

50/100

P

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....49/2005.....

R.A/C.P No.....

E.P/M.A No.....99/2008.....

1. Orders Sheet....., O.A.....49/2005..... Pg.....01.....to.....08.....
2. Judgment/Order dtd..24.7.2008..... Pg.....01.....to.....29.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... Pg..... to.....
5. E.P/M.P. Order Sheet Pg.....01 to 14 Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg.....01.....to.....21.....
8. Rejoinder..... Pg.....01.....to.....03.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit..... Pg.....01.....to.....02.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant..... Pg.....01.....to.....18.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

01/11/18

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

ORDER SHEET

49/05

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: C. B. Kumar

U. C. P. Goswami

Respondents

Advocates for the Applicant A. Chakrabarty, Mrs. K. Dutta

Railway Counsel

Advocates of the Respondents S. Sengupta

Order of the Tribunal

Notes of the Registry Date

25.02.2005

Present : The Hon'ble Mr. K.V. Prahladan, Member (A).

Application is in form
is filed/Rec'd. on 25.02.2005
deposited via P.M.
No. 209/116239
Dated 24.2.05

Heard Mr. A. Chakrabarty, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the respondents.

The application is admitted. Call for the records. Issue notice to the parties. Returnable within four weeks.

List on 01.04.2005 for orders

K. V. Prahladan
Member (A)

Steps taken with
envelops

23/3

mb
01.04.2005

Mr. S. Sengupta, learned counsel for Railways seeks time for filing written statement. Post on 29.4.2005. Written statement, if any, in the meantime.

Notice & order sent.
to: D/section for
issuing resp.

Nos. 1 to 7 by
regd. AID post.

23/3/05

mb

G. Jaiswal
Vice-Chairman

31-3-05
S/2 - marked

~~Notice date~~

Notice duly
Served on
TESP Nos - 1, 3, 4, 7
6/4/05.

29.4.2005 Mr. S. Sengupta, learned counsel for the Respondents submits that the Respondents wants to file ~~rejoinder~~ written statement. Post on 31.5.2005.

9-5-05
Vice-Chairman

28-4-05

No. of Ws have been filed.

mb

31.5.05

16.6.2005 Mr. A. Chakrabarty, learned counsel for the applicant is not present on last occasion ~~also~~ and also today. However, one more opportunity is given. Post on 18.7.2005.

9-5-05
Vice-Chairman

15.6.05

10.6.05
Member

18.7.05

Mr. A. Chakraborty learned counsel for the applicant is present. Mr. S. Sengupta learned counsel appearing for Railway counsel is also present. Mr. Sengupta, counsel for the Railway has submitted that some more time is required to file written statement. Post the matter on 19.8.05. for filing written statement.

9-7-05
Vice-Chairman

1m

19.8.2005

Mr. S. Sengupta, learned counsel for the Railways seeks for some more time to file written statement. Post on 23.9.2005.

9-9-05
Vice-Chairman

mb

1.9.05

Ws filed by the
Counsel Nos. 1 to 4.

9-9-05

(3)

23.9.05. Post the matter before the next available Division Bench.

21/9/05
Vice-Chairman

No. wts has been filed.

lm

21/9/05
4.10.2005 Mr. S. Sengupta, learned Railway counsel seeks for permission to file written statement. Permission granted. Post on 18.11.2005.

22.11.05
Member

21/9/05
Vice-Chairman

No wts filed so far.

lm

23.11.2005 This case, O.A. 1/2005 and O.A. 61/2005 are connected. ~~xxxxx~~ Counsel for the applicant is absent. Dr. M. C. Sharma, learned Railway counsel submits that some more time is required to file written statements.

Post on 10.1.2006.

22.11.05
bb

Vice-Chairman

No. wts has been filed.

23.11.2005 This case, O.A. 1/2005 and O.A. 61/2005 are connected matters. Counsel for the applicant is absent. Mr. S. Sengupta, learned Railway's counsel ~~xxxxxx~~ submits that some more time is required to file written statements. Post on 10.1.2006.

1.3.06

WTS filed by the
Reptt. No. 1 to 4.

bb

10.01.2006 Post before the next Division Bench.

21/9/05
Vice-Chairman

6-3-06

WTS has been filed.

mb

21/9/05
Vice-Chairman

21/9/05

7.3.2006

On the request made by the learned counsel for the applicant the case is adjourned and let the case be posted on 8.3.2006 for hearing.

Vice-Chairman(J)

Vice-Chairman(A)

bb

8.3.2006

post the matter on 10.3.2006.

Vice-Chairman(J)

Vice-Chairman(A)

bb

10.3.2006

When the matter came up for hearing Mr.A.Chakraborty, learned counsel for the applicant submits that he has received the written statement and he would like to submit file rejoinder. Let it be done.

Post on 10.4.2006.

Vice-Chairman(J)

Vice-Chairman(A)

bb

3.5.2006

None appears for the parties.

Post on 24.5.2006.

Vice-Chairman

23-5-06

No Rejoinder has been filed.

bb

24.05.2006

None appears for the parties.

Post on 16.06.2006.

Vice-Chairman

No rejoinder has been filed.

mb

16.6.2006

Today also there is no appearance for the parties. Post on 30.6.2006.

Vice-Chairman

29-6-06

(1) No Writ has been filed

bb

(2) No rejoinder has been filed.

5/ 0.0.99/2006
O.A. 48/2006

30.06.2006 Learned counsel for the applicant is granted time to file rejoinder. It appears that there is no appearance on the part of the both sides.

Post on 25.07.2006.

24-7-06
① W.S filed by R. 1-4.
② No W.S. from R. 5-7
(Pvt. Respds.)
③ No rejoinder filed.

Vice-Chairman

mb

25.07.2006 None for the applicant. Reply statement has already been filed. Let the case be posted after one week in the next Division Bench. By that time the applicant is at liberty to file rejoinder, if any.

Post before the next Division Bench.

31-7-06

No rejoinder has been filed.

BB

Vice-Chairman

mb

01.08.2006 Post on 07.08.2006.

BB
Member

Vice-Chairman

2-8-06
Rejoinder submitted
by the Applicant

BB

mb

7.8.2006 Mr. A. Chakraborty, learned counsel for the applicant is present. Mr. S. Sen-gupta, learned Railway couns~~le~~ has submitted that he has received rejoinder only the day before yesterday and he wanted to file acknowledgement of the Annexure-II of the written statement which is adverse to the applicant. Let it be done. Post on 9.8.2006. Railway counsel will produce the records.

BB
Member (A)

Vice-Chairman

bb

09.08.2006 Learned counsel for the respondents submitted that he could not ~~principally~~ get that has been directed to produce as to whom the representation against the adverse AOR was submitted. Learned counsel for the applicant directed to file affidavit. In the meantime, the respondents shall produce the same from their custody.

Post before the next Division Bench.


Member

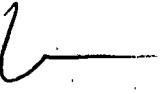

Vice-Chairman

mb

28. 2. 07

A reply to the Rejoinder submitted by the Respondents. page - No. 1 to 15.


Member


Vice-Chairman

lm

The Case is ready for hearing.

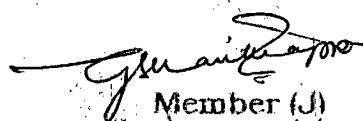
24.4.2007 Present: The Hon'ble Mr. G. Shanthappa
Member (J).

The Hon'ble Mr. G. Ray, Member (A)

Mr. S. Nath, learned counsel representing Mr. A. Chakraborty, learned counsel for the Applicant submits that since Mr. Chakraborty's father is hospitalized he is not able to conduct the case today and prays for an adjournment. Dr. J. L. Sarkar, learned counsel representing Mr. S. Sengupta, learned Railway Counsel submits that Respondents have no objection for adjournment. Accordingly, case is adjourned.

Post before the next Division Bench.


Member (A)

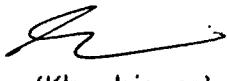

Member (J)

/bb/

5.05.2008

This matter stands adjourned to

16.05.2008 for hearing.


 (Khushiram)
 Member (A)

/bb/

The case is ready
for hearing.

3M
15.5.08.

16.05.2008 Mr A. Chakraborty is present for the Applicant. None appears for the Respondents/Railways. In order to give one more chance to the Respondents, this matter stands adjourned to 03.07.2008.

Dt. 16.5.08
Pl. send copies of this order to the Respondents
and the copies of the affidavit al 5.11.06


21/5/08

By filing an affidavit, the Applicant has disclosed that he sent his representation under Annexure-G to DRM (W), Alipurduar Junction through Shri Mahadeo Prasad, Senior Track Man, Bongaigaon and that the said M. Prasad handed over the representation to Phuphu Rani Mazumdar in the Receipt Section of the Office of the DRM (W), Alipurduar Junction. The Respondents must verify this factual aspect of the matter and file report before this Tribunal by the next date.

Mr A. Chakraborty, learned Counsel appearing for the Applicant, also undertakes to file 7 extra copies of the affidavit in course of the day.

Send copies of this order to the Respondents, alongwith copies of the affidavit dated 05.11.2006 of the Applicant (which was filed on 06.12.2006) in the addresses given in the O.A.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

My
02.07.08.

nkm

8
O.A.49/05

03.07.2008 None appears for the Applicant nor the Applicant is present. Mr. S. Sengupta, learned counsel for the Railways is present.

Call this matter on 07.07.08.

Agenda

(R.C.Panda)
Member(A)

Y
(M.R.Mohanty)
Vice-Chairman

07.07.08 None appears for the Applicant. Mr S.Sengupta, learned counsel is present for the Respondents.

Call this matter on 24.07.2008 for hearing.

Send copy of this order to the Applicant in the address given in the

O.A.

Agenda
(R.C.Panda)
Member(A)

Y
(M.R.Mohanty)
Vice-Chairman

Copy of order dt- 7/7/08
Send to Direction for
issuing to applicant
by post.

pg

DT No - 3088

Clear 10/7/08. DT = 10/7/08 24.07.2008

Heard Mr. Anupam Chakraborty, learned counsel appearing for the Applicant and Mr. S. Sengupta, learned Railway Counsel appearing for the Respondents and perused the materials placed on record.

For the reasons recorded separately, this case stands dismissed.

Khushiram
(Khushiram)
Member(A)

Y
(M.R.Mohanty)
Vice-Chairman

lm

20.1.09
2008-3916 to
3916 8.9.08.
J.S.

Before

before
The Registrar, Central Administrative Tribunal
Guwahati Bench

50

Reg: Compliance of order/records
and Submission of reply to the Queries
made by the Hon'ble Central Admins.
- tralive Tribunal vide Order dated 16.8.08.
Proposed in O.R. No. 49/05

File in Court on

247
Court Officer.

C. B. Keenan
vs
Union of India & Others

The letter dated 30.6.08 along with
the enclosed documents were in they
have confirmed that no reply to Act's for
the period ending dated 31.3.01 and
31.3.02 were ever submitted by the applicant
and all such records as submitted and the
Contentio of the applicant are quite false
are submitted herewith ^{in original}. These may be
placed as documents for this case, before
tribunal, during the hearing

placed
the Hon'ble Tribunal, ^{dated}
of the Case on 24.7.2008
Thus, the order of the Hon'ble Tribunal has been completed in
The above letter
1.8.7.08

Enclosure: The above letter
dated 30.6.08
along with 11
envelopes, in
original

Recd from Smt
Sreekrishna
on 17.7.2008
Smt
Smt
17.7.2008

N.E.RAILWAY.

No. E/208/2/49/05/GHY.

OFFICE OF THE
DIVL.RLY.MANAGER(P),
ALIPURDUAR JUNCTION.

DATED 10/08/08.

To:

The General Manager(P),
N.E.Rly./Maligaon.
(For proper attention of APO/LC/MLG)

File in C.M. on 24/7/08

1a
Court Officer.

Sub:- OA No. 49/05/GHY
C. B. Kumar
-Vrs.-
U.O.I, & Others.

Ref:- Your letter No. E/170/Legal cell/NS/
570/08 dated 23.6.08.

In reference to your letter under reference, it is stated that the staff named as Phuphu Rani Mazumder had never worked in DRM(W)/APDJ's office. Of course, there is Khuku Rani Mazumder but signature in annexure G to OA is not of any of the staffs in DRM(W)/APDJ. In this connection, W.S. has already been filed and a subsequent clarification has also been furnished to you vide E/208/200A/49/05/GHY dated 13.10.06. Now again all relevant annexures (page 1 to 12) are being furnished.

In view of above, necessary action may be taken in the interest of the Railway.

DA/As above

(2 to 12 pages)

DA given to RA
27/7/08
CIV/APDJ
1-7-08

Q30618

J. C. Das

(R. B. Bandek)

APO/IR

for DIVL.RLY.MANAGER(P)/APDJ.

(un/30608.)

Received
CIV/CPD/SC
1-7-08

13 Received on 17/08
at 11 AM
17/08

58968 015544
Secondary School
Sri Aurobindo
Society

No. E/208/2/OA/49/05/GHY

Dt. 13.10.2006.

To
Central Administrative Tribunal,
Guwahati BenchFile in Court on.....
9/10/2006

Court Officer.

O.A.No. 49/2005
Sri C. B. Kumar
Vs
UOI and othersSub : Para-wise comments against rejoinder.

The para-wise comments against the rejoinder is furnished below :

Para – 1 : No comments.

Para – 2 : Already replied vide earlier reply.

Para – 3 : This item has already been replied. As stated earlier, no representation against the adverse remarks made in the ACR of Sri C. B. Kumar for period ending 31.3.01, communicated under DRM(W)/APDJ's confidential letter no. W/SS/CR/AP/Adv. Dt.03.4.02 has been received. The document produced as Annexure-G has been verified by the concerned sections and it transpires that this is a forged document (D – 1).

Para – 4 : As per practice, the adverse remarks in ACR is communicated to the concerned field staff through the respective ADEN. In this case, the adverse remarks made in the ACR of Sri C. B. Kumar for period ending 31.3.02 was communicated to him through ADEN/II/NBQ on 25.6.03 under this office letter no. W/SS/CR/AP/Adv (D-2, D-3). Such communications are made in duplicate copies, one meant for the staff concerned and the other for obtaining his acknowledgement for keeping in our office records. In this particular case, the acknowledged copy was not received from ADEN/II/NBQ may be due to the fact that APDJ division was bifurcated at that time (w.e.f. 01/4/03) and NBQ, being the border, suffered considerable turmoil in maintenance of office records.

In this connection, the following facts are brought to light (D-4 to D-8) :

- a) A communication was received from PS to Pr.CE/MLG on 29.9.03 for verification of some documents purported to have been issued from DRM/W/APDJ Office in connection with the ACR in respect of Sri C. B. Kumar. All these documents speak about rectification (read expunge) of the adverse remarks made in the ACR of Sri Kumar but none of them was issued from this office as per the notings and records maintained for this purpose in the office concerned.
- b) The reference numbers of the documents sent to DRM(W)/APDJ's office for verification does not match with that of the concerned dealing case. In fact that number is totally non-existent in DRM(W)/APDJ's office.
- c) The adverse remarks were communicated on 25.6.03 and from the verification documents (D-6 to D-8), it is seen that the letter communicating the expunging order has also been issued on 25.6.03 i.e., on the same date which is impracticable. The expunging authority in this case is DRM and, there is no such record of such case movement.

File in Court on.....

Court Officer.

-:: 2 ::-

d) The communication of adverse remarks was made through ADEN/II/NBQ who is the immediate officer of the concerned staff. But in these documents, it is seen that it is being served through ADEN/I/NBQ which is also against the procedure.

All these above facts raise a question mark against the authenticity of these documents and it appears that these all are forged and fabricated documents submitted to Pr.CE/MLG's office with the intention to serve some vested interest. As Sri C. B. Kumar is the recipient of the adverse remarks, it is likely that it is only he who had the intention to expunge the adverse remarks. Thus the circumstantial evidences, as noted above, indicate towards receipt of the adverse remarks by Sri C. B. Kumar.

DA: D₁-D₈ as above

Ans 16/10/06
For Divl.Rly.Manager(P)
N.F.Railway/APDJ

q/c
KA
LA
13-10-06

ADEN not in Htd. gys.
on 16/10/06

16

As per practice, the adverse remarks in ACR is communicated to the concerned field staff through the respective ADEN. In this case, the adverse remarks made in the ACR of Sri C. B. Kumar for period ending 31.3.02 was communicated to him through ADEN/II/NBQ on 25.6.03 under this office letter no. W/SS/CR/AP/Adv. Such communications are made in duplicate copies, one meant from the staff concerned and the other for obtaining his acknowledgement for keeping our office records. In this particular case, the acknowledged copy was not received from ADEN/II/NBQ.

It is pertinent to mention that APDJ division was bifurcated w.e.f. 01.4.03 and the communication was made on 25.6.03 through ADEN/II/NBQ, which falls under RNY division. However, on a later date, a communication was received from PS to Pr.CE/MLG for verification of some documents purported to have been issued from DRM/W/APDJ Office in connection with the ACR in respect of Sri C. B. Kumar. All these documents speak about rectification (read expunge) of the adverse remarks made in the ACR of Sri Kumar but none of them was issued from this office. These documents and Division's reply to HQ in this regard are already available in this file itself.

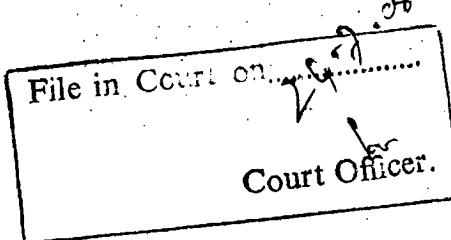
It appears from the above para that although the acknowledged copy is not available in this office, but the circumstantial evidence (i.e. production of forged and fabricated documents to GM/W/MLG's office regarding expunging of the adverse remarks made in the ACR of Sri C. B. Kumar) indicates towards receipt of the communication by Sri C. B. Kumar.

Law 13/10/06
C/Steno to Sr.DEN/C

Law Assistant

DKA

OK 13/10/06



Contd.... P P/B

contd.... PP/3
Regarding Annexure-C, no such appeal has been received.
Confidential section of SR.DEN(C)/APPD. The signature appearing
in the receipt Challan is not of any staff of this institution.
File: 1107245

$\cos(\omega - 2)$

S/W-2

- As verified the record of R.A.D Section, the signature is not of any of their Section. Hence the signature is not eligible.
- The receipt of Challan is forged signature.
- The signature appears to be forged signature.
- The stamp used in R.A.D Section is either round or two line stamp. The stamp is not matching.

Putting to SMDNC (c) for kind perusal.

~~Sv. DEN(C)~~

~~DENCE~~) Remarks had been furnished above
forward the case accordingly.

DP6 Corbwood 31/8/05

~~CLA~~

D8
D5
90
CONFIDENTIAL

N. F. RAILWAY

File in Court on.....?.....

