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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 321/04

R.A/C.P No.

E.P/M.A No. 78/05

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Original Application No. 321/04
Misc. Petition No.
Contempt Petition No.
Review Application No.
Applicants:- Jogendra Roy
Respondents:- W.O.I. 908

Advocates for the Applicant Md. Abdul Hai, Mr. A. Bai

Advocates of the Respondents Railway Counsel

Notes of the Registry Date Order of the Tribunal

This application is in form
is filed/C.F. for Rs. 50/-
deposited vide IP/BO
No. 206/135753
Dated 7-12-04

Dy. Registrar

20.1.05.

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

Hon'ble Mr. K.V. Prahladan, Administra
tive Member.

None for the applicant. Stand
over to 11.3.05.

Member

Vice-Chairman

lm

11.03.2005

Present: The Hon'ble Mr. Justice G.
Sivarajan, Vice-Chairman

The Hon'ble Mr. K.V. Prahlada
Member (A).

Today this matter came up for
admission. Even on the previous occa
sion there was no representation from
the applicant. This time also there
is no representation. However, one
more opportunity is given to the
applicant to represent.

post on 17.3.2005.

Member

Vice-Chairman

bb

Steps taken

No Envelop

15/12/04.

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

There was no representation for the
applicant on previous tow occasions.
Mr. J. L. Sarkar, learned counsel for the
Respondent submits that he will inform
to Mr. A. Hai, learned counsel for the
applicant. Post the matter on 21.3.05.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

21.3.05

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

At the request of learned
counsel for the applicant case is
adjourned to 22.3.05.

Member

Vice-Chairman

lm

22.03.2005

Present : The Hon'ble Mr. Justice G.
Sivarajan, Vice-Chairman.

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

The status of the applicant has not
been stated in the application properly.
Post on ~~23.03.2005~~ 23.03.2005 to enable
the applicant to furnish the ~~ex~~ said
details in the application.

K. V. Prahladan
Member (A)

G. Sivarajan
Vice-Chairman

mb

23.03.2005

Heard learned counsel for the
parties. Judgment delivered in open Court.
kept in separate sheets.

The O.A. is disposed of in terms
of the order.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

bb

5/4/05

Copy of the order
has been sent to
the Office for
issuing the order to
the applicant as
well as to the Rly.
Standing for the
Respondent.

HL

CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

O.A. No. 321 of 2004.

DATE OF DECISION : 23.03.2005

Shri Jogendra Roay

APPLICANT(S)

Md. Abdul Hai & Md. A. Hai

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

General Manager (P), N.F. Railways & Ors.

RESPONDENT(S)

Mr. J.L. Sarkar, Railway Counsel

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.321 of 2004

Date of Order: This, the 23rd Day of March, 2005.

HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

HON'BLE MR.K.V.PRAHLADAN, ADMINISTRATIVE MEMBER

Shri Jogendra Roy
Son of Late Kari Roy
Resident of Village Nampur *
P.O: Nampur, P.S: Chok Machi
Dist: Samastipur (Bihar)
Presently working at Laopani under
Chaparmukh A.D.N., Jagiroad
Lumding.

..... Applicant.

By Advocates Mr.Abdul Hai & Mr A Hai.

- Versus -

1. The General Manager (P)
N.F.Railway, Maligaon
Guwahati - 11.
2. Divisional Engineer - I
N.F.Railway, Lumding-4.
3. Assistant Engineer
N.F.Railway, Jagiroad.
4. Divisional Railway Manager (P)
N.F.Railway, Lumding Division
Lumding.

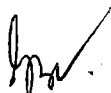
..... Respondents.

By Mr.J.L.Sarkar, counsel for the Railways.

ORDER (ORAL)

SIVARAJAN, J.(V.C.) :

The applicant is presently working as Keyman, Gang No.15 in SSE (P.Way)/CPK under the Assistant Divisional Engineer, Jagiroad, N.F.Railway. He has filed this application challenging the order dated 24.9.2004 (Annexure-4). According to the applicant, by the said order he has not been given all the reliefs which are entitled to him.

