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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. 287/2005

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SECTION OFFICER (Judl.)

FORM NO. @
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 287/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) B. K. Rabha

Respondent(s) U. O. I. Gums

Advocate for the Applicants M. Chanda, G. N. Chakrabarty, S. Nath

Advocate for the Respondent(s) J. L. Sarkar Rly St. 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 IPC/B No. <u>266, 318987</u> Dated <u>11.11.05</u></p> <p><u>Heeln</u> Dy. Registrar</p> <p><u>Ships not taken</u></p> <p><u>30.11.05</u> <u>W/s submitted by</u> <u>Respondent No. 3</u></p>	<p><u>22.11.2005</u></p> <p><u>mb</u></p> <p><u>28.11.2005</u></p> <p><u>mb</u></p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C. on behalf of Mr. J.L. Sarkar, learned standing counsel for the Railways.</p> <p>Post on 28.11.2005.</p> <p><u>V. V. V.</u> Vice-Chairman</p> <p>Mr. M. Chanda, learned counsel for the applicant is present. On behalf of Mr. J.L. Sarkar, learned counsel for the respondents seeks for short adjournment. Post on 2.12.05.</p> <p><u>V. V. V.</u> Vice-Chairman</p>

Contd.....

2.12.05.

Mr. S. Nath learned counsel for the applicant is present. Ms. U. Das learned counsel on behalf of Mr. J. L. Sarkar counsel for the Respondents seeks for adjournment.

Post the matter on 7.12.05.


Vice-Chairman

lm

7.12.2005

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. J. L. Sarkar, learned standing counsel for the railways.

The application is disposed of at the admission stage itself in terms of the order passed in separate sheets.


Vice-Chairman

Learned

9.12.08

Copy of the order has been sent to the office for recording the same to the Applicant as well as to the Rly. Standing Counsel.

mlb

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos. 287/2005

DATE OF DECISION: 07.12.2005

Sri B.K. Rabha

APPLICANT(S)

Mr. M. Chanda, Mr.G.N.Chakrabarty,
Mr. S. Nath

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. J. L. Sarkar, Railway S.C.

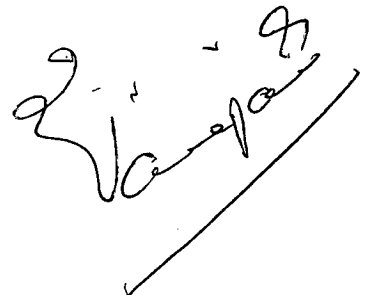
ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgments?
 2. To be referred to the Reporter or not?
 3. Whether their Lordships wish to see the fair copy of the judgment?
 4. Whether the judgment is to be circulated to the other Benches?
- } no

Judgment delivered by Hon'ble Vice-Chairman.


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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 287 of 2005

Date of Order: This the 7th December 2005.

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

Sri Birendra Kumar Rabha
Son of late Nomal Chandra Rabha.
Working as Office Superintendent Grade-I
O/o - The Divisional Railway Manager (W)
Rangiya, Assam.

... Applicant

By Mr. M. Chanda, Mr. G.N. Chakrabarty, Mr. S. Nath, Advocates.

- Versus -

1. The Union of India,
Through General Manager,
N.F. Railway, Maligaon,
Guwahati - 781 011.
2. The General Manager (Construction),
N.F. Railway, Maligaon,
Guwahati - 781 011.
3. Divisional Railway Manager (P)
N.F. Railway,
Rangiya, Assam.
4. Divisional Railway Manager (W)
N.F. Railway,
Rangiya, Assam.

... Respondents.

By Mr. J.L. Sarkar, Railway Standing Counsel.

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ORDER (ORAL)

SIVARAJAN. I. (V.C.)

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. J.L. Sarkar, learned standing counsel for the Railways.

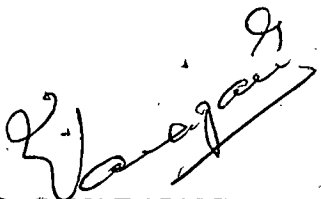
2. The applicant was originally appointed as Clerk (General) in N.F. Railway as per order dated 18.08.1979. After a series of promotions, the applicant was declared promoted on regular basis in the cadre of OS Grade II with effect from 01.11.2003. The main grievance of the applicant is that while effecting the said promotion order, he was given the benefit of promotion only with effect from 06.06.2005 instead of 01.11.2003. It is also his case that as a result of re-fixation of his pay the basic pay has been reduced. The applicant being aggrieved by the aforesaid two circumstances, made representation dated 03.05.2005 (Annexure - 15 series) to the 3rd respondent, which was forwarded as per letter dated 03.05.2005. Since no action was taken on the said representation, it is stated, the applicant sent another representation dated 24.06.2005 (Annexure - 16 series) to the 3rd respondent. Since there was no response from the 3rd respondent on the aforesaid representations, the applicant has filed this Original Application.

3. After hearing the learned counsel for the parties, I am of the view that this application can be disposed of at the admission stage itself. Since it is averred that the representations (Annexures - 15 & 16 Series) have not been disposed as yet, it will only be proper to issue direction to the 3rd respondent for disposal of the said representations. Accordingly, there will be a direction to the 3rd respondent to dispose of the annexures - 15 & 16 series

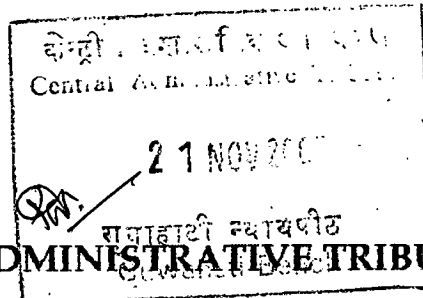
Jps

representations submitted by the applicant by a speaking order: as expeditiously as possible at any rate within a period of two months from the date of receipt of this order. If the applicant makes any supplementary representation within two weeks from today, the same will also be considered as directed hereinabove.

The O.A. is disposed as above at the admission stage itself. The applicant will produce this order before the 3rd respondent for compliance.


(G. SIVARAJAN)
VICE CHAIRMAN

/mb/



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

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

O. A. No. 287/2005

Shri Birendra Kumar Rabha

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 18.08.1979- Applicant was initially appointed as Clerk (General) in N. F. Railway in the scale of pay of Rs. 260-400/-. (Annexure-1)
- 08.07.1981- Applicant was promoted to the post of Senior Clerk in the scale of pay of Rs. 330-560/-. (Annexure-2)
- 02.01.1984- Applicant was further promoted on ad hoc basis to the post of Head Clerk (G) in the scale of Rs. 425-700/-. (Annexure-3)
- 19.12.1991- Subsequently his ad hoc promotion was regularized w.e.f. 08.11.89 vide order dated 19.12.1991. (Annexure-4)
- 13/14.02.1990- Applicant was promoted to the post of Chief Clerk i.e. Office Superintendent Grade- II on ad hoc basis w.e.f. 09.03.90 in terms of the Office Order No. 37/90 issued by the General Manager (Con). (Annexure-5)
- 26.12.1996- Applicant submitted representation addressed to the General Manager (P), N. F. Railway, Maligaon, praying for regularization of his ad hoc promotion. (Annexure-6)
- 17.06.1985- Respondents arbitrarily fixed seniority of the applicant. (Annexure-7)
- 19/20.1.1998- Railway Board under their letter dated 07.10.97 circulated General Manager (P) Maligaon letter dated 19/20.01.98, wherein it was directed that All in service graduate Clerks grade Rs. 260-1500 (RPS) who were in service prior to 01.10.80 and have been selected as Senior Clerks Grade Rs. 330-560/1200-2040 (RPS) through LDC will be eligible for proforma fixation of pay with effect from 01.10.80 without any monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took the charges of the post of Senior Clerks.
Respondents denied the benefit of Railway Board's letter dated 07.10.97 to the applicant. (Annexure-8)

08.08.2001- Applicant approached this Hon'ble Tribunal through O.A. No. 302/99 for extension of the Railway Board's Circular dated 07.10.97 and this Hon'ble Tribunal was pleased to direct the respondents to extend the benefit of Railway Board's Circular dated 07.10.97 to the applicant and also directed the respondents to grant the benefit of seniority in the cadre of Senior Clerk to the applicant. (Annexure-9)

07.12.2004- Applicant was granted the benefit of proforma fixation of pay in the cadre of Senior Clerk which has been refixed w.e.f. 01.01.1980, however no order has been passed refixing the seniority of the applicant in the cadre of Senior Clerk as per direction of the learned Tribunal passed on 08.08.01.

26.04.2005- Applicant was declared promoted on regular basis in the cadre of O.S Grade- II w.e.f. 01.11.03, however while effecting the said promotion order he was given the benefit of promotion only with effect from 06.06.05 instead of 01.11.03 by re-fixing the pay of the applicant in violation of the promotion order dated 26.04.05.

(Annexure-11)

May/June' 2003- As a result of the re-fixation of the pay of the applicant his basic pay has been reduced from Rs. 7,775/- to Rs. 7,100/-, which is evident from the pay slips of the applicant. (Annexure-10)

26.04.2005- Respondents issued another office order wherein pay of the applicant has been fixed on promotion to the O.S Grade-II with basic pay of Rs. 7,900/- whereas Shri D. D. Boro, and others got their promotion w.e.f. 01.11.2003 to the grade of the Chief Superintendent. (Annexure-12)

27.05.2005- Respondents issued impugned office order dated 27.05.05, whereby pay of the applicant was reduced arbitrarily and fixed to Rs. 7,100/- in the scale of Rs. 6,500-10,500/-, in the promotional grade of O.S- I and present basic pay of the applicant shown as Rs. 6,725/- as on 01.11.04, whereas it would be evident from the pay slip of the applicant for the month of November' 2004 that his basic pay was Rs. 7,600/-.

(Annexure- 13 & 14)

08.05.2005- Applicant being highly aggrieved with the impugned order dated 26.04.05 submitted representation addressed to the DRM (P) Rangiya, which was duly forwarded by the DRM (W) Rangiya but to no result. (Annexure- 15 Series)

24.06.2005- Applicant submitted another representation against the impugned order dated 27.05.05 addressed to the DRM (P) Rangiya, which was duly forwarded by the DRM (W) Rangiya but to no result.

(Annexure- 16 Series)

PRAYERS

Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to protect the pay and increments earned by the applicant during his long (about 15 years) temporary and officiating promotion to the cadre of O.S Grade- II while re-fixing his pay on his regular absorption/promotion to the said cadre of O.S Grade-II pursuant to the promotion order dated 26.04.2005.
2. That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to reduce the basic pay earned by the applicant during his long officiating temporary promotion to the cadre of O.S Grade-II while re-fixing the pay on his regular absorption/promotion to the cadre of O.S Grade-II, as well as on his officiating promotion to the cadre of O.S Grade- I.
3. That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant in the cadre of O.S Grade-II and O.S Grade- I in terms of prayer No. 1 and be pleased to direct the respondents to pass necessary order modifying the impugned order bearing letter No. E/240/RN/(Restructuring)/03 dated 27.05.2005.
4. Costs of the application.
5. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 287/2005

BETWEEN:

Shri Birendra Kumar Rabha,

Son of late Nomal Chandra Rabha,
Working as Office Superintendent Grade- I.
O/o- The Divisional Railway Manager (W)
Rangiya, Assam.

-----Applicant.

-AND-

1. The Union of India,
Through General Manager,
N. F. Railway, Maligaon,
Guwahati- 781011.
2. The General Manager (Construction)
N.F. Railway, Maligaon,
Guwahati- 781011.
3. Divisional Railway Manager (P)
N.F. Railway,
Rangiya, Assam.
4. Divisional Railway Manager (W)
N.F. Railway,
Rangiya, Assam.

..... Respondents.

Birendra Kumar Rabha

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Filed by me applicant
through
Subdy. Mth.
Advocate
21.11.05

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned order dated 27.05.2005 of fixation/re-fixation of pay of the applicant and also praying for a direction upon the respondents to protect the pay and increments of the applicant earned during long officiation (15 years) in the cadre of O.S Grade- II, while re-fixing the pay of the applicant on his regular absorption/promotion to the cadre of O.S Grade-II as well as on his officiating promotion to the cadre of O.S Grade- I.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant states that he is a graduate in Arts and a member of the Scheduled Tribe Community and as such is entitled to the benefits granted to the Scheduled Tribes Community by the Constitution of India.

4.3 That it is stated that the applicant was initially appointed as a Clerk (General) in the scale of Rs. 260-400 vide Chief Personal Officer

Birendra K. Raha

(Recruitment Section), N.F. Railway Maligaon's letter No. E/227/44/35 (Recd) Pt. I dated 18.08.1979 and was directed to report to SPO (BG) Con. N. F. Railway, Maligaon.

