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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 320/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

Blak
14/11/17

FORM No.4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 320/2004
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____
Applicants: Tinzukia Dist. Tribal Sangha and Another
Respondents M.O.I. ors

Advocates for the Applicant Mr. D. Sur, Mr. S.S. Choudhury
Advocates of the Respondents Mr. D. Sur, Mr. S.S. Choudhury
Imfiled
Dr. P. G. Sarma
Dr. R. S. E.

Notes of the Registry Date _____ Order of the Tribunal

15.12.2004

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

Heard Mr.D.Sur, learned counsel for the applicants. After hearing the learned counsel for the applicant it is found that the verification in respect of number of paragraphs of the application including 4.8, 4.9, 5.3, 5.4, 5.5, etc. is defective and hence the said pleadings cannot be matter of legal advice. Verification of the pleadings be accordingly corrected. Besides this, earlier record of earlier petition be placed along with this matter. The matter be listed before the Division Bench before the first week of January, 2005 in as much as I do not find any urgency in the matter.

Stand over to 3.1.2005.

R
Vice-Chairman

This application is in form
is filed in Form No. 40.

Copy of the application is filed in Form No. 40.

No. 20 Cr/135680

Date 2/12/04

Dy. Registrar

S.O(E)

dt. 15/12/04

Notice order sent to
D/section for issuing
to learned advocate
for both the parties.

16/12/04

3-1-05

Defectives removed

but -

3.1.2005

Heard Mr. D. Sur, learned

counsel for the applicants and also Dr. M.C. Sarma, learned counsel for the railways.

Issue notice to show cause as to why application shall not be admitted.

List on 01.02.2005 for admission.

Member (A)

mb

07.02.2005

Present: The Hon'ble Mr. M.K. Gupta, Judicial Member.

An application is received from Dr. M.C. Sharma, learned counsel for the Railways stating that due to personal reasons he will not be able to attend the Tribunal. Reply has not been filed. Adjourned to 10.3.2005.

Member (J)

bb

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

Dr. M.C. Sarma the learned counsel for the Railway submits that the reply is ready and is being handed over to the learned counsel for the applicant today itself. Hence this case is adjourned 24.3.05. Rejoinder if any, be filed in the meantime.

Member

Vice-Chairman

Notice & order sent to D/section for issuing to resp. Nos. 1 to 7 by regd. A/D post.

24/01/05 174 to 178 DT-1102/05

4-2-05

Notice issued. S/R awaited.

Notice unserved from resp. No. 7 as refused.

9-3-05

No reply has been filed.

14.3.05

W/s has been filed on behalf of the respondents.

Member

23-3-05

No rejoinder has been filed.

lm

Notice duly served on resp. Nos. 2, 3, 4, 5 & 6.

29/3/05

Notes of the Registry

Date

Order of the Tribunal

29.4.2005

Dr. M.C. Sarma, learned Railway counsel submits that written statement has been filed. Hence, this case is posted or final hearing on 26.5.2005. Rejoinder, if any, in the meantime.

[Signature]
Vice-Chairman

28-4-05

Notice duly served.
R-110/3, 4, 6
w/s for - 6 & 8 & 10.

[Signature]

Resp. Nos. 1 to 4
are deleted, vide
order dt. 29/4/05
passed in MP65/05.

mb

26.5.2005

Division Bench is not available.
Adjourned to 13.6.2005 for hearing.

[Signature]
Member

5/5/05.

bb

13.6.05.

The learned counsel for the applicant is absent. Dr.M.C.Sarma, learned Railway counsel for the Respondents is present.

Post the matter on 23.6.05.

[Signature]
Member

[Signature]
Vice-Chairman

w/s filed on behalf
of the respondent

[Signature]
22.6.05

lm

23.6.2005

Post on 4.8.2005 for hearing.

No. rejoinder has
been filed.

[Signature]
Vice-Chairman

[Signature]
3.8.05

mb

4.8.05.

No. Rejoinder has
been filed.

Mr.D.Sur learned counsel for the applicant is not present. Dr.M.C. Sarma learned counsel for the Railway is present and he submits that even on various occasions the counsel for the applicant was absent. As a last chance the matter on 16.8.05.

[Signature]
Member

[Signature]
Vice-Chairman

[Signature]
12.8.05

lm

16.8.05.

Mr.D.Sur learned counsel for the applicant is not present. Dr.M.C.Sarma learned Railway counsel is present and he submits that even on the last three occasions there is no appearance for the applicant. Post the matter before the next available Division Bench.

[Signature]
Member

[Signature]
Vice-Chairman

lm

3-10-05

4.10.2005

Mr. D. Sur, learned counsel for the applicant is absent consistantly. Dr. M.C. Sarma, learned Railway Counsel pressed for hearing. As a last chance, post on 22.11.2005.

[Signature]
Member

[Signature]
Vice-Chairman

mb

22.11.2005

Post before the Division Bench.

[Signature]
Vice-Chairman

mb

7-3-06

No Repinder has been filed.

[Signature]

8.3.06.

The matter was taken up before the Gauhati High Court in WP(C) No.8237/2004. The High Court does not have jurisdiction to entertain the grievance made in this Writ Petition, accordingly, this Writ Petition stands dismissed. However, it was open to the petitioner to approach the Central Administrative Tribunal, towards redressal of their grievance.

Hence this O.A. When the matter came up for hearing on various occasions that is on 18.3.05, 29.4.2005, 26.5.2005, 13.6.05,

8.3.05.

The matter was taken up before the Gauhati High Court in WP(C) No.8237/2004. As per decision of the Apex Court rendered in L.Chandra Kumar Vs.Union of India, reported in 1997 1 GLT (SC)1 the Writ Petition was dismissed. Accordingly, the petitioner has approached this Tribunal. Hence this O.A. When the matter came up for hearing on various occasions that is on 10.3.05, 29.4.2005, 26.5.2005, 13.6.05, 4.8.05, 16.8.05, 4.10.05 neither the applicant nor the counsel for the applicant was present in the Court. The Court had recorded the order dated 4.10.05 as follows:

" Mr.D.Sur, learned counsel for the applicant is absent consistently. Dr.M.C.Sarma, learned Railway counsel pressed for hearing. As a last chance post on 22.11.2005. "

On 22.11.05 the matter was listed before the Division Bench. To-day the learned counsel for the applicant is absent. The Dr.M.C.Sarma, learned counsel for the Respondents has submitted that probably the applicant may not be interested to pursue the matter. Considering the facts^{and} the consistent absence of the learned counsel for the applicant it appears that the counsel is not interested to pursue the matter. Accordingly, the O.A. is dismissed for default. No order as to costs.

Vice-Chairman (T)

Vice-Chairman (4)

lm

9.3.06

Copy of the order has been sent to the Office for verifying the same to the applicant as well as to the Advocate for the Respondent.

Sambeswar Sonowal

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH AT GUWAHATI

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

O.A.NO. 320 OF 2004

BETWEEN

Tinsukia District Tribal Sangha and
Another.

... APPLICANTS.

-Versus-

The Union of India & Ors.

... RESPONDENTS

I N D E X

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FOR USE IN TRIBUNAL'S OFFICE

Date of Filing:
Registration No.

REGISTRAR.

Contd....P...

*Filed by the
Petitioner
Mr. Smilenjit
Advocate
14/10/2024*

DISTRICT : TINSUKIA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH AT GUWAHATI

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

O.A.NO. 320 OF 2024

BETWEEN

1. Tinsukia District Tribal
Sangha, represented by its President
Shri Sarbeswar Sonowal,
resident of Dhola Bazar,
PS Dhola, PO Sakiya Ghat,
District Tinsukia.
2. Shri Sarbeswar Sonowal,
son of Shri Gonesh Sonowal,
President,
Tinsukia District Tribal Sangha,
resident of Dhola Bazar,
PS Dhola, PO Sakiya Ghat,
District Tinsukia.
3. Shri Bijoya Nanda Hazarika,
son of late Kiran Hazaika,
Village Dighalapathar Gaon,
District Dibrugarh, Assam.

... APPLICANTS.

Contd....p...

Sarbeswar Sonowal

-AND-

Respondents Nos-
1 to 4 are deleted
vide order dt. 29/4/05,
passed in M P 65/05.
(2)
5/5/05.

* 1. The Union of India, represented by the Secretary to the Govt of India, Ministry of Railways, Rail Bhawan, New Delhi-1.

* 2. The Railway Board, represented by its Chairman, Ministry of Railways, Rail Bhawan, New Delhi-1.

* 3. The Chairman, Railway Board, Government of India, Ministry of Railways, Rail Bhawan, New Delhi-1.

* 4. The Executive Director, Establishment (ResV), Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-1.

5. Railway Recruitment Board, represented by its Chairman, N.F. Railway, Station Road, Guwahati-1.

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

Contd....p...

Sorbeswar Senowal

7. The Chief Personnel Officer,
N.F.Railway, Maligaon, Guwahati-11.

... RESPONDENTS.

DETAILS OF APPLICATION

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

(i) Impugned notification dated 16.10.04 issued by the Deputy Chief Personnel Officer & Controller of Recruitment, N.F.Railway published in local Daily "Asomia Pratidin" allegedly issued in pursuance of the Advertisement No. NFR 2/2001 dated 13.10.01 purportedly publishing the result of the written test for recruitment in Grade 'D' posts under the special recruitment drive for Scheduled Caste and Scheduled Tribe candidates.

(ii) Centralised Employment Notice No.1/03 dated 13.06.2003 for filling up vacancies in Group D posts in various Zones and Recruitment Boards.

(iii) Final Written Test held on 21.11.04 in pursuance of the impugned notification dated 16.10.04.

2. JURISDICTION OF THE TRIBUNAL:

The applicants declare that the subject matter of the instant application is within the competence and jurisdiction of Hon'ble Tribunal under the Administrative Tribunal Act, 1985 (Act 13 of 1985) in

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Sarbeswar Sonowal

terms of Article 323-A (2)(1)(a) of the Constitution of India read with Clause(b) of sub-rule (5) of Rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. **LIMITATION:**

The applicants further declare that the instant application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE:**

4.1 That, the applicants No.1 Tinsukia District Tribal Sangha is a registered association of Tribals of Tinsukia and Dibrugarh Districts which is affiliated to All Assam Tribal Sangha registered under the Societies Registration Act under registration No.504/96-97. The Members of the applicant No.1 Sangha are all citizens of India. The applicant No.1 is represented by its President Shri Sarbeswar Sonowal, the applicant No.2 herein, who also belongs to Sonowal Community, a recognised Scheduled Tribe of the State of Assam. The applicant No.1 Tinsukia District Tribal Sangha, is a non-political organisation of the Scheduled Tribes of Tinsukia & Dibrugarh district, taking all efforts for over all development of the scheduled tribes of Tinsukia & Dibrugarh Districts. The applicant No.3 also belong to Scheduled Tribe Community of the State of Assam and a permanent resident of Dibrugarh District, who duly applied

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Sarbeswar Sonowal

for the post pursuant to the Advertisement No.NFR. 2/2001 dated 13.10.2001 and appeared in the preliminary written test and as such an affected party. The petitioner No.3 being a member of the applicant No.1 Sangha, is also represented by the Applicant No.2. The instant application is being filed for and on behalf of the candidates belonging to the recognised Scheduled Tribes of Assam and other members of the applicant No.1 Sangha.

4.2 That, the applicant No.2 is a citizen of India and a permanent resident of Village Dhola, Ps Dhola, PO Saikya Gaon, District Tinsukia, Assam. The applicant No.3 is a permanent resident of Dibrugarh District, Assam. All the members of the applicant No.1 Sangha are citizens of India and are entitled to the rights and privileges available to the citizens guaranteed under the Constitution of India and the laws framed thereunder.

4.3 That the applicants state that the Northeast Frontier Railway, Maligaon, as a measure of special recruitment drive for scheduled caste and scheduled tribe candidates issued Employment Notice No.NFR-2/2001 for filling up 595 backlog vacancies of Trackman/Khalasi in its four divisions namely, Kathihar, Lumding, Alipurduar and Tinsukia. In the said advertisement the break up of vacancies under each division for Scheduled Caste and Scheduled Tribes were specifically shown. The said

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Sarbeswar Sonowal

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advertisement stipulated last date of submission as 23.11.2001 and the process of recruitment in three stage i.e. (i) Objective type written examination (Preliminary Test); (ii) Objective Type Written Exam(Final Test) and (iii) Physical efficiency test.

