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7

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 55/2005.....

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SECTION OFFICER (Judl.)

  
01/11/17

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 55/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants:-

Respondents

Advocates for the Applicant B. Chakraborty  
M. Chanda, C.N. Chakraborty, S. Nath  
S. Chandray

Advocates of the Respondents Railway Counsel

Notes of the Registry

Date

Order of the Tribunal

28.02.2005

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

This application is in form  
is filed/C.F. Rs. 50/-  
deposited vide PC/BB  
No. 206/116078.  
Dated 18.2.05

He Dy. Registrar  
28.2.05  
An

Heard Mr. M. Chanda, learned  
counsel for the applicant and also  
Ms. U. Das, learned counsel on beha-  
lf of the Railway.

The application is admitted,  
call for the records. Issue notice  
to the respondents. Returnable  
within four weeks.

List on 5.4.2005 for orders.

Pendency of this application  
shall not be a bar to consider the  
representation of the applicant  
dated 09.02.2005 (Annexure - VI).

Member (A)

mb

Notice & order  
sent to D/Section  
for issuing to  
resp. Nos. 1, 2 & 3  
by regd. A/D post.

Class  
3/3/05.

Notice duly served  
on resp. No-2

12/3.

4.4.05  
No. 1/13 No. seen. 8/10.  
5/12. 10/12.

O.A. 55/2005

5.4.2005 Mr. M. Chanda, learned counsel for the applicant and Ms. B. Devi, learned counsel appearing on behalf of the Respondents submits that this matter can be disposed of without any written statement. Post on 11.4.2005.

5.4.05-

NO LRs has been filed

ND

Vice Chairman

mb

11.4.2005

Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of, at the in terms of the order.

Copy of the Judgment has been sent to the D/Sec for 1004, the line to the applicant as well as to the Rly. Chaudhary Counsel.

Member

bb

Vice-Chairman

✓

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No.55of 2005.

DATE OF DECISION : 11.04.2005

Shri Bibekananda Chakraborty

APPLICANT(S)

Mr.M.Chanda

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

G.M.(P), N.F.Railway & Ors.

RESPONDENT(S)

Mr.S.Sarma for Railways.

ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.

} no  
- 9  
2005

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

Original Application No. 55 of 2005.

Date of Order: This, the 11th day of April, 2005.

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

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Bibekananda Chakraborty  
S/o Shri Kushal Kr. Chakraborty  
Helper-II

O/o The Sr. Section Engineer (Telecommunication)  
N.F.Railway  
Lumding.

..... Applicant.

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

- Versus -

1. The Union of India  
Through General Manager (P)  
N.F.Railway  
Maligaon  
Guwahati-11.
2. The Divisional Railway Manager  
N.F.Railway  
Lumding.
3. The Divisional Manager (P)  
N.F.Railway  
Lumding.  
Respondents.

By Mr.S.Sarma, counsel for Railways.

ORDER (ORAL)

SIVARAJAN, J.(V.C.):

This application is filed by the son of one Shri Kushal Nath Chakraborty alleging that his request for giving him appointment on compassionate ground as Group 'C' employee has not yet been


considered. It is the case of the applicant that in stead of appointing him in Group 'C' post he was given a Group 'D' post and that his juniors who were appointed in Group 'D' posts were considered for appointment in Group 'C' post and were given postings. Mr. M. Chanda, <sup>learned</sup> counsel for the applicant submits that the Tribunal in the above circumstances had directed the respondents to consider representation dated 9.2.2005 submitted by the applicant, but now the applicant has received a communication dated 24.3.2005 from the respondents stating that the concerned case file wherein the relevant papers in regard to the employment of Group 'C' were kept, has been seized by the Vigilance and that on receipt of the seized file from the Vigilance Authority the merit of his case shall be considered as per rules. Mr. M. Chanda submits that in the circumstances respondents may be directed to obtain the concerned file from the Vigilance Department at the earliest and to dispose of the representation dated 9.2.2005 submitted by the applicant on merit in regard to his posting in Group 'C' within a time frame.

