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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Galib
07/11/07

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

ORDER SHEET

Original Application No. 293/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Nitupam Chaudhury

Respondent(s) U.O.I. Tony

Advocate for the Applicants M. Chanda, C.N. Chakrabarty
S. Math

Advocate for the Respondent(s) _____

EGSC

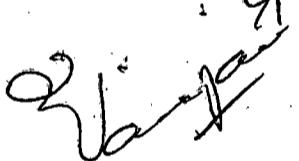
Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- d. Reg. No. 119412 S/03 Dated 9-7-05	29.11.2005	Heard the learned counsel for the parties. The O.A. is disposed of at the admission stage itself in terms of the order passed separately.

Guru
Dy. Registrar

OAI

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Vice-Chairman

Steps of taken

ANJ
28/11/05

OAI

30.11.05

C. copy of the Judgment
has been collected by the
Applicant.

AS

7.12.05
copy of the Judgment has been
sent to the Office for issue
in time to the Rly. Standard
counsel.

Contd.

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 293 of 2005.

DATE OF DECISION: 29.11.2005

Sri Nirupam Choudhury

APPLICANT(S)

Mr. M. Chanda

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

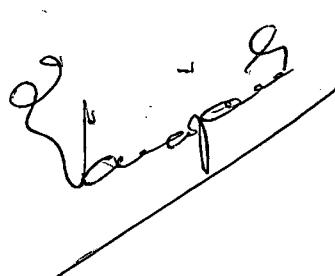
Mr. J. L. Sarkar, Railway Standing Counsel

ADVOCATE FOR THE
RESPONDENT(S)

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

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

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

Original Application No. 293 of 2005

Date of Order: This, the 29th day of November 2005.

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

Sri Nirupam Choudhury
Motor Driver, Grade-I
Under General Manager
N.F.Railway, Maligaon
Guwahati-781 011.

..... Applicant.

By Advocates S/Shri M.Chanda, G.N.Chakraborty & S.Nath.

- Versus -

1. The Union of India
Represented by the General Manager
N.F.Railway, Maligaon
Guwahati - 781 011.
2. The Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati - 781 011.
3. Sri M.L.Barali (SC)
Motor Driver, Grade-I under C.P.O.
N.F.Railway, Maligaon,
Guwahati - 781 011.

..... Respondents.

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

ORDER (ORAL)

SIVARAJAN, J. (V.C.) :

The applicant is a Motor Driver Grade-I under the 1st respondent. He is aggrieved by the seniority assigned to him in the various posts held by him and also against the communications dated 7.9.2005 and 22.9.2005 (Annexures-A&B). The applicant has filed representations earlier in 1999 and 2000 against the seniority assigned to him. Against Annexures-A & B also, the applicant filed

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representation dated 3.10.2005 and 10.11.2005 (Annexures S & T) before the 1st respondent.

2. Mr.M.Chanda, learned counsel for the applicant submits that the applicant is entitled to be promoted to the post to which Annexures-A & B communications are issued in preference to persons (Sri M.L.Bharali) mentioned therein since the said vacancy is a general vacancy and not earmarked for Schedule Caste.

3. Mr.J.L.Sarkar, learned Standing counsel for the Railways submits that the applicant has already filed representations (Annexures-S & T) before the 1st respondent which has not so far been disposed according to the applicant and therefore, it is for the 1st respondent to consider the matter on merits. I find merits in the said submission. In the circumstances, I am of the view that this application can be disposed of at the admission stage itself by directing the 1st respondent – the General Manager, N.F.Railway, Maligaon to dispose of the Annexures S & T representations as expeditiously as possible at any rate within a period of two months from the date of receipt of this order. I order accordingly. It is also open to the applicant to supplement the representations already filed by filing another representation within two weeks from today. If the same is filed within the time, that will also be considered by the 1st respondent alongwith the Annexures S & T representations. Needless to say that the promotion, if any, made pursuant to Annexures A & B during the pendency

9/24/

of the representation, certainly it will be subject to the decision on the representation directed hereinabove.

The Original Application is disposed of as above. The applicant will produce this order before the 1st respondent urgently for compliance.



(G. SIVARAJAN)
VICE CHAIRMAN

bb

**CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
GUWAHATI**

28 NOV 2005

293
O. A. No. of 2005.

Sri Nirupam Chowdhury Applicant.

Vs.

Union of India and Others Respondents.

I N D E X

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Filed on
-11-2005.

Vakalatnama
Acknowledgment of Reg. Advocate
Filed by :

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(M. C. Chanda)
Advocate

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.
GUWAHATI.

O.A. No. 293 of 2005.

Sri Nirupam Choudhury.....Applicant.

-versus-

Union of India and others..... Respondents.

Chronological Dates & Synopsis.

Sl. No.	Date	Particulars.	Annexure.	Page.
1.	18.11.74.	Appointed in the Railway service as Motor Driver and posted under the "G" Branch of General Manager, N.F.Railway's Office at Maligaon and since then continuing Under the same establishment.		
2.	1.4.81.	The Basic Seniority list of Motor Drivers published by General Manager(P), Maligaon, wherein the Position of the Applicant 1.2.81 was under Serial No. 10 and the name of the Respondent No.3 against whose promotion this O.A. has been filed was not at all there.	G	29
3.	1.4.88.	The General Manager, Maligaon published a Seniority List of Motor Driver in Grade-II, in Scale Rs.950-1500 as on 1.4.88 and abruptly The name of the Respondent No.3 Sri M.L.Barali Was included there under Serial No.9 showing his promotion with effect from 12.2.85 and placed under Serial No.9 of the said list wherein the Seniority Position in the said list of the Applicant was under Serial No.6.	H	30-31
4.	26.6.89.	The General Manager(P), Maligaon published another Seniority List of Motor Driver Grade-I in Scale Rs. 1320-2040/- as on 1.6.89 showing M.L.Barali's name there under Serial No.5 and the name of the Applicant though senior to Sri Barali(Sc) the Respondent No.3, the Applicant's name was deleted from the said list without showing any reason.	I	32
5.	18.12.89.	Against the gross irregularities of fixation of seniority and induction of Sri M.L.Barali the Respondent No.3 in the list of the Motor Drivers of "G" Branch under General Manager (P), N.F.Railway, Maligaon, the Applicant along with 2 others submitted Appeal to the Respondents No.1 and 2 vide their Applications Dated 18.12.89, 7.7.89 but the Respondent did Not give any reply till date.	J & K	33-34
6.	24.11.99.	The Applicant submitted a detailed Application to the Respondents 1 and 2 showing the position of the Post Based Register of the Motor Drivers under "G" Branch of the Respondent's establishment and claiming to give him the seniority and promotion of Motor Driver Grade-1 placing his name above Sri M.L.Barali the Respondent No.3.	D	17-25

Sl. No.	Date	Particulars.	Annexure.	Page.
7.	28.2.2000.	The Applicant submitted a reminder to his earlier application dated 24.11.99 and 29.3.2000 the Applicant submitted another representation to the Administration for assigning of correct dates of promotion of Motor Driver Grade-II and Grade-I and calling the Applicant for Trade Test for promotion to MCM Driver.	N	37
8.	24.5.2000	The Respondent gave a casual reply to the Applicant's representation without application of mind and going into the depth of the case and the grievances agitated by the Applicant and his fellow Motor Drivers ^{for wrong fixation of seniority or in M. branch (SC), see Report No. 3}	P	39
9.	19.6.2000.	The Applicant gave a detailed reply to the reply of 24.5.2000 given by the Respondents No.1 and 2 and prayed for fixation of correct seniority and dates of promotion and holding The Trade Test for promotion as MCM Driver, the reply to which is still awaited.	Q	40-44
10.	9.5.2005.	The General Manager (P), Maligaon published a seniority list of Motor Driver of 'G' Branch as on 1.4.2005 wherein the name of Sri M.L.Barali (SC) the Respondent No.3 was shown under Serial No.1 immediate above the Applicant.	R	45-46
11.	1.11.2003.	Railway Board gave direction for giving restructuring benefits to all Posts and revised the strength of MCM Drivers for 2 post in the 'G' Branch.	C	16
12.	7.9.05.	The Respondent issued the impugned Notice for holding Trade Test for filling up the post of MCM Motor Driver in Scale Rs.5000-8000/- in 'G' Branch for promoting the Sri M.L.Barali (SC) though junior to the Applicant ^{against UR vacancy.}	A	14
13.	22.9.05.	General Manager (P) called for the ACRs for last 3 years of the Respondent No.3 and others for holding Trade Test for giving promotion to their next higher Grades ^{without fixing correct seniority.}	B	15
14.	3.10.05.	The Applicant prays for giving him promotion to the post of MCM Driver considering his seniority in service as Motor Driver in the 'G' Branch detailing the whole facts behind the case and enclosing the relevant Annexures for showing that the Post for Motor Driver Grade-I and MCM Driver have already been filled up by promoting the respective suitable candidates against both the reserve quota and Unreserved vacancies and now as per the Post Based Register the promotion to the post of MCM Driver is due to the Applicant as per seniority list of Motor Driver in the 'G' Branch ^{against restructuring Vacancy of 2 posts of MCM Driver of which one was already filled up by promoting Sri B.C. Boro against reserved Quota of 'ST' and now the "UR" Vacancy is to be filled up.}	S	47- 51.

Contd.....p/3.

Sl. No.	Date	Particulars.	Annexure.	Page.
15.	10.11.05.	Finding the Respondents to be silent over the matter represented by the Applicant, The Applicant submitted another reminder praying for redressal of his long standing grievances in reiterating the whole fact and enclosing the relevant Annexures issued by the Respondents. The reply to the representation made by the Applicant is still awaited and for the finding no other efficacious way the Applicant has come to this Hon'ble Tribunal for justice and redressal of his grievances.	IT	52

Filed by:

(Mr. M.C.Dutta),
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

(An Application Under Section 19 of the Administrative Tribunal Act, 1985),

O.A.No...../2005.

Sri Nirupam Choudhury,
Motor Driver, Grade-I,
Under General Manager,
N.F.Railway, Maligaon,
Guwahati-781011.Applicant.

Versus

1. The Union of India, represented by
The General Manager, N.F.Railway,
Maligaon, Guwahati-781011.
2. The Chief Personnel Officer, N.F.Railway,
Maligaon, Guwahati-781011.
3. Sri M.L.Barali, (SC),
Motor Driver, Grade-I under C.P.O,
N.F.Railway, Maligaon, Guwahati-781011Respondents/Opposite Parties.

1. Details of Particulars of the Orders/Notice/Letter against which the Application is made:

1. General Manager (P), N.F.Railway, Maligaon's letter No.E/283/138/2 SKD Driver (Q) dated 7.9.2005 for holding Trade Test for filling up one (UR) Post of MCM/Driver in Scale Rs.5000-8000/- in 'G' Branch, by promoting an "SC" candidate, the Respondent No.3 against "UR" vacancy on the wrong footing of Roster Point & wrong assignment of seniority superseding the Applicant's claim who is now seniormost in the list.
2. Impugned Letter No.E/283/138/2/M-Drv (QG)(L) dated 22.9.05, for inviting A.R.s of the Respondent No.3.
3. Seniority list of Motor Driver as on 1.4.2005 published vide General Manager (P), N.F.Railway's Maligaon E/255/110/M-Driv. (QG) dated 9.5.2005 Annexures A,B, respectively.

Contd....p/2....Jurisdiction...

Filed by the applicant
through: Nirupam Choudhury
28/11/05

Nirupam Choudhury

2. Jurisdiction.

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

3. Limitation.

The Applicant submits that the application has been filed within the limitation period prescribed Under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts.

4.1 That the Applicant being a citizen of India is entitled to get all his legal, Fundamental and statutory rights.

4.2 That the Applicant most humbly submits that he has been discharging his duties under the exclusive control of General Manager and Addl. General Manager almost right from the inception of his career, i.e. from his date of appointment on 18-11-1974, with the entire satisfaction of his superiors.

4.3 That it is submitted that the Respondents/Opposite Parties have initiated to promote one Sri M.L.Barali, Respondent No. 3 (SC), Motor Driver, Grade-I, under Chief Personnel Officer, N.F.Railway, Maligaon to the post of MCM/Driver, i.e. Master Crafts Man in Motor Drivers Cadre, in scale Rs.5000-8000/- vide their letter No. E/283/138/2/SKD Driver(Q) dated 7.9.2005 impugned and called for the Annual Confidential Reports of the Respondent No. 3 along with others vide their impugned Letter No. E/283/138/2/M-Drv (QG)(L) dated 22.9.05.

