

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 161/06

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SECTION OFFICER (Judl.)

Shakti  
24/10/17

(S/o Rule 14)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 161/06  
2. Misc Petition No. /  
3. Contempt Petition No. /  
4. Review Application No. /

Applicant(s) Arunlal Kumar Doley & Ors.

Respondent(s) U.O.T. Govt.

Advocate for the Applicant(s) ... R.C. Paul .....  
..... S. Roy .....  
..... S.N. Tamuli .....

Advocate for the Respondent(s) ... Railway Counsel ... J.L. Sarkar

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. T. fee Rs. 50/- deposited date 26/6/06 ..... 26/6/06 Dated 26/6/06	<u>29.6.2006</u>	Heard learned counsel for the parties. Judgment delivered in open Court, passed in separate sheets. The O.A. is disposed of at the admission stage itself in terms of the order. No costs.
D. R. Received  N.S. 27/6/06		
Steps not taken	bb	
 P.M.		
 19.7.06 Copy of the Judgement has been sent to the Office for signature The same to the applicant as well as to the Rly. Standard counsel.		

Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

161 of 2006

O.A. No. ....

29.06.2006

DATE OF DECISION .....

Sri A.K.Doley & Another

Applicant/s

Smt.S.Roy

Advocate for the  
Applicant/s

- Versus -

Union of India & Others

Respondent/s

Dr J.L.Sarkar, Railway Standing Counsel

Advocate for the  
Respondents

CORAM

HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN

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 to be forwarded for including in the Digest  
Being complied at Jodhpur Bench ?

Yes/No

4. Whether their Lordships wish to see the fair copy  
of the Judgment?

Yes/No

Vice-Chairman

30/6/06

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.**

Original Application No. 161 of 2006.

Date of Order: This, the 29th Day of June 2006.

**THE HON'BLE MR. K. V. SACHIDANANDAN, VICE CHAIRMAN,**

1. Sri Amulya Kumar Doley  
S/o Late Jugen Chandra Doley  
Resident of Chiring Chapari  
P.O., P.S & Dist: Dibrugarh  
Assam.
2. Sri Abhiram Milli  
Son of Late Sonaram Milli  
Resident of Hijuguri Railway Colony  
Quarter No. 44(B)  
P.O., P.S & Dist: Tinsukia  
Assam.

.....Applicants.

By Advocates Mr. R.C. Paul, Ms. S. Roy & Mr. S.N. Tamuli.

- Versus -

1. The Union of India  
Represented by the Chairman, Railway Board  
In the Department of Railways  
Rail Bhawan, Baisina Road  
New Delhi - 110 001.
2. The General Manager (Personal)  
N.F.Railway, Maligaon  
Guwahati, Assam.
3. The Divisional Railway Manager (P)  
N.F.Railway, Tinsukia  
Assam.

..... Respondents

By Dr. J.L. Sarkar, Standing counsel for the Railways.

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ORDER (ORAL)

**SACHIDANANDAN, K.V., (V.C.):**

The applicants were initially appointed as Assistant Station Master in the year 1977 in the Tinsukia Division of N.F.Railway. In the year 1990 they were promoted as Traffic Inspector and are continuously working as such. On 8.3.2003, it is averred that the Railway Board issued a circular merging the category of Station Masters/Assistant Station Masters/Yard Masters and Traffic Inspectors into one Unified Cadre of Station Master/Assistant Station Master. With special reference to proviso 10.1 of the circular it was mentioned that staff belonging to erstwhile 3 categories will be working and enjoying the benefit of the unified cadre of SMs/ASMs and their posting, they will retain their designation as applicable before merger. Vide order dated 13.1.2006 the DRM (P), Tinsukia has transferred and posted the applicants with the designation of Station Superintendent. The applicant has made representation on 18.1.2006 to the 3rd respondent contending that the post of Traffic Inspectors are in existence and they were selected to that post and prayed for cancellation of order dated 13.1.2006. Reminder was sent and further detailed representation was also submitted on 31.3.2006. On 10.5.2006 the respondent No.2 passed an order cancelling the order dated 13.1.2006 as the same was passed in violation of the provision of the circular dated 8.3.2003. The matter regarding cancellation

of the order dated 13.1.2006 was informed to the 3rd respondent, but vide order dated 20.6.2006 the said respondent is attempting to enforce the order dated 13.1.2006 for which applicants are aggrieved and have filed this O.A. seeking the following reliefs:-

