

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

4

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No. 255/2004
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

14/11/17

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc. Petn/Cont. Petn/Rev. App.

In O.A. 255/04

Name of the Applicant(s) J. C. Mali

Name of the Respondent(s) UoG & or.

Advocate for the Applicant Mr. G.K. Bhattacharyya B. Chandni, D. Goswami

Counsel for the Railway/C.G.S.C. RY Camps

OFFICE NOTE DATE ORDER OF THE TRIBUNAL

Application is in form
is filed C.F. Rs 20/-
deposited via P. BD
No. 11.5.6.2
Dated 2-11-04

[Signature]
Dy. Registrar

5.11.2004

Present : The Hon'ble Mr. K.V. Prahlad-
an, Member (A).

None for the parties. List on
10.12.2004.

[Signature]
Member (A)

mb

10.11.2004

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

Heard Mr G.K. Bhattacharyya,
learned counsel for the applicant who
states that the applicant has not been
relieved till date. The applicant has
approached this Tribunal against mid
term transfer on the ground that his
children are studying in VII, Xi and
XII standard and as such the applicant
be retained at the present station
till the end of academic year 2004-
2005.

Notice be issued to
respondents returnable on 1.12.2004.
In the meantime, if the applicant has
not already been relieved, he shall

by
3/11/04

~~The Hon'ble M(A) as
directed to place this
case to the Hon'ble
V.C's bench on 10/11/04.~~

[Signature]

9/11/04

As per Court's order dated
5.11.04 it was to be listed
on 10.12.04 before the Hon'ble
Member (A). It has been mentioned
before the Hon'ble vice chairman
proposing the matter on 10.11.04
before the Hon'ble bench of Hon'ble V.C.

[Signature] contd.....

10.11.2004

Notice & order
dt. 10/11/04 sent
to D/Section for
issuing the same
to resp. No. 1, 2 & 3
by Hand and 4 & 5
by Speed post with A/D
at the cost of the
applicant.

11/11/04.

not be relieved till the next date.
However, it is made clear that the
applicant shall take all steps for
effecting service on the respondents
before the next date and if the
service is not effected on the
respondents the order passed today may
have to be vacated. The applicant is
allowed to serve by any of the modes
including hand/courier/speed post/
registered post etc.

S.O. to 1.12.04.

R
Vice-Chairman

nkm

01.12.2004

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

Mr. G.K. Bhattacharjee,
learned Sr. Counsel for the
applicant and Mr. B.C. Pathak,
learned counsel for the respondents
were present.

Learned counsel for the
applicant, on instruction from the
applicant who is present seeks to
withdraw this application. The
application is accordingly allowed
to withdraw and the order dated
10.11.2004 stands vacated.

Learned Advocate for the
applicant states that the
applicant was sick till
15.11.2004 and shall be joining at
new posting definitely latest by
15.12.2004 and for the period from
16.11.2004 to 15.12.2004 the
applicant shall file application
for ^{leave} relief which may ^{be} considered by
the department compassionately. In
case the applicant ^s is joined at the
new posting on 15.12.2004 and file
application for ^{leave} relief for the

R Contd/-

Notice duly served
on resp. Nos. 4 & 5.

18/11/04.

Service Completed.

30/11/04.


Notes of the Registry	Date	Order of the Tribunal
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Contd/-

01.12.2004

period from 16.11.2004 to 15.12.2004 or if he joined ^S earlier, the department may consider application and pass appropriate order on the same in accordance with rules applicable.

The application stands dismissed as withdrawal as aforesaid.


Vice-Chairman

mb

2.12.04
Copy of the order has been sent to the office for issuing the line to the L/Advs for the parties.

Handwritten initials

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH : GUWAHATI

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

O.A NO. 255 of 2004

Sri Jogen Chandra Mali,
S/o late Subodh Chandra Mali,
Senior Cashier, Grade-I,
Q. No.L/31-A, Saheb Colony,
Badarpur, N.F. Railway.

... Applicant

-Versus-

1. Union of India,
Represented by the General
Manager, N.F. Railway,
Maligaon, Guwahati.
2. Financial Adviser and Chief
Account Officer, WST N.F.
Railway, Maligaon, Guwahati-11.
3. Deputy Chief Accounts Officer,
(C & P) N.F. Railway, Maligaon,
Guwahati-11.
4. Divisional Finance Manager,
N.F. Railway, Lunding.

