

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 101/2005

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SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 101/05

Disc. Petition NO. _____

Contempt petition No. _____

Review Application No. _____

Applicants. N. Acharyal

Respondents. U.O.I. Im

Advocates for the Applicant. P.K. Tiwari, J. Pankeyash

Advocates of the Respondents. J.L. Sarkar Railway

Notes of the Registry	Dated	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 50/- deposited vide IPO/BD No. <u>204/1600/53</u> Dated <u>dt. 4.5.05</u></p> <p><i>N. Acharyal</i> Dy. Registrar</p>	<u>6.5.05.</u>	<p>Present: Hon'ble Mr. Justice G. Sivaraman, Vice-Chairman. Hon'ble Mr. K.V. Prahladan, Administrative Member.</p> <p>After hearing the learned counsel Mr. P.K. Tiwari appearing on behalf of the applicant and Mr. J.L. Sarkar, learned counsel for Railway on the averments made in this application, the application can be disposed of at the Admission stage itself. The applicant is a Post Graduate Teacher of Botany in Netaji Vidyapeeth Higher Secondary School at Maligaon. Vide order dated 02.05.2005 (Annexure 5) the applicant had been transferred to Railway Higher Secondary School, Badarpur. The applicant being aggrieved by this order has filed an appeal dated 4.5.05 (Annexure A/6) before the 2nd Respondent. The applicant has filed this application apprehending that the 5th Respondent will come on ^{by} or ^{2nd} relieve the applicant immediately during the pendency of the said appeal.</p> <p>Mr. P.K. Tiwari, learned counsel for the applicant submits that if the applicant is relieved from the Netaji Vidyapeeth Railway Higher Secondary School immediately, the appeal itself ^{by} is ^{will} become practically infructuous.</p>

contd/-

6.5.05. and the applicant will put to ~~great~~ ^{great} hardship. Mr. J.L. Sarkar learned counsel for the Respondents on the other hand submits that since the applicant has already filed an appeal before the 2nd Respondents, it is for the said Respondent to decide this matter. We find merit in ^{the} submission of Mr. J.L. Sarkar, learned counsel for the Respondents. In the circumstances we direct the 2nd Respondent to dispose of the appeal (Annexure 6) within a period of two weeks from the date of receipt of this order, by a speaking order. If the applicant has not been relieved from the school in which he ^{is} working, the same will be deferred for a period of ^{one} week. This is to enable the 2nd Respondents to pass an interim order regarding keeping in abeyance (Annexure A/5) till disposal of the appeal. Application is disposed of as above. Issue copy of this order urgently to the learned counsel for the parties.

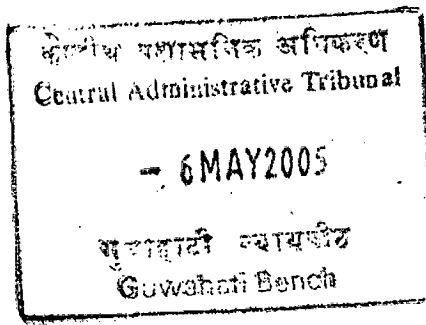
6.5.05

Copy of the
has been sent to
the D/Sec. for
issuing the order
to the L/Advocate
for the parties.
H.S.


Member


Vice-Chairman

lm



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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A No. 101 of 2005

Nilkantha Acharjee

Versus

Union Of India & Ors.

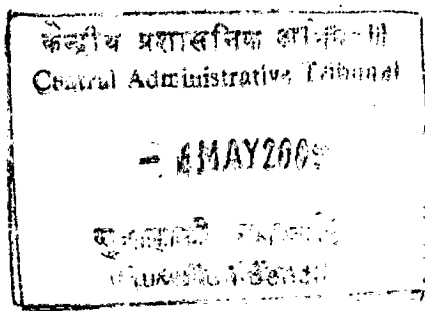
In this Original Application the applicant is challenging the legality of the Office Order dated 2.5.05 by which the incumbents of the posts of Post Graduate Teacher (Botany) in Netaji Vidyapeeth Railway Higher Secondary School, Maligaon and Badarpur Railway Higher Secondary School, have been made interchangeable after every three years. The applicant is a Post Graduate Teacher (Botany) in Netaji Vidyapeeth Higher Secondary School, Maligaon. Amongst the teaching staff of Railways the transfers are made either on promotion or on request on mutual basis. No other post of PGT of any other subject in any other Railway School has been linked in a similar manner. There are seven Higher Secondary Schools under N.F. Railway with more than seventy Post Graduate Teachers. In none of these posts such a practice has been introduced as has been done in the case of this applicant by virtue of the impugned order. It is the case of the applicant that the impugned order has not been passed either in public interest or in administrative exigency but the same has been passed to accommodate the private interest of Respondent No.5. Apart from the above the applicant has raised host of other issues touching upon the legality of the order dated 2.5.05. Being

aggrieved the applicant also preferred the appeal dated 4.5.05 but since the time is running out the applicant has come before this Hon'ble Tribunal for the ends of justice.