- (a) The impugned order issued by the Respondent No.3 vide letter No.ES/A-119 dated 20.06.2006 be set aside and quashed.
- (b) Direction be given to the Respondents to comply with the provision of 10.1 of the circular dated 08.10.2003 of the Railway Board in retaining the earlier designation of the persons after the merger of their posts in one unified cadre.
- (c) Direction be given to the Respondent No.3 to carry out the order dated 10.05.2006 passed by the Respondent No.2 and allow the applicants to retain their earlier designation as Traffic Inspectors.
- (d) Any other relief or relieves as this Hon'ble Tribunal may deem fit and proper."

2. Heard Smt. S. Roy, learned counsel for the applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways. When the matter came up for consideration, it is specifically brought my notice to clause 10.1 of the merger circular dated 12.11.2003 whereby restructuring is proposed. The said clause is quoted herein below:-

"The category of Station Masters/Assistant Station Masters, Yard Masters and Traffic Inspectors should be merged into one unified cadre of SM/ASM. The recruitment and promotion pattern as prescribed for the category of SMs/ASMs should be followed in the merged cadre. In the initial stage of the merger, efforts should be made to post the employees in the categories in which they have been working. Accordingly, while the staff belonging to the erstwhile three categories will be working and

enjoying the benefit of the unified cadre of SMs/ASMs, on their posting in the Yard, they will perform the duties of Yard Master retaining their designation as applicable to the category of Yard Master. Similarly, while performing the inspectional job they will retain their designation as applicable to Traffic Inspectors. But at a later stage, when they are made fully equipped to discharge all the functions hitherto being discharged by SMs/ASMs, YMs & TIs, administration will have the flexibility to post a person as per the administrative requirement. While redefining the duties and functions, Railways may also review and rationalise the cadre keeping in view the administrative requirements.

Further, on consideration of the applicants' representations the COM, Maligaon has passed an order cancelling the transfer order of the applicants contained in Annexure-IV letter signed by Sr. Personnel Officer (T) for General Manager (P), Maligaon. But vide impugned order dated 20.6.2006 the Divisional Personnel Officer, Tinsukia disagreed with the said order and decided to implement the order of transfer. It appears that the impugned order at Annexure-VIII is passed by the Divisional Personnel Officer, a lower authority than that of the Chief Operation Manager. The question of jurisdiction of passing an superceding order by lower authority is under challenge in this proceeding.

3. Smt. S. Roy, learned counsel for the applicants submits that the facts of the case being so, she will be satisfied if a direction is given to the higher authority i.e. the second respondent to consider these orders and harmonize the same with safety aspect etc. and the applicant be permitted to make comprehensive representation

to the said authority which may be considered and disposed of on merit with due application of mind and communicating the same to the applicant. Dr.J.L.Sarkar, learned Railway Standing counsel submits that if that will suffice the ends of justice he has no objection in adopting the same exercise. This Tribunal is also of the view that such recourse will suffice the ends of justice.

4. Considering the issue involved in this case, the applicant is permitted to submit comprehensive representation before the second respondent within two weeks from today and on receipt of such representation the said authority shall consider the same along with Annexure - VI & VIII orders and harmonize these two orders with safety aspect etc. and take a decision therein keeping in mind the above observations and pass appropriate orders within two months thereafter.

The O.A. is disposed of with the above observations. In the circumstances, there is no order as to costs. In the interest of justice this Tribunal by way of interim measure directs that status quo as on 20.6.2006 shall be maintained so far as the applicants are concerned and they will be permitted to continue on the same post till the completion of above exercise.



(K.V.SACHIDANANDAN)  
VICE CHAIRMAN

DISTRICT: TINSUKIA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI.

O.A. NO. .... 161 /2006

Sri Amulya Kumar Doley & Another

-VERSUS-

Union of India & Others

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Filed by

(Rabindra Ch. Paul)  
Advocate

— *Amulya Kumar Doley*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: GUWAHATI.

O.A. No. 161 of 2006

SRI Amulya Kumar Doley & Another

-VERSUS-

THE UNION OF INDIA & OTHERS

SYNOPSIS & LIST OF DATES

This is an application under Section 19 of the Administrative Tribunal's Act for judicial interference by the Hon'ble Tribunal for the arbitrary action of the Respondents in not allowing the petitioners to continue their service with the designation of Traffic Inspectors as per the Circular dated 08.10.2003 issued by the Railway Board.