Jogen Ch. Mali
Filed by the applicant
through Bikram Choudhury
Adv.
3.11.04

5. Divisional Cashier, N.F.
Railway, Lunding.

... Respondents

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

(i) Order No.20 communicated vide memo No.CP/MLG/62/Pt.III dated 8.5.04 issued by the Respondent No.3 whereby the applicant was transferred and posted in the same capacity of Senior Cashier at Dibrugarh.

(ii) Order No.CP/MLG/104 dated 14.8.04 issued by the Respondent No.3 informing the applicant that the Respondent No.2 has reviewed the Order No.CP/MLG/104 dated 28.7.04 staying his transfer order dated 8.5.04.

(iii) Illegal and arbitrary action of the authorities in meting out arbitrary treatment to the applicant by canceling the stay of his transfer order which was issued after taking into consideration his appeal.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION :

The applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

4.1) That the applicant begs to state that he joined service under the N.F. Railway on 23.04.1980. Thereafter, the applicant in recognition of his faithful and commendable service was promoted to the next higher ranks and at present he is working as Senior Cashier Grade-I at Badarpur. Since the date of his joining service the applicant has been discharging his duties sincerely and faithfully and there was no occasion when any adverse was ever communicated to him.

4.2) That the applicant begs to state that while working as such, on 12.5.04 while proceeding to disburse the salary of the staff of various station, all of a sudden he received the impugned transfer order No.20 communicated vide memo No. CP/MLG/62 Pt.III dated 8.5.04 issued by the Respondent No.3 through his reliever transferring and posting him in the same capacity at Dibrugarh.

A copy of the transfer order dated 8.5.04 and the

appointment of reliever is annexed herewith and marked as Annexure-I (Series).

4.3) That the applicant begs to state that his family consist of old ailing mother, himself, wife and 3 children. Out of the three children, his eldest son Sri Pankaj Kr. Mali is studying in Class-XII (Science) at Badarpur Railway H.S. School and is going to appear at in Board's final examination, his daughter Smt. Kalpana Mali is studying in Class-XII at Kendriya Vidyalaya, Panchgram, Hailakandi and is going to appear in Board's final examination on April, 2005 and his youngest son Mukesh Kr. Mali is studying in Class-VII at Kendriya Vidyalaya, Panchgram.

As such, on receiving the transfer order dated 8.5.04 on 12.5.04 (Annexure-I), the applicant on 14.5.04 submitted a representation/appeal before the Respondent No. 23 stating the above facts with the prayer for cancellation/defarment of the transfer order till the completion of the present academic session, as any movement during the mid-academic session will affect ^{the} education/ career of his children and moreover two of them are going to appear in Board's Higher Secondary final examination

A copy of the representation /appeal is annexed herewith and marked as Annexure-II.

4.4) That on 31.5.04, the applicant received a letter No. CP/MLG/62/104 dated 25.5.04 from the office of Respondent No.3 rejecting his appeal dated 14.5.04.

A copy of the letter dated 25.5.047 is annexed herewith and marked as Annexure-III.

4.5) That the applicant having no other alternative further made an appeal before the Respondent No.2 on 14.7.04 stating that he is ready to carry out the transfer order after completion of the current academic session of his children and as such he may be retained at Badarpur till April 2005.

The applicant further stated in his appeal that he has been empanelled for promotion to the post of Sr. Cashier, Gr.I against restructuring of cadre vide office order No.CP/MLG/3/Pt.III dated 2.6.04 issued by the ^{Chief} Cashier, Maligaon but except him every other empanelled persons were already promoted.

A copy of the appeal dated 14.7.04 is annexed herewith and marked as Annexure-IV.

4.6) That thereafter the applicant received office order No.CP/MLG/113 dated 28.7.04 issued by the Chief Cashier, N.F. Railway, Maligaon promoting him to the post of Sr. Cashier, Grade-I in scale of Rs.5500-175-9000/-. The order, amongst other, further stated that the Respondent No.2 has agreed to retain him at Badarpur till April, 2005. The applicant further states that on 28.7.04, he received another order from the office of the Respondent No.3 informing the applicant that the Respondent No.2 has considered his appeal subject to the condition that he will give in writing that he will move to Dibrugarh by first week of May, 2005.