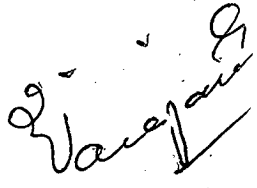


2. We have heard Mr.A.Hai, learned counsel for the applicant and also Mr. J. L. Sarkar, learned counsel for the Railways. Mr. J. L. Sarkar submits that the applicant did not make any specific claim with supporting materials for the various reliefs sought for in this application and that the reliefs which the applicant is entitled to have already been granted by Annexure - 4 order dated 24.9.2004.

3. We have considered the rival submissions. It would appear from the averments made in this application that the applicant has got some more grievances which have not yet been redressed. Considering the said facts we direct the applicant to make a detailed representation pointing out the reliefs which have been sought and not granted by the respondents with supporting documents within a period of two weeks from today. If any such representation is filed, the concerned authority will consider the same and pass appropriate orders within a period of two months thereafter assigning specific reasons.

4. The application is disposed of as above. Applicant will produce a copy of this order alongwith his representation to be filed as directed hereinabove before the concerned authority for compliance.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE CHAIRMAN

16 DEC 2004

गुवाहाटी बेंच
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI BENCH
AT GUWAHATI.

O.A. No. 321 /2004.

Sri Jogendra Roy Applicant

-Versus-

General Manager(P),

N.F. Railway, Maligaon, Ghy-11... Respondents.

SYNOPSIS

- | | |
|-------------------------------------|------------------|
| 1. Petition | - Pages 1 to 9 |
| 2. Verification | - Page 10 |
| 3. Annexure-1 (Approval letter) | - Page 11 |
| 4. Annexure-2 (Representation) | - Pages 12 to 14 |
| 5. Annexure-3 (Order dt. 19.1.2004) | - Pages 15 to 16 |
| 6. Annexure-4 (| - Page 17 |
| 7. Annexure- (Rejection order) | - |
| 8. Annexure-5 (Representation) | - Page 18 |
| 9. Annexure-6 (Representation) | - Page 19 |

Relating to finalisation of seniority/~~prom~~ promotion/
increment/arrear salary done and release of O.T. which have ~~be~~
been stopped.

Filed by:-

A. Hai
(A. Hai)
15-12-2004
Advocate.

Shri. Jogendra Roy
Filed by
A.H. bi
AD irca
15-12-2004

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.
ORIGINAL APPLICATION NO. 321 OF 2004

IN THE MATTER OF :

SHRI JOGENDRA ROY,
Son of Late Kari Roy, resident of
Village Nampur, P.O. Nampur, P.S.
Chok Machi, District Samastipur
(Bihar), presently working at
Laopani under Chaparmukh,
A.D.N., Jagiroad, Laming.

APPLICANT.

-VERSUS-

1. The General Manager (P),
N.F. Railway, Maligaon,
Guwahati-11.
2. Divisional Engineer-I,
N.F. Railway, Laming-4
3. Assistant Engineer,
N.F. Railway, Jagiroad
4. Divisional Railway Manager (P),

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Shri. Gandra Ray

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N.F.Railway,

Landing Division, Landing

RESPONDENTS.

DETAILS OF THE CASE:

(i) PARTICULARS OF THE ORDER ETC. AGAINST WHICH THE APPLICATION IS MADE :

This application is directed against the impugned order/Notification dated 24.9.2004 issued by the Assistant Divisional Engineer, N.F.Railway Jagiroad denying promotion, arrear salary, increments on and from 1988 , O.T. Allowance on and from 1995 and for stopping of frequent transfer of the applicant from Jagiroad to other place without any valid reasons..

(2) JURISDICTION :

The Applicant declared that the Hon'ble Tribunal is the appropriate forum for judicious adjudication of the grievances of the applicant.

(3) LIMITATION :

The applicant declared that this application is filed within the time limit prescribed for filing such application.

(4) FACTS OF THE CASE :

(I) That the applicant begs to state that he was working under the Assistant Engineer, N.F. Railway, Jagiroad and subsequently he has been transferred from Jagiroad to Laopani under the Divisional Engineer D.E.(I), N.F. Railway.

(II) That the applicant begs to state that he is duly qualified for the promotion as Senior Grade in Group B and his promotion is due on and from 1988. Though he has passed the suitability test and Mate/K man conducted by the Divisional Railway Manager (P), N.R. Railway, but he has not been promoted.

A copy of the approval letter for promotion dated ⁸⁸ 7.2003 is annexed herewith and marked as Annexure-I to this application.

