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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 339/04.....

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 339/04 OF 199

Applicant(s) *Sri K.K. Mandal & ors*

Respondent(s) *U.O. 1 & ors.*

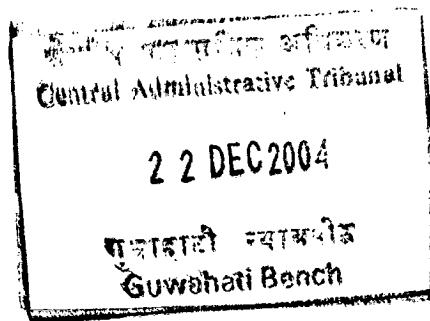
Advocate for Applicant(s) *Ms Usha Das*

Advocate for Respondent(s) *Rly Counsel.*

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>206/11/7/45</u> Dated <u>20/12/04</u></p> <p><i>5.1.05</i> Copy of the order has been handed over to the advocates for the parties.</p> <p><i>Received copy Usha Das Advocate 5/1/05</i></p> <p><i>Received copy Binita Advocate 5/1/05</i></p> <p><i>Dy. Registrar 20/12/04</i></p>	23.12.2004	<p>Present : The Hon'ble Mr. K.V. Prah-ladan, Member (A).</p> <p>Heard Ms. U. Das, learned counsel for the applicants and also Mr. J.L. Sarkar, learned counsel for the respondents.</p> <p>This is an application praying for absorption against Grade - D post under the Respondent No. 3. Since the normal channel has not been exhausted by the applicants, if they desire, may submit representation to the respondents narra-ting all the grievances. If such, repre-sentation ^{is} submitted by the applicants, the respondents are directed to pass reasoned and speaking order within six months from the date of receipt of the representation.</p> <p>The O.A. stands disposed of. No order as to costs.</p>

K.V. Prah-ladan
Member (A)

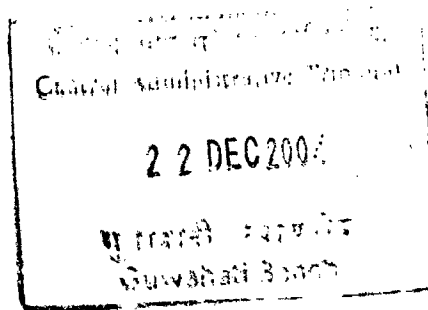
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SYNOPSIS

The applicants are ex-casual worker under Railway. All of them were engaged on or before 1981. They worked in various places under Alipurduwar Division as Khalasi. The applicants during their service tenure made request to the concerned authority for their conversion to regular employee and accordingly and the concerned authority took up their cases for conversion to regular employee by conferring temporary Status as per law. Suddenly the respondents instructed the applicants verbally not to attend office any more. Even after such discharge the applicants continued to perform their duties with some artificial breaks.

As per rule the respondents are duty bound to maintain a line register of the casual and ex-casual workers to provide work as per their seniority. In the instant case neither the Respondents nor the applicants have been provided regular work as per their seniority. Non-maintenance of such register deprived the applicants their due claims of regularisation. Hence this application.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 339 of 2004

BETWEEN

Shri Karuna Kt. Mandal & Ors.

..... Applicant.

AND

Union of India & ors.

..... Respondents.

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Filed by : Isha Das

Regn.No.:

File : c:\WS7\Karuna-1

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. ... 339 ... of 2004

O.A.No. 339 of 2004

BETWEEN

1. Shri Raruna Kt. Mandal
2. Sri Prabin Deory
3. Sri Hemo Mili
4. Sri Hiranya Bori
5. Sri Dilip Yadav
6. Smt. Joymati Boro
7. Sri Dharmendra Boro
8. Sri Surjya Kumar Mushahary
9. Smt. Pratima Basumatary
10. Sri Hitler Koach
11. Sri Panidev Sutradhar
12. Sri Alashi Mushahary
13. Sri Jitu Das
14. Sri Suman Ali
15. Sri Lalit Rajbanshi
16. Sri Gopal Nandi
17. Sri Jogeswar Haloi
18. Sri Pinku Das
19. Sri Gautam Kalita
20. Sri Gagan Tamuli
21. Sri Umprakash Gupta
22. Sri Gautam Barman
23. Sri Akhil Hazari
24. Sri Prasanta Sen Deka
25. Sri Repen Boro
26. Sri Abul Hussain
27. Sri Sanjib Das
28. Sri Nagen Tamuli
29. Sri Bhabesh Tamuli
30. Sri Haladhar Daimary
31. Sri Gujwanlai Basumatary
32. Sri Hemen Tamuli
33. Sri Phulen Kherkatary
34. Sri Biswajit Ram Chiray
35. Sri Arun Boro
36. Sri Bhabananda Das
37. Sri Tilok Ch. Boro
38. Sri Dipak Ch. Boro
39. Sri Simanta Rabha
40. Sri Hari Chandra Roy
41. Sri Uma Sankar Sah
42. Sri Madhu Ram Deka
43. Sri Jyotish Das
44. Sri Samir Mandal
45. Sri Baban Yadav
46. Sri Milan Roy
47. Sri Haricharan Boro
48. Sri Manindra Haloi
49. Sri Jyotish Das
50. Sri Dilip Dutta

Filed by
the applicant's through
Alsha Das
Advocate
- 14/10/04

was

was

was

was

was

AKM.

51. Sri Kamal Boro
52. Sri Rabin Narzary
53. Sri Arun Swargiary
54. Sri Dilip Barman
55. Sri Mohan Daimary
56. Sri Binod Tamuli
57. Sri Santanu Dutta
58. Sri Haricharan Das

..... Applicants.

- AND -

1. The Union of India.
Represented by the General Manager,
N.F.Railway, Maligaon, Guwahati-11.
2. The General Manager (Construction)
N.F.Railway, Maligaon, Guwahati-11.
3. The Divisional Railway Manager (P)
Alipurduar Division, N.F.Railways,
Alipurduar.

..... Respondents.

DETAILS OF THE APPLICATION

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

This instant application is not directed against any particular order, but is directed against the inaction on the part of the Respondent authorities in considering the cases of the Applicants for absorption against Grade-D post and in also denying to them their legitimate benefits flowing from the service rendered by them as casual labourers. This application is also directed against the discriminatory action of the Respondent authorities is not granting ex-post facto approval to their appointments as casual labourers while granting the same to other similarly situated persons.

2. LIMITATION:

The applicant declares that the instant

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application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India. The applicants belong to the Schedule Caste and Scheduled Tribe Community and as such are entitled to the Special privileges guaranteed under the Constitution of India and laws framed thereunder.

The applicants are all Ex-casual Labourers and the grievances raised and the relief prayed for in this application are common and similar to all the applicants. As such, the Applicants crave leave of this Hon'ble Tribunal to allow them to join together in a Single petition, invoking its powers under Rule 4 (5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.2. That the applicants beg to state that pursuant to their selection, they were appointed as casual labourers by the Respondent authorities. The applicants joined their duties on various dates and discharged the responsibilities entrusted upon them to the best of their abilities and

without blemish to any quater. During their period of engagement as such, the Applicants acquired the qualification required for conferment of the benefits of temporary labourers as well as other consequential benefits flowing therefrom.

4.3. That the applicants state that they belong to the most economically backward sections of the society and discharged their duties without any blemish. The remuneration received from their engagement as casual labourers was their only ray of hope for sustaining the livelihood of their families. Poised thus, the Applicants were socked and surprised on the action of the Respondent authorities in discharging them from services on different dates respectively. The Applicants were not in the know how regarding the rights and the protections available to them against the arbitrary and illegal action on the part of the Respondents. The modus operandi adopted by the Respondents were such that the Applicants were verbally asked not to come to work and no formal written orders were issued in that regard. Even after discharge from services the Applicants continued to serve the Respondents in various projects launched by them.

4.4. That the Applicants state that a procedure is in practice in the railways wherein a live registrar is maintained incorporating therein the names of all the casual labourers in order of seniority. Names of discharged employees also find a place in the said registrar and any future vacancies in the Grade-D are to be filled from this live registrar and persons whose name figures in the said

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registrar are to be given preference. By virtue of their services under the Respondents, the names of the Applicants also must figure in that live/supplementary registrar.

4.5. That the Applicants state that on pressure being mounted on the Respondent authorities by organisations fighting for the rights of the Applicants and the repeated plea made by the few of the Applicants and some similarly situated persons, the Respondents carried out a special recruitment drive in order to clear the back log of SC/ST Applicants in Group-D. As directed the Applicants preferred individual applications showing their willingness for being considered for appointment against any Group-D post and basing on the applications so received a list of such persons was prepared. In the said list the service particulars of all the persons were also furnished. Further, a supplementary list was also published with the relevant particulars of all the Applicants. Mere perusal of the statements showing the service particulars of the Applicants would clearly go to show that all the Applicants have got the requisite number of working days under their belt for entitling them for conferment of the benefits of temporary status and regularisation.

A copy of the said statement is annexed hereto as Annexure-1.

4.6. That the Applicants state that on receipt of applications from persons similarly situated, it was noticed that some of them belonged to the construction wing of the Railways and as such correspondence was made with the concerned authorities of the said wing for furnishing the

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service particulars of those persons for consideration of their cases for absorption against the available Group-D posts. It may be mentioned here that although amongst the Applicants there were persons who belonged to the said construction wing but, no steps were taken towards acquiring the service particulars of these persons and the whole process was carried out in a pick and choose manner.

4.7 That the Applicants beg to state that on verification and cross verification the Respondent No.2 confirmed the service particulars of the persons referred to them. As the names of the Applicants were not forwarded to the said wing of the Railways, they were denied an opportunity of having their service particulars confirmed and deprived of an opportunity for consideration of their names for regular appointment in the Railways.

Copies of some of the service particulars of some of the applicants are annexed herewith and marked as Annexure-2 colly.