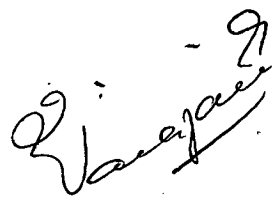
2. We have also heard Mr. S. Sarma, learned counsel appearing for the Railways. Since respondents have now stated that applicant's representation will be considered on merit as soon as the records are got back from the Vigilance Authority, the respondents are directed to take expeditious steps for getting back the relevant file from the Vigilance Department, if the applicant himself is not involved in any vigilance case, at the earliest and to consider the case of the applicant for appointment in Group 'C' post as expeditiously as possible within a period of two months

*[Signature]*

from the date of receipt of the records from the Vigilance Department as directed hereinabove.

The application is disposed of as above.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( G.SIVARAJAN )  
VICE CHAIRMAN

bb

दोनों तरफ लिखें  
Write both sides if required

एन. ए. रेलवे  
N. E. Railway

N. E. - G. 40A

RE-CL. 15

दिनांक/Dated 24.3.05

संख्या/No. E/227/1/AppH/LM/Camp(14) DOKK

From: DRM(P) LM C  
N.E. Rly.

To: Sri Bishwananda Chakravarty  
Super-D, Indo-SSE/Tele/Ins.

विषय/Sub: Prayer for appth. against Gr.C. Vacancies.  
संदर्भ/Ref: Your application dt. 9.2.05 & 3.3.05.

The concerned case file where in the relevant papers in regard to empanelment of Gr.C. candidates were kept, has been seized by the vigilance. On receipt of the seized case from the Vig. authority the merit of your case shall be considered as per rule.

*Signature*

for Div. Secy. (P) & Secy. (D)  
N.E. Railway



Before the C.A.T. Committee  
Bench Committee. a

It is prayed that the  
following case be allowed  
to move as an undisturbed  
item.

① O. A.

Sri B. Chakrabarty

- vs -

Union of India & Co.

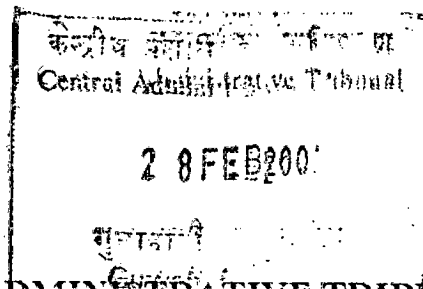
Dr. Chakrabarty

Adv.

28/2/05

Atk

100  
2872



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 55 /2005

Sri Bibekananda Chakraborty

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 16.07.1996- Shri Kushal Nath Chakraborty, father of the applicant, who was a Railway employee retired on invalid pension due to medical unfitness. The applicant being elder son, applied for compassionate ground in Group-III category.
- 17.11.1996- Applicant appeared in the suitability test (written).
- 19.11.1996- Applicant appeared in viva-voce test and accordingly empanelled for appointment on compassionate ground to a Class-III post.
- 29.04.1997- Respondent No. 3 vide his letter dated 29.04.97 sought option of the applicant for appointment in Group-D category post since vacancy in Group-III category was not available. However the applicant did not submit his option for Group-D post. (Annexure-II)
- 17.07.2000- Respondent No. 3 again sought option of the applicant for appointment on compassionate ground in a Group-D post either for temporary or for permanent absorption to the cadre of Group-D post. (Annexure-III)
- 26.07.2000- Applicant submitted his option for temporary appointment to the Group-D post within the stipulated time, keeping it open that his case is liable to be considered as and when Group-C post is available as per assurance of the respondents. (Annexure-IV)
- 17.07.2001 The railway department appointed the applicant to a group "D" post as a Khalashi. (Annexure-V)
- 09.02.2005 The applicant submitted two nos. of representations to the respondents no.2 and 3 for appointment to the applicant on compassionate ground, in group 'c' category. (Annexure-VI)

Bibekananda Chakraborty

### PRAYERS

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

1. That the Hon'ble Tribunal be pleased to direct the respondents to consider and appoint the applicant in Group-'C' post on seniority and priority basis on compassionate ground with immediate effect, in the light of the selection and the panel already declared earlier.
2. Costs of the application.
3. Any other relief(s) to which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

1. That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar to the Respondents to consider the case of the applicant for appointment in Group-'C'.
2. To direct the respondents to consider his representation in accordance with law as an interim measure.