Photocopies of the above letters are annexed as Annexure-A & B respectively.

4.4 That is humbly submitted that the required posts of Motor Drivers in Grade-I and MCM Drivers have already been filled up by promoting S/Sri Sita Ram (SC), I.D.Ram (SC) & B.C.Boro (ST) vide General Manager (P), N.F.Railway, Maligaon's NOTICE No. E/227/1/1-M(Q) dt. 19-1-83 & OFFICE ORDER No. E/227/1/2-B(C) dt. 25-10-89 as per Post Based Register of Roster Points and now for filling up the post of both Motor Drivers, Grade-I and MCM Driver shall go to the "UR" candidate in which the Applicant is the only claimant and not Sri M.L.Barally (SC), the Respondent No. 3, as contemplated and initiated by the Respondents 1 & 2.

Photocopies of above Notice and Office Order are enclosed as Annexures L & M.

Contd.....P/3 – That

Photo copies of the above letters are annexed as Annexures-L & M respectively.

4.4. That it is submitted that as per Railway Board's Circular to take restructuring benefits from 1.11.03 on higher grade promotion on percentage basis as communicated vide General Manager (P), N.F.Railway's, Maligaon, Memorandum No.E/41/III/246(QG)/Pt-V dated 26.7.05 the post of MCM Driver in Scale Rs.5000-8000/- of 'G' Branch comes to 2 (two) posts that is one from Reserved quota and the other from Unreserved candidates.

Photo copy of the above Memorandum is annexed as Annexure-C.

4.5. That the above two posts of MCM Driver mentioned in the foregoing para No.4.4, Sri B.C.Boro has already been promoted to the Post of MCM Driver with effect from 4.9.2000 against "ST" quota and the other one post shall go to Unreserved candidates as mentioned by the General Manager(P), N.F.Railway, Maligaon vide the impugned letter at Annexure-A. Thus the question of giving promotion to Sri M.L.Barali, the Respondent No.3 who belongs to "SC" candidate, to the post of MCM Driver in Scale Rs.5000-8000/- at this point and time does not arise at all and therefore the issuance of the impugned letters for holding the Trade Test of the Motor Drivers Grade-I for promotion to the Post of MCM Driver to Sri M.L.Barali, the Respondent, No.3, will be against all the norms, rules of the Railway's own system.

Photo copy of the same is annexed and enclosed as Annexure-A

4.6. That it is submitted that the prescribed Roster points of the Motor Driver in 'G' Branch comes as under as per Seniority List of promotion of the Motor Driver, Grade-II of 'G' Branch as shown as on 1.1.1984:

1. SC: the incumbent was Sri Sita Ram (SC), ~~since expired~~ ^{while in service} promoted to Grade-I in 1983 in Scale Rs.380-560/- in 1983.
2. UR: the incumbent Sri Kabiram Deka(UR) promoted to Grade-I against the single Unreserved post. ^(Retired)
3. UR: the incumbent Sri Sorab Ali (UR). ^(Retired)
4. ST:- the incumbent Sri B.C.Boro(ST) working as MCM w.e.f. 4-9-2000
5. UR: the incumbent Sri P.C.Das,1 (UR). ^(Retired)
6. UR: the incumbent R.C.Das (UR). ^(expired)
7. UR: the incumbent K.C.Sarma (UR). ^(Retired) ^{promoted to Grade-I w.e.f. 1-1-84 & (Retired from MCM post)}
8. SC: the incumbent I.D.Ram (SC). ^(Retired from MCM post)

Contd....p/4... UR...

- 4 -

9. UR : the incumbent S.Medhi (UR). (Retired)
10. UR: the incumbent P.C. Das, 2 (UR). (transferred to Construction and held Grade -1 post).
11. UR : the incumbent Nirupam Choudhury (UR).- Working as MotorDriver-Grade-I

And the matter which was brought to the knowledge of the Administration by the Applicant vide his application dated 24.11.99 and to substantiate the claim of the Applicant the matter has been reproduced above to enlight the correct picture of the Roster Points maintained by the Respondents/Opposite Parties No.1 and 2 in regard to the Motor Drivers of the 'G' Branch. In this connection it is submitted that against the Roster point No.8 Sri I.D.Ram Motor Driver, Grade-I (SC) was promoted on 1.1.84 against the vacancy of ST quota and Sri B.C.Boro whose seniority was under serial No.13 of the seniority list published by the General Manager vide their No.E/225/107 (Q) Pt-III as on 26.6.89 was promoted to the post of Motor Driver, GradeI against the vacancy of Sri who was promoted in Grade-1 on 19-1-83 ag. SC Quota and Sata Ram consequent of his death and subsequently promoted to the post of MCM Driver in Scale Rs.5000-8000/- on 4.9.2000 as shown by the General Manager (P), N.F.Railway, Maligaon vide his Provisional Seniority List of MCM and Motor Driver of "G" Branch as on 5.3.2001 published vide General Manager (P), N.F.Railway, Maligaon's No. E/225/110/M.Driver(Q) dated 5.3.01.

Photo copy of the above seniority list ^{application 2} have ~~been~~ been shown and annexed as Annexures- ~~1~~ D, E, F.

4.7. That it is submitted that the General Manager (P), N.F.Railway Maligaon have published the seniority of Motor Drivers of the 'G' Branch as on 1.4.1981 vide his No.E/255/107/(Q) Pt.II dated 5.3.82 is the **Basic Seniority List** and shall have to be counted and taken in to consideration for all technical purposes including fixation of seniority and arranging promotion to their next higher grades till the said seniority list is completely exhausted.

Photo copy of the above seniority list is enclosed as Annexure ~~1~~ G

4.8. That it is submitted that in the Basic Seniority List of Motor Driver mentioned above, the name of Sri M.L.Barali, the Respondent No.3, was not at all there. But it is a matter of peculiar grief that from where and how the name of Sri M.L.Barali, the Respondent No.3, was included in the seniority list as on 1.4.88 showing him Motor Driver Grade-II to take effect to take effect from 12.2.85 by the Respondent No.1 and 2 vide their No.E/225/107(Q) Pt.II dt. 26.12.1988. The Applicant whose name was under serial No.6 of the said list did not bother then as Sri Barali was shown Junior to him under serial No.9 of the list.

Contd....p/5..Photo...

Nirupam Choudhury

Photo copy of the above seniority list annexed as Annexures-H

4.9. That it is humbly submitted that the Respondent Nos.1 and 2 published another seniority list as on 26.6.89 under No.E/225/107(Q) Pt-III wherein the name of Sri M.L.Barali, Motor Driver Grade-I in Scale Rs.1200-1800/- as on 1.6.89 and the name of the Applicant, the senior most Motor Driver after I.D. Ram(SC) during the material time as per the Basic Seniority List of Motor Drivers as on 1.4.81, was found to be missing which is not only astonishing but gruesome act of the Respondents 1 and 2 and which has ignited the acrimony not only of this humble Applicant but also the other fellow Motor Drivers.

Photo copy of the above seniority list is enclosed as Annexure-L

4.10. That immediately after such irregular act the matter was agitated, as stated in the foregoing para and represented by the Applicant vide his Appeal dated 18.12.1989 to the Respondent No.1 to set right the irregularities and maintaining the correct seniority list in order as per prevailing system and Codified Rule of the Railway. In this connection the copies of the representations of the other Motor Drivers whose seniority were badly affected by the irregular act of assignment of seniority of Sri M.L.Barali over his seniors' heads are also submitted herewith for kind perusal.

Photo copies of the above representations of the Applicant and other Drivers are enclosed herewith and marked as Annexures-J, K.

4.11. That it is submitted that despite submission of the Appeal by the Applicant and other senior Drivers the Respondents No.1 and 2 have not taken any initiative and felt necessary for rectifying their wrong acts in assignment of seniority to Sri M.L.Barali mentioned above; and rather gave him the promotion of Motor Driver, Grade-I in Scale Rs.4500-7000/- and placed him over the Applicant as Serial No.1 by giving the date of promotion with effect from 15.11.88 vide their provisional Seniority list as on 5.3.01 already mentioned in the foregoing para 4.6 under Annexure-F.

4.12. That it is humbly submitted that highlighting the entire facts of fixation of seniority and arrangement of promotion to Motor Driver Grade.I the Applicant submitted representation to the General Manager(P), N.F.Railway, Maligaon, the Respondent No.2, vide his Application dated 24.11.99 followed by reminder on 28.2.2000 and 29.3.2000 for

Nirupam Choudhury

assigning correct dates of his promotion as Motor Driver both in Grade-II and Grade-I and calling of Trade Test for promotion to the post of MCM Driver.

Photo copies of the above representations are enclosed as Annexures-¹⁴ D, N, O.

4.13. That in this connection it is humbly submitted that the Respondent No.2 without going through the matter meticulously as represented by the Applicant in his Applications mentioned in the foregoing para gave a tepid response vide his letter No.E/227/1/2-B(Q) dated 24.5.2000 to disown the rightful claim of this humble Applicant and dedicated employee of the Administration.

Photo copy of the above letter is annexed as Annexure-¹⁴ P

4.14. That it is humbly submitted that immediately after issuance of the reply of the Respondent No.2 vide letter dated 24.5.2000 the Applicant immediately submitted a representation dated 19.6.2000 to re-examine the entire issue on their right perspective and arrange rectification of the irregularities caused in the seniority list and promotion order, which went hand in hand, without causing any further loss of the service career of this dedicated and sincere Applicant.

Photo copy of the above Appeal is annexed as Annexure-¹⁴ Q

4.15 That in this connection it is submitted that even after lapse of almost 5 ½ years time the Respondents 1 and 2 have not felt it their imperative necessity to look into the matter and gave suitable reply by rectifying their own irregularities so as not to cause any victimization of any of their sincere and dedicated employees like the Applicant.

4.16. That it is humbly submitted that the General Manager (P), N.F.Railway Maligaon has published seniority list of MCM Driver and Motor Drivers in Grade-I, II, III of 'G' Branch as on 1.4.05 vide his No.E/225/110/M-Driver/QG dated 9.5.05 without correcting the dates of Motor Driver Grade-I in scale Rs.4500-7000/- and shown the names of Sri M.L.Barali (SC) and Sri B.C.Boro (ST) ^{① V U T} at the head of the Applicant. In this connection it is further submitted that though in the said seniority list it was stated "copy forwarded to staff concern", nevertheless the Applicant has not received any copy of the said seniority list as yet though the Respondents had mentioned in their said seniority list that copy forwarded to staff concern, which as per prevailing system and Rules of the Railways, a copy should have been given to the Applicant for his knowledge and representation if requires.

Nirupam Choudhury

Photo copy of the above seniority list is enclosed as Annexure-³ R

4.17. That it is humbly submitted that immediately after the issuance of the impugned Notice/Letter of the Respondents 1 and 2 the Applicant has submitted an Appeal to the General Manager, N.F.Railway, Maligaon, the Respondent No.1, vide dated 3.10.05 followed by its subsequent reminder dated 10.11.05 to look into the matter most profoundly and thereby give equitable justice to this humble Applicant; but any response to the said representations have not been received by the Applicant from the Respondents as yet, rather, he has been known that the Respondents No.1 and 2 are taking to promote the Respondent No.3, whose name was never appeared in the original and Basic seniority list of the Motor Drivers of all Grades in 'G' Branch and who was shown abruptly over the head of his seniors mentioned above, by violating all norms and rules even the so called "PBR", that is roster points. In this connection it is reiterated that the Roster point No.8 for which the Administration/Respondents. 1 and 2 are now proposing to promote the Respondent No.3 Sri M.L.Barali to the next higher Grade MCM Driver has already been exhausted by giving promotion to S/Sri Sita Ram, I.D.Ram and B.C.Boro ~~against Roster point No. 1, 4 & 8 respectively as mentioned in the foregoing para-4.6 and, hence, the post of MCM Driver as per the said Post Based Register shall go now to further 3 UR candidates of which the Applicant is the seniormost candidate now to get the benefit of the above upgradation of post of MCM Driver and this can not be flouted and burst into by giving promotion now to Sri M.L.Barali, the Respondent No.3, against the reserve quota, in which already 3 persons promoted earlier as shown above and as a matter of fact and also right, it is humbly submitted, the post now shall go to the unreserved candidate and the Applicant may be considered for giving promotion by holding his Trade Test, etc, if necessary as per Rule, and the post of UR cannot be now filled up by an SC candidate, i.e. Roster No.3, Sri M.L. Barali (sc). Photo copies of the above Representations are annexed as Annexures S and T.~~