A copy of the Employment Notice No.NFR-2/2001 is annexed hereto and marked as **ANNEXURE-1.**

4.4 That, the applicants state that pursuant to the Employment Notice a large number of scheduled caste as well as scheduled tribe candidates belonging to the North Eastern Region, more particularly, from Dibrugarh and Tinsukia districts of Assam including the applicant No.3, who are members of the applicant No.1, submitted their applications along with requisite particulars before the Divisional Railway Manager(Personnel), Tinsukia. However, the respondent authorities for reasons best known to them, did not proceed with the selection process for quite a long time. In the meanwhile, the Indian Railway issued another Centralised Employment Notice No.1/03 dated 13.06.2003 for filling up vacancies in Group D posts in various Zones and Recruitment Boards. In the said Employment Notice against Serial No.5 in Guwahati Zone breakup of vacancies of Gangmen/Trackmen and Khalasi /Helper II under the North-east Frontier Railways were shown as 2575 and 145 re-

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spectively. Out of the 2575 vacancies of Gangmen/ Trackmen - unreserved-966 posts; reserved for Scheduled Castes- 386; reserved for Scheduled Tribes-578 and for other Backward Class-644. Against the 145 vacancies of Khalasi/Helper II - unreserved 51 posts; reserved for Scheduled Caste candidates-21; reserved for Scheduled Tribes-35 and reserved for Other Backward Class-36 posts. However, the said Employment Notice did not mention anything about the Employment Notice No.NFR-1/2001 (Annexure-1). Be it stated herein that as per the Railway Establishment Rules recruitment to Grade D posts is to be made locally i.e. Division-wise.

A copy of the aforesaid Employment Notice No.1/03 is annexed hereto and marked as **ANNEXURE-2.**

4.5 That, the applicants state that apprehending filling up of those 595 Grade 'D' posts vide Employment Notice No.NFR-2/2001 while making appointments pursuant to the Employment Notice No.1/03, the All India Scheduled Caste and Scheduled Tribe Railway Employees Association approached the Hon'ble Gauhati High Court by filing a writ petition being W.P(C) No.9029/03 praying for a direction to the respondent authorities to complete the selection process and appoint persons in pursuance of the earlier advertisement. The Hon'ble High Court, after hearing the counsel for both parties, by order dated 13.11.2003 disposed of the entire writ

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Sasbeswar Sonowal

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petition with directions that 595 posts advertised on 13.10.2001 shall be kept reserved for being filled up after due process of selection from and amongst the candidates who have already submitted application in pursuance thereof and the selection process in pursuance of the advertisement dated 13.06.03 may continue, but no appointment shall be made till appointments are made in pursuance of the first advertisement. It has also been observed that the selection process of the earlier advertisement shall be completed expeditiously and selected candidates be appointed in pursuance of the terms and conditions of the said advertisement.

A copy of the order dated 13.11.2003 passed in W.P(C) No.9029/03 is annexed hereto and marked as **ANNEXURE-3.**

4.6 That, the applicants state that thereafter, the Respondent authorities issued Admit Cards to all eligible candidates calling upon them to appear for written test on 12th and 19th September, 2004 at various venues of Katihar Division, Lumding Division, Alipur Duar Division and Tinsukia Division. Accordingly, the candidates, including the applicant No.3 and other candidates who are members of Tinsukia District Tribal Sangha, duly appeared in the written test. Be it stated herein that though the Railway Establishment Rules provides recruitment in Grade-D posts by local candi-

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Sorbeswar Senowal

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dates, but in the examination hall a peculiar position has been noticed. A large number of candidates outside the North Eastern States, not to speak of respective Division, were issued admit cards to appear in various examination centres of Tinsukia Division, Luming Divi- sion and Alipurduar Division. Such illegal and capri- cious method or recruitment de hors the rules, created great resentment amongst the unemployed youths of entire North Eastern Region and various organisations expressed its great anxiety and discontent over this issue before the Railway authorities.

4.7 That, the applicants state that recently the authorities published the alleged result of the prelimi- nary written test in the local Daily, "Asomia Pratidin" in its issue dated 16.10.04. By the impugned notifica- tion persons allegedly shown to have passed the written test have been directed to appear in the final written test on 21.11.04 at Guwahati, New Jalpaiguri and Silig- uri for which separate call letters have been issued in their respective address.

A copy of the result sheet published in the Asomia Pratidin in its issued dated 16.10.04 is annexed hereto and marked as **ANNEXURE-4**.

4.8 That, on going through the aforesaid result it transpire that almost all the Roll Number of alleged-

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Sarbeswar Sonowal

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ly pass candidates belong to other divisions excluding Lumding and Tinsukia Division of N.F.Railway. Be it stated herein that a large scale irregularities and anomalies like leakage of question paper-cum-answer scripts, apperance in the written by impersonating etc. have been randomly allowed to accommodate those candidates who have been allegedly shown to be successful in the preliminary written test. Even some of those candidates either did not apply pursuant to the advertisement dated 13.10.01 or merely appeared in the written test and declared to have passed the preliminary written test. Surprisingly, while conducting the written test, the respondent authorities with an ulterior motive, did not involve the officials of these two Divisions as provided in the Railway Establishment Rules for recruitment in Grade 'D' posts.

The applicants craves leave of this Hon'ble Court to produce a copy of answer script issued to such fictitious candidates at the time of hearing.

4.9 That, in the meantime, the Respondent authorities have conducted the so-called final written test in pursuance of the Notification dated 16.10.04 on 21.11.04 in a very hash hash manner.

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Sarbeswar Sonowal

5. **GROUND FOR RELIEF WITH LEGAL PROVISIONS:**

5.1 For that, prima facie the impugned notification and the final written test held on 21.11.04 in pursuance thereof are not sustainable and liable to be set aside and quashed.

5.2 For that the motive and manner in which the result has been published clearly disclose lack of administrative fair play. The impugned result has been published under the signature of the Deputy Chief Personnel Officer and Controller of Recruitment, whereas guidelines for recruitment to Grade D posts clearly indicates that all Group D posts will be done through the Railway Recruitment Board. That apart, the Railway Establishment Rules (Recruitment to Group 'D' (Class-IV) Employees) provides that Class-IV (Group 'D') employees, excepting R.P.F. Staff, are to be recruited locally by the Railway Administration through the Railway Recruitment Board. Rule 13 prescribes constitution of Selection Committee consisting of three members. Two of them to be Railway Officers (one an Assistant Personnel Officer and the other an Assistant Officer of the branch concerned) and the third member of the Selection Committee should be a SC/ST Officer of the same rank. However, in the present case, the Railway Authority neither involve any officer of the concerned Division in conducting the preliminary written test nor interest of local candi-

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Sarbeswar Samawal

dates have been safeguarded. Curiously enough, though the advertisement was made showing break up of vacancies of each Division, but in the impugned result no such break up has been shown, which has been introduced for the first time without any policy decision or amendment of the Rules.

5.3. For that in conducting the so-called preliminary written test many irregularities and irrationalities have been committed. The examination scheduled to be held at 10 A.M. started at 11 A.M., the question-cum-answer scripts were leaked out and made available to candidates who are shown to have passed the preliminary written test. Even examination was not held in some examination centres, but result announced include the Roll numbers of those centres. All these random illegalities and irregularities have been committed at the behest of political hierarchy in total contravention of the established procedure of recruitment, infringing the rights of the genuine Schedule Tribe candidates of Tinsukia & Dibrugarh Districts. Therefore, there is apparent lack of transparency in the process of selection and as such this Hon'ble Tribunal may be pleased to interfere in the matter.

5.4 For that as per the Railway Establishment Rules recruitments to Group D posts are to be made

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Sarbananda Sonowal

locally i.e. within the jurisdiction of the concerned Division. However, in the instant case, the so-called result includes the candidates who are neither within the jurisdiction of the Tinsukia Division nor permanent residents of North Eastern Zone. It is further stated that the entire process of selection is vitiated with malafide and discrimination and if the same is allowed to continue, will give rise to another discrimination to the existing Grade 'D' employees of the N.F. Railway in the matter of payment of Special Allowance admissible to persons posted from outside the North Eastern Region.

5.5. For that the subsequent zonal-wise advertisement dated 13.10.03 has been made with an ulterior object to accommodate such persons from outside through backdoor and against the specific provision in the Railway Establishment Rules for recruitment to Grade-D posts by local candidates. It is now well settled that administrative action stated to be referable to the broad area of governmental activities in which repositories of powers may exercise every class of statutory function of executive, quasi-legislative and quasi-judicial nature, can be set aside if there is manifest error in the exercise of such power or the exercise of such power is manifestly arbitrary and the authority in which a discretion is vested can be compelled to exercise that discretion in good faith, must have regard to all relevant considerations and must not be influenced

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Sorbeswar Sonowal

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by irrelevant considerations. In the present case, the Respondent authorities have acted illegally, irrationally and arbitrarily to accommodate the outsiders dehoers the rules and guidelines on being influenced by extraneous considerations. The two cardinal principles for exercise of judicial review i.e. failure to exercise discretion and excess or abuse of discretionary powers being apparent in the instant case, this Hon'ble Tribunal may be pleased to set aside and quash the entire process of selection and further be pleased to direct the Respondents to proceed with fresh process of selection in accordance with the guidelines and established principles of law.

5.6. For that following the judgment rendered by the Apex Court in R.K. Sabharwal (supra) reported in AIR 1995 SC 1371, it is now well settled that even if the roster is allowed to operate, even then the balance between general category and the reserved category has to be maintained, a number of posts earmarked for a particular category, have to be filled up by the persons belonging to that category. In the instant case, the impugned result and the subsequent advertisement dated 13.10.03 has been issued to jeopardise the legitimate right of the members of the Scheduled Tribes in total disregard to the provisions of Articles 14, 15(4), 16, 37, 36, 39(a) and 46 of the Constitution of India.

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Sarbeswar Sanawal

Hence, having no alternative, your applicants has approached this Hon'ble Tribunal for issuance of an appropriate order.

5.7 That, the action of the respondents in conducting the written tests in the manner stated hereinbefore under the circumstances is violative of the solemn duty cast on them as model employers under Article 16 of the Constitution of India and, therefore, the impugned notice dated 16.10.04 and the subsequent final written test held on 21.11.04 pursuant to the impugned notice are liable to be set aside and quashed.

5.8. For that in the facts and circumstances stated above, the entire process of selection being ultravires the rules and established position of law, is liable to be set aside and unless the impugned result published on 16.10.04 and the result of the final written test held on 21.11.04 are not stayed by this Hon'ble Tribunal, the respondent authorities will proceed further to appoint those illegally selected persons, and a great prejudice will be caused to the Scheduled Tribes of Tinsukia and Luming Division of the N.F. Railway.

5.9 For that, in any view of the matter, the impugned result of the preliminary written test as well as the consequent final written test held on 21.11.04

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Sarbeswar Sonowal

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are not sustainable and liable to be set aside and quashed.

6. **DETAILS OF REMEDIES EXHAUSTED:**

The applicants state that they have no other alternative remedy than to come under the protective hands of this Hon'ble Tribunal.

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

7.1 That the applicants state that being aggrieved with the impugned result dated 16.10.04 had approached the Hon'ble Gauhati High Court by filing a writ petition under Article 226 of the Constitution of India, registered as Writ Petition(C) No.8237/04 and the Hon'ble High Court by order dated 26.10.04 has been pleased to dispose of the said writ petition with observation that in view of the law laid down by the Apex Court in L.Chandra Kumar vs Union of India & Ors., reported in (1997) 3 SCC 261, the matter is to be agitated before the appropriate forum i.e. the Central Administrative Tribunal, Gauhati Bench.

A copy of the order dated 26.10.04 passed in WP(C) No.8237/04 is annexed hereto and marked as ANNEXURE-5.

7.2 That the applicants thereafter preferred original application being O.A.No.251/04 before this Hon'ble Tribunal. However, since there was no effected

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Sarbeswar Sanyal

party impleaded in the application, ultimately the matter was dismissed on withdrawal.

A copy of the order dated 09.11.04 passed in O.A.No.251/04 is annexed hereto and marked as **ANNEXURE-6.**

7.3 That, the applicant states that thereafter, the applicants filed Writ Appeal No. 415/04 before the Division Bench of the Hon'ble Gauhati High Court against the order dated 26.10.04 passed by the learned Single Judge in W.P(C) 8237/04. The said writ appeal was heard on 19.11.04 and the Division Bench of the Hon'ble High Court has been pleased to dismiss the appeal with the observation that the appellant/applicant may seek remedy before this Hon'ble Tribunal in compliance with the provisions of Rule 4((5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987. Hence, the present application.

A copy of the order dated 19.11.04 passed in W.A.No.415/04 is annexed hereto and marked as **ANNEXURE- 7.**

8. **RELIEFS SOUGHT:**

Under the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to admit this application, call for the records and upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs:

Contd....p....

Sarbeswar Senewal

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-:19:-

- (i) To set aside and quash the impugned result published in the local daily "Asomia Pratidin" in its issue dated 16.10.04 (Annexure-4);
- (ii) To declare the final written test held on 21.11.04 pursuant to the impugned notification dated 16.10.04 illegal, arbitrary and void ab initio;
- iii) To restrain the respondents from proceeding further for making selection and appointment on the basis of the impugned result dated 16.10.04;
- iv) To direct the respondents to hold fresh process of selection pursuant to the Employment Notice No.NFR-2/2001.
- v) To grant any other relief or reliefs to which the applicants may be entitled to and as may be deemed fit and proper by this Hon'ble

Contd....p....