*Bibekamanda Chakraborty*

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH: GUWAHATI

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

12  
Filed by Mr. Petitioner  
Mr. Surojit Choudhury  
Advocate.  
on 28.2.2005

Title of the case : O. A. No \_\_\_\_\_/2005

Shri Bibekananda Chakraborty. : Applicant

- Versus -

Union of India & Others: Respondents.

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Date 28.2.2005

Filed by

*Surojit Choudhury*

Advocate

*Bibekananda Chakraborty*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 55 /2005

BETWEEN

Shri Bibekananda Chakraborty.

S/o- Shri Kushal Kr. Chakraborty.

Helper-II.

O/o- The Sr. Section Engineer (Telecommunication)

N.F. Railway,

Lumding.

...Applicant.

-AND-

1. The Union of India,  
Through General Manager (P)  
N.F. Railway,  
Maligaon,  
Guwahati-11.
2. The Divisional Railway Manager,  
N.F. Railway,  
Lumding.
3. The Divisional Manager (P)  
N.F. Railway,  
Lumding.

... Respondents.

*Bibekananda Chakraborty*

### DETAILS OF THE APPLICATION

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

This application is made not against any particular order but praying for a direction upon the respondents to consider the case of the applicant for appointment on priority basis in any suitable Group 'C' vacant post on compassionate ground in terms of the railways letter dated 17.07.2000, on seniority and priority basis alongwith other similarly situated Group 'D' recruitees who are appointed subsequently after the appointment of the applicant on compassionate ground but the respondents have processed the case of those subsequent Group 'D' employees for appointment to the Group 'C' category in the existing vacancies, under compassionate quota.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

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

*Bibekrananda Chakraborty*

applicant is presently working as Helper Grade-II (in group D category) under Sr. Sectional Engineer (Telecommunication), N.F. Railway, Lunding.

4.2 That it is stated that father of the applicant, who was a Railway employee, had retired on invalid pension due to medical unfitness on 16.07.1996. The applicant being the elder son of Shri Kushal Kumar Chakraborty had applied for appointment on compassionate ground in Group-III category. Be it stated that the applicant have passed Higher Secondary Examination in the year 1989 as such he has attained eligibility for appointment in any Group-III post in Railways.

4.3 That your applicant following the call letter appeared in the suitability test (written), on 17.11.1996 and viva-voce test on 19.11.1996 and accordingly empanelled for appointment on compassionate ground to a Class-III post which is evident from the letter bearing No. E/227/L/1M/Comp (W)-Group-'C'/A' dated 16.11.1996.

A copy of the letter dated 16.11.1996 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-I.

4.4 That it is stated that the Respondent No. 3 vide his letter No. E/227/T/LM/Comp (W)/Option dated 29.04.1997, sought the option of the applicant for appointment in Group- D category post for appointment since vacancy in Group-III category was not available. However, the applicant did not submit his option for Group-D category and started waiting for offer of his appointment in Group-III post which may fall vacant in future.

Copy of the letter dated 29.04.97 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-II.

Bibekananda Chakraborty

4.5 That your applicant further begs to state that the Respondent No. 3 vide his letter bearing No. E/227/APPt+/LM/Comp (W)/Option dated 17.07.2000 again sought option of the applicant for appointment on compassionate ground in a group-D Post. It is stated in the said letter dated 17.07.2000 the Railways categorically stated that willingness may be submitted either for temporary or for permanent absorption to the cadre of group-D post. It is also made clear in the letter dated 17.07.2000 that in case the applicant opted for temporary appointment then his case for appointment to Group-'C' post would be considered later on as when vacancies arises as per his turn and on being found suitable in the screening test and a declaration to that effect has been prescribed in the letter dated 17.07.2000, the applicant accordingly submitted his option for temporary appointment to the Group-'D' cadre, within the stipulated time, keeping it open that his case is liable to be considered as and when Group-'C' post is available as per the assurance of the respondents. The applicant accordingly submitted his option on 26.07.2000.

Copy of letter dated 17.07.2000 and option letter dated 26.07.2000 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure-III and IV respectively.