(III) That the applicant begs to state that on 3.3.2000 the General Secretary, NF Railway Mazdoor Union, Pandu issued a communication to the General Manager (P), NF Railway, Maligaon, Guwahati for finalization of seniority/promotion/increment/arrear salary due and release of O.T. which have been stopped.

(IV) That the applicant begs to state that he also submitted several appeals/representations before the authorities to consider the case of the applicant, but till today no action has been taken, and as such, this application before your Lordships for promotion and for release of arrear salary/increments and release of O.T.

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Sri. Jagendra Ray

A copy of the appeal/representation dated 9.4.2003 filed by the applicant is annexed herewith and marked as Annexure-2 to this application.

(V) That the applicant begs to state that that against the inaction of the Respondents, the petitioner-applicant approached this Hon'ble Tribunal and this Hon'ble Tribunal by order dated 19.1.2004 directed the authority to dispose of the representation (Annexure-2) by passing a speaking and reasoned order within a period of 2 months. Thereafter, the Respondent authority, i.e., the Assistant Divisional Engineer, N.F.Railway, Jagiroad by his Notification dated 24.9.2004 denied promotion/increments/arrear salary/O.T. on and from 1988 etc

A copy of the order dated 19.1.2004 and a copy of the impugned order dated 24.9.2004 are annexed herewith and marked as Annexures-3 and 4 to this application.

(VI) That the applicant begs to state that on 3.3.2000 the General Secretary of the N.F.Railway Mazdoor Union filed an application before the General Manager (P), N.F.Railway, Maligaon praying for finalisation of DAR Case framed against the applicant and the applicant also filed an application on 1.8.2000 with a prayer for setting aside the entire process of major penalty but nothing has been done by the

12
Sri. Jagannath Ray

authority concerned till date, and as such, Your Lordships may be pleased to pass an order directing the concerned authority to set aside the entire process of major penalty.

A copy of the application dated 3.3.2000 and a copy of the application dated 1.8.2000 are annexed herewith and marked as Annexures-5 and 6 to this application.

(VII) That the applicant begs to state that the applicant is the seniormost person in the department and unless there is an exception circumstance, no senior person is normally transferred. Moreover, the applicant is on the verge of retirement and that being so the applicant is entitled to be treated in a fair way at the fag end of his service more so when the transfer order is not made on promotion.

(VIII) That the applicant begs to state that the authority concerned transferred the applicant without any rhyme and reason as some interested agencies have been working behind the back of the applicant for wrongful gain.

(IX) That the applicant begs to state that his eldest son is working at Jagiroad in a very low salary and the other one is suffering from serious diseases and as such the applicant went to Madras for

treatment of his son. All the medical certificates shall be produced at the time of hearing of this application if so advised. It needs to be mentioned here that other children are studying at Jagiroad school and for such study if the applicant is transferred from Jagiroad to other place, there shall be a great hardships and the academic interest of his children would be seriously jeopardized. If at this stage, the applicant is at all required to move, there shall be serious dislocation of existing set up and there would be a great hardships on the part of the school going children of the applicant.

(X) That the applicant begs to state that in the facts and circumstances stated above, the applicant is not in a position to move to Laopani due to illness of his wife and as such, the applicant filed an appeal/representation before the General Manager (P) NF Railway, Maligaon on 9.4.2003 praying for reconsideration of his case for stay of the transfer order and with a prayer for promotion, for release of the arrear salary/increment, but the same is lying pending before the authority concerned without any action. (Annexure-2).

(XI) That the applicant begs to state that the respondents may be directed not to transfer the applicant from Jagiroad to other place without any rhyme and reason and on the ground of academic dislocation and illness of the wife of the applicant.

(5)RELIEF SOUGHT FOR ON K;THE GROUNDS :

(a) That the Railways Administration/authority concerned has been transferring the applicant frequently from Lamding to Jagiroad and thereafter from Jagiroad to Laopani without any rhyme and reason and has not paid the applicant the arrear salary/increment/OT and held up promotion of the applicant on and from 1988 and as such your Lordships may be pleased to pass order directing the authority to release the arrear salary/OT/Increment and for promotion of the applicant which is due to the applicant Non-consideration of the representation and inaction of the respondents in fulfilling the legitimate claim of the applicant are bad in law, and as such, the impugned orders are liable to be set aside and quashed for the ends of justice.