4.8. That the Applicants state that the service particulars of similarly situated persons were confirmed by the Respondent No.2 and process was initiated for grant of Ex-post facto approval by the General Manager. The applicants were also assured the same treatment i.e. after the aforesaid development the same process would be initiated in their cases too. As such, the Applicants were under a legitimate expectation that they too would be considered for appointment on regular basis as has been done in the case of others, it turned to be nothing but yet another one of such blank assurances.

4.9. That the Applicants state that against the back drop of the said facts, some ex-casual labourers who were

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similarly situated approached this Hon'ble Tribunal by way of an Original Application being OA No.79/1996 interalia praying for direction to the Respondent authorities for their absorption against the back log vacancies available for the SC/ST candidates. This Hon'ble Tribunal upon hearing the parties was pleased to dispose of the said OA directing the Respondent to consider their cases for appointment with the time limit specified therein.

4.10. That the Applicants state that the Applicants in OA No.99/96 preferred representations as directed but the same was not attended to. The Respondents in the month of December 1999, issued call letters to persons to persons similarly situated like the Applicants on a pick and choose basis, for attending a screening for absorption against a Group-D post. The Applicants where not issued called letter and were kept in the dark regarding the whole selection process. The entire exercise was carried out behind the back of the Applicants.

4.11. That the Applicants state that although they were similarly situated with the persons in OA No.99/96 their cases were not considered in the screening held under the Respondents and were deprived of an opportunity for being considered for appointment on a regular basis under the Respondents. The persons called for the screening process were the only ones who were selected for appointment and this aspect of the matter would be clear by mere perusal of the office Memorandum dated 21.4.2000 issued by the Respondent No.2. Mention may be made here of the fact that the persons so selected for appointment are either equal in

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rank/seniority of junior to the Applicants as regards their date of joining of service under the Respondents and as such the Applicants were discriminated against.

A copy of the said letter dated 21.4.2000 is annexed hereto Annexure-3.

4.12. That the Applicant states that the persons so screened and selected vide annexure-3 memorandum dated 21.4.2000 have been appointed against vacancies available in Group-D post and for this the necessary post facto approval was also given by the General Manager, NF Railway. But, the Applicants who were similarly situated persons were deprived of this benefit.

4.13. That the Applicant states that having learnt regards the deprivation meted out to them as regards their appointment, they brought the matter to the light of the All India SC and ST Railway Employees Association who subsequently appraised the National Commission for SC and ST regarding the grievances of the Applicants. The organisation persuing the cause of the Applicants have all along been urging the Respondents to initiate steps towards regularising the services of the ex-casual labourers. Be it stated here that the organisation fighting for the rights of the Applicants also recommended and submitted the Applicants name.

4.14. That the Applicant states that despite the repeated requests made by the organisations striving to bring justice to the Applicants, the Respondent have failed to take any action for considering the case of the

Applicants as has been done in the case of 49 similarly situated persons. Due to this inaction and discriminatory effective on the part of the Respondents, the Applicants continues to suffer.

4.15. That the Applicants state that there is no dispute as regards the fact that the Applicants were all appointed as casual labourers at different point of time under the Respondent authority and they having expressed their willingness for being appointed against any Group-IV vacant post, it was incumbent on the Respondents to make necessary arrangements for their appointment as such. The pick and choose procedure adopted in this regard have resulted in the Applicants being discriminated against.

4.16. That the applicant states that pending consideration of their cases for appointment, the Respondents have issued advertisement inviting applications from fresh candidates for filling up of the post of Trackman under a special recruitment drive for the SC and ST. As many as 595 posts have been advertised for. The Respondents ought to first clear the back log of ex-casual labourers before issue of any fresh advertisement for recruitment as because a right for accrued to the Applicants by virtue of themselves being ex-casual labourers. Be it stated here as gathered is yet to be taken to its logical conclusion and the vacancies as advertised still exist.

A copy of the said advertisement is annexed as Annexure-~~4~~.

4.17. That the Applicants state that in the event

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the process initiated vide Annexure-4 advertisement for filling up of the existing vacant posts is taken to its logical conclusion, the Applicants who are entitled for appointment against the said vacant Grade-D posts as a matter of preference would be deprived of their legitimate right and as such Your Lordships may be pleased to pass an interim direction as has been prayed.

4.18. That the Applicants beg to state that in the event Your Lordships being pleased to pass an interim direction, as has been prayed for, the balance of convenience would remain in favour of the Applicants inasmuch as the Applicants are entitled for being appointed against the existing Group-D post and further till date in precedence to the Annexure-4 advertisement.

4.19. That against the backdrop of the above mentioned factual position persons similarly situated like the applicants herein had approached this Hon'ble Tribunal by way of filing O.A.No.79/1996 and this Hon'ble Tribunal vide order dated 11.1.1999 pleased to dispose of the same with a direction for the cases of the said applicants. The applicants herein are similarly placed and in the event their cases are also examined by applying the same yardsticks, there exists no any earthly reason for any further deprivation being meted out to them.

A copy of the order dated 11.1.99 is annexed as Annexure-5.

4.20. That after passing the judgment and order dated 11.1.99 in OA No.79/96 other sets of similarly

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situated employees like that of the applicants in the above mentioned OA had approached this Hon'ble Tribunal by way of filing OA No.43/02, OA No.44/02, OA No.259/02, OA NO.155/03 and OA No.156/03 and this Tribunal was pleased to disposed of the OAs with a similar directions as has been passed in OA No,79/96. The applicants in the present & Original application are similarly situated and hence they pray before this Hon'ble Tribunal for similar direction as has been issued by this Hon'ble Tribunal in the above mentioned OAs.

Copies of judgment and order dated 1.5.03, 1.5.03, 25.8.03, ~~25.8.03~~ are annexed herewith and marked as Annexure ~~6, 7 & 8~~ 6, 7 & 8 nao respectively.

4.21. That this application has been made bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the impugned action on the part of the Respondent authorities are not sustainable and in clear violation of the principles of natural justice in addition to being arbitrary, illegal and discriminatory.

5.2. For that the Applicants being ex-casual labourers and their names having figured the line/supplimentary register, are entitled to the benefits under the rules and the Respondents cannot perpetually discriminates between similarly situated persons.

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5.3. For that the Respondents cannot take advantage of the fact that the Applicants belong to the lowest stratum of the society and their ignorance their rights. The Applicants being members of the ST community and entitle to special privileges.

5.4. For that similarly situated persons having already been considered for appointment, the Applicants cannot be deprived of an opportunity of consideration of their services.

5.5. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such

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application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to consider the cases of the Applicants appointing them against the vacant Group-D posts available for filling up of SC/ST backlog vacancies.

8.2. To To direct the General Manager, NF Railways, Maligaon to issue necessary approval towards the appointments of the Applicants.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application, the Applicant prays that Your Lordships would be pleased to direct the Respondent authorities not to fill the vacancies advertised vide Annexure-4 advertisement.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 20 G 117145
2. Date : 21/12/04
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Sri Karuna Kt. Mandal aged
about 35.. years, son of I. Mandal
resident of Rangapara

....., do
hereby solemnly affirm and verify that the statements made

in paragraphs 1, 2, 3, 4.1, 4.2, 4.3, 4.4, 4.7, 4.8, 4.9, 4.10, 4.13-4.15, 4.17, 4.18 are
true to my knowledge and those made in 4.5, 4.6, 4.11, 4.16, 4.19, 4.20 are also true to my legal
advice and the rest are my humble submission before the
Hon'ble Tribunal. I have not suppressed any material facts
of the case.

And I sign on this the Verification on this
the 13th day of Oct: of 2004.

Karuna Kt Mandal

Signature.

-15- Annexure - I
The list of Supplementary EX/CL BG/CON/Bongaigaon of 6 (six) line project under
XEN/BG/CON/ Bongaigaon Units with their full Bio-Data

Sl. No.	Name of Candidate	Father's Name	Date of Birth	Date of Appointment	Date of Discharged	Home Address
1	Sri Karuna Kt. Mandal	Sri Brindaban Mandal	05-03-68	15-02-87	31-12-87	Vill. - Rangapara P.o. - Rangapara Dist. - Sonitpur (Assam)
2	Sri Prabin Deory	Sri Jagat Deory	02-05-68	01-04-88	31-12-88	Vill. - Rangapara P.o. - Rangapara Dist. - Sonitpur (Assam)
3	Sri Hemo Mili	Sri B. Mili	03-10-69	01-04-88	31-12-88	Vill. - Rangapara P.o. - Rangapara Dist. - Sonitpur (Assam)
4	Sri Hiranya Bori	Sri K. Bori	07-02-66	01-04-84	31-12-84	Vill. - Rangapara P.o. - Rangapara Dist. - Sonitpur (Assam)
5	Sri Dilip Yadav	Sri Phulchand Yadav	20-05-69	15-07-87	31-12-87	Vill. - Bhatwa Pandey P.o. - Bahiyari Beghel (UP) 274702 Via - Bhatpa Rani Dist. - Deoria U/P
6	Smt. Joymati Boro	Lt. Umesh Ch. Boro	03-05-68	12-11-87	31-12-88	Vill. Balahati Chutiapara P.o - Gurmow Dist.-Kamrup (Assam)
7	Sri Dharmendra Boro	Sri Sarat Ch. Boro	30-04-66	15-04-84	31-07-85	Vill. Tinipukhuri P.o - Tinipukhuri Dist.-Nalbari (Assam)
8	Surjya Kr. Muchahary	Lt. Soniram Muchahary	16-12-68	01-04-88	31-12-88	Vill. - Soto Adabari P.o. - Kokrajhar Dist. - Kokrajhar (Assam)
9	Smt. Pratima Basumatary	Sri K.L. Basumatary	03-02-69	13-12-87	31-12-88	Vill. - Tengapara P.o. - Kokrajhar Dist. - Kokrajhar (Assam)
10	Sri Hitlar Koach	Sita Nath Koach	25-07-68	12-01-86	20-01-87	Vill. - Amlaiguri P.o. - Khasibari Dist. - Kokrajhar (Assam)
11	Sri Panidev Sutradhar	Kiran Sutradhar	15-08-70	01-03-88	31-12-88	Vill. - Hekapara P.o. - Chandrapara Dist. - Kokrajhar (Assam)
12	Smt. Alashi Mushahary	Sri Joni Ram Muchahary	10-01-69	15-01-87	30-06-88	Vill. - Soto Adabari P.o. - Kokrajhar Dist. - Kokrajhar (Assam)
13	Sri Jitu Das	Sri Phatik Ch. Das	02-03-68	15-02-86	31-12-88	Vill. - Sonpur (Nalbari) P.O. - Nalbari Dist. - Nalbari (Assam)
14	Md. Surman Ali	Md. Mamtaj Ali	05-02-69	16-01-87	31-12-87	Vill. - Madhabdev Nagar P.O. - Gatanagar Maligaon (Ghy-24)
15	Sri Lalit Rajbongshi	Suku Rajbongshi	01-05-70	15-01-88	31-12-88	Dist. - Kamrup (Assam) Vill. - Solmara P.o - Solmara Dist. - Nalbari (Assam)