4.6 That the it is stated that the Railway in fact pursuant to the aforesaid declaration appointed the applicant to a Group-'D' post of Khalasi vide office letter bearing No. E/227/A/AppptLM/Comp (W) dated 16.07.2001. The applicant accordingly joined to the post of Khalasi on 27.07.2001.

A copy of the appointment order dated 17.07.2001 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-V.

*Bibekananda Chakraborty.*



- 4.7 That it is stated that after the appointment to Group-'D' post a large number of vacancies occurred in the Group-'C' category under the DRM (P) Lunding but unfortunately, the respondents never called upon the applicant for consideration of his case for appointment in any Group-'C' category although the Respondent No.3 has already appointed a good number of candidates subsequently in the cadre of Group-'C' post.

However, the Respondents No.3 again started processing the cases of similarly situated Group-'D' category employees who were subsequently appointed on compassionate ground for consideration of their cases in Group-'C' category. But the case of the applicant has been excluded for such consideration for appointment to Group-'C' category. It is further learnt from a reliable source that the cases of similarly situated Group-'D' employees are being considered and appointment orders have been issued shortly in their favour, appointing them in Group-'C' category, whereas, applicant being senior in the cadre of Group-'D' entitled to consideration for appointment on priority basis in Group-'C' post. But the case of the applicant has been deliberately ignored from such consideration for the reasons best known to the respondents.

- 4.8 That your applicant upon knowing such a move of the respondents submitted two representations on 09.02.2005 addressed to the Respondents No. 2 and 3. In the said representation the applicant interalia stated that a few post of Group-'C' category have been placed under the disposal of the respondents No. 2 and 3 for appointment of the candidates selected for appointment on compassionate ground and as such he has requested to consider his case for absorption in Group-'C' category. The applicant did not receive any reply till filing of this application, however, applicant apprehending that, the process of such recruitment in Group-

*Bibekananda Chakraborty.*

'C' is in progress and the appointment letter have been issued in favour of other similarly situated employees without considering the case of the applicant. Another apprehension of the applicant is that, if all the available posts are filled up in the meanwhile in that event there will be no possibility on the part of the applicant to get absorption in near future. therefore in the compelling circumstances the applicant has no other alternative but to approach this Hon'ble Tribunal for protection of his valuable and legal rights for consideration of his appointment in Group-'C' post on compassionate ground.

Copies of the representations dated 09.02.05 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure-VI.

- 4.9 That in the facts and circumstances stated above your applicant has acquired a valuable and legal right for consideration of his appointment in the cadre of Group-'C' category.
- 4.10 That it is stated that the applicant has now come to learn from a reliable source that the respondents have already considered and appointed Sri Bijoy Dey, Sanjib Bhowmik, Ex Group D helpers under SSE Diesel to group C category but they are subsequent recritees of group D cadre under compassionate grounds then the present applicant vide impugned appointment letter no P/277/1/LM/Copm/N/group C dated 24.2.2005, this is one of the appointment letter which was issued in favour of one of the candidate named above under compassionate ground. Besides the above appointment some more persons are directly recruited in group C category recently namely Joydeep Bhattacharjee, Prasanta Das, Anup Dey, M.Sankar Kumar, Shib Sankar Saha. In the 3<sup>rd</sup> week of February of this month, therefore vacant finding no other alternative approaching

*Bibekomanda Chakraborty*

this Hon'ble Court for redressal of his grievances. It is relevant to mention here that the applicant could not collect the orders of appointment of the above named persons, inspite of his best efforts, therefore Hon'ble Tribunal be pleased to direct the respondents to produce all relevant records including the appointment orders of the persons named above.

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

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

- 5.1 For that, the applicant has acquired a valuable and legal right for consideration of his appointment to the post of Group-'C' on seniority and priority basis and also on compassionate ground, more so in terms of Railways letter dated 17.07.2000.
- 5.2 For that, the Respondent No.3 in his letter dated 17.07.2000 specifically stated that as and when Group-'C' vacancies are available the case of the applicant would be considered for appointment in group C category.
- 5.3 For that, the respondents are duty bound to act fairly in terms of their assurance and commitment as contained in the letter dated 17.07.2000.
- 5.4 For that, the applicant was empanelled for appointment in Group-'C' post after passing the written examination and viva-voce test way back in the year 1996. As such the applicant is entitled for consideration for appointment in group C post on seniority and priority basis.
- 5.5 For that, the non-consideration of the case of the applicant in the process of recruitment in Group-'C' category on compassionate ground is in violation of Article 14 and 16 of the Constitution of India.