2m 1m
Court Officer.

No W/SS/CR/AP/Rect.

Office of the
Divl. Rly. Manager (Works)
Alipurduar Jn.

Dt 06-2003

To
C. B. Kumar
SE/P/Way/BNGN

Through ADEN/1/NBQ

The following rectify remarks appear in your Confidential Report for the Year
Ending 31-03-2001 & 31-03-2002.

SECTION-II

1. Qualities of leadership	Outstanding
2. Capacity to make decision on matters within his competence.	Outstanding
3. Willingness to shoulder higher responsibility.	Outstanding
4. Ability to inspire to confidence, guide & motivate and obtain the best out of the staff	Outstanding
5. Ability to enforce discipline	Outstanding

These are being communicated to you to encourage you in all way.

Please acknowledge receipt of this letter on the extra copy enclosed which should be return to this office within a fortnight.

25.6.03

For Divisional Railway Manager (Works)
N. F. Railway, Alipurduar Jn.

COPY TO :
EM/W/MLG.
N.F. Railway. for information & necessary
action, please.

Without
any
delay

Ref:
D4
91

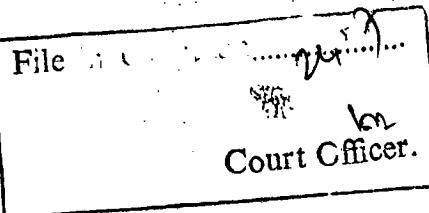
N. F. RAILWAY

CONFIDENTIAL

Office of the
Divl. Rly. Manager (Works)
Alipurduar Jn.

Dt. 25-06-2003

No. W/SS/CR/AP/Rect.



To
ADEN/1/NBO

Enclosed please find here with one CIR in duplicate addressed to Sri C. B. Kumar SE/P.Way/BNGN containing the rectify remarks made on his ACR for period ending 31-03-2001 & 31-03-2002 due to the outstanding performance in year 2002-2003. This remarks rectified by the SRDEN (C) Please handover the letter to the staff concerned & send the same to this Office early for records.

Enclo. Two Sheets.

For Divl. Rly. Manager (Works)
N. F. Railway, Alipurduar Jn.

For C.R. - Number 52

Copy to :
BN/W/MC.
N. F. Railway, for information & necessary
action, please.

D3

CONFIDENTIAL

Office of the
Divl. Mgr. Manager (Works)
Alipurduar Jn.

नेशनल रेलवे का कार्यालय

मालोगाँ

781011

इंजिनियर एंजीनियर

Office of the Civil Engineers

N. F. Rly. Station

सुनामगढ़ 781011

NO. 4/SS/C.E./A.R./RC.R.

PC,

11/10/11.

N.F.Rly.

File in Court on 25.06.2003.

26/6/03
Court Officer.

Enclosed please find here with one CR in duplicate addressed to Sri C.B. Kumar SE/P-way/BNGN containing the rectify remarks made on his ACR for period ending 31.03.2001 to 31.03.2002 due to the outstanding performance in the year 2002-2003. This remarks rectify by the SR. DEN(C) APDU kindly acknowledge receipt.

Enclo : One sheet.

✓ For Divl. Mgr. Manager (Works)
N. F. Railway, Alipurduar Jn.

No. 4/SS/C.E./A.R./RC.R.

6

25

7/10/03

D2

2 73

File no. 102

24

on

Court Officer.

(Confidential)

NORTHEAST FRONTIER RAILWAY

Headquarters office,
(Works Branch)/Maligaon

No. CE/SS/13/6/Pt.VI

29th Sept/03

Sr.DEN/C/APDJ
NF Railway

Sub : ACR in respect of Shri C.B.Kumar, SE/P.Way/BNGN.

Kindly refer to our telephonic conversation on date regarding above. As desired, enclosed kindly find copies of the letters purported to have been issued from your end. As discussed, you may kindly get the matter verified and send a reply to this office in a sealed cover so that further action involving Vigilance branch in this case can be taken, as desired by PCE.

Enclo : 4 copies of letters.

Caru S
PS to Pr.CE.

D1

CONFIDENTIAL

N. F. RAILWAY

NO. W/SS/CR/AP/Adv.

File in Court on.....

✓
Court Officer.

Office of the
Divl. Rly. Manager (Works)
Alipurduar Jn.

Dt: 08.10.2003

To:

PS to Pr.CE/Maligaon
N.F.Railway

Sub: ACR in respect of Sri C. B. Kumar, SE/P-way/BNGN

Ref: Your Confidential Letter No.CE/SS/13/NG/Pt.VI
dt.29.9.2003.

The letters in question have been verified at this office. The reference no. quoted in all the three letters (i.e. W/SS/CR/AP/Rect.) does not at all exist in this office. Neither any such letter for expunging the adverse entries made in the ACR of Sri C. B. Kumar has been issued under any other case nor to GM/W/MLG or to the concerned staff.

The adverse remarks made in the ACR of Sri C. B. Kumar for the period ending 31.3.2002 were communicated to him under this office letter no. W/SS/CR/AP/Adv. Dt.25.8.03. Adverse remarks were also made in his ACR for P.E. 31.3.201 which were communicated to him under even no. dated 03.4.2002. Copies of these letters are enclosed for ready reference. These ACRs have been routed through all the concerned officers before being accepted by ADRM/APDJ. In neither case, Sri Kumar has even bothered to submit any defence against the adverse remarks. So question of expunging the adverse entries does not arise at all.

It is evident that all these three counterfeit letters have been produced with the evil purpose to vitiate the valid office records and to lead the administration astray.

B
9/10/03
Sr.Divl.Engineer(Co-ord)
Alipurduar Jn.

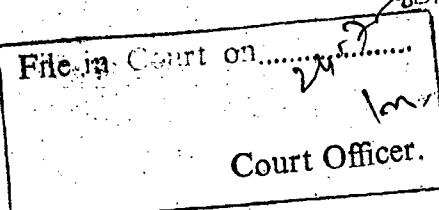
je

CONFIDENTIAL

N. F. RAILWAY

No. W/SS/CR/AP/Adv.

To
Sri C. B. Kumar,
SE/P-way/BNGN



Office of the
Divl.Rly. Manager(Works)
Alipurduar Jn.

Dt. 24.06.2003
23

(Through ADEN/II/NBQ)

The following adverse remarks appear in your Confidential Report for the Year Ending 31.3.2002 :

Part/iii

1. Does the reporting officer agrees with the statement made in part II? If not, the extent of disagreement and reasons therefore.
No, not with all statements. No curves have been realigned. No speed restrictions have been removed because of lack of sufficient required P-way materials. No due self initiative have been taken by him for improvement of track with available resources and materials available with other PWIs.
2. Tact and Temper
He is not tactful, short tempered.
3. Initiative and direction
Lack of initiative and direction.
4. Keenness, promptness and efficiency
He is neither keen nor prompt and is less efficient.
5. Power to control others
Good, but he does not use it in a positive sense.
6. Quality of leadership
Good, but he does not use it in a positive sense.
7. Organising/supervising ability
He is not a good supervisor/ organizer
8. Amenability to discipline
Poor
9. Knowledge of rules, regulations and procedure
Not sufficient
10. Are his muster roll and gang charts properly entered and well kept?
Not always, sometimes his muster sheets are found in filthy condition.
11. Is his knowledge such as would be expected from one of his rank?
No. He requires training in G & SR, LWR maintenance & Bridge maintenance.
12. Has his work been satisfactory? if not, in what respect he has failed?
No. Due to his lack of initiation, works are not completed properly & timely. He failed to do his inspections effectively.
13. His relation with the staff working under his supervision and other fellow employees.
Not proper with all.

These are being communicated to you not to discourage you in any way, but it is desired that they should enable you to know and rectify your defects so that you may earn a better report next year.

Please acknowledge receipt of this letter on the extra copy enclosed which should be returned to this office within a fortnight.

For Divisional Railway Manager(Works)
N.F.Railway, Alipurduar Jn.

83
24
C

CONFIDENTIAL

N.E.RAILWAY

Office of the
Divl.Rly. Manager(Works)
Alipurduar Jn.

Dt: 25/6/2003

No. W/SS/CR/AP/Adv.

To
ADMEN/BN/NBQ

Enclosed please find herewith one confidential letter in duplicate bearing no. W/SS/CR/AP/Adv. Dated 25/6/2003 addressed to Shri C. B. Kumar, SE/P-way/BN/GN containing the adverse comments made on his ACR for period ending 31.3.2002. Please hand over the letter to the staff concerned under his clear acknowledgement on the other copy so marked, and send the same to office early for records.

Encls: Two sheets.

For Divl.Rly. Manager(Works)
• N.E.Railway, Alipurduar Jn.

B

CONFIDENTIAL

N. F. RAILWAY

Office of the
Divl.Rly.Manager(Works)
Alipurduar Jn.

No. W/SS/CR/AP/Pt.IV(movement)

To
PS to Pr.CE
N.F.Railway, Maligaon

File in Court on.....

08.10.04

102
Court Officer.

Sub : Suitability Test for the Post of SSE/P-way

In reference to telephonic advice of PS to Pr.CE/MLG, the ACRs on the following SSE/P-ways are sent herewith for your further disposal in connection with promotion to the grade of SSE/P-way.

- 1) Sri C. B. Kumar - P.E. 31.3.01, 31.3.02 & 31.3.03.
- 2) Sri B. K. Rajak - P.E. 31.3.01, 31.3.02 & 31.3.03.
- 3) Sri J. B. Guha - P.E. 31.3.03 (ACRs for P.E. 31.3.01, 31.3.02 & 31.3.03 have been sent to HQ under this office letter of even no. dated 11.3.04)
- 4) Sri S. K. Dey - P.E. 31.3.04 (ACRs for P.E. 31.3.01, 31.3.02 & 31.3.03 have been sent to HQ under this office letter of even no. dated 11.3.04)

The ACRs of the above staff for P.E. 31.3.04 have been submitted to ADRM/WAPDJ on 29.7.04 for acceptance, which have not yet been returned.

Gauri
10/10/04
(K. Sarkar)
C/Steno to Sr DEN/C/APDJ

074

P.C.E.
10/10/04

ACKNOWLEDGEMENT

(65)

CONFIDENTIAL

N. E. RAILWAY

No. W/SS/CR/AP/Adv.

To
Sri C. B. Kumar,
SE/P-way/BNGN

File No. 51.....
Court Officer.

Dt. 03/4/2002

Office of the
Divl. Rly. Manager(Works)
Alipurduar Jn.

(Through ADEN/II/APDJ)

The following adverse remarks appear in your Confidential Report for the Year
Ending 1.3.2001 :

Part/III

1. Habit & Temper	He is short tempered, not tactful
2. Initiative & direction	Lack of initiative & direction
3. Keenness/Promptness & efficiency	He is slow starter
4. Organising/Supervising ability	He is a poor supervisor
5. What was the date of the last annual inspection of his/her area and what was the impression as a result of his inspection	It was in June'2001. He completes his schedule of inspection on register but on ground he is not aware where to measure and limits thereof.
6. Is his/her technical knowledge such as would be expected from one of his rank ?	No. He must be recommended to undergo the training for maintenance of LWR particularly.
7. Has the employee been reprimanded for indifferent work or for other causes during the period under review? If so, please give brief particulars.	He has left the HQ without permission, resumed the duty after remaining unauthorized absent for a week.

Part/IV

8. As mentioned by reporting officer in Part-III item no. 1, 2(a),(c),(e), 16, 34, poor supervision, lack of knowledge, indiscipline with his seniors, he has left Hqrs. without permission. Hence grade is modified as "Below Average".	Below Average
9. General remarks with specific moments about the general remarks given by the Reporting Officer and remarks about the meritorious work of the office including the grading	Below Average

Section-II

10. Qualities of leadership	Below Average
11. Capacity to take decision on matters within his/her competence.	Below average
12. Ability to inspire to confidence, guide, motivate and obtain the best out of the staff	Below Average
13. Ability of enforce discipline	Below Average

These are being communicated to you not to discourage you in any way, but it is desired that they should enable you to know and rectify your defects so that you may earn a better report next year.

Please acknowledge receipt of this letter on the extra copy enclosed which should be returned to this office within a fortnight.

For Divisional Railway Manager(Works)

(A)

(6)

KNOWLEDGE

Office of the
Assistant Engineer
NCR Bangalore
05/02/02

No. E/Comptd./1/1032

To: DKA (a) AP

Enclosed file, kindly acknowledge -
Enclosed file, find the reply letter no. WSS/CR/AP/Adv
on 05/02/02 forwarded to Sri. C. B. Kumar
S/No. 10/2002 dated 05/02/02 for further
#E/F. 0001/0001 on 05/02/02

DA
ACK-COPY

Encl 104/0
संचार विभाग
Ass't. Division Engineer-D
क्र. नं. १०४/०००१
N.S. Railway, Bangalore

File Court on.....
Court Officer.

P.W.C. on the O.A. No.49/2005 between Sri C.B.Kumar, SE/P-way/North Barsoi & Union of India (GM/NFR)

Remarks against Para No.4.11

The ACRs in respect of Sri C. B. Kumar for P.E. 31.3.01, 31.3.02 & 31.3.03 had earlier been sent to PS to Pr.CE on 08.10.04. The ACR dossier of Sri Kumar, containing the balance ACRs from P.E.31.3.96 has been sent to DRM/W/KIR on 04.3.05 on being asked by CA to Sr.DEN/C/KIR. However, from the correspondence made with Sri C.B.Kumar for communication of adverse remarks in the ACR for P.E. 31.3.01 under this office letter no. W/SS/CR/AP/Adv. Dt.03.4.02, it is seen that there is a mention of June'01 regarding the last date of inspection. Photocopy of the letter, duly received by the staff concerned, is submitted for reference (Marked 'A').

*What about
here Or to
the O-A*
929

No appeal was received by this office for expunging the adverse entries. Hence the remarks contained in the ACR in respect of Sri C.B.Kumar for P.E.31.3.01 holds good.

Remarks against Para No.4.12

For the purpose of promotion, last 3 years ACRs are normally taken into consideration. In this case also, this procedure has been followed by HQ. Copy of the forwarding note for sending last 3 years' in respect of Sri C.B.Kumar to PS to PCE/MLG is submitted for reference (Marked - 'B').

There were adverse entries in the ACR of Sri C.B.Kumar for P.E.31.3.01 and there were also adverse entries in his ACR for P.E.31.3.02 as well, which were communicated to him on 03.4.02 & 24-25.6.03 respectively under this office letters bearing no. W/SS/CR/AP/Adv (Marked - 'C'). No representation/ appeal has been received in this regard from the concerned staff.

In this connection, a letter issued from PS to Pr.CE on 29.9.03 carries much relevance. In the letter, PS to Pr.CE asked the division to check the authenticity of three documents purported to be issued from DRM/W/APDJ office. Copies of the letter, the enclosed documents and the reply of this office are submitted for reference (Marked - 'D1' to 'D5'). It is evident from the whole scenario that somebody has played a foul game with the intention to give undue benefits to Sri C.B.Kumar.

*Paras
16.5.05
C/Stat to Sr.DEN/C*

2

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No. 49 of 2005

DATE OF DECISION: 24.07.2008

Sri Chandra Bhushan Kumar

.....Applicant/s

Mr.A.Chakraborty

.....Advocate for the
Applicant/s.

- Versus -

Union of India & Others

.....Respondent/s

Mr. S.Sengupta, Railway counsel.

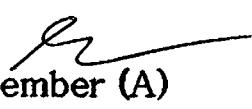
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment?	Yes/No
2. Whether to be referred to the Reporter or not?	Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment?	Yes/No


Vice-Chairman/Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 49 of 2005

Date of Order: This, the 24th Day of July, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Chandra Bhushan Kumar
Working as Section Engineer in
the Office of the Section Engineer/P.Way
North Barsoi, P.O: Barsoi
Kathiar, N.F.Railway.

..... Applicant.

By Advocates Mr.A.Chakraborty & Mrs.U.Dutta.

- Versus - :

1. The Union of India
Represented by the General Manager
N.F.Railway, Maligaon
Guwahati-11.
2. The General Manager (P)
N.F.Railway, Maligaon
Guwahati-781 011.
3. The Divisional Railway Manager (Works)
N.F.Railway, Alipurduar Jn.
4. The Senior Divisional Engineer
N.F.Railway, Alipurduar Jn.
5. Sri Samar Kr. Dey
Section Engineer (P-Way)
Office of the Sr.DEN/C
Alipurduar Junction.
6. Sri B. Dasgupta
Section Engineer (P-Way)
Office of the Sr.DEN/C
Lumding.
7. Sri S. Saikia
Section Engineer (P-Way)
Office of the Sr. DEN/C
Tinsukia.

..... Respondents.

By Mr. S.Sengupta, Railway Counsel.



O R D E R (ORAL)
24.07.2008

KHUSHIRAM, MEMBER(A) :

The Applicant has not been declared unfit for promotion but has been superceded by his juniors for promotion to the post of Senior Section Engineer/P.Way (Sr.S.E./P.Way in short) in the pay scale of Rs.7,450-Rs.11,500/- which is non selection post and promotion to the post is made by a suitability test where the employees are considered for promotion on the basis of their 'seniority'. Without declaring the Applicant unsuitable, Applicant's case could not have been ignored for promotion. By promotion order dated 06.07.2005, 5 Section Engineers were temporarily promoted to the post of Sr.S.E./P.Way in the aforesaid scale. Applicant was not considered in the said order though two of his juniors were considered and promoted superceding him. Previously also, another promotion order dated 31.02.2003 was issued by granting promotion, temporarily, to 14 Section Engineers as Sr.S.E./P.Way. Applicant was denied promotion; whereby 14 Section Engineers all junior to the Applicant were promoted. ACR of the Applicant, ending on 31.03.2001, had one adverse remarks; which was represented against by the Applicant on 12.06.2002 and according to the Applicant, the same was duly acknowledged by the Respondents and that the said representation (against the adverse remarks) have not yet

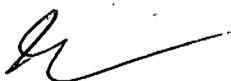


been disposed of by the Railway Authorities and, as per Railway instruction procedures, "adverse remarks are not deemed as operative and final if any representation filed against it is pending" and that, in spite of the pendency of such representation, the Applicant was overlooked for promotion. Aggrieved by the said action of the Respondents, Applicant has filed the present O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking mainly the following relief:-

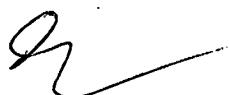
"8.1 The Applicant be considered for
• promotion to the post of Senior
• Section Engineer/P.Way without taking
the adverse communication for the year
ending 31.03.2001.