Copies of the orders dated 28.7.04 is annexed herewith and marked as Annexure-V & VI respectively.

4.7) That, as such the applicant was shocked and surprised when on 24.8.04 he received the impugned order No.CP/MLG/104 dated 14.8.04 from the office of Respondent No.3 whereby he was informed that the Respondent No.2 has reviewed and cancelled his earlier order dated 28.7.04 (Annexure-VI) and further directed him to prepare and handover the charge to the relieving cashier on his arrival and report at Dibrugarh.



Copy of the order dated 14.8.04 is annexed herewith and marked as Annexure-VII.

4.8) That the applicant then again on 26.8.04 submitted an appeal before the Respondent No.2 stating the above facts with the prayer to retain him at Badarpur till April 2005 and to re-consider his case and modify the order dated 14.8.04 (Annexure-VII).

A copy of the appeal dated 26.8.04 is annexed herewith and marked as Annexure-VIII.

4.9) That, on 4.9.04 the applicant received a letter No.CP/MLG/104 dated 1.9.04 from the Office of the Respondent No.3 informing the applicant that Sri D.B. Thapa, Jr. Cashier, Maligaon will relieve him to carry out the transfer order.

On 22.9.04 the applicant felt sick and he was admitted in the Railway Hospital. While he was in hospital on 28.9.04 he was served with letter No.CP/MLG/104 dated 21.9.04 from the office of the Respondent No.3 stating that the competent authority has disagreed with his appeal for retention and he was further directed to handover charge and was threatened with disciplinary action. The applicant states that he has not handed over charge till date.

4.10) That the applicant begs to state that in the meantime when the applicant made appeal before the authorities he was given promotion to the rank of Sr. Cashier Grade-I from Sr. Cashier Grade-II by order dated 28.7.04 (Annexure-V) and in the order itself he was allowed to stay at Badarpur till April' 05 and the authorities instead of canceling the transfer order (Annexure-I) and issuing a fresh one after reviewing the stay they cannot direct the applicant to implement the transfer order dated 8.5.04 (Annexure-I).

4.11) That the applicant begs to state that when he received the transfer order dated 08.05.2004 (Annexure-I) he made an appeal specifically stating the difficulties in carrying out the transfer order at this stage as it will affect the current academic session of his children and accordingly the Respondent No.2 by his order dated 28.7.04 (Annexure-VI) stayed the transfer order till April' 05. As such the impugned order dated 14.8.04 (Annexure-VII) canceling the earlier stay order is arbitrary and illegal and the applicant has been advised that he has a good chance of succeeding in the application and as such unless some interim orders are passed the applicant will suffer irreparable loss and injury.

GRANTED FOR REVIEW WITH INTERIM PROTECTION :

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1) For that, the impugned transfer order transferring the applicant from Badarpur to Dibrugarh is illegal and arbitrary and as such the same is liable to be set aside.

5.2) For that, the applicant on receiving the transfer order dated 8.5.04 (Annexure-I) made an appeal before the Respondent no.2 stating that his 3 children are in mid-academic session and two of them are going to appear in Board's Higher Secondary final examination and as such any movement at this stage will affect them and as such he may be retained at Badarpur till April 2005 and the Respondent No.2 after giving due consideration allowed him to stay till April 2005 and as such it is not now open to the authorities to go back after granting stay and thereby unsettle the academic career of the applicant's children at this juncture and as such the impugned transfer order dated 8.5.04 (Annexure-I) and order dated 14.8.04 (Annexure-VII) are bad in law and liable to be set aside.

5.3) For that, the Hon'ble Apex Court in various decision has held that transfer of employee during mid-academic term of their children studying in school should not be effected if the exigencies of the services are not urgent and as such the impugned orders are bad in law and liable to be set aside.

5.4) For that, in any view of the matter, the impugned orders are bad in law and is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant had filed various appeals before the authorities but it has been rejected.

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

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court authority, nor any such application, Writ petition or suit is pending before any of them.

8. PRAYER :

It is, therefore, prayed that Your Lordships would be pleased to admit this application call for the entire records of the case, ask the Respondents to show cause as to why the impugned orders dated 8.5.04 (Annexure-I) and dated 14.8.04 (Annexure-VII) should not be quashed and set aside and after perusing the causes shown, if any and hearing the parties set aside the impugned orders dated 8.5.04 (Annexure-I) and dated 14.8.04 (Annexure-VII) and/or pass any other order/orders as Your Lordships may deem fit and proper.