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- ❖ 1977- Applicants were appointed as Assistant Station Master in the Tinsukia Division of N.F. Railway.
- ❖ 1990- Applicants were selected and promoted to the post of Traffic Inspectors and from then served continuously to the satisfaction of the Respondents.
- ❖ 08.03.2003- The Railway Board issued a circular and this circular should merge the category of Station Masters/Assistant Station Masters/ Yard Masters and Traffic Inspectors into one Unified Cadre of Station Master/Assistant Station Master. It is mentioned in the provision 10.1 of the circular that the staff belonging to the erstwhile three categories will be working and enjoying the benefit of the unified cadre of SMs/ASMs and on their posting they will retain their designation as applicable before merger.
- ❖ 13.01.2006 - The Office of the Divisional Railway Manager (P), Tinsukia, in implementation of the circular dated 08.10.2003 transferred and posted the applicants with the designation of Station Superintendent (in short SS).
- ❖ 18.01.2006- The applicants made representation to the Respondent No. 3 contending that the post of Traffic Inspectors are in existence and they were selected to that post and prayed for cancellation of the order dated 13.01.2006.

11  
*Amulya Kumar Ray*

- ❖ 03.03.2006- The applicants again approached the Respondent No. 3 with their grievances against their posting order.
- ❖ 31.03.2006 – The applicants submitted detailed representation to the Respondent No. 2 against their grievances.
- ❖ 10.05.2005- The Respondent No. 2 pleased to pass an order canceling the order dated 13.01.2006 passed by the respondent No. 3 as it passed in violation of the provision of the circular dated 08.03.2003.
- ❖ 12.06.2006- The applicants informed the Respondent No. 3 about the cancellation of the order dated 13.01.2006.
- ❖ 20.06.2006- The Respondent No. 3 directed the applicants to carry out the order-dated 13.01.2006 immediately.

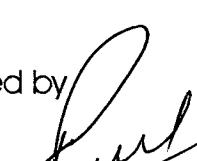
Contention:

- (i) The action of the Respondents in posting the applicants with the designation of SS is in violation of the Circular dated 08.03.2003 is arbitrary and illegal.
- (ii) The order dated 20.06.2006 by which the applicants are directed to carry out their transfer and posting order is honest in the eye of law as the order dated 13.01.2006 is cancelled by the higher authority.

Relief (s) sought for:

1. The impugned order dated 20.06.2006 be set aside and quashed.
2. Direction be given to the Respondents to comply with the provision of 10.1 of the circular dated 08.01.2003 and post the applicant with the earlier designation as Traffic Inspectors.
3. Direction be given to the Respondent No. 3 to carry out the order dated 10.05.2006 passed by the Respondent No. 2 and allow the applicants to retain their earlier designation as Traffic Inspectors.
4. In the interim, suspend the order-dated 20.06.2006 and allow the applicants to continue their service with the designation of Traffic Inspectors till the disposal of the application.

Filed by

  
(Rabindra Ch. Paul)

**Advocate**

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:  
GUWAHATI.

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

O.A. No 161 of 2006

1. Sri Amulya Kumar Doley,  
Son of Late Jugen Chandra Doley,  
Resident of Chiring Chapari, P.O., P.S. & Dist.  
Dibrugarh, Assam.

2. Sri Abhiram Mili,  
Son of Late Sonaram Milli,  
Resident of Hijuguri Railway Coloney, Quarter No.  
44 (B), P.O., P.S. & Dist. Tinsukia, Assam.

.....Applicants.

-Vs-

1. Union of India

Represented by the Chairman, Railway Board, in  
the Department of Railways, Rail Bhawan,  
Baisina Road, New Delhi-110001.

2. The General Manager, (Personnel), N.F.  
Railway, Maligaon, Guwahati, Assam.

3. The Divisional Railway Manager (P),  
N.F.Railway, Tinsukia, Assam.

.....Respondents.