*Bibekamanda Chakraborty*

- 5.6 For that, the applicant has not been considered for appointment in the process of recruitment in Group-'C' category in violation of their assurance given in the letter dated 17.07.2000.

6. Details of remedies exhausted.

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

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

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

8. Relief(s) sought for:

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

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to consider and appoint the applicant in Group-'C' post on seniority and priority basis on

*Bibekananda Chakraborty*

compassionate ground with immediate effect, in the light of the selection and the panel already declared earlier.

8.2 Costs of the application.

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

9. Interim order prayed for.

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

9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar to the Respondents to consider the case of the applicant for appointment in Group-'C'.

9.2 To direct the respondents to consider his representation in accordance with law as an interim measure.

10. ....  
This application is filed through Advocates.

11. Particulars of the L.P.O.

i)	I. P. O. No.	: 20 G J 6078
ii)	Date of Issue	: 18. 2.05 ,
iii)	Issued from	: G. P. O. Guwahati
iv)	Payable at	: G P O Guwahati

12. List of enclosures.

As given in the index.

*Bibekamanda Chakraborty*

VERIFICATION

I, Shri Bibekananda Chakraborty, S/o Shri Kushal Nath Chakraborty, aged about 35 years, working as Helper-II in the Office of the Sr. Section Engineer (Telecommunication), N.F. Railway, Lumding, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 28<sup>th</sup> day of February, 2005.

*Bibekananda Chakraborty*

N.F. Railway.

No. E/227/1/LM/Comp(W)-Group-'C'/1A

Office of the  
Div. Rly. Manager (P),  
Ludhiana, dtd: 16/11/1996,To  
Shri/Smt. Bibhakar Nath Chakraborty  
C/o - Sri Bijan Chakraborty  
25/10, Sri Kishan Nath Chakraborty  
Rly. An. No. L-71(B), Loco Colony  
P.O. - Ludhiana - 141001 (Maharashtra)Sub:- Suitability test in connection with appointment in  
Group-'C' post on compassionate ground.  
\*\*\*\*\*

You are hereby directed to attend this office for appearing in the suitability test (written) on 17.11.96 at 9-30 hrs. followed by viva voce from 19.11.96 at 10/11 hrs in connection with appointment to a Class-III post on compassionate grounds. You should bring the following documents along with you positively.

1. Original death certificate, certificate in support of your educational qualification, age and other testimonials with SC/ST certificate duly countersigned by Dy. Commissioner competent authority and also with attested copies.
  2. In the cases of the dependents of the Ex-railway employee who were declared medically incapacitated for further service- original Medicals certificate and discharge letter issued by the competent Railway Medical authority, certifying that the employee concerned has not been declared unfit for all posts, in terms of para 512 (ii) of Medical Manual, which lay down that where malingering is established, the Railway servant should be declared unfit for all classes.
  3. The Ex-employee's son/daughter who applied himself for appointment on compassionate grounds should also bring an application from his surviving father/mother requesting employment on compassionate grounds in his/her favour.
  4. Two character certificates from two Gazetted officers as per proforma enclosed.
  5. A declaration indicating that ex-employee concerned died/ medically incapacitated while in service and no other member of his family was appointed on the Railway on compassionate grounds after the death/ medically incapacitation of the ex. employee, as per proforma enclosed.
  6. One pass port size of your photograph duly signed on the top and attested by Gazetted Officer.
  7. For any wrong declaration of record/ particulars etc on appointment will be considered.
- Encl:- As above.

For Divisional Railway Manager (P),  
N.F.Rly. Ludhiana.

N.B- For Scheduled Caste / Scheduled Tribe.

This will your 2nd class pass to cover your journey from your nearest Rly. station ( as per above address ) to Ludhiana and back.