Filed By:

Jaideep Purkayastha
6.5.05
(J. PURKAYASTHA)

Advocate



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : **OA No. 101 of 2005**

Nilkantha Acharjee ... Applicant

-Versus-

Union of India & Ors ... Respondents

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For use in Tribunal's Office

Date of filing:

Registration No.

REGISTRAR

Filed by:-
The Applicant
Through:-
Jaideep Borthakur
Advocate C.S.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. _____ of 2005

BETWEEN

Nilkantha Acharjee,
Post Graduate Teacher (PGT), Botany
Netaji Vidyapeeth Railway Higher Secondary School,
Maligaon, Guwahati-11.

..Applicant

-AND-

1. Union of India,
through the Secretary,
Ministry of Railways,
Government of India,
New Delhi.
2. The General Manager,
NF Railway, Maligaon,
Guwahati-11.
3. The General Manager (Personnel),
NF Railway, Maligaon,
Guwahati-11.
4. Senior Personnel Officer (W),
NF Railway, Maligaon, Guwahati-11.

N.A.

5. Dayal Kanti Sen,
Post Graduate Teacher, Botony,
NF Railway Higher Secondary School, Badarpur,
P.O.-Badarpur, Dist-Karimganj, Assam.

.. Respondents

DETAILS OF APPLICATION

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

Present application is directed against office Order dtd. 02.05.2005 issued by Senior Personnel Officer (W) for General Manager (P) N.F.Railway interchanging the places of posting of the applicant vice the Respondent No.5 with the observation that such interchanging of posting shall be carried out after every 3 years.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The present application fulfils the legal requirement of the period of limitation stipulated under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

4.1. That the applicant is working as Post Graduate Teacher, Botany in Netaji Vidyapeeth Railway Higher Secondary School at Maligaon, Guwahati. The applicant join the Railway service as trained Graduate Teacher (TGT) on

N.A.

23.03.1993. He was subsequently promoted as post Graduate Teacher in July 1997. After his promotion as Post Graduate Teacher in Botany he was posted to Badarpur Railway Higher Secondary School vide Office Order dtd.25.07.1997.

Copy of the Office Order Dtd.25.07.1997 is annexed herewith and marked as **ANNEXURE A/1.**

4.2. That it is pertinent to mention that in the N.F.Railway amongst the teaching staffs the order of transfers are passed either on promotion or on request. There is not a single case in N.F.Railway of transfer of any Post Graduate Teacher which is neither on promotion nor on request. In almost all the cases after the appointment as Post Graduate Teacher one continues in the same school without any further possibility of transfer to another school. It is only when the request for transfer is made by the incumbent the orders for transfer are passed for making adjustments on mutual basis.

4.3 That after 1997 when the applicant started working as PGT Botany in Badarpur Higher Secondary School, his wife and daughter started facing serious bronchial asthmatic problems. The Central Hospital of N.F.Railway is located only at Maligaon, Guwahati wherein necessary facilities for such treatment are available. In fact the eleven years old daughter of the applicant was required to be admitted in Central Hospital Maligaon, Guwahati on two different occasions wherein she was to be put on oxygen. It was under these circumstances that the applicant made a request for his transfer from Badarpur to Guwahati so that he can provide adequate medical facilities to his ailing wife and daughter.

4.4 The during the relevant period the Post Graduate Teacher of Botany in Netaji Vidyapeeth Higher Secondary School at Maligaon happens to be the Respondent No.5. During that period the Responent No.5 was mired in controversy because he had physically assaulted very badly one

student of his class. The student was so severely assaulted that he was required to be treated at Guwahati Neurological Research Centre. Consequently the AHRC Case No 1791/98/14 was filed against the Respondent No.5 before the Assam Human Rights Commission and demands were made for his transfer to some other place from Guwahati. The aforesaid incident was widely reported in various local dailies.

The news item is published in the North East Daily of 19th September, 1998 is annexed herewith and marked as **ANNEXURE A/2.**

4.5. That initially the official respondents tried to ward off the pressure but by the year 2001 the pressure on Railway authorities became considerable to shift the Respondent No.5 to some other school out side Maligaon, Guwahati. Since the request of applicant for his transfer from Badarpur to Maligaon was also pending, the Railway authorities resolved the deadlock by transferring the applicant from Badarpur Higher Secondary School to Netaji Vidyapeeth Higher Secondary School, Maligaon, Guwahati vice the Respondent No.5. The aforesaid order of transfer was passed vide office order dtd.12.10.2001.