12  
Filing by  
Amulya Kumar Ad  
Through Applicant  
Kabin Chandra Doley  
27-6-06  
27-6-06

VI  
VII  
VIII

Copy

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

Order No. ES/A-119 dated 20.06.2006 issued from the office of the Divisional Railway Manager (P), N.F.Railway, Tinsukia, Assam by which the applicants are directed to carry out the order dated 13.01.06 violating the order dated 10.05.2006 passed by the Respondent No.2 as well as the provision of 10.1 of the Railway Board's Circular.

**2. JURISDICTION OF THE TRIBUNAL:**

The applicants declared that the subject matter against which they want redressal/ relief is within the jurisdiction of the Tribunal.

**3. LIMITATION:**

The applicants further declared that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE:**

4.1 That the applicants, named in the 'Cause Title' of this application, both are the citizen of India and are working in Tinsukia Division of N.F. Railway under the Management of Union of India and as such they are entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That the applicants were appointed in the year 1977 as Assistant Station Master in the Tinsukia Division of N. F. Railway.

Jyoti Kanwar only

The applicants with their sincerity and with full devotion to their work for a long span of years, they were selected and promoted by the Respondent No.2 with due procedure in the year 1990 to the post of Traffic Inspector (in short TI) and from then, they served continuously without any break in the same division with full satisfactions to the Respondent authorities.

4.3 That for the purpose of strengthening and rationalizing the staffing pattern of Railways, the Railway Board restructured Group 'C' & 'D' categories of staff and to that effect issued a circular dated 08.10.2003. By virtue of this circular, the category of Station Masters/ Assistant Masters/ Yard Masters and Traffic Inspectors should be merged into one Unified cadre of Station Master (in short SM) / Assistant Station Master (in short ASM). It is also mentioned in the provision of 10.1 of the circular that in the initial stage of the merger, efforts should be made to post the employees in the categories in which they have been working. It is further mentioned in the said provision that the staff belonging to the erstwhile three categories will be working and enjoying the benefit of the Unified cadre of SMs/ASMs and on their posting they will retain their designation as applicable before the merger.

-Copy of relevant circular issued by the Railway Board is enclosed herewith and marked as Annexure-I.

Arun Doley  
Jyoti Doley

**4.4** That the Office of the Divisional Railway Manager (P), Tinsukia, the Respondent No. 3 vide office order dated 13.01.2006 in implementation of the circular dated 08.10.2003, the applicant No. 1 Sri A.K.Doley, TI at Tinsukia was transferred and posted as Station Superintendent (in short SS) at Dibrugarh (in short DBRT) and also by the same order, the applicant No. 2 Sri A.R. Milli TI of Makum Junction at Tinsukia was transferred and posted as Station Superintendent at Namrup (in short NAM). It is pertinent to mention herein that the posts of the applicants before transfer were filled up by the non-selected candidates. The applicants being aggrieved with their designation by the aforesaid order and to that effect submitted a representation-dated 18.01.2006 to the Respondent No. 3 and contended that the post of Traffic Inspector (T.I.) are in existence and they were selected to that post and prayed for cancellation of the order of transfer.

– Copies of the order dated 13.01.2006 and representations dated 18.01.2006 are annexed and marked as Annexure II & III.

**4.5** That the matter failed to receive adequate attention in the hands of the Respondent authorities and the applicants on 03.03.2006 submitted another representation to the Respondent No. 3 and contended that out of three selected Traffic Inspectors (TIs), in Tinsukia Division, they are only transferred and posted to the rank of SS and as such prayed for reconsideration of the order dated

Om Prakash

13.01.2006. Inspite of the representation dated 18.01.2006 and 03.03.2006, the applicants did not hear any response from the Respondent authorities and under such circumstances, they made another detailed representation dated 31.03.2006 to the Chief Operations Manager, Maligaon and prayed to continue their service in their existing designation.

-Representations dated 03.03.2006 &  
31.03.2006 are annexed and marked as  
Annexure IV & V.

**4.6** That, thereafter, the Respondent No. 2 complied with the representation of the applicants and pleased to pass an order dated 10.05.2006 by which he cancelled the transfer order dated 13.01.2006 as it violated the provision of 10.1 of Board's Circular. It was further directed by the Respondent No. 2 that the applicants are to be given the benefit of cadre re-structuring in the same category in which they were working previously as TI.

- Copy of the order-dated 10.05.2006 is  
annexed and marked as Annexure -VI.