9. INTERIM ORDER, IF ANY PRAYED FOR :

It is, further prayed that pending disposal of the application, Your Lordships would be pleased to stay the operation of the impugned order dated 14.8.04 (Annexure-VII) and/or pass any other order/orders as Your



Lordships may deem fit and proper.

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

10. DOES NOT ARISE:

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

- (i) I.P.O No. : 20611506T
- (ii) Date. : 2/11/04
- (iii) Issued by Guwahati Post Office.
- (iv) Payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the INDEX

OB

VERIFICATION

I, Sri Jogen Chandra Mali, S/o late Subodh Chandra Mali, aged about ⁴² years, Senior Cashier, Grade-I, Badarur, N.F. Railway, Assam the applicant of the instant case do hereby solemnly verify that the statements made in Paragraphs No. 1, 3, 5, 9, 10 and 11 are true to my personal knowledge and the statements made in paragraphs No. 2, 4, 6, 7 and 8 are being matter of records which are true to my information derived therefrom and are believe to be true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification on this the 3rd day of November, 2004 at Guwahati.

Place : Guwahati

Date : 03-11-2004.

Jogen Ch. Mali
Signature of the Applicant

Office of the
Dy. Chief Accounts Officer (C&P),
M.F.Railway/Maligaon.

Office Order- 20
NO. CP/MLG/62/Pt. III.

Dated 8.5.64.

The following transfer and posting order are issued with immediate effect.

- 1) Shri J.C.Mali, Sr. Cashier/BPB is transferred and posted in the same capacity of Sr. Cashier in Pay Office/BBP/DBRT against Begibool under AFA(CON)/DBRT on transfer from Pay Office/BPB.
- 11) Shri K.T.Mazunder, Jr. Cashier under AFA(CON)/DBRT is transferred and posted in the same capacity in Pay Office/BBP vice Shri J.C.Mali transferred.

Shri J.C.Mali will handover his complete charges of his pay Beat NO.30L immediately after reporting of relieving Cashier deputed for this purpose.

Shri K.T.Mazunder, Jr. Cashier/Con/DBRT will report to Pay office/BBP after handing over his complete charges to Shri J.C.Mali.

This issues with the approval of competent authority.

[Signature]

Chief Cashier
for Dy. Chief Accounts Officer (C&P),
M.F.Railway/Maligaon.

NO. CP/MLG/62 Pt. III.

Dated 8.5.64.

Copy forwarded for information and necessary action to:-

- 1) DFM/LMG
- 2) Sr. AFA/CON/DBRT
- 3) Divl. Cashier/LMG & TSK
- 4) Divl. Cashier/Insp/Maligaon
- 5) Chief OS
- 6) Staff concerned
- 7) CA t DY.CAO/C&P).

Chief Cashier
for Dy. Chief Accounts Officer (C&P),
M.F.Railway/Maligaon.

Attested by
[Signature]
Adv.

H.F. Railway.

Office of the
Dy. Chief Accounts Officer (C&P),
H.F. Railway/Maligaon.

Dated 10.5.04.

ED. CP/MLO/82/Pt. III.

To
Shri D.B. Thapa,
Jr. Cashier/MLO.

Subj:- Taking over of complete charges of
Pay Beat NO. 36L/BPB from Shri J.C. Mali.
~~MEMORANDUM~~.....

You are hereby directed to proceed for Pay Office/BPB
to take over complete charges from Shri J.C. Mali incharge
of Pay Beat NO. 36L/BPB in order to spare him for taking
over charges of ~~Post~~ Dy. Cashier/Con/DBRT from Shri K.T.
Majumdar. You should proceed by first available train/
bus of 10.5.04.

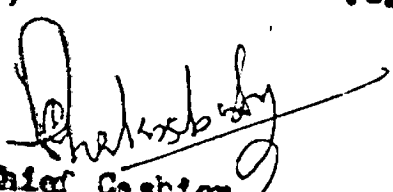
A copy of the charge report should be sent to under-
signed.

*Copy on 12/5/04
for copy m/s*

Chief Cashier,
H.F. Railway/Maligaon.