Copy of the Office Order dated 12.10.2001 is annexed herewith as **ANNEXURE-A/3.**

4.6. That it was under these circumstances that the applicant joined as Post Graduate Teacher, Botany in Netaji Vidyapeeth Higher Secondary School, Maligaon, Guwahati in the place of the Respondent No 5 in October. After October, 2001 while working as PGT Botany in Netaji Vidyapeeth Maligaon Secondary School at Maligaon, Guwahati, the wife and daughter of the applicant received regular treatment for Bronchial Asthma at the Central Hospital, Maligaon. In December, 2003 the 11 years old daughter of the petitioner was even admitted in the Hospital and given oxygen.

Because severe asthenic troubles of the petitioner's wife and daughter the Sr. Divisional Medical Officer of the N.F. Railway also gave a certificate dated 9.12.02 advising that family of the petitioner resides nearly the Central Hospital.

Copy of the certificate dated 9.12.02 given by Sr. DMO, N.F. Railway and other connected papers showing admission of applicant's daughter in the Central Hospital, an annexed herewith and marked as **ANNEXURE A/4Colly.**

4.7. That meanwhile the Respondent no.5 who was unhappy by his posting to Badarpur continued to make efforts to come back to Maligaon, Guwahati. The sustained efforts of Respondent no.5 bore fruit when the Sr. Personnel Officer (W) for General Manager (P) passed an office order dated 2.5.05 communicating a decision that the present incumbents of the post of PGT (Botany) of Netaji Vidyapeeth Railway Higher Secondary School, Maligaon and PGT (Botany) of Railway Higher Secondary School, Badarpur will be interchanged from their places of posting after every three (03) years henceforth. Consequently the applicant was transferred from Netaji Vidyapeeth Railway Higher Secondary School, Maligaon to Railway Higher Secondary School, Badarpur vice respondent no.5.

Copy of the impugned office order dated 2.5.05 is annexed herewith and marked as **ANNEXURE A/5.**

4.8. That the impugned officer order is contrary to the known principles of transfer jurisprudence in service matters. Ex facie the order shown that it has not been passed either in public interest or in administrative exigencies. The sole objective of the impugned office order is to bring back respondent no.5 to Guwahati for a period of 3 years. A per the order, the

N.A.

practice now introduced of interchanging of positions every three years shall be continued henceforth.

4.9. That by virtue of the impugned office order the posts of PGT (Botany) in Netaji Vidyapeeth Railway Higher Secondary School, Malligaon and Railway Higher Secondary School, Bidarpur have been constituted into a special category in contradistinction to other posts of PGTs in all other Railway Schools of N.F. Railway. The aforesaid two posts have been treated as a separate class without any intelligible differentia and rational and objective criteria. It is pertinent to mention that there are total 7 (seven) higher Secondary Schools in N.F. Railway with nearly 70 numbers of Post Graduate Teachers. However in none of these cases this peculiar practice of interchanging of positions after every three years has been introduced. The official respondents owe an explanation to this Hon'ble Tribunal as to why only in regard to this applicant and the respondent no.5 this peculiar practice has been introduced by impugned office order dated 2.5.05.

4.10. That though the impugned order has not been formally served upon the applicant but he could get the copy of the same through the other source. Being aggrieved by the order the applicant preferred the appeal dated 5.5.05 to the General Manager, N.F. Railway. In his appeal the applicant urged four grounds for cancelling the order of transfer. The first contention of the applicant was that in regard to no other post of PGT the practice of interchangeability of incumbents after every three years has been introduced then why such an exception is being made in regard to PGT Botany of Netaji Railway Higher Secondary School and Badarpur Railway Secondary School. The second contention of the applicant was that amongst the teaching staff of TGT and PGT level the orders of transfer are passed either on request or on promotion. There has been no instance of order of transfer being passed in any other situation. Thirdly, the applicant also

N.A.

highlighted the bronchial asthmatic problems of his wife and daughter and the requirement of their receiving constant treatment at the Maligaon Central Hospital of N.F.Railway. It was also urged by the applicant that the impugned order of transfer is neither in public interest nor in any administrative exigency and the same has been passed only for the purpose of accommodating the private interest of respondent no.5.

Copy of the appeal dated 05.05.05 is annexed herewith and marked as ANNEXURE A/6.

4.11 That the appeal dated 5.5.05 submitted by the applicant to the General Manager, N.F.Railway has not been disposed of as yet. Since the time is fast running out, therefore, the applicant has no other alternative remedy left but to approach this Hon'ble Tribunal for the ends of justice.

4.12 That the applicant has made out a prima facie case of arbitrariness and illegality on the part of official respondents in issuing the office order dated 2.5.05. The balance of convenience is in favour of the applicant as he is still holding the post of PGT (Botany) in Netaji Vidyapeeth Railway Higher Secondary School. Moreover, the applicant will suffer irreparable loss and injury if the interim order is not passed by this Hon'ble Tribunal staying the operation of the office order dated 2.5.05. Hence the present case is a fit case wherein this Hon'ble Tribunal may be pleased to stay the impugned office order dated 2.5.05.