For Divisional Railway Manager (P),  
N.F.Rly. Ludhiana.

Dated 16.11.96.

*[Signature]*  
28.2.03

12 -  
N. F. RAILWAY.

ANNEXURE - II

Regd Post  
No. E/227/T/LM/Comp(w)/Option.

Office of the  
Divisional Rly. Manager(p)  
Lumding, dtd 29/7/1997.

To - Sri/Smt. Dibekananda Chakrabarty.

S/o Sri Krushal Nath Chakrabarty, E. cc-II/SS/IMG.

Rly. No. L/71(B)/Loco. Colony, P.O. - Lumding,

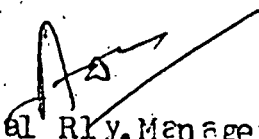
Aist. Nogaon (Assam).

Sub: - Option for Apptt. in Group-'D' Category.

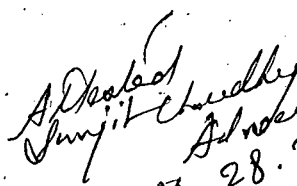
For want of vacancies in Gr-'C' category, it would not be possible to absorb you in Gr-'C' category in near future. However, there is scope to opt for final absorption as Diesel Khalasi in Gr-'D' category.

If you are willing to accept the job of D/Khal. in Gr-'D' category finally, you may submit your option to this office immediately for consideration of your case for final absorption as D/Khal. in Gr-'D' category.

It is further mentioned here that option once exercised shall be treated as final and you will have no claim for absorption in Gr-'C' category in future.

  
for Divisional Rly. Manager(p),  
N. F. Railway : Lumding.

997

  
Divyit Choudhary  
28.2.05



N. F. Rly.

Certificate of Posting BY-Regd-Post

No. E/227/ Apptt/ LM/Comp(W)/Option

Office of the  
Divl. Rly. Manager (P),  
Lumding, dtd: 17/7/2k,

To  
Shri/Miss/Smt. B. I. BEKANADA CHAKRAJORTHY (W.R)  
S/O SRI KUSHAL NATH CHAKRAJORTHY,  
EX CCC/ GRADE II UNDER-SS/LUMDING,  
N. F. RLY. QRS. No- L-71 (B) LOCO COLONY,  
P.O- LUMDING, DIST- NAGAOON (ASSAM),

Sub: - Willingness for apptt. on comp. ground in Group-'D'  
Post temporarily/ permanently.

For want of vacancies in Group-C category at Present, it will not be possible to appoint you in Group-'C' immediately ( Subject to your passing in the suitability test).

As per extant provisions, if you are willing to accept a Group-'D' job either temporarily or permanently ( temporarily or permanently should be specifically indicated), you may submit your declaration to this office latest by 31/8/2000 without fail repeat 31/8/2000; otherwise it will be treated as your un-willingness for the same. No option at a later date will be entertained.

If your acceptance is 'temporary', you will be considered for apptt. to Group-'C' later as and when vacancies arise ( as per your turn and your being found suitable in the screening test ) and if your acceptance is 'permanent', you will be appointed finally in Group-'D' and you may seek promotion therein itself as per extant rules.

" Declaration "

" I Shri/Miss/Smt. \_\_\_\_\_ daughter of/ wife of/ brother of/sister of Shri/Late \_\_\_\_\_ son of / Ex. \_\_\_\_\_ under \_\_\_\_\_ do hereby declare that I am fully aware of the fact that due to non-availability of vacancies in Group-C category, it will take long time to get apptt. in Group-'C' Post, (subject to my passing in the suitability test )

Therefore, to overcome my financial hardships , I am willing to accept Group-'D' job temporarily/ permanently.

I also declare that I shall have no choice on the Gr-'D' Post and place of posting which will be offered to me by the Amn. as per availability of vacancy. "

(a) Date of death of the ex-employee:-  
\_\_\_\_\_ screened or not in.

(A. K. DEB, ALP/LMG.)

For Divl. Rly. Manager (P),  
N. F. Rly. Lumding.