(b)For that if the impugned orders are allowed to stand then there will be an irreparable loss and injury to the applicant at the fag end of his service and to the minor school going children of the applicant as they are in the midst of academic session and their examination is approaching and his wife will suffer for want of medical attention for no fault of their own.

(c) For that the rejection of the legitimate claim of the applicant is in violation of the principles of natural justice and the procedure established by law and in violation of the provisions of Articles

14 and 21 of the Constitution of India, and as such, the impugned orders are liable to be set aside and quashed for the ends of justice.

(6) GROUND OF EXHAUSTION OF REMEDY, IF ANY :

The applicant has already filed appeal/representation dated 9.4.2003 before the authority concerned claiming alteration/modification and/or stay of the impugned transfer order and for release of arrear salary/OT/Increment/Promotion of the applicant on and from 1988 but the authority concerned has rejected all the claims of the applicant by the impugned orders under challenge and thus the applicant has exhausted all the remedies by filing appeal/representation before the Respondents concerned.

(7) MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURTS :

The applicant declares that he has not filed any suit nor any writ petition before any Court nor any such suit nor writ petition is pending anywhere.

(8) INTERIM ORDER PRAYED FOR:

Pending final disposal of the Original Application, this Hon'ble Tribunal may be pleased to stay the operation of the impugned orders dated 24.9.2004 (ANNEXURE-4)

(9) RELIEF SOUGHT FOR :

It is, therefore, prayed that your Lordship may be pleased to admit this application, call for the records of the case, issue notice to the Respondents to show cause as to why a direction should not be issued to them directing them to modify/alter/cancel the impugned orders dated 24.9.2004 (Annexure-4) and further prayed that this Hon'ble Tribunal may be pleased to pass an order directing the Respondent authority to promote the applicant to the next higher grade on and from 1988, to release the arrear salary, OT allowances, to grant increments etc. and the applicant may be allowed to work at Jagiroad in his original post and place setting aside the impugned orders and thereby paving the way to complete the academic session and examinations of the school going children of the applicant and to take proper medical attention of the wife of the applicant for the ends of justice.

(10) PARTICULARS OF THE I.P.O.

I.P.O. No. - 20 of 135753

Date - 9-12-2004

Payable at - B.P.O. Bhubaneswar.

(11) LIST OF DOCUMENTS :

As stated in the Index.

17
Shri. Jogendra RoyVERIFICATION

I, Shri Jogendra Roy, son of Late Karai Roy, presently working at Jagiroad under Assistant Engineer, N.F. Railway in the District of Marigaon, Assam, aged about 56 years, by profession as stated herein above, do hereby verify that the statements made in this application are true to my personal knowledge and belief.

I sign this verification on this the 1st day of October, 2004 at Guwahati.

Jogendra Roy

Amr - 1

- 3 -

Change: (14/9/88)

N.F. Railway.

Memorandum

Office of the
Divil. Rly. Manager (P),
Lumding, dt: 5-07-88,

The result of suitability test of K/men in
scale Rs. 950-1500/- (RP) & Rs. 825-1200/- (RP) under CPWI/JID
conducted by IED/CHY on 25-2-88, 11-3-88 and 28-3-88 are
provisionally published as follows.

This has the approval of DEI/I/Lumding.

K/men for promotion of mt. in scale Rs. 950-1500 (RP)

Group - 1

- | | | |
|------------------------|---------------------------|------------|
| 1. Sri Anulya Ch. Dey. | K/men under CPWI/JID - UR | Passol. |
| 2. " Shuleswar | do - | ST Passol. |
| 3. " Harendra Ch. Dey | do - | UR Passol. |
| 4. " Sita Das | do - | ST Passol. |

K/men for promotion of K/men in scale Rs. 825-1200 (RP)

Group - 2

- | | | |
|--------------------------------------|---------------------|---------|
| 1. Sri Dharoni Kanta Paul, Sr. T/men | under CPWI/JID - UR | Passol. |
| 2. " Kanchhya Barker, Sr. O/men | under CPWI/JID - ST | Passol. |
| 3. " Santhia | do - | UR " |
| 4. " Haradhan Santhia | do - | ST " |
| 5. " Hatim Ram Dora | do - | ST " |
| 6. " Jogendra Roy | do - | ST " |
| 7. " Bhogali Hira | do - | SC " |

for Divil. Rly. Manager (P),
N.F. Railway, Lumding.