*Attested
as
Advocate*

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Sl. No.	Name of Candidate	Father's Name	Date of Birth	Date of Appointment	Date of Discharged	Home Address
16	Gopal Nandi	Sri S. Nandi	01-06-67	12-11-87	31-12-87	Vill. - Rangapara P.O. - Rangapara Dist. - Sonitpur (Assam)
17	Jogeswar Haloi	Pabin Haloi	21-0-69	15-1-87	14-12-87	Vill. Barsarkuchi (Borisupa) P.O. - Malinpur Dist. - Nalbari (Assam)
18	Pinku Das	Late Guna Das	20-01-69	01-01-87	31-12-87	Vill. - Sonpur (Nalbari) P.O. - Nalbari Dist. - Nalbari (Assam)
19	Gautam Kalita	Sri Prafulla Kalita	18-10-69	01-10-87	31-12-88	Vill. - Haju, P.O. - Haju Dist. - Kamrup (Assam)
20	Gagan Tamuli	Sri Jatin Tamuli	05-06-69	15-02-87	31-12-88	Vill. - Barkura P.O. - Balikuria Dist. - Nalbari (Assam)
21	Uma Prakash Gupta	Sri Sitaram Gupta	02-05-69	15-03-87	31-12-87	Vill. - Nalbari Rly. Old Colony P.O. - Nalbari Dist. - Nalbari (Assam)
22	Gautam Barman	Late Lakhi Barman	03-05-69	15-03-87	31-12-87	Vill. - Barkura P.O. - Balikuria Dist. - Nalbari (Assam)
23	Akhil Huzuri	Sri Chandra Kt. Huzuri	13-12-69	15-02-87	31-12-87	Vill. - Khagrabari P.O. - Khagrabari Dist. - Nalbari (Assam)
24	Prasanta Sen Deka	Ramani Sen Deka	01-03-69	15-02-87	31-12-87	Vill. - Bidyapur, Malikuchi P.O. - Nalbari Dist. - Nalbari (Assam)
25	Rupen Boro	Ramesh Boro	18-05-67	16-02-87	31-12-87	C/o Rabin Pathak Vill. - Rangia, Stano Road. Teleguri P.O. - Rangia Dist. - Kamrup (Assam)
26	Md. Abul Hussain	M. hammed Ali	07-03-69	15-03-86	31-12-87	Vill. - Rangapara North P.O. - Rangapara Dist. - Sonitpur, Assam
27	Sri Sanjib Das	Sri Nabin Das	01-09-69	15-01-87	31-12-87	Vill. - Barsarkuchi P.O. - Milānpur Dist. - Nalbari (Assam)
28	Sri Nagen Tamuli	Sri Anshoy Tamuli	09-11-69	15-01-87	31-12-87	Vill. - Barkura P.O. - Balikuria Dist. - Nalbari (Assam)
29	Sri Bhabesh Tamuli	Sri Tarani Tamuli	05-07-69	15-07-87	31-12-87	Vill. - Barkura P.O. - Balikuria Dist. - Nalbari (Assam)
30	Sri Haladhar Daimari	Sri Nahiram Daimary	03-05-69	12-11-87	31-12-88	Vill. - Dhamdhama P.O. - Dhamdhama Dist. - Nalbari (Assam)

Attended
was
Advocate

Sl. No.	Name of Candidate	Father's Name	Date of Birth	Date of Appointment	Date of Discharged	Home Address
31	Gwjwnlai Basumatary	Joy Ch. Basumatary	01-09-68	15-02-87	31-12-87	Vill. - Dangtola P.o-New Bongaigaon Dist. Bongaigaon (Assam)
32	Hemen Tamuli	Soneswar Tamuli	01-03-69	15-01-87	31-12-87	Vill-Barkura P.o - Balikuria Dist.-Nalbari(Assam)
33	Phulen Kherkatary	Jadav Kherkatary	13-12-69	03-05-87	31-12-87	Vill.-Anandapur 1 No. Hengerabari P.o. - Dispur, Ghy-6
34	Biswajit Ramchiary	Babul Ch. Ramchiary	17-02-69	03-05-87	31-12-87	Vill Dhamdhama P.o.-Dhamdhama Dist. Nalbari(Assam)
35	Arun Boro	S. Boro	09-06-68	15-02-87	31-12-87	C/o Durga Boro Vill. - Hemdol P.o-Jayantipur Dist.-Kamrup(Assam)
36	Bhabananda Das	Haicharan Das	13-05-69	16-03-87	31-12-88	Vill. - Rampur P.o. Rampur Dekapara Dist.-Barpeta(Assam)
37	Tilak Ch. Boro	Jali Ram Boro	03-02-69	16-03-87	31-12-87	Vill. - Ambari P.o. - Dwarkuchi Dist.-Kamrup(Assam)
38	Dipak Ch. Boro	J. Boro	11-03-69	15-03-87	31-12-87	Vill. - Rangia P.o- Rangia Dist.Kamrup (Assam)
39	Simanta Rabha	Saru Ram Rabha	02-10-69	12-11-87	31-12-88	Vill. - Kahuwa P.o.-Kulshi Dist.-Kamrup (Assam) Pin-781125
40	Harichandra Roy	Lt. Mahesh Roy	01-03-69	15-01-87	31-12-87	Vill. - Nalbari Rly Teastal P.o. - Nalbari Dist.Nalbari (Assam)
41	Uma Sankar Sah	Ramchandra Sah	12-10-69	15-10-87	31-12-88	Vill. Nalbari Old Rly Colony P.o. - Nalbari Dist.Nalbari (Assam)
42	Madhu Rani Deka	Sri P. Deka	03-05-68	10-03-88	31-12-88	Vill. - Sandha P.o. - Sandha Dist. - Nalbari(Assam)
43	Jadav Bhuyan	Lt. Ghameswar Bhuyan	01-03-69	15-01-87	31-12-87	Vill-Sonpur Rly Q22 "B" Po-Nalbari Dist- Nalbari
44	Samin Mandal	Soni Mandal	02-09-68	01-04-88	31-12-88	Dist.-Nalbari (Assam) Vill.-Rangapara P.o. Rangapar Dist. Nalbari(Assam)

Attested
by
Advocate

22 -18-

Sl. No.	Name of Candidate	Father's Name	Date of Birth	Date of Appointment	Date of Discharged	Home Address
45	Baban Jadav	Ram Lagan Jadav	15-01-69	12-01-87	31-12-88	Nalbari Rly. Tea Stall P.O. & Dist. - Nalbari
46	Milan Roy	Lt. Masesh Roy	03-04-69	15-01-87	31-12-87	Vill- Sonpur Rly Q. 22 "B" Po- Nalbari Dist- Nalbari (Assam)
47	Sri Haricharan Boro	Nepal Boro	03-05-67	01-05-85	31-12-86	Vill Balahati Chutipara P.o- Gurmou Via. Goreswar Dist- Kamrup (Assam)
48	Manindra Haloi	Bhairab Haloi	01-02-69	15-01-87	31-12-87	Vill- Barsarkuchi (Borisupa) P.o- malimpur Dist- Nalbari (Assam)
49	Jyotish Das	Nigendra ch. Das	01-02-69	03-06-87	31-12-88	Vill- Nalbari old Rey. Colny P.o- Nalbari Dist- Nalbari (Assam)
50	Dilip Dutta	Upendra Dutta	21-05-69	15-01-87	31-12-87	Vill- Barpeta P.o- Barpeta Dist- Barpeta (Assam)
51	Kamal Boro	Kh. wa Ram Boro	02-08-68	03-05-87	31-12-87	Vill- Rangapara Rly Hosp. Colny P.o- Rangapara Dist- Sonitpur (Assam)
52	Rabin Narzary	Ananta Narzary	16-11-68	10-02-87	20-09-88	Vill- Tengabari P.o- Kokrajhar Dist- Kokrajhar (Assam)
53	Dilip Barman	Mahendra Barman	13-01-69	15-02-87	20-09-87	Vill- Haripur P.o- Banekuchi Dist- Nalbari
54	Mohan Daimary	Jaleswar Daimary	11-03-68	15-02-87	30-09-87	Vill- Barchiral P.o- Ghograpar Dist- Nalbari (Assam)
55	Binod Tamuli	Umesh Tamuli	03-02-69	21-05-87	31-12-87	Vill- Barkura P.o- Balikuria Dist- Nalbari (Assam)
56	Santanu Dutta	K.R. Datta	03-03-68	15-03-86	13-12-87	Vill- Bargaon P.o. Bargaon Dist- Sonitpur (Assam)
57	Haricharan Das	Lt. Suren Das	01-07-68	01-11-86	30-4-87	Vill- Nalbari old Rly Colny P.o- Nalbari Dist- Nalbari (Assam)
58	Binu Dutta	Lt. Narayan Dutta	01-01-69	15-07-87	31-12-87	Vill- Barkura P.o- Balikuria Dist- Nalbari (Assam)
59	Arun Swargiary	Bhaben Swargiary	12-02-69	11-02-87	30-10-87	Vill- Rampur Dekapara P.o- Rampur Dekapara Dist- Barpeta (Assam)