Sabuj Das Senoal

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-:20:-

Tribunal.

vi) Cost of this application.

9.

INTERIM ORDER PRAYED FOR:

Pending disposal of the this application, be pleased to direct the Respondents not to proceed further in holding selection/ appointment on the basis of the impugned result published on 16.10.04 (Annexure-4) and declare the result of the consequent final written test held on 21.11.04 at Guwahati, New Jalpaiguri and Siliguri and/or to proceed with further process of selection pursuant to the Employment Notice No.NFE-2/2001 dated 13.10.2001 in accordance with law.

10.

PARTICULARS OF I.P.O.:

- (i) I.P.O.No : 2001 135680
(ii) Date : 2/12/04.
(iii) Payable at : Guwahati.

11.

LIST OF DOCUMENTS:

As stated in the Index.

Verification....

Contd....p....

Sorbus Dex Sanowal

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-:21:-

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

I, Shri Sarbeswar Sonowal, son of Shri Gonesh Sonowal, aged about years, resident of Dhola Bazar, PS Dhola, PO Sakiya Ghat, District Tinsukia Assam, do hereby solemnly affirm that I am duly authorised and competent to sign this verification in my capacity as President of the Tinsukia District Tribal Sangha as well by the applicant No.3 and I verify that the statements made in paragraphs 4.3, 4.4, 4.5, 4.7, 7.1, 7.2, 7.3 are true to my knowledge, those made in paragraphs 4.8, 4.9, 5.3, 5.4, 5.5 ^{in my opinion} are legal advice and I have not suppressed any material fact.

And I sign this verification on this 14th day of December, 2004 at Guwahati.

Sarbeswar Sonowal

Signature

NORTHEAST FRONTIER RAILWAY MALIGAON, GUWAHATI (ASSAM)

**Special Recruitment Drive for Scheduled Caste
& Scheduled Tribe Candidates**

Employment Notice No. NFR-2/2001

Category No. 01

Closing Date : 23 Nov. 2001

Applications are invited from the eligible SC and ST candidates for filling up of 595 posts of Trackman and Khalasi in N.F. Railway. THIS RECRUITMENT IS FOR 4 (FOUR) DIVISIONS OF N.F. RAILWAY I.E. TINSUKIA, LUMDING, ALPURDUAR AND KATHAR.

Please read the entire notification carefully before filling up the application form. WRITTEN TEST SHALL BE CONDUCTED ON SAME DAYS FOR ALL FOUR DIVISIONS MENTIONED BELOW. HENCE CANDIDATES MUST SEND APPLICATION TO ONE OF THE FOLLOWING DIVISIONS ONLY AS PER THEIR CHOICE.

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

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

Division	Category of Post	Total number of vacancies	Breakup of Vacancies		Address for sending application
			SC	ST	
Kathar	Trackman Khalasi	132	67	65	Divisional Railway Manager (Personnel) N.F. Railway, Kathar, Behar, Pin-854105
		2	1	1	
Lumding	Trackman Khalasi	144	58	86	Divisional Railway Manager (Personnel), N.F. Railway, Lumding, Assam Pin-782447.
		35	11	24	
Alipurduar	Trackman Khalasi	130	37	93	Divisional Railway Manager (Personnel), N.F. Railway, Alipurduar, West Bengal, Pin-736123
		12	6	6	
Tinsukia	Trackman	140	57	83	Divisional Railway Manager (Personnel) N.F. Railway, Tinsukia, Assam, Pin-786125
Total		595	237	358	

Abbreviation : SC-Scheduled Caste, ST-Scheduled Tribe

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

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

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

2. Scheme for Recruitment

The recruitment process shall be in three stages:

(i) Objective type written examination (Preliminary Test)

(ii) Objective type written exam (Final Test)

(iii) Physical efficiency test

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

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

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

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

3. Job Requirements : The post of Trackman is basically meant for the maintenance of Railway Track. The job entails lifting of heavy rails and working with spade, sickle, beater steel, bar-crow, rake ballast and other P. Way tools for the upkeep of Track, Bridges and other track fixtures. The posting of the Trackman will be in the remote areas of Divisions. The nature of job is arduous and requires a high level of physical fitness and job conditions are also applicable in case of Khalasis.

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

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

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

5. Minimum Academic Qualification :

Class VIII pass from recognized educational institution.

(Submission of bogus School Certificate will disqualify the candidate)

6. Age as on 01.09.2001

SC/ST : 18 to 35 years.

For Serving Railway Employee :

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

Upper age limit is - SC/ST-45 years.

Their application should be sent through the code controlling authority.

7. Physical Standard :

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

8. Medical Standard :

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

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

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

11. Payment of examination fee/postal expenses :

Examination Fees :

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

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

13. How to apply :

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

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

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

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

The style and language (English or Hindi) of signature on the upper portion of Admit Card, Answer

Sheet, Photographs and in different places of the application form must be the same. THIS SHOULD BE NOTED VERY CAREFULLY. Any variation may disqualify the candidate. Applications should be sent by ordinary post ONLY.

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

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

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

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

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

10. Enclosures :

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

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

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

(2) Gazetted Officers of Central or State Government.

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

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

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

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

14. Notes :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annexure-A

APPLICATION FORMAT

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

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

* SC-Scheduled Caste; ST-Scheduled Tribe

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

(Indicate your District and State according to present address)

DISTRICT STATE

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

1. I do hereby apply for recruitment to Group 'D' post in Division of N.F. Railway

In response to Employment Notice No. NFR-2/2001 CATEGORY NO. 01.

2. Name of the candidate :

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

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

(ii) Age as on 1.9.2001 : Year Month Days

(B) If you claim age relaxation, indicate the reason thereof:

(Documentary proof to be attached)

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

Name.....

C/O.....

Road/Lane.....

Village.....

Post Office.....

Dist.....

Pin.....

State.....

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

Withheld
14/10/04
Ar. V. S. S.

Continued from page 36

7 Permanent Address:
(In capital letters)

Name.....
C/O.....
Road/Lane.....
Village.....
Post Office.....
Dist.....
PIN.....
State.....

8 (i) STATE THE CATEGORY YOU BELONG TO:

(ii) Indicate Sub-Caste

(a) Scheduled Caste:

(b) Scheduled Tribe:

(iii) Originally hailed from:

Dist..... State.....

9 Nationality (by birth/domicile):

10. Are you employed? If yes, furnish following information:

(a) Name of the office.....

(b) Your present designation.....

(c) Period of working experience, if any.....

(Uncumulatory proof to be attached along with no objection certificate)

11 Education Qualification:

Examination Passed	Year & Month	Division	Percent age of marks	Name of School/College/ Board/University	Subject taken	Medium of Instruction
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12. Marks of Identification: (1).....
(2).....

13 Details of Postal Order:

Postal Order No.	Name of the Issuing Post Office	Date of Issue	Amount
------------------	---------------------------------	---------------	--------

14. List of Documents attached: (1)..... (2).....
(3)..... (4).....

15 I do hereby solemnly declare:

- that I have carefully read the conditions of eligibility advertised and that I satisfy them all.
- that all the statements made in this applications are true, complete and correct to the best of my knowledge and belief.
- that I understand that in the event of any particular information given here being found false or incorrect, my candidature for the examination is liable to be rejected or cancelled and in the event of any mis-statement/discrepancy in the particulars being detected after my appointment my service is liable to be terminated without notice.
- that I undertake to produce all original certificates and statement of marks with photocopies of each duly attested by at the time of physical efficiency test.
- that in case of my final selection my appointment would be provisional subject to passing of prescribed training and verification of character and antecedents.
- that I have never been debarred from any examination nor I have been arrested/prosecuted and convicted by a criminal court or involved in any other cases registered by the police;
- that if at any stage it is discovered that I have paid any illegal gratification in cash or kind to

anybody for getting selected I am liable to be disqualified/discharged from service;
(h) that I shall not be entitled to claim any compensation or any other relief from the Government in case of any injury sustained by me in the course of physical efficiency test or during training.
Place:.....
Date:.....

Full Signature of the Candidate
(In English or Hindi)

Annexure-B

FORM OF SCHEDULED CASTE/SCHEDULED TRIBE CERTIFICATE

1. This is to certify that Shri/Shrimati/Kumari.....

Son/Daughter of.....

Of Village/Town..... in the District/Division.....

Of the State/Union Territory..... belongs to the.....

Caste/Tribe which is recognised as a Scheduled Caste/Scheduled Tribe* under.....

- The Constitution (Scheduled Caste) Order, 1950
- The Constitution (Scheduled Tribe) Order, 1950
- The Constitution (Scheduled Caste) (Union Territories) Order, 1951
- The Constitution (Scheduled Tribe) (Union Territories) Order, 1951

(As amended by the Scheduled Caste and Scheduled Tribes List (Modification) Order, 1950, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971).

- The Constitution (Jammu and Kashmir) Scheduled Caste Order, 1956
- The Constitution (Andaman Nicobar Islands) Scheduled Tribe Order, 1959
- The Constitution (Dadra and Nagar Haveli) Scheduled Caste Order, 1962
- The Constitution (Dadra and Nagar Haveli) Scheduled Tribe Order, 1962
- The Constitution (Pondicherry) Scheduled Caste Order, 1964
- The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967
- The Constitution (Goa, Damão, Diu) Scheduled Caste Order, 1968
- The Constitution (Goa, Damão, Diu) Scheduled Tribe Order, 1968
- The Constitution (Nagaland) Scheduled Tribe Order, 1970

2. Shri/Shrimati/Kumari..... and/or his/her family ordinarily reside(s) in village/town..... of District/Division of the State/Union Territory of.....

Signature.....
Designation.....
(With seal of Office)

Place..... State/Union Territory* (with seal of Office)

Please delete the words which are not applicable.

Note: The term "Ordinarily Resides" used here will have the same meaning as in Section 20 of the representation of the Peoples Act, 1950.

List of Authorities empowered to issue Scheduled Caste/Scheduled Tribe/Other Backward Classes Certificates.

- District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional District Deputy Commissioner/Deputy Collector/1st Class Stipendiary Magistrate/Sub-Divisional Magistrate/Tahsila Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of 1st Class Stipendiary Magistrate)
- Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate
- Revenue Officer not below the rank of Tahsildar and
- Sub-Divisional Officer of the area where the candidate and/or his/her family ordinarily reside in.

EN 28-113

FA & CAG/N.S. Railway
place - Gwalior

30 4 74

24 - 4 20

2001-09-01

1975-4 30

30 4 1

attested:
Sd/-
14/12/01
Acharjee

INDIAN RAILWAYS

Employment Notice No1/03 (Centralised Gr'D') Date 13.6.2003
Centralised Employment Notice for filling up Group 'D' posts on Indian Railways

Date of Issue : 28.06.2003

Closing Date : 28.7.2003.
Time : 17.00 HRS.

(Only for candidates staying in Andaman-Nicobar, Lakshadweep and abroad Closing Date 13.8.2003, Time 17.00 hrs.)

Applications are invited from the citizens of India and from such other persons declared eligible by Ministry of Home Affairs, Govt. of India for filling up posts in Group 'D' categories on Zonal Railways and Production Unit(s) of Indian Railways. The application may be sent by ordinary post or can be dropped in the Application Box kept in the respective offices of listed RRBs upto 17.00 hrs. of the closing date. Applications received after closing date and time will not be entertained. The envelope containing the application should be clearly superscribed 'Application for Group 'D' post' and Community to be indicated i.e. SC/ST/OBC/URVE-Servicemen. A candidate should submit only one application form to an RRB in whose jurisdiction he/she is desirous to appear in examination. Candidate submitting more than one application to one RRB will not be considered by that RRB. Even if such a candidate gets selected inadvertently, he will not be offered appointment. However, a candidate can apply to more than one RRB and he/she may do so by sending separate application to the RRBs. It is clarified that each RRB will fix its date of examination independently based on administrative feasibility. In some cases dates of different RRBs may clash with examination dates of other RRBs. In that case, it is for the candidate to decide where to appear in the examination. No change of time, date and centre of examination will be entertained on any account. Candidate trying to use influence or unfair means would be disqualified. Candidate would be considered for vacancies pertaining to that RRB(s) only, where he has submitted his application(s).

The recruitment will be conducted through the Railway Recruitment Boards listed below. Number of posts to be filled on various Railways by various RRBs, designation of the post, scale of pay, minimum classification educational qualification and mode of selection are also indicated below for information of the candidates.