4.13 That the applicant has not been released so far from the post of PGT (Botany) in Netaji Vidyapeeth Railway Higher Secondary School and he is still holding the aforesaid post. As stated earlier even the copy of the impugned office order dated 2.5.05 has not been formally served on the applicant.

4.14 That the applicant files this application bonafide for securing the ends of justice.

5. GROUND

5.1 For that amongst 70 odd posts of PGTs in seven Higher Secondary Schools of N.F.Railway the principle and practice of interchangeability of incumbents has been introduced only in regard to PGT (Botany) in Netaji Vidyapeeth Higher Secondary School, Maligaon and Railway Higher Secondary School, Badarpur. Thus the aforesaid two posts have been treated as a separate class without any objective criteria and rational and intelligible differentia.

5.2 For that amongst the teaching staff of N.F.Railway the orders of transfer are passed either on promotion or on request. There has never been any instance in the past of any order of transfer being passed on any other ground.

5.3 For that the impugned order of transfer has not been passed either in public interest or in any administrative exigency. The same has been passed only to accommodate the private interest of respondent no.5.

5.4 For that the applicant is required to be accommodated at Maligaon for the purpose of constant medical treatment of his wife and daughter at Maligaon Central Hospital. No such facility is available at Badarpur.

5.5 For that the impugned order of transfer is arbitrary and has been passed on extraneous consideration.

6. DETAILS OF REMEDIES EXHAUSTED :

That in the present case, no other adequate alternative remedy is available to the Applicant under the law.

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

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

- 8.1 Quash and set aside the office order No.E/252/42/445 (W) dated 2.5.05 issued by Sr. Personnel Officer (W) for General Manager (P), N.F. Railway, Maligaon, Guwahati-11.
- 8.2 Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case.
- 8.3 Award cost of the application.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, the Applicant prays that the Hon'ble Tribunal may be pleased to stay/suspend the Office Order No.E/252/42/445(W) dated 2.5.05.

10.

The Application is filed through Advocate.

N.A.

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

- (i) I.P.O. No. : 206160653
(ii) Date : 4.5.05
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Nilkantha Acharjee, son of , late A.M.Acharjee, aged about 46 years, resident of Maligaon, Railway Quarter No.128/B, P.O.-Maligaon, Guwahati-11. do hereby solemnly affirm and verify that I am the applicant in the accompanying application. The statements made in the accompanying application in paragraphs 4.2, 4.3, 4.8 to 4.13, 6 & 7 are true to my knowledge, those made in paragraphs 4.1, 4.4, 4.5, 4.6 & 4.7 being matters of records are true to my information derived therefrom and the rest grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the day of 6th May, 2005 at Guwahati.

Nilkantha Acharjee
Signature of the applicant.

NORTHEAST FRONTIER RAILWAY.

OFFICE ORDER.

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

1. Shri Bikash Chakraborty, TGT (Science) Senior Grade in scale Rs.1640-2900/- of Railway H. S. School/APDJ is hereby promoted to officiate as PGT (Maths) in scale Rs.1640-2900/- and posted in Railway H. S. School/APDJ against an existing vacancy.
2. Shri Ananta Kr. Roy (SC), Demonstrator Senior Grade in scale Rs.1640-2900/- of Railway H. S. School/IMB is hereby promoted to officiate as PGT (Maths) in scale Rs.1640-2900/- and posted in Railway H. S. School/IMG against an existing vacancy.
3. Shri M. K. Gangopadhyay, TGT (Arts) Senior Grade in scale Rs.1640-2900/- of Bani Mandir Rly. H.S. School/SGUJ is hereby promoted to officiate as PGT (Bengali) in scale Rs.1640-2900/- and posted in Railway H. S. School/BPD against an existing vacancy.
4. Smt. Supriti Chatterjee, TGT (Arts) Senior Grade in scale Rs.1640-2900/- of Railway H. S. School/LMG is hereby promoted to officiate as PGT (Bengali) in scale Rs.1640-2900/- and posted in Railway H. S. School/LMG against an existing vacancy.
5. Smt. S. Sarker (Mandal) (SC) TGT (Arts) in scale Rs.1400-2600/- of Railway H. S. School/APDJ is hereby promoted to officiate as PGT (Bengali) in scale Rs.1640-2900/- and posted in Railway H. S. School/APDJ against an existing vacancy.
6. Shri J. C. Lahiri, Demonstrator Senior Grade in scale Rs.1640-2900/- of Railway H. S. School/APDJ is hereby promoted to officiate as PGT (History) in scale Rs.1640-2900/- and posted in Railway H. S. School/APDJ against an existing vacancy.
- ✓ 7. Shri N. K. Achary, TGT (Science) in scale Rs.1400-2600/- of Railway H. S. School/LMG is hereby promoted to officiate as PGT (Botany) in scale Rs.1640-2900/- and posted in Railway H. S. School/BPD against an existing vacancy.
8. Shri Pankaj Kumar Jha, Demonstrator in scale Rs.1400-2600/- of Netaji Vidyapith Rly. H. S. School/PNO is hereby promoted to officiate as PGT (Zoology) in scale Rs.1640-2900/- and posted in Railway H. S. School/LMG vice Smt. Chitra Roy, PGT (Zoology) already transferred.
9. Smt. Rajshree Chowdhury, TGT (Arts) in scale Rs.1400-2600/- of Railway H. S. School/LMG is hereby transferred on her existing pay and scale and posted in Netaji Vidyapith Rly. H. S. School/PNO against an existing vacancy. She is not entitled for transfer benefits like transfer pass, allowances etc. as she has been transferred on her own request.
10. Smt. Suparna Paul, Primary Teacher Senior Grade in scale Rs.1400-2600/- of Railway H. S. School/BPD is hereby promoted to officiate as TGT (Arts) in scale Rs.1400-2600/- and posted in Railway H. S. School/BPD against an existing vacancy.