Attended
Naras
Advocate

Sl. No.	Name of Candidate	Father's Name	Date of Birth	Date of Appointment	Date of Discharged	Home Address
60	Ganapati Deka	Mukta Ram Deka	09-01-67	11-2-87	30-10-87	Vill- Umanada P.o- Kerpabhita Dist- Kamrup (Assam)
61	Remen Tamuli	Ananta Tamuli	10-03-69	11-03-87	30-10-87	Vill- Barkura P.o- Balikaria Dist- Nalbari (Assam)
62	Tutu Barman	Thiru Barman	02-01-69	16-01-88	28-12-88	Vill- Barkura P.o- Balikaria Dist- Nalbari (Assam)
63	Akshay Talukdar	Sri Ramani Talukdar	11-07-68	15-1-87	30-04-87	C/o Gabbar Roy Vill- Nalbari Rly. Tea Stall, Nalbari P.o.- Nalbari Dist. -Nalbari(Assam)
64	Ajoy Das	Lt. D. Das	03-05-69	02-06-87	31-12-87	Vill- Nalbari old Rey. Colny P.o- Nalbari Dist- Nalbari (Assam)
65	Kanak Ch. Barman	Kalicharan Barman	20-01-69	15-01-87	31-12-87	Vill- Nalbari Rly Teastal P.o- Nalbari
66	Kulajit Das	Uddhab Das	01-01-69	01-10-87	31-12-87	Vill- Niz Bargoan P.o- Niz Bargoan Dist- Sonitpur (Assam)
67	Anjan Kalita	Ghanashyam Kalita	03-05-70	07-01-88	15-12-88	Vill- Sonpur Rly Q 22 "B" P.o- Nalbari Dist- Nalbari
68	Ganesh Rai	Ram Lakhan Rai	21-05-70	02-03-87	31-12-87	Vill- Nalbari Rly, Tea Stal P.o- Nalbari Dist- Nalbari
69	Manoj Rai	Ram Adhin Rai	01-03-69	01-01-87	15-12-88	Vill- Nalbari Rly, Tea Stal P.o- Nalbari Dist- Nalbari
70	Naranjan Haloi	Bichitra Haloi	10-01-69	25-01-87	31-12-87	Vill- Barsukhi (Borisupa) P.o- Malinpur Dist- Nalbari (Assam)

Attested
as an
Advocate

20-

Annexure-2

पू० सो० जी / N. F. - G 299

24



2/10/2004
S. D. M. & H.O.
Kunda Kakai
Civil Hospital Nalbari



पूर्वोत्तर सीमा रेलवे
NORTHEAST FRONTIER RAILWAY

अनियत मजदूर के रूप में सेवा का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR

Advocate

No. - 21 -

पूरी रेलवे/N.P. RAILWAY

प्राथमिक विभाग

Office/Department Jangga/Co.

सेवा के दिनों का रिकार्ड

Service book for Casual Labour

पूरा नाम

1. Name in full (In Block letters)

(In Block letters)

पिता का नाम

2. Father's Name

जन्म-तिथि

3. Date of Birth

प्रारम्भ में नियमित नोकरी वाले के समय आयु

4. Age at initial casual employment

वर्ष/year - - माह/month

शरीर पर पहचान के चिह्न

5. Personal marks of identification

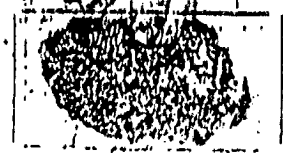
पारस्मिक नियुक्ति के समय श्रुति

6. Nature of job on initial

employment

प्राथमिक गृह का निशान

L. T. I.



प्रथम नियुक्ति प्रदर पंवेक्षक का हस्ताक्षर/Signature of the First Appointing Senior Supervisor

H. O.
Kakati
Civil Hospital, Nalbari

Handwritten signature or initials.

अनिष्ट गजदूर के रूप में सेवा का रेकार्ड

[illegible]

2/19/2004
D. M. & F. S.
Mukunda Y. Kam
Hospital, Nairobi

- 22 -

Record of Service as Casual Labour.

<p>Nature of assignment</p>	<p>नारील सहित पर्यवेक्षक का हस्ताक्षर और पदनामा</p>
<p>Signature & Designation of the Supervisor</p>	<p>with date</p>
<p>5</p>	<p>5</p>
<p>.....</p>	<p>.....</p>
<p>.....</p>	<p>.....</p>

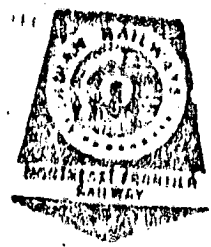
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MAY 1968

- 23 -



District T. B. C.

7. म. - जी/N. F. - G. 299 ८४



पूर्वोत्तर सीमा रेलवे
NORTHEAST FRONTIER RAILWAY

अभिमत मजदूर के रूप में सेवा का रेकार्ड
RECORD OF SERVICE AS CASUAL LABOUR

Attested
Udas
Advocate.

सं./No.....

प. री. रेलवे/N. F. RAILWAY.

कार्यालय विभाग
Office/Department.....

अनियमित मजदूर के रूप में सेवा का रेकार्ड
oryico book for Casual Labour

पूरा नाम साफ-साफ
Name in full.....
(In Block letters)

पिता का नाम
2. Father's Name.....

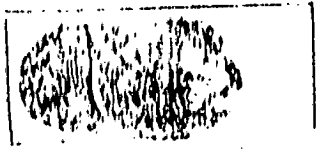
जन्म-तिथि
3. Date of Birth 5-7-70

प्रारम्भ में अनियमित नौकरी पाने के समय आयु
4. Age at initial casual employment
वर्ष/year..... माह/month.....

व्यक्तिगत चिह्न
5. Personal marks of identification.....

प्रारम्भिक नियुक्ति के समय उगरी
6. Nature of job on initial employment.....

प्राथमिक नियुक्ति का विभाग
L. T. I.



Assistant Engineer
M. F. Railway department

प्रथम नियुक्ति प्रवर पदोपदेशक का हस्ताक्षर/Signature of
the First Appointing Senior Supervisor

Noted
Advocate

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26

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12.12

पू० सो० - जी / N. F. - G 299



पूर्वोत्तर साधारण रेलवे
NORTHEAST FRONTIER RAILWAY

अनियत मजदूर के रूप में सेवा का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR

Amroli
W.D.

Amroli

- 27 -

31

सं./No -

पू. सी रेलवे/N. F. RAILWAY

कार्यालय विभाग

Office/Department -

अनियमित मजदूर के रूप में सेवा का रेकार्ड

Service book for Casual Labour

पूरा नाम साक-साक

1. Name in full SRI SANJOY DAS

(In Block letters)

पिता का नाम

2. Father's Name Sri Madan Das

जन्म-तिथि

3. Date of Birth 01-01-1960

प्रारम्भ में अनियमित नोकरी पाने के समय आयु

4. Age at initial casual employment

वर्ष/year - माह/month

शरीर पर पहचान के चिन्ह

5. Personal marks of

identification

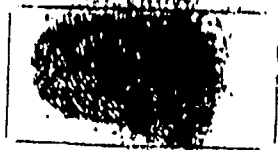
प्रारम्भिक नियुक्ति के समय इयुटी

6. Nature of job on initial

employment - General man (L)

पापं अंगुठी का निशान

L. T. I.



K. S. Das
Assistant Engineer, B.O. CON
N. F. Railway Bongaigaon

प्रथम नियुक्ति प्रदर पर्यवेक्षक का हस्ताक्षर/Signature of
the First Appointing Senior Supervisor

uon
Approved

नियत मजदूर के रूप में सेवा का रेकार्ड

क्र.सं./S.No.	नोकरी की अवधि Period of Employment		सूचि की विवरण
	से/From	तक/To	
1	2	3	4
	01/01/81	31/03/81	Reported on against LV/VN
			on B.G./CON/ left Service due

Record of Service as Casual Labour.

Nature of assignment	तारीख सहित पर्यवेक्षक का हस्ताक्षर और पदनामा Signature & Designation of the Supervisor with date
1	5
Working on coming of B.G./CON/and No Long Sick.	<i>K. Chandra</i> Assistant Engineer, BG/CON M. F. Railway Bongaigaon

Civil HOD

Attended
was
Advocate.

Dated: 21/04/2000

The result of the screening test held on 13.1.2000 in the screening of Ex: ST Casual labour of Construction Organisation and FCW Units are furnished below. The following Ex: ST Casual labour of Construction Organisation and retrenched Casual labour of FCW Units who worked in the territorial jurisdiction of this Division, their names are arranged in order of seniority based on total number of service put by them.

The result of screening test has been approved by ADM/APD on 19.4.2000.