4.18. That it is humbly submitted that Sri M.L.Barali, though was not in the original list and came abruptly as Motor Driver Grade-II in the list of Motor Drivers of the 'G' Branch and subsequently shown over the Applicant can not now claim his further promotion of the post of MCM Driver against the roster point No.8 which has already been filled up by giving promotion to Sri B.C.Boro mentioned above and his line of further elevation to his service career shall be according to the vacancy of the post in the reserved quota and not from any unreserved vacancy by irregularly superseding his senior unreserved employees, who, more particularly the Applicant, is senior to him from the

original post of seniority lists of Motor Driver in Grade-III and II. The claim if any of Sri M.L.Barali shall be entertained only against the vacancy of the reserved quota, and, that too, from the SC quota, and not by violating any Rule as was earlier caused in the case of giving promotion to Sri I.D.Ram (SC) against the quota of ST in 1983. It would be a further violation, it is humbly submitted, if the case of Sri M.L.Barali is considered now to violate and burst the quota of unreserved candidate to consider a claim who belongs to the SC Category. Thus the question of ranking senior to the Applicant in Motor Driver Grade-I by Sri M.L.Barali as shown in the seniority list ~~does~~ not stand on any footing and his claim shall not be entertained now to give promotion of MCM Driver as per the contemplation of the Respondents 1 and 2 as shown in the impugned letters vide Annexures-A and B. As per corollary and the system of maintaining Rules the claim of the candidates, both in unreserved and reserved quotas, shall go to their own and respective separate tracks and in no circumstances and situation the candidates can overlap one over the other and, hence, now the question of Sri M.L.Barali, though wrongly shown senior to the Applicant, does not arise at all and the consideration for giving promotion to the next higher Grade of MCM Driver to the Applicant shall come as per Rules. But from the impugned letters it is said that the Administration, the Respondents 1 and 2, are now contemplating to go in a wrong footing and in a wrong track by violating their own set of Rules and their Codified Laws and statutory provisions.

The point of Roster Point would be settled on the BASIC SENIORITY LIST & NOTICE issued by GM (P) on 19-1-83 when promotions against Roster Point were considered, the photo copies of which are annexed as ANNEXURES - G, L, M.

4.19. That in re-iterating representation dated 19.6.2000 submitted to the Administration *the Applicant* beg to state that the basic point raised in *his* earlier Appeal dated 24.11.99 regarding incorrect promotion of Sri M.L.Baraly (SC) against an Unreserved vacancy, and that too, superseding his basically senior person - this Applicant, went repeatedly unnoticed by the Administration and the Applicant has become the prey of victimization. According to the Roster points mentioned above of the Roster points 8 to 11 only the roster point 8 was a reserved vacancy for SC candidate and that was filled by Sri I.D.Ram (Annexure-V) *against ST Quota in 1983* and then the Roster point 11, which according to "PBR" belongs to UR, the posts of both Motor Driver Grade-I, and MCM Motor Driver should have been filled up by this Applicant and now to fill up the post of MCM Driver he should have been called for the Trade Test and given an opportunity in the event of his

Nirupam Chowdhury

being elevated to the said higher grade and post as per AVC, that is, avenue of promotion of Service Rules. For, after Sri I.D. Ram in the lineage of Motor Driver's promotion in 'G' Branch of the Respondents the Applicant is the seniormost Motor Driver in Grade-I, if correctly assessed and adjudged, and hence, entitled to be called for the Trade Test of MCM Driver in scale Rs.5000-8000/-

Photo copies of ^{the} my above Appeals have been annexed as Annexure ¹ D. vi.

4.20. That it is also submitted that name of Sri Sita Ram, who was given promotion to "SC" Quota in Motor Driver Grade-I in Scale Rs.380-560/-, the time-scale of 1983, by the General Manager (P), N.F.Railway, Maligaon vide his Notice No.E/227/1/I-M(Q) dtd. 19.1.83, has not been counted by the Administration while giving promotion to Sri M.L.Baraly as Motor Driver Grade-I as mentioned above and also not at the time of giving their reply vide letter No.E/227/1/2-B (Q) dt. 24.5.2000 (Annexure 2 A).

Photo copy of GM(P)'s letter dated 19.1.83 mentioned above ^{are} is annexed ^{as} L 2 P.

4.21. That it is submitted that seniority & promotion is related with one another and, hence, promotion to any incorrect fixation of seniority would not only be irregular but also unfair play of the Administrative action and thereby cause miscarriage of justice to the genuine employee.

4.22. That it is humbly submitted that there is nothing belated in the eye of law if was pointed out at the right moment but kept deliberately unnoticed or unassailed by the Administration. In this connection/it is stated that the Rules is very much clear in regard to any "Erroneous promotion" as per Rule 228(1) of the Indian Railways Establishment Manual, Vol.1, Revised edition-1989. It runs thus : " Sometimes due to administrative errors, staff are overlooked for promotion to higher grades could either be on account of wrong assignment of relative seniority of the eligible staff or full facts not being placed before the competent authority at the time of ordering promotion or some other reasons". And for the said error the said codal provision of Rule 228(1)(d) further states:

" Cases of erroneous promotion/appointment in a substantive or officiating capacity should be viewed with serious concern, and *suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion or appointment*".

Contd....p/10... That..

Zirupam Chowdhury

4.23. That in this connection it is humbly submitted that all other representations, though submitted on time by the Applicant to the Administration had not been looked into and he has been victimized right from 1985 onwards till date, and the Applicant, humbly states that there are ample examples that the Administration have considered to rectify their irregularities and refixed and reassigned the correct seniority positions of the employees in earlier occasions and, hence, it is not ~~not~~ all belated claim of the applicant to consider his case and give him the due benefit as prayed for.

4.24. That inspite of above statutory provisions and the Railway's own Rules and Codified Laws and the prevailing system of the Respondents, the Respondents more particularly the Respondents No.1 and 2, deliberately and with wanton attitude have not taken any initiative or to give response to the appeals and representations submitted immediately after finding on each occasions/acts' irregularities of the Administration.

4.25. That it is submitted that the Respondents have clearly proved their unfair play and have not shown any equitable justice to the Applicant.

4.26. That it is submitted that the conduct of the Respondents have invited the infringement of Constitutional Provisions under Articles-14,16(1),21,39 and 309 of the Constitution of India for the reasons mentioned in the foregoing paras.

4.27. That this is submitted that this a case wherein from the very face of the records of exhibits submitted before the Hon'ble Tribunal, it would candidly be envisaged that *arbitrary action, administrative lapses, unfair play, miscarriage of justice, violation of the Administrative's codified Rules, statutory Laws and the infringement of Fundamental Rights, whims and caprices of the Administration all at a time apparent and prevail to victimize the Workman.*

4.28. That it is humbly submitted that the respondents have not ensconced their effluvium Notices/letters and orders to calibrate the rightful and due claim of the employee like the present application and thereby made him sufferer for all those years inspite of series of representations/appeals and personal approaches to all concern right from the humble to the posts of echelon of service.

4.29. That the Applicant most humbly prays and craves, the leave of this Hon'ble Tribunal for submission of Additional Written statement and/or rejoinder if felt necessary.

Nirupam Chowdhury

5. Grounds for Relief :-

5.1 For that the Administration/The Respondent Nos. 1 & 2 have not gone through the depth of the case, assigned wrong seniority to the Respondent No. 3 over the Applicant and have not rectified it despite repeated Appeals/Representations by the Applicant who is senior to the Respondent No. 3, and now proposing to give him promotion in MCM Drivers post in Scale Rs.5000-8000/- on the wrong footing of Roster points which have already been exhausted and burst by the Respondents in giving promotions to the candidates belonging to SC and ST Quota and mentioned above and enclosed the relevant Annexures duly issued by the Respondents 1 & 2 time to time.

5.2 For that the Respondents have violated their own prevailing system and flouted the Railway Board's instructions, Circulars and codified Rules.

5.3 For that the Respondents have caused the infringement of Articles-14, 16(1), 21, 39, 309 of the Constitution of India and thereby *made discrimination* with the Applicant for the reasons best known to the Administration/Respondents have not yet rectified with the long span of years inspite of repeated representations of the Applicant.

5.4 For that the brazen decision and the policy of blatant discrimination of the Administration have infringed the ultra vires to the constitution of India in regard to Right to Employment.

5.5 For that the proposed Trade Test of MCM Driver in scale Rs.5000-8000/-, if held, would invite "*bias*", "*malafide*", and "*miscarriage of justice*."

5.6 For that Principles of Natural justice have been totally evaded in the case of the Applicant right from the induction of the Respondent No. 3 in the wrong assignment of seniority list of Motor Drivers of the "G" Branch made by the Respondents 1 & 2 repeatedly.

6. Details of remedy exhausted :

The Applicant humbly declares that failing to get his grievances redressed by the Administration, i.e. the Respondents No. 1 & 2 inspite of his series of representation and personal approaches to all concerned authorities, he has come to this Hon'ble Tribunal for having justice which seem to him efficacious as per

Kiranpaul shawdhary

Article-21 of the Constitution of India and there remains no other alternative way to get justice of her grievances.

7. Matters not previously filed or pending with any other court:

The Applicant most humbly submits that he has not filed any other application, Writ petition or Suit regarding the matter in respect of which this Application has been made by him before any Court or any other authority or any other Bench of the Tribunal.

8. Relief sought:

That the humble Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to look into the records by calling upon the Opposite Parties and the impugned Notice and issue direction to the N.F.Railway Administration to correct the seniority list so as to evade giving repeated erroneous promotion in Motor Driver's grade and post of MCM Driver and hold Trade Test of Sri M.L.Barali (SC), the respondent No.3, for the proposed promotion till finalisation of this Application and if at all the filling up of the said post is considered immediate, then in that case the Applicant being the seniormost candidate of Motor Drivers in "G" Branch shall have to be given the chances of appearing in the Trade Test of MCM Driver, as proposed in the impugned letter (Annexure-A), and result shall not be published till the outcome of this O.A. by this Hon'ble Tribunal's verdict.

Any other relief(s) as this Hon'ble Tribunal may deem fit and proper.

9. Interim Relief:

Pending finalisation of this Application your Lordships may be pleased to grant stay order for holding of the Trade Test of MCM Driver in scale Rs.5000-8000/- mentioned in the impugned letter and pass such order as deem fit and proper.

10. Particulars of Application fee:

11G 412 503 9.7.05
Indian Postal Order No..... dated..... amounting to Rs.50/- (Rupees fifty only) to be drawn in the Head Post Office, Guwahati, is enclosed.

Contd..... p/13... Details...

Nirupam Choudhury

11. Details of Index.

An Index in duplicate containing the details of the documents to be relied upon is annexed.

12. List of Annexures:

A,B,C,D,E,F,G,H,I,J,J,K,L,M,M/1,N,O,P,Q,R,S,T,

VERIFICATION.

I, Sri Nirupam Choudhury, son of Late Subodh ~~Kumar~~ Choudhury, aged about 51 Years, residing in Rly Qrs. No. Ds/43-A at Rest Camp, P.O. Guwahati-12, District Kamrup, Assam do hereby solemnly affirm and verify that the contents of paragraphs 4.1 to 4.20 are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts and the paragraphs 4.21 to 4.29 are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this Application on this day of November, 2005.

Place: Guwahati.

Date. 11.2005.

Nirupam Choudhury
SIGNATURE OF THE APPLICANT.

To

The Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

NORTHEAST FRONTIER RAILWAYS

NO:E/283/130/2/SKDDriver(Q) Maligaon, dt. 7-09-2005

TO

PS to CPO

Sub:- Trade Test for filling up one (UR) Post of MOW/Driver in scale Rs. 5000-8000/- in 'G' Branch.

It has been decided to hold a trade test (Practical & Oral) very shortly for filling up one restructuring post of MOW/Driver in scale Rs. 5000-8000/- in 'G' Branch.

Therefore, the following eligible candidate working under CPO/MLG may be advised to keep himself in readiness to appear the above test.

1. Shri M.L.Barali (SC) M.Driver, Gr-1 under CPO/MLG.

In this regard the working report for last 3 years of the above staff may please be sent to OS/EQ/G for taking necessary action please.


for General Manager (P)MLG.

.....

*Effected
by
Advocate*

NORTHEAST FRONTIER RAILWAYS

NO:E/283/130/2/H-DRV(CG)(L)

Maligaon, Dt: 22-09-2003

TO

- ✓ Secy. to GM
- PS to CPO
- PS to COM
- PS to CSO.