No. E/266/3. LM (E)/Lumding. Dt: 5-07-88,

Copy forwarded for information and necessary action please.

certified to be
true copy
Shai
DD

1. CPWI/JID
2. Staff concerned.
Thru - CPWI/JID
3. P/Casg

- (2) IED/CHY.
- (5) DEI/I/Lumding.

for Divil. Rly. Manager (P),
N.F. Railway, Lumding.

4788TKM44

Ann - 2

- 12 -

To,

The General Manager(P),
M.F.Railway, Maligaon,
Guwahati-11.

Dated: 9-4-2003.

Sub:-

An appeal/representation for release of
arrear salary/O.T./increments and for
promotion on and from 1988.

Sir,

That your applicant respectfully begs to state
that he is presently working under the Assistant Engineer
of M.F.Railway, Jagiroad and subsequently he has been
transferred from Jagiroad to Loojeni under the Divisional
Engineer, DE(1), MF Railway without any rhyme and reason
though he is going to be retired in the year 2004.

2. That the applicant begs to state that he was
duly qualified for promotion as Sr. Gangman in Group B
and his promotion is due on and from 1988.

3. That the applicant begs to state that he has
submitted several appeals/representations not to transfer
him to any interior place and prayed for stay at Jagiroad
till his retirement as his wife is suffering from ~~xxx~~
old age ailment and his ^{younger} son is suffering from various
diseases and as such he went to Madras for the treatment
of his son. It needs to be mentioned here that the
authority concerned without any rhyme and reason and
without any basis held up his O.T./increments/due salary
and promotion though the General Secretary, MF Railway

contd..

certified by
F. S. M. 10/7
A. H. A.
P. S. V.

- 2 -

Mazdoor Union, Pandi issued several communications to the General Manager(P), NW Railway for release of arrears salary of the applicant as well as O.T./increments and promotion, but nothing has been done and the applicant is quite senior in the service and is on the verge of retirement. In some case an employee is transferred when promotion is given. In the case of the applicant there is no promotion, yet the authority concerned transferred him frequently in the remote areas and as such, your honour may be pleased to pass an order directing the concerned authority to release the due salary of the applicant and also release the O.T./increments and promotion which is due to the applicant, otherwise, there will be irreparable loss and injury to the applicant and his family members will suffer irreparably without any rhyme and reason.

4. That this application is filed bonafide and for the interest of justice.

It is, therefore, prayed that Your Honour may be pleased to inquire into the matter and after enquiry and due verification, your honour may be pleased to release the arrears salary/O.T./increments/promotion which are due to the applicant.

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

Yours faithfully,

(Jogendra Roy)
s/o Late Karisoy,
Presently working at Lepani
under Chaparmukh A.D.H. Jagiroud
Lungding Division.

contd..

11/24

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Copy to :-

(1) Divisional Engineer(1),

N.F. Railway, Lunding.

(2) Assistant Engineer, NF Railway,

Jagirwad.

(3) Divisional Railway Manager(V),

NF Railway, Lunding Division,

Lunding for information and

necessary action.

(Sri Jogendra Roy)

S/o Hari Roy.

Presently working at Laopani

under Chaparmukh, A.D.N.

Jagirwad,

Lunding Division.

15
SL No 128
Ann-3
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.12 of 2004.

Date of Order : This, the 19th Day of January, 2004.

THE HON'BLE SHRI BHARAT BHUSHAN, JUDICIAL MEMBER.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Jogendra Roy
S/o Late Kari Roy
Resident of village: Nampur
P.O: Nampur, P.S: Chok Machi
District: Samastipur (Bihar)
Presently working at Laopani
under Chapurmukh
A.D.N., Jagiroad, Lumding.

..... Applicant.

By Advocate Md.Abdul Hai.

- Versus -

1. General Manager(P)
N.F.Railway, Maligaon
Guwahati-11.
2. Divisional Engineer-I
N.F.Railway, Lumding-4.
3. Assistant Engineer
N.F.Railway, Jagiroad.

4. Divisional Railway Manager(P)
N.F.Railway, Lumding Division
Lumding.

..... Respondents.

By Shri S.Sengupta, Railway Standing counsel.



ORDER (O R A L)

BHARAT BHUSHAN, MEMBER(J):

Heard Md.Abdul Hai, learned counsel for the applicant
and also Mr.S.Sengupta, learned Standing counsel for the
Railways.