Sl. No.	RRB	Zonal Railway/PU	Post	Scale	UR	BC	ST	OBC	Total No. of Vacancies	Ex-Gr.	Age (As on 1.7.2003)	Medical Standard	Educational Qualification	Mode of Selection	Application to be addressed to
1	Mumbai	Central	Gangman/Trackman Khalas/Helper-II etc.	Rs.2610-3540 (NP) Rs.2550-3200 (NP)	1073 76	319 23	159 11	573 40	2124 150	425 30	18 to 33 years 18 to 33 years	B-1 B-1	8 th Class Pass 8 th Class Pass	a) Written exam b) Physical Efficiency Test (PET)	Assistant Secretary, RRB/Mumbai, Divisional Office Compound, Mumbai Central, Mumbai-400008.
2	Kolkata	Eastern South Eastern	Gangman/Trackman Khalas/Helper-II Khalas/Helper-II etc.	Rs.2610-3540 (NP) Rs.2550-3200 (NP) Rs.2550-3200 (NP)	746 18 74	471 13 23	198 08 15	573 13 35	1988 48 147	308 09 29	-do- -do- -do-	-do- -do- -do-	-do- -do- -do-	-do- -do- -do-	Assistant Secretary, RRB/Kolkata, Metro Railway A V Complex, Chitpur (opposite to I.I.T. Kar Medical College & Hospital), I.I.T. Kar Road, Kolkata-700037.
3	Chandigarh	Northern	Gangman/Trackman Khalas/Helper-II	Rs.2610-3540 (NP) Rs.2550-3200 (NP)	342 42	127 14	30 19	185 25	684 100	137 20	-do- -do-	-do- -do-	-do- -do-	-do- -do-	Assistant Secretary, RRB/Chandigarh, Sec O, 76-79 (third floor), Sector B C, Chandigarh-160018.
4	Jammu & Srinagar	Northern	Gangman/Trackman	Rs.2610-3540 (NP)	137	53	11	75	276	65	-do-	-do-	-do-	-do-	Assistant Secretary, Jammu-Srinagar Railway Colony (West), Jammu Town-180004.
5	Guwahati	Northeast Frontier	Gangman/Trackman Khalas/Helper-II	Rs.2610-3540 (NP) Rs.2550-3200 (NP)	956 51	306 21	578 35	644 38	2575 145	515 29	-do- -do-	-do- -do-	-do- -do-	-do- -do-	Assistant Secretary, RRB/Guwahati, Station Road, Guwahati-781001.
6	Chennai	Southern	Gangman/Trackman Khalas/Helper-II	Rs.2610-3540 (NP) Rs.2550-3200 (NP)	884 27	246 08	85 02	442 13	1638 50	327 10	-do- -do-	-do- -do-	-do- -do-	-do- -do-	Assistant Secretary, RRB/Chennai, "Ganga", 142, Sterling Road, Nungambakam, Chennai-600034.
7	Secunderabad	South Central East Coast	Gangman/Trackman Khalas/Helper-II Khalas/Helper-II	Rs.2610-3540 (NP) Rs.2550-3200 (NP) Rs.2550-3200 (NP)	1250 63 21	350 17 07	225 11 24	676 34 13	2500 125 65	500 25 13	-do- -do- -do-	-do- -do- -do-	-do- -do- -do-	-do- -do- -do-	Assistant Secretary, RRB/Secunderabad, IRISET Complex, Lallagurda, Secunderabad-500017.
8	Ajmer	North Western	Khalas/Helper-II	Rs.2550-3200 (NP)	23	07	00	12	45	09	-do-	-do-	-do-	-do-	Assistant Secretary, RRB/Ajmer, 2010, Nehru Marg, Ajmer-305001.
9	Bhubaneswar	East Coast South Eastern	Khalas/Helper-II Khalas/Helper-II	Rs.2550-3200 (NP) Rs.2550-3200 (NP)	48 31	15 10	09 07	22 15	95 63	18 13	-do- -do-	-do- -do-	-do- -do-	-do- -do-	Member Secretary, RRB/Bhubaneswar, Rail Vihar, BDA, Rental Colony, P.O. B.E. Railway Project Complex, Chandrasekarpur, Bhubaneswar-750001.
10	Allahabad	North Central DLW	Khalas/Helper-II Khalas/Helper-II	Rs.2550-3200 (NP) Rs.2650-3200 (NP)	NH 50	NH 38	200 02	NH 46	200 136		-do- -do-	-do- -do-	-do- -do-	-do- -do-	Assistant Secretary, RRB/Allahabad, DHM Annexure Building, Hawab Yusul Road, Allahabad-211001.
11	Patna	East Central	Gangman/Trackman Khalas/Helper-II	Rs.2610-3540 (NP) Rs.2600-3200 (NP)	1012 12	314 33	NH NH	863 10	1869 88	379 11	-do- -do-	-do- -do-	-do- -do-	-do- -do-	Assistant Secretary, RRB/Patna, Mehendughat, Patna-800004.
12	Bangalore	South Western	Khalas/Helper-II	Rs.2550-3200 (NP)	21	05	15	09	50	10	-do-	-do-	-do-	-do-	Member Secretary, RRB/Bangalore, 18, Miller Road, Bangalore-560016.

Continued

Noted:
14/7/04
Advocate

S.N	RHB	Zonal Railway/ PU	Post	Scale	UR	SC	ST	OBC	Total No. of Vacancies	Ex- SM	Age Limit (As on 1.7.2003)	Medical Standard	Educational Qualifications	Mode of Selection	Application to be addressed to
13	Bhopal	West-Central	Khalasi/ Helper-II	Rs 2550-3200(RP)	24	14	08	04	60	10	- do -	- do -	- do -	- do -	Assistant Secretary, RRB/Bhopal, East Railway Colony, Near Railway Station, Bhopal-462010.
		South East Central	Khalasi/ Helper-II	Rs 2550-3200(RP)	89	66	32	18	205	41	- do -	- do -	- do -	- do -	
14	Ahmedabad	Western	Gangman/Trackman	Rs 2810-3540(RP)	834	283	131	472	1400	344	- do -	- do -	- do -	- do -	Assistant Secretary, RRB/Ahmedabad, First Floor, Meter Gauge, Railway Station, Ahmedabad-380002.
			Khalasi/Helper-II	Rs.2550-3200(RP)	89	18	08	33	100	20	- do -	- do -	- do -	- do -	Member Secretary, RRB/Ranchi, Railway Officer's Complex, Ranchi-834001, (Jharkhand)
15	Ranchi	East Central	Gangman/Trackman	Rs 2810-3540(RP)	NI	NI	333	NI	363	71	- do -	- do -	- do -	- do -	
			Khalasi/Helper-II	Rs.2550-3200(RP)	NI	NI	45	NI	45	09	- do -	- do -	- do -	- do -	
		South Eastern	Khalasi/Helper-II	Rs.2550-3200(RP)	21	07	09	10	47	09	- do -	- do -	- do -	- do -	- do -

1. Vacancies of Ex-Servicemen given in the table are not separate but included in the total number of vacancies.

2. Vacancies indicated above are only tentative and are subject to change.

ABBREVIATIONS

- (1) RRB-Railway Recruitment Board
(2) SC-Scheduled Caste
(3) ST-Scheduled Tribe
(4) OBC-Other Backward Community
(5) UR-Unreserved
(6) EXS-Ex-servicemen
(7) SRE-Serving Railway Employees
(8) PET-Physical Efficiency Test

1. MINIMUM EDUCATIONAL QUALIFICATION: 10th Class Pass from a Board or equivalent.

2. AGE LIMITS: THE AGE WILL BE reckoned AS ON 01.07.2003.

2.1 The upper age limit will be relaxed as under, subject to the production of requisite certificates.

2.1.1 By FIVE years for SC/ST and by THREE years for OBC candidates in possession of valid certificates issued by the competent authority.

2.1.2 Serving Railway Employees including Casual labourers who have put in a minimum of THREE YEARS service will be given age relaxation to the extent of length of service rendered by them subject to the age limit not exceeding 40, 43 & 45 years in case of General, OBC and SC/ST candidates respectively.

2.1.3 In case of staff of Quasi Administrative Offices of Railway Organization such as Railway Canteens, Railway Institutes and Railway Co-operative societies who have put in 03 years service, relaxation of age will be given to the extent of length of service rendered by them subject to a maximum of 05 years and upper age limit of 35 years.

2.1.4 For widows and Divorced Women who have judicially separated from their husbands and not remarried, will be given relaxation in age upto 35, 38 and 40 in case of General, OBC and SC/ST candidates respectively.

2.1.5 By FIVE years to the candidates who had ordinarily been domiciled in the Kashmir Division of the State of Jammu and Kashmir during the period from the 1st day of Jan. 80 to the 31st day of Dec. 89, subject to production of a residential certificate from the competent authority of the state of Jammu and Kashmir.

2.1.6 The Upper age limit is relaxable for Ex-servicemen upto the extent of service rendered in Defence forces plus 3 years provided they have put in a minimum of 6 months attested service.

Ex-servicemen who have already joined the Govt. Service on civil side after availing of other benefits giving to them as Ex-Servicemen for further employment cannot claim Ex-servicemen status for the purpose of this recruitment, such a person will be deemed to be civil employee and will accordingly be entitled to only such of the benefits like relaxation of age, etc., as admissible to Civil Employees, in the normal course in accordance with the existing instructions in this regard subject to his fulfilment of the conditions governing the grant of such benefits.

Sons/Daughters/Ward of Ex-servicemen are not eligible to apply for the posts reserved for Ex-servicemen.

2.1.7 No age relaxation is allowed to SC/ST/OBC candidates applying against Unreserved posts.

2.2 PROOF OF AGE: (a) A certificate issued by VIIIth Board or equivalent or (b) Matric certificate issued by Board or (c) School leaving certificate counter signed by Inspector of Schools/District Education Officer etc.

3. EX-SERVICEMEN CANDIDATES: This employment notice contains vacancies reserved for ex-servicemen irrespective of their community against some categories. The terms Ex-Servicemen means a person: (a) who has served in any rank (whether as a combatant or non-combatant) in the regular Army, Navy or Air Force of the Indian Union but does not include a person who has served in the Defence Security Corps, the General Reserved Engineering force the Lok Sahayak Bana and the Para Military Forces and (b) Who has retired from such services after earning his/her pension. (c) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded military service or other disability pension or (d) who has been released otherwise than on his own request as a result of reduction in such establishment or (e) the persons serving in the Armed Force of the Union, who on retirement from service would come under the category of Ex-Servicemen, may be permitted to apply for re-employment one year before the completion of the specific terms of engagement and avail themselves of all concessions available to Ex-Servicemen, but shall not be permitted to leave the Uniform until they complete the specified terms of engagement in the Armed Forces of the Union. Service Personnel who are to be discharged from military service on or before 30th June 2004 are eligible to apply for this advertisement.

3.1 Ex-servicemen are required to clearly indicate all required particulars including community in the application form and enclose all documentary proof, as required. However, regardless of community, ex-servicemen will be considered only against the ex-servicemen quota, if available. If UN vacancies are not available, then only ex-servicemen belonging to those particular communities where vacancies are available will be considered against the ex-servicemen Quota.

3.2 Ex-servicemen candidates who have already secured employment under the ex-servicemen quota in Central Government in Group 'D' will be given only age relaxation but will not be considered under ex-servicemen quota.

4. SERVING EMPLOYEES: A candidate serving under any Government or Public Sector Enterprise/undertaking including Railways should either apply through proper channel duly certifying their service details by the employer or directly to RRB with "No Objection Certificate" from the employer concerned. In addition, an advance copy of such application complete in all respects may be sent super scribing on the top of the application "ADVANCE COPY" so as to reach Railway Recruitment Board before the closing date and time specified.

5. ANDAMAN, NICOBAR & LAKSHADWEEP CANDIDATES: Candidates belonging to Andaman, Nicobar & Lakshadweep Islands may be allotted examination centre at Port Blair

provided sufficient number of eligible candidates apply. Such candidates should enclose a certificate of domicile in Andaman & Nicobar & Lakshadweep Islands from a competent officer of the Andaman & Nicobar administrative or a certificate from a school or college last attended in Andaman, Nicobar & Lakshadweep certifying that the candidate had passed his examination from the School/College situated in Andaman Nicobar & Lakshadweep.

6. While applying to an RRB, the candidate should indicate his preference for posts i.e. Gangman/Trackman, Khalasi/Helper II etc. but the decision of the RRB will be final and binding on the candidate against which no appeal will be entertained.

7. INSTRUCTIONS FOR THE CANDIDATES:

7.1 The number of vacancies shown are provisional and are liable to be increased or decreased. No consequential damage/loss or refund of fee will be made to the applicant on this account.

7.2 Women are also eligible. They may however, note that the nature of duties are arduous and may involve outdoor duties.

7.3 Selected candidates are likely to be posted anywhere on the concerned Zonal Railways after successful completion of training wherever prescribed.