Subj: - ACRS for last three years.

Please send the last three years ACRS of the following staff for the purpose of consideration of their promotion to their next higher grade.

SN:	Name and Designation	Working under
1.	Shri M.L. Baral (SC) M/Driver-Gr-I	CPO/Maligaon.
2.	Shri Sabul Routh, M/Driver-Gr-II	COM/Maligaon.
3.	Sri Indra Rai, M/Driver -Gr-II	Secy. to GM.
4.	Sri Rama Singh (SC) M/Driver-Gr-II	-de-
5.	Sri Bahar Ali, M/Driver-Gr-II	CSO

Mr. P. Thapar,
Steno to Date(A)

ACR for last three (3) years may be sent to SPO/RP, as deserved, for the above mentioned Drivers at Sl no. 3 a/c.

(R. Narzary)
Senior Personnel Officer (RP)
for General Manager (P) Maligaon

execute
Dharmendra
27/9/03
Dy Secy - to GM.

Attest to
Adv. Advocate

ANNEXURE-C

NORTHEAST FRONTIER RAILWAY

MEMORANDUM

In terms of Railway Board's letter No. PC-111/2003/CRC/6 dated 9-10-03 circulated under GM(P)/MLG's letter No. E/304/O-Restructuring (C) dated 30-10-2003 and Subsequent letter No. PC-111/2005/CRC/17 dated 28-6-05 circulated under GM(P)'s letter No. E/230/11 Pt-VI(C) dated 13-7-05, AGM has accorded sanction to the Restructuring of the following Artisan categories of Motor Vehicles Driver of 'G' Branch as per revised percentage laid down in railway Board's above letter dated 30-10-03 to take effect from 1-11-2003 by providing matching value of Rs. 82,320/- from HQ's staff bank as concurred in by finance vide UB No. FE/2/1/1/PT-1V dated 05-05-05.

SN:Category & Scale	: Existing : Strength as on 1-11-03	Revised Percentage	Revised : Difference Posts. Strength w.e.f. 1-11-03 (+) (-)		
			1	2	1
1. MOM(Driver) Rs. 5000-6400/-	1	8%	2	1	-
2. Motor Driver Gr-I Rs. 4500-7600/-	4	41%	8	4	-
3. Motor Driver Gr-II Rs. 4000-6000/-	8	26%	3	-	3
4. Motor Driver Gr-III Rs. 3500-5500/-	9	25%	4	-	2
Totals:-	19	100%	19	(+) 5 (-) 5	

The revision of the cadre will take effect from 01-11-2003.

Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under rule 1313(FR-22)(1)(a)(1)R-11 and will draw their pay in higher grades w.e.f. 1-11-2003.

Thakur
26.7.05
(N. N. Thakur)
Senior Personnel Officer (NG)
for General Manager (P) Maligaon.

NO:E/41/111/246(OG)/Pt-VI

Maligaon, dt. 26-07-2005

contd... 2/-

*After
Advocate*

24
Contd.....(2)

Copy forwarded for information necessary action to :-

1. AGM/Maligaon.

2. DGM(G)

3. Secy. to GM.

4. Sr. AFA/WFE- This is in reference to his UO NO:-FE/2/1/1/Pt-IV
dated 05-05-05

5. SPO/MPP-He will please record the above.

6. Sr. ADGM.

7. APO/Bill

8. CPO/A/Maligaon.

9. COM/Maligaon.

10. COM/Maligaon.

11. CPPO/Maligaon.

12. SPO/I/Maligaon.

13. SPO/RP/Maligaon.

14. GS/NFIMU, GS/NFREU/Pandu/Maligaon.

15. Audit Officer/Maligaon.

M. Z. A.
20-7-05
for General Manager (P)Maligaon.

Maligaon

24th November, 1999

THE GENERAL MANAGER (P.)

N.F. Railway

Maligaon

Guwahati - 781 011

(Through Proper Channel)

Respected Sir,

SUB : ASSIGNMENT OF CORRECT DATES OF PROMOTION AS MOTOR DRIVER GRADES II AND I AND CALLING FOR TRADE TEST FOR PROMOTION AS MCM/DRIVER.

I have been making repeated representations from Aug st 1989 - i.e. for over ten years now - regarding the denial of promotions on the due dates but I have yet to receive a single reply. I am, therefore, once again submitting this appeal for the redressal of my grievances regarding my promotions.

2. My grievances are :-

1. Delay in promotion from Driver Gr. III to Driver Gr. II - I have been promoted from Gr. III to Gr.II only from July 1995 whereas I should have been promoted from 1985 in the resultant vacancy created by the expiry of Sita Ram in 1985.
2. Delay in promotion from Driver Gr.II to Driver Gr.I - I have been promoted from Gr.II to Gr.I only from 1999 whereas I should have been promoted in 1989 in the vacancy arising from the expiry of R.C. Das in 1989.
3. Failure to call me alone - instead of B.C. Boro, who is my junior - for a Trade Test for the post of MCM/Driver. (There is only one such post at

*Afsoon
Advocate*

present and it is occupied by I.D. Ram).

3. The grounds on which I am making these claims are set out in the succeeding paragraphs.
4. As far as my promotion to Gr.II is concerned the grounds are :-
 1. A provisional seniority list of Motor Drivers Gr.II (Rs.950-1500) as on 01.04.1988 was issued vide No.E/225/107 (Q) Pt. III dated 26.12.1988 in which my name features at Sl.No.6.
 2. The names of the 4 Motor Drivers listed below (who were senior to all the Motor Drivers included in this seniority list) were not included in this seniority list because they had retired/expired before 01.04.1988:-
 1. Kabiram Deka (UR)
 2. Sorab Ali (UR)
 3. P.C. Das No.1 (UR)
 4. Sita Ram (SC)

The inclusion of these names is essential for the correct operation of the reservation rosters which came into operation before their retirement/expiry.
 3. I am not aware of the date(s) on which the reservation rosters for promotion to Motor Drivers Gr.II and Gr.I were started but it should have been some date(s) before 1975. At that time the sanctioned cadre of Motor Drivers Gr.I and II, which are promotional posts filled on the basis of suitability established by Trade Tests, was 1 and 2 respectively. Therefore, considering

: 3 :

the 4 senior men mentioned above, the reservation roster points in the cadre of Motor Drivers Gr.II should have been filled as under:-

1 SC Sita Ram (SC)

2 UR Kabiram Deka (UR) - promoted to Gr.I against the single unreserved post.

3 UR Sorab Ali (UR)

4. The next eight vacancies in the cadre of Motor Drivers Gr.II occurred as under:-

1975 Resultant vacancy in Gr.II consequent on Kabiram Deka's retirement from Gr.I.

03.10.1980 Gr.I cadre revised from 1 to 2 posts creating a resultant vacancy in Gr.II.

10/12.11.1982 Gr.II cadre revised from 2 to 3 posts creating one vacancy in Gr.II.

30.11.1983 Resultant vacancy in Gr.II consequent on Sorab Ali's retirement from Gr.I.

01.01.1984 Gr.I and Gr.II cadres revised from 2 and 3 posts respectively to 3 and 4 posts respectively creating one vacancy each in Gr.I and II plus 1 resultant vacancy in Gr.II - i.e. a total of 2 vacancies in Gr.II.

1984 P.C. Das No.1, who should have been Motor Drivr Gr.I, expired creating a resultant vacancy in Gr.II.

1985 Sita Ram (SC) Motor Driver Gr.I expired creating a resultant vacancy in Gr.II.

5. Considering the 4 senior men and the seniority list mentioned above, these 8 vacancies covering reservation roster points 4 to 11 should have been filled as under:-

4 ST	1975	BC Boro (ST)
5 UR	03.10.1980	PC Das No.1
6 UR	10/12.11.1982	RC Das
7 UR	30.11.1983	KC Sarma
8 SC	01.01.1984	ID Ram (SC)
9 UR	01.01.1984	S. Medhi
10 UR	1984	P.C. Das No.2
11 UR	1985	Nirupam Chowdhury

6. Thus I, and not Motilal Barailly (SC) should have been promoted in the resultant vacancy in Gr.II arising from Sita Ram (SC)'s expiry in 1985. I had brought this out in my representations dated 28.08.1989 and 18.12.1989 which remain not only un-redressed but also unanswered. I would mention here that I should have been promoted to Gr.II before B.R. Chakraborty, Netai Choudhury and Ram Balak Roy (and their juniors) also.

5. As far as my promotion to Gr.I is concerned, the grounds (in continuation of those set out in para 4 above) are:-

1. I am not aware of the date from which the reservation roster for promotion to Motor Driver Gr.I was started but it should have been some date before 1975. At that time the sanctioned

cadre of Motor Driver Gr.I was only one. Therefore, it was treated as unreserved and filled by the senior most man - Kabiram Deka.

2. When he retired in 1975, it was filled by the second senior most man - Sorab Ali.

3. On 03.10.1980 the cadre strength of Gr.I was increased from 1 to 2 and this additional post was filled by Sita Ram (SC). Therefore, the reservation roster points were filled as under:-

1 SC Dereserved - Kabiram Deka

2 UR SC vacancy carried forward but again de-reserved - Sorab Ali

3 UR But utilised for carried forward SC point - Sita Ram (SC)

4. The next eight vacancies in the cadre of Motor Drivers Gr.I occurred as under:-

30.11.1983 Sorab Ali retired

01.01.1984 Gr.I cadre revised from 2 to 3 posts
1984 P.C. Das No.1, who should have been Motor Driver, Gr.I against the vacancy arising on 01.01.1984, expired.

1985 Sita Ram (SC) expired.

1986 Gr.I cadre revised from 3 to 5 posts

15.11.1988 Gr.I cadre revised from 5 to 6 posts
1989 R.C. Das expired.

5. Considering the 4 senior most men and the seniority list mentioned in para 4 above, these 8 vacancies covering reservation roster points 4 to 11 should have been filled as under :-

4 ST	30.11.1983	B.C. Boro (ST)
5 UR	01.01.1984	P.C. Das No.1
6. UR	1984	R.C. Das
7 UR	1985	K.C. Sarma
8 SC	1986	I.D. Ram (SC)
9 UR	1986	S. Medhi
10 UR	15.11.1988	P.C. Das No.2
11 UR	1989	Nirupam Chowdhury

6. Thus I should have been promoted to Gr.I before Motilal Baraily. This promotion should be effected either from 15.11.1988 when the Gr.I cadre was revised from 5 to 6 posts and which is the date from which Motilal Baraily has now incorrectly been promoted to Gr.I overlooking my claim to the post or from 1989 when R.C. Das expired. Regardless of which of these 2 dates is the correct one, I am entitled to be promoted to Gr.I before Motilal Baraily.

6. It is pertinent to mention here that my claims for promotion are to Gr.II from 1985 and to Gr.I from 1988 or 1989 - both well before my ab-initio void dismissal from service w.e.f. 10.10.1991 and subsequent correct setting aside of this ab-initio void dismissal order vide order dated 22.07.1994. These proceedings, therefore, have no bearing whatsoever on my claims for promotion to Gr.II and Gr.I.

7. As far as my claim for being called for a Trade Test for promotion to the single post of MCM/Driver is concerned, the grounds (in continuation of those set out in paras: 4 and 5 above) are:-

1. Of the 11 men mentioned against the reservation roster points in paras 4 and 5 above, only the following are still in service

B.C. Boro (ST)

I.D. Ram (SC)

Nirupam Chowdhury.

2. In terms of circular No.E210/Resv/Court dated 03.06.1997, even if a SC/ST candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted SC/ST candidate. Therefore, by virtue of the seniority list dated 26.12.1988 mentioned earlier, the seniority list as Motor Drivers Gr.I of the men still in service now is :-

1. I.D. Ram (SC)

2. Nirupam Chowdhury

Motilal Barailly (SC)

B.C. Boro (ST)

3. In terms of circular No.E/CRC/220/o - Vol. VI dated 30.12.1997, the reservation roster for cadre of 1 post - which is the cadre for the post of MCM/Driver - is

Initial appointment	UR
1st replacement	UR
2nd replacement	UR
3rd replacement	SC
4th to 6th replacement	UR
7th replacement	ST

4. The initial appointee to the post of MCM/Driver is I.D. Ram and he still continues to hold that post. The post will continue to be unreserved when the 1st replacement occurs. Therefore, since I am the senior most man awaiting promotion to this post to be filled on the basis of suitability established by a Trade Test, I alone should be called for the Trade Test to fill it. There can be no justification whatsoever for calling either Motilal Barailly or B.C Boro for this Trade Test before calling me.