The applicant states that he was working as Assistant
Engineer, N.F.Railway, Jagiroad and subsequently he was
transferred from Jagiroad to Laopani under the Divisional
Engineer D.E.(1), N.F.Railway. His contention was that he
was duly qualified for promotion as Senior G. in Group ^D and
his promotion was due on and from 1988. The applicant
further contended that he has passed the suitability test of
Mate & K/man conducted by the Divisional Railway Manager(P),

Contd./2

[Handwritten signature]

*certified to be
true copy
of the
order*

16
2
- 2 -
N.F.Railway, but he had not been promoted so far. According to him, on 3.1.2000 the General Secretary, N.F.Railway Mazdoor Union, Hindu issued a communication to the General Manager (P), N.F.Railway, Maligaon, Guwahati on his behalf for finalization of seniority/promotion/increment/arrear salary and release of O.T. which had been stopped. The applicant contends that he submitted several appeals/representations before the authorities to consider his case, but till today no action has been taken.

of the appeal/representation dated 9.4.2003 filed by the applicant is Annexure-2.

In our view, the O.A. can be disposed of at the admission stage itself by giving directions to the respondents to consider the aforementioned representation of the applicant at Annexure-2 and dispose it of by passing a speaking and reasoned order within a period of two months from the date of receipt of this order.

The O.A. stands disposed of accordingly.

Sd/MEMBER(J)

Sd/MEMBER(Adn)

bb

Certified to be true Copy
সত্যপ্রমাণ প্রতিলিপি

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005
24/9/2004

17
N.P. Railway

Office of the
Assistant Divisional Engineer
Jagiroad

NO.GA/20-506

Dt: 24.9.04

To
Shri Jogendra Roy. Kayman
Under SSE/P.Way/CPK.

Sub:- Compliance with Hon'ble CAT/GHY order dt. 19.1.04
passed by the Hon'ble CAT/GHY in OA/No. 12/2004

This is to inform you that your appeal/representation
dtd. 9.4.03 as was mentioned in Hon'ble CAT/GHY's above order is
not available with this office. However to comply Hon'ble CAT/GHY's
above order you were asked by this office letter NO.GA/20-457
Dtd. 2.9.04 to provide a copy of the same with acknowledgement for
submission of the said representation earlier. Accordingly on
10.9.04 you have submitted a copy of the representation dtd. 9.4.03
but without any proof of submitting the same earlier.

However in compliance with Hon'ble CAT/GHY's order it is
to inform you as follows.

a) Your promotion to the post of Sr. Gangman is not due from 1988 as
is stated in your appeal. Rather you were promoted as Sr. Gangman
on 1.8.82. There after, you were further promoted as Kayman on 30.6.88
& you are working as such. Again you passed the suitability test for
the post of Mate but you could not be promoted to the post of Mate
as a major penalty chargesheet was issued on 20.9.02, where by a
penalty ~~sheet~~ with holding the promotion for a period 2 years 11 months
was imposed vide letter NO.E/74/2/JID/58 Dtd. 7.2.03.

Further you were called for suitability test of Mate. But
you could not succeed in suitability test vide letter NO.E/266/2/PWI/
CPK/JID-277 dtd. 7/8.5.04.

b) Arrear of salary for 10 days with effect from 20.11.98 to 29.11.98
amounting Rs. 1576.00 was paid to you through regular salary bill
vide BR/NO.E/172 dtd. 15.7.04.

c) Arrear of increment for the period 1.6.99 to 15.11.01 amounting
Rs. 2074.00 was paid to you vide regular salary bill (Period ending
15.2.01) vide BR/NO.E/526 dtd. 14.2.01.

Regarding the payment of OTA/TA your representation is not
specific as to the period of the same. Moreover there is no claim
of OTA/TA pending with this office.

P. J. Shaw
24/9/04
Assistant Divisional Engineer
N.P. Railway, Jagiroad.

for information please.

Copy to :- (1) GM(P) MLC (Legal Cell) X
(2) DRM(P) LMG
(3) CLA /LMG
(4) Copy for acknowledgement.

Assistant Divisional Engineer
N.P. Railway, Jagiroad.

certified to be
same copy
Shri
P.J.

MU/C/JID.