Contd...2.

Certified to be true copy

(J. Purkayastha)
Advocate

11. Smt. Manju Gangopadhyay, Primary Teacher in scale Rs.1200-2040/- of Railway Girls High School/NJP is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Railway Girls High School/NJP against an existing vacancy.

12. Shri Ranjit K. Roy (SC), Primary Teacher in scale Rs.1200-2040/- of Railway H. S. School/DPB is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Railway H. S. School/LMG vice item No.4 above.

13. Smt. Renu Dasumata (ST), Primary Teacher in scale Rs.1200-2040/- of Railway H. S. School/APDJ is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Railway H. S. School/APDJ against an existing vacancy.

14. Shri Debashis Chowdhury, Primary Teacher in scale Rs.1200-2040/- of Bani Mandir Rly. H. S. School/SGUJ is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Bani Mandir Rly. H. S. School/SGUJ against an existing vacancy.

15. Shri Sambhu Chakraborty, Primary Teacher in scale Rs.1200-2040/- of Bani Mandir Rly. H. S. School/SGUJ is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Bani Mandir Rly. H. S. School/SGUJ against an existing vacancy.

16. Smt. Sabita Dhattacharjee, Primary Teacher in scale Rs.1200-2040/- of Netaji Vidyapith Rly. H. S. School/PNO is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Netaji Vidyapith Rly. H. S. School/PNO against an existing vacancy.

17. Shri Tapan Chakraborty, Primary Teacher in scale Rs.1200-2040/- of Railway H. S. School/APDJ is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Netaji Vidyapith Rly. H. S. School/PNO against an existing vacancy.

18. Smt. Sukla Dhattacharjee, Primary Teacher in scale Rs.1200-2040/- of Railway H. S. School/APDJ is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Railway H. S. School/APDJ against an existing vacancy.

19. Shri N. N. Paul, Primary Teacher in scale Rs.1200-2040/- of Railway Primary School/POI is hereby promoted to officiate as TGT(Arts) in scale Rs.1400-2600/- and posted in Railway H. S. School/LMG vice item No.9 above.

20. Shri Kamakhya Roy, Primary Teacher in scale Rs.1200-2040/- of Railway Primary School/Rest Camp/PNO is hereby promoted to officiate as TGT(Science) in scale Rs.1400-2600/- and posted in Railway H. S. School/LMG vice item No. 7 above.

Contd...3.

Certified to be true copy

(Sd/-)
(Signature)
Advocate

21. Smt. Dani Dose, Primary Teacher in scale Rs.1200-2010/- of Netaji Vidyapath Railway H. S. School/PNO is hereby promoted to officiate as TGT(Science) in scale Rs.1400-2600/- and posted in Railway Higher Secondary School/BPD vice Sh. Debasish Sinha Mahapatra, TGT(Science)/BPD.

22. Sh. Debasish Sinha Mahapatra,, TGT(Science)/Rly. HS School/BPD is transferred and posted in Dani Mandir Rly. HS School/SGUJ at his own request against an existing vacancy. He is not entitled for transfer grant/pass/joining time etc.

(A. KISPOTTA.)
for SR. PERSONNEL OFFICER. (W).
GENERAL MANAGER. (P)MLG.

NO. E/252/III/10(W)Pt. II.

Maligaon, dated, 25-7-97.

Copy forwarded for information and necessary action. The promotion order may be effected subject to DAR clearance under advice to this office.

1) Controlling Officer, Headmistress/Principal/Teacher-in-charge of

- 1) Netaji Vidyapath Rly. H. S. school/PNO.
- ii) Railway H. S. School/LMG, BPD, APDJ, Maligaon.
- iii) Dani Mandir Rly. H. S. School/SGUJ.
- iv) Railway Girls High school/HJP.
- v) Railway Primary School/Rest Camp/PNO.
- vi) Railway Primary School/DOI.
- vii) Railway Primary School/HJG.
- viii) Railway DTP School/Central Gatanagar/MLG.

for information. The concerned staff may be spared immediately.