8.2 The promotion order dated 23/29-11-
2004 be modified including therein the
name of the applicant."

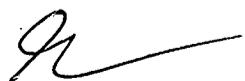
2. Respondents, who have filed a written statement, stated that the O.A is based on wrong premises and suffers from mis-conception of rules and laws on the subject and is based on surmise only. Respondents have specifically stated that besides selection matters and consequent seniority aspects pertaining to years 2002 and 2003, Applicant raised the question of ACR for the year ending 31.03.2001 in this O.A.; that, if he had any legitimate grievance, he could have agitated those points much earlier within the stipulated period fixed under law/rules and that, therefore, the present O.A. (which was filed in the month of February, 2005 questioning the



order of promotion dated 07.05.2002, 21.02.2003 and 07.11.2003 etc.) by the Applicant is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. Respondents have clarified that the result of the suitability test was already notified and the adverse entries in his ACR were communicated to him. No separate declaration of one's unfitness etc. (as contended by the Applicant) was required under the facts and circumstances of this case. Respondents have stated that S/Sri V.N.Choudhury (SC) and B.Dewraja (ST); who are juniors to the Applicant as Section Engineer; were promoted as Sr.S.E./P.Way in the scale of Rs.7450-11,500/- (as against reserved vacancies) vide office order dated 06.07.2002. The case of the Applicant was also placed before the competent authority for consideration, but his case (name) could not find place in the select list as he was not found suitable. The representation dated 17.06.2003 referred to by the Applicant in paragraph 4.8 of the O.A. is not traceable in the office record of the Respondents. Respondents conducted a specific enquiry/search to ascertain the truth of the statement of the Applicant (regarding his alleged submission of the representation placed at Annexure-G) and it was found that no such representation was received by the Respondents and the allegation of the Applicant on this point is stated to be false. No appeal against adverse remarks for the period ending 31.03.2001 was received by



the Respondents. It has been stated that the post of Sr.S.E/P.Way in the scale of pay of Rs.7,450-11,500/- is a non selection post and the promotion is based on 'seniority cum suitability' and 'suitability' is judged on the basis of the ACRs of last 3 years and that since the Applicant had adverse remarks in the ACR for the period ending 31.03.2001 (as well as for the period ending 31.03.2002) which was duly communicated to him (and against which no representation/appeal was submitted by the Applicant) his unsuitability for promotion was based on record. It has also been stated by the Respondents that silence of the Applicant/non-submission of any further letter/reminder, nor approaching the Hon'ble Court/Tribunal (by the Applicant) in case his representation was pending and not responded to within the given time frame, in such a case, the submission being made now by the Applicant in his O.A. are "outcome of his afterthought and is not entertainable" under any law. Applicant's contention regarding sending the representation through fax could not be understood when on the body of Annexure-C to the O.A. it is mentioned that the same has been submitted through proper channel and there is no mention on it about being sent through fax as contended at paragraph 4.8 of the O.A. and also against which particular order of the Railway Administration the alleged representation pertains. Further from Annexure-G it transpires that it is a



translated copy and is a unsigned one. In his 12.06.2002 representation, Applicant had not mentioned about the adverse entries for the period ending 31.03.2002 as well while raising question about selections conducted and promotion orders issued on 07.05.2002, 21.03.2003 and 07.11.2003. Since Applicant did not represent against the adverse remarks, the adverse remarks contained in the ACRs for the period ending 31.03.2001 and 31.03.2002 hold good. Both the adverse entries for the periods ending 31.03.2001 and 31.03.2002 were duly communicated to him; against whom no representation is received by the Respondents. Since the Applicant remained silent for all these years, he is legally estopped from alleging all these issues pertaining to adverse remarks for the period ending 31.03.2001 and selection matters of 2002, 2003 and 2004.

3. We have heard Mr. A.Chakraborty, learned counsel appearing for the Applicant, and Mr.S.Sengupta, learned Counsel appearing for the Railway/Respondents, and have gone through the records placed before us. Learned counsel for the Applicant, while making his submissions, invited our attention to Annexure-G which is purported to be a receipt on behalf of the Respondents for having received the representation/appeal against adverse confidential report as a proof (on behalf of the Applicant) that he had submitted the representation against adverse remarks and submitted that, since

92

representation was not decided by the Respondents, the adverse entries, as per Railway instructions cannot be taken into consideration while making promotion.

4. Learned counsel for the Applicant also filed an M.P. No. 99/2008 (on 21.07.2008) about 2 days before the matter came up for final hearing to permit him to implead Sri Mahadev Prasad, Senior Trackman/under SSE/P-Way, N.F.Railway, Bongaigaon and Smti Phupu Rani Mazumdar, Office of the DRM(W) working in Receiving and Desptach Section, N.F.Railway, Alipurduar Junction as Respondents. But to corroborate the facts regarding receipt of his representation against adverse remarks filed by the Applicant in the O.A. he could have filed affidavit on behalf of the persons concerned, who received his representation against adverse remarks so that those persons could be called upon, if required, to corroborate the facts of the receipt. But the delay in filing of this M.P. only makes it clear that learned counsel tried to plug the loopholes of the Application and the prayer made in the M.P. cannot be permitted at this late stage. Even if it was allowed earlier, it is doubtful whether Sri Mahavev Prasad and Smti Phupu Rani Mazumdar would have supported the contention of the Applicant? Applicant could have submitted photocopies of inward register of the diary and dispatch section which is available in his own office as proof of submission of representation given

U

the claim of Applicant having submitted his representation "through proper channel."

Learned counsel for the Railways Mr.S.Sengupta in his submission stated that the documents produced at Annexure-G to the O.A. has been verified by the concerned section and it transpires that those are forged documents. It is also stated by him that no representation was ever submitted by the Applicant against adverse remarks and the acknowledgement thereof have not been submitted by the Applicant. According to him, documents produced by the Applicant are forged and fabricated as no one would have gained by non-submission of representation for expunction of the adverse remarks against the Applicant.

5. We have considered rival contentions of both the parties and have perused the records. Admittedly, the Applicant had adverse remarks for two years for the periods ending 31.03.2001 and 31.03.2002; as against which submission of representation has not been proved and onus of proof of having submitted representation was more heavy on the Applicant in view of the denial by the Respondents. Since the Applicant could not prove this fact, his supercession as result of his service record, cannot be said to be bad. Since he was superceded earlier also and he failed to represent against the same in time; the presumption would certainly be there to hold that he

h

(Applicant) did not represent against the adverse entries at all. Therefore, Applicant's allegation against the supercession at this stage is, not only barred by limitation, but also devoid of any merit; because on the basis of the ACRs (which carried adverse remarks) he was superceded in the matter of promotion.

6. In view of the forgoing discussions, we are of the considered opinion that the relief, as prayed for in the O.A., cannot be granted to the Applicant and the O.A. is liable to be dismissed.

7. Accordingly, the O.A. is dismissed with no order as to costs.

Khushiram
24/07/08

(KHUSHIRAM)
MEMBER (A)

Manoranjan Mohanty
24/07/08
(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

✓ ~~Arab MR~~
GPR CIS

29/11/04 upward voli

Day test

Recovery of Cash in ~~well~~ wet
effect - ~~Brook~~ ~~Adwest~~ Connection

discrepancy fact
Sparks false illegible

Upone this Report back

Amount ~~JKR~~ and for
Govt. in ~~very~~ ~~extremely~~
~~ad. connection~~
~~vis. JKR~~

~~Offered~~

~~Reported~~

~~31-3-02~~

~~Sub~~ ~~25/3/03~~ Since " all not connected
should not be charged,
or ~~abnormal~~

43

2 Alm Reptiles to the
2 Surpised H

43
161

N.F.RAILWAY

OFFICE ORDER

The following transfer, posting & promotion order is issued to take immediate effect:

The following SE(P.Way) who have been found suitable for promotion to the post of SSE/P.Way in scale Rs. 7450-11500/- against the existing vacancy in terms of his office memorandum of even number dtd. 8/11/05 are hereby temporarily promoted as SSE/P.Way in scale Rs. 7450-11500/- & posted as under with immediate effect.

Sn	Name	Designation	Working under	Now posted as
1.	Sri C.B.Kumar	SE/P.Way	Sr.DEN/C/KIR	SSE/P.Way in scale Rs.7450-11500 under Sr.DEN/C/KIR
2.	S.R.Dcb	SE/P.Way	Sr.DEN/C/KIR	-do-
3.	Hrishikesh Roy	SE/P.Way	Sr.DEN/C/KIR	SSE/P.Way in scale Rs.7450-11500/- under Sr.DEN/C/RNY

This has the approval of competent authority.

19/11/05

(S.DEVI)
APO/Engg.

For GENERAL MANAGER(P)
MALIGAON

NO. E/283/37/Pt-XXIII(E)

dated: 19/11/05

Copy forwarded for information and necessary action to:

1. CTE, Dy. CE/TD/MLG
2. DRM(P)/KIR, RNY
3. DRM(W)/KIR & RNY

For GENERAL MANAGER(P)
MALIGAON

Re: OA NO' 619/2005 before AT/GM

subsequent vacancy occurred as on :- 22.6.5

no. of candidates found eligible = 03 ✓

03 candidates found suitable
for promotion to the post of
SSB/P-way mid. o.o. NO.

B/283/37/ Ph X III (P) dt 21-11-95 &
promoted as SSB/P-way.

1 " En. C.B. Jaiswar ✓

2 " S. R. Deb

3 " H. Roy

CTB approved the panel on 26.8.95

YHS has no relationship with
earlier suitability tests.

DR 9.3.95
APD/B

BRIEFWritten Argument - Points which are ~~not~~ relevant.

1. Case is barred by limitation as it has been filed in February 2005 or so when alleged cause of action pertains to years 2002, 2003 and A.C. relates to year ending 31.3.2001.

He has been agitating over the Selection / promotion matters, dated office orders dated

7.5.02 —
21.2.03 —
7.11.03 —

Section 21 of C.A. Tribunal act bars filing of such case after he slept over these issues all these years.

2. His contention regarding submission of appeal on 12.6.02 against A.C. is unfounded and appears to be fabricated one as will appear from the entries conducted by the P.R. Further he never submitted any reminder or so if his contention is correct and more so when Selections were held on 21.2.03, 7.11.03 etc. and more than 3 years or so passed from the date of receipt of A.C. for 31.3.01 period ending (as received by him in May 2002) (vide para 4.11 of the application) in the intervening period nearly 6 months.

3. During the intervening period nearly 6 months 26 persons (from S.E's who are junior to him according to seniority list as on 1.4.2000) have been selected and promoted as S.S.C. (i) vide Selection order dated 6.5.02 — 2 (S.C.A.S.T candidates)
 (ii) vide order dated 21.2.03 (Annexure B to application) — 14 staff
 (iii) " " " 7.11.03. (Annexure D) — 10 staff to application

His case / impugned order is O.O. dated 23.11.04. which is nothing but an order for restructuring as per Board's letter, serial nos. 18, 40, 17 to 32, 33 to 42, 51, 62 who are junior to him were already promoted since that

(Contd next page)

Thus :

(i) 2 Juniors as per Annexure A (to application) which is a seniority list - are S.C. & S.T. Candidates against reserved posts.
(Serial No. 18 & 40) vide ~~47~~
OO dated 6.5.02

(ii) Selected/promoted vide Annexure B, to appl.
order dated 21.2.03
— 14 S.E's who are junior to applicant ie.
Serial Nos. 17, 19, 21 to 21,
27 to 32.

(iii) Vide OO, dated 20.8.03, 7.11.03
with Serial Nos. 33 to 42,
51, 62.

But his submits that his ~~case~~ present case is for modification of the promotion orders/selection, and, is ~~an~~ against 3 respondents mainly ie Respondents Nos. 5, 6, and 7. ie. Sl. No. 51, 52 and 53 of Annexure A to application.

Thus, the application suffers from contradiction and vagueness, also.

4. Railway Administration has made thorough enquiry already about ~~case~~ genuineness of Annexure B, attached to application and it appears to be false one that he has submitted any appeal against the said Ach. for year ending 31.3.01. and ~~there~~ no scope for further enquiry into the said Ach, there were adverse remarks against various items, other columns in the said Ach. ~~but~~

Question of selection / its suitability tests ~~held~~ subsequently also did not arise as ~~the~~ his Ch's for the period 31.3.02 was also not satisfactory and as such question of his promotion did not arise.

5. Case is fit one for dismissal as per available records and contents of the application of the applicant itself and law involved in the case, Selections were held properly and no protest was lodged against Selections more than 2 batches so long.

Attention to Sri A. Chakraborty Advocate Gyr.

Subject: Transfer

2016/2016/2016

On the following basis, on posting of probation order issued to take

1. The concerned P.Way. SEDEN/CKIR has been placed under trial and suspended for failing to file a suit in the court of law for the recovery of Rs. 7450-11500/- against the existing vacancy in the office of the concerned officer, whose dtd. 31/12/07 is hereby discontinued as SEDEN/CKIR in scale Rs. 7450-11500/- & posted in under SEDEN/CIRNY.

Name	Designation	Working under	Now posted as
Mr. M. Kumar	SE P.Way	SEDEN/CKIR	SSEP.Way in scale Rs.7450-11500/- under SEDEN/CKIR
Mr. R. Das Mr. Bhikesh Roy	SE P.Way	SEDEN/CKIR	do SSEP.Way in scale Rs.7450-11500/- under SEDEN/CIRNY

This has the approval of concerned authority.

(S. Devi)
A/PQ Engr.
For GENERAL MANAGER(P)
MALIGAON

Urgent/URGENT

dated 27/1/08

to be forwarded for information and necessary action to

1. CTP. DR. CSTD. MIA
2. DIRM/PEKIR. RNY
3. PROJ. MGR. PWD

27/1/08

For GENERAL MANAGER(P)
MALIGAON

27/1/08

S. Devi
A/PQ Engr.
C. B. Kumar
B. S. Kabor

D5
N. F. RAILV...

CONFIDENTIAL

Office of the
Divl. Rly. Manager (Works)
Alipurduar Jn.

No W/SS/CR/AP/Rect.

Dt. 25-06-2003

To
C. B. Kumar
SE/P-Way/BNGN

Through ADEN/1/NBQ.

The following rectify remarks appear in your Confidential Report for the Year
Ending 31-03-2001 & 31-03-2002.

SECTION-II

1. Qualities of leadership	Outstanding
2. Capacity to make decision on matters within his competence.	Outstanding
3. Willingness to shoulder higher responsibility.	Outstanding
4. Ability to inspire to confidence, guide & motivate and obtain the best out of the staff	Outstanding
5. Ability to enforce discipline	Outstanding

These are being communicated to you to encourage you in all way.

Please acknowledge receipt of this letter on the extra copy enclosed which should be return to this office within a fortnight.

E
25.6.03

For Divisional Railway Manager (Works)
N. F. Railway, Alipurduar Jn.

COPY TO :
EM/H/MLG.

N.F.Railway. for information & necessary
action, please.

DRW/for
19-11-03
19

4

**P.W.C. on the O.A. No.49/2005 between Sri C.B.Kumar, SE/P-way/North Barsoi
& Union of India (GM/NFR)**

Remarks against Para No.4.11

The ACRs in respect of Sri C. B. Kumar for P.E. 31.3.01, 31.3.02 & 31.3.03 had earlier been sent to PS to Pr.CE on 08.10.04. The ACR dossier of Sri Kumar, containing the balance ACRs from P.E.31.3.96 has been sent to DRM/W/KIR on 04.3.05 on being asked by CA to Sr.DEN/C/KIR. However, from the correspondence made with Sri C.B.Kumar for communication of adverse remarks in the ACR for P.E. 31.3.01 under this office letter no. W/SS/CR/AP/Adv. Dt.03.4.02, it is seen that there is a mention of June'01 regarding the last date of inspection. Photocopy of the letter, duly received by the staff concerned, is submitted for reference (Marked 'A').

No appeal was received by this office for expunging the adverse entries. Hence the remarks contained in the ACR in respect of Sri C.B.Kumar for P.E.31.3.01 holds good.

Remarks against Para No.4.12

For the purpose of promotion; last 3 years ACRs are normally taken into consideration! In this case also, this procedure has been followed by HQ. Copy of the forwarding note for sending last 3 years' in respect of Sri C.B.Kumar to PS to PCE/MLG is submitted for reference (Marked - 'B').

There were adverse entries in the ACR of Sri C.B.Kumar for P.E.31.3.01 and there were also adverse entries in his ACR for P.E.31.3.02 as well, which were communicated to him on 03.4.02 & 24-25.6.03 respectively under this office letters bearing no. W/SS/CR/AP/Adv (Marked - 'C'). No representation/ appeal has been received in this regard from the concerned staff.

In this connection, a letter issued from PS to Pr.CE on 29.9.03 carries much relevance. In the letter, PS to Pr.CE asked the division to check the authenticity of three documents purported to be issued from DRM/W/APDJ office. Copies of the letter, the enclosed documents and the reply of this office are submitted for reference (Marked - 'D1' to 'D5'). It is evident from the whole scenario that somebody has played a foul game with the intention to give undue benefits to Sri C.B.Kumar.

Dear
16.5.05
C/Steno to Sr.DEN (C) /APDJ

✓ 6/9 5
N.F.RAILWAY.

NO. E/208/2/QA/49/05/GHY.

OFFICE OF THE
DIVL.RLY.MANAGER(P),
ALIPURDUAR JUNCTION.

DATED 2 / 09/05.

To:
The General Manager(P),
N.F.Rly./Maligaon.
(Special attention of APO/LC/MLG)

Sub:- OA/49/05 - C.B. Kumar -
Vrs.- U.O.I. & Others.

Ref:- Your L/No.E/170/LC/NS/616/05
dated 17.8.05.

In reference to above, it is to inform you that
Sr.DEN's office vide their noting (copy enclosed) has stated
that the Annexure-'G' to the O.A. appears to false. As such,
action may be taken accordingly.

DA-1.

2/9/05 (A.K. Mukherjee) Ado/2
for DIVL.RLY. MANAGER(P),
ALIPURDUAR JUNCTION.

(un/2905.)

A.C. passed expt
for mla. R.
for Ado/2
2/9/05

regarding classification of P.W.C. so
furnished by Sr. DEN/C with
P.P-2

P.W.C. of the O.A. so furnished

Sr. DEN/C were sent to H.Q. Now

Note their letter at no- 5/10/LC/NS/6161 dated 17/11/61
stated that the O.A. had sought classification

as to " " in reply to para-11

stated that the applications do not go to the

appeal for expunging the adverse report in his

but the petition has arrived a

in O.A.'s name 'G' which shows

had submitted appeal in name

hence it requires to clarify

position of any member(s) do the O.A.

(i) Answer to 'G' do the O.A. in true
form on Hulse.