Copy of the said letter dated 18.08.79 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- 1.

- 4.4 That it is stated here that due to his sincere, devotional and unblemished service he was promoted to the post of Senior Clerk in scale of Rs. 330-560/- on ad hoc basis vide office order No. 26/81 dated 8.7.81 issued by the Dy. CE (Con), Tezpur, Assam.

That the applicant states that he was further promoted on ad hoc basis to the post of head Clerk (G) in scale of Rs. 425-700 (Rs.) with effect from 02.01.84 vide Dy. CE (Con) BBP/TETB's office order no. 1/84 circulated under letter No. E/283/1 (BBC) Pt. 11/1491 dated 2.1.84. It is stated here that the adhoc promotion of Head Clerk was subsequently regularized under letter No. E/283/163 (N) Pt. VII dated 19.12.91, indicating that the promotion will take effect from 08.11.89.

- (A) Copy of the order dated 8.7.81 is enclosed as Annexure- 2.
- (B) Copy of the order-dated 2.1.84 is annexed hereto and the same is marked as Annexure- 3.
- (C) Copy of the order-dated 19.12.81 is annexed as Annexure- 4.

- 4.6 That the applicant states that thereafter he was promoted to the post of Chief Clerk, i.e. office superintendent Grade II, in scale of Rs. 1600-2660 on ad hoc basis w.e.f 9.3.90 in terms of the office order No. 37/90 issued by General Manager (Con) under letter no. E/283/CON/NG (JPZ) dated 13/14.2.1990.

A Copy of the said letter dated 13/14-2-90 is annexed as Annexure- 5.

- 4.7 That it is stated that since the adhoc promotion to office superintendent Grade II was not regularized, the applicant submitted representation to

Birendra N. Rabha

General manager (P), N.F. Railway, Maligaon under letter dated 26.12.96 praying for regularization of his ad hoc promotion specifically pointing out in the said representation. That services of many of his juniors whose lien were fixed under Katihar, Alipurduar and Lumding Divisions have been regularized as Office Superintendent Grade-II and office Superintendent Grade- I, ignoring the case of the applicant.

Copy of the representation-dated 26.12.1996 is enclosed as Annexure- 6.

- 4.8 That the applicant states that consequent upon late fixation of his lien under Dy. Chief Engineer/Bridge/Line, Maligaon, arbitrarily under letter No. E/163/3 (E) dated 17.6.85 i.e after about 6 years, computed for the date of initial appointment. The seniority vis-à-vis the scope of promotion to higher grade has been effected adversely and as a result many junior to the applicant have been promoted to higher scale of pay ignoring the legitimate claim of the applicant. It is also stated here that legitimate claim of the applicant. It is also stated here that on account of late fixation of seniority the benefit of up-gradation of senior clerk through restructuring was not considered by the administration.

A Copy of the said letter dated 17.6.85 is annexed hereto and marked as Annexure- 7.

- 4.9 That the applicant states that the Railway Board under their letter No. PC-III/89/CTC-11/4 dated 7.10.97 circulated under General Manager (P), Maligaon letter No. FIXN-456 dated 19/20.1.1998 have directed

No. E/55/OP.V(C)

In para 1 of the said letter as follows;

- " 1. All in-service graduate clerks grade Rs. 260-400 (Rs)/Rs. 950-1500 (RPS) who were in service prior to 1.10.1980 and have been selected as Senior Clerks Grade Rs. 330-560/Rs. 1200-2,040 (RPS) through LDCE will be eligible for proforma

Birendra K. Rana

fixation of pay with effect from 01.10.80 without any monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took over the charges of the post of Senior Clerks.

A copy of the said circular dated 19/20.1.1998 is annexed hereto and marked as Annexure- 8.

4.10 That it is stated that when the respondents denied to extend the benefit to the applicant contained in the Railway Board letter dated 07.10.1997, approached this Hon'ble Tribunal for extension of the benefit of the Railway board's letter dated 7.10.97. However the Hon'ble Tribunal vide its judgment and order dated 8.8.2001 passed in O.A. No. 302/99 upheld the claim of the applicant and directed the respondents to extend the benefit of railway Board's circular dated 7.10.1997 and also directed to grant the benefit of seniority in the cadre of Senior Clerk in terms of para 302 of the Indian Railway Establishment manual in view of the legal position enumerated in Anuradha Mukharjee's case.

Be it stated that after a long correspondence, benefit of proforma fixation of pay in the cadre of Senior Clerk has been re-fixed w.e.f 01.01.1980, which was communicated to the applicant vide General Manager (Con) letter dated 07.12.2004. However, no order has been passed refixing the seniority of the applicant in the cadre of Senior Clerk as per direction of the learned Tribunal passed on 08.08.2001, as a consequence the service prospect of the applicant has been adversely effected in as much as many of his juniors namely Shri Phulan Saikia, Shri Pradip Krishna Brahma and Shri Dharani Dhar Boro, who joined in construction organization on 01.02.1980, 29.09.1980 and on 16.11.1982 have been promoted to the post of office Superintendent Grade-I, in the scale of Rs. 2,000-3,200 (pre-revised) w.e.f 16.09.1993, 30.08.1996 and also on 20.08.1996 in utter violation of Rule and ignoring the basic seniority on

appointment in the initial cadre of Junior Clerk. It is needless to mention here that Shri D.D. Boro further appointed in the scale of Rs. 7,450-11,500/- on promotion to Chief O.S on regular basis in the scale of Rs. 6,500- 10,500/- w.e.f 01.11.2003 due to cadre restructuring in terms of the Railway Board's letter No. WC/III/2003/CRC/6 dated 09.10.2003, whereas applicant has been appointed by the same promotion order dated 26.04.2005 issued by the DRM, Rangiya only to the cadre of OS Grade-II on regular basis in the pay scale of Rs. 5,500-9,000/-. Be it stated that in the promotion order dated 26.04.2005, it is specifically stated that promotion is effected w.e.f 01.11.2003, in terms of Railway Board's letter dated 09.10.2003. But surprisingly while giving effect of the promotion of the applicant in the cadre of O.S Grade-II, promotion was given effect only w.e.f 06.06.2005 in violation of the memorandum dated 26.04.2005. It is specifically indicated that the promotion would be effected w.e.f 01.11.2003 in terms of railway Board's order dated 09.10.2003. Moreover, the DRM (P) Rangiya, while re-fixing the pay of the applicant in the cadre of OS Grade-II effecting regular promotion due to cadre restructuring has arbitrarily taken away the benefit of increments and pay earned by the applicant during his officiating/ad hoc promotion in the cadre of O.S, Grade-II w.e.f 09.03.1990 and as a result applicant's pay has been reduced from basic pay Rs. 7,775/- to Rs. 7,100/- while re-fixing the pay of the applicant on his regular promotion in the O.S. Grade-II following the Railway Board's Order of restructuring, this discrepancy in the matter of re-fixation of pay would be evident from the pay slips issued by the Railway authority in respect of the applicant for the month of April, May, as well as from the pay bill of June' 2005, loss occurred due to wrong fixation of pay on his regular promotion to the post of OS Grade- II.

A copy of the judgment dated 08.08.2001 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 9.

Birendra K. Raha

4.11 That your applicant in the instant application is highly aggrieved due to wrong fixation of pay on his regular appointment to the post of OS Grade-II, more particularly due to taking away the increments and pay by way of re-fixation which was earned by the applicant during his adhoc/officiating promotion to the cadre of OS Grade-II. Be it stated that the applicant has discharged his duties in the higher post of OS Grade-II on the basis of his adhoc/officiating promotion with effect from 09.03.1990 till 05.06.2005 i.e. the date, prior to his regular promotion to the cadre of OS Grade- II.

Discrepancy/wrong fixation of pay would be evident from the extract of the pay bill prepared and paid to the applicant by the Railways for the month of May' 2005 and June' 2005. Details of the pay and allowances are quoted below for perusal of the Hon'ble Court:

B.K. Rabha, OS Grade- II

<u>Before fixation</u>		<u>After re-fixation</u>
<u>May' 2005</u>		<u>June' 2005</u>
Basic Pay-	Rs. 7,775/-	Rs. 7,100/-
Dearness Pay-	Rs. 3,888/-	Rs. 4,225/-
D.A-	Rs. 1,983/-	Rs. 1,811/-
HRA-	Rs. 583/-	Rs. 533/-
Conveyance Allowance-	Rs. 75/-	Rs. 200/-
SCA	Rs. 160/-	Rs. 200/-
Total	Rs. 14,464/-	Rs. 14,069/-

The above re-fixation of pay of the applicant has been done in the month of June' 2005, without any prior notice and as a result of such re-fixation of pay made in the month of June' 2005, the basic pay of the applicant has come down from Rs. 7,775/- to Rs. 7,100/-. Thereafter, the applicant was declared promoted on regular basis in the grade of O.S Grade- II in the scale of pay of Rs. 5,500-9,000/- by the memorandum-bearing letter No. E/240/RN/(Restructuring) 03 dated 26.04.2005, issued by the DRM (P), N.F. Railway' Rangiya. In this connection it may be stated

that the duration of adhoc/officiating promotion period of the applicant is about 13 years 7 months 23 days. By the order dated 26.04.2005, the applicant was given regular promotion in the cadre of O.S. Grade- II, with effect from 01.11.2003, however, while effecting the said promotion order he was given the benefit of promotion on regular basis only with effect from 06.06.2005 by re-fixing the pay of the applicant in violation of the promotion order dated 26.04.2005 and on that score alone the re-fixation of pay which is made pursuant to the promotion order dated 26.04.2005 is liable declared void ab-initio, illegal and arbitrary. Therefore, the Hon'ble Court be pleased to declare that the re-fixation of pay of the applicant in the cadre of OS Grade-II is void ab-initio on the ground firstly, that the promotion was effected with effect from 06.06.2005 instead of 01.11.2003 in violation of the promotion order dated 26.04.2005, secondly, the basic pay of the applicant which was raised to Rs. 7,775/- due to earning of increments during the adhoc/officiating promotion in the cadre of O.S Grade-II has been arbitrarily reduced the said basic pay from Rs. 7,775/- to Rs. 7,100/- by way of re-fixation that too without any prior notice or show cause. Therefore, the Hon'ble Court be pleased to direct the respondents to restore and re-fix the pay of the applicant without taking away the increments earned by him during the adhoc/officiating promotion in the cadre of O.S Grade-II and further be pleased to direct the respondents to grant the regular promotion of the applicant to the cadre of O.S. Grade-II w.e.f. 01.11.2003 instead of 06.06.2005, as per Railway Board's instruction.

Copy of the pay slips for the month of May and June' 2005 as well as copy of the promotion order dated 26.04.2005 are enclosed as Annexure- 10 and 11 respectively.

- 4.12 That your applicant begs to say that on 26.04.2005 by another office order issued under letter No. E/240 RN/(Restructuring)/03 dated 26.04.05, the

Birendra K. Raha

applicant has been promoted to the cadre of O.S Grade-I on officiating basis in the scale of Rs. 6,500-10,500/-. In the said order the pay of the applicant has been fixed on promotion to the O.S Grade- I with basic pay of Rs. 7,900/- with the approval of the competent authority whereas it would be evident that Shri D.D. Boro, K.C. Bharali and Shri P. Chakraborty got their promotion w.e.f. 01.11.2003 to Chief Office Superintendent by another order dated 26.04.05.

Copy of the order dated 26.04.2005 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 12.

4.13 That most surprisingly by the impugned office order bearing letter No. E/240/RN (Restructuring)/03 dated 27.05.2005, pay of the applicant was reduced and arbitrarily fixed to Rs. 7,100/- in the scale of Rs. 6,500-10,500/- in the promotional grade of O.S.- I and strangely enough his present pay shown as Rs. 6,725/- as on 01.11.04, whereas it would be evident from the pay slip of the applicant for the month of November, 2004 that his basic pay was Rs. 7,600/-, relevant portion of pay bill for the month of November' 2005 is quoted below:

**FIXATION AFTER AND BEFORE REGULAR
ABSORPTION/PROMOTION TO O.S GRADE-II**

As on 01.11.2004 as per pay slip

**whereas vide impugned
order dated 27.05.05 basic
pay of the applicant has
been shown as follows:
As on 01.11.2004**

Basic pay	-	Rs. 7,600/-	Rs. 6,725/-, again after
Dearness pay-		Rs. 3,800/-	refixation basic pay of
D.A	-	Rs. 1,596/-	the applicant shown
HRA	-	Rs. 570/-	w.e.f. 06.06.05 Rs. 7,100
TA	-	Rs. 315/-	(contrary to the records)
Conveyance Allowance-		Rs. 75/-	
SCA	-	Rs. 200/-	

Birendra Kr. Ralaha

Therefore, in the impugned order dated 27.05.2005 contention of the respondents that the basic pay of the applicant was Rs. 6,725/- as on 01.11.2004 in the scale of Rs. 5,500-9,000/- is totally wrong and contrary to the records, moreover, in the remark column it is stated as follows:-

"Please read his pay was fixed on Rs. 7,100/- instead of Rs. 7,900/-".