Sl. No.	Name	Father's name.	Under whom worked.	Date of birth.	Date of first engagement.	Total days.	Whe-ther SC/ST/OBC.	Educational qualification.
1	2	3		5	6	7	8	9
1.	Ganesh Nanjinary	D. Nanjinary	GM/CON/MLG	20.11.65	1.5.04	975	ST	VIII passed.
2.	Keshab Ch. Boro	Kamala Kanta Boro	-do-	23.9.65	5.9.04	879	ST	VIII passed.
3.	Shubaneswar Boro	Janaki Boro	-do-	13.3.65	27.3.84	847	ST	IX passed.
4.	Amir Boro	Lt. Lati Ram Boro	-do-	3.1.65	27.3.84	817	ST	X passed.
5.	Pratibha Kherkatary	N. Kherkatary	-do-	3.2.65	27.3.84	817	ST	IX passed.
6.	Moniram Swargiary	Lt. J. Swargiary	-do-	31.3.65	27.3.84	817	ST	IX passed.
7.	Pratibha Ch. Kalita	Lt. Jogeswar Kalita	SEN/FCW/MLG	31.12.59	10.6.82	724	UR	X passed.
8.	Ananda Ramchiary	Lt. M. Ramchiary	GM/CON/MLG	21.3.66	20.4.84	600	-	IX passed.
9.	Hareswar Boro	Jeslaram Boro	-do-	16.7.66	20.9.84	680	S.	IX passed.
10.	Rupan Ch. Brahma	Dhagen Brahma	-do-	1.2.66	1.5.84	610	ST	IX passed.
11.	Hari Chandra Boro	Nepat Boro	-do-	3.5.67	1.5.85	610	ST	VIII passed.
12.	Arabinda Boro (I)	Dhendra Boro	-do-	1.4.67	1.5.85	610	ST	IX passed.
13.	Dwipen Boro	Hari Chandra Boro	-do-	27.5.66	1.8.84	590	ST	IX passed.
14.	Jadav Swargiary	Powl Swargiary	-do-	27.3.65	1.7.84	588	ST	IX passed.
15.	Khagendra Nath Boro	Belaram Boro	-do-	1.3.66	1.5.86	455	ST	IX passed.
16.	Jogen Boro	Kheniram Boro	-do-	20.10.65	1.8.84	518	ST	X passed.
17.	Mrinal Chakraborty	Lt. Khagendra Chakra-	SEN/FCW/MLG	1.1.63	19.7.84	408	UR	S. F. passed.
18.	Tapan Seal	Mrinal Seal	-do-	3.8.60	22.7.78	404	UR	S. F. failed.
19.	Pradip Kr. Boro	Nabin Boro	GM/CON/MLG	1.10.66	13.6.85	322	ST	IX passed.
20.	Ranjit Boro	Lt. N. Brahma	-do-	1.10.66	13.6.85	322	ST	IX passed.
21.	Arjun Boro	Haren Ch. Boro	-do-	20.6.67	13.6.85	322	ST	X passed.
22.	Phu Basumatary	Cheswar Basumatary	-do-	23.6.67	13.6.85	322	ST	VIII passed.
23.	Bima Basumatary	Grish Kr. Basumatary	-do-	2.4.67	13.6.85	321	ST	IX passed.

(contd... 2..)

24. Ashok Ramchary	Lt. M. Ram Basumatary	GI/ON/MLG	11.3.67	11.85	304	ST	IX passed.
25. Shabit Boro	Pati Boro	-do-	30.3.67	11.85	304	ST	VIII passed.
26. Damakuram Deka	Bhekularam Deka	-do-	27.3.67	8.04	275	ST	IX passed.
27. Kamalleswar Boro	B.R. Boro	-do-	1.1.63	4.85	275	ST	IX passed.
28. Anil Kr. Yadav	J.P. Yadav	SEN/FCW/MLG	15.2.57	0.6.85	281	OBC	VIII passed.
29. Uttam Ch. Boro	Baliram Boro	GI/ON/MLG	2.1.68	5.85	289	ST	-do-
30. Karuna Kanta Swargiary	Katiram Swargiary	-do-	1.3.66	0.4.86	243	ST	-do-
31. Samala Boro	Lt. Mangla Boro	-do-	15.6.56	85	239	ST	-do-
32. Hari Chandra Boro	Lt. Umesh Boro	-do-	3.3.65	5.84	214	ST	-do-
33. Vinod Swargiary	Lt. D.R. Swargiary	-do-	1.3.65	3.75	214	ST	-do-
34. Vinod Swargiary	Ratim Swargiary	-do-	30.5.67	6.25	214	ST	-do-
35. Rukmal Basumatary	B. Basumatary	-do-	1.1.67	8.75	212	ST	-do-
36. Anil Boro	Lt. Biren Boro	-do-	1.3.67	1.85	184	ST	IX passed.
37. Haramba Kr. Daimary	Phisala Daimary	-do-	1.3.67	6.85	184	ST	-do-
38. Ratiram Boro	Lt. Jogendra Boro	-do-	31.1.66	4.94	183	ST	-do-
39. Rajendra Daimary	Donda Daimary	-do-	30.11.65	5.64	153	ST	VIII passed.
40. Golak Ch. Boro	Dabar Boro	-do-	3.2.63	4.84	153	ST	-do-
41. Subhas Boro	Anaram Boro	-do-	17.2.66	4.84	153	ST	IX passed.
42. Moniram Boro	Lt. Umesh Ch. Boro	-do-	21.3.66	8.25	153	ST	-do-
43. Krishna Basumatary	Guni Basumatary	-do-	7.1.67	11.85	151	ST	-do-
44. Narayan Basumatary	Rajendra Basumatary	-do-	1.3.66	3.4.85	141	ST	-do-
45. Jitendra Boro	D.R. Boro	-do-	1.2.65	5.84	123	ST	-do-
46. Sakul Ch. Boro	Moraram Boro	-do-	20.8.66	5.84	123	ST	-do-
47. Prafulla Swargiary	M.C. Swargiary	-do-	30.5.67	85	123	ST	-do-
48. Gajendra Nath Boro	D.N. Boro	-do-	2.1.60	5.79	121	ST	S.F. Passed.
49. Paresh Boro	Anaram Boro	-do-	20.9.57	12.85	121	ST	IX passed.

Copy forwarded for information & necessary action to :-

- 1) GI(P)/MLG. (2) SC/RESV/MLG. (3) GI/CON/MLG. SFO/HG/MLG
- 4) DY. SE/CON/MLG. (5) SEN/FCW/MLG. (6) DRM(W./PDI.
- 7) Divl. Secy./AFPU/PDI. (8) Convener/NFRM/PDI. (9) Divl. Secy./AICTRE/PDI.
- 10) C.R. to Sr. FC/PDI. (11) C.M.S./PDI.

(sdas/21 4Y 2K)

Advocate

Advocate

For DIVL. RLY. MANAGER(P)
LIPURJAN JUNCTION

21/4/00
ST DIVL. RLY. MANAGER(P)/PDI.

21/4/00

21/4/00

94

LAST FRONTIER RAILWAY NORTH GUWAHATI (ASSAM)

**Special Recruitment Drive for Scheduled Caste
& Scheduled Tribe Candidates**
Notice No. NFR-2/2001

Category No. 01

Closing Date : **23 Nov. 2001**

Invited from the eligible SC and ST candidates for filling up of 605 posts of Trackman
N.F. Railway.

APPLICANTS FOR 4 (FOUR) DIVISIONS OF N.F. RAILWAY, I.E. TINSUKIA, LUMDING,
KATHAR, AND THAKUR.

and the entire notification carefully before filling up the application form.

TEST SHALL BE CONDUCTED ON SAME DAYS FOR ALL FOUR DIVISIONS
WHOSO RELIABLE. HENCE CANDIDATES MUST SEND APPLICATION TO ONE OF THE
FOLLOWING DIVISIONS ONLY AS PER THEIR CHOICE.

Special drive for filling up of SC/ST backlog vacancies (Total number: 605)

Division	Category of Post	Total number of vacancies	Breakup of Vacancies	Address for sending application	
			SC	ST	
Kathar	Trackman	152	87	65	Divisional Railway Manager (Personnel), N.F. Railway, Kathar, Bihar, Pin-854105
Lumding	Trackman	144	60	84	Divisional Railway Manager (Personnel), N.F. Railway, Lumding, Assam Pin-782447.
Thakur	Trackman	130	37	93	Divisional Railway Manager (Personnel), N.F. Railway, Alpurduar, West Bengal, Pin-736123
Tinsukia	Trackman	140	67	73	Divisional Railway Manager (Personnel), N.F. Railway, Tinsukia, Assam, Pin-786125
Total		606	211	394	

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 error in the notification.

The candidate shall be responsible to hold separate, additional/alternative or to examination
hall and name of the candidates.

The application will be accepted at N.F. Railway Headquarters Office.

2. Purpose for Recruitment

The recruitment process shall be in three stages:

(1) Objective type written examination (Preliminary Test)

(2) Objective type written exam (Final Test)

(3) Physical efficiency test

Candidates who have come through the two stage written test will be subjected to physical
efficiency test to assess candidates, fitness for the post.

(Note: The physical test shall be held 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 involves heavy work and working with spade, sickle, beater steel, bar-crow,
axe, etc. The job is to be done for the upkeep of track, bridges and other track fixtures.

4. Nature of the job: The job will be in the remote areas of Divisions. The nature of job is arduous
and involves a lot of physical stress for efficient discharge of duties.

5. Physical fitness: Candidates must be of physical fitness and job conditions are also applicable in case of Khelaals,
etc. Candidates must be of physical fitness and job conditions are also applicable in case of Khelaals,
etc. Candidates must be of physical fitness and job conditions are also applicable in case of Khelaals,
etc.