7.4 Candidates should send their application sufficiently in advance before the closing date to the RRB for which they want to apply. RRB will not be responsible for any postal delay/wrong delivery whatsoever at any stage of the selection process.

7.5 All candidates irrespective of community will be considered for UN vacancy. However, against specific community quota, only candidates of that particular community will be considered. Please note:-

(a) Casta certificate from competent authority for SC/ST and OBC candidates in the prescribed format have to be produced.

(b) If the candidates wish to be considered against a specific community quota and tick the community column accordingly, their application will be rejected unless proof of community in the prescribed format is enclosed.

(c) Any subsequent representation for change of community status will not be entertained under any circumstances.

7.6 Before applying to the post, the candidates should ensure that he/she fulfils the eligibility and other criteria. The RRB would be free to reject any application not fulfilling the requisite criteria at any stage of recruitment and if appointed, such candidate is liable to be summarily removed from service.

8. HOW TO APPLY:

8.1 Candidate should carefully read the instructions for filling up application form. Application should be made on a good quality paper of size 30 cms. x 20 cms. using ONE SIDE ONLY. The candidate should use the same format published in the Employment Notice. The candidates have to fill up required information in their own handwriting. The application should be written either in English or Hindi not in any other language duly dated and signed by him/her. Application filed in any language other than Hindi/English and by any person other than the applicant and having any change in the format of application will lead to rejection of application.

8.2 It is important to note that following para (Declaration) should be copied out by candidate in his/her own handwriting in the space provided at column no. 06 of Form No. RRB-03 of the application form.

"I hereby declare that the facts and evidences given by me in the above application are true, complete and correct to the best of my knowledge and belief. In the event of any misstatement/discrepancy in the particulars being detected at any stage my candidature/service would be cancelled/terminated without any notice."

8.3 Signature of the applicant must be specific so that same may not be copied easily. Signatures in capital letters or open letters will not be accepted and the applications having such type of signatures will be outrightly rejected.

8.4 Candidate should mention "Application For Group 'D' posts" on the top of the envelope containing the application. Each cover should contain one application only. In case more than one application are sent in one cover, all such applications will be rejected.

8.5 The candidate should send application duly filled in along with required documents by ORDINARY POST, so as to reach Post Bag/Railway Recruitment Board, office within the closing date positively. Application received after due date, for any reason whatsoever, will not be considered. Speed post/courier/Registered AD will not be acknowledged. Such Applications will be deemed to have been deposited in the box provided at RRB for this purpose.

8.6 Those candidates who are debarred from appearing in any of the RRBs exam, need not apply unless their debarment period expires upto Closing date. Their application shall not be entertained.

9. EXAMINATION FEE:

9.1 The Examination fee for unreserved and OBC Candidate is Rs. 40/- (Rs. Forty Only). Candidates belonging to SC/ST and Ex-servicemen are fully exempted from payment of examination fees. The Examination fee should be paid in the form of Account payee Demand Draft/My Credit from any Nationalized Bank or N.O from any Post Office in favour of the Officer of RRB (as mentioned in the table of RRBs above) and payable at the town of the RRB to which application is addressed. For example, if application is made to RRB-Ahmedabad or Chennai, payable at Ahmedabad or Chennai as the case may be. Validity of Bank Draft/Pay order should be minimum six months.

9.2 Applications received with cash/Cheque/Central Recruitment stamps and Money orders will not be accepted and will be treated as rejected.

Continued

- 9.4 Postal orders/Bank drafts issued before the date of issue of Employment Notice and later closing date will not be accepted and the Application form will be treated as rejected.
- 9.5 The candidates are advised to write their name and address on the backside of the Bank Draft/MPO and enclose it with the application form in original. The details of examination fee may be written in application form. Examination fee is not refundable under any circumstances including for the rejected applications.
10. ENCLOSURES:
The following enclosures only are to be firmly attached along with the application form. All enclosed certificates which are in language other than in Hindi or English should be translated in Hindi or English along with attested Xerox copies of originals.
- 10.1 One 100 mm. port size photographs (not older than 6 months) without wearing cap & goggles/coloured glasses affixed on the application form with signature in the box below the photograph. Do not put any mark or signature on this photograph. No attestation of photograph is required. The photograph should be neatly pasted and not elapied or pinned.
- 10.2 In case of SC/ST a certificate of their belonging to SC/ST category in the following prescribed format.

FORMAT FOR CASTE CERTIFICATE FOR SC/ST.

This is to certify that Shri/Smt./Kumar..... son/daughter of Shri..... Village/Town..... in District/Division..... of the State/Union Territory..... belongs to the community..... which belongs to the Scheduled Caste/Scheduled Tribe.....

In case of OBC candidates, a certificate of their belonging to OBC in format as given with application form (Annexure-1)

The certificate can be issued only by one of the following: Magistrate/Sub Div. Magistrate/Tahsildar/Magistrate/Assistant Commissioner (not below the rank of First Class Magistrate), Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate/Revenue Officers not below the rank of Tahsildar/Sub-Divisional Officer of the area where the candidates and or his family normally resides/Administrator/Secretary to Administrator/Development Officer (Lakshadweep Islands). The OBC certificate invariably has to mention that candidate does not belong to Creamy Layer.

- 10.3 In the case of Ex-servicemen & Government Servants, attested copy of Certificate from the competent authority giving their length of Service etc.
- 10.4 Only attested copy of educational qualification certificates, proof of age and Caste Certificate for SC/ST/OBC should be enclosed. Copies of certificates should be attested by a Gazetted Officer. Original Certificate/Caste Certificate SHOULD NOT be enclosed with the application.
- 10.5 No objection certificate from the employer if already employed.
- 10.6 Any certificate, Photograph etc., received separately, subsequent to the receipt of application will not be entertained.

11. SERVING GOVERNMENT EMPLOYEES:
Candidates serving in Government, Quasi Government offices/Organizations and Institutions, can apply directly with "No Objection Certificate" from their employer to avoid delay or they should apply through proper channel only. Advance copy of the application will be entertained provided the application through proper channel is received in the RRB's office within 15 days from the closing date. Applications even if submitted through employer concerned before the closing date but received by RRB after the closing date will not be considered. It is the responsibility of the candidates to ensure that his/her application is forwarded to concerned RRB in time so that the application reaches the RRB office within time.
12. FREE JOURNEY RAILWAY PASS:
A free Second class journey Railway pass as and where admissible will be issued to the candidates belonging to SC/ST communities only. All other candidates will have to bear their expenses for appearing in the written examination/Physical efficiency test etc.

13. Important Note:
Candidates should have requisite academic qualification on the date of submission of application. Those who are appearing at and/or awaiting results of final examination are not eligible. Academic qualification must be from a recognized Institution/Board, otherwise candidature will be rejected. Candidates having higher qualification may also apply.
14. SYLLABUS & EXAMINATION:
The syllabus for the written examination will be generally in conformity with the educational standard of 8th Class. The examination will be of objective type with multiple choice of questions. Questions on General Knowledge and current affairs, General Intelligence, General Science and Mathematics will be asked.

15. Date and venue of written examination, Physical Efficiency Test, and Document Verification will be fixed by the concerned RRB and intimated to eligible candidates by post.
 - (i) The RRB at its discretion may hold additional Written examination and/or interviews or hold re-examination or cancel part or whole of the written examination and/or viva-voce tests.
 - (ii) Request for postponement of the examination and change of centre/venue will not be entertained under any circumstances.
 - (iii) Questions will be in Hindi, English and local language(s) listed in the VIII schedule of the constitution prevalent in the concerned Division/Unit for which vacancies are to be filled.
 - (iv) There will be single/combined written examination (a) followed by Physical Efficiency Test (s) and Document Verification.

Note: Admission to the examination centre is provisional as the applications are fully scrutinized later. In case a candidate does not fulfil all the requirement prescribed in the Employment Notice, his/her candidature is liable to be rejected even at a later stage, when deficiency is noticed. Mere issue of call letter for appearing in written exam. by RRB, does not confer any right for any subsequent stage of recruitment process or placing his name on the panel.

16. INVALID APPLICATIONS:
The applications having any of the following deficiencies or irregularities will be summarily rejected.
 - 16.1. (i) Applications not submitted in prescribed format as given in this employment notice.
 - (ii) Incomplete or illegible applications.
 - 16.2. Unsigned/undated applications/applications without thumb impression/Without Marks of Identification.
 - 16.3. Without photos or affixing/attaching xerox copy of Photograph
 - 16.4. Without/different signatures in box below the Photo, and on Application form.
 - 16.5. Without Bank Draft/MPO/Postal Orders of requisite value and validity.
 - 16.6. Applications not filled in English or Hindi or not filled by candidate in his own Hand writing.
 - 16.7. Applications without para 06 in Form No.RRB-03 of application form, written in candidate's own handwriting.
 - 16.8. Without proper certificates, in respect of SC/ST/OBC candidates and Ex-servicemen. Certificate should be obtained from the competent authority in the prescribed format.
 - 16.9. Under aged/Over aged candidates.
 - 16.10. Not having the requisite Educational Qualification at the time of submitting application.
 - 16.11. Applications received after 17.00 hrs. on closing date.
 - 16.12. Photo copies of the certificates not attested by Gazetted officer or self-attested photocopies of certificates.
 - 16.13. More than one application in One Name or sent in one envelope.
 - 16.14. Any other irregularity.

17. NATURE OF JOB OF THE POSTS:-

Gatekeeper/Watchman: Job is an important and prominently field job, arising out of track maintenance work, including carrying heavy material and tools on Railway line, discharging functions of watchman also to protect Railway track and assisting supervisors in maintenance and protection of Railway track.
Khatals/Helper II etc.: The nature of job varies from one department to another. For example, Diesel Khatals are required to do cleaning of locomotives/spare parts/work place/fitting and movement of heavy materials and assisting different supervisors and technicians in carrying out different jobs in a Diesel locomotive shed. In the case of **Khatals (T.M.Q.)** it is predominantly a field job requires to carry out unskilled and semi-skilled job arising out of and associated with mechanized track maintenance, operation, including carrying material and equipment on Railway line, discharging functions of a watchman also to protect Railway track and assisting Supervisors and Technicians in carrying out different jobs related to track maintenance operations.

18. SELECTION PROCEDURE:-

18.1 Selection will be based on written examination followed by Physical Efficiency Test to assess the candidate's physical fitness for the post(s). RRB reserves the right to conduct second stage examination if required. Physical efficiency test will be of qualifying nature. There will be no interview.

18.2 Physical Efficiency Test (For all Categories): The candidate should be able to perform following physical test tasks:

Male Candidate	Female Candidate
1. Should be able to lift and carry 35Kg. of weight for a distance of 100 meter in 2 minutes in one chance without putting the weight down and	1. Should be able to lift and carry 20Kg. of weight for a distance of 100 meter in 2 minutes in one chance without putting the weight down and
2. Should be able to run for a distance of 1500 meter in 7 minutes in one chance	2. Should be able to run for a distance of 400 meter in 4 minutes in one chance.

- 18.3 The appointment of the candidates will be subject to their being found suitable after antecedent verification and medically fit as per rules.
- 18.4 The selection of candidate by Railway Recruitment Board does not confer any right to the candidate for appointment.
- 18.5 Railway Recruitment Board is not responsible for any inadvertent error.
- 18.6 Action against candidates found guilty of Misconduct: Candidates are warned that they should not furnish any particulars that are false or suppress any material information while filling in the application form. Candidates are also warned that they should in no case attempt to alter or otherwise tamper with any entry in a document or its attested/certified copy submitted by them nor should they submit a tampered/fabricated document. If there is any inaccuracy or any discrepancy, an explanation regarding this discrepancy should be submitted. A candidate who is or has been found by the Railway Recruitment Board, to be guilty of:

- (i) Obtaining support for his candidature by any means or
- (ii) Impersonating or
- (iii) Procuring impersonation by any person or
- (iv) Submitting fabricated document or documents which have been tampered with or
- (v) Making statements which are incorrect or false or suppressing material information or
- (vi) Resorting to any other irregular or improper means in connection with his candidature for the selection, or
- (vii) Using unfair means during the examination, or
- (viii) Writing irrelevant matter including obscene language or pornographic matter, in the script(s) or
- (ix) Committing mischief in any other manner in the examination hall, or
- (x) Harassing or doing bodily harm to the staff employed by the Railway Recruitment Board for the conduct of their test.
- (xi) May, in addition to action under relevant provisions of the Rules render himself liable to criminal prosecution and further
- (a) be disqualified by the RRB from selection for which he is a candidate, or
- (b) be debarred either permanently or for a period decided by the RRB from any examination or selection conducted by all the RRBs.
- (c) If he is already in service under Government, be taken under disciplinary action under the appropriate rules.