8. To sum up, I request that the following prayers be granted :-

1. I be promoted to Motor Driver Gr.II and Gr.I. w.e.f. 1985 (against resultant vacancy arising from Sita Ram's expiry) and 1988/1989 (as per details against para 6.6 above) respectively.
2. My pay and all other emoluments be fixed/re-fixed on the basis of the IVth and Vth Pay Commission Awards accordingly and all the arrears due paid to me.
3. That I alone be called for the Trade Test to fill the post of MCM/Driver vice I.D. Ram.

: 9 :

9. For this act of kindness, I shall remain ever grateful to you.

Thanking you,

Yours faithfully,

Nirupam Choudhury
2/11/35

(NIRUPAM CHOUDHURY)
MOTOR DRIVER - Gr. I
G.M.'s Office

Advance copy for kind favour of necessary action to:-

1. Addl. G.M., N.F. Railway, Maligaon.
2. C.P.O., N.F. Railway, Maligaon.

26 ANNEXURE E

6425

Provisional Inter-se-Seniority List of Motor Drivers Gr-III in Scale Rs.950-1500/-
as on 1.6.89.

Sl. No:	Name	Date of Birth	Date of Apptt.	Date of Promo- to Grade	Confd/ Offg.	Length of Service	Remarks.
1	2	3	4	5	6	7	8
1.	Shri R.C. Das.	19.7.85.	27.11.61.	27.11.61.	Offg.	17.6.4.	Promoted to M/Driver G-II w.e.f. 12.4.82.
2.	" K.G. Sarma.	3.11.37	1.12.62	1.12.62.	Offg.	16.6.0	-do-
3.	" I.D. Ram(Sc).	1.7.41.	1.12.62.	1.12.62	Offg.	16.6.0	Promoted to M/Driver G-II w.e.f. 1.7.82.
4.	" S. Medhi.	3.12.44.	12.7.74	12.7.74		14.10.19.	
5.	" P.C. Das.	26.10.50.	11.11.74	11.11.74		14.6.20.	
6.	" Nirupam Choudhury.	25.1.55.	18.11.74.	18.11.74		14.6.13.	
7.	" B.R. Chokroborty.	10.3.48.	10.7.75	10.7.75		13.10.21	
8.	" Nitai Choudhury.	8.7.54.	25.1.79	25.1.79		10.4.6.	
9.	" Matilal Baraly(Sc)	20.10.50	15.9.79.	15.9.79.		9.8.16.	Promoted to G-II.
10.	" Ram Balak Roy.	1.9.54.	19.9.75	8.10.80.		8.7.23.	
11.	" Indra Rai.	1.1.57	17.10.81	17.10.81.		7.7.14.	
12.	" S. Islam.	24.3.60.	29.6.82.	29.6.82		6.11.2	
13.	" B.C. Boro(ST).	16.5.73	6.7.82	6.7.82		6.10.25.	Promoted to Gr-II.
14.	" Bhim Bahadur.	24.4.40	1.7.73.	24.2.83.		6.3.7.	
15.	" Babul Routh.	1.1.54.	22.11.72	25.3.86		3.2.6.	
16.	" Bahar Ali	29.2.56	1.1.84.	19.6.86.		2.11.12.	
17.	" Man Bahadur.	5.4.56.	28.3.84	3.6.88.		0.11.28.	
	17. Indra Rai						

Affected
for
restructure

for General Manager
General Manager(P)

225/107(2), Pt-III.

27 Maligaon, Dated: 26-6-89

Copy forwarded for information To:-

- 1- Secretary to GM/MLG.
- 2- ADRM(G)/MLG.
- 3- General Secretary/N.F.R.M.U./PNO
- 4- General Secretary/N.F.R.E.U/PNO With 20 spare copies.
- 5- Staff concerned through OS(G)/MLG.
- 6- ADGM/MLG.

NB : If any staff desires to make any representation regarding his position in the seniority list he should be advised to submit his representation within one month from the date of issue of the List.

Intendat
-for- General-Manager(P).

Maligaon.

✓ F 28

ANNEXURE - F 39

Northeast Frontier Railway

Provisional seniority list of MCM, M/Driver-I, & M/Driver-II of 'G' Branch as on 05.03.2001.

SN	Name	Com nunit	Working under	Date of Birth	Date of Appt.	Date of promotio	Conf/ effg.	Remarks
----	------	--------------	------------------	------------------	------------------	---------------------	----------------	---------

MCM in Scale Rs. 5000-8000/-

1	Sri B.C. Boro	ST	GM/Office	17.06.54	12.06.73	04.09.2000	Conf.
---	---------------	----	-----------	----------	----------	------------	-------

M/Driver-I in scale Rs. 4500-7000/-

1	Sri M.L. Barily	SC	CPO/MLG	20.10.50	15.09.79	15.11.88	Conf.
2	Nirupam Choudhury	UR	GM/Office	25.01.55	13.11.74	12.05.99	Conf.
3	Sri B.R. Chakraborty	UR	COM/MLG	10.03.48	10.07.75	04.09.2000	Conf.
4	Sri Netai Choudhury	UR	GM/Office	08.07.54	25.01.79	21.05.99	Conf.
5	Sri Ram Balak Ray	UR	CPO/MLG	01.09.54	19.09.75	04.09.2000	Conf.

M/Driver-II in scale Rs. 4000-6000/-

1	S Islam	UR	GM/Office	24.03.60	29.06.62	01.08.92	Conf.
2	Sri Babul Rauth	UR	CCM/MLG	01.01.54	19.03.87	21.05.98	Conf.
3	Sri India Rai	UR	GM/Office	01.01.57	19.03.87	04.06.98	Conf.
4	Sri Rama Singh	SC	GM/Office	01.03.56	28.02.76	12.05.99	Conf.

Annexure seniority list of MCM, M/Driver-I & M/Driver-II of 'G' Branch as on 05.03.2001.

for General Manager (P)/MLG

Dated 05.03.2001

Copy forwarded for information & necessary action to :-

- (1) CCM/MLG, (2) COM/MLG, (3) CPRO/MLG, (4) Secy to GM/MLG.
- (5) ASY to GM/MLG (6) SPO/E (7) APO/C (8) SPO/RP.
- (9) The General Secy, NFR/EU/PNO & NFR/MU/PNO
- (10) P/Case (11) Staff concerned.

Sri B.C. Boro

NB :- Any representation which the staff may advise to make regarding position of the seniority list should be submitted to this office within one month from the date of receipt of issued of this seniority list. No representation after the target date will be entertained.

for General Manager (P)/MLG

affext
Sh. Advocate

Department :- Managing.

MO
ANNEXURE G

Seniority list of Motor Driver in scale RS.260-400/- as on 1.4.81.

Sl. No.	Name	Date of birth	Date of appointment	Date of promotion	Whether confirmed to grade	Adjusted length of service.	Remarks.		
							Y	M	D
1.	Shri Sorab Ali	1.7.24	2.2.55(as peon/9.12.55)	9.12.55	Confirmed.	25	3	22	
2.	" P.C.Das	5.10.24	30.11.55(GBP)	27.12.61 27.12.61(Open line)	-do-	19	3	4	
3.	" Sitaram(SC)	11.1.35	1.3.57(S&C)	18.1.62 8.1.62(open line)	-do-	19	2	23	
4.	" K.C.Sharma	3.11.37	1.12.62	1.12.62	-do-	18	4	0	
5.	" R.C.Das	19.7.35	27.11.61	27.11.61	-do-	19	4	4	
6.	" C.R.Choudhury	1.1.33	1.10.52(Cash Van/Cleaner)	24.8.64	-do-	16	7		7 Absorbed as Jr.Clerk (260-400) being decate- gorised.
7.	" I.D.Ram (Sc)	1.7.41	1.12.62	1.12.62	-do-	18	4	0	
8.	" S. Medhi	(3.12.44)	(12.7.44)	(12.7.44)	Offg.	6	8	19	
9.	" P. C. Das	-	11.11.74	11.11.74	Offg.	6	4		20 Transferred to BG(Con)
10.	" Nirajan Choudhury	25.1.55	18.11.74	18.11.74	Offg.	6	4	13	
11.	" Sukumar Ganguly	-	2.9.74	2.9.74	Offg.	6	6		29 Trd. to BG/Con.
12.	" B.R.Chakraborty	10-3-48	10.7.75	10.7.75	Offg.	5	8	21	
13.	" Naimuddin	-	25.9.74	25.9.74	Offg.	6	6		5 Tfd. under BLST/Cal.
14.	" Nitai Choudhury	8.7.54	25.1.79	25.1.79	Offg.	2	2	6	

for General Manager (P)

No. E/255/107(Q) Pt. II Maligaon, Dated 5.3.82.

Copy to:- 1. Secy. to GM/MLG, 2. Secy. NFREU/NFRMU/PNO with 40 spare copies.

NB:- If any staff desires to make representation regarding his position in the Seniority list he should be advised to submit the same within one month from the date of issue of this Seniority list.

for General Manager (P)

~~41~~ ~~30~~ ~~24~~ ANEXURE - H

DEPARTMENT: MANAGING.

~~41~~ ~~30~~ ~~24~~ NE NORTHEAST FRONTIER RAILWAY:

PROVISIONAL SENIORITY LIST OF MOTOR DRIVER IN SCALE Rs.950-1500/- as on 1-4-88

SL. NO.	Name	Date of birth	Date of appointment	Date of Promotion	Conf. Off.	Adjusted length of service.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Shri R.C. Das		19-7-35	27-11-61	27-11-61	Conf.	16 - 4 - 4 Promoted to the grade in scale Rs. (330-480/-) Rs. 1200-1800/- E.C.F. 12-4-82
2. Shri K.C. Sarma		3-11-37	1-12-62 (E.M)	1-12-62	- do -	15-4-0 - Promoted to grade Rs. (330-480/-) Rs. 1200-1800/- E.C.F. 12-4-82
3. Shri L.D. Ray (SC)		1-7-41	1-12-62 (A.M)	1-12-62	- do -	15-4-0 - do - E.C.F. 1-7-82
4. Shri S.M. Mechi		3-12-44	12-7-74	12-7-74	Off.	13-3-19 - Do - W.C.F. 1-7-84
5. Shri P.G. Das		26-10-50	11-11-74	11-11-74	- do -	13-4-20 - Do -
6. Shri Nitipan Choudhury		25-1-55	18-11-74	18-11-74	- do -	13-4-13 - Do - W.C.F. 1-7-84
7. Shri B.R. Chakraborty		10-3-43	10-7-75	10-7-75	- do -	12-3-21 - Do - W.C.F. 1-7-84
8. Shri Nitipan Choudhury		8-7-54	25-1-79	25-1-79	- do -	7-5-23 w.c.f 12-2-85 in scale Rs. 1200-1800/-
9. Shri Matilal Baral	(C)	20-10-50	15-9-79	15-9-79	- do -	8 - 6-46 Promoted to the grade on 12-2-85

Contd. 2/-

SN-5

31

2

(2)	(3)	(4)	(5)	(6)	(7)
Shri Ram Balak Roy	1-9-54	19-9-75	8-10-80	offg.	7-5-23
Shri S. Islam	24-3-60	29-6-82	29-6-82	80	5-9-72
12. Shri B.C. Baru	16-5-73	6-7-82	6-7-82	80	5-8-25 Promoted to the grade in scale Rs. (330-480)
13. Shri Bhim Bahadur	24-4-40	1-7-73	24-2-83	-80-	5-1-7

NO:E/225/107(Q)Pt.III

Copy forwarded for information to :-

- (1) Secretary to G.M./Maligaon.
- (2) GM(G)/Maligaon.
- (3) General Secretary/MFPMU/PNU with 20 spare copies.
- (4) General Secretary/MFPEU/PNU with 20 spare copies.
- (5) Staff concerned through OS/G. (6) OS/G

N.B.:- If any staff desired to make any representation regarding his promotion in the seniority list he should be advised to submit the same within one month from the date of issue.

(-/084-451) GENERAL MANAGER (P) MALIGAON.

MALIGAON : DATED: 26-12-1988

(-/084-451) GENERAL MANAGER (P) MALIGAON.

Managing Deptt:

N. E. RAILWAY

Provisional Inter-se Seniority List of Motor Drivers G-I in Scale 1320-2040/- as on 1.6.89.