6. Pay and Allowances: The post of Trackman is classified under Grade Pay Band Rs. 1000-1500-2000-2500-3000-3500-4000-4500-5000-5500-6000-6500-7000-7500-8000-8500-9000-9500-10000-10500-11000-11500-12000-12500-13000-13500-14000-14500-15000-15500-16000-16500-17000-17500-18000-18500-19000-19500-20000-20500-21000-21500-22000-22500-23000-23500-24000-24500-25000-25500-26000-26500-27000-27500-28000-28500-29000-29500-30000-30500-31000-31500-32000-32500-33000-33500-34000-34500-35000-35500-36000-36500-37000-37500-38000-38500-39000-39500-40000-40500-41000-41500-42000-42500-43000-43500-44000-44500-45000-45500-46000-46500-47000-47500-48000-48500-49000-49500-50000-50500-51000-51500-52000-52500-53000-53500-54000-54500-55000-55500-56000-56500-57000-57500-58000-58500-59000-59500-60000-60500-61000-61500-62000-62500-63000-63500-64000-64500-65000-65500-66000-66500-67000-67500-68000-68500-69000-69500-70000-70500-71000-71500-72000-72500-73000-73500-74000-74500-75000-75500-76000-76500-77000-77500-78000-78500-79000-79500-80000-80500-81000-81500-82000-82500-83000-83500-84000-84500-85000-85500-86000-86500-87000-87500-88000-88500-89000-89500-90000-90500-91000-91500-92000-92500-93000-93500-94000-94500-95000-95500-96000-96500-97000-97500-98000-98500-99000-99500-100000-100500-101000-101500-102000-102500-103000-103500-104000-104500-105000-105500-106000-106500-107000-107500-108000-108500-109000-109500-110000-110500-111000-111500-112000-112500-113000-113500-114000-114500-115000-115500-116000-116500-117000-117500-118000-118500-119000-119500-120000-120500-121000-121500-122000-122500-123000-123500-124000-124500-125000-125500-126000-126500-127000-127500-128000-128500-129000-129500-130000-130500-131000-131500-132000-132500-133000-133500-134000-134500-135000-135500-136000-136500-137000-137500-138000-138500-139000-139500-140000-140500-141000-141500-142000-142500-143000-143500-144000-144500-145000-145500-146000-146500-147000-147500-148000-148500-149000-149500-150000-150500-151000-151500-152000-152500-153000-153500-154000-154500-155000-155500-156000-156500-157000-157500-158000-158500-159000-159500-160000-160500-161000-161500-162000-162500-163000-163500-164000-164500-165000-165500-166000-166500-167000-167500-168000-168500-169000-169500-170000-170500-171000-171500-172000-172500-173000-173500-174000-174500-175000-175500-176000-176500-177000-177500-178000-178500-179000-179500-180000-180500-181000-181500-182000-182500-183000-183500-184000-184500-185000-185500-186000-186500-187000-187500-188000-188500-189000-189500-190000-190500-191000-191500-192000-192500-193000-193500-194000-194500-195000-195500-196000-196500-197000-197500-198000-198500-199000-199500-200000-200500-201000-201500-202000-202500-203000-203500-204000-204500-205000-205500-206000-206500-207000-207500-208000-208500-209000-209500-210000-210500-211000-211500-212000-212500-213000-213500-214000-214500-215000-215500-216000-216500-217000-217500-218000-218500-219000-219500-220000-220500-221000-221500-222000-222500-223000-223500-224000-224500-225000-225500-226000-226500-227000-227500-228000-228500-229000-229500-230000-230500-231000-231500-232000-232500-233000-233500-234000-234500-235000-235500-236000-236500-237000-237500-238000-238500-239000-239500-240000-240500-241000-241500-242000-242500-243000-243500-244000-244500-245000-245500-246000-246500-247000-247500-248000-248500-249000-249500-250000-250500-251000-251500-252000-252500-253000-253500-254000-254500-255000-255500-256000-256500-257000-257500-258000-258500-259000-259500-260000-260500-261000-261500-262000-262500-263000-263500-264000-264500-265000-265500-266000-266500-267000-267500-268000-268500-269000-269500-270000-270500-271000-271500-272000-272500-273000-273500-274000-274500-275000-275500-276000-276500-277000-277500-278000-278500-279000-279500-280000-280500-281000-281500-282000-282500-283000-283500-284000-284500-285000-285500-286000-286500-287000-287500-288000-288500-289000-289500-290000-290500-291000-291500-292000-292500-293000-293500-294000-294500-295000-295500-296000-296500-297000-297500-298000-298500-299000-299500-300000-300500-301000-301500-302000-302500-303000-303500-304000-304500-305000-305500-306000-306500-307000-307500-308000-308500-309000-309500-310000-310500-311000-311500-312000-312500-313000-313500-314000-314500-315000-315500-316000-316500-317000-317500-318000-318500-319000-319500-320000-320500-321000-321500-322000-322500-323000-323500-324000-324500-325000-325500-326000-326500-327000-327500-328000-328500-329000-329500-330000-330500-331000-331500-332000-332500-333000-333500-334000-334500-335000-335500-336000-336500-337000-337500-338000-338500-339000-339500-340000-340500-341000-341500-342000-342500-343000-343500-344000-344500-345000-345500-346000-346500-347000-347500-348000-348500-349000-349500-350000-350500-351000-351500-352000-352500-353000-353500-354000-354500-355000-355500-356000-356500-357000-357500-358000-358500-359000-359500-360000-360500-361000-361500-362000-362500-363000-363500-364000-364500-365000-365500-366000-366500-367000-367500-368000-368500-369000-369500-370000-370500-371000-371500-372000-372500-373000-373500-374000-374500-375000-375500-376000-376500-377000-377500-378000-378500-379000-379500-380000-380500-381000-381500-382000-382500-383000-383500-384000-384500-385000-385500-386000-386500-387000-387500-388000-388500-389000-389500-390000-390500-391000-391500-392000-392500-393000-393500-394000-394500-395000-395500-396000-396500-397000-397500-398000-398500-399000-399500-400000-400500-401000-401500-402000-402500-403000-403500-404000-404500-405000-405500-406000-406500-407000-407500-408000-408500-409000-409500-410000-410500-411000-411500-412000-412500-413000-413500-414000-414500-415000-415500-416000-416500-417000-417500-418000-418500-419000-419500-420000-420500-421000-421500-422000-422500-423000-423500-424000-424500-425000-425500-426000-426500-427000-427500-428000-428500-429000-429500-430000-430500-431000-431500-432000-432500-433000-433500-434000-434500-435000-435500-436000-436500-437000-437500-438000-438500-439000-439500-440000-440500-441000-441500-442000-442500-443000-443500-444000-444500-445000-445500-446000-446500-447000-447500-448000-448500-449000-449500-450000-450500-451000-451500-452000-452500-453000-453500-454000-454500-455000-455500-456000-456500-457000-457500-458000-458500-459000-459500-460000-460500-461000-461500-462000-462500-463000-463500-464000-464500-465000-465500-466000-466500-467000-467500-468000-468500-469000-469500-470000-470500-471000-471500-472000-472500-473000-473500-474000-474500-475000-475500-476000-476500-477000-477500-478000-478500-479000-479500-480000-480500-481000-481500-482000-482500-483000-483500-484000-484500-485000-485500-486000-486500-487000-487500-488000-488500-489000-489500-490000-490500-491000-491500-492000-492500-493000-493500-494000-494500-495000-495500-496000-496500-497000-497500-498000-498500-499000-499500-500000-500500-501000-501500-502000-502500-503000-503500-504000-504500-505000-505500-506000-506500-507000-507500-508000-508500-509000-509500-510000-510500-511000-511500-512000-512500-513000-513500-514000-514500-515000-515500-516000-516500-517000-517500-518000-518500-519000-519500-520000-520500-521000-521500-522000-522500-523000-523500-524000-524500-525000-525500-526000-526500-527000-527500-528000-528500-529000-529500-530000-530500-531000-531500-532000-532500-533000-533500-534000-534500-535000-535500-536000-536500-537000-537500-538000-538500-539000-539500-540000-540500-541000-541500-542000-542500-543000-543500-544000-544500-545000-545500-546000-546500-547000-547500-548000-548500-549000-549500-550000-550500-551000-551500-552000-552500-553000-553500-554000-554500-555000-555500-556000-556500-557000-557500-558000-558500-559000-559500-560000-560500-561000-561500-562000-562500-563000-563500-564000-564500-565000-565500-566000-566500-567000-567500-568000-568500-569000-569500-570000-570500-571000-571500-572000-572500-573000-573500-574000-574500-575000-575500-576000-576500-577000-577500-578000-578500-579000-579500-580000-580500-581000-581500-582000-582500-583000-583500-584000-584500-585000-585500-586000-586500-587000-587500-588000-588500-589000-589500-590000-590500-591000-591500-592000-592500-593000-593500-594000-594500-595000-595500-596000-596500-597000-597500-598000-598500-599000-599500-600000-600500-601000-601500-602000-602500-603000-603500-604000-604500-605000-605500-606000-606500-607000-607500-608000-608500-609000-609500-610000-610500-611000-611500-612000-612500-613000-613500-614000-614500-615000-615500-616000-616500-617000-617500-618000-618500-619000-619500-620000-620500-621000-621500-622000-622500-623000-623500-624000-624500-625000-625500-626000-626500-627000-627500-628000-628500-629000-629500-630000-630500-631000-631500-632000-632500-633000-633500-634000-634500-635000-635500-636000-636500-637000-637500-638000-638500-639000-639500-640000-640500-641000-641500-642000-642500-643000-643500-644000-644500-645000-645500-646000-646500-647000-647500-648000-648500-649000-649500-650000-650500-651000-651500-652000-652500-653000-653500-654000-654500-655000-655500-656000-656500-657000-657500-658000-658500-659000-659500-660000-660500-661000-661500-662000-662500-663000-663500-664000-664500-665000-665500-666000-666500-667000-667500-668000-668500-669000-669500-670000-670500-671000-671500-672000-672500-673000-673500-674000-674500-675000-675500-676000-676500-677000-677500-678000-678500-679000-679500-680000-680500-681000-681500-682000-682500-683000-683500-684000-684500-685000-685500-686000-686500-687000-687500-688000-688500-689000-689500-690000-690500-691000-691500-692000-692500-693000-693500-694000-694500-695000-695500-696000-696500-697000-697500-698000-698500-699000-699500-700000-700500-701000-701500-702000-702500-703000-703500-704000-704500-705000-705500-706000-706500-707000-707500-708000-708500-709000-709500-710000-710500-711000-711500-712000-712500-713000-713500-714000-714500-715000-715500-716000-716500-717000-717500-718000-718500-719000-719500-720000-720500-721000-721500-722000-722500-723000-723500-724000-724500-725000-725500-726000-726500-727000-727500-728000-728500-729000-729500-730000-730500-731000-731500-732000-732500-733000-733500-734000-734500-735000-735500-736000-736500-737000-737500-738000-738500-739000-739500-740000-740500-741000-741500-742000-742500-743000-743500-744000-744500-745000-745500-746000-746500-747000-747500-748000-748500-749000-749500-750000-750500-751000-751500-752000-752500-753000-753500-754000-754500-755000-

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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Annexure - 5

Original Application No. 79 of 1996.