(ii) If true then result of the same

for above clarified

is reported to Sr. DEN/C

~~Do~~

Sr. DEN/C may give demands

PP/4

Contd... PP/3

Regarding Annexure-G, no such appeal has been received by the Confidential Section of S.D.E.N(C)/ADD. The signature appearing in the receipt Challan is not of any staff of the section.

COS/W-2

- As verified the record of R&D Section, the signature is not of any of their staff.
- The receipt of Challan is eligible.
- The signature appears to be forged signature.
- The stamp used in R&D Section is either round or two line stamp. This stamp is not matching.

cf/tono to S.D.O/ceo

PP/3
Ans

Put up to S.D.E.N(C) for kind perusal.

~~S.D.E.N(C)~~

Remarks have been furnished above. D.P.O may please forward the Case accordingly.

31/8/05
C/SAC

~~DPO~~ *Chandan*

31/8/05

~~At CLA~~

P.W.C on the O.A.NO.49/2005 between Sri C.B.Kumar,SE/P.Way/North Barsoi
& Union of India(GM/N.F.R)

4.1- No comments.

4.2- No comments.

4.3- The posts of Sr. Section Engineer (P.Way) in scale Rs.7450-11,500/- is a non-selection posts and promotion is being made to this category on the basis of seniority cum suitability. The suitability judge based on last 3 years ACRs.

4.4- No comments.

4.5.-S/Sri V.K.Chowdhury(SC) & B.Dewreja(^{were}) who are junior to Sri C.B. Kumar,SE/P.Way promoted as SSE/P.Way in scale Rs. 7450-11,500/- against reserved vacancy vide O/O dated 6/7/5.02(Annexure-1).

Names of sri C.B.Kumar, SE/P.Way along with others (total 17 SE/P.Way) were put up to the competent authority for consideration of their promotion as SSE/P.Way in scale Rs.7450-11,500/- but he was not found suitable for promotion as SSE/P.Way in scale Rs.7450-11,500/-.

4.6—The post of SSE/P.Way in scale Rs.7450-11,500/-is non selection ^{post} and promotion is being made to this category on the basis seniority cum suitability

4.7- No comments.

4.8- The representation dated 17.6.03 addressed do Chief Engineer/N.F.Rly Maligaon is not available in this office.

4.9- Name of Sri C.B.Kumar,SE/P.Wy along with other (12 SE/P.Way) were put up to the competent authority for consideration of promotion as SSE/P.Way in scale Rs.7450-11,500/. But he was not found suitable for promotion for which his name was not appeared in the memorandum-dated 7.11.03. Evaluation sheet approved by CTE may please be seen as Annexure-II.

Again name of Sri Kumar along with others were put up to the competent authority for consideration of promotion as SSE/P.Way but this time also he was not declared suitable for promotion as SSE/P.Way by the competent authority for which his name was not appeared in the memorandum dtd 23.11.04. Evaluation sheet approved by CTE may please be seen as Annexure-III.

4.10-Suitability has been judged based on seniority cum suitability on the basis of last 3 years ACRs.

4.11-Pertaining to division.

4.12- Partaining to division..

4.13-No comments.

APO/ENGG

*for
13.4.05*

APO/LC

Bhowdhury CP/LC to take action please.

*Daniswami
APO/LC
19.04.05*

*Mon
13/04/05
EE*

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

24 FEB 2005

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 49 /2005

Sri C. B. Kumar

----- VS -----

Union of India & Ors

SYNOPSIS OF THE APPLICATION

This application is made against the impugned promotion order dated 23/29-11-2004 whereby the juniors of the applicant were promoted to the post of Senior Section Engineer/P.Way.

That the promotion of the applicant to the said post of Senior Section Engineer is legitimately due under the Rules and he is a senior employee and is not declared unfit. The Railway respondents violating the rules and procedures promoted 12 section engineers all juniors to the applicant. The applicant though a senior employee, his case was ignored for promotion. The Railway respondents have actions are violative of Article 14 and 16 of the Constitution of India.

That the impugned promotion order is perverse and illegal and liable to be modified.

#####

Filed by
A. Chakraborty
24/2/05

सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
Central Administrative Tribunal

24 FEB 2005

In The Central Administrative Tribunal
Guwahati Bench Pro Guwahati.

O.A. No. 49 /2005

Sri C. B. Kumar

Applicant

----- Versus -----

Union of India & Ors

Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1.		Application	1-10
2.		Verification	ii
3.	A	Seniority List	11(A)-15
4.	B	Promotions Orders dt. 7.5.02 and 21.02.2003	16-18
5.	C	Representation dt. 17.06.03	19-21
6.	D	Memo dt. 7.11.03 & 23.11.04	22-23
7.	E	Letter dated 23/29-11-04	24-25
8.	F	Adverse Remarks dt. 3.4.02	26
9.	G	Reply dated 12.06.2002	27-29

Filed by:

Chakraborty
(Anupam Chakraborty)
ADVOCATE

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

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

D.A. NO. 49 /2005

Between

Sri Chandra Bhushan Kumar,
Working as Section Engineer in
the Office of the Section
Engineer/P.Way, North Barsoi,
P.O. Barsoi, Kathiar, N.F.
Railway.

Applicant

And

1. Union Of India represented
by the General Manager, N.F.
Railway, Maligaon, Guwahati-11.
2. The General Manager (P)
N.F. Railway, Maligaon,
Guwahati-781 011.
3. The Divisional Railway
Manager (Works),
N.F. Railway, Alipurduar Jn.
4. The Senior Divisional
Engineer, N.F. Railway,
Alipurduar Jn.
5. Sri Samar Kr. Dey
Section Engineer (P-Way)
Office of the Sr.DEN/C
Alipurduar Junction.

*Filed by Mr. Applicant
Chowdhury
Chowdhury & Chakraborty
24/2/05*

6. Sri B. Dasgupta
Section Engineer(P-Way)
Office of the Sr.DEN/C
Lumding.

7. Sri S. Saikia
Section Engineer(P-Way)
Office of the Sr.DEN/C
Tinsukia.

____ Respondents

Details of the Application

1. Particulars of the order against which the application is made :

This application is made against the impugned promotion order dated 23/29-11-2004 whereby the juniors of the applicant were promoted to the post of Senior Section Engineer/P.Way in Scale of Rs.7,450/- - Rs.11,500/- and for a direction to the respondents to consider the promotion of the applicant and accordingly modify the said impugned promotion order.

2. Jurisdiction

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

3. Limitation

The applicant declares that the subject matter of this application is within the time limit prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case

4.1 That the applicant is a citizen of India and hence is entitled to the rights and privileges guaranteed under the Constitution of India.

4.2 That the applicant is an engineering graduate and joined service as Apprentice Permanent Way Inspector (Gr-I) in the N.F. Railway on stipend of Rs.2,000/- p.m. w.e.f. 17.10.1994 at Kathiar Junction. He, after successful completion of training of one year and passing final examination, was posted as Permanent Way Inspector (Gr-I) in the scale of Rs.2,000/- - Rs.3,200/- w.e.f. 09.01.1996 at Sarbhog, N.F. Railway. It is stated that this scale was later upgraded to Rs.6,500/- - Rs.10,500/- after 5th Pay Commission Recommendation w.e.f. 01.1.1996. Thereafter, he has been serving at different railway stations with utmost sincerity and with the satisfaction of all concerned. The applicant is at present working as Section Engineer/P.Way at North Barsoi, Kathiar Division, N.F. Railway.

4.3 That the applicant begs to state that his next promotional scope is to the post of Senior Section Engineer in the scale of Rs.7,450/- - Rs.11,500/-. This post is a non-selection post. The promotion to the above post is made by a suitability test where the employees are considered for promotion on the basis of their seniority. In the suitability test for promotion a senior employee cannot be ignored without declaring him as unsuitable.

• • 4 • •

4.4 That the provisional seniority list as on 01.04.2000 for Section Engineer/P.Way was circulated by the respondent No.2 on 27.03.2001. The said seniority list contains the name of 64 employees. The name of the applicant appears at serial no.16 in the said seniority list.

Copy of the Seniority List is
enclosed as Annexure-A.

4.5 That by promotion order dated 06/07/05-02 five
Section Engineers were temporarily promoted as Senior
Section Engineer/P.Way in the scale of Rs.7,450/- -
Rs.11,500/-. The promotion of the applicant was not
considered in the said order though two juniors were
considered and promoted by the said promotion order.
Thereafter, again by promotion order dated 31.02.2003 14
Section Engineers were temporarily promoted as Senior
Section Engineer/P.Way. This time also the applicant was
denied the promotion though all the aforesaid 14 Section
Engineers who are junior to the applicant were promoted.

Copy of promotion orders dated
06/07-05-2002 and 21.02.2003 are
enclosed as Annexure-B.

4.6 That the applicant begs to state that he is a senior employee and there is no cogent reason for not promoting him to the post of Senior Section Engineer. The non-consideration and non-promotion of the applicant when juniors were promoted even though on temporary basis by the aforesaid orders are illegal and the result of favouritism,

discrimination and arbitrary action.

4.7 That the applicant humbly begs to submit that non-selection posts are to be filled by promotion of the senior most suitable railway servants. A senior railway servant may be passed over by his junior after declared unfitness. The applicant is not an employee with declared unfitness.

4.8 That the applicant has represented by letter dated 17.06.2003 (which was sent through fax message on 17.06.2003) prayed for consideration of his promotion to the post of Senior Section Engineer/P.Way but without any reply.

Copy of the representation dated
17.06.2003 is enclosed Annexure-C.

4.9 That thereafter the respondents by memorandum dated 07.11.2003 followed by memorandum dated 23.11.2004 declared result of the suitability test for promotion to the post of Senior Section Engineer/P.Way.In the said memorandums the name of the applicant does not find place. It is stated that though the applicant is senior to all the employees his case was ignored for promotion and other candidates were selected for promotion by the aforesaid orders for the reason best known to the respondents.

Copy of the memorandum dated
07.11.2003 and 23.11.2004 are
enclosed as Annexure-D.

4.10 That thereafter by impugned office order dated
23/29-11-2004 12 Section Engineers junior to the applicant

were promoted denying promotion to the applicant which is legitimately due to him under the rules. The respondents have acted in violation to the rules and procedures of promotions on the basis of suitability.

Copy of the letter dated 23/29-11-2004 is enclosed as Annexure-E.

4.11 That the applicant humbly begs to state that he has received adverse communication in his Annual confidential report (for short ACR) for the year ending 31/03/2001 in May, 2002. It is stated that the adverse remarks in the aforesaid ACR also contains remarks relating to period after the year ending 31/03/2001. The reply to the said ACR was submitted by the applicant on 12/06/2002 which was duly acknowledged by the respondents. In his aforesaid reply, he denied the correctness/truthfulness of the remarks in the said ACR and prayed for cancellation/withdrawal of the adverse remark in the said ACR. The respondents have not yet replied to it. It is further stated that as per railway instructions and procedures adverse remarks are not deemed as operative and final if any representation filed against it is pending.¹ In the present case also, the adverse remark in the aforesaid ACR of the applicant for the year ending 31/03/2001 cannot operate against the applicant for consideration of his promotion to the post of Senior Section Engineer/P.Way.

Copy of the adverse remark dated 03/04/2002 is enclosed as Annexure- "F".

Copy of the reply dated 12/06/2002 with acknowledgement are enclosed as Annexure-G..

4.12 That the respondents have not been just and fair in the matter of promotion of the applicant. They have been swayed away by the alleged adverse remarks for one year i.e. for the year ending 31/03/2001 which has also not been final. Moreover, for promotion ACRs for other past years should also be considered. The applicant begs to state that there has not been any adverse ACR against the applicant except the communication as stated above. In the circumstances non-consideration and non-promotion of the applicant as explained above is violative of the procedure of promotion and discriminatory.

4.13 The applicant's case is against non-consideration of his promotion and his non-promotion. This application is not against promotion of the other employees in the promotion order dated 23/29-11-2004. As an abandon caution only three of the employees are made respondents.

5. Ground for reliefs with legal provisions.

5.1 For that the impugned order of promotion is illegal in as much as the applicant though a senior employee has been passed over by his juniors.

5.2 For that the applicant is not an employee with declared unfitness.

• 8 •

5.3 For that the action of Railway respondents are illegal and the result of favouritism, discrimination and arbitrary action and offends Article 14 of the Constitution of India.

5.4 For that there is no cogent reason for not promoting the applicant which is legitimately due to him. The Railway respondents have acted in violation to the Rules and procedures of promotions on the basis of suitability and offends Article 16 of the Constitution of India.

5.5 For that the representation of the applicant against the adverse remarks is pending and therefore the ACR of the applicant for year 31.3.2001 can not operate against the applicant in the matter of his promotion.

5.6 For that malice in law as well as in fact is explicit and the applicant is entitled to the reliefs prayed for.

6. Details of the remedies exhausted

The applicant declares that there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter. However he has filed representation without any result.

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

✓
Amritpal Singh

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution.

8. **Reliefs sought for**

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The applicant be considered for promotion to the post of Senior Section Engineer/P.Way without taking the adverse communication for the year ending 31.3.2001.

8.2 The promotion order dated 23/29-11-2004 be modified including therein the name of the applicant.

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. **Interim Relief**

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 The applicant be considered for promotion to the post of Senior Section Engineer.

9.2 Any relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above relief is prayed for on the ground stated in para 5 above.

66
10. *Application for*

10. :: 10 ::

10. This application is filed through the Advocate.

11. **Particulars of Postal Order:**

- i) IPO No : 20G-116239
- ii) Date of Issue : 24-2-05
- iii) Issued from : G.A.O
- iv) Payable at : Gwalior

12. **List of Enclosures**

As per Index.

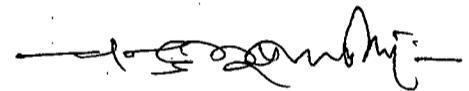
Verification

64
:: 11 ::

Verification

I, Chandra Bhushan Kumar, son of Late Satya Narayan Kumar, aged about 41 years, a resident of Barsoi, Katihar, do hereby verify that the statements made in the paragraphs 1, 4, 6 to 12 are true to my knowledge and statements in para 2, 3 and 5 are true to my legal advice and that I have not suppressed any material fact.

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



7/3/06

→ II(A) → 8

Annexure-A

N. F. Railway.

Provisional seniority list as on 1.1.2000.

Category, Section Engineer/P.Way. Scale ₹.6500-10300/- Classification - Departmental criterion.

Panel position.

LN	Name in order of seniority.	Divn.	Date of birth.	Date of Apppt.	Date of Approval/SC	Date of promotion and date of Final Exam.	Status	Remarks.
1	2	3	4	5	6	7	8	9
1.	Sri Suren Roy. (SC)	L.M.G	30.10.41	1.1.66		Promoted as 1.1.66 per modified selection.	Offic.	
2.	" D. S. Dadar (SC)	P.S.K	15.1.54	5.2.80	6.3.92	6.3.92	"	
3.	" Banat Roy.	A.P.D.U	28.12.42	16.1.67	-do-	26.4.92	"	Promoted as S.E/P.Way.
4.	" D.R. Bose.	K.I.R	16.3.50	2.1.76 15.2.77	-do-	April/92	"	-do-
5.	" H. Mukherjee.	A.P.D.U	16.1.41	4.7.53 22.7.77		Promoted as 1.5.95 per modified selection.	"	
6.	" S.K. Paul.	L.M.G	24.2.57	5.5.80	7.10.94	20.12.94	"	-do-
7.	" Nirupam Das (SC)	GM/Con/ M.G.	24.6.65	10.6.87	-do-	22.11.94	"	-do-
8.	" T. Nanda	L.M.G	30.6.54	5.5.80	-do-	27.3.95	"	-do-
9.	" S.K. Das (SC)	L.M.G	26.12.62	10.6.87	-do-	16.10.95	"	-do-
10.	" Shyamalendu Das (SC)	L.M.G	30.1.65	10.3.87	-do-	9.3.95	"	-do-
11.	" S.S. Das (SC)	L.M.G	30.1.65	10.3.87	-do-	9.11.95	"	-do-

Attested
Kuldeep Singh
Advocate

(contd....2/2)

27/3/01

1	12.	sri B.Chakraborty.	KIR	8.8.59	24.11.84	Promoted as 12.7.95 per modified selection.	Offg. - P	
2	13.	" D.Dastidar.	KIR	25.1.61	24.11.84	-do-	-do-	-do-
3	14.	" S.K.Verma.	KIR	32-4-61	5-2-86	-do-	-do-	-do-
4	15.	" S.S.Darkar.	APDJ	11.10.57	11.11.84	-do-	17.2.96	-do-
5	16.	" C.B.Kumar.	APDJ	17.1.64	11.11.85	14.11.95	9.1.96	-do-
6	17.	" Bipin Kr.Thakur.	KIR	24.3.64	23.8.85	26.9.97	29.8.96	-do-
7	18.	" V.H.Choudhury (SC)	KIR	11.1.69	26.9.86	11.11.97	26.9.96	-do-
8	19.	" Mani Kant Jha.	KIR	16.7.61	23.11.86	11.11.97	29.8.96	-do-
9	20.	" Neeraj Kishore Singh (SC)	LMG	14.5.74	15.5.87	5.6.98	15.5.97	-do-
10	21.	" Sudhanshu Sekhar	APDJ	50.3.69	1.5.87	-do-	2.7.98	-do-
11	22.	" Munindra Kalita.	CE/MLG	1.4.65	9.5.87	-do-	9.5.97	-do-
12	23.	" Rina Pratap Gogoi	LMG	1.5.70	9.5.87	-do-	9.5.97	-do-
13	24.	" Ashok Kumar.	APDJ	21.5.68	1.5.87	30.5.98	27.7.98	-do-
14	25.	" Jamaluddin Khan.	KIR	10.12.68	2.5.87	-do-	2.5.97	-do-
15	26.	" P.K.Biswas (SC)	GM/Con/ MLG.	23.1.59	3.5.87	3.2.99	31.3.99	-do-
16	27.	" Samiran Karmakar.	APDJ	20.10.54	18.1.88	-do-	9.7.99	-do-
17	28.	" Shyamal Mitra.	CE/MLG	2.2.58	4.2.88	-do-	31.3.99	-do-
18	29.	" N.K.Faub.	-do-	2.1.56	3.2.88	-do-	30.6.99	-do-
19	30.	" P.N.Prasad.	-do-	9.5.58	12.11.82	-do-	31.3.99	-do-

100 (Contd.....3/--)