The above reduction in the pay of the applicant from Rs. 7,900/- to Rs. 7,100/- without any prior notice or show cause is highly arbitrary, unfair and illegal and on that score alone the impugned order dated 27.05.2005 is liable to be modified in respect of the applicant and the Hon'ble Court be pleased to direct the applicant to restore the pay of the applicant to Rs. 7,900/- as fixed earlier by the office order dated 26.04.2005.

Copy of the pay slip of the month of November' 2004 and impugned office order dated 27.05.2005 are enclosed as Annexure-13 and 14 respectively.

4.14 That your applicant being highly aggrieved with the impugned order dated 26.04.2005 for effecting his regular promotion with effect from 06.06.2005 instead of 01.11.2003, submitted a detailed representation on 03.05.2005, addressed to the DRM (P) Rangiya, and the same was forwarded to DRM (P) Rangiya by DRM (W) on 03.05.05 itself by his letter bearing No. W/69/RNY/Court case/Policy/W- 3 dated 03.05.05.

The applicant again submitted a representation dated 24.06.2005 to DRM (P) against the impugned order dated 27.05.05 through proper channel which was forwarded by the DRM (W) Rangiya, N.F. Railway to DPO, RNY, N.F. Railway. In the said representation dated 24.06.05 the applicant interalia stated that the regular promotion of the applicant ought to have affected with effect from 01.11.2003 instead of 06.06.2005 since the promotion was considered against the percentage of restructuring order issued by the Railway Board. Moreover, the applicant

Binendra Kr. Dasg

stated that since the applicant was promoted to Sr. Clerk with effect from 01.10.1980 and further promoted on adhoc basis in O.S Grade- II with effect from 09.03.1990 and subsequently regularized and merged the same in normal rule for fixation of pay, under F.R 220-C (Old/Rule 1313) (F.R. 22) will apply and on the other hand he has pointed that other promotee staff i.e., namely; Shri D.D. Deb Sarma, R.K. Roy, N.C. Das, Md. M. Islam were promoted in the cadre of Sr. Clerk only with effect from 20.05.1985, 03.05.1985, 01.08.1989 and 28.03.1989 respectively but due to administrative lapses they have been placed above to the applicant in the cadre of O.S. Grade- II as well as in the cadre of O.S. Grade- I in the promotional order dated 26.04.05. The applicant also specifically pointed out the decision rendered by this learned Tribunal on 08.08.2001 in O.A. No. 302/99 in terms of which the applicant is entitled to proforma promotion and fixation of seniority benefit and if the order of the Hon'ble Tribunal is implemented in the manner it was directed the applicant in the meanwhile could have been promoted in the cadre of Chief Office Superintendent in the scale of Rs. 7,450-11,500/-. He has also pointed out that his pay has been reduced to Rs. 7,100/- from Rs. 7,775/- and he has also declared his unwillingness to accept the revised pay scale of Rs. 7,100/- instead of Rs. 7,900/-, the applicant further stated that in case of promotion from one ex-cadre to another ex-cadre post the pay of the employee will not be less than what he drew earlier referring the Railway Board's letter dated 23.09.1971 and Railway Board's letter dated 31.12.1985, the applicant also stated in his representation that pay of a Railway servant on a lower post exceeds his pay in the higher post, the difference between the officiating pay admissible from time to time will be protected by the grant of personal pay to be absorbed in future increments in pay provided it is certified by the competent authority that he would have continued to officiate in the officiated post and therefore he has prayed for review of the impugned order dated 27.05.2005 but to no result. At any rate applicant is atleast entitled to protection of his pay and

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increments earned by him during his long (15 years) officiating promotion in the cadre of O.S. II i.e. from 09.03.90 to 06.06.2005.

Copy of the representation dated 03.05.05, forwarding letter dated 03.05.05, representation dated 24.06.05 and forwarding letter dated 24.06.05 are enclosed as Annexure- 15 (Series) and 16 (Series) respectively.

4.15 That it is stated that applicant was promoted to the post of Chief Clerk i.e. Office Superintendent II temporarily against an existing vacancy on ad hoc basis w.e.f 09.03.1990 and thereafter he had continuously worked in the said post for a period of about long 15 years on adhoc basis without any break and as a result he has earned increments regularly in the higher scale of pay in the cadre of O.S grade II, and thereafter applicant was promoted to the cadre of O.S grade II on regular basis, vide memorandum dated 26.4.2005, therefore increments earned during the period of adhoc promotion in the higher scale of pay by the applicant cannot be taken away, while refixing his pay on his promotion on regular basis, to the post of O.S grade-II.

Moreover, at the time of his temporary adhoc promotion to the cadre of O.S Grade II, applicant was within the zone of eligibility for such promotion as per relevant Railway rules in force and his temporary promotion was considered against substantive vacancy of O.S II, it is relevant to mention here that while the applicant was officiating in the promotional post without any interruption as such benefits of increments and higher pay which was earned by the applicant during the long span of 10 to 15 years cannot be taken away or reduced without providing any opportunity. As per Rly. Board circular E.R SL-207/88 dated 26.10.1988 once an Railway Employees promoted on ad hoc basis and allowed to continue beyond 18 months thereafter he cannot be reverted to his substantive post rather his cases liable to be consider for regular promotion with due regard to his basis seniority.

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The applicant was infected promoted to the post of O.S grade II with effect from 9.3.1990 on temporarily on ad hoc basis vide office order no. 37/90 bearing letter No. E/283/CON/NG (JPZ) dated 13/14.02.1990 in the said order it is specifically stated that his promotion against the existing vacancy, therefore it appears that the aforesaid promotion to the post of O.S Grade II has been made after observing all formalities by holding DPC as such applicant is entitled to the benefit of increments and pay earned during the period of his adhoc/temporary promotion to the post of O.S grade II and as such pay of the applicant cannot be reduced by the impugned office order bearing letter No. E/240/RN (Restructuring)/03 dated 27.05.2005 and further benefit of promotion of the applicant to officiate in the cadre of O.S grade I cannot be made effective with effect from 6.6.2005 instead of 1.11.2003, to the disadvantage of the applicant by the impugned office order dated 26.04.2005 (Annexure-12). In the circumstances stated above the pay and increments of the applicant earned during the temporary adhoc promotion to the post of O.S grade-II are liable to be protected and the as such the re-fixation of pay of the applicant arrived at by the respondents through their impugned order dated 27.05.2005 fixing the pay at Rs. 7,100/- instead of Rs. 7900/- is liable to be modified.

- 4.16 That it is stated that in a similar facts and circumstances the Full Bench of the Hon'ble CAT in the case of Bhagawan Das -Vs U.O.I and others in O.A No. 2286/2002 decided on 21.07.2003 on the same issue upheld the entitlement pay and allowances including increments earned during the officiating promotion, while re-fixing his pay on regular promotion in the same grade. Similarly, the decision rendered by the full bench in the case of Aslam Khan -Vs- U.O.I and others also supports the claim of the applicant. Moreover in a similar facts and circumstances benefit of pay protection such as the increment or pay which was gradually earned during the adhoc promotion, before the incumbent was regularized in the promotional post, the pay which was earned during officiating/adhoc promotion has been

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protected by the Rly. Authority pursuant to the judgment dated 4.2.2000 in O.A No. 41/1998 in the case of R.S. Bhattacharjee -Vs- U.O.I and others, the applicant urge to produce all the aforesaid decisions at the time of final hearing of the O.A.

4.17 That your applicant has approached the authorities by filing appropriate representation on 03.05.2005 and also by representation dated nil was submitted by the applicant, which was duly forwarded vide Rly's letter No. W/69/RNY/Court case/Policy/W-3 dated 03.05.2005 but to no result.

4.18 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the applicant was promoted to the post/cadre of O.S Grade- II, on temporary and officiating basis w.e.f. 09.03.1990 and continuously worked in the said post without any break till the applicant was regularly absorbed to the cadre of O.S Grade- II w.e.f. 06.06.2005, following the Railway Board's order of cadre restructuring dated 09.10.2003, in terms of memorandum dated 26.04.2005, as such the applicant has acquired a vested and legal right of protection of pay and increments earned by the applicant during the officiating promotion even after of his regular absorption in the cadre of O.S Grade- II.
- 5.2 For that, applicant was temporarily promoted on officiating basis after being found eligible and suitable by the respondents as per relevant rule and thereafter promoted to the post of O.S. Grade- II.
- 5.3 For that, prior to re-fixation of pay of the applicant in the cadre of O.S. Grade- II before his regular absorption to the said cadre he was drawing basic pay of Rs. 7,775/- but while re-fixing the pay of the applicant on his regular promotion to the cadre of O.S. Grade- II following the Railway Board's order of restructuring the basic pay of the applicant has been

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reduced from Rs. 7,775/- to Rs. 7,100/- which is evident from the pay slips issued by the Railway Authority in respect of the applicant for the month of April/May 2005 such action of the respondents is contrary to the provision of the relevant rule and law laid down by the various Benches of the learned Tribunal, High Court as well as by the Hon'ble Supreme Court.

- 5.4 For that, pay and increments earned by the applicant during the officiating promotion in the relevant scale in the cadre of O.S. Grade- II during the long period of 15 years cannot taken away or reduced while re-fixing the pay of the applicant after his regular absorption in the cadre of O.S Grade- II and the said action of the respondents is not sustainable in the eye of law.
- 5.5 For that, no prior notice or show cause issued to the applicant before reduction of his pay by the respondents vide impugned office order dated 27.05.2005 in total violation of principles of natural justice and as such on that score alone the impugned order dated 27.05.2005 is liable to be modified protecting pay and increments earned by the applicant during his officiating promotion in the cadre of O.S Grade- II.
- 5.6 For that, applicant's basic pay was Rs. 7,775 as per pay slip for the month of May' 2005 whereas after re-fixation of his pay in the cadre of O.S. Grade- II in the month of June' 2005 the basic pay has been reduced to Rs. 7,100/- which is not sustainable in the eye of law as such respondents be directed to re-fix the pay of the applicant in the cadre of O.S Grade-II after protecting the pay and increments earned by the applicant during the officiating promotion.
- 5.7 For that, regular absorption/regular promotion of the applicant in the cadre of O.S Grade-II in terms of Railway Board's cadre restructuring order dated 09.10.2003 has been effected wrongly w.c.f. 06.06.2005 instead

Birendra K. Raha

of 01.11.2003 as extended to other similarly situated employees including the juniors of the applicant as per extent policy of cadre restructuring issued by the Railway Board.

5.8 For that, in one of the office order bearing letter No. E/240 RN/ (Restructuring)/03 dated 26.04.05 basic pay of the applicant was fixed to Rs. 7,900/- on promotion to the cadre of O.S Grade- I, rightly protecting the earlier pay and increments earned by the applicant during officiating promotion in the cadre of O.S Grade-II but surprisingly the said basic pay of Rs. 7,900/- has been reduced to Rs. 7,100/- by the impugned office order dated 27.05.2005 without providing any opportunity to the applicant.

5.9 For that, in the impugned order dated 27.05.2005, the basic pay of the applicant has been wrongly computed to Rs. 6,725 as on 01.11.2004 in the pay scale of Rs. 5,500-9,000/- whereas as per pay slips the applicant's basic pay was Rs. 7,600/- as on 01.11.2004 as such impugned order dated 27.05.2005 is liable to be modified and the fixation of pay of the applicant is liable to be made in the cadre of O.S Grade- II and O.S Grade-I, protecting the pay and increments earned by the applicant during his officiating temporary promotion to the cadre of O.S Grade- II.

5.10 For that basic pay and increments of a Govt. servant is a valuable asset in his service career and the same cannot be reduced arbitrarily in violation of principles of natural justice and on that score alone the impugned order dated 27.05.2005 is liable to be modified by way of re-fixing the pay of the applicant and also by protecting the pay and increments earned by him during his officiating promotion in O.S Grade- II.

6. Details of remedies exhausted.

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That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

3. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to protect the pay and increments earned by the applicant during his long (about 15 years) temporary and officiating promotion to the cadre of O.S Grade- II while re-fixing his pay on his regular absorption/promotion to the said cadre of O.S Grade-II pursuant to the promotion order dated 26.04.2005.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to reduce the basic pay earned by the applicant during his long officiating temporary promotion to the cadre of O.S Grade-II while re-fixing the pay on his regular absorption/promotion to the cadre of O.S Grade-II, as well as on his officiating promotion to the cadre of O.S Grade- I.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant in the cadre of O.S Grade-II and O.S Grade- I in terms of prayer No. 1 and be pleased to direct the respondents to pass necessary order modifying the impugned order bearing letter No. E/240/RN/(Restructuring)/03 dated 27.05.2005.

