CHC/APDJ | 15.10.51 | 21.12.74 | 24.05.92 |
| 03 | D.K. Rakshit | UR | CHC/APDJ | 02.12.43 | 09.07.64 | 02.05.92 |
| 04 | B.N. Chowdhury | SC | TI/HQ | 08.02.53 | 28.05.75 | 19.08.92 |
| 05 | P.K. Sutradhar | SC | SS/LMG | 05.04.44 | 05.09.64 | 18.10.92 |
| 06 | B. Brahma | ST | CYM/APDJ | 01.01.49 | 11.01.75 | 27.10.92 |
| 07 | Chandan Dutta | UR | CYM/KIR | 05.04.54 | 11.04.75 | 24.10.92 |
| 08 | Sunil Chandra Das | SC | SS/LMG | 09.04.45 | 07.05.65 | 30.12.91 |
| 09 | Budhi Ram | SC | SS/RNY | 03.09.44 | 22.04.64 | 01.03.93 |
| 10 | Aditya Prasad | SC | SS/RNY | 17.07.44 | 29.04.65 | 01.03.93 |
| 11 | B. Basumatary | ST | SS/RNY | 01.08.54 | 17.04.76 | 01.03.93 |
| 12 | S.C. Brahma | ST | SS/APDJ | 01.04.51 | 17.04.76 | 01.03.93 |
| 13 | S.K. Sarkar | UR | SS/APDJ | 01.03.44 | 11.06.63 | 01.03.93 |
| 14 | S.C. Roy | SC | SS/APDJ | 03.11.43 | 27.11.65 | 01.03.93 |
| 15 | K.R. Boro | ST | SS/RNY | 03.06.52 | 17.04.76 | 01.03.93 |
| 16 | B.C. Brahma | ST | SS/LMG | 24.09.51 | 06.07.77 | 01.03.93 |
| 17 | A.S. Mallick | UR | SS/LMG | 04.02.44 | 30.10.63 | 01.03.93 |
| 18 | Kohiram Boro | ST | SS/LMG | 01.01.49 | 06.07.77 | 01.03.93 |
| 19 | N.C. Roy | UR | SS/LMG | 01.04.44 | 15.07.64 | 01.03.93 |
| 20 | P.N. Roy | SC | SS/LMG | 18.02.44 | 01.05.65 | 01.03.93 |
| 21 | T. Bordoloi | ST | SS/LMG | 01.03.55 | 06.07.77 | 01.03.93 |
| 22 | T. Dasgupta | UR | SS/LMG | 15.02.44 | 03.08.64 | 01.03.93 |
| 23 | J.C. Das | SC | TI/HQ | 01.02.58 | 28.05.82 | 01.03.93 |
| 24 | Sankar Mukherjee | UR | TI/HQ | 01.01.61 | 01.07.87 | 01.03.93 |
| 25 | A.K. Das | UR | TI/HQ | 09.01.55 | 11.06.87 | 01.03.93 |
| 26 | C.K. Choudhury | UR | TI/KIR | 11.05.54 | 11.06.76 | 01.03.93 |
| 27 | D. Jha | UR | TI/KIR | 02.06.44 | 27.04.65 | 01.03.93 |
| 28 | A.N. Banik | UR | TI/LMG | 30.01.61 | 11.06.87 | 01.03.93 |
| 29 | G.S. Biswakarma | UR | CYM/KIR | 15.02.53 | 29.01.79 | 01.03.93 |
| 30 | M.R. Das | SC | DY.SS/TSK | 01.12.43 | 11.06.62 | 01.03.93 |
| 31 | S. Bhakta | SC | SS/KIR | | 27.04.65 | 01.03.93 |
| 32 | A.K. Das | SC | SM/KIR | 11.03.56 | 03.05.82 | 01.03.93 |
| 33 | Harendra Das | SC | SS/TSK | 01.09.46 | 04.08.75 | 01.03.93 |
| 34 | D. Basumatary | ST | SS/LMG | 30.09.53 | 06.07.77 | 01.03.93 |
| 35 | N.N. Roy Choudhury | UR | SS/LMG | 01.01.45 | 09.07.64 | 01.03.93 |
| 36 | S. Deb Barman | ST | SS/LMG | 01.10.53 | 12.11.76 | 01.03.93 |
| 37 | H.L. Malakar | SC | DYC/KIR | 23.03.48 | 13.06.65 | 01.03.93 |
| 38 | B. R. Das | SC | DYC/LMG | 18.01.51 | 23.09.76 | 03.08.92 |
| 39 | P. Basumatary | ST | DYC/RNY | 01.01.56 | 06.07.77 | 31.03.92 |
| 40 | P. Sutradhar | SC | DYC/LMG | 02.10.62 | 11.01.83 | 03.08.92 |
| 41 | S.K. Choudhury | UR | CHC/LMG | 01.01.50 | 04.10.75 | 03.08.92 |
| 42 | B. N. Dey | UR | CHC/LMG | 07.02.48 | 11.07.77 | 03.08.92 |
| 43 | Hirak Sengupta | UR | CHC/LMG | 01.03.44 | 07.08.63 | 03.08.92 |
| 44 | S.K. Dasgupta | UR | CHC/LMG | 01.05.44 | 31.07.64 | 06.08.92 |
| 45 | B.N. Singh | UR | SM/KIR | 07.05.45 | 10.07.64 | 24.08.92 |
| 46 | M. Thakur | UR | SM/KIR | 05.01.66 | 26.08.92 | 26.08.92 |
| 47 | K. Bhattacharjee | UR | DYC/LMG | 01.10.46 | 01.06.66 | 01.10.92 |
| 48 | M. Chakraborty | UR | DYC/LMG | 02.02.54 | 04.01.79 | 07.08.92 |