Copy for information and necessary action to:-

- 1) Shri J.C. Mali, Sr. Cashier/BPB. He is instructed to
handover complete charges of Pay Beat NO. 36L to Shri
D.B. Thapa, Jr. Cashier/MLO immediately to proceed
for DBRT in compliance to O.O. No. dated 8.5.04 (Copy
enclosed)
- 2) DC/LMG


Chief Cashier
H.F. Railway/Maligaon.

*Attested by
R. Mallik
Adv.*

To
The Deputy Chief Accounts Officer (C&P)
N.F.Rly, Maligaon

(Through proper channel)

Sub: - Representation for cancellation of transfer order.

Ref: - Your order No.20 communicated vide memo No. CP/MLG/62/Pt.III, dated 08/05/04 & Letter of even No. Dated 10/05/04.

Sir,

With reference to your orders mentioned above, I have the honour to lay before your magnanimous self the following facts for favour of your consideration & necessary orders: -

1. I have been serving here since Aug 1992 with the full satisfaction of all concern, without any complain what so ever from any corner.

2. That sir, on 12/05/04 all on a sudden I received the transfer order through my reliever sri D.B.Thapa while I was proceeding to disburse salary of the staff of various stations.

3. Sir, as you aware that disbursement of salary in our department particularly in Badarpur continues from 3rd of the month to 25th of each month. This month too the salary of all the staff could not yet be disbursed although I was entrusted to disburse the same. Accordingly I have been performing my duties. But the order of sudden transfer is a bolt from the blue to me.

4. Sir, myself have been suffering from hypertension & my wife too is undergoing treatment. Such sudden transfer order has added a premium to my hypertension.

5. Sir, my family consists of self, wife & three children, out of whom my eldest son Pankaj Kumar Mali has been reading in class 11th at Rly. H. S. School, Badarpur, daughter Smti. Kalpana Mali has been reading in class 12th at Central school, panchgram and youngest son Mukesh Kumar Mali is a student of class 7th at Central school, panchgram.

6. That sir, if in the middle of session of this academic year I am transferred the studies of my children will be badly affected & their future will be ruined, as it will not be possible for me to maintain two separate establishments with such mearge income.

Under the above facts & circumstances, I would fervently pray to your honour kindly to have compassion on me & defar my transfer order up to the completion of the educational session till April 2005

And for this act of your kindness I shall ever pray.

Yours faithfully

- Copy to
- 1. Chief Cashier /Maligaon
- 2. DFM /Lumding
- 3. D.C/Lumding
- 4. D.B.Thapa. /Jr. Cashier/Maligaon

Jogen Ch. Mali.
Sr. Cashier / D.C. N.F.Rly.

Jogen Ch. Mali.
Sr. Cashier / D.C. N.F.Rly.
Dt. 14/5/04.

Attested by
Chandhury
Adh.

M.F. Railway.

Office of the
Dy. Chief Accounts Officer (C&P),
M.F. Railway/Maligaon.

Dated 25.5.04.

No. CP/MLG/62/104

To
Shri D.C. Mali,
Sr. Cashier/Badarpur.

Sub:- Your appeal dated 14.5.04 for
cancellation of transfer order.
....

Your appeal on the above subject has
not been accepted by Dy. CAO/(C&P) and the under mentioned
comments have been made which is conveyed for your information
and necessary action.

" His transfer order has been made on public interest. He may be asked to move for DBT immediately to take over charges as per transfer order. Else, DAR action is initiated as per rule".

[Signature]
25/5/04

Chief Cashier,
M.F. Railway/Maligaon.

*Recd
25/5/04
21/5/04*

Attested by
[Signature]
Adv.

TO: Sri D.M. Goutam .
 P.A./CAO/Waligam
 Hly. Mg. Gawhati-11

Through Proper Channel.

SUB : An appeal against transfer order for retention at Badarpur up to April/05 i.e. till academic School/College session is over.

REF : Chief Cashier/MLGS office order No. CP/MLG/62 pt.III
 Dated: 08-05-04.

 @@@@@@@@@@@@@@

Respected Sir,

Most respectfully I have come under the shadow of your great benevolency with the following prayers for consideration of my appeal on humanitarian ground.

That Sir, I have been working as Sr. Cashier/RPB with entire satisfaction of my superiors having no complaint from any corner regarding handling of my cash amount and free from any punishment.