20. Examination Centres will be decided by the RRB(s) and indicated in call letter issued to candidates(s) for appearing in written examination.
21. All male candidates are liable for active Territorial Army Service in Railway Units or such other units as may be laid down in this behalf from time to time.
22. Candidates selected for these categories after the written test/Physical Efficiency Test/document verification are required to pass prescribed medical examination, before appointment.
23. Selected candidates may be required to undergo training wherever necessary, with stipend for a specific period and to deposit the security amount and execute an indemnity bond or agreement.
24. The candidates selected may be absorbed depending on the vacancies available, after successful completion of prescribed training. They may be considered in due course for promotion to higher grades according to rules/orders in force from time to time.
25. Posting of the selected candidates may be made as per requirement of the Indian Railways at the appropriate time. No particular place or Deptt. or Division of posting can be assured or assumed.
26. For any legal dispute the Jurisdiction will be at Central Administrative Tribunal, covering the city where a particular RRB is located.
27. In the event of the dispute English version of the employment notice will be treated as valid.
28. RECRUITMENT BOARD'S DECISION FINAL:
The decision of RRB in all matters relating to eligibility, acceptance or rejection of the applications, issue of free rail passes, penalty for false information, mode of selection, conduct of examination(s) and interviews, allotment of examination centres, selection, allotment of posts to selected candidates will be final and binding on the candidates and no enquiry or correspondence will be entertained in this connection. Candidates who submit forged caste certificate for securing eligibility and/or obtaining privilege, including free travel, for appearing in an examination, shall be liable not only for rejection of his candidature for the particular recruitment for which he has applied, but he shall be debarred from appearing at any examination conducted by any RRB all over the country for whole life.

IMPORTANT: RRBs have not appointed any agents or coaching centers for acting on its behalf. Candidates are warned against any such claims being made by persons/agencies. Examinations conducted by RRBs would be multiple choice objective type and OMR answer sheets are being used and computer evaluation is being resorted to. Candidates are selected purely as per merit. Please beware of unscrupulous elements and do not fall in their trap.

For Chairmen,
All Railway Recruitment Boards
Indian Railways.

Continued on page 43

- 27 - 25 - 28 - Annexure - III

समस्या सुचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	देने की तिथि Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार की Date on which the copy was ready for delivery.	तिथि Date of making over the copy to the applicant.
14/11/03	14/11/03	15/11/03	18/11/03

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from 13 P. (C)
Civil Rule

No. 9029 of 2003

all India scheduled castes and scheduled
tribes Railway employees Association of India

Appellant

Petitioner

Versus

Union of India & Ors

Respondent

Opposite Party

Appellant Mr. A. Uzi
For Petitioner Ms. B. Sinha
Ms. R. Banah
Ms. M. Sehingha
Respondent
For Opposite Party: ① C.G. S.C.
② S.C. N.F. Railway

Verified to be true copy
Advocate
25/10/04

Attested:
14/12/04
Advocate

✓

IN THE MATTER OF :

1. All India Scheduled Castes and
Scheduled Tribes Railway
Employees' Association,
N F Railway Zone,
60/B Central Gotanagar,
P.O. Maligaon,
Guwahati-781011.
2. Sri Tarini Charan Das,
S/o late Chana Ram Das,
Resident of Railway Quarter
No. 115/B, West Maligaon,
Guwahati-781011.

[Handwritten signature]

... PETITIONERS

28-29-
3
VERSUS

1. The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi-1.
2. The Railway Board,
represented by the Chairman,
Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi-1.
3. The Chairman,
Railway Board,
Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi-1.
4. The Executive Director,
Establishment (Resv)
Railway Board,
Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi-1.
5. Railway Recruitment Board,
represented by the Chairman,
N.F. Railway, Station Road,
Guwahati-1.
6. The General Manager,
N.F. Railway, Maligaon,
Guwahati-11.

7. The Chief Personnel Officer,
N.F.Railway, Maligaon,
Guwahati-11.

Employee

Respondents

10

1/5/75

Guwahati High Court

28-30-31-
37

Noting by Officer or Advocate	Serial No	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			BEFORE THE HON'BLE MR. JUSTICE D. BISWAS <u>13.11.2003</u> Heard Mr. G. Uzir, learned counsel for the petitioners and also Mr. S. Sarma, learned Standing Counsel for the railways. This petition has been filed by the All India Scheduled Castes and Scheduled Tribes Railway Employees Association, N.F. Railways, praying for appropriate direction to the railway authority to complete the process of selection and appointment to 595 posts covered by the advertisement dated 13.10.2001 from the reserved candidates who have already submitted applications in pursuance of the advertisement. Mr. Uzir, learned counsel for the petitioner Association submitted that the railway authority have issued another advertisement dated 13.6.2003 calling for applications from general as well as reserved category candidates for filling up of 2575 numbers of D-category posts. Mr. Uzir, learned counsel submitted that the petitioner Association apprehends that the posts advertised on 13.10.2001 may be filled up while appointments are made in pursuance of second advertisement to the deprivation of the candidates who have already submitted their applications. Therefore, Shri Uzir, submitted that a direction be issued to the respondent authority to complete the selection process and appoint persons in pursuance of the earlier advertisement. Mr. Sarma, learned Standing Counsel for the Railway submitted that the railway authorities have

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38
6

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

embarked upon an exercise to identify Schedule Castes and Scheduled Tribes candidates who are already in service of the railways for the purpose of appointment and this has been the reasons for delay in completing the selection process in pursuance of the first advertisement.

Considering the submission of the learned counsel recapitulated above, this writ petition is disposed of with the following directions :-

(i) 595 numbers of posts advertised on 13.10.2001 shall be kept reserved for being filled up after due process of selection from and amongst the candidates who have already submitted application in pursuance thereof.

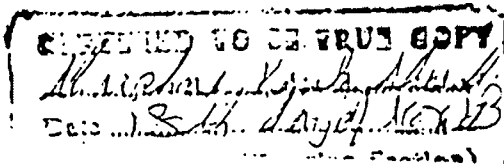
(ii) The selection process in pursuance of the second advertisement dated 13.6.2003 may continue, but no appointment shall be made till appointments are made in pursuance of the first advertisement.

Needless to say that the selection process of the earlier advertisement shall be completed expeditiously and selected candidates be appointed in pursuance of the terms and conditions of the same advertisement.

Sd/- D. Prasad
[Signature]

Directed by —
in direction

P no 36 L8
14/11/03



Attested:
[Signature]
14/12/04
Advocate

verified to be true copy
[Signature]
25/10/04

3375	2207286	2207342	2207495	2207518	2207535	2207556	2207578	2207602	2207615	2207690	2207700	2207707	2207711
3582	2207725	2207756	2207770	2207798	2207827	2207869	2207870	2207885	2207893	2207949	2207950	2207989	2207990
3730	2207993	2208000	2208010	2208021	2208025	2208026	2208047	2208074	2208098	2208100	2208104	2208111	2208146
3909	2208147	2208154	2208165	2208191	2208198	2208203	2208210	2208218	2208221	2208222	2208227	2208243	2208254
4102	2208267	2208271	2208280	2208325	2208344	2208355	2208360	2208374	2208376	2208394	2208403	2208427	2208436
4279	2208482	2208529	2208540	2208542	2208561	2208571	2208577	2208601	2208611	2208628	2208653	2208669	2208670
4423	2208680	2208703	2208724	2208728	2208734	2208736	2208743	2208753	2208754	2208760	2208775	2208802	2208810
4570	2208813	2208815	2208821	2208832	2208837	2208874	2208880	2208882	2208900	2208911	2208915	2208926	2208930
4686	2208931	2208932	2208953	2208954	2208991	2209007	2209014	2209018	2209023	2209061	2209065	2209068	2209073
4937	2209084	2209098	2209101	2209110	2209175	2209181	2209194	2209198	2209199	2209200	2209201	2209219	2209225
5064	2209240	2209253	2209265	2209267	2209278	2209291	2209298	2209299	2209311	2209326	2209335	2209378	2209377
5272	2209379	2209382	2209399	2209410	2209422	2209452	2209493	2209497	2209502	2209506	2209518	2209519	2209520
5445	2209541	2209551	2209554	2209555	2209573	2209589	2209595	2209613	2209616	2209617	2209629	2209649	2209650
5656	2209663	2209674	2209690	2209705	2209711	2209712	2209714	2209716	2209719	2209721	2209725	2209742	2209751
5914	2209771	2209775	2209778	2209779	2209788	2209790	2209834	2209838	2209849	2209853	2209870	2209883	2209906
6160	2209913	2209914	2209954	2209982	2209985	2210018	2210031	2210047	2210059	2210072	2210079	2210084	2210097
6363	2210099	2210103	2210110	2210120	2210129	2210132	2210202	2210215	2210234	2210242	2210243	2210267	2210275
6593	2210278	2210284	2210289	2210321	2210357	2210358	2210366	2210426	2210432	2210434	2210465	2210484	2210491
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(b)(7)(C) - Confidentiality

এও কল্টোলাৰ অব বিক্ৰইটমেন্ট

July 6
 1912
 Advocate

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12108172	12108194	12108197	12108285											

মাতৃ ৰেল, মালিগাঁও



গ্ৰন্থ নিৰ্বাচন প্ৰাৰ্থনাসমূহৰ অস্থায়ীভাৱে নিৰ্বাচন প্ৰক্ৰিয়াটোৰে মূল্যায়ন কৰা হৈছে। কৃতকাৰ্য্যতাৰ ক্ষেত্ৰত গ্ৰন্থৰ প্ৰক্ৰিয়াটোৰে নিৰ্বাচন প্ৰক্ৰিয়াটোৰে মূল্যায়ন কৰা হৈছে। ১১ অক্টোবৰ, ২০০৮ৰ তাৰিখত, নিউ জলপাইগুৰি আৰু নিৰ্বাচন প্ৰক্ৰিয়াটোৰে মূল্যায়ন কৰা হৈছে।

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02458	1102508	2113454	2113467	2113480	2113482	2113528	2113582	2113648	2113649	2113662	2113663	2113800	2113806	2113878
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1201258	1201274	2205178	2205202	2205229	2205266	2205273	2205276	2205278	2205284	2205285				

১২ জাক ১৯ হেপ্টেম্বর, ২০০৪ খ্রিষ্টাব্দ উত্তরাঞ্চলীয় নির্বাচন বোর্ড ৮/২০০৩
ভাৰ্জসোফৰ ধাৰণাপত্ৰ ইতিমধ্যে প্রেরণ করা গৈছে।

			1100168	1100186	1100198	1100260	1100291	2110408	2110409	21104
								2110583	2110607	21108

बोल नर ।

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1110054	1110055	1110070	1110095	1110161	1110381	1110382	1110451	1110509								

स्टांप और फॉलियो की अपेक्षित संख्या सूचित करने की तिथि तिथि Date from for notifying the requisite number of stamps and folios.	अपेक्षित स्टांप और फॉलियो देने की तिथि तिथि Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी तिथि Date on which the copy was ready for delivery.	भाग्यक को प्रतिलिपि देने की तिथि तिथि Date of making over the copy to the applicant.
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35

CIVIL APPELLATE SIDE

Answered

Appeal from

WPC

No. *8237* of 2004

Civil Rule

Appellant

Tinsukia District Tribal Sangha

Petitioner

Versus

Union of India & Ors

Respondent

Opposite Party

Appellant

Mr. D. Suro

For

Petitioner

Mrs. S. S. Choudhury & Associates

Respondent

Standing Counsel, Railway

For

Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature

*Attested:
14/12/04
Advocate*

dated 16.10.2007.

-And-

IN THE MATTER OF :

1. Tinsukia District Tribal Sangha, represented by its President Shri Sarbeswar Sonowal, resident of Dhola Bazar, PS Dhola, PO Sakiya Ghat, District Tinsukia.
2. Shri Sarbeswar Sonowal, son of Shri Gonesh Sonowal, President, Tinsukia District Tribal Sangha, resident of Dhola Bazar, PS Dhola, PO Sakiya Ghat, District Tinsukia.

... PETITIONER.

-Versus-

1. The Union of India,

contd....

3

26-37-45

15:

represented by the Secretary to the
Govt of India, Ministry of Railways,
Rail Bhawan, New Delhi-1.

2. The Railway Board,
represented by its Chairman,
Ministry of Railways,
Rail Bhawan. New Delhi-1.

3. The Chairman,
Railway Board, Government of India,
Ministry of Railways, Rail Bhawan,
New Delhi-1.

4. The Executive Director,
Establishment (Resv),
Railway Board, Ministry of Railways,
Rail Bhawan, New Delhi-1.

5. Railway Recruitment Board,
represented by its Chairman,
N.F.Railway, Station Road,
Guwahati-1.

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

contd....

38-38-

:6:

7. The Chief Personnel Officer,
N.F.Railway, Maligaon, Guwahati-11.

... RESPONDENTS.

N.F. Railway, Maligaon

28

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1.	2	3	4

WP(C) No. 8237/04

BEFORE

HON'BLE MR. JUSTICE BK SHARMA.