ANNE XURF

Sl. No:	Name	Date of birth	Date of Apppt.	Promotion & Grade	(Confd/ Offg. Service	(Length of Service	Remarks.							
							1.	2.	3.	4.	5.	6.	7.	8.
1.	Shri R.C.Das.	19.7.35	27.11.61	1.7.82	Offg.	6.11.0.								
2.	" I.D.Ram.(Sc)	1.7.41.	1.12.62	12.2.85	Offg.	4.2.19.								

Inter-se Seniority list of Motor Drivers G-II in Scale Rs. 1200-1800/- as on 1.6.89.

1.	Shri R.C.Das.	19.7.35	27.11.61	12.4.82.	Offg.	7.1.19.	Promoted to Gr.I.
2.	" I. D. Ram.(Sc)	1.7.41.	1.12.62.	1.7.82.	Offg.	6.11.0.	Promoted to Gr.I.
3.	" K.C.Sarma.	3.11.37.	1.12.62.	12.11.82.	Offg.	6.6.29.	
4.	" B.C.Borg.(SI)	22.12.53	16.5.73	24.6.83	Offg.	5.11.7.	
5.	" Matilal Barailly(Sc)	20.10.50	15.9.79.	12.2.85	Offg.	4.3.19.	

Maligaon : Dated :- 26-6-89

No: E/225/107(Q) Pt-III.

Copy forwarded to :-

1. Secretary to GM/MLG.
2. ADRM(G)/MLG.
3. General Secy/N.F.R.M.I./PNO.
4. " " / N.F.R.E.I./PNO
5. Staff concerned through OS(G)/MLG.
6. ADGM/MLG.

With 20 spare Copies.

NB:- If any staff desire to make any representation regarding his position in the seniority list he should submit his representation within one month from the date of issue of this list.

General Manager(P)/MLG.

Attest
General Manager

- 32 - ANNEXURE - 5

To
The General Manager, N.F.Rly, Maligaon.

(Through proper channel.)

Sub :- Appeal against injustice done to me by depriving me in promotion due.

Sir,

Most respectfully and humbly I beg to draw your kind attention to the following facts to see how I have been deprived of my due promotion to the post of Motor Driver Gr. II and Gr. I.

1. That Sir, Late Sita Ram Motor Driver in Scale Rs. 330 - 480/- was promoted to Gr. I Motor Driver in Scale Rs. 380 - 560/- vide GM(P)/MLG'S Notice No. E/227/1/1-M(Q) Dt. 19.1.83. against SC quota but subsequently after expiry of Shri Sita Ram the post fell vacant to be filled up by ST candidate as per 40 point Roster but as Shri I.D. Ram Motor Driver in Scale Rs. 330-480/- was promoted to Gr. I in Scale Rs. 380-560/- as SC candidate there should be no more quota for SC candidate in only 5 posts (2 in Gr. I & 3 in Gr. II) where as Shri M. Barailly (SC) Motor Driver Gr. III in Scale Rs. 260-400/- was promoted to Gr. II in scale Rs. 330-480/- (Rs. 1200 - 1800 RP) and again to Gr. I in scale Rs. 1320-2040 (RP) in contravention to 40 point Roster.
2. That Sir, I am being for more senior to Shri M. Barailly M/Driver (my seniority position being 6th and Shri M. Barailly's position 9th) as per GM(P)/MLG'S Seniority List No. E/225/107 (Q) Pt. III dated 26-6-1989, have been deprived of my due promotion by the anomalies quoted above in Para I.
3. GM (P)/MLG issued a notice to the 10 Motor Drivers of GM'S cadre vide No. E/227/1/2-B (Q) dated 11-8-89 to keep in readiness for Trade Test. This was received in GM'S office on 28/8/89 but I have reliably learnt that the Trade Test was held on the very date i.e. 28/8/89 at 16/30 hrs without my knowledge and without any intimation to me in this regard. This is clearly evident that I have been willfully deprived of even appearing in the Trade Test where as I was present on duty on that very date.
4. That Sir, I have now been called to appear on the "absentee Trade Test" to be held on 19.12.89 vide GM(P)/MLG'S letter No. E/227/1/2-B (Q) Dated 15-12-89 after a long gap of more than 100 days. This also shows the real attitude towards my legitimate dues.
5. I had submitted an appeal on 28.8.89 against the seniority list of Motor Drivers Published vide GM(P)/MLG'S No E/225/107 (Q) Part III dated 26-6-89 but I have neither been favoured with a reply nor the seniority list corrected.
6. Farther I like to point out that the seniority list quoted in para 5 above has been cancelled vide GM(P)/MLG'S seniority list (of M/Drivers Gr. II) No E/225/107 (Q) Part III Dt. 29/30.11.89 allthrough the former S.list was for Drivers Gr.III. This also shows how the anomalies were done.
I humbly request your goodself to kindly look into the matter and set the things right so that I may not be deprived of my legitimate and just dues

Yours Faithfully,

Dated: 18 / 12/ 1989.

Motor Driver Gr. III - 5
GM'S office/NFR/MLG.

Copy to:
GM(P) Mlg N.F.Rly for information and
necessary action please.

Kindly post & forward to
in case of emergency
for 6th Dec 1989
Ans 18/12/89
T.S.

Yours Faithfully

Niranjan Choudhury
Motor Driver Gr. III
GM'S office / N.F.R/MLG.

Attest
Dr. P. D. Bhattacharya
10/12/89

34 ANNEXURE-K

To :-

The Chief Personnel Officer,
N. R. Railway, Maligaon.

Sir,

Sub :- Appeal against Shri Matilal Barailly(SC)
promoted to Gr. II Driver.

Ref :- Your seniority list No. E/225/107(Q)Pt. III
dated

With due respect I beg to state that I am working in GM Branch as Motor Driver Grade III in scale Rs.950-1500/- w.e.f. 12.7.1974 and from then I am discharging my duties with utmost sincerity and full satisfaction of the administration.

But, I am at a loss that being next person in my cadre, I have been deprived from promotion from Grade-III to Grade-II driver. From the inter-SC-seniority list, it is also revealed that my position is 4th in the seniority list.

That, I was surprised, the norms of the promotion is not maintained here and the promotion has been given illegally. The basic norms of the promotion is 1st post should go to SC, 2nd & 3rd for UR and 4th post should go to ST as per 406 point roster. Again, 5th post should be for UR as per roster. So, how the 5th post is manned by SC candidate depriving a good number of senior persons in UR category? And, I being the senior most person in UR category, I have been deliberately deprived from promoting.

Under the facts stated above, I would fervently request your honour to look into the matter personally and make necessary arrangement so that a poor employee like me may not deprive from natural justice and due promotion and for which act of your kindness I shall remain grateful to you.

Yours faithfully,

Sona Char Medhi

(S. D. Medhi)
Motor Driver
G.M's Office

*Noted
S. D. Medhi*

Copy to :- Genl. Secy., R.F.R.E.U/MLG for information
and necessary action please.

OFFICE OF THE
GENERAL MANAGER
M.G. Dt. 19-1-83
19 JAN 1983

535

ANNEXURE L

W.F. LLY.

NOTIO.

Office of the
General Manager (P)
M.G. Dt. 19-1-83.

Sub-Trade test for forming a panel
for the post of M/Drivers. Rs. 300-560/-
and Rs. 330-480/-

Ref:- GM (P)'s letter No. E/227/1/1-M (U)
Dt. 6-1-83

SN-1784 Curr. No. Z/265/6PK-111

Reference to the above the following M/Drivers
are directed to report to the ASY. to GM on 4-2-83
at 10.00 hrs positively for appearing at the trade test.

Sl. No.	Name & Designation.	Working under.	Scale for which to be approved.
	(GROUP-A/S/C)		
1.	Shri Sita Ran, M/Driver-(330-480)/Seoy to GM	Rs. 300-560/-	
2.	(GROUP-B/URBS/RVBD)		

1.	Shri K.C. Sarma M/Driver (260-400)	COPs	Rs. 330-480/-
2.	R.C. Das M/Driver (260-400) (VR)	Seoy to GM	-do-
3.	I.D. Ram M/Driver (260-400) (SC)	Seoy to GM	-do-

27/1/83

(GROUP-C/S/T)

Ch. Off. No. Shri B.C. Boro M/Driver-(260-400)/ST Seoy to GM. Rs. 330-480/-

20/1/83

1. If any one is on leave he should be called back.

S-1/-
for General Manager (P)

No. E/227/1/1-M (U)

M.G. Dt. 19-1-83

Copy forwarded for information and necessary action to:-

1. Seoy to GM. 2. COPs.

for General Manager (P)

19/1/83
M. S. A.
M. S. A.
M. S. A.
M. S. A.

N.F.RAILWAY

36

ANNEXURE E - M

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

OFFICE ORDER

Sri I.D.Ram(SC) Motor Driver Gr. I in scale Rs. 380-560/- (RS) attached to Secy. to GM
Rs. 1320-2040 (RPS)

who had been promoted to the post of Motor Driver Gr. I w.e.f. 10.12.84 is hereby antidated
to 01.1.84 against the post upgraded vide GM(P)'s Memorandum No. E/227/1/2-B(Q) dt. 15.9.89.
His pay is refixed in scale Rs. 380-560/- (RS) w.e.f. 01.1.84 is as under:-
Rs. 1320-2040/- (RPS)

Pay in scale Rs. 330-480 Pay fixed in scale Rs. 380-560 as on 1.1.84 Annual increment 1.1.85
as on 1.1.84 Annual increment 1.1.86

<u>Rs. 370/-</u>	<u>392/-</u>	<u>404/-</u>	<u>1.1.85</u>
		<u>416/-</u>	<u>1.1.86</u>

Pay refixed in RSRP in scale Rs. 1320-2040/- w.e.f. 1.1.86: 1380 1.1.86
1410 1.1.87
1440 1.1.88
1470 1.1.89

No. E/227/1/2-B(Q) Dt. 25.10.89.

S.Ramach/26 for General Manager(P) X

Copy forwarded for information & necessary action to:-

1. FA & CAO/MLG
2. CCS/MLG
3. Secy. to GM
4. OCO/MLG
5. COTS/MLG
6. CPO/A/MLG
7. EPO/W.
8. CS(G), GM's Office with staff concerned. *Copies of*
9. GS/EQ
10. GS/CCS(P)
11. GS/CCO(P)
12. GS/COPS(P)
13. EQ/Bill in GM's Office in duplicate.
He will please arrange to draw the
arrear pay.
14. P/Case & S/Sheet.

S.Ramach/26 for General Manager(P) X

After 1st Advocate

27 =

ANNEXURE - N

February 28, 2000

The General Manager (P)
N.F. Railway, Maligaon,
Guwahati - 781 011.

(Through proper channel)

Respected Sir,

Sub: ASSIGNMENT OF CORRECT DATES OF
PROMOTION AS MOTOR DRIVER GRADE-II
AND GRADE-I CALLING FOR TRADE TEST
FOR PROMOTION AS MCM/DRIVER.

I shall be grateful if you will kindly expedite your reply to my representation
dated 24th November, 1999 (copy attested for ready reference).

Followed by reminder dated 27.12.99.

DA : As above

Yours faithfully,

Nirupam Chowdhury
(NIRUPAM CHOWDHURY)
Motor Driver, Gr - I
GM's Office/N.F. Rly.,
Maligaon: Guwahati-11.

After 20
for
police

To

March 29, 2000

The General Manager (P),
N.F. Railway, Maligaon

(Thro : Proper Channel)

Respected Sir,

Sub : Assignment of correct dates of promotion as Motor driver grade-II and I calling for trade test for promotion as MCM/Driver.

I shall be grateful if you will kindly expedite your reply to my representation dated 24.11.99, copy attested for ready reference, followed by three reference reminders dated 27.12.99, 28.1.2000, and 29.2.2000.

Xerox

Thinking you,

Yours faithfully,

Nirupam Chowdhury

(NIRUPAM CHOWDHURY)
Motor Driver Gr-I
G4's office.

RECEIVED
S.R.O. (P.E.)
M.G. 2/1
Maligaon

After
for
Advocate

N. F. Railway.

NO.E/227/1/2-B (Q).

Maligaon, dated 21 -5-2000.

To

Shri Nirupam Choudhury,
Motor Driver- Gr.I
under Secy to GM.

Sub:- Assignment of correct date of promotion as M/Driver-Gr.II, Gr.I and calling for Trade test for promotion as MCM/Driver.

Ref:- Your appeal dated 24.11.99.

....