Date of decision : This the 11th day of January, 1999.

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

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Shri Ananda Ramchiary & 31 Others.

All are ex-casual labourers
in the Alipurduar Division,
N.F.Railway.

Applicants

By Advocate Mr. S.Sarma.

-versus-

1. Union of India,
represented by the General Manager,
N.F.Railway,
Maligaon, Guwahati-11.
2. The Divisional Railway Manager (P),
Alipurduar Junction,
Alipurduar.
3. The General Manager (Construction),
N.F.Railway, Maligaon,
Guwahati-11

..... Respondents

None appears on behalf of the respondents.

ORDER

BARUAH J (V.C.).

Thirty two applicants have filed this present application. Permission as per the provisions of Rule 4 (5) (a) of the Central Administrative Tribunal(Procedure) Rules 1987 was granted by order dated 28.5.96.

2. In this application the applicants have prayed for directions to the General Manager, N.F.Railway, Maligaon, to issue necessary approval towards

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Advocate

of the applicants made on or after 1.1.1981 and also to confer the benefits to the applicants as casual labourers under the rules and thereafter appoint the applicants against the available backlog vacancies meant for Scheduled Tribe candidates and another reliefs they are entitled to.

3. All the applicants belong to a community recognised as Scheduled Tribe and therefore they are entitled to special privileges under the Constitution. The applicant on being selected, were engaged as casual worker and had been working as such. They worked the requisite number of working days to get temporary status as well as other benefits under the Scheme. However, service of the applicants had been terminated prior to 1981. Thereafter, in the year 1995, the Divisional Railway Manager, Alipurduar Junction, N.F. Railway, issued a circular dated 13.02.1995 regarding Special Recruitment Drive of SC/ST candidates. As per the said circular in order to clear the backlog of SC/ST Group 'D' recruitment categories in terms of GM(P)/MLG's letter dated 1.7.1993, special recruitment drive was under the process and due to non-availability of Scheduled Tribe candidates amongst the existing casual labourers in combined, separate list, a list of SC/ST ex-casual labour of open.

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Advocate

and construction organisation was submitted by the Divisional Secretary AISCTERA/APDJ. In the said list names of 56 numbers of construction ex-casual labour was submitted. Pursuant to this list, the name of the applicants were included. However, name of the applicant No. 18 was not in the said list.

4. Heard Mr. S.Sarma, learned counsel appearing on behalf of the applicants.

5. Mr. Sarma submits that the authority after having decided to engage casual workers and application having been forwarded except the applicant No.18 they ought to have been engaged but nothing was done. Mr. Sarma further submits that non-action of the authorities to engage the applicants giving all the benefits they are entitled to under the scheme has caused great hardships to the applicants besides they are being prejudiced. Therefore he prays a direction to the respondents to act in terms of the decision taken by the authorities concerned as mentioned above.

6. On hearing the counsel for the applicant and on perusal of the application we feel it will be expedient if the applicants file representation giving details about their grievances within a period of one month from the date of receipt of this order. If such representation is filed within this period,

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the authority shall consider the same and take a decision regarding engagement of the applicants. (As the respondents have already taken a decision to engage the applicants there may not be any difficulty in taking such decision.)

7. We, therefore dispose of this application with direction to the respondents to consider the case of the applicants if any representation is filed within one month from the date of receipt of this order and respondents shall take decision regarding the engagement of the applicants within two months thereafter.

8. Considering the facts and circumstances of the case, we however, make no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (Admn)

trd

Advocate
under

Date of Order : This the 1st Day of May, 2003.

Annexure - 6

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THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE CHAIRMAN.

1. Shri Dhaneswar Rahang
2. Shri Lohit Ch. Boro
3. Shri Rati Kanta Boro
4. Shri Monoranhan Dwaimary
5. Shri Manteswar Boro
6. Shri Joy Ram Boro
7. Shri Haricharan Basumatary
8. Shri Durga Ram Daimary
9. Shri Sabjib Boro
10. Shri Khargeswar Swargiary
11. Shri Pradip Kr. Boro
12. Shri Upen Narzary
13. Shri Tarun Ch. Boro
14. Shri Ramesh Ch. Ramchiary
15. Shri Monoranjana Deori
16. Shri Ram Nath Pathak
17. Shri Gopal Basumatary
18. Shri Malin Kr. Das
19. Shri Ranhit Swargiary
20. Shri Ratna Kanta Boro
21. Shri Nirmal Kr. Brahma
22. Shri Monoj Das
23. Shri Mrinal Das
24. Shri Sanjay Kr. Narzary
25. Shri Pankaj Baruah
26. Shri Ajit Kr. Sarania
27. Shri Sunil Ch. Boro
28. Shri Bipin Ch. Boro
29. Shri Nepolion Lahary
30. Shri Rajen Daimary
31. Shri Ansuma Swargiary
32. Shri Suren Daimary
33. Shri Raju Borah
34. Shri Pradip Das
35. Shri Robin Dwaimary
36. Shri Pradib Boro
37. Shri Chandan Dev Nath
38. Shri Kamaleswar Boro
39. Shri Phukan Boro
40. Shri Krishna Ram Boro
41. Shri Ratneswar Boro

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All Ex-Casual Labourers in the Alipurduar Division, (BG/CON), N.F.Railway. Applicants.
By Advocates Mr.U.K.Nair & Ms.U.Das.
- Versus -

1. Union of India
Represented by the General Manager
N.F.Railway, Maligaon, Guwahati-11.
2. The General Manager (Construction)
N.F.Railway, Maligaon, Guwahati-11.
3. The Divisional Railway Manager (P)
Alipurduar Division, N.F.Railways
Alipurduar.

. Respondents.

By Dr.M.C.Sarma, Railway Standing counsel.

ORDER

CHOWDHURY, J.(V.C.):

The applicants are 41 in number claiming absorption/appointment under the respondents as protected class in terms of the policy decision taken by the Railway Administration. Since the facts situation, cause of action and reliefs sought for are same and similar, permission was accorded to the applicants to espouse their cause by way of one single application under rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

1. The applicants claim that they belong to a community recognised as Scheduled Tribe and Scheduled Caste and are, therefore, entitled to special privileges guaranteed to the protected class in terms of the constitutional provisions. It was averred that these applicants on being selected, were engaged as Casual Labourer and had been working as such. They completed the requisite number of working days to get the temporary status as well as the other benefits under the Scheme, but instead of regularising them in service, they were terminated prior to 1981. In the application it was also mentioned about the circular dated 13.02.1995 issued by the Divisional Railway Manager, Alipurduar, N.F.Railway in respect of Special Recruitment Drive of SC/ST candidates. As a matter

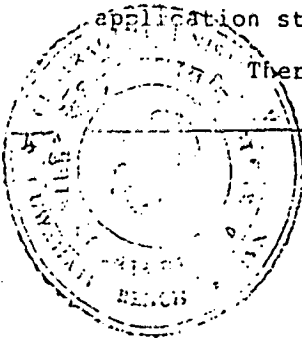
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Attached
Advocate

taken earlier and pass appropriate order within three months from the receipt of their representations on verification and scrutiny of the documents.

Subject to the observations made above, the application stands disposed.

There shall, however, be no order as to costs.



SD/ VICE CHAIRMAN

Certified to be true Copy

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19/5/03
Section Officer (J)

C.A.T. GUN WATI BINCH

Gumahat-8/03

Attested
L.Da
Advocate

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of fact, Special Recruitment Drive was initiated, initially some were regularised leaving the applicants. It was also pleaded that the case of the applicants were forwarded by the competent authority, but since no action taken by the respondents, they moved this Tribunal for redressal of their grievances.

2. Though time granted to the respondents on number of occasions, the respondents did not come forward with the written statement. Dr.M.C.Sarma, learned Standing counsel for the Railways, was requested on the last occasion to obtain necessary instruction on the matter. Dr.Sarma stated that he is yet to obtain necessary instruction and sought for some more time today also for obtaining further instruction. Already sufficient time was granted to the respondents, but no truthful action was taken. In the circumstances, I am not inclined to grant any further time to the respondents, more in view of the fact that like cases were disposed in O.A.79 of 1996 dated 11.1.1999.

3. I have heard Mr.U.K.Nair, learned counsel for the applicants as well as Dr.M.C.Sarma, learned Standing counsel for the Railways at length. On consideration of all the facts and circumstances of the case it appears that the case of these applicants are squarely covered by the decision rendered by this Tribunal in O.A.79 of 1996 dated 11.1.1999. On consideration of all the aspects of the matter, I am of the opinion that ends of justice will be met, if a direction is issued to these applicants to submit individual representations narrating all the facts. Accordingly the applicants are directed to submit individual representations to the authority within a period of one month from the date of receipt of the order. If such representation is filed within the time prescribed, the respondents shall consider the same in the light of the decision

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.44 of 2002.

Date of Order : This the 1st Day of May, 2003.

THE HON'BLE MR JUSTICE D..CHOWDHURY, VICE CHAIRMAN.