26.10.2004

The grievance made in this writ petition is in respect of recruitment to Grade 'D' service.

Heard Mr. D. Saur, learned counsel for the petitioner. Also heard Mr. J Singh, learned CGSC. Also heard learned Standing Counsel for Railway.

As per the provisions of the Administrative Tribunal Act, 1985, the grievance raised in this writ petition pertains to Central Administrative Tribunal. As per the decision of the Apex Court rendered in L. Chandra Kumar Vs. Union Of India, reported in 1997 1 GLT (SC) 1 the Central Administrative Tribunal shall be the Court at first instance relating the grievance as has been raised in this writ petition.

In view of the above, this writ Court does not have jurisdiction to entertain the grievance made in this writ petition. Accordingly, this writ petition stands dismissed. However, it will be open to the petitioner to approach the Central Administrative Tribunal towards redressal of their grievance, if any.

RECEIVED BY THE COURT
Date 14/11/04
Superintendent (Copy to be filed)
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UP 76. 4. 1. 1278

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10/11/03

UP 76. 4. 1. 1278
14/11/04
A. K. Sharma

- 39 -
- 40 -

Annexure 6th

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 251/04
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicants: Tirukia Distric Tribanghe Srs
Respondents: Union of India Srs
Advocate of the Applicants: Mr. J. S. Choudhury
Advocate for the Respondents: Ry SC

Places of the Registry | Date | Order of the Tribunal

09.11.2004

Heard Mr.M.Chanda, learned counsel assisted by Ms.S.Choudhury, learned counsel for the applicants.

Learned counsel for the applicants submits that there are some defects in the petition including the question of jurisdiction since one of the affected party is not impleaded and the absence of materials in support of paragraph 4.8. and as such he seeks to withdraw this application with liberty to file fresh application.

Mr.B.C.Pathak, learned Railway counsel has also raised the issue of jurisdiction.

In view of the above, the petition

Contd.



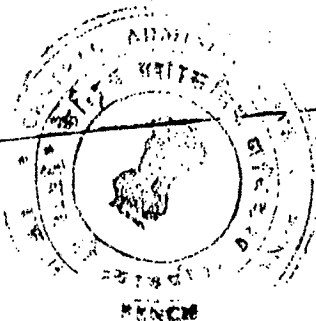
Withd^d
14/12/04
Sd/-

O.A. 251/2004

Contd.

09.11.2004 is allowed to be withdrawn with liberty to file fresh application.

The application is disposed of in aforesaid terms.



Sd/ VICE-CHAIRMAN
Sd/ MEMBER (Adm)

Verified to be true copy
প্রমাণিত প্রতিলিপি

[Signature]
17/11/04
Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati-781005

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detained :
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14/11/04.

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ANNEXURE - 7

- 42 -

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

WA

No. 415 of 2004

Civil Rule

Appellant

Petitioner

Jinsukie District Tribal Sangha & anr

Versus

The Union of India & Ors

Respondent

Appellant

For

Petitioner

Gauhati High Court, Gauhati

Mr. D. Sw

Miss S. S. Choudhary

Mr. Imilemt et

Advocates

Respondent

For

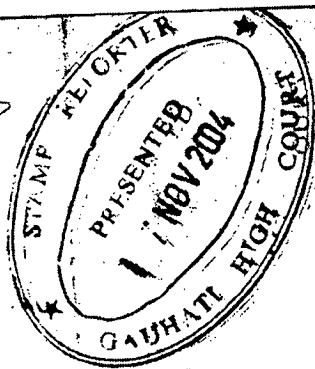
Opposite Party

Standing Counsel, R.F. Railway

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			Presented before the Deputy Registrar On 17/11/04
Attested: 14/11/04 Advocate			Gauhati High Court Gauhati



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1. Tinsukia District Tribal
Sangha, represented by its President
Shri Sarbeswar Sonowal,
resident of Dhola Bazar,
PS Dhola, PO Sakiya Ghat,
District Tinsukia.

Contd. . . . p . . .

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::2::

2. Shri Sarbeswar Sonowal,
son of Shri Gonesh Sonowal,
President,
Tinsukia District Tribal Sangha,
resident of Dhola Bazar,
PS Dhola, PO Sakiya Ghat,
District Tinsukia.

... APPELLANTS.

-Versus-

1. The Union of India,
represented by the Secretary to the
Govt of India, Ministry of Railways,
Rail Bhwan, New Delhi-1.

Gauhati High Court at Guwahati

2. The Railway Board,
represented by its Chairman,
Ministry of Railways,
Rail Bhawan, New Delhi-1.

3. The Chairman,
Railway Board, Government of India,
Ministry of Railways, Rail Bhawan,
New Delhi-1.

4. The Executive Director,
Establishment (Resv),
Railway Board, Ministry of Railways,
Rail Bhawan, New Delhi-1.

Contd....p...

4
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5. Railway Recruitment Board,
represented by its Chairman,
N.F.Railway, Station Road,
Guwahati-1.

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

7. The Chief Personnel Officer,
N.F.Railway, Maligaon, Guwahati-11.

... RESPONDENTS.-

Gauhati High Court at Guwahati

Court and

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.A No. 415 of 2004

BEFORE
THE HON'BLE THE CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

19/11/2004

Heard Mr. N. Dutta, learned senior counsel assisted by Mr.D. Sur, learned counsel for the appellants and also Mr. Siddhartha Sarma, learned Standing Counsel for the Railways.

This appeal is directed against the Judgment and Order dated 26.10.2004 passed by the learned Single Judge in W.P.(C) No. 8237 of 2004. By this Judgment, the learned Single Judge dismissed the writ petition relying upon the decision of the Hon'ble Apex Court in L. Chandra Kumar Vs. Union of India, reported in 1997 1 GLT (SC) 1 wherein it has been held that the Central Administrative Tribunal shall be the Court of the first instance relating to the grievances in service matters.

We have considered the decision of the Apex Court in L. Chandra Kumar (Supra) and also the decision in Dr. Duryodhan Sahu and others, Appellants -Vs.- Jitendra Kumar Mishra and others, Respondents reported in AIR 1999 SC 114. The law that emerges from the aforesaid two judgments is that only a person aggrieved by any decision relating to his service can maintain an application before the Tribunal. The jurisdiction of the High Court under

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

Article 226 cannot be invoked in the nature of public interest litigation in service matters. The writ petition filed by the petitioner Association relates to the recruitment process initiated by the respondent authority in pursuance of the first advertisement dated 13.10.2001. The writ petitioner Association obviously cannot be allowed to file the writ petition since it is not the person aggrieved. Therefore, the learned Single Judge by the impugned order while dismissing the writ petition observed that it will be open to the writ petitioner to approach the Central Administrative Tribunal for redressal of their grievances, if any. We do not find any reason to interfere with the order passed by the learned Single Judge which, in our opinion, is in tune with the law laid down by the Hon'ble Supreme Court in the aforesaid two judgments.

Gauhati High Court at Guwahati

After dismissal of the writ petition on 26.10.2004, the petitioner Association approached the Central Administrative Tribunal, Guwahati Bench at Guwahati by filing Original Application No.251 of 2004. The learned Tribunal by the order dated 9.11.2004 dismissed the application on withdrawal with liberty to file afresh on the basis of the submission made by the learned counsel for the appellants that there were some defects in the petition including the question of jurisdiction since one of the affected party is not impleaded. Clause (b) of sub-rule (5) of Rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987 reads as follows :-

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
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"4.(5)(b) Such permission may also be granted to an Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories or persons on whose behalf it has been filed provided that atleast one affected person joins such an application."

It would appear from above provision of the Rules that an application in respect of service matters may be maintained by an Association with one of the affected party. It is apparent from the order of the Tribunal that it is for this reason the Original Application was withdrawn by the appellant Association. It is not a case where the Association is without remedy. They may still approach the learned Tribunal after necessary amendments of the application as provided in the aforesaid rule.

Gauhati High Court at Guwahati

We, therefore dismiss this appeal with the observation that the appellant may seek remedy before the learned Tribunal in compliance with the provisions of Rule 4(5)(b) of the Rules of 1987 quoted above.

Sl-B P. K. G. Jeyaraj D. B. K. W. Chief Justice (A)

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25/4/04

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Date 25/4/04
Superintendent (Coring Section)
Gauhati High Court
Authorized U/S 76, Act I, 1972

Collected:
14/12/04
Advocate

25/4/2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

IN THE MATTER OF

O.A. 320/2004

Tinsukia District Tribal Sangha ... Applicant

Versus

The Union of India and Others ... Respondents

AND

IN THE MATTER OF

Written statement on behalf of the respondents

The answering respondents respectfully SHEWETH :

1. That the answering respondents have gone through the copy of the application filed and have understood the contents thereof. Save and except the statements which have been specifically admitted hereinbelow or those which are borne on records all other averments/allegations as made in the application are emphatically hereby denied and the applicant is put to the strictest proof thereof.

2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondents have confined their replies to those points/allegations/averments of the applicant which are found relevant for enabling a proper decision on the matter.

3. That the application suffers from want of a valid cause of action as will be clear from the submissions made in the relevant paragraphs below.

4. That the application suffers from wrong representation and lack of understanding of the circumstances and facts relating to the matter on hand as will be clear from the submissions made.

5. Parawise comments:

5.1. As regards paragraphs 4.1 and 4.2 the answering respondents have no comments to offer except to assert that the applicants are put to the strictest proof of their claims.

5.2. In regard to paragraph 4.3 the answering respondents accept the contention of the applicants about issue of the notification, but beg to clarify that due to various practical reasons the process of recruitment connected with the said notification is not yet complete. Every effort is being made to complete the same.

Filed by M. M. S. 10/10/05
DR. M. C. Sarma
Advocate-
213
Chief Personnel Officer/HQ
N.F. Railway, Maligaon
Guwahati-78

(2)

5.3. In regard to paragraph 4.4 the answering respondents beg to clarify that N.F.Railway issued notification No.NFR/2/2001 on 13/19th October,2001 in Employment News in order to clear backlog of 595 SC/ST group D posts. In response, 1,58,706 (one lakh fifty eight thousand seven hundred and six) candidates applied. Out of this 1,35,614 (one lakh thirty five thousand six hundred and fourteen) candidates appeared in the tests. In view of the extremely large number of candidates the processing of the results had to be arranged through an outside agency as the limited manpower resources of the Railways were inadequate to cope with the huge task involved. A scheme was evolved to smoothly carry out the task by processing a tender for arriving at a suitable agency. This necessarily took time. It is respectfully submitted here that the process of recruitment for the 595 SC/ST posts is not yet complete but is continuing. Every effort is being made to complete the process at an early date.

It is further submitted that based on indent submitted by N.F.Railway, Employment notice No. 1/03 dated 13.06.2003 was issued for recruitment of 2575 posts of Trackman and 145 posts of Helper II along with those of other Railways. This was an entirely separate plan of recruitment and had no relation with the process of recruiting 595 SC/ST candidates notified in October,2001.

5.4. As regards paragraph 4.5 the answering respondents beg to submit that the Hon'ble High Court's orders in the matter will be obeyed in both letter and spirit. While finalising the matter the Hon'ble High Court's guidelines would be observed.

5.5. As regards paragraph 4.6 it is submitted that the unit of recruitment for Group D posts is a Railway Division. However, the recruitment is open to all eligible candidates of all states of India who are entitled to equal opportunity to apply and offer their candidature. The general guidelines in the matter is contained in Railway Board's circular No. E(NG)II/2000/RR-I/85 dated 29.12.2000.

A copy of this letter dated 29.12.2000 is submitted herewith and marked as
ANNEXURE A

It is submitted here that through this letter, Railway Board provided for publication of recruitment notice

..... P. 3

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

in "Employment News", besides circulation through Employment exchanges, recognised associations of SCs and STs, display in Notice Boards etc. in compliance with the directives of the Hon'ble Supreme Court in their judgment in Excise Superintendent, Malkapatnam, Andhra Pradesh Vs KBN Viswashwara Rao dated 22.08.96.

5.6. As regards paragraph 4.7 the answering respondents beg to submit that in response to the employment notice No. 1/03 dated 13.06.2003 a large number of candidates both from N.E. region and from outside this region applied. In fact arrival of candidates from outside the N.E. region for the tests created a serious law and order situation in course of the written examinations conducted by the Railway Recruitment Board, Guwahati during November, 2003. In order to avoid a serious situation and considering the proximity of the candidates to their places of residence candidates of N.E. region were allotted centres in N.E. region and those from outside the region were allotted centres outside N.E. region.

It is further clarified here that candidates who secured pass marks in the test have been enlisted for the second stage of written examination. These include candidates from Tinsukia and Lumding divisions as well as those from outside these divisions as provided for by the guidelines issued by the Railway Board as indicated above.