8.4 Costs of the application.

8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10.

11. Particulars of the I.P.O

i)	I.P.O No.	: 266 318987.
ii)	Date of issue	: 14.11.05.
iii)	Issued from	: G.P.O. Guwahati.
iv)	Payable at	: G.P.O. Guwahati.

12. List of enclosures:

As given in the index.

Birendra Kr. Rabha

VERIFICATION

I, Shri Birendra Kumar Rabha, S/o- Late Nomal Chandra Rabha, aged about 52 years, working in the office of the Divisional Railway Manger (W), N.F. Railway, Rangiya, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 20th day of November, 2005.

Birendra K. Rabha

NORTHEAST FRONTIER RAILWAY.

Office of the
Chief Personnel Officer,
(Recruitment Section)
Maligaon : Gauhati-781 011.

No. E/227/44/75 (Rectt) R.S

Dated 12-8-1979.

To
✓ Shri/Smt. Bisendra Kumar Kohli
(at office).

Sub: Temporary appointment as Clerk (Personnel/
(General) / ~~Gr-II Accounts~~ on Rs. 260/- p.m.
in scale of Rs. 260-400/- (RS) plus usual
allowances as admissible from time to time.

On being found medically fit in Category C/2, you are hereby directed to report to the Sto (Bk) / Com Northeast Frontier Railway Maligaon by _____ for your temporary appointment as Clerk as specified above.

2. You will be required to produce an Indemnity bond on a non-judicial stamp papers worth Rs. 16.50 binding yourself and one surety jointly and severally to refund in the even of your failing to satisfy the conditions mentioned therein, the cost of training and all monies paid to you in the manner mentioned in this office letter No. E/227/44/75 (Rectt) dated 4-8-79.

3. You will be appointed in a working post for atleast a month to acquire the background of the railway working before being sent for training.

4. You will be required to undergo a training for a period of two/three months. The period of training after recruitment in the working post will be treated as on duty and same will count towards increment and you will be eligible for the compensatory allowances, if any.

5. The other terms and conditions of your service will be the same as stated in this office letter No. E/227/44/75 (Rectt) dated 4/8/79. R.S

Please acknowledge receipt.

DA: 1/2 set 2nd Class Pass
No. _____

SENIOR PERSONNEL OFFICER (RECRUITMENT)

Copy forwarded for information and necessary action to SP. (Bk) / Com. The candidate's prescribed RSC application form alongwith the enclosures and medical 'fit' certificate is enclosed for record. He will please ensure that all terms and conditions as specified above and in the offer of appointment letter (enclosed) are complied with. The date of which the candidate is appointed should be intimated to this office. The candidate should be asked to execute an Indemnity Bond on a non-judicial stamp paper in terms of Rly. Board's letter No. E (NG) 61 AGI/2 dated 16.8.65 circulated under CPO/PLG's No. Rectt/31-E/227/144-0 IV(C) dated 13.9.65. The value of non-judicial stamp paper should be worth Rs. 16.50.

DA: As above.

for CHIEF PERSONNEL OFFICER.

ng/27v1179.

Handwritten signatures and initials at the bottom left corner.

Item No. 1. Mrs. S. Choudhury & Item No. 2.
Mr. S.P. Basumatary joined on 13-7-81
after availing Maternity & L.A.P. Rest
actively.

NORTHEAST FRONTIER RAILWAY.

Office of the
Deputy Chief Engineer(Con)
Brahmaputra Bridge Project,
Tezpur, Assam.

OFFICE ORDER NO. 26/81

The promotion and postings of the following staff on purely temporary measure and ad-hoc basis against the existing workcharged posts sanctioned vide GM/Con/MLG's Memorandum No. E/41/Con/33C dated 7-7-81 are ordered to take immediate effect.

S/N	Name	Present designation.	Pay & scale	Promoted as	Pay & scale	Posted under.
1	Mrs Sibani Chowdhury Jr.	Clerk	314/-	Sr.Clerk	330/-	Dy.CE/
2	Shri S.P.Basumatary	-do-	260-400	-do-	330-560	Con.
3	„ B.K.Rabha	-do-	266/-	-do-	330/-	-do-
4	„ Ali Askar	-do-	260-400	-do-	330-560	-do-
5	„ U.P.Mazumder	-do-	266/-	-do-	330/-	-do-
6	„ K.K.Boro	-do-	260-400	-do-	330-560	-do-
7	„ K.K.Rabha	-do-	256/-	-do-	330/-	-do-
8	„ P.K.Brahma	-do-	260-400	-do-	330-560	-do-

The above temporary promotions on ad-hoc basis will not confer on them any right for seniority over those who are already seniors to them nor any claim for permanent retention on the promotional grade.

The promotion of Mrs. Sibani Choudhury (Item, 1) to Sr.Clerk(E) will take effect from the date of her resumption to duty on expiry of Maternity leave.

This has the approval of Dy.CE(Con)/TZTB.

for DEPUTY CHIEF ENGINEER(Con)

dated 8th July, 1981.

No. E/BBC/1 Pt.III/2921

Copy forwarded for information and necessary action to :-

- (1) GM(Con)/MLG (2) FA & CAO(Con)/MLG (3) SAO(Con)/TZTB
- (4) XEN(Con)/G/TZTB (5) IOW(Con)/G/TZTB (6) IOW(Con)/I/TZTB
- (7) OS(Con)/G/TZTB (8) Staff concerned (9) P.Case (10) E/Bill

Sd/- B.K.Rabha.

for DEPUTY CHIEF ENGINEER(Con)

*Attested
Sd/-*

NORTHEAST FRONTIER RAILWAY

Office of the
Deputy Chief Engineer (Con)
Brahmaputra Bridge Project
Tezpur (Assam)

OFFICE ORDER NO. 1/B4

The following promotion and posting is ordered to take immediate effect.

Shri S.K. Rabha, Sr. Clerk (ad hoc) on pay Rs. 350.00 p.m. in scale Rs. 330-560 (PS) attached to Stores Section is promoted to officiate as Head Clerk (G) on pay Rs. 425.00 p.m. in scale of Rs. 425-700 (RS) against the post of Chief Clerk in scale Rs. 500-750 (RS) lying vacant on ad hoc measure and posted as such in his same place of posting.

The promotion is purely on ad hoc measure and this will not confer upon him any claim for retention in the promotional grade or for seniority over his erstwhile seniors.

This has the approval of Dy. CE/Con/12TB.

SD/-

for Dy. Chief Engineer (Con)
N.F. Railway : Tezpur

No. E/283/1 (BCCP-II/1421) Dated Tezpur, the 2nd Jan'84
Copy forwarded for information & necessary action to :

1. GM/Con/Maligaon.
2. EA & CAO/Con/Maligaon.
3. CE/Con-I/Maligaon.
4. CAO/Con/TEB.
5. XEN/Con-G/TEB.
6. XEN/Con-III/TEB.
7. CE/Con-G/TEB.
8. 10' Bill (in duplicate)
9. Staff concerned.
10. 10' Bill

SD/-

for Dy. Chief Engineer (Con)
N.F. Railway : Tezpur

*Attested
J. K. Acharya*

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SE/12
ANNEXURE-4

N. F. RAILWAY.

OFFICE ORDER.

Shri B.K.Rabha (ST), Sr. Clerk(G) now working under Dy.CE/CON/Jogighopa is temporarily promoted as Head Clerk(G) in scale Rs.1400-2300 (RPS) on being found suitable for promotion to the post of Head Clerk(G) and posted under Dy.CE/CON/I/JPZ.

Notes:- (i) This issues with the approval of Competent Authority.

(ii) It should be ensured that staff concerned is free from SPE/DAR/Vig case.

(iii) His promotion will take effect from 26.6.90. 08-11-89

Senior Personnel Officer (E&PC)
For GENERAL MANAGER (P).

No.E/288/163(N)Pt.VII.

Malignon, dated 11-12-91.

Copy to:-

- 1) CSTE/MLG.
- 2) Dy.CE/Con/Jogighopa.
- 3) SPD/Con/MLG.

Senior Personnel Officer (E&PC)
For GENERAL MANAGER (P).

bc/18.12

Attested
Int. Advocate

24-

ANNEXURE-5

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
GENERAL MANAGER (CON)
GUWAHATI-11

OFFICE ORDER NO. 37/90

The following promotions and postings are ordered to take immediate effect:-

1. Shri S.P. Basumatary, Hd. Clerk (Adhoc) in scale Rs. 1400-2300/-(RP) under Dy. CE/CON/JP2 is hereby temporarily promoted to the post of Chief Clerk in scale Rs. 1600-2660/-(RP) on adhoc basis and posted in the same office against the existing vacancy.

2. Shri B.K. Rava, Hd. Clerk (Adhoc) in scale Rs. 1400-2300/-(RP) under Dy. CE/CON/JP2 is hereby temporarily promoted to the post of Chief Clerk in scale Rs. 1600-2660/-(RP) on adhoc basis and posted in the same office against the existing vacancy.

3. Shri P. Sarania, Hd. Clerk (Adhoc) in scale Rs. 1400-2300/-(RP) under Dy. CE/CON/JP2 is hereby temporarily promoted to the post of Chief Clerk in scale Rs. 1600-2660/-(RP) on adhoc basis and posted in the same office against the existing vacancy.

The above promotions are temporary and purely on adhoc measure and it will not confer upon them any right to claim seniority etc. over those senior to them.

This issues with the approval of OR/CON/I.

(M.K. CHAKRABORTY)
APO/CON.
for GENERAL MANAGER (CON).

No.E/283/CON/HQ(JP2)

Dated 13/2/1990

Copy forwarded for information and necessary action to:-

1. DY. CE (CON)/JP2-with reference to his letter No.E/283/(1)/JP2/1474 dated 14/15-12-89. It is further to intimate that in case senior persons are available they will be reverted to their present posts.

2. FA&CAO (CON)/MLG.

3. SAO (CON)/JP2.

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Affirmed
Shri. Beharwal


(M.K. CHAKRABORTY)
APO/CON 13/2/90

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8442
ANNEXURE-64

To
The General Manager (P)
M.F. Railway, Maligaon

(Through Proper Channel)

Sub: Appeal for regularisation of Adhoc promotion.

Respected Sir,

With due respect, I would like to inform you the following few lines for favour of your kind consideration please.

1. That Sir, I am a scheduled tribe employee, joined on 10-9-79, recruited through RRB/Guwahati and posted under Dy. Chief Engineer (Construction), Tezpur and now working in the office of DY. CE/CON/JPZ under the kind control of GM/CON/MLG. Since my joining I have been working in the construction organisation.
2. That Sir, I was promoted to Sr. Clerk on 21-3-87 on regular basis by RRB/Guwahati against 33¹ departmental graduate quota and fixed up a new lien in CSTE (P) ¹ MLG.
3. That Sir, SFO (E&P) /MLG promoted me as Head Clerk on 26-6-90 vide no. E/283/163 (M) Pt. VII dated 19-12-91 on regular basis and posted under DY. CE/CON/JPZ.
4. That Sir, inspite of several appeals, CSTE (P) /MLG did not consider my case for promotion of OS/Gr. II in the restructuring cadre of S&T department, circulated vide memorandum no. E/41/308 (M) Pt. II dated 28-5-93. As a result, though I am belong to ST employee, depriving of such upgradation due to not adoption of procedure of Reservation for SC & ST candidates as per Board's letter No. 87-E (SCT) 1/72/1 dtd. 6-9-88, 91-E (SCT) 1/49/11 dtd. 7-8-91 and 89-E (SCT) 1/49/5 (P) dtd. 16-6-92.
5. That Sir, I appeared in the selection of OS/Gr. II, held on 26-6-96, but result is not known to me.
6. That Sir, I was promoted to OS/Gr. II (Offg.) on 9-3-90 by GM/CON/MLG on adhoc measure and the same has not regularised as yet. As I am giving more than 6 (six) years continuous service in a same grade, my adhoc promotion may be regularised by you with the posting at DY. CE/CON/JPZ without hampering the open line cadre.
7. That Sir, it is also mentioned here that some junior staff whose likes were fixed under KIR, APDJ and LMG Divisions have already been regularised as OS/Gr. II and Gr. I. But I am an employee who is being deprived of such promotions due to administrative lapse.

In view of the above, you are co-ordially requested to consider my case and kindly arrange to regularise my adhoc promotion as OS/Gr. II for which act of your kindness I shall remain ever grateful to you.