1	2	3	4	5	6	7	8	9	10
31.	Sri Proloy Dutta.	AFDJ	31.10.65	14.6.85	3.2.89	9.7.99	Confid.		
32.	Hari Singh(oc)	APDJ	10.1.64	11.6.87	-do-	21.7.99	-do-		
33.	N. Alwan K.	AFDJ	11.2.55	20.11.84	-do-	9.7.99	-do-		
34.	Bimal Dey.	AFDJ	5.11.55	12.12.84	-do-	9.7.99	-do-		
35.	S. Routh.	KIR	1.12.50	27.11.84	-do-	2.7.99	-do-		
36.	Sandip Deb.	CE/MLG	1.1.53	5.12.84	-do-	31.3.99	-do-		
37.	N. Nandi	AFDJ	2.1.59	27.11.84	-do-	30.7.99	-do-		
38.	S.N. Deb.	AFDJ	19.2.57	27.11.84	-do-	9.7.99	-do-		
39.	G.N. Kar	CE/MLG	12.1.59	24.11.84	-do-	31.3.99	-do-		
40.	S. Devraja (ST)	LMG	1.5.65	12.5.80	-do-	26.5.99	-do-		
41.	Pradip Bhattacharjee.	KIR	5.1.60	15.2.84	-do-	20.7.99	-do-		
42.	Farthasarathi Dey	KIR	10.11.58	12.2.84	-do-	16.7.99	-do-		
43.	Sujit Sankar Dey	CE/MLG	18.12.54	15.2.84	-do-	31.3.99	-do-		
44.	S.K. Bagchi	CVO/MLG	31.1.58	1.2.84	-do-	31.3.99	-do-		
45.	Suhes R. Deb.	KIR	10.1.61	5.3.86	-do-	19.6.99	-do-		
46.	Amit Kr. Bhattacharjee.	KIR	16.5.61	15.3.86	-do-	16.7.99	-do-		
47.	Digbijoy Chakraborty.	MLG	17.1.63	6.11.86	-do-	1.4.99	-do-		
48.	B. Laskar.	CVO/MLG	1.2.64	6.11.86	-do-	31.3.99	-do-		

(Contd....4/-) 

1	2	3	4	5	6	7	8	9
49.	Suri P. K. Sarma.	TSK.	22-11-60.	6-11-66. 14-6-82.	3-2-99.	105-99.	012.	
50.	" J.B. Gohain.	APD.J.	20-11-62.	11-12-66. 30-6-87.	-do-	20-99.	-do-	
51.	" Sumer Kr. Dey.	APD.J.	1-7-51.	12-11-66. 11-6-87.	-do-	27-99.	-do-	
52.	" B. Basgupta.	LMG.	14-3-64.	24-11-66. 10-6-87.	-do-	1-6-99.	-do-	
53.	" Jitna Devi Khatua.	TSK.	1-11-60.	1-12-66. 14-6-87.	-do-	13-5-99.	-do-	
54.	" Krishikesh Dey.	AIR.	15-10-64.	20-11-66. 12-6-87.	-do-	16-7-99.	-do-	
55.	" P.K. Borah.	Maligaon.	1-1-60.	6-11-66. 10-6-87.	-do-	31-3-99.	-do-	
56.	" Partha Choudhury.	APD.J.	17-3-64.	12-11-66. 11-6-87.	-do-	-	-do-	
57.	" Kanchi Ch. Sarma.	Maligaon.	1-12-61.	4-12-66.	-do-	-	-do-	
58.	" Deepak Gogoi.	AIR.	1-3-69.	2-7-87.	-do-	1-6-99.	-do-	
59.	Miss. Jatismita Phukan (Sri).	CS/ALG.	22-4-71.	10-8-80.	13/14-2-99.	30-2-99.	-do-	
60.	Shri Jaganta Bhagawati.	KLR.	1-12-71.	10-8-80.	-do-	30-2-99.	-do-	
61.	" Bedanta Bikash Borah.	TSK.	22-2-69.	12-8-81.	-do-	30-2-99.	-do-	
62.	" Suniti Sukla(sc).	LMG.		22-80.	-do-	30-2-99.	-do-	

13/14-2-99
S.P. 5.

1. 2. 3. 4. 5. 6. 7. 8.

63. Sri A.H.Mazrthuiya. LMG. 27-73. 10-9-90. 13/34-2-99. 32-9-99. Offg.

64. " Utpal Talukdar (ST). CE/ALG. 1-7-99. 11-3-2000. 6-2-2000. -

NO. E/255/21/Pt.V(E).

for GENERAL MANAGER (P)MG.

Malison, dated, -2-2000.

Copy forwarded for information and necessary action to:-

- 1) GM (COM/Malison) with 5 spec copies.
- 2) DGM (P)MG. " 20 "
- 3) DGM (P)PDJ. " 20 "
- 4) DRM (P)LMG. " 10 "
- 5) DRM (P)PSK. " 05 "
- 6) GS/HRMU/Malison. " 05 "
- 7) GS/HRMU/Malison. " 05 "
- 8) Sr. DE/MG. " 05 "
- 9) DCE/DMIG

representation of which the staff desires to make regarding their position in s/list should be submitted within one month from the date of issue of s/list. No action will be taken on representation if any one submits after expiry of the target date mentioned above.

AD/26-2.

*Attested
Ranbir
Advocate*

for GENERAL MANAGER (P)MG.

27/2/2001

DRM(P)/4.1/2

29

(13)

The following transfers, resulting in promotion, are issued to take immediate effect :-

The following SE/P.Way (in scale Rs. 6500-10500/- who have been found suitable for promotion to the post of SSE(P.Way) in scale Rs. 7450-11500/- vide this office memorandum of even number dated 16/4/2002 are hereby temporarily promoted to officiate as SSE/P.Way (Rs. 7450-11500/-) and posted as under:-

Sn.	Name	Designation & Scale	Now posted as
1.	Sri B. Chakraborty.	SE/P.Way/KCN Rs. 6500-10500/-	SSE/P.Way under Sr. DEN/KIR Rs. 7450-11500/-
2.	" D. Dastider	SE/P.Way/CMLF Rs. 6500-10500/-	SSE/P.Way under Sr. DEN/KIR Rs. 7450-11500/-
3.	" S.K. Verma.	SE/P.Way/DPES/KIR Rs. 6500-10500/-	SSE/P.Way under Sr. DEN/APDU Rs. 7450-11500/-
4.	" V.N. Choudhury (SC)	SE/P.Way/BOE(N) Rs. 6500-10500/-	SSE/P.Way under Sr. DEN/LMG Rs. 7450-11500/-
5.	" B. Dewraja(ST)	SE/P.Way/CPK Rs. 6500-10500/-	SSE/P.Way under Sr. DEN/LMG Rs. 7450-11500/-

This issues with the approval of competent authority.

(R. NARZATY)
SPO/ENGG.
for GENERAL MANAGER (P)
NALICAO

NO. E/283/37/4 ~~XXII~~ (E) (Loose) date: 6/05/02

Copy forwarded for information & necessary action to:

1. CTE/MLG
2. DRM(P)/KIR, APDI & LMG
3. Sr. DEN/KIR, APDI & LMG
4. Dy. CE/TE/MLG

for GENERAL MANAGER (P)
NALICAO

Mr. Wm. M.
3/5/02

Affested
Chakraborty
Advocate

Shri A. V. Sen
H.C.E. Engg.

3/5/02

N.F. Railway.

He/E-Ford Sambad 10/10/82
 A.V. Sambad 10/10/82
 N.E.RAILWAY
 OFFICE ORDER

Office of the
 General Manager (P)
 Maligaon, G.H.Y.-II

The following transfer, posting & promotion order is issued to take immediate effect.

- (1) Sri B.K.Thakur, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/KIR on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/KIR.
- (2) Sri Moni Kanta Jha, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/KIR on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/KIR
- (3) Sri S. Sekhar, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/APDJ on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/APDJ.
- (4) Sri Munindra Kalita, SE/P.Way in scale Rs. 6500-10,500/- under Pr. CE/ Maligaon on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/TSK.
- (5) Sri R.P. Gogoi, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/LMG on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/LMG.
- (6) Sri A. Kumar, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/APDJ on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/APDJ.
- (7) Sri J.Khan, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/KIR on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/KIR
- (8) Sri U. Talukdar, SE/P.Way in scale Rs. 6500-10,500/- under Pr. CE/Maligaon on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted and posted as SSE(P.Way) under Sr. DEN/LMG.
- (9) Sri B. Karmakar, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/APDJ on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11,500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/APDJ.

Assisted-
 Received-
 Date- 10/10/82

(10) Sri S. Mitra, SE/P.Way in scale Rs. 6500-10,500/- under Pr. CE/Maligaon on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/KIR.

(11) Sri M.K.Paul, SE/P.Way in scale Rs. 6500-10,500/- under Pr. CE/Maligaon on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11500/- is temporarily promoted as SSE(P.Way) and posted under Sr. DEN/LMG.

(12) Sri P.N.Prasad, SE/P.Way in scale Rs. 6500-10,500/- under Pr. CE/Maligaon on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11500/- is temporarily promoted and posted as SSE(P.Way) under Sr. DEN/LMG.

(13) Sri Proloy Dutta, SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/APDJ on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11500/- is temporarily promoted and posted as SSE(P.Way) under Sr. DEN/APDJ.

(14) Sri Hari Singh(SC), SE/P.Way in scale Rs. 6500-10,500/- under Sr. DEN/APDJ on being found suitable for promotion as SSE/P.Way in scale Rs. 7450-11500/- is temporarily promoted and posted as SSE(P.Way) under Sr. DEN/KIR.

Note:- 1. This is issued with the approval of competent authority.

2 Divisions may please connect this office memorandum of even No. dated 02-2003 regarding temporary variation of posts of SSE(P.Way) in scale Rs. 7450-11500/-.

3. Pending order of Sh. Director General, N.F.(P.Way) under Sr. DEN/TEPC have been kept with the file of this office. The case of Mr. Hari Singh(SC) is under going a (Two) Major (S. DEVI) disciplinary punishment.

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

No. E/283/37/P-XXIII(E) Dated 02-2003

Copy forwarded for information & necessary action to:-

- (1) Pr. CE/Maligaon
- (2) CTE/ Maligaon
- (3) DRM(P)s/KIR, APDJ, LMG & TSK
- (4) Sr. DENs /KIR, APDJ, LMG & TSK
- (5) DAOs/KIR, APDJ, LMG & TSK
- (6) Dy CE/TD/Maligaon.
- (7)

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

Translated Copy (From Hindi)

To

The Chief Engineer,
N.F.Railway, Maligaon

Through Proper Channel

Sub: Appeal for non-promotion to the post of Senior Section Engineer in spite of being eligible.

Sir,

Respectfully state that I have been working as Section Engineer since 17.10.1974. I should have been promoted as Senior Section Engineer from the panel of 2002 but I came to know that my confidential reports were not sent in time from the Divisional office, Alipurduar for which my name was not sent in the aforesaid panel, which was wrong. That sir, I have not committed any mistake that I have been denied promotion which is to be inquired into.

Sir,

With reference to the above, I beg to request you that if confidential report from April 2001 to March 2002 is against me and if concerned authority has made adverse remarks in my confidential report, then a copy under the rule was to be given to me, which was not given. It can be said a conspiracy against a disciplined employee. The authority, if was not satisfied with my works, then am I not entitled to get justice by getting the notice of it in time. This, to my knowledge, is against the rule. No one is to be allowed to play with law, justice and rule otherwise rule will be remain confined in papers only.

Sir,

You will be surprised to know that the

*Attested
Prakash
Advocate*

:: 2 ::

confidential report upto March,2001 will be beyond the understanding and the remarks in it are against the justice. I have received this letter from Assistant Divisional Engineer, New Bongaigaon, in May,2002. Please notice the column underlined where there are remarks pertaining to June,2001. Against this confidential report I preferred an appeal on 12.06.2002 for modification and expunging the adverse remark.

Sir,

I humbly request you that kindly enquire into it and if I found guilty, then terminate me from my service. I shall not repent.

That Sir, increment in my pay has been stopped without any punishment. Increment in my salary was due in October but I am still working in the pay of Rs.7,500/- whereas my pay should have been Rs.7,900/-. When inquired in the office, I was told that my service record and P. Case is missing. Where service book has gone, who is responsible for it, no one has the answer.

Sir,

I have not been charge-sheeted in any allegation till today. Moreover, I have been devoting myself in the railway service. But, I have been rewarded with non-promotion, reporting in the confidential report with the intention of retaliation, stoppage of annual increment. Kindly look into my matter so that I get justice. With your order, a new chapter will begin in my service by which I shall be able to devote myself more sincerely in my service.

*** 3 **

Not only I have hope but also firm belief that by your order, I shall be released from the mental agony which I have been suffering from last 3 years and I shall also get justice.

Yours faithfully,

Date: 17.06.2003

Chandra Bhushan Kumar
Section Engineer/P.Way

Copy To: The General Manager,
N.F.Railway, Maligaon.

All

22 -

Annexure - D

APR 2003
6/2/03
H (84)

N. M. PATIL, Y.

(MEMORANDUM)

Sub: Result of suitability test for promotion to the post of SSE/P.Way in scale Rs.7450-11500/-.

In the suitability test for promotion to the post of SSE(P.Way) in scale Rs.7450-11,500/- of Civil Engg. Deptt, the following staff have been found suitable:-

SN.	NAME & DESIGNATION	WORKING UNITEP.
1.	Sri N. Alwan V, SSE/P.Way.	Sr. DEN/C/APDJ.
2.	" Bimal Dey, -do-	-do-
3.	" Sandip Deb, -do- (safety)	CSO/MIG.
4.	" N. Nandi, -do-	Sr. DEN/C/APDJ
5.	" S.M. Deb, -do-	-do-
6.	" G.N. Kar, -do-	Sr. DEN/C/KIR.
7.	" P. Bhattacharjee, -do-	-do-
8.	" Parthasarathi Roy, -do-	-do-
9.	" S.S. Dey, -do-	Pr. CE/MIG.
10.	" Sumit Sukla(SC) -do-	Sr. DEN/C/MIG.

The result has been approval by CTE on 3-11-03

4/11/03

(S. DEVI)
APO/Engg.

for GENERAL MANAGER(P)/MIG.

MIG, Dtd: 7/11/2003.

NO.E/263/57/Pt.XXIII(B)

Copy forwarded for information & necessary action to:-

1. Pr. CE/MIG, CTE, DY.CE/TE/MIG.
2. DPM(P) KIR, APDJ, PNY & MIG.
3. Sr. DEN/C/KIR, APDJ, PNY, MIG.

4/11/03

for GENERAL MANAGER(P)/MIG.

Sig

07-11-03

Attested
P. Chakraborty
Advocate

MEMORANDUM

Sub:-Result of the suitability test for promotion to the post of SSE/P.Way in scale Rs. 7450 - 11500/-

In the suitability test for promotion to the post of SSE(P.Way) in scale Rs. 7450 - 11500/- of Civil Engg. Deptt. the following [SE (P.Way). in scale Rs. 6500 - 10500/- have been found suitable against the posts available due to restructuring of cadre w.e. from 01.11.03 / Existing vacancies:-

SN.	Name	Designation	Working under
1.	Shri S.Routh	SE / P.Way	Sr.DEN/C/KIR
2.	Shri S.K.Hagchi	- do -	Pr. CE/MLG
3.	Shri A.K.Bhattacharjee	- do -	Sr.DEN/C/KIR
4.	Shri B.Luglear	- do -	GM/Con/MLG
5.	Shri P.K.Sharma	- do -	Sr.DEN/C/TSK
6.	Shri J.B.Gupta	- do -	Sr.DEN/C/APDJ
7.	Shri Samar Kr. Dey	- do -	Sr.DEN/C/APDJ
8.	Shri B.Dasgupta	- do -	Sr.DEN/C/LMG
9.	Shri Sobhu Saikia	- do -	Sr.DEN/C/TSK
10.	Smt. J.G. Hazarika(ST)	- do -	Pr. CE/MLG
11.	Shri B.K.Rajak (SC)	- do -	Sr.DEN/C/APDJ

The above result has been approved by CTE on 18.11.04

(S.DEVI)
APO / Engg
For General Manager (P) / MLG

NO:E/283/37/pt XXIII(E)

Dated:23.11.2004

Copy forwarded for information and necessary action to:-

- (i) Pr. CE / Malignon, CTE, Dy.CE / TD / Malignon,
- (ii) DRM(P) / KIR, APDJ, RNY, LMG & TSK,
- (iii) Sr. DEN / C / KIR, APDJ, RNY, LMG & TSK.

23.11.04
For General Manager (P) / MLG

Attested
Chandan B.C. Sarker
Advocate

Following transfer, posting and promotion order are issued to take immediate effect:-

In terms of this office memorandum of even number dated 7/10-11-03 & 23-11-04, the following SE(P-Way) in scale Rs. 6500-10500/- who have been found suitable for promotion to the post of SSE/P-Way in scale Rs. 7450-11500/- against the posts available due to restructuring of cadre w.e.f 01.11.03 / existing vacancy are temporarily promoted to officiate as SSE/P-Way in scale Rs. 7450-11500/- & posted under with immediate effect:-

<u>SN</u>	<u>Name & Designation</u>	<u>Working under</u>	<u>Now posted as</u>
62	1. Sh. Sumit Sukla(SC) SE(P-Way) 6500-10500/-	Sr.DEN/C/LMG	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/LMG
35	2. Sh. S.Routh SE(P-Way) 6500-10500/-	Sr.DEN/C/KIR	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/KIR
44	3. Sh. S.K.Bagchi SE(P-Way) 6500-10500/-	Pr.CE/MLG	SSE/P-Way Rs.7450-11500/- under Pr.CE/MLG
46	4. Sh. A.K.Bhattacharjee SE(P-Way) 6500-10500/-	Sr.DEN/C/KIR	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/KIR
48	5. Sh. B.Laskar SE(P-Way) 6500-10500/-	GM/CON/MLG	SSE/P-Way Rs.7450-11500/- under GM/CON/MLG
49	6. Sh. P.K.Sharma SE(P-Way) 6500-10500/-	Sr.DEN/TSK	SSE/P-Way Rs.7450-11500/- under Sr. DEN/TSK
50	7. Sh. J.B.Guha SE(P-Way) 6500-10500/-	Sr.DEN/C/APDJ	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/APDJ
51	8. Sh. Samar K.Dey SE(P-Way) 6500-10500/-	Sr.DEN/C/APDJ	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/APDJ
52	9. Sh. B.Dasgupta SE(P-Way) 6500-10500/-	Sr.DEN/C/LMG	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/LMG
53	10. Sh. S.Saikia SE(P-Way) 6500-10500/-	Sr.DEN/TSK	SSE/P-Way Rs.7450-11500/- under Sr. DEN/TSK
	11. Smt.J.G.Hazarika(ST) SE(P-Way) 6500-10500/-	Pr.CE/MLG	SSE/P-Way Rs.7450-11500/- under Sr. DEN/TSK
	12. Sh. B.K.Rajak(SC) SE(P-Way) 6500-10500/-	Sr.DEN/C/APDJ	SSE/P-Way Rs.7450-11500/- under Sr. DEN/C/APDJ

NOTE:-

1. In terms of this office order of even number dated 24/27.11.03 & 01.09.04 S/Sh. N.Alwan K Bimal Dey, Sandip Deb, N.Nandi, S.N.Deb, G.N.Kar, P.Bhattacharjee, Parthasarathy Roy & S.S.Dey, SE/P-Way whb were promoted as SSE/P-Way are only eligible for retrospective promotional benefit w.e.f 01-11-03 against restructuring.
2. This has the approval of competent authority.
3. The above posting order has been issued subject to possibility of rotational transfer, if needed.