03.03.2000

To
The General Manager(P)
N.F. Railway, Maligaon,
Guwahati-11.

Subj:- Inordinate delay in finalisation of DAR case
framed against Sri Jogendra Roy, Keyman, Gang No.15
under SSE(P.Way)/JID.
Ref:- Major Memorandum No.8/74/2/JID-1035 dt.19.11.98.

Dear Sir,

Your attention is drawn to the above subject.

The staff concerned Sri Jogendra Roy, Keyman 15G under
SSE(P.Way)/JID was put under suspension from 10.10.98 to 19.11.98
followed by serving of a major memorandum as referred to above.

The charges was framed by AEN/JID and he himself is the
Disciplinary Authority.

Although Sri Jogendra Roy was allowed to resume duty
but his DAR case not yet finalised.

Moreover, the major memorandum issued by using old form
G-174C which had already been abrogated by the Administration and
therefore not sustainable in the eye of law.

You are therefore requested to direct the appropriate
Authority to regularise the suspension period as above and the
memorandum in concerned of 19.11.98 issued by Sr.AEN/JID be treated
as withdrawn, treating the period as 'Duty' as if no DAR case is
pending against Sri Jogendra Roy, Keyman, due to using old/withdrawn/
delapidated forms.

Hope you will take early appropriate action to relieve
the staff from undue harassment.

Thanks.

Yours faithfully,

(K.C.ROY KARMAKER)
for GENERAL SECRETARY.

Copy to :-

1. DRM/P/IMG for information & necessary action please.
2. Sr.AEN/JID for information and similar action please.

for GENERAL SECRETARY
N. F. RAILWAY MAZDOOR UNION
PANDU.

3. Branch Secretary/NFRMU/JID for information please.
4. Staff concerned.

for GENERAL SECRETARY
N. F. RAILWAY MAZDOOR UNION
PANDU.

centrifuged to be
same cm
Shai
D.V.

19

To
The Divisional Engineer-I
N.F. Railway, Lunding.

(Through Proper Channel.)

Sub :- Major Penalty Memorandum under Rule-8, 1707-R.I.

Ref :- NIP No. E/74/2/JID-1225 dt. 19.7.2K by AEN/JID.

Sir,

While acknowledging the receipt of AEN/JID's NIP under reference on 26.7.2000 I beg to submit the following for favour of your kind attention and judicious action please.

1. I was served with a Memorandum for imposition of Major Penalties in a form prescribed under R.8 of 1707-R.I. by AEN/JID vide his No. E/74/2/JID-1035 dt 19.11.98 which is illegal since with the introduction of Rly. Servants (U&A) Rules, 1968 w.e.f. 01.10.68 and the S. Rules 1707-R.I. has been deleted from the Establishment Code and there is no Chapter beyond XII in the R.I. now. The NIP under reference has also been issued under SR-9 under Rule 1716 R.I. Instructions have been issued time and again, not to use the obsolete forms in DAR cases as they are bound to be challenged being illegal.

2. Copy of the proceedings of the DAR enquiry ~~XXXXXX~~ has not been given to me on the same day and even till date.

3. The W.D.P. has been issued without giving me a Notice in terms of Rule-10 of R.5 (U&A) Rules, 1968 followed by Rly. ~~XXXXXX~~ Board's letter dt. 04.04.96 according to which on receipt of E.O.'s Report the Disciplinary Authority has to study the same first and formulate his tentative views and forward the same along with the E.O.'s Report to the C.D. giving him 15 days time so that he may make an effective representation against the same if desired after which the D.A. will pass his final orders.

In view of what have been submitted above your judicious honour will kindly appreciate that a gross injustice is being mooted to this poor staff of yours violating the laid down rules and be gracious enough to pass necessary orders setting aside the entire process without any prejudice to decide my fate in accordance with the laid down rules.

I am confident that my prayer will receive the balance of your and a favourable orders passed and for which act of your kindness I shall remain ever grateful.

With due regards.

Date. 01.8.2000.
Chaparmukh.

Yours faithfully,
Jogendra Roy
(JOGENDRA ROY)
Key Man under
SE(P-Way)/CPK.

Copy, in advance, to DEN/I/LIG for kind consideration.

(JOGENDRA ROY)
Key Man under
SE(P-Way)/CPK.

*certified to be
true copy
Shai
Dr.*