- 2) 1) FA&CAO/MLG.
- ii) DAO/LMG, TSK, APDJ & KIR.
- iii) DAO/NJP.
- 3) DRM(P)KIR, LMG, APDJ & TSK.
- 4) APO/NJP.
- 5) Staff concerned.

for GENERAL MANAGER. (P)MLG.

LB/24-7.

Panel registers case against school authority, seeks explanation 'Beating' student beaten by teacher is still in trauma

REPORTER

SEPT. 18
Netai Vidyapath
Secondary School

It was not just a nightmarish experience for Anupam, the school authority has even jeopardised his academic career by trying to establish him as a juvenile delinquent.

The AHRC has, meanwhile, registered a case against the school authority and sought their explanation. The commission has fixed October 27 as the next date for hearing.

It was on March 12, when Anupam was mercilessly beaten up by a teacher of the school - Dayal Kanti Sen. Anupam's 'fault' was that he was smiling in the classroom. The teacher allegedly hit him on the head with a duster, pounded and subsequently kicked him from the first floor down to the ground floor of the school inflicting him seriously.

He had to be taken first to a railway doctor and later to the Guwahati Neurological Research Centre for treatment.

Although Anupam's father Priya Ranjan Chakraborty brought the matter to the notice of P.K. Choudhary, the principal of the school, the latter only defended the teacher.

Four days later, the boy's father lodged a written complaint with the school authority and demanded an enquiry into the incident. Copy of the complaint was also sent to the chairman, Railway Board, general manager NF Railway, Guwahati and chief personnel officer, NF Railway, Guwahati. But for reasons best known to the authorities, no action has been initiated against the school authority or against the teacher till date.

On the other hand, the doctor attending Anupam, advised his parents for change of environment. Accordingly, Anupam's father moved the school authorities as well as the Assam State Higher Education Council to issue the transfer certificate. The principal, however, initially refused to issue the transfer certificate and instead, pressurised Anupam to give in writing that he had broken a window pane of the school building.

The council authorities allowed Anupam to take transfer but the school authorities, ironically, remarked on the application form that Anupam "has developed a tendency of juvenile delinquency. He entangled the school authorities in a case in the AHRC in 1998 for the first time since its inception." While the same principal just about six months back when Anupam passed the HSLC examination gave a certificate that his moral character is good.

On the other hand, the boy's father, a central government employee, was receiving telephonic threats of dire consequences unless the case with the AHRC is withdrawn.

Moreover, the class captain was also forced to give a statement against Anupam to the school authority. However, the class captain informed the AHRC later that he was forcefully brought from his house at 10 o'clock in the night by the school teacher and forced to write that Anupam had broken window panes of the school.

Today, as a depressed Anupam is languishing in fear psychosis his hapless parents are passing sleepless nights every body now is looking upto the AHRC for an impartial response.

Not to be true copy

(J. Pankaj Jashna)
A V...

NORTHEAST FRONTIER RAILWAY.

OFFICE ORDER

The following transfer and posting order are issued with immediate effect :-

- 1) Sri N.K. Acharjee, PGT (Botany) in scale Rs. 6500-10,500/- of Railway Higher Secondary School/BFB is hereby transferred on his existing pay and scale and posted in Netaji Vidhyapith Railway Higher Secondary School/Maligaon vice Shri Dayal Karti Sen.
- 2) Sri Dayal Karti Sen, PGT (Botany) in scale Rs. 6500-10500/- of Netaji Vidhyapith Railway Higher Secondary School/Maligaon is hereby transferred on his existing pay and scale and posted in Railway Higher Secondary School/BFB vice Sri N.K. Acharjee item No. 1 above.
- 3) Sri M.K. Nth, Primary Teacher in scale Rs. 5000-8000/- (Sr. Grade) of Railway Higher Secondary School/BFB is hereby transferred on his existing pay and scale and posted in Railway Double teacher Primary School/MXN against an existing vacancy.

This issue with the approval of CPO/IR.

(J. RABIDAS)
AFO (W)

for GENERAL MANAGER (P)/MLG.

No. E/252/III/10 (V) Pt. II Maligaon, dated : 12-10-2001.

Copy forwarded for information and necessary action to :-

- 1) FA & CAO/MLG.
- 2) DRM (P)/LMG & TSK
- 3) CO/Netaji Vidhyapith Railway H.S. School/MLG (DCM/G/MLG).
- 4) Principal, Netaji Vidhyapith Railway H.S. School/MLG.
- 5) CO/Railway H.S. School/BFB (AM/BFB).
- 6) Principal, Railway H.S. School/BFB.
- 7) CO/Railway H.S. School/MXN (AEN/MXN).
- 8) DAO/LMG & TSK.
- 9) Staff Concerned.

for GENERAL MANAGER (P)/MLG.