(S.Devi)
APO/Engg.
for GM(P)/MLG

Attested
Ranu Saha
Advocate

— 25 —

82 (2.0)

— XVIII(E) —

Referred for information & necessary action to:-

Dated 23-11-04

23

1. FA & CAO/MLG
2. Pr.CE, CTE, Dy.CE/TD/Majigaon
3. DRM(P)s KJR, APDJ, RNY, LMG & TSK
4. Sr.DEN/C/s KJR, APDJ, RNY, LMG & TSK
5. APO/BII/MLG
6. Staff concerned

Recd 23/11/04
for GM(P)/MLG APO/BII/MLG

EE

Sr. DEN/C/s 23/11/04

23/11/04

N. E. RAILWAY

CONFIDENTIAL

Office of the
Divl. Rly. Manager(Works)
Alipurdur Jn.

100 AV 88 CR AP Adv

Dt. 03/4/2002

To

Sri C. B. Kumar,
SE/P-wkly/RNGN

(Through ADEN/II/APDJ)

The following adverse remarks appear in your Confidential Report for the Year
2000-2001

Part-III

1. Tact & Temper	:	He is short tempered, not tactful
2. Initiative & direction	:	Lack of initiative & direction
3. Keenness/Prompness & efficiency	:	He is slow starter
4. Organising Supervising ability	:	He is a poor supervisor
5. What was the date of the last annual inspection of his/her area and what was the impression as a result of his inspection	:	It was in June '2001. He completes his schedule of inspection on register but on ground he is not aware where to measure and limits thereof.
6. Is his/her technical knowledge such as would be expected from one of his rank ?	:	No. He must be recommended to undergo the training for maintenance of LWR particularly.
7. Has the employee been reprimanded for inefficient work or for other causes during the period under review ? If so, please give brief particulars	:	He has left the HQ without permission, resumed the duty after remaining unauthorized absent for a week

Part-IV

8. As mentioned by reporting officer in Part-III item no. 1, 2(a),(c),(e), 16, 34, poor supervision, lack of knowledge, indiscipline with his seniors, he has left Hqrs. without permission. Hence grade is modified as "Below Average".	:	Below Average
9. General remarks with specific moments about the general remarks given by the Reporting Officer and remarks about the meritorious work of the officer including the grading	:	

Section-II

1. Qualities of leadership	:	Below Average
2. Capacity to take decision on matters within his/her competence	:	Below average
3. Ability to inspire to confidence, guide, motivate and obtain the best out of the staff	:	Below Average
4. Ability of enforce discipline	:	Below Average

These are being communicated to you not to discourage you in any way, but it is desired that they should enable you to know and rectify your defects so that you may earn a better report next year.

Please acknowledge receipt of this letter on the extra copy enclosed which should be returned to this office within a fortnight.

For Divisional Railway Manager(Works)
N.E.Railway, Alipurdur Jn.

*Attested
Chandramohan
Dwarka*

Received one appeal of Sri C.B. Kurmi S.E.P.Wy/BN
- GIN against Confidential Report issued by D.R.M(W)
- APDJ - Vide NO - W/SS/CR/AP/Adv dt 03/04/02

12
Two copy

12
12 - 06 - 2002
464198 0004 (1000)
S.V. Int. (Amravati) Works
g- 20. 42. 1998 1000
N. P. Rly. Alibudhara In

Affected
Resident
Person

26/12/02

TYPED COPY

To,

Date: 12/06/2002

Sr. Divisional Engineer,
N.F. Railway.

Through: Proper Channel

Ref.: DRM(W)APDJ Letter No.W/SS/CR/AP/Adv
Dated 03/04/2002.

Sub.: Prayer for withdrawal/cancellation of
Adverse Communication in ACR for the
year ending 31/03/2001.

Respected Sir,

With due respect I am humbly submitting following few points for your kind consideration please.

That Sir,

I am very much shocked by the adverse communication in the above ACR. I was never given any warning about my working during the period ending 31/03/2001. My work was always satisfactory.

The reports against me as short tempered, not tactful etc. as mentioned in the letter dated 03/04/2002 are not correct. I was never told about such adverse nature.

The allegations of slow starter, poor supervision, lack of initiative and direction are all vague and has no relation with my works. I have always worked with efficiency and speed.

That Sir,

The charge of remaining unauthorised absent is very false and there was no charge or complaint against me regarding unauthorised absent during my whole service career.

That Sir,

The adverse report of indiscipline with seniors is very unfortunate. I am always disciplined and my seniors have never said me anything about my discipline. Never notice for indiscipline was given to me. This adverse report is not correct. I do not understand how or why this has been written.

Affected
Kishore B.
Advocate.

•• 2 ••

That Sir,

This ACR has no connection with the work for the year ending 31/03/2001.

In item no.5 it has been written "It was in June 2001". This position of June 2001 cannot be a reason for any adverse report for period ending 31/03/2001.

That Sir,

This report has been given to harm my career. It has not been written in time but has been written after the date has expired and I have been communicated on 03/04/2002.

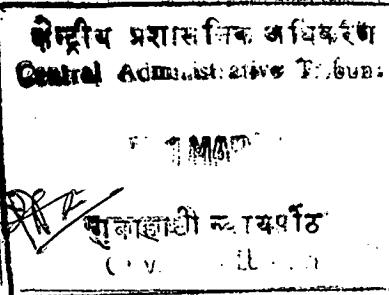
Sir,

I am a disciplined and poor employee. I request you to kindly consider the above facts and pray to you to cancel/withdraw the adverse report in the above ACR.

Yours faithfully,

sd/- illegible

C.B. Kumar
SE/P-WAY/BNGN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

IN THE MATTER OF :

O.A. No. 49/2005

Sri C. B. Kumar ... Applicant

VS.

1. Union of India.

2. The General Manager(P),
N. F. Railway, Morigaon.

3. Divisional Railway
Manager(Works),
N.F.Railway, Alipurduar Jn.

4. Senior Divisional Engineer,
N.F.Railway, Alipurduar Jn.

5. Sri Saner Kumar Dey,
SE(P.Way), Office of Sr.DEN/C,
Alipurduar Jn.

6. Sri B. Das Gupta,
SE(P.Way), Office of Sr.DEN/C,
Luding.

7. Sri S. Saikia,
SE(P.Way), Office of Sr.DEN/C,
Tinsukia.

... Respondents.

- AND -

Contd.....2

Ex
2011
Fees by :
Sukumar Sen Gupta
Railway Advocate
Guwahati
28.2.2006

Dy. Chief Personnel Officer/HB
N.F. Railway, Morigaon
Guwahati-11

IN THE MATTER OF :

Written Statement for and on behalf
of the respondents 1 to 4 above.

The answering respondents most respectfully beg to
sheweth as under :

1. That, the answering respondents have gone through the copy of the application filed by the applicant and have understood the contents thereof.
2. That, the application suffers for want of valid cause of action and or right for filing the application.
3. That, the application is not maintainable in its present form and is fit one to be dismissed in limine.
4. That, the case is vexatious one without any substance and is the outcome of after-thought of the applicant, after sleeping all these years without agitating over the matters, if he thought his grievances to be genuine one.
5. That, the application is based on wrong premises and suffers from mis-conception and mis-interpretation of rules and laws on the subject besides being based on surmise only.
6. That, the application is barred by limitation under Section 21 of the Administrative Tribunal Act 1985. Besides raising the selection matters and consequent seniority aspects

-: 3 :-

pertaining to the years 2002, 2003 the applicant has raised the question of A.C.R. for the year ending 31.3.2001 in this application when as per law, if he had any legitimate grievance, he could have agitated on these points much earlier within the stipulated period fixed under law/rules.

Again, the present application has been filed in the month of February, 2005 or so, questioning the order for promotion dated 7.5.02, 21.2.03 and 7.11.03 etc. alleging that his juniors were promoted to the post of Senior Section Engineer/P.Way and challenging the selection procedure etc. ~~and also the A.C.R. for the year 2000-2001, is definitely~~
~~and as such it~~
barred under Section 21 of the Administrative Tribunal Act 1985.

7. That, for the sake of brevity, the meticulous denial of each and every statements made by the applicant in the application has been avoided, without admitting the correctness of such averments. The respondents do not admit any of the allegations/statements of the applicant except those which are either borne on records or are specifically admitted hereunder as correct, and, the applicant is put to strictest proof of those statements which are not either borne on records or admitted as correct hereunder.

8. That, with regard to averments at paragraphs 4.1, 4.2 and 4.4 of the application it is submitted that except those averments which are borne on records, nothing is admitted as correct.

-: 4 :-

9. That, with regard to averments at paragraph 4.3 of the application, it is submitted that the posts of Senior Section Engineer (P.Way) in Scale Rs.7450 - 11,500/- is a non-selection post and promotion is made to this category on the basis of Seniority-cum-suitability, and that, beside seniority aspect, the Record of Service/ACR's of the last 3 years are also taken into consideration to adjudge the suitability of the candidates. It is also submitted that the result of the suitability test was already notified and the entries in the A.C.R. was already communicated to him. No separate declaration of unfitness etc. as contended by him now, is required to be issued under the fact and circumstances of the case.

10. That, with regard to averments at paragraphs 4.4, 4.5, 4.6 and 4.7 of the application, nothing are accepted as correct except those which are borne on records or specifically admitted here-under as correct.

It is submitted that S/Sri V.N. Choudhury (S.C.) and B. Dewraja (S.T.) who are junior to Sri C.B. Kumar (applicant) as Section Engineer in Scale Rs.6,500 - 10,500/- were promoted as Sr.SE/P.Way in scale Rs.7,450 - 11,500/-. But they were promoted against reserved vacancies vide Office Order dated 6.7.02, a copy of which Order has been annexed as Annexure-B to the application. It is to mention here-in that names of the applicant C.B. Kumar, SE/P.Way alongwith others (Total 17 SE/P.Way) were also put up before the competent authority for consideration for their promotion as Sr.SE/P.Way in scale Rs.7,450 - 11,500/-. But in course of suitability test as

-: 6 :-

series for ready perusal. Further, his silence/non submission of any further letter/reminder or not approaching the Hon'ble Court/Tribunal, if he had any genuine unmitigated grievances for last one and half years or so, cast doubt about his submission of any representation as alleged by him now and such contentious, it is submitted, are the out-come of his after-thought and is not entertainable under law and fact of the case. The applicant is put to strict proof about submission of the alleged representation dated 17.6.03 alongwith the name and designation etc. of the official/person etc. who received such application/representation from him. Again, the applicant's contention about sending representation through FAX message (as alleged by him) could not be understood especially when on the body of Annexure-C to the application (Alleged to be a translated copy) it is mentioned that the same has been submitted through the proper channel and there is no mention on it about sending same through FAX message as contended at Paragraph 4.8 of the application and also against which particular order of the Railway Administration the alleged representation pertains. Further, from Annexure-G it transpires that it is a translated copy and is an unsigned one.

12. That, with regard to averments at paragraphs 4.9 and 4.10 of the application it is re-iterated that names of C. B. Kumar, SE/P.Way (the applicant) alongwith other eligible SE/P.Way were put up to the competent authority for consideration of their promotion to the post of Sr.SE/P.Way in Scale Rs.7,450 - 11,500/-. But on careful examination of records and after due application of mind, the applicant was not found suitable for promotion and as such his name could not find place in the

-: 7 :-

Memorandum dated 7.11.03, a copy of which suitability test result showing names of successful candidates has been annexed as Annexure-D to the application. It will be evident that the result of the suitability test/evaluation sheet was approved by the competent authority i.e. by the Head of the Department (CTE/N.F.Railway, Morigaon) on 3.11.03.

Further, from Annexure-D series to the application it will be evident that the name of Sri Kumar (applicant) was also put up again to the competent authority alongwith others for consideration for promotion to the post of Sr.SE/P.Way in 2004. But this time also he was not found suitable in the suitability test held for promotion, and as such his name could not find place in the list of successful candidates. A copy of the Memorandum dated 23.11.04 has been annexed as Annexure-D series to the application (Promotion Order/evaluation sheet as approved by CTE/N.F.Railway, Morigaon on 18.11.2004). It is also denied that the applicant submitted any representation/ appeal against the A.C.R. for the period ending 31.3.2001 or that any reply to his alleged appeal/representation dated 12.6.02 is still awaited from the Railway Administration. It is also relevant to mention here-in that though the applicant has mentioned/questioned about the selections conducted and promotion orders issued on 7.5.02, 21.2.03 and 7.11.03 ^{he} has not disclosed that beside the A.C.R. for period ending 31.3.01, there were adverse entries in his A.C.R. for the period ending 31.3.02 as well, which was also communicated to him under letter No.W/SS/CR/AP/Adv. dated 25.6.03 and that ~~northernor~~ in neither case, the applicant (Sri Kumar) preferred any representation/ appeal against the adverse remarks and hence, the

-: 8 :-

1/ remarks contained in the ACR's holds good. The question of giving replies or expunging the adverse entries in A.C.R. for the period ending 31.3.01 did not arise at all and no question of re-opening the case arose. The promotion order dated 23/29.11.04 (a copy of which has been annexed as Annexure-E to the application) had to be issued promoting staff who qualified in the suitability test.

It is emphatically denied that the promotion to the post of Sr.SE/P.Way (in higher scale) is legitimately due to the applicant under the rules and that the respondents have acted in violation of rules and procedures of promotions on the basis of suitability. Rather, full opportunities were afforded to the applicant ^{and his case considered} number of times.

13. That, with regard to averments at paragraph 4.11 of the application it is submitted that all the allegations as made in those paragraphs are quite unfounded and unfounded for and unreasonable and hence the same are denied herewith. Further, if there be any typographical or other mistake/error or discrepancies in the A.C.R. in putting the dates etc. against any item/column, the applicant could have got the same cleared/clarified by submission of necessary representation/ appeal within the stipulated period as prescribed under rules. The applicant was also at liberty to approach the Hon'ble Tribunal within the prescribed period as required under Section 21 of the Administrative Tribunal Act 1985 if he had any genuine grievance at all, instead of agitating over the A.C.R. dated 3.4.02 etc. in the year 2005, by which time so many selections were held and many staff junior to him, who qualified in the suitability tests held in 2003, 2004 were already declared

Contd.....9

-: 9 :-

selected and also promoted to higher grade post. Moreover, besides item No. 4, there were unfavourable entries/remarks against other column/items in Part III, Part IV etc. of A.C.R. for the year ending 31.3.2001 as will reveal from Annexure-F to the application.

As already mentioned in the foregoing paragraphs of this Written Statement, neither any appeal as mentioned by the applicant and annexed as Annexure-C to the application, nor, any appeal against the A.C.R. for the period ending 31.3.2001, appears to have been received by the respondents. It is also denied that there has been any violation of rules or procedures in not promoting the applicant or in taking into consideration the A.C.R.'s (including of the year ending 2001) while adjudging the suitability of the applicant for purpose of promotion to the higher grade as Sr.SE/P.Way, or there has been any discrimination in the matter of selection/ promotion. Further, the applicant himself has stated at paragraph 4.13 of the application that the application is not against the promotion of the other employees in the promotion Order dated 23/29.11.2004 and that as an abundant caution he has made only 3 of the employees i.e. respondent Nos. 5, 6 and 7 as respondents. the laid criterion for promotion by holding the suitability tests has been observed and all required procedures and rules were followed as will be evident from the fact of the case.

14. That, with regard to averments at paragraphs 4.12 of the application it is submitted that the applicants' allegations/ averments as made in this paragraph are not tenable and are

-: 10 :-

S/IS
26
Chief Personnel Officer / HQ
N.F. Railway, Mailgara
Guwahati-11

far from truth and hence same are denied. It is also to mention herein that :

i) the posts of Sr. Section Engineer (P.Way) in Scale Rs.7,450 - 11,500/- is a non-selection post and promotion is being made on the basis of Seniority-cum-suitability and suitability is being Judged based on last 3 years Annual Confidential Records etc.

ii) There were adverse entries in the A.C.R. of the applicant Sri C. B. Kumar for period ending 31.3.01 ~~as well as for period ending 31.3.02~~ as well as for period ending 31.3.02, which were duly communicated to him and against which no representation/appeal was submitted by the applicant as revealed from record and from further enquiries made.

A photo copy of the A.C.R. for year ending 31.3.02 is annexed hereto as Annexure-II for ready perusal.

iii) The case of the applicant Sri C.B. Kumar was put up number of times alongwith other eligible candidates for consideration of promotion as Sr.Section Engineer/P.Way in Scale Rs.7,450 - 11,500/-. But he was not found suitable for promotion to the post of Sr.Section Engineer/P.Way in the suitability test conducted for the purpose and as such his name could not find place in the select list/orders for promotion as will be apparent from the Annexures-B (dated 6/2/5/02 and 21.2.2003), Annexure-D (dated 7.11.03 and 23.11.03) etc.

-: 11 :-

iv) It is emphatically denied that non-promotion of the applicant is due to non-consideration of the applicant's case and that there has been any discrimination or violation of the procedure of promotion, as alleged.

15. That, with regard to averments at paragraph 13 of the application it is denied that there has been any non-consideration of the applicant's case for his promotion to the post of Sr.Section Engineer/P.Way. It is also not clear as to why he has made only 3 employees/promotees to the post of Sr.Section Engineer/P.Way (i.e. Respondent No.5 Samar Kr. Dey, Respondent No.6 P. Das Gupta and Respondent No.7 S. Sakkie) as respondents in the case, while asserting that this application is not against promotion of the other employees in the promotion Order dated 23/29.11.2004.

It is also to mention herein that beside the above 3 respondents No. 5, 6 and 7, many other staff junior to the applicant (as S.E./P.Way), as detailed herein below, were also promoted as Sr.Section Engineer/P.Way vide Office Orders dated 3.5.02, 21.2.03, 7.11.03 and 23.11.04 etc.

i) From seniority list of Section Engineer/P.Way in Scale Rs.6,500 - 10,500/- as on 1.4.2000 it is seen that the name of Sri C.B. Kumar (applicant) is at Serial No.16 and his date of appointment to the Section Engineer/P.Way Grade is on 9.1.96.

ii) In between the period 2001 and 2004 many of his juniors in scale 6,500 - 10,500/- were promoted to the post of Sr.Section Engineer/P.Way (scale 7,450 - 11,500/-) on the basis of suitability test

-: 12 :-

result (in which he could not qualify) as will reveal from the Annexures- B, D and E to the application and detailed here-in below :

A. The following amongst others were promoted vide Office Order dated 6/7.5.02

(Annexure-B to application)

Seniority Position and date of promotion to the Grade as per seniority list dated 27.3.2001 (Annexure-A to application).