That Sir, on 12-5-04 I have received a transfer order issued by vide Chief Cashier's order under reference where in I have been ordered to be posted at DBRT against a Jr. Cashier who is also ordered to be posted in my place as a Jr. Cashier. The sudden transfer is a bolt from the blue to me during the academic School/College session of my children who are prosecuting their studies at Central School, Panchgram & Hly. H. S. School, Badarpur. the Half yearly Examination of which is knocking at the door.

That Sir, I am ready to carry out the transfer order at any cost till their final examination is over for which I appealed to your judicious mercy to allow me to retain at Badarpur till April/05.

That Sir, I have also been expalled for promotion to the post of Sr. Cashier Gr-I in scale Rs. 5800 - 9000/- against restructuring of cadre along with 11 others vide Chief Cashier/MLG's O.O.No. CP/MLG/3/pt-III dated: 02-06-04. But ill luck would have it that the promotion order of every one has been effected except myself. The reason of which is also not known to me. As such it is prayer to issue necessary directives to the authority concerned to implement the said promotion order before proceeding on transfer to DBRT.

That Sir, It is out of place to mention here that DAO/LMG, has intentionally revenging a grudge on me for not carrying out the order at DBRT. As a result he had stopped payment of my salary for last three months from May/04 to date ~~whimsically~~ whimsically as he had sent my L.P.C. to DBRT without relieving me from Badarpur. Over and above he has issued directives to Bank authority for encashment of cheques from this months by ceasing my power and delegated the same to one of my Jr. Cashier at Badarpur for no fault of mine though. I have been discharging my normal duties at Badarpur and no reliever has yet been reported to Badarpur to relieve me. Therefore it is known to DAO/LMG to whom I shall handover my charges. As such I presume that it is nothing but a malefide intention of DAO/LMG to haraze me for non-implementing the order.

Attested by
[Signature]
 Adv

Contd.....Page-2.

(Contd...Page/2)

Moreover DAN/LNG is also well conversent that my children are prosecuting their studies in different School/Colleges of this area and the School session has all ready been commenced and it is hardly possible on the part of a gardian to move on transfer during the middle ~~session~~ session of the School .

In the context, finding no other alternatives, I ~~request~~ approach to your judicious mercy to consider my case for retention at Bodarpur till April/05 i.e. the academic school session is over as I am ready to go on transfer to DART or else where and for this act of your kindness I, along with my whole family will remain ever grateful to your magnanimity in these hard days of economic depression .

An early reply is highly appreciated.

With regards,

Yours faithfully,

Jagan Ch. Mali

(Jagan Chandra Mali)
Sr. Cashier/BPH
N. F. Aly.

Dated: Bodarpur
The 14-7-2004.
COCOROCOROCOROC

Copy forwarded for information
on necessary action to :-

1. Chief Cashier N. F. Aly/MLG.
2. Divisional Finance Manager
N. F. Aly. Lunding.
3. Divisional Cashier
N. F. Aly/Lunding.

Yours faithfully,

Jagan Ch. Mali

(Jagan Chandra Mali)
Sr. Cashier/BPH,
N. F. Aly.
COCOROCOROC

076

OFFICE ORDER
NO.CP/MLG/113

Having been empanelled for promotion to the post of Sr.Cashier/Gr-I in scale of Rs. 5500-9000/- vide office order No.CP/MLG/100 dated 2.6.04, Sri J C Mali, Sr.Cashier Gr-II/BPB in scale Rs. 5000-8000/- is hereby promoted to the post of Sr.Cashier/Gr-I(NS) in scale Rs. 5500-175-9000/- w.e.f. 01/11/03 against re-structuring in terms of Rly Bd's letter NO.PC-III/2003/CRC/6 dt. 09/10/03 and posted in the same place where he is working now.

The above promotion is purely provisional and subject to the judgment of Hon'ble Supreme Court or High Courts as the case may be in respect of writ petition and appeals pending in Supreme Court of High Courts

Shri Mali is entitled to get officiating pay as Sr.Cashier/Gr-I(NS) w.e.f.01/11/03 as per extent order.

Shri Mali may exercise option for fixation of his pay as Sr.Cashier/Gr-I within prescribed time. Option once exercised shall be treated as final.