Your above appeal on the above subject has been examined and replied as under :-

1. In regard to your claim for promotion as M/Driver Gr.II from the year 1985 against the promotion of Shri M.L.Baraily(SC), it is intimated that Shri Baraily who belongs to 'SC' community was promoted as M/Driver-Gr.II w.e.f. 12.2.85 as evident from the case file. However, on availability of subsequent vacancy you were called to appear in trade test for promotion as M/Driver Gr.II on 1.9.89 and 19.12.89 but you did not appear. ... you were dismissed from service from 16.10.91 due to unauthorised absence. But after your re-instatement on 14.12.93 and on completion of your punishment period you were again called to appear in the trade test on 15.2.95 and you appeared and on being found qualified you were given promotion as M/Driver Gr.II from 31.5.95.

Against (SC) quota.

However, from the GM(P)'s office order dt. 31.10.89, it appears that you were given effect of promotion of M/Driver Gr.II from 1.1.84 against the upgraded post along with others.

2. In regard to your promotion of Motor Driver Gr.I as claimed against Shri Baraily(SC) from the year 1989, it is informed that Shri Baraily was further promoted as M/Driver Gr.I in the year 1989 also against the 'SC' quota. Your promotion as M/Driver Gr.I was considered from 12.5.99 on availability of vacancy of M/Driver Gr.I. Hence there is no relevency with the promotion of Shri Baraily who was promoted prior to you belonging to 'SC' community.

3. Regarding calling in the trade test and promotion to the post of MCM/Driver as claimed by you it is intimated that one post of MCM/Driver to be occurred in July/2000 will be filled up by the seniormost M/Driver Gr.I irrespective of community as PBR vetted by P.O/PP. As such, your promotion to the post of MCM/Driver will be considered as and when your turn will come.

AP 22/5/2000

for General Manager (P)MLG.

*After 1st
Ans
P.D.W.R.D.*

BY SPEED POST - ACK. DUE

ANNEXURE-9

19 June 2000

✓ The General Manager (P)
N.F. Railway
Maligaon
Guwahati - 781 011

Through : Proper Channel (Asst. Secy to G.M.)

Respected Sir,

SUB : ASSIGNMENT OF CORRECT DATES OF PROMOTION AS MOTOR DRIVER GRADES II AND I AND CALLING FOR TRADE TEST FOR PROMOTION AS MCM/DRIVER.

REF : YOUR LETTER NO. E/227/1/2-B(Q) DATED 24.05.2000.

1. At the outset I would mention that attention to this rejoinder is a matter of the utmost urgency in view of Shri I.D. Ram's impending superannuation from 30.06.2000 a.n. because any delay is likely to result in an incorrect and irregular promotion the inevitable rectification of which will result in avoidable infructuous expenditure which may prompt audit to seek fixation of responsibility.
2. I am afraid that the basic point raised in my appeal has been given the go-by and has not been examined at all in your above mentioned letter.

The basic point raised in my appeal is not whether Shri M.L. Barailly (SC) was promoted as Motor Driver Gr. II and then Gr. I against the SC quota as has been specifically admitted in your above mentioned letter.

Abul Azeem

The basic point raised in my appeal is that the vacancies against which Shri M.L. Barailly (SC) was incorrectly promoted before me were not reserved vacancies and hence should not have been filled by a junior reserved candidate but should have been filled by the seniormost candidate, namely me. This point has not been examined at all.

3. It is my submission - as brought out in Para: 4.5 of my appeal - that the vacancies of Motor Driver Gr.II which occurred from 01.01.84 to 1985 were roster points 8 to 11 of which only roster point 8 was a reserved vacancy - for SC - and this was correctly filled by Shri I.D. Ram (SC). Roster point 11 is an unreserved vacancy and thus should have been filled by me. This vacancy occurred when I was on duty and there were no disciplinary proceedings against me. There is no question of there being any 'punishment period' as the DAR proceedings were considered to be completely vitiated and ab initio void. Para 6 of my appeal is relevant in this regard. There was no other reserved vacancy against which Shri M.L. Barailly (SC) could/should have been promoted before me.
4. It is my submission - as brought out in para: 5.5 of my appeal - that the vacancies of Motor Driver Gr.I which occurred from 01.01.84 to 1989 were roster points 5 to 11 of which only roster point 8 was a

reserved vacancy - for SC - and this was correctly filled by Shri I.D. Ram (SC). Roster point 11 is an unreserved vacancy and this should have been filled by me. This vacancy occurred when I was on duty and there were no disciplinary proceedings against me. Para:6 of my appeal is relevant in this regard. There was no other reserved vacancy against which Shri M.L. Barailly could/should have been promoted before me.

5. In your above mentioned letter it has been stated that "one post of MCM/Driver to be occurred in July 2000 will be filled up by the seniormost M/Driver Gr.I irrespective of community as PBR vetted by SPO/RP" (emphasis supplied). This confirms what I have brought out in Para:7 of my appeal. As brought out in para 7.2 of my appeal, I am the seniormost Motor Driver Gr.I after Shri I.D. Ram. There is, therefore, justification whatsoever for calling either Shri Matilal Barailly or Shri B.C. Boro for the Trade Test for the post of MCM/Driver before calling me, and only me because this is a non-selection post.
6. I would therefore request that my appeal be re-examined and the prayers contained in para 8 of my appeal be granted.
7. Incidentally, in your above mentioned letter it has been stated that "However, from the GM (P)'s office

order dt. 31.10.89, it appears that you were given effect of promotion of M/Driver Dr. II from 01.01.84 against the upgraded post along with others." I think that this statement is incorrect. However, if it is correct, the prayers contained in para:8 of my appeal need to be amended and I would pray that:-

- .1 In all seniority lists my date of promotion as Motor Driver Gr.II be shown as 01.01.84.
- .2 My pay as Motor Driver Gr.II be fixed on the basis of this date of promotion, viz. 01.01.84.
- .3 My subsequent promotions be regulated on the basis of this date of promotion as Motor Driver Gr.II, viz. 01.01.84.
- .4 All subsequent pay fixations arising from pay revisions/promotions be based on this pay fixation as Motor Driver Gr.II w.e.f. 01.01.84.
- .5 I be paid arrears on the basis of the pay fixations detailed at .2 and .4 above.

8. Also incidentally, I would mention that the date of Shri I.D. Ram (SC)'s superannuation needs to be re-checked as his date of birth is shown as 01.07.1941 in the seniority lists which would imply that his date

44

5

: 5 :

of superannuation is 30.06.2001 and not 30.06.2000.

Yours faithfully,

Nirupam Chowdhury

(NIRUPAM CHOWDHURY)
Motor Driver - Gr.I
G.M.'s Office Maligaon

Advance copy for kind favour of immediate action to:

1. G.M., N.F. Rly., Maligaon.
2. C.P.O., N.F. Rly., Maligaon.

~~42~~ ~~45~~ Provisional Seniority List of MCM/Driver, Motor Driver-Gr-1, Gr-11 & Gr-111 of 'C' Branch as on 01-04-2005.

SL. NO:	Name and Community	Working	D. O. Birth:	D. O. Att:	D. O. Pro:	Conf/Offg.	Length of	MCM- Driver in scale Rs. 5600-8000			Remarks
								Place	motion to	the grade	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	Y	M	O
1. Shri S. C. Soro (ST)		GM-Office	17-06-54	12-06-73	04-09-2000	Conf.	64-06	- 27			

1. Shri J. L. Barili (SC)
2. Shri Nirupam Choudhury
3. Shri B. K. Chakraborty
4. Shri Ram Balak Roy
5. Sri S. Islam

Motor Driver-Gr-1 in scale Rs. 4500-7000						
CPO/MLG	20-10-58	15-09-79	15-11-82	Conf.	16- 65	- 16
GM/MLG	25-01-55	16-11-74	12-05-99	Conf.	05- 13	- 19
CJM/MLG	19-03-48	10-07-75	04-03-2000	Conf.	04- 26	- 27
Vig/MLG	01-09-54	19-09-75	04-09-2000	Conf.	04-09-2000	- 27
CPO/MLG	24-02-60	23-06-82	14-11-2003	Conf.	01- 11	- 17

1. Shri Sabul South
2. Shri Indra Mai
3. Shri Rama Singh (SC)
4. Shri Jahan Ali
5. Shri Nimai Ch. Dey
6. Shri Sunil Kr. Das (SC)
7. Shri Sabal Biswas

Motor Driver Gr-11 in scale Rs. 4500-6000/-						
CCM/MLG	01-01-54	22-11-72	21-05-98	Conf.	06- 11	- 10
		19-03-87				
GM/NLG	01-01-57	17-10-81	04-06-98	Conf.	06- 09	- 27
GM/MLG	01-03-56	23-02-76	21-05-99	Conf.	05- 11	- 10
GM/MLG	29-02-56	01-01-84	24-04-94	Conf.	03- 11	- 07
		19-05-86				
CCM/MLG	01-01-57	15-12-81	24-04-01	Conf.	03- 11	- 07
GM/MLG	29-04-61	16-10-83	24-04-01	Conf.	03- 11	- 07
		04-10-84				
GM/MLG		19-07-84	21-09-94	Conf.	0- 36	- 18

contd.....

After 10
for
reference

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
							Y- M-	D.
<u>Motor Driver Gr-III in scale Rs. 3056-4596/-</u>								
1. Shri Raju Century		GM/MLG.	61-63-61	12-64-88 12-68-88	27-66-93	Conf. 61-	07	-64
2. Shri J.K. Dey		DSTE/Tel/CON MLG.	21.08-68	15-12-82 22-06-87	01-07-97	Conf. 67-	09	-6
3. Sri S. Misra		-6-	62-63-58	21-66-87	01-07-97	Conf. 67-	09	-0 } <i>lien 5651 ND 3</i>
4. Sri B.N. Yadav		CPRO/MLG.	61-61-53	69-01-81	11-01-96	Conf. 67-	62	-26 } <i>and b/w 2nd move in 'G' B38</i>
5. Sri Biswakarma Das		GM/MLG	16-65-71	20-69-91	11-01-96	Conf. 67-	02	-28

MC:E/255/110/M-Driv. (CG)

Copy forwarded for information and necessary action to:-

1. Secy. to GM. (2) Dy. CVO/S (3) CPRO. (4) Dy. CSTE/Tel./CON/MLG. (4) CDM/MLG. (5) CCM/MLG.
6. APC/CON/MLG. (7) SPO/I. (8) OS/ET. (9) OS/GM's Office (10) Staff concerned (11) P/Case.
12. GS/NFAMU & NFREU. (13) GS/NFRSCTEA/MLG. (14) GS/NFRSCTREA/MLG.

Maligaon, dt. 09-05-2965

H. N. Thakur
09.5.05
(N. N. Thakur)
Sr. Personnel Officer (NG)
for General Manager (P)MLG.

H. N. Thakur
09.5.05
for General Manager (P)MLG.

To

The General Manager
N. F. Railway, Maligaon

Through Proper channel.

Sir,

Sub :- (i) Filling up of one (UR) post of MCM/Driver in scale Rs.5000-8000/- in 'G' Branch.
 (ii) Seniority list of Motor Driver as on 01-04-2005 published vide GM(P)/MLG's No. E/255/110/M-Drv.(QG) dt. 09-05-2005.

Ref. :- GM(P)/MLG's No. E/283/138/2/SKD Driver (Q) dt. 7-09-2005, E/283/138/2/M-DRV (QG) (L) dt. 22-09-2005 and E/255/110/M-Drv.(QG) dt. 09-05-2005.

At the outset I may be excused for intruding upon your valuable time with this Appeal for your kind intervention to the following and thereby redressal of my grievances by your judicious decision, correct discernment of the case and esteemed orders please so that the whimsical action in regard to promotion of one MCM/Driver is stayed and the incorrect seniority list dt. 9-5-2005 mentioned above is set right.

(1) That albeit almost right since the inception of my career I have been discharging my duties under the exclusive control of GM and AGM, nevertheless at each and every turning point of my due promotional line and fixation of seniority I have been thrown into the hazards by the Personnel Department's indefensible arbitrariness and like infirmities to make a terse enunciation of the Law and flouting of the Railways' own set of Rules.

(2) That it is astounding to note that vide letter No. E/283/138/2/SKD Driver(Q) dt. 7-9-2005 the Personnel Deptt. initiated to promote Sri M.L.Barali(SC) Motor Driver, Gr-I under CPO/MLG to the post of MCM/Driver in scale Rs.5000-8000/- and that is why called for his ACR vide letter No. E/283/138/2/M-DRV (QG) (L) dt. 22-9-2005.

Photocopies of the above letters are annexed as Annexures - A & B respectively.

Contd..... P/2-That from.....