<u>Names</u>	
1. Sri U.N. Choudhury (SC)	
2. " B. Dwarja (ST)	
(Both were promoted against reserved quota).	

<u>Sl. No.</u>	<u>Date of promotion.</u>
18	26.9.96
40	26.5.99

B. Vide Promotion Orders dated 7.5.02 and 21.2.03.

(Annexure-B series to the application).

<u>Names</u>	
1. Sri B.K. Thakur	
2. " Moni Kanta Jha	
3. " S. Sarker	
4. " Munindra Kalita	
5. " R. P. Gogoi	
6. " A. Kumar	
7. " J. Khan	
8. " S. Karmaker	

<u>Sl. No.</u>	<u>Date of Promotion in Seniority as SE/P.Wy. list.</u>
----------------	---

17	29.8.96
19	
21	
22	9.5.97
23	
24	
25	2.9.97
27	

-: 13 :-

<u>Names</u>	<u>Sl.No. in Seniority list.</u>	<u>Date of Promotion in as SE/P.Way.</u>
--------------	----------------------------------	--

Others.

9. Sri U. Talukdar		
10. " S. Mitra	28	31.3.99
11. " M.K. Paul	29	
12. " P. N. Prasad	30	31.3.99
13. " Pralay Dutta	31	
14. " Hari Singh (SC)	32	

C. Persons promoted vide Office Order dated 7.11.03 as per suitability test result for scale Rs.7,450 - 11,500/- (Annexure-D to application).

<u>Names</u>	<u>Sl.No. in Seniority list.</u>	<u>Date of promotion to Grade as SE/P.Way.</u>
1. Sri N. Alwan	33	9.7.99
2. " Bindal Dey	34	9.7.99
3. " Sandip Deb	36	
4. " N. Nandi	37	30.7.99
5. " S.N. Deb	38	
6. " G.N. Kar	39	31.3.99
7. " P. Bhattacharjee	41	
8. " Paratheswar Roy	42	16.7.99
9. " S. S. Dey	43	30.3.99
10. " Sunil Sukla (SC)	62	30.9.99

D. Promoted vide Office Order dated 23.11.04 as shown in Annexures D and E to the application in scale Rs.7,450 - 11,500/-, due to re-structuring w.e.f. 1.11.01, as per suitability test etc.

:- 14 :-

(Annexure-D series to application)

Names	Seniority position as S.E./P.Way.	Date of promotion to grade as S.E./ P.Way.
1. Sri S. Routh	35	27.11.84
2. Sri S.K. Bagchi	44	24.1.85
3. " A.K. Bhattacharjee	45	5.11.86
4. " B. Laskar	48	6.11.86
5. " P.K. Sharma	49	10.5.99
6. " J.N. Guha	50	9.8.99
7. " Sonar Kumar Dey	51 Respondent No.5	9.7.99
8. " B. Das Gupta	52 Respondent No.6	1.6.99
9. " S. Saikia	53 Respondent No.7	13.5.99
10. Smt. Hazarika (ST)		
11. Sri H.K. Rajak (SC)		

E) Vide Office Order dated 23.11.04 (Annexure E to the application) 12 staff were promoted after re-structuring the cadre from 1.11.03.

The application therefore suffers from defects of contradictions, lack of proper transparency/clarity and valid cause of action. It also appears that he has no grievances/cause of action against the other promotees and the application is fit one to be dismissed on these grounds also.

16. That, in view of what have been submitted in the above paragraphs of this written statement, none of the grounds for relief as mentioned at paragraph 5 of the application and

-: 15 :-

relief as sought for under paragraphs 8 and 9 of the application, are sustainable under law and fact of the case and thus the prayers of the applicant are liable to be rejected.

It is emphatically denied that :

- (a) the impugned order of promotion is illegal.
- (b) there has been any illegality, favouritism, discrimination and arbitrary action or violation of Article 14 of the Constitution of India, as alleged.
- (c) there is no cogent reason for not promoting the applicant to the post of Sr. Section Engineer/ P.Way etc. as alleged, or, there has been violation of rules and procedures in the matter of promotion to the post of Sr. Section Engineer/ P.Way on the basis of suitability or there has been any violation of Article 16 of the Constitution of India.
- (d) any representation of the applicant against adverse remarks in A.C.R. for the year ending 31.3.2001 is pending or that the A.C.R. cannot operate against the applicant in the matter of promotion of the applicant.
- (e) there has been any malice in law as well as in fact, as alleged, or, that the applicant is entitled to the relief as prayed for.

-: 16 :-

102
S. Jy. Chief Personnel Officer 14-Q
N.F. Railway, Maitighar
Guwahati-11

It is also submitted that the present application is barred under law and rules and after remaining silent all these years he is legally estopped from agitating over the issue of the A.C.R. for period ending 2000 - 2001 and selection matter/promotion effected in 2002, 2003 and 2004.

17. That, it is submitted that all the actions taken in the case by the respondents are quite legal, valid and proper and in consonance to the provisions of extant rules on the subject and have been taken after due application of mind and that the present application is based on wrong premises and suffers from is-conception and mis-interpretation of rules and laws on the subject besides being on sumise only.

18. That, necessary enquiries are still under process to ascertain further information etc. if there be any, and the answering respondents crave leave of the Hon'ble Tribunal to file additional written statement, if found necessary after such enquiries, for ends of Justice.

19. That, under the facts and circumstances of the case, as stated in the foregoing paragraphs of the written statement, the instant application is not maintainable under law and fact of the case and is liable to be dismissed.

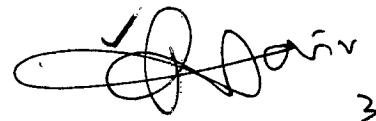
..... Verification

v)

-: 17 :-

VERIFICATION

I, R. ABIVU son of late Shri S. Ramasamy
aged about 40 years by occupation, Railway Service, working
as Dy. CPO/HQ of N.F. Railway Administration,
do hereby solemnly affirm and state that the state-
ments made in paragraphs 1 and 4 are true to my knowledge and
those made at paragraphs 9, 10, 11, 12, 13 and 14 are based on
information as gathered from records of the case which I believe
to be true and the rest are my humble submissions before the
Hon'ble Tribunal and I sign this verification on this 30th day
of November, 2005.


30/11.

NORTHEAST FRONTIER RAILWAY
FOR AND ON BEHALF OF
UNION OF INDIA.

Dy. Chief Personnel Officer / HQ
N.F. Railway, Maligaon
Guwahati-11

ANNEXURE - I
Series 104

✓ 6/9
N.F.RAILWAY.

NO. E/208/2/QA/49/05/GHY.

To:
The General Manager(P),
N.F.Rly./Maligaon.
(Special attention of APO/LC/MLG)

OFFICE OF THE
DIVL.RLY.MANAGER(P),
ALIPURDUAR JUNCTION.

DATED 2 /09/05.

Sub:- OA/49/05 - C.B. Kumar -
Vrs.- U.O.I. & Others.

Ref:- Your L/No.E/170/LC/NS/616/05
dated 17.8.05.

In reference to above, it is to inform you that Sr.DEN's office vide their noting (copy enclosed) has stated that the Annexure-'G' to the O.A. appears to be false. As such, action may be taken accordingly.

DA-1.

2/9/05 (A.K. Mukherjee) AD/2
for DIVL.RLY. MANAGER(P),
ALIPURDUAR JUNCTION.

(un/2905.)

H.C. passed ex/12
for m/s R.
Date 2/9/05
09/9/05

Certified to be
true COPY
G.P.A./Lokesh

reg-clarification of P.W.C. so
furnished by Sr. DEN/C with
P.P.-2 bottom

P.W.C. of the O.A. so furnished
Sr. DEN/C were sent to H.L.B. Now
with their letter O.A.-5/10/LC/NS/6161, dt. 17/9/60
placed at S.N.-side had sought clarification

As to " " in reply to para-11
stated that this application does not seek its
appeal for Exposing the adverse re-

But the petition has annexed a
list O.A.'s annexure 'C' which shows
had submitted appeal in. (annexure 'C')

Have it require to clarify Mr. H.L.B.'s
position of annexure 'C' do the O.A. do

(1) Annexure 'C' do the O.A. in the
true or false

(2) If true then result of the said

for above clarify

is required to Sr. DEN/C

Sub

Dfo

Sr. DEN/C may give remarks on

PP/4

Contd.... PP/3

Regarding Annexure-C, no such appeal has been received by the Confidential Section of S.D.E.N(C)/ADD. The signature appearing in the receipt Challan is not of any staff of the section.

COS/W-2

- As verified the record of R&D Section, the signature is not of any of their section.
- The receipt of Challan is eligible.
- The signature appears to be forged signature.
- The stamp used in R&D Section is either round or two line stamp. The stamp is not matching with the stamp of S.D.E.N(C).

PP/3/13
COS/W-2

Put up to S.D.E.N(C) for kind perusal.

S.D.E.N(C)

Remarks have been furnished above. D.P.O. may please forward the case accordingly.

31/8/05
C/SAC

BS/13
31/8/05

D.P.O
Chennai

31/8/05

At CLA

N. F. RAILWAYCONFIDENTIAL

Office of the
Divl.Rly. Manager(Works)
Alipurduar Jn.

Dt. 24.06.2003
25

W/SS/CR/AP/Adv.

Sri C. B. Kumar,
SE/P-way/BNGN

(Through ADEN/II/NBQ)

The following adverse remarks appear in your Confidential Report for the Year Ending 31.3.2002 :

Part/III

1. Does the reporting officer agrees with the statement made in part II?	: No, not with all statements. No curves have been realigned. No speed restrictions have been removed because of lack of sufficient required P-way materials. No due self initiative have been taken by him for improvement of track with available resources and materials available with other PWIs.
2. Tact and Temper	: He is not tactful, short tempered.
3. Initiative and direction	: Lack of initiative and direction.
4. Keenness, promptness and efficiency	: He is neither keen nor prompt and is less efficient.
5. Power to control others	: Good, but he does not use it in a positive sense.
6. Quality of leadership	: Good, but he does not use it in a positive sense.
7. Organising/supervising ability	: He is not a good supervisor/ organizer
8. Amenability to discipline	: Poor
9. Knowledge of rules, regulations and procedure	: Not sufficient
10. Are his muster roll and gang charts properly entered and well kept?	: Not always, sometimes his muster sheets are found in filthy condition.
11. Is his knowledge such as would be expected from one of his rank ?	: No. He requires training in G & SR, LWR maintenance & Bridge maintenance.
12. Has his work been satisfactory ? If not, in what respect he has failed ?	: No. Due to his lack of initiation, works are not completed properly & timely. He failed to do his inspections effectively.
13. His relation with the staff working under his supervision and other fellow employees.	: Not proper with all.

These are being communicated to you not to discourage you in any way, but it is desired that they should enable you to know and rectify your defects so that you may earn a better report next year.

Please acknowledge receipt of this letter on the extra copy enclosed which should be returned to this office within a fortnight.

For Divisional Railway Manager(Works)
N.F.Railway, Alipurduar Jn.

Verfied
to be true copy
S. P. AP/urakha

23-6-03

In The Central Administrative Tribunal - 2 AUG

Guwahati Bench :: Guwahati.

केन्द्रीय प्रशासनिक नियंत्रण
Central Administrative Tribunal

DRM
Guwahati Bench

108

O.A. NO. 49/2005

Sri C. B. Kumar

Vs.

Union Of India & Ors.

In the matter of ::

Rejoinder in reply to the
written statement

Filed by
Advocate
S. Chakraborty, Advocate
150/05

The applicant most respectfully beg to state
as under ::

1. That the applicant has gone through the
written statement (for short WS) filed by the respondents
and has understood the contents thereof.

2. That in reply to the statements in para 6 of
the WS it is stated that the application is within the
period of limitation under section 21 of the Administrative
Tribunal Act, 1985. The applicant is aggrieved by the
promotion order dated 23/29-11-2004 and he prayed for
consideration of his promotion by modification of the said
impugned order.

3. That in reply to the statements in para 11 of
the WS it is stated that Annexure-G to OA-49/2005 was duly
received by the Office of D.R.M. (W), Alipurduar Jn. (Receipt
and Despatch Section).

109
by
Gopal
S

4. That in reply to the statements in para 14 of the WS it is stated that the A.C.R. for the year ending 31-03-2002, Annexure-II to WS, was not communicated to the applicant nor the applicant has received such communication. The respondents could not file any acknowledgement of the applicant as regards receipt of the said communication dated 24/25-06-2003 before this Hon'ble Court.

5. That this rejoinder is filed bonafide and for the cause of justice.

110

* * 3 * *

Verification

I, Chandra Bhushan Kumar, son of Late Satya Narayan Kumar, aged about 42 years, a resident of Barsoi, Katihar, do hereby verify that, the statements made in the paragraphs 1 to 5 are true to my knowledge and that I have not suppressed any material fact.

And I, sign this verification on this 29/6/
day of July 2006.

Chandra Bhushan Kumar

Central Administrative Tribunal
Guwahati Bench

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. NO. 49/2005

Sri C.B. Kumar

.....Applicant

.....Vs.

Union Of India & Ors.

.....Respondents

In the matter of :

An Additional Affidavit of the
applicant above named.

The deponent (Applicant in the said OA No. 49/2005) most respectfully states and declares as under:

1. That he has submitted the Annexure-G document to OA No. 49/2005 to the office of the D.R.M(W), Alipurduar Jn. through Sri Mahadeo Prasad, Sr. Track Man, Bongaigaon who visited the said office at that time for official purpose.
2. That the above said Annexure-G document was submitted by the said Sri Mahadeo Prasad to the Receipt and Despatch section of the Office of DRM(W), Alipurduar Jn.
3. That the said Sri Mahadeo Prasad informed the applicant that to the best of his information the name of the person who received the said Annexure-G letter (Page 28 & 29 to OA no. 49/2005) and issued the acknowledgement (Annexure-G, Page 27 to OA No. 49/2005) is Phuphu Rani Mazumder, an employee to the said establishment.
4. That the deponent begs enclose herewith copy of some official letters which were written and submitted by him on different occasions to the said office and were also received by the said employee as examples.

F/ed by C.B.
Applicant through
A. Chakraborty, Advocate
On 6/12/06

AFFIDAVIT

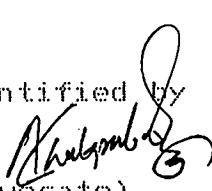
I, Chandra Bhushan Kumar, son of Late Satya Narayan Kumar, aged about 42 years, a resident of Barsoi, Katihar, do hereby solemnly affirm and declare as follows :-

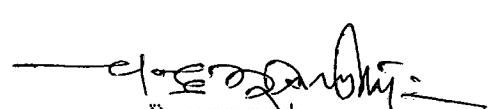
1. That I am the applicant in the OA.NO. 49/2005 and as such I am well acquainted with the facts and circumstances of the case.

2. That the statements made in para 1 to 4 above are true to my knowledge and belief and that I have not suppressed any material fact.

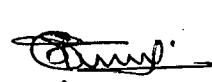
And I sign this affidavit on this 05th day of November, 2006 at Guwahati.

Identified by


(Advocate)


Deponent

Solemnly affirms and declares before me who is identified by Sri A. Chakraborty, Advocate, on this 05th Day of November, 2006


(B.N. Tumuli)
Advocate 5/11/06.

1. 28 FEB 2007

गुवाहाटी न्यायालय
Guwahati Bench

13

Digitized and Taken
by C.N.C.A. on 2011-02-28
N.F. Railway Motions
Guwahati

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

GUWAHATI.

O.A. No. 49 of 2005

Sri C. B. Kumar

Applicant.

vs.

Union of India & Ors. Respondents.

IN THE MATTER OF :

A reply to the rejoinder filed by the applicant in response to the Written Statement filed by the respondents in the above case.

The humble respondents most respectfully submits as under :

1. That, the answering respondents have gone through the copy of the rejoinder filed by the applicant and have understood the contents thereof.

2. That, the rejoinder filed by the applicant at para 2 of the case is not maintainable under facts and law in the case especially when case was in the hearing process.

3. That, the contentions of the applicant as forwarded vide para 2 of the rejoinder are not correct and hence denied herewith. The respondents hereby re-iterate and re-affirm their statements made at paragraph 6 of their written statement submitted in the case. As has been explained at paragraph 6 of the written statement, the application submitted by the applicant

Contd.....2

is barred by limitation. The applicant's contention that he is aggrieved by the promotion order dated 23/29.11.2004 and that his case for promotion may be considered by modification of the promotion order dated 23/29.11.2004 are quite untenable, and unacceptable. The applicant could not come out successful in any of the suitability tests for promotion to the post of SSE/P.Way Scale Rs.7450 - 11500/- held even prior to issuing the Memorandum No.E/283/37/Pt-XXIII (E) dated 23.11.04.

Since promotion are made on the basis of seniority-cum-suitability and only after being declared as successful/selected in the suitability test, his case for promotion against the re-structured posts or question of modifying the impugned order dated 23.11.2004 (Annexure 'D' of the application) does not arise.

In this connection it is also to submit herein that :-

A) in the seniority list annexed by the applicant as Annexure 'A' to the application, the applicant's seniority position in the cadre of SE/P.Way has been shown at Serial No.16 of the list and it is well evident from other Annexures to the application that a good number of his junior in SE/P.Way were promoted to the posts of SSE/P.Way on different dates in the years 2002 and onward as under :-

1) Vide Annexure 'B' to the application (Order dated 6/7.5.02) - 5 SE/P.Way (includes 2 posts of SC, ST quota/ who were junior to him) were promoted bearing Serial No. in

15
M/s. Iyer and Nair
Dated 21.11.05
149

seniority list as Serial Nos. 12, 13, 14, 15 & 40 in abovesaid seniority list at Annexure-A of Application.

ii) Vide Annexure 'B' to the application -

(Office Order dated 21.2.03). 14 persons who were junior to him were promoted bearing seniority position below the applicant (bearing Serial Nos. 17, 19, 21, 22, 23, 24, 25, 64, 27, 28, 29, 30, 31 & 32.)

iii) Vide Office Order dated 7.11.03 (Annexure 'D' to the application) - 10 persons were promoted bearing seniority position Nos. 33, 34, 36, 37, 38, 39, 41, 42, 43 and 62 of seniority list at Annexure-A to application.