The assumption of higher responsibility as Sr.Cashier/Gr-I, should be submitted to this office for record.

The above promotion has the approval of Dy.CAO(C&P) at N/107 dt.27/07/04 of case No.CP/MLG/3 Pt-III and posting approved by FA & CAO/WST at PP/5 of case No.CP/MLG/104. However FA & CAO/WST has agreed to retain him at BPB till April/05. He must move DBRT in the first week of May/05 as instructed by FA & CAO/WST.

Chief Cashier
N F Railway/Maligaon.

CP/MLG/3 Pt-III,

Dated 28/07/2004,

Copy forwarded for information and necessary action to :-
DFM/LMG, Earlier posting order of Sri J C Mali for DBRT has been reviewed by FA 27/7/04 and he has been retained at BPB upto April/05 as per appeal of Sri Mali.
AFM/DBRT, DC/LMG, OS/II(E), at office, Hd.Clerk (bill) at office, P/case, Staff concerned.

[Signature] 28/7/04
Chief Cashier,
For Dy.Chief A/Cs Officer(C&P)
Railway/Maligaon.

Attested by
[Signature]

+ 21 -

Office of the
Dy. CAO (C&P)
Malignan.
Dt. 28.7.04.

CP/MIG/104

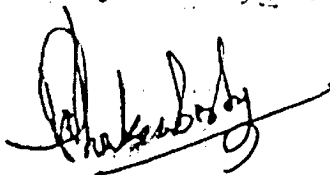
Sri J.C. Mali
Sr. Cashier, Badar. Sr.

Sub:- Your appeal for retention
at BPS upto April/05.

FA & CAO/WST has kindly considered your
appeal and made the under mentioned orders.

" His appeal is considered subject to
the conditions that he will move to
DBIT by first week of May/05 call him
over and obtained in writing the above
condition."

You are therefore advised to note the above and to
submit your acceptance towards the said order.



Chief Cashier
For Dy. CAO/(C&P)
H.F. Railway, Malignan.

Copy for empr, atian and necessary
action to

- (1) DFM/LMG
- (2) Sr. AFA/BBP/DBIT
- (3) Divl. Cashier/LMG
- (4) Chief CS at office.

Chief Cashier
For Dy. CAO(C&P)
H.F. Rly/Malignan.

by
Malignan
J.C.

Office of the
Dy. Chief Accounts Officer(C&F),
M.F. Railway/Maligaon.

NO. CP/MLC/104.

Dated 14.8.04.

To
Shri J.C.Mali,
Sr. Cashier/Pay Office
M.F. Railway/BPB.

Sub:- Retention at BPB upto 1 week
of April/05 as considered by
FA & CAO(WST).

Ref:- This office letter of even No.
dated 23.7.04.
.....

In continuation to this office letter under reference
about your retention at Pay Office/EPB considered on the
basis of your appeal dated 14.7.04 it is informed that
FA & CAO(WST)/Maligaon has since under taken review of his
earlier order and passed his remarks as under.

" AS discussed on review I felt that Shri Mali
should be asked to hand over charges to relieving
cashier and asked to report to DBRT immediately"

In view of the above you are directed to prepare
your charges to hand over the same to the relieving cashier
on his arrival in order to proceed for DBRT immediately.

Recd. acc. l.
on 24/8/04.
24/304/04
24/8/04.

[Signature]
Chief Cashier
for Dy. Chief Accounts Officer(C&F),
M.F. Railway/Maligaon.

Attested by
[Signature]
Adv.

(TYPED COPY)

ANNEXURE - VIII

To,
The FA & CAO,
N.F. Rly. Maligaon,
Guwahati-11.

Sub: Mercy appeal for retention at BPB upto April/05 i.e., till academic school/college session is over on humanitarian ground.

Ref: Dy. Chief Account's Officer (C & F), N.F. Rly., Maligaon's Letter No.CP/PMG/104 dt. 14.08.04 and earlier order of even number dt. 28.7.04.

Sir,

Most respectfully, I once again disturb your valuable time with the following prayers, for which I may kindly be excused.

That sir, earlier on my appeal dated 14.7.04 I have been allowed to retain at Badarpur upto April/05 i.e. till academic MLC's letter No.CP/MLG/104 dtd. 28.7.04 for which I was rather thanked to your humanity and in my appeal, I have clearly mentioned that I shall carry out my transfer order in April/05 without any cost on the basis of which you have considered my appeal.