5.7. As regards paragraph 4.8 the answering respondents beg to emphatically deny the allegations made therein. It is submitted that there was no irregularity such as leakage of question paper or cases of impersonation reported from any examination centre in course of the preliminary examinations. Divisional Officers of all divisions were involved in arranging the examination centres and in enlisting local invigilators and in generally conducting the examinations. The conduct of the examinations were in the hands of the divisional officers of the Railways as per extant instructions. In this connection it is stated that the arrangement for conduct of the examinations was considered satisfactory and no complaint was received from any quarter ~~about~~ casting any doubt about conduct of any official involved in the process of examination, including those of Tinsukia and Lumding divisions.

5.8 As regards paragraph 4.9 the answering

Chief Personnel Officer/HO
N.F. Railway, Maligaon

(4)

respondents beg to state that the overall conduct of the examinations was transparent and in accordance with the guidelines issued in this regard by the Railway Board, whose guidelines were inspired by the guidelines issued by the Hon'ble Supreme Court of India in the case cited in Annexure A enclosed. It would therefore be utterly unfair to cast aspersions and attribute any ulterior motive in the process of recruitment adopted by the answering respondents which, it can be humbly claimed, was motivated by the attributes of fairness and justice.

It is therefore prayed that the O.A. 320/2004 which was filed on a wrong understanding of the facts of the matter as detailed above be dismissed with costs.

And for this act of kindness the answering respondents as in duty bound shall ever pray.

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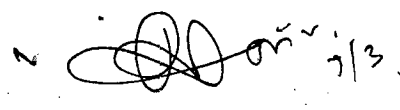
Dy. Chief Personnel Officer /HQ
N.F. Railway, Maligaon
Guwahati, 781 001

(5)

VERIFICATION.

I, Shri R. AAIVU, son of Jote S. Rammammy, aged about 39 years, at present working as Dy. CPO/HQ, N.F. Railway, Maligaon, do hereby verify and solemnly affirm that the statements made in paragraphs 1 to 5 are true to the best of my knowledge and information derived from records which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal.

An I sign this verification on this the _____ day of March, 2005.


Signature Dy. Chief Personnel Officer/HQ
N.F. Railway, Maligaon,
Designation. Guwahati. II.

Se
to the
Chandra
19.96 (6) JC
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12

Northeast Frontier Railway.

No.E/227/10/Recruitment

To

GM/COO/1/1/1

All MEMOs, DRMs, DAOs, WAOs, WAOs, DBWs

Controlling officers of non-divisional offices

1. GENERAL MANAGER, ALL RAILWAYS & OFFICIALS.

Subj- Procedure for Recruitment of Group 'D' staff.

A copy of Railway Board's letter No.F(NG)/1/2000 dated 21.9.2000 on the above subject is forwarded for information & compliance.

Copy of the Railway Bd's letter No.F(NG)/1/2000.RR-1RS dt 29/12/2000

Subj: Procedure for recruitment of Group 'D' staff

Instructions have been issued vide Board's dated 21.9.2000 that recruitment to Group 'D' staff should be done directly by the Zonal Railways/Units concerned prior to 21.4.1999. In continuation of the same, the Board has issued regarding the procedure to be followed for recruitment. The guidelines should be followed for all future recruitment.

2.0 RECRUITMENT UNIT :

2.1 The Unit of recruitment will be a Divisional Unit and requirement of all departments within the Division as well, will be clubbed together for the purpose of recruitment. As many recruitment units as possible may be created for recruitment on each Railway, so as to ensure recruitment of candidates within a reasonable amount of expenditure.

3.0 PERIODICITY OF RECRUITMENT

3.1 Recruitment should be done at intervals of one year.

3.2 The vacancies may be counted as on 30th September of each year and the anticipated vacancies to be filled up for the next two years, duly taking into account the

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4.0 ELIGIBILITY CRITERIA

4.1 The educational qualification for recruitment to all Group 'D' categories in the Railways shall be Class VIII passed, as already stipulated in Railway Board's letter number E(NG)-II/98/RR-1/107 dated 4.12.98.

4.2 The age for recruitment should be as per extant instructions, with relaxations for specified categories as admissible under specific orders issued by the Railway Board from time to time.

5.0 APPROVAL FOR OPEN MARKET RECRUITMENT

5.1 Existing directives for obtaining Board's prior approval for filling up Group 'D' vacancies through open market recruitment will continue to apply.

6.0 METHOD OF RECRUITMENT

6.1 The procedure laid down in Para 179 of IREM-Vol.I shall be followed for recruitment in Group 'D' categories, subject to the modifications contained in Railway Board's letter No.E(NG)II/96/RR-1/62 dated 17-9-98 issued in reference to Supreme Court Judgement in the case of Excise Superintendent, Malkapatnam, Andhra Pradesh Vs KBN Visweshwara Rao and others, which provides for publication of recruitment notice in 'Employment News', besides issue of such notices to Employment Exchanges, recognised Associations of SCs and STs, display on Notice Boards etc.

6.2 Wherever considered necessary, the General Managers may introduce written screening test as a method of selection. In other cases, selection will be held through viva-voce test of all the eligible candidates. In both the cases, the selected candidates shall be subjected to a physical efficiency test.

6.3 The detailed procedure to be adopted for conduct of selection for recruitment to Group 'D' posts shall be as per the guidelines given in Annexure-I

7.0 EMPLOYMENT NOTICE

7.1 Employment notice should be advertised in Rozgar Samachar/Employment News giving full details regarding:-

- Recruitment Unit
- Posts for which recruitment is to be conducted, alongwith reservation details.
- Age limits; including relaxation provisions.
- Pay scales and minimum emoluments expected at the beginning of employment.
- Places of posting, which should also indicate liability of serving anywhere on the Railway.
- Examination Fees,
- Mode of application.
- Closing date for submission of application.
- Choice of language for question paper (In case of written screening test)
- Mode of examination ; Whether through written test or viva-voce test
- Physical efficiency test standards.
- Medical test standards
- Railways' right to hold additional/supplementary examinations or re-examination for all or some of the candidates.
- Any other relevant information

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7.2 In the case of written screening test, Hindi and English shall be the languages in which question papers will be printed. Candidates should indicate their preference regarding the language of question paper in their application.

7.3 Brief indicative advertisements will be given in at least two local newspapers for wider coverage. The indicative advertisement will draw attention to the detailed employment notice published in Rozgar Samachar/Employment News. In addition, the employment notice will be sent to the nearby employment exchanges and recognised associations of Scheduled Castes and Scheduled Tribes. The notice should also be sent to Special Employment Exchanges and the Vocational Rehabilitation Centres in the case of posts reserved for ex-servicemen. Copies of these notices should also be exhibited on Notice Boards outside railway offices etc. situated in the area of recruitment.

8.0 MODE OF APPLICATION

8.1 Candidates should apply on plain paper, as per format indicated in employment notice. Fees may be charged (including postal charges) @ Rs.40/- per candidate. However SC/ST candidates will not pay any fee, except Rs.10/- towards postal charges.

8.2 A candidate should mention the recruitment units & posts applied for, in order of his preferences, in his application. Final allotment of post, if empanelled, may be done taking into account his preference and his merit position.

9.0 CONDUCT OF RECRUITMENT

9.1 Each recruitment shall be conducted under the supervision of an Officer, not below the rank of JA grade (hereafter called Controller of Recruitment). When two or more recruitment units are clubbed together, the General Manager may nominate this officer and he may be located in one of the Divisions or Headquarters. When recruitment is made for a single recruitment unit, the Sr. DPO/Dy. CPO of the unit may function as Controller of Recruitment.

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9.2 'Controller of Recruitment' shall be responsible for inviting applications and overseeing the selection process. The 'Controller of Recruitment', shall be assisted by a Sr. Scale officer or an Assistant officer belonging to the Personnel department who may be assigned exclusively to this work along with nucleus staff.

10.0 APPLICATION PROCESSING

10.1 The 'Controller of Recruitment' shall have the right to reject any application. However, the reasons for rejection would have to be recorded on the application. The officer assisting the 'Controller of Recruitment' may endorse these reasons.

10.2 There shall not be any discrimination on ground of gender.

10.3 Name, father's name, address, and community of each candidates should be entered in a computer database along with any other information considered relevant. Either the Railways' own computers may be used for this purpose or an outside computer agency can be engaged, if required.

11.0 ISSUE OF CALL LETTERS TO CANDIDATES

11.1 Roll Numbers may be generated on the computer and call letters should also be generated through the computers. The call letters should be posted under certificate of posting, at least one month before the date of examination/interview.

11.2 In recruitments where written test has been decided to be held, separate 'Instructions to Candidates', containing detailed guidelines on how to fill the answers, roll number etc. and a sample OMR (Optical Mark Recognition) answer sheet printed on plain paper, should be enclosed with the call letter.

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12.0 PREPARATION OF PANELS

12.1 'Controller of Recruitment' shall prepare a select list, in order of merit, for all candidates who qualify for empanelment, subject to their being declared suitable in physical efficiency test. After the conduct of physical efficiency test, he shall prepare the final panel. Thereafter, he shall prepare individual panels for individual posts after taking into account the merit position and preferences of individual candidates. These panels will be put up to the competent authority for approval.

12.2 The currency of the panel shall be for a period of two years from the date of publication. General Manager may exercise his authority his authority to extend the life of panel by one year in case the panel is not exhausted within two years.

13.0 Railway may appoint candidates from the same select list within two years for replacement of candidates who may fail to join, those who may fail in medical examination and also in lieu of candidates who may leave the job within two years. In addition any additional unforeseen vacancies may also be filled up, with the personal approval of General Manager, by picking up additional candidates, in order of merit, from the available select list, within two years.

14.0 Any other specific instructions, issued by Railway Board, not covered in these guidelines will continue to apply.

15.0 Please acknowledge receipt of this letter.

16.0 Hindi version will follow.

Nadira Razak
(Mrs. Nadira Razak)
Jt. Director Estt.(N)III,
Railway Board

PROCEDURE FOR RECRUITMENT TO GROUP 'D' POSTS- GUIDELINES -

1. Wherever considered necessary, the General Managers may introduce written screening test as a method of selection. In the other cases, the selection will be held through viva-voce test of all the eligible candidates. In both the cases, the selected candidates shall be subjected to a physical efficiency test.

2. CONDUCT OF WRITTEN SCREENING TEST

2.1 Candidates may be selected for recruitment through a two stage written test. Question papers for both preliminary, as well as final test shall be based on Class VIII standard. However, no question shall be asked for checking proficiency in language. Question paper should be entirely of the objective type for both preliminary as well as final tests. Question papers shall be printed in Hindi and English.

2.2 Answer scripts shall be readable on Optical Mark Readers (OMR) and evaluation of answer scripts shall be on computers.

2.3 Minimum pass marks for preliminary as well as final tests may be 30% for General candidates and 20% for SC/ST and OBC candidates. (Minimum pass marks mean marks obtained in preliminary test below which a candidate can not be called for final tests, or marks obtained in final test below which a candidate's name cannot be included in the select list for drawing of panels). In order to eliminate the advantage of guesswork, one mark may be deducted for three wrong answers (assuming choice of answers in objective type question papers is four in each question).

2.4 Results of the preliminary test should be tabulated in order of merit of candidates. Thereafter, names of candidates equal to ten times the number of vacancies should be picked up, while exercising due care to ensure adequate availability of candidates to meet requirements of reservations.

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69 2.5 The applications of all candidates selected for the final stage of test should be scrutinized now, for checking their eligibility. The names of ineligible candidates should be struck out before publication of results, and the roll numbers of the successful candidates should be published in Rozgar Samachar/Employment News. Simultaneously written intimation should also be sent to these candidates alongwith call letters for the final test.

3. VIVA-VOCE TEST

3.1 In the cases where it is not considered necessary to introduce written screening test, the selection will be done through viva-voce test which shall be conducted in accordance with the extant guidelines.

3.2 The selection committee shall consist of only the serving railway officials and no non-railway officials will be included. It may be ensured that the committee includes one member each from SC/ST, OBC and Minority Communities.

4. PHYSICAL EFFICIENCY TEST

4.1 The candidates who become due for empanelment on the basis of the result of the final written screening test or the viva-voce test, as the case may be, shall be subjected to a physical efficiency test to assess their physical fitness for the post. It will only be a qualifying test. Merit lists, for the purpose of empanelment, shall be decided on the basis of marks obtained in the written test or the viva-voce test, as the case may be.

4.2 Physical efficiency test standards shall be prescribed, having regard to the nature of duties involved for the posts advertised for recruitment, by the General Manager. However, the physical efficiency test shall be the same for all categories for which a common selection is conducted.

4.3 Physical efficiency test may be supervised by a committee of three railway officers, who will be nominated by General Manager. One of these officers will be nominated as the convener. At least one of these three should be a medical officer. The officers conducting the physical efficiency test shall advise the result of the test to the 'Controller of Recruitment' immediately after completing the tests.