- ✓ 1. Shri Suren Ramchiary
- 2. Sri Ratan Boro
- 3. Sri Mizing Brahma
- 4. Sri Rajit Brahma
- ✓ 5. Sri Jaidev Swargiary
- 6. Sri Naren Ch. Basumatary
- ✓ 7. Sri Raj Kumar Mandal
- ✓ 8. Sri Biren Baishya
- ✓ 9. Sri Angat Das
- 10. Sri Radha Shyam Mandal
- 11. Sri Monilal Nurzary
- 12. Sri Swargo Boro
- ✓ 13. Sri Ramesh Ch. Boro
- ✓ 14. Sri Biren Baishya
- 15. Sri Jogendra Pasi
- 16. Sri Ramjit Das
- 17. Sri Naren Ch. Boro

All Ex-Casual Labourers in the Alipurduar Division, N.F.Railway.

... Applicants.

BY Advocates Mr.U.K.Nair & Ms.U.Das.

- Versus -

- 1. The Union of India
Represented by the General Manager
N.F.Railway, Maligaon, Guwahati-11.
- 2. The General Manager (Construction)
N.F.Railway, Maligaon, Guwahati-11.
- 3. The Divisional Railway Manager (P)
Alipurduar Division, N.F.Railways
Alipurduar.

... Respondents.

Dr.M.C.Sarma, Rly.Standing Counsel.

ORDER

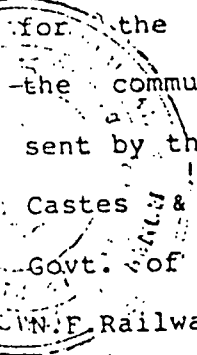
CHOWDHURY J.(V.C.):

The applicants are 17 in number, who are the Ex-Casual labourer in Alipurduar Division, N.F.Railways. Since the cause of action as well as reliefs sought for are same and similar, the applicants were granted leave to espouse their cause by one single application in terms of the rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

In this application the applicants sought for

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directions to the General Manager, N.F. Railway, Maligaon to issue necessary approval towards engagement of the applicants made on after 1.1.1981 and also to confer the benefits to them as casual labourers under the rules and thereafter regularise their appointment to fill up the backlog vacancies meant for Scheduled Tribe candidates. In this application the applicants claimed that they belonged to the protected class of persons listed as Scheduled Tribe and Scheduled caste/entitled for the constitutional guarantee provided by the Constitution. It was also pleaded that the applicants, on being selected, were engaged as casual labourer and were continuing as such. They completed the requisite number of working days, entitled for conferment of temporary status. However, instead of regularising their services, they were terminated prior to 1981. The applicants also referred to steps taken by the Railway authority to fill up the reserve vacancies by way of a Special Recruitment Drive vide circular dated 13.02.1995. Mr. U.K. Nair, learned counsel

for the applicants, invited my attention to the communication No. 6/37/2000-Gen/01 dated 26.4.2001 sent by the Director of National Commission for Scheduled Castes & Scheduled Tribes, State Office, Guwahati, Govt. of India addressed to the General Manager (P), N.F. Railway and stated that in the aforementioned list of 120 ex-casual labourers, were forwarded by DRM(P)/APDJ to GM/Com/MLG for verification vide endorsement dated 10.7.1995, the name of the applicants also appeared. But their names are not yet approved by the authority and till now no action has been taken for their absorption.

2. Dr. M.C. Sarma, learned Standing counsel appearing for the Railways, however, stated that in the absence of necessary instruction, he is not in a position to assist the Court on the factual matter. Dr. Sarma, however, stated that the Railway authority in terms

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V. Sarma
Advocate.

cf the policy made all endeavour to regularise the persons included in the reserve vacancies as per law. Dr.Sarma submitted that in this case also the authority might have taken the necessary steps as per law.

3. I have given my anxious consideration on the matter. The policy of recruitment of the listed class is not in dispute. Dr.Sarma, however, stated that the claim of the applicants need to be scrutinised and examined and without that no steps can be taken. Mr.U.K.Nair, learned counsel for the applicants, on the other hand, placed before me the judgment and order rendered by this Tribunal in O.A.79 of 1996 disposed on 11.1.1999.

Considering all the facts and circumstances of the case, I am of the opinion that ends of justice will be met, if a direction is issued to these applicants to submit individual representations before the authority. Accordingly, the applicants are directed to submit individual representations before the authority narrating their grievances within a period of one month from the date of receipt of the order. If such representation is made within the time prescribed, the respondents shall examine the respective cases and scrutinise and verify their claims. If the applicants fulfil the requirement, the authority shall consider their case for absorption against available vacancies as per law. It is expected that the authority shall take all the necessary steps for expeditious disposal of the matter and shall complete the process within three months from the receipt of the representations. While considering the claims of these applicants the respondents authority shall also take into consideration the memorandum No.E/227/RC SV(E) AP dated 21.4.2000 issued by the Divisional Railway Manager(P)APDJ, N.F.Railway, whereby the authority approved the result of the screening test

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W.D.
Advocate

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in view of the policy decisions of the Govt. of India.

Subject to the observations made above, the application stands disposed.

There shall, however, be no order as to costs.



Sd/VICE CHAIRMAN

Verified to be true
प्रमाणित किया जाता है

W.D. 19/5/03
Section Officer (J)
C.A.T. GUNAWATTI BANCH
Gunawan-19/5/03

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Per
Advocate

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 259 of 2002.

Date of Order : This the 25th Day of August, 2003.

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

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

1. Shri Habul Ghosh,
2. Shri Haren Das,
3. Sri Kishor Kumar Mandal,
4. Sri Biren Boro,
5. Sri Maina Boro,
6. Sri Kripa Tewary,
7. Sri Pradip Sarma,
8. Sri Paneswar Boro,
9. Sri Nagendra Boro,
10. Sri Anil Kalita and
11. Sri Bhogi Ram Basumatary

...Applicants

All the applicants are ex casual workers under
Alipurduar Division, N.F.Railway.

By Advocate Miss Usha Das.

- Versus -

1. Union of India,
represented by General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
2. The General Manager (Construction),
N.F.Railway, Maligaon,
Guwahati-11.
3. The Divisional Railway Manager(P),
Alipurduar Division, N.F.Railway,
Alipurduar, West Bengal.

...Respondents

By Sri S.Sengupta, Railway standing counsel.

O R D E R (ORAL)

CHOWDHURY J.(V.C)

The eleven applicants claimed to be ex casual labourers in Alipurduar Division, N.F.Railway. In view of commonality of the cause of action, nature of claim and relief sought for leave was granted allowing the applicants

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to espouse their cause by one single application in terms of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987.

2. The applicants claimed that all of them worked in the Alipurduar Division as casual labourer on being engaged when they were expecting for their regularisation they were arbitrarily terminated some times in 1981. After their termination all of them left for different destination in search of livelihood. The applicants thereafter came to learn about the decision taken by the authority for regularisation by absorbing all such persons and for that matter a special drive was also taken. According to applicants their names ought to have entered in Live Register for their absorption in the Railway as per the policy decision. The applicants claimed that persons similarly situated already moved the door of the Tribunal in O.A. 79/96, O.A.43/2002 and O.A.44/2002 finally disposed of by the Tribunal on 11.1.99, 1.5.2003 and 1.5.2003 respectively.

3. The respondents contested the case by disputing their claim. In the written statement the respondents asserted that the casual labourers who have worked in N.F. Railway open line before 1.1.81 and were discharged for want of work or due to completion of work were given an opportunity to apply, if they so wished for inclusion of their names in the Live Casual Labour Register. They were asked to submit their representation with adequate documentary proof so as to reach the concerned Divisional Manager's office before the specified time. It was also asserted that in Bridge Division a panel of 715 men was drawn after screening who were borne on the various BRI units under DY.CE/BR/1/MLG and copy of the ex casual

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labourers were sent to various BRI units. Out of the panel of 715 screened casual labour only 252 could be engaged. Rest could not be engaged for want of vacancies. According to the respondents none of the applicants applied for registering their names in live casual labour register or supplementary live registers in response to the notification dated 13.3.1987. As a result their names could not be registered with live casual labour register or supplementary live register. Since these applicants did not apply for the post their cases could not be considered. In the written statement the respondents however admitted that one ex casual labour namely, Sri Habul son of Ruplal was screened thereby indicating that the applicant was screened but he could not be absorbed for want of vacancy within the panel period.

4. We have heard the learned counsel for the parties at length. Miss U.Das, learned counsel for the applicant referred to the decisions of this Bench rendered in O.A.79/96 as well as in O.A.43/2002 and 44/2002. The learned counsel contended that the case of the present applicants is squarely covered by those judgments. Mr S.Sengupta, learned Railway standing counsel appearing for the respondents opposing the claim of the applicants contended that these applicants did not come in time and could not be granted relief by the Tribunal for their latches. Mr Sengupta further contended that even on merit the applicants did not deserve any consideration since they are lacking for want of particulars in respect of their services.

5. We have given our anxious consideration on the matter. The plea of limitation raised by Mr Sengupta is no doubt a substantial question of law but then it will be

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U.Das
Advocate

denial of justice if the applications of the applicants who are unemployed on retrenchment are thrown out on the ground of delay. After termination as it appears that they went in search of livelihood and scattered for different places. The authority reviewed its policy, which did not reach them. Only after came to know the decisions they have knocked the door of the Tribunal. The applicants are not guilty of any lapses. When similar nature of orders were passed it was equally incumbent on the part of the respondents to issue notices to all the like persons so that they could also approach the authority for appropriate relief. Be that as it may, we are of the opinion that the ends of justice will be met if a direction is issued on the applicants also to submit their representations giving the details of their services as far as practicable to the respondents authority narrating all the facts within six weeks from the date of receipt of this order and if such representations are filed within that time the respondents shall examine the same as expeditiously as possible preferably within two months from the date of receipt of the same and take appropriate decision as per law.

With these the application stands disposed of. There shall, however, be no order as to costs.

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15/11/03

Section Officer (D)

C.A.T. GUWAHATI Bench

Guwahati-781005

16/9/19

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

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Advocate