That sir, it is rather painful to me on receipt of the above order that after a lapse of 15 days of the previous order you have issued another order advising me to go on transfer to DEET for no fault of mine and such order will adversely reflect the career of my school/college going children in the mid-session as I am the only male member in the family giving them proper guidance. More over there

Attested by
R. S. Mallick
Adv.

is no male member in the family except myself to look after them and I am also giving you assurance. This time in writing that I shall not stay for a day at BPB after April/2005.

That sir, the April/05 is knocking at the door and there are only seven months more, for which I prayed for retention of seven months more at Badarpur for my children's education.

In the context as a supreme of the Accounts Organisation I pray to your judicious mercy to reconsider my case and to review the above order dt. 14.8.04 only for a period of seven months more and for this act of your kindness, I along with my whole family will remain grateful to your greatness in these economic crisis.

At the end, it is once again reiterate that I shall not stay at BPB even or a day after the target and will carry out order at EDRT or else where as your orders and hope my submission will receive your due sympathy as a supreme of the Accounts Organisation.

With regards.

Date : 25.8.04

Yours faithfully,
Sd/- (Sri J.C. Mali)
Sr. Cashier Gr.I
N.F. Rly. Badarpur.

Copy forwarded for information and necessary action to -

- 1) Dy. CAO (C & P), N.F. Rly., Maligaon.
- 2) Chief Cashier, ML/J, N.F. Rly., Maligaon.

Yours faithfully,
Sd/- (Sri J.C. Mali)
Sr. Cashier Gr.I
N.F. Rly. Badarpur.

To: The EA & CAO
N. P. Rly. Maligaon,
Guwahati - 781 001

@ 31/8/04

Subj: - Mercy appeal for retention at BPD upto April /05 i.e. till
academic school/College session is over on humanitarian
ground.

Ref: - Dy. Chief Accounts Officer (CAO), N. P. Rly., Maligaon's
Letter No. CP/122/104 dt. 14.08.04 and earlier order of
even number dt. 28-07-04.

Sir, Most respectfully, I once again disturb your valuable time
with the following prayers for which I may kindly be excused.

That sir, earlier on my appeal dated 14-7-04 I have been
allowed to remain at Badarpur upto April /05 i.e. till academic
school/College session of my children by you vide Dy. CAO (CAO)/
M.C's letter No. CP/122/104 dt. 28/7/04 for which I was rather
thankful to your magnanimity and in my appeal, I have clearly
mentioned that I shall carry out my transfer order in April /05
without any cost on the basis of which you have considered my
appeal.

That sir, it is rather painful to me on receipt of the above
order that after a lapse of 15 days of the previous order you have
issued another order advising me to go on transfer to DBRT for
no fault of mine and such order will adversely reflect the career
of my school /college going children in the mid-session as
I am the only male member in the family giving them proper guid-
ance. More over, there is no male member in the family except
myself to look after them and I am also giving you assurance,
this time in writing that I shall not stay for a day at BPD
after April /2005.

That sir, the April /05 is knocking at the door and there
are only seven months more for which I prayed for retention of
seven months more at Badarpur for my children's Education.

In the context, as a supreme of the Accounts Organisation
I pray to your judicious mercy to reconsider my case and to
review the above order dt. 14-08-04 only for a period of seven months
more and for this act of your kindness, I, along with my whole
family will remain ever grateful to your goodness in these hard
days economic crisis.

At the end, it is once again re-stated that I shall
not stay at BPD even for a day after the transfer and will carry
out order at DBRT as also there is no order and hope my sub-
mission will receive your due consideration as a supreme of the
Accounts Organisation.

Date: 26/8/04

Yours faithfully,

Jayen Ch. Mali

- Copy forwarded for information
and necessary action to:-
- 1) Dy. CAO (CAO), N. P. Rly,
Maligaon.
 - 2) Chief Cashier, M/S
N. P. Rly, Maligaon.

(Sri J.C. Mali)
Sr. Cashier Gr. I
N. P. Rly, Badarpur.

Yours faithfully,

Jayen Ch. Mali

(Sri J.C. Mali)
Sr. Cashier Gr. I
N. P. Rly, Badarpur.