**4.7** That after on being passing of the order dated 10.05.2006, the applicants submitted a representation-dated 12.06.2006 to the Respondent No. 3 by which they informed that the Respondent No. 2 canceled the order- dated 13.01.2006. The applicants contended in the aforesaid representation that although they are

dr. kumar s/o  
dr. kumar s/o

holding the T.I. post under the Respondent No. 3 but the said post is still unutilized by the other persons. Consequently, the Respondent No. 3 issued an order-dated 20.06.2006 by which it was intimated to the applicants that the transfers' orders involving them, issued by this office are technically and administratively proper. Therefore, the competent authority has decided in consultation with the Headquarters that the transfer order must be carried out. It was further directed to the applicants by the said order to carry out their transfer order immediately.

—Copies of the representation dated 12.06.2006 and the order dated 20.06.2006 are annexed and marked as Annexures- VII & VIII.

4.8 That the applicants beg to state that it is the definite policy of the Railway Board's circular that persons having worked as Station Masters/ Assistant Station Masters/ Yard Masters and Traffic Inspectors should be merged into one unified cadre of SM/ASM and on being merged, they will retain their designation as applicable before the merger. In the instant case, the applicants before their transfer and posting order were worked as Traffic Inspector and as such they are entitled as per Railway Board's circular to retain their designation as TI even after the order of merger and or transfer.

Anuj Kumar Singh

4.9 That the applicants beg to state that from the letter No. PC-III/2003/Misc/5 dated 18.02.2005 under the signature of the Secretary Railway Board, it is manifestly clear that no post of TI has been down graded after cadre restructuring and staff who are performing the duties of TI are retaining their designations as TI. But the Respondent No. 3 inspite of this fact passed the transfer order and posted the applicants in the designation of SS and as such the impugned order is arbitrary, illegal and is not sustainable in the eye of law and is liable to be set aside.

– A copy of the letter-dated 18.02.2005 is annexed and marked as Annexure-IX.

4.10 That the applicants beg to state that the Respondent No. 3 inspite of the fact that the order dated 13.01.2006 was cancelled by the Respondent No.2, passed the order dated 20.06.2006 by which the applicants were directed to carry out the order dated 13.01.2006 is nothing but an arbitrary exercise of the power vested upon him and the same is not tenable in the eye law.

4.11 That the applicants beg to state that the order dated 20.06.2006 was passed in superseding the order-dated 10.05.2006 passed by the Respondent No. 2 and as such the same cannot be given effect to. It is pertinent to mention herein that although in the order dated 20.06.2006, it was pointed out that the transfer and posting order of the applicants are technically and

Annexure A only

administratively proper and decision to carry out transfer order was made in consultation with the head quarters but copy of this order was never forwarded to the head quarter.

4.12 That the applicants beg to state that the higher authority vide order dated 10.05.2006 cancelled the order dated 13.01.2006 and consequently the authority lower in rank cannot pass an order to carry out the same order and in that view the order dated 20.06.2006 is nonest in the eye of law.

4.13 That the applicants beg to state that out of three selected traffic inspectors in the Tinsukia Division, they are only transferred and posted as SS and as such the impugned order is discriminatory and violates the rights of the applicants guaranteed under Article 14 of the Constitution of India.

4.14 That the applicants beg to state that the subject matter of the application arises out of the same cause of action and hence the applicants herein have preferred this joint petition before this Hon'ble Tribunal.

4.15 That the applicants have become highly aggrieved by the inaction of the respondents and which illegally and arbitrarily deprived

Amulya Chandra Mohapatra

them from their legitimate right and as such they are approaching this Hon'ble Tribunal on the following amongst other grounds.

#### **5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

- I. For that the Respondents herein are under the legal obligation to give full effect to the circular of the Railway Board that post of the persons which were merged into one unified cadre, they are entitled to the benefit of unified cadre and also retain their designation as applicable to them before merger.
  
- II. For that the Respondents arbitrarily and whimsically prepared the transfer order and posted the applicants as SS without following any norms and procedure of the circular of the Railway Board which has violated the right to equality and right to equal opportunities in public service guaranteed under Article 14 and 16 of the Constitution of India.
  
- III. For that, the Respondents acted illegally and against the legal provision in passing the impugned order by which the applicants are directed to carry out the transfer and posting order dated 13.01.2006, which violates the rights guaranteed to the applicants under Article 21 of the Constitution of India.