Yours faithfully

Date: 26.12.96

(B. K. Rabha)
OS/Gr. II (adhoc)
under Dy. Chief Engineer/Con
M.F. Rly, Jorighopa.

Copy for information and necessary action to -
GM/CON/MLG. (2) CSTE/MLG (3) Secretary, SC&ST Employees
Association, M.F. Rly, Maligaon.

SRB Project
JOGIGHOPA
Date: 26.12.96
26

(B. K. Rabha)
OS/Gr. II (adhoc)
under DY. CE/CON/Jorighopa.
M.F. Rly.

Attestd
Advocate

N.F. RAILWAY

No. E/163/3(E)

Maligaon dated 17-6-85

To
GM/CON/Maligaon.
N.F. Railway.

Sub:- Fixation of Lien of Construction
staff under GM/CON/Maligaon.

Ref:- Your letter No. E/255/Con/1/Pt-I dated 2.1.85.

.....

In terms of CPO/MLG's letter No. E/163/2(C) dated 22.5.85 and ACE/W/Maligaon's approval thereon, the lien of the following Jr. Clerks (G) in scale Rs. 260-400/- (RS) and Typist in scale Rs. 260-400/- (RS) who were recruited through Railway Service Commission/Gauhati and on compassionate ground under GM's special power and directly posted under GM/CON/Maligaon are fixed in the seniority units of Civil Engineering Department (Open Line) as under:-

Station	Designation & Scale.	No. of posts.	Name of staff.
CE/MLG	Jr. Clerk 260-400/-	9	1. Shri Ranjit Kr. Nandi 2. Smt. Subani Paitya 3. Shri Dipak Ranjan Bhowmick 4. " Gouranga Kapali (SC) 5. Smt. Nanda Dhar 6. Shri Nayanta Kr. Barua (ST) 7. " S.P. Basumatary (ST) 8. " Sona Ram Rabha (ST) 9. " Harendra Nath Boro (ST)
CE/MLG	Typist 260-400/-	6	1. Shri Kamala Kanta Boro (ST) 2. " Tarini Kr. Das (SC) 3. " Moinul Haque 4. " Tapan Kr. Mukherjee 5. " Dinesh Ch. Sharma 6. " Nidarsan Sharma

(Continued...)

*Attested
for
Admission*

Page:- 2.

Station.	Designation & Scale.	No. of Posts.	Name of Staff.
----------	----------------------	---------------	----------------

✓ Dy. CE/Br. Jr. Clerk
Line/MLG. 260-400/-

5

1. Shri Brihaspati Boro (ST)
- ✓ 2. " S.K. Rabha (ST)
3. Miss Basanti Das.
4. Shri Binanda Ch. Das (SC)
5. " Dilip Kr. Das (SC)

✓ CSTE/MLG

16-7-79

Typist
260-400/-

1

1. Shri Manab Sen Gupta.

XEN/PNO

Jr. Clerk
260-400/-

1

1. Smt. Sakuntala Basumatary (ST)

Typist
260-400/-

1

1. Shri Ranjan Chakraborty.

DRM/W/KIR

Jr. Clerk
260-400/-

11

1. Shri K.K. Boro (ST)
- ✓ 2. " K.K. Rabha (ST)
3. " P.K. Brahma (ST)
4. " Bipul Ch. Das.
5. Smt Purnima Modak.
6. Shri Debashis Routh.
7. " Prithish Bose.
8. " Subhash Mohanta.
9. " D.D. Boro (ST)
10. " Gajen Chandra Das (SC)
11. " Joyanta Saikia.

Typist
260-400/-

2

1. Shri Prabin Ch. Das.
2. " Anjan Kr. Chakraborty.

DRM(W)/LMG

Jr. Clerk
260-400/-

10

1. Shri Nani Gopal Bhawal.
2. " Dharendra Chanda.
3. " Baliram Prasad.
4. " Bimal Dey.
5. " Nalini Kr. Sarma.
6. " Swapan Kr. Dey
7. " (Contd.)
8. " Kachan Boro Dey.
9. " Pradip Chakraborty.
10. " Suman Kr. Bar.

Station	Designation & Scale.	No. of Posts	Name of staff.
DRM(W)/ LMG	<u>Jr.Clerk</u> 260-400/-	10	7. Shri. Brundava Chatterjee 8. " Khokan Kanti Dey 9. " Pradip Chakraborty. 10. " Swapn Kr. Kar.
	<u>Typist</u> 260-400/-	2	1. Shri. Subhas Modak. 2. " Barun Ch. Boro (ST)
DRM/W/ APDJ	<u>Jr.Clerk</u> 260-400/-	12	1. Shri Satyajit Roy. 2. " Ajit Kumar. 3. " Sisir Kr. Sarma. 4. Smt Bina Kalita. 5. Shri Narbert Tirkey (ST) 6. " Umesh Ch. Boro (ST) 7. " Lalt Lang Lien (ST) 8. " Tapan Ch. Das. 9. " Nirmal Kr. Baishya. 10. " Premeswar Das. 11. " Tapan Ch. Sarma. 12. " Ram Ch. Das (SC).
	<u>Typist</u> 260-400/-	2	1. Shri Bhaskariyoti Das. 2. " Gopal Ch. Chakuria.
DRM/ DBRT	<u>Jr.Clerk</u> 260-400/-	7	1. Shri Sunimal Acharjee. 2. " Ramadhar Singh. 3. " Arup Kr. Roy 4. " Bipul Jungma Brahma (ST) 5. " Harnedra Kr. Boro (ST) 6. " Jamini Kr. Soud. 7. " Manindra Sarania (ST)
	<u>Typist</u> 260-400/-	1	1. " Hem Ch. Boro (ST)

(Contd.....4)

Page:- 4

Station	Designation & Scale	No. of Posts	Name of Staff
AEN/NIK	Jr. Clerk 260-400/-	1	1. Smt Chandra Proba Deka
(TS) 260-400/-	Typist	1	1. Miss. Malabika Dey.

N.B:- Lien of Smt. Nanda Dhar, Jr. Clerk and S/Shri Arup Kumar Roy, Sunimal Acharjee and Ramadhar Singh, Jr. Clerk have already been fixed against seniority unit of CE/Maligaon and DRM/W/TSK vide this office letter No. 197-E/1506(E) dated 28.2.85/2.3.85 and E/163/3(E) dt. 22.4.85 respectively.

Sd/- (H. Das)

17/6

(APO/E-IT)

for CHIEF ENGINEER (P)

No:- E/163/3(E)

Dated. 17-6-85.

Copy for information and necessary action to:-

1. DRM (W)/KIR, AEDJ, LMG, TSK
2. Dy. CE/Br. Line/Maligaon
3. XEN/PNO.
4. DTN/DEPT.
5. AEN/NIK.
6. SPO (BG)/CON/Maligaon. He is requested to inform the staff concerned accordingly.

Sd/- (H. Das)

17/6/85

(APO/E-IT)

for CHIEF ENGINEER (P)

No:- E/255/Con/1/Pt-1

Dated, Maligaon. 8-7-1985.

Copy of the above is forwarded to Dy. CE (CON)/ITD along with spare copies for the concerned staff as well as their P/Cases, for information please.

for Shri R.K. Rebia

for GENERAL MANAGER (CON)
N.F. RAILWAY: MALIGAON.

*After
Jt. Advocate*

NORTHEAST FRONTIER RAILWAY

Office of the General Manager (P)
Maligaon, Guwahati-11

FIXN-456

No. E/55/Op Y (C)

Dated 19/20.1.1998

To

All Head of Departments
All DRMs Controlling Officers of the
Non-Divisionalised Offices,
General Secretary/NFRRU | for information
General Secretary/NREU

Sub : SLP (C) No. 5177/91 (Smt. Anuradha Mukherjee and
Ors. Vs. UOI & Ors) regarding benefit of proforma
fixation of pay as Clerk Grade I from 1.10.80 to
serving graduate clerks Gr. II on their qualifying
LDCE Marks: 80% and determination of inter-se-
seniority.

A copy of Railway Board's letter No. BC III/89/CIC-
II/4 dated 7.10.97 together with Railway Board's letter
dated 17.1.97 on the above subject is forwarded for infor-
mation and necessary action. Board's earlier letter dt.
18.6.81 and 31.7.81 as referred to in their present letter
were circulated under CM/HIC's No. RF-350 and RF-353
respectively.

Sd/- Illegible
for General Manager (P)

Copy of Railway Board's letter No. BC-III/89/CIC-II/4
dt. 7.10.97.

Sub : As above

Attention is invited to Board's letter of even
number dated 17.1.97 (Copy enclosed) on the above subject
addressed to CG/Eastern Railway with an endorsement to
CG/Northern Railway. Consequent upon Supreme Court's order
dated 12.3.96 in an SLP filed by Smt. Anuradha Mukherjee
and others and other clubbed SLPs, the matter regarding
benefit of proforma fixation of pay as clerks grade I from
1.10.80 to serving graduate CG-IIs on their qualifying
LDCE and determination of inter-se-seniority in terms of
Board's restructuring orders as contained in their letter
No. IC-III/87/CIC/7 dated 18.6.81 and 31.7.81 has been
examined in detail in consultation with the Legal Adviser
of this Ministry and it has been decided that in so far
as implementation of Board's restructuring instructions
dated 18.6.81 and 31.7.81 are concerned the following
procedure should be adopted :-

1. All in service graduate clerks Grade Rs. 260-400
(Rs)/L. 950-1500 (LPS) who were in service prior
to 1.10.80 and have been selected as Senior
Clerks Grade Rs. 330-560 (RS)/Rs. 1200-2040/- (LPS)
through LDCE will be eligible for proforma
fixation of pay w.e. from 1.10.80 without any

Contd..

Attested
Advocate

monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took over the charge of the post of Senior Clerk.

- (iii) All serving graduate clerks Grade Rs. 260-400 (RS)/Rs. 950-1500 (RPS) who were appointed as such after 1.10.80 and have subsequently been appointed as Senior Clerks Grade Rs. 330-560 (RS)/Rs. 1200-2040 (RPS) on their qualifying Limited Appartmental Competitive Examination will not be eligible for any proforma fixation w.e.f. 1.10.80 but from the date of their appointment as Clerks Grade Rs. 260-400 (RS)/Rs. 950-1500 (RPS) and actual benefit from the date of their joining as Senior Clerks.
- (iii) The seniority as Senior Clerks to the persons whether granted proforma promotion or adhoc promotion as also those directly recruited will continue to be governed by para 302 of IREM.

This disposes of R.E. Railway's P. No. E/205/3/ Pt.V/IV dated 18.7.97.

(Copy of Railway Board's letter No. PC III/89/CIC-II/4 dated 18.1.97).

Sub : SIA (C) No. 5177/91 (Smt. Anuradha Mukherjee & Ors. Vs. UOI & Ors), regarding benefit of proforma fixation of pay as Clerk Gr.I from 1.10.80 to serving graduate Clerk Gr.II on their qualifying L.P.C.S. and determination of inter-se-seniority.

Ref : Eastern Railway's letter No. E308/Court Call/Graduate Clerk dated 8.7.96.

The above matter has been disposed of by the Hon'ble Supreme Court on 12.3.96 alongwith other tagged SIA (C) Nos. 15119/93 (UOI & Ors. Vs. Prakash Nandan & Ors.), 13547/94 (UOI & Anr. Vs. Mahadev Rai & Ors.), 14571/93 (UOI & Anr. Vs. Arti Mishra & Ors.), 1818/94 (UOI & Ors. Vs. Lalchand Mishra & Ors.) 2473-77/95 (Chandra Kumar Pandey & Ors. Vs. UOI & Ors.) 3939/93 (UOI & Ors. Vs. Bipin Kumar Jha & Ors) involving identical issues. The matter has since been examined in consultation with the legal adviser of this Ministry and it has been decided that :-

- 1) All in service graduate clerks Grade Rs. 260-400 (RS)/Rs. 950-1500 (RPS) who were in service prior to 1.10.80 and have been selected as Senior Clerks Grade Rs. 330-560 (RS)/1200-2040 (RPS) through LXC will be eligible for proforma fixation of pay w.e.f. 1.10.80 without any monetary benefits except for the purposes effect of pension. They are entitled to emoluments with effect from the date they actually took over the charge of the post of Senior Clerks.

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- 32 - ~~Annex-8~~ Annexure-9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 302 of 1999.

Date of Order : This the 8th Day of August, 2001. W

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

Shri Birendra Kumar Rabha,
Office Superintendent Grade-II,
Office of the Deputy Chief Engineer,
Jogighopa under General Manager(Construction)
Maligaon, N.F.Railway. . . . Applicant.