For Divl. Rly. Manager (P)  
N. F. Rly. Lumding

Accepted  
Smt. Chandra  
Advocate  
28.2.01

To  
The Divisional Railway Manager(P),  
N.F.Railway - Lumding.

Respected Sir,

Sub:- Willingness for apptt.on comp.ground  
in Group-'D' post temporarily/permanently.

Ref:- Your letter No. E/227/Apptt/LM/Comp(W)/Option  
dated 17.07.2K.

.....

In reference to your above cited letter, I beg  
to submit my option for Group-D job temporarily. The  
declaration is furnished below in the proscribed format:

" DECLARATION "

" I Shri Bibekananda Chakraborty son of  
Shri Kushal Nath Chakraborty Ex. CCC/Grade-II under  
SS/Lumding do hereby declare that I am fully aware of  
the fact that due to non-availability of vacancies in  
Group-C category, it will take long time to get apptt.  
in Group-'C' post, (subject to my passing in the suitability  
test).

Therefore, to overcome my financial hardships, I am  
willing to accept Group-'D' job temporarily.

I also declare that I shall have no choice on the Gr-D  
post and place of posting which will be offered to me by the  
Admn. as per availability of vacancy."

(a) Date of death of the ex-employee- Date of incapacitated-  
15-07-1996.

(b) Whether screened or not:- Screened.

Yours faithfully,

*Bibekananda Chakraborty*  
Son of Shri Kushal Nath Chakraborty  
Ex. CCC/Grade-II under SS/Lumding.

Dated: Lumding,  
The 26th July/2K

*26.7*  
*26.2.03*  
Divl. Rly. Manager (P)  
N.F. Rly. Lumding

By Regd. Post - 15-

ANNEXURE - V

N. F. Railway.

Office Note.

No. E/227/I/ Apptt/LM/Comp(W).

Office of the  
Divl. Railway Manager(P)  
Lumding, Dtd. 16/1/2001

Divisional Railway Manager/Lumding has approved of the following cases for appointment on compassionate grounds against Class-IV post as Khalashi Deptt. S&T under Sr. DSI/LMG temporarily.

Name of the candidate with Father's Commu-  
name and designation and station. nity.

Date of birth as per  
school leaving certi-  
ficate/Affidavit.

Shri/Smt/Miss Bibekananda UR  
Chakrabarty, s/o Sri. Kushal Nath  
Chakrabarty, Ex. CCC/Gr. II under SS/LMG

03.11.70

In such cases of appointment on compassionate grounds appointment may be made pending verification of character and antecedents to minimise the hardship of the deceased/incapacitated Rly. employees in terms of CPO/MLC's D.O. No. 5862/81/1(W) dtd. 5-3-78 to DRM/Lumding.

The above named person has been medically examined 14/1/2001 and his/her medical certificate No. 839/01 dtd. 5.7.01 issued by DMO/Lumding is enclosed.

For Apptt. against missing cases - If missing employee appears in later date the services of the candidate will be terminated.

Copy to :- OS/R/S&T

for Divl. Railway Manager(P)  
N.F. Railway, Lumding.

1) OS/R/S&T Cadre at office will take further n/ac-  
tion regarding the matter for giving formal appointment. Two character  
certificates from two Gazetted officers are also enclosed together  
with the above medical certificate etc. for information and n/action.

2) Shri/Smt/Miss Bibekananda Chakrabarty at office.  
S/O, D/O, W/O Late Sri. Kushal Nath Chakrabarty  
Ex. CCC/Gr. II under SS/LMG  
Ex. CCC/Gr. II will Loco. Colony  
P.O. Lumding Dist. Nagaoon (Assam)  
for information and report to OS/R/S&T Cadre at office  
for appointment.

3) DAO/PS/LMG for information. The widow concerned is drawing/  
F/Pension from as per PPO No.  
dated 17/1/2001

Encls :- 1) One Medical certificate No. 839/01 dtd. 5.7.01  
2) Two character certificates.  
3) A copy of school certificate  
or Affidavit.  
4) Passport size photographs of the  
above named.

(A.K. Dey, APO/LMG)  
for Divl. Railway Manager(P)  
N.F. Railway, Lumding.  
for Divl. Rly. Manager (P)  
N.F. Rly. Lumding

dbn/15501

Verified by  
28.2.01

To,

The Divisional Railway Manager  
N.E. Railway, Lumding.