(Annexure 'D' to Application)

iv) Vide Memorandum/Order dated 23.11.04 - 11 persons were promoted bearing seniority position Serial Nos. 35, 44, 45, 48, 49, 50, 51, 52, & 53 etc.

v) Vide Office Order dated 23/29.11.2004 (Annexure-E to the application) 12 persons bearing Serial Nos. 62, 35, 44, 46, 48, 49, 50, 51, 52 & 53 in the seniority list (at Annexure-A to application) who have been found suitable for promotion to the post of SSE/P.Way in Scale Rs.7450 - 11,500/- against posts available due to re-structuring of cadre w.e.f. 1.11.03.

In view of above, the applicant's claim for promotion against the existing vacancies is not tenable.

However, the applicant has recently been promoted as SSE/P.Way vide Office Order dated 19/21.11.05 against new vacancies occurred as on 2.2.05, as will reveal from Annexures III and IV attached hereto.

-: 4 :-

4. That the applicant's assertion at paragraph 3 of the rejoinder to the effect that an appeal against the adverse remark in the ACR for the year ending 31.3.2001 (^{alleged} translated, typed, unsigned copy of which has been annexed to the application as Annexure 'G') was duly received by the office of DRM(W)/Alipurdur Jn. (Receipt and Despatch Section) has again been enquired into by the Divisional authorities thoroughly and after enquiring the DRM/APDJ's office have informed as under :

- i) Regarding Annexure 'G' of the application no such appeal has been received and the signature as shown is not of any of the staff of the Section.
- ii) The signature appears to be forged one.
- iii) The stamp of R & D Section is not matching etc. etc.

In this connection the photo copy of the DRM(P)/APDJ's letter No.E/208/2/0A/49/05/GHY dated 13.10.2006 and the Office notes at PP-4 of DRM/APDJ's case file dated 22.8.05 to 10.10.06 are annexed hereto as Annexure V series for ready perusal.

Further, the respondents while denying submission of any appeal by the applicant against the ACR for period ending 31.3.01, also explained the entire issue at paragraph-11 of its written statement submitted in the case and inter-alia mentioned that circumstantial evidences also established that no such appeal as has been annexed as the Annexure 'G' to application was ever submitted to the respondents and that he should have disclosed the full name and designation etc. of the staff to whom he alleges to have submitted ^{an} appeal so mentioned (with the name of office, department, date etc.) etc. etc. as to identify the person concerned etc.

-: 5 :-

N.F
M. Jayaraman Naidu
Dr. Chintan Patel

But he has not complied with the requirement also.

In view of above his claim about submission of any appeal is emphatically denied herewith.

5. That, with regard to averments of the applicant at paragraph 4 of the rejoinder it is submitted that it is not correct that ACR for the year ending 31.3.2002 was not communicated to him or same was not received by him. The Alipurduar Divisional Office (DRM(P)/APDJ) has clearly intimated that as per practice, the adverse remarks in ACR is communicated to the concerned field staff through the respective ADEN. In this case also the adverse remarks made in the ACR of Sri C.B. Kumar for the period ending 31.3.02 was communicated to him through ADEN/II/NBQ on 25.6.03 under the Office letter No.W/SS/CR/AP/ - - Adv. dated 25.6.03 and that such communications are made in duplicate copies, one meant for the staff concerned and the other for obtaining his acknowledgement for keeping in the Divisional Head Quarter Office as office records. But in this particular case the Acknowledgement copy from the office of ADEN/II/NBQ's was not received at the APDJ Divisional Head Quarter Office, ^{which} may be due to the fact that the APDJ Division was bifurcated at that time (with effect from 01.4.2003 and New Bongaigaon being the border, suffered considerable turmoil in maintenance of office records etc.

In this connection the photo copies of the Divisional Railway Manager(Works), Alipurduar Junctions letter No.W/SS/CR/AP/Adv. dated 25.6.2003 addressed to ADEN/II/New Bongaigaon enclosing two sheets of ACR for period ending 31.3.2002 with clear direction of DRM(W)/Alipurduar Jn. to handover the letter to the staff concerned (i.e. Sri C. B. Kumar) under his clear

149
Nityanand taken
by Chintan
Date 10/10/05

acknowledgement on the other copy and send the same to DRM(W)/
APDJ's office for records, are annexed Appendix-3 hereto
as Annexures-V Six for ready perusal.

The photo copy of the Sr.Divisional Engineer(Co-Ord)/
Alipurduar Junction's letter No.W/SS/CR/AP/Adv. dated 8.10.03
addressed to P.S. to Pr.CE/Maligaon by which the Sr.Divisional
Engineer/APDJ informed inter-alia that the adverse remarks
made in the ACR's of the staff (Sri C. B. Kumar) for period
ending 31.3.2001 and 31.3.2002 were communicated to the staff
and that in neither case he submitted any defence against the
adverse remarks, is annexed hereto as Appendix-VII for ready
reference.

6. That, as regards the assertion at para 5 of the re-
joinder, it is denied that the rejoinder has been filed ~~bonafide~~
and for Justice, as alleged. The unsigned typed ^{translated} copy annexed
as Annexure 'G' to the application and projected as an appeal
preferred by the applicant against the adverse ACR for year
ending 31.3.2001, receipt of which document by the answering
respondents is denied herewith, have also been gone through
and it transpired that besides being barred under limitation,
it contains no substantial material point etc. which might ~~warrantly~~
^{+~} call ~~for~~ re-opening and re-consideration of his case or reversal
or modification of the Office Order dated 23/29.11.2004 etc.
as prayed for by the applicant. The promotions and ACR issues
relates to year 2001, 2002, 2003 etc. and he has ^{filed} ~~come~~ before
the Hon'ble Court in the year 2005, remaining ~~num~~ all these
years.

..... Verification.

119

-: 7 :-

VERIFICATION.

I, Shri Nitya Nanda Thakur son of Late B.M.Thakur aged about 56 years now working as Dy. Cpo/HQ at Maligon, N.F. Railway's office do hereby solemnly affirm and state that the averments made at paragraph 1 of this reply is true ~~to~~ to my knowledge and those made at paragraphs 3, 4 and 5 are based on information as gathered from records of the case which I believe to be true and rest are my ^{humble} submissions before the Hon'ble Court and I sign this verification on this 21st day of February '07.

Nitya Nanda Thakur

FOR AND ON BEHALF OF
UNION OF INDIA.

Dy. Chief Personnel Officer/HQ
N.F. Railway, Maligon
Gwalior 39

10

161

N.F.RAILWAY

OFFICE ORDER

The following transfer, posting & promotion order is issued to take immediate effect:

The following SE(P.Way) who have been found suitable for promotion to the post of SSE/P.Way in scale Rs. 7450-11500/- against the existing vacancy in terms of his office memorandum of even number dt'd. 8/11/05 are hereby temporarily promoted as SSE/P.Way in scale Rs. 7450-11500/- & posted as under with immediate effect .

Sn	Name	Designation	Working under	Now posted as
1.	Sri C.B.Kumar	SE/P.Way	Sr.DEN/C/KIR	SSE/P.Way in scale Rs.7450-11500 under Sr.DEN/C/KIR
2.	S.R.Deb	SE/P.Way	Sr.DEN/C/KIR	-do-
3.	Hrishikesh Roy	SE/P.Way	Sr.DEN/C/KIR	SSE/P.Way in scale Rs.7450-11500/- under Sr.DEN/C/RNY

This has the approval of competent authority

19.11.05
(S.DEVI)
APO/Engg.
For GENERAL MANAGER(P)
MALIGAON

NO. E/283/37/Pt-XXIII(E)

dated: 19/11/05

Copy forwarded for information and necessary action to:

1. CTE, Dy. CE/TD/MLG
2. DRM(P)/KIR, RNY
3. DRM(W)/KIR & RNY

For GENERAL MANAGER(P)
MALIGAON

Re: OA NO 44/2005 before CAT/684

~~Present~~ Vacancy occurred as on :- 22.05

No. of candidates found eligible = 03

03 candidates found suitable
for promotion to the post of
SSB/P-way with O.O. NO.

B1283/37/ Pt X III (P) dt 21.11.05 &
promoted as SSB/P-way.

1. " Mr. C.B. Kumar

2. " S. R. Deb

3. " H. Roy

CTB approved the panel on 26.8.05
Yours has no relationship with
earlier suitability tests.

Rev 9.3.06
A80/B

N. F. RAILWAY

Office of the
Divl.Rly.Manager(P),
Alipurduar Jn.

No. E/208/2/OA/49/05/GHY

Dt.13.10.2006.

To
Central Administrative Tribunal,
Guwahati Bench

O.A.No. 49/2005
Sri C. B. Kumar
Vs
UOI and others

Sub : Para-wise comments against rejoinder.

The para-wise comments against the rejoinder is furnished below :

Para – 1 : 'No comments.

Para – 2 : Already replied vide earlier reply.

Para – 3 : This item has already been replied. As stated earlier, no representation against the adverse remarks made in the ACR of Sri C. B. Kumar for period ending 31.3.01, communicated under DRM(W)/APDJ's confidential letter no.W/SS/CR/AP/Adv. Dt.03.4.02 has been received. The document produced as Annexure-G has been verified by the concerned sections and it transpires that this is a forged document (D – 1).

Para – 4 : As per practice, the adverse remarks in ACR is communicated to the concerned field staff through the respective ADEN. In this case, the adverse remarks made in the ACR of Sri C. B. Kumar for period ending 31.3.02 was communicated to him through ADEN/II/NBQ on 25.6.03 under this office letter no. W/SS/CR/AP/Adv (D-2, D-3). Such communications are made in duplicate copies, one meant for the staff concerned and the other for obtaining his acknowledgement for keeping in our office records. In this particular case, the acknowledged copy was not received from ADEN/II/NBQ may be due to the fact that APDJ division was bifurcated at that time (w.e.f. 01/4/03) and NBQ, being the border, suffered considerable turmoil in maintenance of office records.

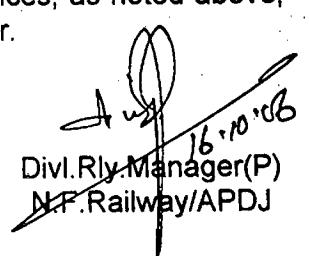
In this connection, the following facts are brought to light (D-4 to D-8) :

- a) A communication was received from PS to Pr.CE/MLG on 29.9.03 for verification of some documents purported to have been issued from DRM/W/APDJ Office in connection with the ACR in respect of Sri C. B. Kumar. All these documents speak about rectification (read expunge) of the adverse remarks made in the ACR of Sri Kumar but none of them was issued from this office as per the notings and records maintained for this purpose in the office concerned.
- b) The reference numbers of the documents sent to DRM(W)/APDJ's office for verification does not match with that of the concerned dealing case. In fact that number is totally non-existent in DRM(W)/APDJ's office.
- c) The adverse remarks were communicated on 25.6.03 and from the verification documents (D-6 to D-8), it is seen that the letter communicating the expunging order has also been issued on 25.6.03 i.e. on the same date which is impracticable. The expunging authority in this case is DRM and, there is no such record of such case movement.

-:: 2 ::-

d) The communication of adverse remarks was made through ADEN/II/NBQ who is the immediate officer of the concerned staff. But in these documents, it is seen that it is being served through ADEN/I/NBQ which is also against the procedure.

All these above facts raise a question mark against the authenticity of these documents and it appears that these all are forged and fabricated documents submitted to Pr.CE/MLG's office with the intention to serve some vested interest. As Sri C. B. Kumar is the recipient of the adverse remarks, it is likely that it is only he who had the intention to expunge the adverse remarks. Thus the circumstantial evidences, as noted above, indicate towards receipt of the adverse remarks by Sri C. B. Kumar.


For Divl.Rly.Manager(P)
N.R.Railway/APDJ
16.10.06

D-1

PP/4

Contd.... PP/3

Regarding Annexure-G, no such appeal has been received by the
Confidential Section of Sr.DEN(C)/ADD. The signature appearing
in the receipt Challan is not of any staff of this section.

Paras
30.8.05
C/Sent to
Sr.DEN(C)/ADD

COS/W-2

- As verified the record of R&D Section,
the signature is not of any of their section.
- The receipt of challan is ineligible.
- The signature appears to be forged signature.
- The stamp used in R&D Section is
either round or two line stamp. The stamp
is not matching.
c/fors to Sr.DEN(C).

PP/31/8
C/wiz

Put up to Sr.DEN(C) for kind perusal.

Sr.DEN(C)

Remarks have been furnished above. DPO may please
forward the case accordingly.

Bishal
31-8-05

DPO (Coronally)

31/8/05

At CLA

Reg: OA No. 49/2005, CAT/677.
C.B. Kumar vs. VOI eOrs.

In the above noted case, petitioner has filed rejoinder
(placed at S.N. side) to the reply of the Rly. In para-4 of the
rejoinder, petitioner is stating that no communication
with regard to A.R. for year ending 31.3.02 has been
made to him. Pl. make comment against this para
with supporting document as early as may be to
avoid any embarrassing situation.

At CLA
10.10.06

Stems to Sr.DEN(C) (Coronally)

Contd.... PP/5

10

regarding classification of p.w.c. so
furnished by Sr. DEN/C side
P.P. 2 bottom

p.w.c. of the o.A. so furnished by
Sr. DEN/C were sent to Hd. B.S. Now Hd. B.S.
vide their letter dt. no. 5/110/LC/NS/616/05 dt. 17/8/05
plead at SN-side had sought classification

As to "—" In reply to para-11 it was
stated that the applicant do not submit any
appeal for expunging the adverse remarks in his case.
But the petition has annexed a memo vide
his o.A.'s annexure 'G' which shows that he
had submitted appeal i.e. (annexure to Hd. B.S. 6/110).
Hence it requires to clarify the factual
position of annexure 'G' to the o.A. as to -

(i) Annexure - 'G' do the o.A. is ~~true~~
true or false.

(ii) If true then result of the said appeal.

For above classification file
is routed to Sr. DEN/C.

sub. M. H.

22/8/05
C.L.A.

~~D.P.O.~~
Sr. DEN/C may give remarks on
above.

22/8/05

Sr. DEN/C

GA

COSHW-2

B. B. R. H.
22/8/05

D-2.

(81)

D-2

CONFIDENTIAL

N. F. RAILWAY

Office of the
Divl.Rly. Manager(Works)
Alipurduar Jn.

No. W/SS/CR/AP/Adv.

Dt. 25/6/2003

To

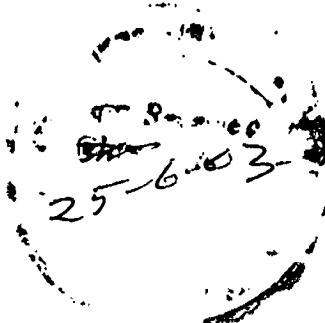
ADEN/H/NBO

Enclosed please find herewith one confidential letter in duplicate bearing no. W/SS/CR/AP/Adv. Dated 25/6/2003 addressed to Shri C. B. Kumar, SE/P-way/BNGN containing the adverse comments made on his ACR for period ending 31.3.2002. Please hand over the letter to the staff concerned under his clear acknowledgement on the other copy, so marked, and send the same to office early for records.

Enclo : Two sheets.


For Divl.Rly.Manager(Works)
N.F.Railway, Alipurduar Jn.

OK



D-3

D-3

(80)

N. F. RAILWAY

CONFIDENTIAL

Office of the
Divl. Rly. Manager(Works)
Alipurduar Jn.

Dt. 24.06.2003
25

No. W/SS/CR/AP/Adv.

To
Sri C. B. Kumar,
SE/P-way/BNGN

(Through ADEN/II/NBQ)

The following adverse remarks appear in your Confidential Report for the
Year Ending 31.3.2002 :

Part/III

1. Does the reporting officer agrees with the statement made in part II? If not, the extent of disagreement and reasons therefore. : No, not with all statements. No curves have been realigned. No speed restrictions have been removed because of lack of sufficient required P-way materials. No due self initiative have been taken by him for improvement of track with available resources and materials available with other PWIs.
2. Tact and Temper : He is not tactful, short tempered.
3. Initiative and direction : Lack of initiative and direction.
4. Keenness, promptness and efficiency : He is neither keen nor prompt and is less efficient.
5. Power to control others : Good, but he does not use it in a positive sense.
6. Quality of leadership : Good, but he does not use it in a positive sense.
7. Organising/supervising ability : He is not a good supervisor/ organizer
8. Amenability to discipline : Poor
9. Knowledge of rules, regulations and procedure : Not sufficient
10. Are his muster roll and gang charts properly entered and well kept? : Not always, sometimes his muster sheets are found in filthy condition.
11. Is his knowledge such as would be expected from one of his rank? : No. He requires training in G & SR, LWR maintenance & Bridge maintenance.
12. Has his work been satisfactory? If not, in what respect he has failed? : No. Due to his lack of initiation, works are not completed properly & timely. He failed to do his inspections effectively.
13. His relation with the staff working under his supervision and other fellow employees. : Not proper with all.

These are being communicated to you not to discourage you in any way, but it is desired that they should enable you to know and rectify your defects so that you may earn a better report next year.

Please acknowledge receipt of this letter on the extra copy enclosed which should be returned to this office within a fortnight.

23-6-03

For Divisional Railway Manager(Works)
N.F.Railway

- - D-4

(94)

CONFIDENTIAL

N. F. RAILWAY

Office of the
Divl.Rly.Manager(Works)
Alipurduar Jn.

No. W/SS/CR/AP/Adv.

Dt. 08.10.2003

To
PS to Pr.CE/Maligaon
N.F.Railway

Sub : ACR in respect of Sri C. B. Kumar, SE/P-way/BNGN

Ref: Your Confidential Letter No.CE/SS/13/NG/Pt.VI
dt.29.9.2003.

The letters in question have been verified at this office. The reference no. quoted in all the three letters (i.e. W/SS/CR/AP/Rect.) does not at all exist in this office. Neither any such letter for expunging the adverse entries made in the ACR of Sri C. B. Kumar has been issued under any other case no. to GM/W/MLG or to the concerned staff.

The adverse remarks made in the ACR of Sri C. B. Kumar for the period ending 31.3.2002 were communicated to him under this office letter no. W/SS/CR/AP/Adv. Dt.25.6.03. Adverse remarks were also made in his ACR for P.E. 31.3.201 which were communicated to him under even no. dated 03.4.2002. Copies of these letters are enclosed for ready reference. These ACRs have been routed through all the concerned officers before being accepted by ADRM/APDJ. In neither case, Sri Kumar has even bothered to submit any defence against the adverse remarks. So question of expunging the adverse entries does not arise at all.

It is evident that all these three counterfeit letters have been produced with the evil purpose to vitiate the valid office records and to lead the administration astray.


Sr.Divl.Engineer(Co-ord)
Alipurduar Jn.

je