Certified to be true copy

(J. Purkayastha)
Advocate

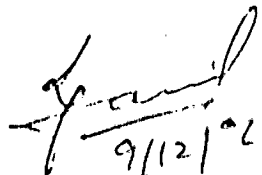
This is to certify that Mrs. Nibha Acharjee, wife of Sri N.K. Acharjee, PGT at Netaji Vidyapith Railway H.S.School Maligaon is under my treatment. She is a patient of Bronchial Asthma and suffering since last ten years. She requires regular medical treatment from the Central Hospital, N.F.Railway, Maligaon.

Besides the all possible medical support from this hospital she is advised to keep herself away from any sort of mental anxiety as well ^{as} constant physical labour.

Furthermore, so far as her asthmatic condition is concerned it will be better for her to reside at nearby of the Central Hospital, Maligaon in order to avail the existing medical facilities as much as possible.

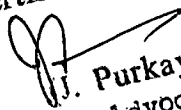
I wish her all the best.

Date : 9/12/2002.
Maligaon.


9/12/02
Dr. DMO/H & FW
(Dr. H. Paul)
Sr.DMO/H & F.W./MLG
Central Hospital,
N.F.Railway.

Dr. DMO/H & FW
Sr.DMO/H & F.W./MLG

Certified to be true copy


Purkayastha)
Advocate

MINISTRY OF HEALTH
DEPARTMENT OF MEDICINE

DISCHARGE SUMMARY

Name Annesha Acharjee Age 9 Sex F Occupation Student

I.D. No. 792/03 Date of admission 20/11/03 Time 8:00 PM CHW CHW

Address Qm no 112/5 West Maligam

Employer Name P. Q. Nilakanta Acharjee

Designation Teacher grade 1/Ed/ M.A. Period Rs 7900/-

Controlling Officer

Department

Division

Willing

Date of Discharge 03-12-03 Time of Discharge 11:00 AM

Diagnosis

ICD Code

Acute exacerbation of

mild persistent asthma

allergic rhinitis

BRIEF DISCHARGE SUMMARY

Pt presented with cough & breathing difficulty. She is a known case of mild persistent asthma and was on occasional inhalational bronchodilator.

She is managed with bronchodilator and discharged with following advice:

In: Blood (1-12-3)

Adv - Review after 5 days

TC - 6100/cmm

Continue Rx

DLG - P60 L28 M00 E02

1. Bedate inhalation (200/14)

Hb - 11.0 g/dl

Sig - 2 puffs daily to continue

ESA - 49 mm AEFH

2. Ventolin inhalation

S. Nat - 13.8 mmol/L

3. 2 puffs 6 hrs x 5 days

S. K - 8.6 mmol/L

4. Metatop Nasal spray

Doctor's Signature

5. Metatop Nasal spray

Sig - 2 puffs on both nostrils

- Avoid cold

- Avoid fur toy

- Keep room humidity < 60%

(Tidy house)

- Avoid carpet in bedroom

- Weekly vacuum cleaning of bed room

20th 21.7.56

पू. सी. रेलवे/N. F. RAILWAY

पू.सी.एम./N.F.M - 54

आर.बी.एम./R. B. Med. सी/C-2

अस्पताल से रुकने वाले का प्रमाण-पत्र/HOSPITAL DISCHARGE - CERTIFICATE

अस्पताल/ HOSPITAL CH. N.F.R. M.C.

क्रम सं./Sl. No. अन्तरंग सं./Indoor No. 25103 तारीख/ Dated 23-5-56
अस्यत्थता प्रमाण-पत्र सं./Sick certificate No. तारीख/ Date.

नाम/Name Shri. D. O. N. Acharya Designation PAT
विभाग/Department. स्थान/Station M.C. जिला/मंडल/ District/Divin.

भर्ती/Admitted 23-5-56 विसर्जित/मुक्त/Discharged/ Died.

(क) वह दाय्ये के योग्य है/(a) He is fit for duty.

(ख) इसे डाक्टरों जांच के आधार पर तारीख से तक की छुट्टि लेने के लिए सिफारिस कि जाती है

(b) Recommended leave on medical grounds from to

(ग) इलाज के लिए उसे

(c) He should attend at Dispensary for further treatment

(घ) काम पर वापस जाने के पहले Dispensary on

(d) He should report at before return to work

(ङ) डाक्टरों जांच के आधार पर आगे सेवा के लिए अयोग्य है

(e) Unfit for further service on medical grounds

(च) (i)

निदान/ Diagnosis Mild intermittent asthma acute exacerbation

आगे इलाज की सिफारिस, यदि हो/ Further treatment recommended, if any.

कार्यालय मुहर/ Office Seal. स्थानिक सर्जन का हस्ताक्षर/ Signature of House Surgeon

तारीख/ Date.