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
Through General Manager,
N.F.Railway, Maligaon,
Guwahati-781011.
2. General Manager (Construction),
N.F.Railway, Maligaon,
Guwahati-11.
3. Deputy Chief Engineer(Construction)
Brahmaputra Bridge Project,
Jogighopa.
4. General Manager(p)
N.F.Railway, Maligaon,
Guwahati-11.
5. Sri Phulan Sarani,
Office Superintendent Grd.I
N.F.Railway, Maligaon,
Guwahati-11.
6. Sri Pradip Kumar Brahma,
Office Superintendent Grade-I,
working under General Manager(Con),
N.F.Railway, Maligaon,
Guwahati-11.
7. Sri Dharanidhar Boro,
Office Superintendent Grd.I
N.F.Railway, Maligaon,
Guwahati-11. . . . Respondents

By Sri J.L.Sarkar, Railway standing counsel.

O R D E R

CHOWDHURY J.(V.C)

The entitlement of the benefit of proforma fixation
of pay as Clerk in Grade-I as per the Railway Board circular
is the subject matter of adjudication of this application.

contd..2

Affidavit
for
admission

2. The applicant was first appointed as a Clerk (General) in the scale of Rs.260-400/- under the respondents vide order dated 18.8.79. pursuant thereto he joined duty on 10.9.79. On 8.7.81 he was promoted as Senior Clerk on adhoc basis. Subsequently he was promoted as Head Clerk with effect from 2.1.84 and also regularised in the same post with effect from 8.11.89 vide order dated 19.12.91. The applicant qualified himself and empanelled for the post of Senior Clerk in the scale of Rs.1200-2040/- to be filled from amongst serving Graduate employees against 13.73% departmental quota in terms of Railway Board's circular dated 23.11.84. The present application is basically concerned as to the granting of the benefit of proforma fixation as was made by the Railways. By letter dated 18.6.81 the Railway Board decided to fill up 13.73% post of Senior Clerk from in service graduate Clerks (Grade-II) by competitive examination to be held by the Railway Service Commission. In the event of their non-availability it was decided to fill up the residue vacancies by direct recruitment alongwith 20% direct recruitment quota from open market. The order issued by the aforesaid memorandum was to be effective from 1.10.1980. The pay of the employees so appointed was to be fixed pro forma from 1.10.80 but no arrears were payable on that account. The actual payment of emoluments as Senior Clerks were allowed from the date of their actually taking over the charge of the post. Numerous communications thereafter were also issued by the Railway Board. In one such communication dated 31.7.81 it was decided that 13.73% vacancies of Senior Clerks existing as on 1.10.80 made available by order dated 18.6.81 was directed to be filled up from amongst the in-service graduate Clerks (Grade-I) in the manner indicated in the Notification. This

contd...3

matter is no longer res-integra in view of the decision of the Supreme Court in Anuradha Mukherjee & Ors. vs. Union of India & Ors., reported in (1996) 9 SCC 59. As per the Railway Board Circular issued from time to time which were finally interpreted by the Supreme Court in the Anuradha Mukherjee case (supra), all in-service graduate Clerks appointed to Grade-I scale would get only pro forma promotion as Grade-I Clerks from 1.10.80 without any monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took over the charge. It would be available for computation of pensionary benefits. Admittedly, the applicant was a graduate clerk as in the year 1980 i.e. prior to the Notification dated 18.6.81 and he passed the limited departmental examination. In that view of the matter we find it difficult to accept the contention of Mr J.L.Sarkar, learned Railway standing counsel that since the applicant acquired the qualification and obtained the B.A.Degree after entering the service is therefore not qualified. Similarly, Mr Sarkar also contended that the seniority of the applicant is to be computed on and from 21.4.87 on the ground that he himself qualified in the limited departmental examination in 1987. We also find it difficult to accept the contention in view of the clear Railway Board Circular and the interpretation of the Supreme Court on this issue.

3. In the circumstances there is no justification for not giving the benefit of the circular to the applicant. The applicant being a graduate clerk and appointed to Grade-I scale through the departmental examination will also be entitled for the benefit of the Railway Board Circular and the seniority of the applicant will be computed in terms of para 302 of the Indian Railway Establishment Manual in view

contd...4

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- 4 -

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of the legal position enunciated in Anuradha Mukherjee's case.

The application is allowed to the extent indicated. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)

Annexure - 10

~~PAGE TWO~~

45

N.F. RAILWAY

OFFICE OF THE
DIVL. RAILWAY MANAGER(P)
N.F. RAILWAY/RANGIYA

OFFICE ORDER

Dt. 26-04-05

On being selected in the modified suitability test for the post of promotion as OS/I(G) in scale Rs. 6500-10500/- against cadre restructuring/03 vide office memorandum of even number dt. 26-04-05, the following OS/II(G) in scale Rs. 5500-9000/- are hereby promoted to officiate as OS/I(G) in scale Rs. 6500-10500/- from the date as shown against each and posted at the stations where they are working at present.

Sl. No.	Name & Designation	Station	Promotion as OS/I(G) w.e.f.	Pay fixed on promotion as OS/I(G)	Remark
1.	Shri D.D. Deb Sarma, OS/II	DRM(W)/RNY	01-11-03	7100 = 00	
2.	" R.K. Roy, OS/II	- Do -	01-11-03	7100 = 00	
3.	" N.C. Das, OS/II	ADEN/NBQ	01-11-03	7100 = 00	
4.	Md. M. Islam, OS/II	ADEN/RPAN	01-11-04	7100 = 00	
5.	Shri B.K. Rabha, OS/II	DRM(W)/RNY	06-06-05	7300 = 00	

This has got the approval of competent authority.

N.B. :- Staff concerned may submit to get thier pay fixed on promotion from the date of accrual of next increment in pre-promotional grade within one month from date of issue of this office order.

for Divl. Railway Manager
(Personnel)
N.F. Railway/Rangiya.

No. E/240/RN(Restructuring)/03

Dt. 26-04-05.

Copy for information & necessary action to:-

1. GM(P)/MLG.
2. Sr. DEN(C)/RNY.
3. All DEN & ADEN/RNY.
4. DFM/RNY.
5. Divl. Secy./NFREU/RNY.
6. Divl. Secy./N.F. RMU/RNY.
7. Divl. Secy./A*CTREA/RNY.
8. COS(E)/Bill/RNY at APDJ.
9. Staff concerned & P/Case.

for Divl. Railway Manager
(Personnel)
N.F. Railway/Rangiya.

*Attested
for
Redwood*

Dated: 26/4/05

MEMORANDUM

As a result of suitability test the following staff working as OS/I, OS/II, Hd.clerk, Sr.Clerk(G) in scale Rs.6500-10500/-, 5500-9000/-, 5000-8000/- and 4500-7000/- who have found suitable for promotion to the post of COS/G, OS/I, OS/II, Hd.Clerk and Sr.clerk(G) in scale Rs.7450-11500/-, 6500-10500/-, 5500-9000/-, 5000-8000/- and 4500-7000/- respectively against the valancy arear w.e.f 1.11.03. Due to cadre restructuring interms of Rly.Board's L/No.WC/III/203/CRC/6 dt.9.10.03.

SN.	Name	Whether ST/SC	Designation & Station	Working under	Remarks
-----	------	------------------	--------------------------	---------------	---------

A. COS(G) 6500-10500/-

1.	Sri D.D.Boro	ST	OS/I(G)DRM(W)RNY	DRM(W)RNY	
2.	,, K.C.Bharali	SC	OS/I DRM(W)RNY	DRM(W)RNY	
3.	,, P.Chakraborty	UR	OS/I DRM(W)RNY	DRM(W)RNY	

B. OS/II (G) (5500-9000)

1.	Shri D.D.Deba sharma	UR	OS/II(G) DRM(W)RNY	DRM(W)RNY	
2.	,, R.K.Roy	ST	OS/II DRM(W)RNY	DRM(W)RNY	
3.	,, N.C.Das,	SC	OS/II ADEN/NBQ	ADEN/NBQ	
4.	Md.M Islam	UR	OS/II ADEN/RPAN	ADEN/RPAN	
5.	,, B.K.Rabha	ST	OS/II DRM(W)RNY	DRM(W)RNY	

C) Head clerk(G) (5000-8000)

1.	Sri P.Basumatary	ST	Hd.clerk(G)	ADEN/RPAN	ADEN/RPAN
2.	,, K.M.Das	SC	Hd.Clerk(G)	SSE/PW/SBE	SSE/PW/SBE
3.	,, M.Singh	UR	Hd.clerk	SE/W/BNGN	SE/W/BNGN
4.	,, N. Tirkey	ST	Hd.clerk	SE/PW/VNE	SE/PW/VNE
5.	,, D.Basumatary	ST	Hd.clerk	SE/W/RPAN	SE/W/RPAN
6.	,, R.Brahma	ST	Hd.clerk	SE/PW/BNGN	SE/PW/BNGN
7.	,, S.Thakur	UR	Hd.clerk	SE/W/DMC	SE/W/DMC
8.	,, D.K.Hazarika	UR	Hd.clerk	SE/P.W'E/NLP	SE/PW/E/NLP
9.	,, C.S.Pandit	UR	Hd.clerk	ADEN/BPRD	ADEN/BPRD
10.	,, Prafulla Boro	ST	Hd.clerk	DRM(W)RNY	DRM(W)RNY
11.	,, C.R.Rabha	ST	Hd.clerk	DRM(W)RNY	DRM(W)RNY
12.	,, B.Majumder	SC	Hd.clerk	ADEN/BPRD	ADEN/BPRD

D) Sr.Clerk (G) 4500-7000/-

1.	Shri A.K.Bhattacharjee	UR	Sr.Clerk	SSE/PW/W/NLP	SSE/PW/W/NLP
2.	,, M.C.Dhar	UR	Sr.Clerk	SE/PW/MJBT	SE/PW/MJBT
3.	,, S.Kumar	ST	Sr.clerk	SE/PW/RPAN	SE/PW/RPAN
4.	,, Sukreswar Boro	ST	Sr.Clerk	DRM(W)RNY	DRM(W)RNY
5.	,, S.K.Mandal	SC	Sr.clerk	SE/PW/BNGN	SE/PW/BNGN
6.	,, R.L.Gupta	UR	Sr.clerk	SE/W/NBQ	SE/W/NBQ
7.	,, A.K.Barua	UR	Sr.clerk	SE/W/RPAN	SE/W/RPAN
8.	,, P.C.Das	SC	Sr.Clerk	SE/PW/BG/RNY	SE/PW/BG/RNY
9.	,, P.Barman	UR	Sr.clerk	DRM(W)RNY	DRM(W)RNY
10.	,, Bapan Das	UR	Sr.clerk	SE/PW/E/NLP	SE/PW/E/NLP
11.	,, Ganesh Barua	ST	Sr.clerk	SE/PW/DMC	SE/PW/DMC

(Contd. to P/2)

*Attested
Sd/-*

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/ 2 /

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12. S.K.Bose	UR	Sr.clerk	SE/W/BNGN	SE/W/BNGN
13. A.K.Majumder	UR	-do-	SE/PW/TD/BNGN	SE/PW/TD/BNGN
14. S.Ghatak	UR	-do-	SE/W/BPRD	SE/W/BPRD.

E) Jr.clerk (G) 3050-4590/-

1. Shri D.Basumatary	ST	Jr.clerk	SE/PW/RPAN	SE/PW/RPAN
2. ,, Pavan Rabha	ST	-do-	SE/W/NLP	SE/W/NLP
3. ,, S.K.Thapa	OBC	-do-	ADEN/NLP	ADEN/NLP
4. ,, Raju Sahu	OBC	-do-	ADEN/RPAN	ADEN/RPAN
5. ,, A.Bhattacharjee	UR	-do-	SE/PW/VNE	SE/PW/VNE
6. ,, T.Gongopadhy	UR	-do-	ADEN/NLP	ADEN/NLP
7. ,, D.Rabha	ST	-do-	SE/PW/CGON	SE/PW/CGON
8. ,, Smt.Palakshi Deka	UR	-do-	DRM(W)RNY	DRM(W)RNY
9. Shri Dipu Deka	UR	-do-	SE/PW/GLPT	SE/PW/GLPT
10. ,, P.Karmakar	SC	-do-	SE/W/BNGN	SE/W/BNGN.

This issue with the approval of the competent authority:

26/4/05
For Divl.Rly.Manager(Personnel)
N.F.Rly/Rangiya.

No: E/240/RN/(Restructuring)03

Dated. 26 /4/05

Copy for information and necessary action to:-

1. GM(P)MLG
2. OS to DRM/RNY
3. Sr.DEN/C/RNY
4. All DEN/RNY
5. All ADEN/RNY Divn.
6. All SSE/PW & Works/RNY divn.
7. DFM/RNY at APDJ
8. Staff concerned.
9. Divl.Secy.NFREU/NFRMU/RNY
10. AISCTREA/RNY
11. P/Case.