Alfred
Advocate

AC

(3) That from the Annexure-A itself referred to above it is candid that the post of MCM/Driver in 'G' Branch belongs to "UR" category. Hence, how Sri M.L.Bharali, who is a "SC" candidate, can get the chance of being promoted against "UR" vacancy. Sri Bharali's elevation to his next higher grade of promotion as per prevailing system and Railway Rules, shall be confined to the limit of "SC" Quota and cannot be detracted under any circumstances according to the suit will of officials often and on when necessary.

(4) That as per Rly. Board's circular to take restructuring benefits from 1-11-2003 on higher grade promotion on percentage basis as communicated by GM(P)/MLG vide his Memorandum No. E/11/111/246(OG)/Pt-VI dt. 26-7-2005 the posts of MCM Driver in scale Rs.5000-8000/- of 'G' Branch comes to 2, i.e. one from reserve quota and the other from the UR candidates.

Photocopy of the above Memorandum is annexed as Annexure-C.

(5) That of the above 2 posts of MCM, Sri B.C.Boro has already been promoted to MCM w.c.f. 4-9-2000 against "ST" Quota and the other one post shall go to "UR" candidate as mentioned by GM(P) in the Annexure-A referred to above. Thus the question of giving promotion to Sri M.L.Bharali, who is an "SC" candidate, to the post of MCM Driver in scale Rs.5000-8000/- at this point and time does not arise at all.

(6) *That seniority of Motor Drivers of the 'G' Branch published by the GM(P)/MLG as on 1-4-1981 vide his No. E/255/107(Q) Pt-II dt. 5-3-82 is the basic seniority list and shall have to be counted & taken into consideration for all practical purposes till the list is completely exhausted.*

Photocopy of the above seniority list is enclosed as Annexure-D.

(7) That it is really a sordid episode that although the name of Sri M.L.Bharali was not in the said seniority list mentioned in the para-6 above, his name has been abruptly appeared in the seniority list as on 1-4-88 showing him Motor Driver, Gr-II to take effect from 12-2-85. The present Appellant, Sl. No. 6 of the said list did not bother then, as Sri Bharali was shown junior to him under Sl. No. 9 of the list.

(8) That it is highly astonishing that the Personnel Depptt. published another seniority list on 26-6-89 under No. E/225/107(Q) Pt-III wherein Sri Motilal

Bhataly (SC) was shown Motor Driver, Gr-II in scale Rs.1200-1800/- as on 1-6-89 and the name of the present Appellant, the senior most Motor Driver after I.D.Ram (SC) during the material time as per the basic seniority list of Motor Drivers as on 1-4-81 (Annexure-I), was hushed up, might be for some vested interest, though myself is pretty senior to Sri Baraly both in respect of appointment and getting promotion in Motor Driver, Grade-II on 1-1-84.

Photocopy of the above seniority list is submitted as Annexure-E.

(9) That it is equally astonishing and ridiculous that though Sri Motilal Baraly (SC) was shown Motor Driver, Gr-II as on 1-6-89 under Sl. No. 5 of Seniority list No. E/225/107(Q) Pt-III dt. 26-6-89 vide Annexure-E, he was shown Motor Driver, Gr-I in scale Rs 4500-7000/- on 15-11-88 vide GM(P)/MLG's Seniority list No. E/225/110/M Driver(Q) dt. 5-03-2001.

Photocopy of the above Seniority list is annexed as Annexure-E.

(10) That highlighting the entire fact of fixation of seniority and arranging promotions to Motor Drivers of 'G' Branch I submitted a representation to the GM(P)/MLG dt. 24-11-1999 followed by the reminders on 28-2-2000 and 29-3-2000 duly showing the positions according to "PBR" and prayed for assignment of correct dates of my promotion as Motor Driver, Grades II and I and calling for Trade Test for promotion to the post of MCM/Driver.

Photocopies of above representations are enclosed as Annexures-G, II, I.

(11) That the GM(P)/MLG vide hisletter No. E/227/1/2-B(Q) dt. 24-5-2000 failed to appreciate the gravity of the matter and gave a tepid response to disown the rightful claim of this humble and dedicated employee.

Photocopy of the above letter is annexed as Annexure-J.

(12) That in response to GM(P)/MLG's letter dated 24-5-2000 mentioned in the foregoing para-11, which was far from examining the basic points raised in my appeal dated 24-11-99, I reiterated the matter by my further appeal dated 19-06-2000 to re-examine the entire issues on their right perspective and arrange rectification of the seniority lists and promotion orders without causing any further hindrance to this most dutiful and sincere employee.

Photocopy of my above appeal is submitted herewith as Annexure-K.

(13) That the reply from the Personnel Deppt. to my further appeal under Annexure-K mentioned above is still awaited although the long span of 6 (Six) years have already been elapsed.

(14) That it has since been known that the GM(P)/MLG has published seniority list of MCM/Driver and Motor Drivers in Grades-I, II & III of 'G' Branch as on 01-04-2005 vide his No. E/225/110/M-Driv.(QG) dt. 09-05-2005 without correcting the dates of my promotion to Motor Driver, Gr-I in scale Rs.4500-7000/- as prayed for in my aforesaid representation/appeals and shown the names of Sri M.L.Baraly (SC) and Sri B.C.Boro (ST) above my heads without attaching any least importance to the matter. This postulates to be of willy-nilly decision and whims and caprices of the Administration. Moreover, though it was shown in the said seniority list that "copy forwarded to staff concerned", yet I have not received a copy of the same as yet, albeit a copy of the same should have been given to me by the P/Deppt. as per rules and system prevailing in the Railways.

Sir, I may be excused to submit, I challenge if anybody of the Administration can prove that a copy of the aforementioned seniority list has been communicated to me.

A photocopy of the above seniority list is enclosed as Annexure-L.

(15) That the aforesaid seniority list needs to be corrected and seniority position in the grades of Motor Driver, Gr-I and MCM re-assigned for the reasons already mentioned at paras 5.5 and 4 of my appeals dated 24-11-99 and 19-6-2000 at Annexures G & K respectively mentioned above. The para-4 of my appeal dated 19-6-2000 is reproduced as under for your ready reference and kind perusal:

"It is my submission as brought out in para 5.5 of my appeal that the vacancies of Motor Driver, Gr-I which occurred from 01-01-84 to 1989 were roster points 5 to 11 of which only roster 8 was a reserved vacancy for SC and this was correctly filled by Sri I.D.Ram (SC). Roster point 11 is an unreserved vacancy and this should have been filled by me. This vacancy occurred when I was on duty and there were no disciplinary

proceedings against me. Para-6 of my appeal is relevant in this regard. There was no other reserved vacancy against which Sri M.L.Baraily could/should have been promoted before me."

(16) That the above whims and caprices, inaction and wrong action and arbitrary action of the Personnel Depptt. have caused unfair play and miscarriage of justice which have invited deprivation of the rightful claim of seniority and promotion of this humble and dedicated employee and as a result of which the Constitutional safeguards for an employee like me under Articles 14, 16 & 21 have been infringed and Natural Justice denied.

In the premises above, I do, therefore, humbly and fervently pray that your magnanimity would be gracious enough to look into the matter profoundly and call for the records and disseminate justice after the correct discernment of the case and relieve me of my long standings grievances mentioned above and till such time your esteemed orders are executed, I further pray, the proposed filling up of the post of MCM by promotion to Sri M.L.Bharaly is stayed.

And for this act of your kindness, as in duty-bound, I shall ever pray and remain grateful.

With all humility and regards,

DA :- As above (in 37 sheets).

Dated :- 03-10-2005.

Yours faithfully,

Nirupam Chowdhury
(NIRUPAM CHOWDHURY)
Motor Driver, Gr-I
GM's office, N.E.Rly.,
Maligaon.

Copy together with the copies of above Annexures is forwarded to Chief Personnel Officer, N.E.Railway, Maligaon for his kind information and necessary action please.

Recd.
Gm Cogn only for Cogn Manager
NIRUPAM CHOWDHURY
3/10/05 Date 03 Oct 2005
N.E.Rly., Maligaon, Assam
N.E.Rly.

Nirupam Chowdhury/3/10/05

To

The General Manager,
N.F.Railway, Maligaon.

Through proper channel.

Sir,

Sub: 1) Filling up of one (UR) Post of MCM/Driver in Scale Rs.5,000-8000/- in 'G' Branch.
2) Seniority list of Motor Driver as on 1.4.2005 published vide GM(P)/MLG's No.E/255/110/M-Driv.(QG) dated 9.5.2005.

Ref: My appeal/representation dated 3.10.05 addressed to you and copy docketed to CPO, N.F.Railway, Maligaon.

In inviting your profound attention to my appeal/representation mentioned under reference I would respectfully submit with my most placid and suave submission to highlight the following for your kind interpellation in the matter and accordance of your esteemed orders for ends of justice please:

1. That I am very much worried about the fate of my above appeal/representation though I have complete hope and faith unto your good conscience that justice shall prevail upon my case; nevertheless I have not received any response in the matter as yet.
2. That on enquiry into the Personnel Department's concerned office I was told by the dealing official that they were not inclined to give any suitable reply in regard to my instant appeal/representation and rather they told me also to note it down that all records relevant to my case they have burnt.
3. That it is really astonishing that while an employee is still in service and all his grievances are unsettled and for which series of representations and appeals are pending with the Personnel Department, how they can burn all relevant papers concerning to my case without having any authority's sanction; though I believe there was no order from the concerned authority to burn the papers, before disposing of one's representation/appeal, and more too, while he is still in service.
4. That albeit I would not like to attach any importance on the statement made by the dealing official of the Personnel Department as told above, yet I would like to expect that a susceptible reply atleast would be communicated to me from the Administration after looking into the records and calling all relevant papers by your magnanimity.

Contd.....p/2.

*Officer
for
Information**cc.*

5. That although I have faith unto your good offices as submitted earlier, I once again with my humble submission reiterate that you would be pleased enough to look into the matter and call for all the relevant records regarding my grievances for the victimization and unfair play of action as communicated by the Personnel Department, may be for someone's vested interest which I am very much sure, but it is a fact that despite my humble submission and repeated personal approaches to all concerned authorities for all these years right from 1.4.88 when the name of Sri M.L.Bharali was abruptly placed in the seniority list as on 1.4.88 showing him a Motor Driver Grade-II to take effect from 12.2.85, though the present appellant whose name appeared in the said seniority list under serial No.6 did not bother then, as Sri Bharali's name was shown under serial No.9 of the list, duly deviating all Basic Rules of assignment of seniority as published by the Personnel Department itself for the Motor Driver as on 1.4.81, which was annexed as Annexure-D along with my aforementioned appeal/representation.

6. That it is also reiterated that myself is pretty senior to Sri M.L.Bharali both in respect of appointment and in getting promotion in Motor Driver Grade-II as on 1.1.84 and despite all these things it is also not understood as to how the Personnel Department could hold the selection of MCM/Driver and issued letter for calling the working report for the last 3 years of Sri M.L.Bharali, Motor Driver, Grade-I under C.P.O, Maligaon as communicated vide GM(P) Maligaon's letter No.E/283/138/2/M-Driv(QG)(L) dated 22.9.2005 and E/283/138/2/SKD Driver(Q) dated 7.9.05 submitted for your kind perusal as Annexures-A & B in my aforementioned representation/appeal under reference.

To conclude, I would once more submit my humble submission to you and solicit your kind favour to excuse me for intruding upon your valuable time for this reminder, but as I have been at a loss with the motive and unfair action of the Personnel Department's some officials as high-lighted above, I have no other efficacious way and alternative means to get justice for redressal of my grievances excepting your kind intervention in the matter and accordance of esteemed orders please. In this connection I may be excused to submit that the seniority is the Fundamental right of an employee and any unfair play in the matter would invite infringement to the Fundamental Rights of the constitution of India in respect of employment and thence this humble memorialist would be victimized.

With all humility and regards, Sir.

Yours faithfully,

(Nirupam Choudhury)
Motor Driver, Grade-I,
G.M's Office, N.F.Railway,
Maligaon.

Dated, 10 -11-2005.

Copy to : The Chief Personnel Officer, N.F.Railway, Maligaon.

For his kind information and taking necessary action please.

महाप्रबन्धक का कार्यालय
Office of the
General Manager

दिनांक

10 NOV 2005

Date

१० नवंबर, मालिगाँव, मुख्यालय-२२
N. F. R.

Read in my copy only
Nirupam
10/11/05

Nirupam choudhury
(NIRUPAM CHOWDHURY)
Motor Driver, Grade-I,
GM's Office, N.F.Railway,
Maligaon