Certified to be true copy
(J. Purkayastha)
Advocate

Avoid cold. Avoid fire
Keep room humidity 60%
Avoid carpet in bedroom. Weekly vac
cleaning of bed

KF RAILWAY

Office ORDER

It has been decided that the present incumbents of the post of PGT(Botany) of Netaji Vidyapith Railway HS School/Maligaon and PGT(Botany) of Railway HS School/Badarpur will be interchanged their places of posting after every 03(three) years henceforth and accordingly the following transfer and posting orders are issued :-

- (i) Shri Nilkantha Acharjee, PGT (Botany) in scale Rs.6500-10500/- of Netaji Vidyapith Railway HS School/Maligaon is hereby transferred on his existing pay and scale and posted in Railway HS School/BPB.
- (ii) Shri Dayal Kanti Sen, PGT(Botany) in scale Rs.6500-10500/- of Railway HS School/BPB is hereby transferred on his existing pay and scale and posted in Netaji Vidyapith Railway HS School/Maligaon

The above transfer orders will be reviewed after 3 years for re-transfer vice-versa.

This issues with the approval of the competent authority.

(J. Rabidas)
Sr. Personnel Officer(W)
For General Manager (P)

No.E/252/42/445(W)

Maligaon,dt. 2/5/05

Copy forwarded for information & necessary action to:-

- 1) CO/Netaji Vidyapith Rly HS School/MLG(Dy.CEE/CON)
- 2) Principal/Netaji Vidyapith Rly.HS Schol/MLG
- 3) CO/Railway HS School/BPB (AM/BPB)
- 4) Principal/Railway HS School/BPB
- 5) DRM(P)/LMG
- 6) FA&CAO/MLG
- 7) DFM/LMG
- 8) Staff concerned

J. Rabidas
2/5/05
For General Manager (P)

Certified to be true copy

Prakash
(Prakashasth.)
A.VOC-13

May 04, 2005

To
The Addl. General Manager
N.F. Railway, Maligaon,
Guwahati - 781 011.

Respected Sir,

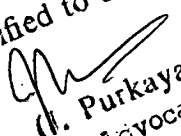
Sub : Appeal for reviewing the Transfer Order No. E/252/42/
445(W) Maligaon dt. 02.05.05 and retention of my
posting at NVRHSS/NFR/MLG as PGT (Botany).

With reference to the above subject I would like to draw your kind attention on the following matter for your sympathetic consideration and necessary action please.

That Sir, I was transferred vide GM(P)/MLG's Office Order No. E/252/III/10(W) /Pt-II dt. 12.10.2001 as PGT (Botany) from Rly. H.S. School, Badarpur to Netaji Vidyapith Rly. H.S. School, Maligaon vice Shri Dayal Kanti Sen, PGT(Botany), who was transferred from Netaji Vidyapith Rly. HS School, Maligaon after getting a stricture from Assam Human Rights Commission due to his misdeed and merciless beating of a student of Class-XI (Science) and in pursuance of the above order myself settled at Maligaon along with my ailing wife and minor daughter (aged 11 yrs.) who are a patient of persistent Bronchial Asthma since last 10 yrs.

That Sir, at present it is learnt that again another transfer order No. E/252/42/445(W), Maligaon dt. 02.05.05 has been issued in which it is mentioned that I have been ordered to transfer from Netaji Vidyapith Rly. HS School, Maligaon to Rly. H.S. School, Badarpur in an interchangeable manner of posting with Shri Dayal Kanti Sen, PGT (Botany) and re-transfer after every 03 yrs. between the two PGT (Botany) posts of these two schools vice-versa (copy enclosed).

That Sir, the mode of issuing such type of transfer orders in respect of NF Rly. schools are concerned this office order is highly uncommon and peculiar in nature. Such type of transfer order has never been issued to any other PGT subject teachers in the history of NF Rly. Higher Secondary Schools. Generally, the transfer order mainly issued on ground of promotional prospect, own interest or any other adverse remarks of the staff concerned etc. But here in this case for what expedient purpose this transfer order has been issued is not understood rather to shift my family and all households after every 03 (three) yrs. which can only 'contribute' severe harassment, disturbance and anxiety on the part of my ailing family members which means an amount of definite kind of punishment for me and my innocent family members though we are not deserved for such odd circumstances.

Certified to be true copy

(H. Purkayastha)
Advocate

That Sir, at present my ailing wife and daughter (copy enclosed) are getting best support constantly from the Central Hospital, NF Rly., Maligaon than any other medical establishments of NF Rly. Both my wife and daughter are regular user of inhaler and even my daughter was admitted twice in the Central Hospital for Oxygenation. Sir, it will be medically very harmful for them if they are compelled to shift from Maligaon to Badarpur in the said manner.

Under the above circumstances Sir, I would request your honour to look into the matter sympathetically and review the said transfer order to relief my ailing family members from such extraordinary type of extreme suffering.

With profound regards,

Enclo : As above

Sincerely Yours

Nilkantha Acharjee

(Nilkantha Acharjee)

PGT (Botany)

Netaji Vidyapith Rly. IIS School,
Maligaon, Guwahati - 11.

Certified to be true copy

(J. Purkayastha)
Advocate