26/4/05
For Divl.Rly.Manager(Personnel)
N.F.Rly/Rangiya.

26-4-05

N.F. RAILWAY

OFFICE OF THE
DIVL. RAILWAY MANAGER (P)
N.F. RAILWAY/RANGIYA.

OFFICE ORDER

Dt. 26-04-05

On being selected in the modified suitability test for post of promoting to the COS/G in scale Rs. 7450-11500/- against cadre restructuring/03 vide office memorandum of even number dt. 26-4-05 the following OS/1 (G) in scale Rs. 6500-10500/- hereby promoted to officiate as COS/G in scale Rs. 7450-11500/- from the date as shown against each and posted at the stations where they are working at present:

<u>SN</u>	<u>Names</u>	<u>Present Designation & stations</u>	<u>Promoted as COS(G) w.e.f.</u>	<u>Pay fixed on promotion as COS(G) in scale Rs. 7450-11500/-</u>	<u>Remarks</u>
1.	Shri D.D. Boro,	OS/I DRM(W)/RNY	01-11-03	8125200	
2.	" K.C. Bharali,	ADEN/RNY	01-11-03	8125200	
3.	" P. Chakraborty,	DRM(W)/RNY	01-11-03		

This has got the approval of competent authority:

N.B.:— Staff concerned may submit to get their pay fixed on promotion from the date of accrual of next increment in pre-promotional grade within one month from date of issue of this office order.

for Divl. Railway Manager (P)
N.F. Railway/Rangiya.

Dt. 26-04-05

No. E/240/RN/(Restructuring)/03

1. GM(P)/MLG
2. Sr. DEN(C)/RNY.
3. All DEN & ADEN/RNY.
4. Divl. Secy./N.F. REU/RNY.
5. Divl. Secy./N.F. RMU/RNY.
6. Divl. Secy./AISCTREA/RNY.
7. COS/E/B111/RNY at APDJ.
8. Staff concerned & P/Case.

for Divl. Railway Manager (P)
N.F. Railway/Rangiya.

de 26-04-05

Shri D.D. Boro

Annexure-13

B K RADHA	BASIC PAY	7775.00	PF	972.00	GROSS PAY *	15498.00
DESIGN: OS/II	DEARNESS-PAY	3888.00	VPF	3000.00	TOT.DEDN	5593.00
PFNO #01874683-NC	DA	1983.00	INSURANCE	561.00	NET PAY *	9905.00
	HRA	583.00	PROF-TAX	205.00		
	CONVEY ALL	75.00	GIS	30.00		
	ARREAR DA	1034.00	H BLDNG ADV	700.00		
DUTY DAYS 30 LEAVE 00	SCA	160.00	FLOOD ADV.	125.00		

LAF LMAP LMP ABS LND
OB 030 020
CR
DB
CB 030 020



B K RADHA	BASIC PAY	7600.00	PF	950.00	GROSS PAY *	14556.00
DESIGN: OS/II	DEARNESS-PAY	3800.00	VPF	2867.00	TOT.DEDN	5428.00
PFNO #01874683-NC	DA	1596.00	INSURANCE	561.00	NET PAY *	8728.00
	HRA	570.00	PROF-TAX	195.00		
	CONVEY ALL	75.00	GIS	30.00		
DUTY DAYS 30 LEAVE 00	SCA	200.00	H BLDNG ADV	700.00		
			FLOOD ADV.	125.00		

B/F GRS: \$54,073.00

B/F DED: \$13,702.00

B/F NET: \$40,371.00



B K RADHA	BASIC PAY	7600.00	PF	950.00	GROSS PAY *	13341.00
DESIGN: OS/II	DEARNESS-PAY	3800.00	VPF	3000.00	TOT.DEDN	5561.00
PFNO #01874683-NC	DA	1596.00	INSURANCE	561.00	NET PAY *	8280.00
	HRA	570.00	PROF-TAX	195.00		
	CONVEY ALL	75.00	GIS	30.00		
DUTY DAYS 31 LEAVE 00	SCA	200.00	H BLDNG ADV	700.00		
			FLOOD ADV.	125.00		

B/F GRS: \$45,499.00

B/F DED: \$13,848.00

B/F NET: \$31,651.00



*Attest in
for
signature*

7600
3800
12400

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N. F. RAILWAY

Annexure-14



Office of the
Divl. Rly. Manager (P)
Rangiya.

OFFICE ORDER

In terms of Railway Bd's letter No. PC-III/2003/CRC/6(RBE No.177/2003) Dt.09-10-03 circulated vides GM (P)/MLG's letter No. E/304/o-Restructuring (O) dt.30-10-03. The following candidates have been found suitable in modification selection/suitability for promotion to the post of and scale of pay as indicated against each and against vacancies occur as a result of cadre restructuring w.e.f. 01.11.03 and resultant/existing vacancies as on 01.11.03 are hereby ordered to take effect promotion from the date mentioned against each.

As per GM (F)/MLG's letter No. E/304/o - Restructuring (O) dated 09.07.04 the staff will be posted on promotion as is where is basis till cadre review.

This is in suppression of this office order No. E/240/RN/(Restructuring)/03 dt. 26.04.05.

Category: - CCS in scale Rs. 7450 - 11500/-.

SN	Name	Comty	Working under	Present pay & scale	Promoted to the post of & scale	Pay fixed on promotion	Dt. of increment	Whether promoted against quota	Place of posting	Remarks
01.	D.D. Boro	ST	DRM (W)/RNY	7900/-, 1.9.04.650 0-10,500/-	COS 7450- 11500/-	Rs. 8125/- of 01.11.03	8350/- of 01.11.04	NS	DRM(W)/RNY	
02.	K.C. Bharali	SC	DRM (W)/RNY	7900/-, 1.9.04.650 0-10,500/-	COS 7450- 11500/-	Rs. 8125/- of 01.11.03	8350/- of 01.11.04	NS	DRM(W)/RNY	

*A. H. Khan
for signature*

Category: - OS/II in scale Rs. 6500 - 10,500/-

SN	Name	Community	Working under	Present pay & scale	Promoted to the post of & scale	Pay fixed on promotion	Dt. of increment	Whether promoted against quota	Place of posting	Remarks
01.	D.D.Dev Sarma	UR	DRM(W)/RNY	Rs. 6900/- 01.12.03, 5500-9000/-	OS/II 6500- 10,500/-	Rs. 7100/- of 01.11.03	Rs. 7300/- 01.11.04	NS	DRM(W)/RNY	
02.	R. K. Roy	ST	DRM(W)/RNY	Rs. 6900/- 01.01.03, 5500-9000/-	OS/II 6500- 10,500/-	Rs. 7100/- of 01.01.05		NS	DRM(W)/RNY	WIT 2(Two) years w.e.f. 01-01-03
03	N. C. Das	SC	ADEN/ NBQ	Rs. 6900/- 01.04.03 5500-9000/-	OS/II 6500- 10,500/-	Rs. 7100/- of 01.11.03	Rs. 7300/- 01.11.04	NS	ADEN(W)/NBQ	
04	Md. M. Islam	UR	ADEN/ RPN	Rs. 6900/- 01.01.03 5500-9000/-	OS/II 6500- 10,500/-	Rs. 7100/- of 01.11.03	Rs. 7300/- 01.11.04	NS	ADEN(W)/ NBQ RPN	
05	B.K.Rabha	ST	DRM(W)/RNY	Rs. 6725/- 01.11.04 5500-9000/-	OS/II 6500- 10,500/-	Rs. 7100/- of 01.11.03		NS	DRM(W)/RNY	Please read his pay was fixed on Rs. 7100/- instead of Rs. 7900/-

Category: - OS/II in scale Rs. 5500 - 9000/-

SN	Name	Community	Working under	Present pay & scale	Promoted to the post of & scale	Pay fixed on promotion	Dt. of increment	Whether promoted against quota	Place of posting	Remarks
01	P. Basumatay	ST	SE(W)/RPN	Rs. 6650/- 01.02.03 5000-8000/-	OS/II 5500- 9000/-	Rs. 6900/- of 01.11.03	Rs. 7075/- 01.11.04	NS	ADEN/ RPN	
02.	K. M. Das	SC	SSE/PW/ SBE	Rs. 6650/- 01.12.03 5000-8000/-	OS/II 5500- 9000/-	Rs. 6900/- of 01.11.03	Rs. 7075/- 01.11.04	NS	SE/P.W/ SBE	
03	M. Singh	UR	SE/W/ BNGN	Rs. 6500/- 01.01.03 5000-8000/-	OS/II 5500- 9000/-	Rs. 6725/- of 01.11.03		NS		Retired on 30.06.04
04	N. Tirkey	ST	SE/P.W/ VNE	Rs. 6350/- 01.09.03 5000-8000/-	OS/II 5500- 9000/-	Rs. 6550/- of 01.11.03	Rs. 6725/- 01.11.04	NS	SE/P.W/ VNE	



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05	D. Basumatay	ST	ADEN/ RPAN	Rs. 6550/- 01.06.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6550/- of 01.11.03	Rs. 6725/- 01.11.04	NS	SEW/ RPAN	
06	R. Brahma	ST	SE/P.W/ BNGN	Rs. 6550/- 01.10.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6550/-	Rs. 6725/- 01.11.04	NS	SE/P.W/ BNGN	
07	S. Thakur	UR	SEW/ DMC	Rs. 6725/- 01.04.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6900/- of 01.04.03	Rs. 7075/- 01.04.04	NS	SEW/ DMC	
08	D.K. Hazarika	UR	SE/PW/ E/NLP	Rs. 6350/- 01.04.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6650/- of 01.04.03		NS		Retired on 29.02.04
09	C.S. Pandit	UR	ADEN/ BPRD	Rs. 6200/- 01.08.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6375/- of 01.11.03	Rs. 6550/- 01.11.04	NS	ADEN/ BPRD	
10	P. Boro	ST	DRM (W)/RNY	Rs. 5900/- 01.02.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6200/- of 01.11.03	Rs. 6375/- 01.11.04	NS	DRM(W)/ RNY	
	C. R. Barua	ST	DRM (W)/RNY	Rs. 5900/- 01.05.03 5000-8000/-	OS/II 6500- 9000/-	Rs. 6200/- of 01.11.03	Rs. 6375/- 01.11.04	NS	DRM(W)/ RNY	
12	B. Mazumder	SC	ADEN/ BPRD	Rs. 6200/- 01.04.05 5000-8000/-	OS/II 6500- 9000/-	Rs. 6375/- Immediate effect		SC	ADEN/ BPRD	

Category: - Head Clerk (G) in scale Rs. 5000 - 8000/-

SN	Name	Com muni ty	Working under	Present pay & scale	Promoted to the post of & scale	Pay fixed on promotion	Dt. of increment	Whether promoted against quota	Place of posting	Remarks
01	A.K. Bhattacharjee	UR	SSE/PW W/NLP	Rs. 5625/- 01.03.03 4500-7000/-	Hd. Cl. (G) 5000- 8000/-	Rs. 5900/- of 01.11.03	Rs. 6050/- 01.11.04	NS	SSE/PW NLP	
02	A.K. Barua	UR	SSEW/ RPAN	Rs. 5625/- 01.04.03 4500-7000/-	Hd. Cl. (G) 5000- 8000/-	Rs. 5900/- of 01.11.03	Rs. 6050/- 01.11.04	NS	SSEW/ RPAN	
03	Manik Dhar	UR	SE/PW/ MJBT	Rs. 5625/- 01.03.03 4500-7000/-	Hd. Cl. (G) 5000- 8000/-	Rs. 5900/- of 01.11.03	Rs. 6050/- 01.11.04	NS	SE/PW/ MJBT	