Sub: - Prayer for appointment against Group 'C' vacancies---case of Sri Bibekananda Chakraborty, Helper-II, under SSE/Telc/Lumding.

Respected Sir,

With due respect and humble submission I would like to inform you through the following few lines for favour of your kind perusal and sympathetic orders.

That Sir, I qualified in the suitability test in connection with appointment in Group 'C' Post on compassionate ground as directed under I/227/I/LM/Comp (W)-Group 'C'/'A' dated 16-11-1996.

That Sir, I asked to offer option for appointment and in Group 'D' final absorption as Diesel Khalasi; as it was not possible to absorb me in Group- 'C' for want of vacancies in near future vide letter No.E/227/I/LM/Comp (W)/Option dated 29-04-1997.to which I had expressed my unwillingness; as the option once exercised would be treated as final.

That Sir, subsequently vide letter No.E/227/Appt/LM/Comp (W)/option, dated 17-7-2000, willingness was sought for to accept a Group 'D' job either temporarily or permanently. I have opted for 'temporary acceptance' with the clear understanding that I shall be considered for appointment to Group- 'C' later as and when vacancies arise as per my turn. A copy of the Declaration is enclosed for ready reference.

That Sir, on receipt of my declaration accepting Group 'D' appointment temporarily, I was appointed as Khalashi under Sr.DSTE/LMG temporarily, copy enclosed.

Now, it is understood that a few posts in Group-'C' have been placed vacant under your kind disposal and these posts are being filled up by junior candidates leaving us aside who are much more senior to them. So, I fervently request your honour to kindly look into this serious matter and bring justice to us as you can rethink about the issue or alter this being the Divisional Head. So, you are humbly requested to kindly absorb me in Group- 'C' and for this act of your kind perusal I shall remain ever thankful to you. I look forward to your swift and justified action. Thanking you Sir.

Encl: - As stated.

Yours faithfully,

Dated at Lumding.  
The 09-02-2005.Bibekananda Chakraborty  
(Bibekananda Chakraborty)  
Helper-II/Under SSE/T/LMG.

Admitted  
Dated 28.2.05

The Divisional Railway Manager (P),  
N.F. Railway, Lunding.

Sub:- Prayer for appointment against Group 'C' vacancies---case of Sri Bibekananda Chakraborty, Helper-II, under SSE/Tele/Lumding.

Respected Sir,

With due respect and humble submission I would like to inform you through the following few lines for favour of your kind perusal and sympathetic orders.

That Sir, I qualified in the suitability test in connection with appointment in Group 'C' Post on compassionate ground as directed under E/227/1/LM/Comp (W)-Group 'C'/'A' dated 16-11-1996.

That Sir, I asked to offer option for appointment and in Group 'D' final absorption as Diesel Khalasi; as it was not possible to absorb me in Group- 'C' for want of vacancies in near future vide letter No.E/227/I/LM/Comp (W)/Option dated 29-04-1997.to which I had expressed my unwillingness; as the option once exercised would be treated as final.

That Sir, subsequently vide letter No.E/227/Appit/LM/Comp (W)/option, dated 17-7-2000, willingness was sought for to accept a Group 'D' job either temporarily or permanently. I have opted for 'temporary acceptance' with the clear understanding that I shall be considered for appointment to Group- 'C' later as and when vacancies arise as per my turn. A copy of the Declaration is enclosed for ready reference.

That Sir, on receipt of my declaration accepting Group 'D' appointment temporarily, I was appointed as Khalashi under Sr.DSTE/LMG temporarily, copy enclosed.

Now, understanding that a few posts in Group- 'C' have been placed vacant under your kind disposal for appointment of candidates selected on compassionate ground, I fervently request your honour to kindly absorb me in Group- 'C' and for this act of your kindness I shall remain ever grateful to you.

Encl: - As stated.

Yours faithfully,

Dated at Lunding.  
The 09-02-2005.

Bibekananda Chakraborty  
(Bibekananda Chakraborty)  
Helper/II/Under SSE/T/LMG

**For Delivery by Mail**