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04	S.K. Mandal	SC	SE/PW/ BNGN	Rs. 5250/- 01.04.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5450/- of 01.11.03	Rs. 5600/- 01.11.04	SC	SE/PW/ BNGN	
05	S. Kumar.	ST	SE/PW/ RPAW	Rs. 5500/- 01.03.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5750/- of 01.11.03	Rs. 5900/- 01.11.04	NS	SE/PW/ RPAW	H-03 = 5750/- FR 22.10.0 1-3-04 = 5900/- FR 22.09 1-3-05 = 6050/-
06	S. Boro	ST	DRM(W) RNY	Rs. 5750/- 01.01.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5900/- of 01.11.03	Rs. 6050/- 01.11.04	NS	DRM(W) RNY	
07	R.L. Gupta	UR	SE/W/ NBQ	Rs. 5250/- 01.09.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5450/- of 01.11.03	Rs. 5600/- 01.11.04	NS	SE/W NBQ	
08	G. Barua	ST	SE/P.W/ DMC	Rs. 4875/- 01.04.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5150/- of 01.11.03	Rs. 5300/- 01.11.04	ST	SE/P.W/ DMC	
09	P. C. Das	SC	SE/P.W/ EG/RNY						SE/P.W/ EG/RNY	Continues with 10.05.
	P. Barman	UR	DRM(W) RNY	Rs. 5250/- 01.04.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5450/- of 01.11.03	Rs. 5600/- 01.11.04		DRM(W) RNY	
11	Bapan Das	UR	SE/P.W/ E/NLP	Rs. 4875/- 01.04.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5150/- of 01.11.03	Rs. 5300/- 01.11.04	NS	SE/P.W/ E/NLP	
	B. Ch. Das	ST	ADEN/ RNY	Rs. 6250/- 01.08.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 6500/- of 01.11.03	Rs. 6650/- 01.11.04	NS	ADEN/ RNY	
13	G. Sing	UR	SSE/W/ RNY	Rs. 4875/- 01.09.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5150/- of 01.03.04	Rs. 5300/- 01.09.05	NS	SSE/W RNY	WIT 6 (Six) month WIT 6 (Six) month
14	S. K. Bose	UR	SE/W/ BNGN	Rs. 4625/- 01.08.03 4500-7000/-	Hc. Cl. (G) 5000- 8000/-	Rs. 5000/- 01.11.03	Rs. 5150/- 01.11.04	NS	SE/W/ BNGN	

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Category: - Sr. Clerk in scale Rs. 4500 - 7000/-

S N	Name	Com muni ty	Working under	Present pay & scale	Promoted to the post of & scale	Pay fixed on promotion	Dt. of increment	Whether promoted against quota	Place of posting	Remarks
01	D. Basumatary	ST	SE/PW/ RPAN.	Rs. 3575/- 01.05.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	SSE/P.W RPAN	
02	P. Rabha	ST	SEW/ NLP	Rs. 3575/- 01.12.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	SEW/ NLP	
03	S.K. Thapa	OBC	ADEN/ NLP	Rs. 3500/- 01.12.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	ADEN/ NLP	
04	Raju Sahu	OBC	ADEN/ RPAN	Rs. 3425/- 01.04.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	ADEN/R PAN	
05	A. Basumatary	UR	SE/P.W/ VNE	Rs. 3425/- 01.04.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	SE/P.W VNE	
06	T. Gongopadh va	UR	ADEN/ NLP	Rs. 3625/- 01.08.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	ADEN/ NLP	
07	D. Rabha	ST	SE/P.W/ CGON	Rs. 3425/- 01.08.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	ADEN/ NLP	
08	Palakshi Deka	UR	DRM(W) RNY	Rs 3425/- 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	DRM(W)/ RNY	
09	Dipu Deka	UR	SE/P.W/ GLPT	Rs 3425/- 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	NS	SE/P.W/ GLPT	
10	P. Karmakar	SC	SEW/ BNGN	Rs. 3500/- 01.06.03 3050-4590/-	Sr. Clerk 4500- 7000/-	Rs. 4500/- 01.11.03	Rs. 4625 01.11.04	SC	SEW/ BNGN	

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Staff concerned may submit option within one month from the date of the office order for getting fixation of pay on promotion from the date of accrual of the next increment in the lower grade.

This issues with the approval of the competent authority.

For DRM (P)/RNY
N. F. Railway
Date: - 27-05-05

No. E/240/R:N (Restructuring)/03

Copy forwarded for information to:-

1. DRM RNY
2. All DEN & ADEN/RNY.
3. COS E/Bill (N)/RNY.
4. Divisional Secretary, NFR/DRM/RNY
5. Controller, NFR/DRM/RNY
6. P. Case.
7. Staff concerned.

Shum
27/5/05
For DRM (P)/RNY
N. F. Railway

16

48 -

Annexure-15
(Series)

To,

DRM (P) / RNY
N.F. Railway.

OK

(Through proper channel)

Sub : Appeal for review of date of effect.

Ref : Your office order No. E/240/RN(Restructuring)/03 dt. 26-04-05.

Respected Sir,

In reference to your restructuring order cited above, I beg to inform you the following few lines for information, kind consideration and sympathetic order please.

1. I joined as OS/II(G) under DRM(W)/RNY on 27th March'04 after sparing by GM/CON/MLG.
2. That Sir, it is very glad to me and thankful to you that I have got upgradation as OS/I(G), vide O/O under reference against restructuring procedure vide Rly. Bd's No. PC-III/2003/CRC/6 dt. 09-10-03.
3. That Sir, it is seen that date of effect of my promotion has been shown vide O/O as w.e.f. 06-06-2003 instead of 01-11-03 which I am not agree with the above date of effect due to the following reasons :-
 - (I) I had been holding the post of OS/II w.e.f. 1990 on Ad-hoc measure with full benefit of same grade and subsequently the said Ad-hoc promotion has been regularized on 06-06-03 by virtue of proper selection test without disturbing my seniority as usual the other construction staff who are still working in the Construction Organisation or coming from construction Organisation to open line.
 - (II) Normally minimum duration time of promotion from one grade to other higher grade is admissible for 2 (two) years which is not for restructuring procedure.
 - (III) My service particulars are given below in brief :-
 - (a) Date of appointment :- 10-09-1979.
 - (b) Promoted to Sr. Clerk :- 01-10-80
on graduate quota. 31-03-87
 - (c) Promoted to Hd. Clerk :- 08-11-1989
 - (d) Promoted to OS/II :- 09-03-90 (Ad-hoc)
06-06-2003 (Regular)

Contd.....P/2.

*Mustafa
Rizwan*

etc

(e) Duration as OS/II :- 13 years 7 months 23 days.
As 01-11-2003.

(f) Present scale of pay :- Rs. 7775.00 + DP Rs. 3888.00
in Scale 5500 - 9000/-

4. That your honour, from the above service particulars, in comparison, I am the senior most amongst Sl. No. 1,2,3, & 4 of your office order dt. 26-04-05, but it has been shown me as the juniormost.
5. That Sir, Hn'ble CAT/Guwahati has ordered vide No. nil dt. 08-08-2001 to get proforma fixation with seniority w.e.f. 01-10-80 which was intimated to you vide GM/CON/MLG's letter No. E/254/S & T/NG/CON dt. 07-12-04 (copy enclosed). But the said order is yet to be implemented by the Rly. Administration. If the Hon'ble CAT's order dt. 08-08-2001 will come into force, my seniority may suppose to be raised up to Chief Office Supdt.

Considering the above facts and circumstances, you are cordially requested to review the date of effect as 01-11-2003 in stead of 06-06-2005.

I shall ever grateful to you for which act of kindness.

With regards.

DA / - 2 (two) as above.

Place :- Rangpur

Date :- 03/05/05

Yours faithfully,

Birendra Kr. Rabha
(Birendra Kr. Rabha)
OS / II
Under DRM(W) / RNY.

NORTHEAST FRONTIER RAILWAY.

Annexure-15 (series)

Office of the
DIVL. Railway Manager(W),
N.F. Railway: Rangiya.

No. W/69/RNY/Court case/Policy/W-3/

Dated 03-05-2005.

To,

DRM(P)/RNY.
N.F. Rly.

Sub: Appeal of Shri B.K. Rabha, OS/II for
review of date of effect of promotion
as OS/I on re-structuring cadre.

Ref: Your letter / Office Order No. E/240/
RN/Restructuring/03 dt. 26-04-05.

....

An appeal of Shri B.K. Rabha, OS/II alongwith its enclosures
on the above subject which is self-explanatory is forwarded
herewith for necessary action please.

It is stated that Shri B.K. Rabha is being senior most staff
may kindly be considered if his claim is due.

- DA: 1. One appeal along with its
enclosures.
2. Hon'ble CAT/GHY's order
copy (Xerox).

Divl. Railway Manager(W),
N.F. Railway: Rangiya.

Copy for information to:

✓ Shri B.K. Rabha, OS/II.

03/5/05
Divl. Railway Manager(W),
N.F. Railway: Rangiya.

*Attested
for
Rangiya*

N.F. Railway

50-51- Annexure-16 (series)

Office of the
Divl. Railway Manager(W)
N.F. Railway/Rangiya.

No. W/69/RNY/Court/Case/Policy/W-8

Dt. 24-06-05.

To,
DPO/RNY
N.F. Railway.

Sub:-An appeal of Shri B.K. Rabha, OS/I for
review of Office Order dt. 27-5-05.

An appeal submitted by Shri B.K. Rabha, OS/I working
under DRM(W)/RNY is sent herewith for kind disposal please.

DA/-One application
Dt. 24-5-05.

Copy for information to:-
(1) Staff concerned.

for DRM(W)/RNY
N.F. Rly.

for DRM(W)/RNY
N.F. Rly.

Plc P. Case.

Affected
Smt
Advocate

525

Annexure -16 (series)

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To
Divisional Railway Manager (P)
N. F. Railway/Rangiya

(Through proper channel)

Sub: - Appeal for review of -

- (i) Date of effect as 01.11.2003 instead of 06.06.2005.
- (ii) Fixation of pay as Rs. 7900/- in lieu of Rs. 7100/-.

Ref: - (i) My earlier appeal dtd. 03.05.2005, forwarded by DRM (W)/RNY vide letter No. W/69/RNY/Court Case/Policy/W-3 dt. 03.05.2005.
(iii) Your Office Order (Revised) and Endorsement No. E/240/RN (Restructuring)/03 dt. 27.05.2005.

Respected Sir,

In continuation to my previous appeal under reference (i), I would like to inform you again the following few lines for kind information, necessary action and sympathetic order please.

1. That Sir, I appealed to you vide DRM (W)/RNY's letter No. W/69/RNY/Court Case/Policy/w-3 dtd. 03.05.2005 for review the date of effect of promotion as on 01.11.2003 instead of 06.06.2005. Since my promotion was considered against the percentage of Restructuring Order, not in normal promotion.
2. That Sir, I am a senior most employee amongst the promotees viz. Sl. No. 1, 2, 3 & 4 (as per O/O dt. 27.05.2005) whose date of appointment was 10.09.1979 and promoted to Sr. Clerk scale of Rs.330-560/- w.e.f. 01.10.80 and OS/II (Ad-hoc) on 09.03.1990 and subsequently regularised and merged the same. {Normal rule for fixation of pay under F.R. 220-C (Old/Rule 1313 (FR. 22) will apply}.

On the other hand, the date of other promotees staff viz. Sl. No. 1, 2, 3 & 4 as cited above were 20.05.1985, 03.05.1985, 01.08.1989 and 28.03.1989 respectively.

Due to administrative lapse or over-looked in promotion, I have been deprived of the seniority-cum-promotion in due course of time. In this connection, you may please pursue the Hon'ble CAT/GHY's Court verdict No. 8.8.01 and Railway Board's Letter No. RC-III/89/CTC-II/4 dtd. 7.10.1997 circulated by GM(P)/MLG vide his Letter No. E/55/OP. V(C) dt. 19/20.01.1998 and Railway Board's Clarification Letter No. PC-III/89/CTC-II/4 dt. 5/6/98 and Railway Board's Letter No. E(NG) 63 PMI/92 of 15/17.09.1964.

- (3) That Sir, if considered the Hon'ble CAT/GHY's Order dtd. 08.08.2001 by the Administration, regarding proforma promotion with fixation, I may be got the

By
26/6/05

Attest
Advocate

53

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post of Chief Office Superintendent in scale of Rs.7,450-11,500/- (Railway Board's L/No. PC-III/89CTC-II/4 dtd. 05.06.1998).

- (4) That Sir, it is seen that the fixation of my scale of pay in OS/Gr.-I has been reduced to Rs.7100/- from the existing pay of Rs.7775.00 which I am not agree to accept the revised pay scale as Rs.7100/- instead of Rs.7900/-.
- (5) (i) That Sir, it is provided that in case of promotion from one ex-cadre post to another ex-cadre post, the pay of the employee will not be less than what he drew earlier. (RB's No. E/P & A) I-70/22 of 23.09.1971 and E (P & A) II - 85/PP-24 of 31.12.1985.
- (ii) In this connection, it may be mentioned here that in case where officiating pay of a Railway servant on a lower post exceeds his pay in the higher post, the difference between the officiating pay admissible from time to time will be protected by the grant of personal pay to be absorbed in future increments in pay provided. It is certified by the competent authority that he would have continued to officiate post (RB's No. PC-III-73/PS III/I dt. 29.11.1975).

In view to the above, you are cordially requested to review the Office Order dtd. 27.05.2005 and consider my appeal sympathetically so that, I may be got monetary benefit as well as legal justice.

A kind reply in this regard is highly solicited.

With best regards, Sir.

D. A.:

Yours faithfully,

Mus 24/6/05
(Sri Birendra Kr. Rabha)
OS/Gr.-I under DRM (W)/RNY
Dt. 24.06.2005