Anubhav

IV. For that the Respondent No. 2 vide order dated 10.05.2006 cancelled the order dated 13.01.2006 but the Respondent No. 3 without considering the same in most arbitrary and illegal manner passed the impugned order dated 20.06.2006 and as such the same is not tenable in law and as such liable to be set aside.

V. For that when the Respondent No. 2 cancelled the order dated 13.01.2006 and the same cannot be carried out by the order of the authority (i.e. Respondent No. 3) who is lower in rank than the Respondent No. 2 and as such the impugned order is honest in the eye of law and is liable to be set aside.

VI. For that out of three selected Traffic Inspectors in Tinsukia Division, they are only transferred and posted them as SS by the Respondent No. 3 in an arbitrary manner and as such the impugned order is liable to be set aside.

VII. For that in any view of the matter the impugned action of the respondents is illegal and cannot be sustained in law.

#### **6. DETAILS OF REMEDIES EXHAUSTED**

The matter has been taken up with the Respondent No.3 vide representation dated 12.06.2006 jointly. But the Respondent No. 3 in a most arbitrary and illegal manner passed the order-dated

*Amritakumar Sarker*

20.06.2006 directing the applicants to carry out the order-dated 13.01.2006.

**7. MATTERS NOT PENDING WITH ANY OTHER COURT:**

The applicants further declare that no such application is pending in respect of which this application has been made before any court or any other Bench of this Tribunal.

**8. RELIEF SOUGHT FOR:**

The applicants pray for the following reliefs:

- (a) The impugned order issued by the Respondent No. 3 vide letter No. ES/A-119 dated 20.06.2006 be set aside and quashed.
- (b) Direction be given to the Respondents to comply with the provision of 10.1 of the circular dated 08.10.2003 of the Railway Board in retaining the earlier designation of the persons after the merger of their posts in one unified cadre
- (c) Direction be given to the Respondent No. 3 to carry out the order-dated 10.05.2006 passed by the Respondent No. 2 and allow the applicants to retain their earlier designation as Traffic Inspectors.
- (d) Any other relief or relieves as this Hon'ble Tribunal may deem fit and proper.

J. M. Bhattacharya, A.O.

**9. INTERIM ORDER, IF ANY, PRAYED FOR:**

The applicants made out a *prima facie* case against the Respondent authorities and the balance of convenience are in favour of them and hence this Hon'ble Tribunal may pass an interim order suspending the order dated 20.06.2006 passed by the Respondent No. 3 vide letter no. ES/A-119 and allow the applicants to work with their designation as Traffic Inspector till the disposal of the instant application.

**10. In the event of application being sent by registered post, it may be stated whether the applicant desire to have oral hearing at the admission stage and if so, he shall attach a self addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him:**

Not applicable.

**11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:**

i. I.P.O. NO. 269324642

ii. DATE: 26.6.06

iii. ISSUED BY: GUWAHATI POST OFFICE.

iv. PAYABLE AT: GUWAHATI.

**12. LIST OF ENCLOSURES**

STATED in the Index.

VERIFICATION

I, Sri, Amulya Kumar Doley, Son of Late Jugen Chandra Doley, Resident of Chiring Chapari, P.O., P.S. & Dist. Dibrugarh, Assam do hereby state that I am one of the applicant in the instant case and applicant no. 2 also authorize me to sign this verification on his behalf and as such verify that the statements made in paragraph 1, 2, 3, 4, 6, 7, 8 & 9 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 day of <sup>27<sup>th</sup></sup> June ,2006 at Guwahati.



Signature

- 14 -

Scopiflora Kuntze

3/12/03  
100-3347

## W. E. Hulsey.

Office of the  
Div. Railway Manager (I),  
Tinsukia, Int'd. 12.11.2003.

R. 334/5/V.II. III (Restructuring).

Shay, APRSO/TSK, 4FMU, AI SCTR 3A/TSK,

Snyc/NPKU/TSA, NPKU, AI SCTR/3/TSA, C  
Lanvin/T/NPKU/TSA, C PVT/T/NPKU/TSA

GS/AFM/FA/TSA division at MN

Sub: Restructuring of certain Group 'C' & 'D' Cadres.

Ref: GM(P)/NTG's letter No. 3/301/0/Restructuring (C) dt. 30.10.03  
and 31.10.03

A copy of GM(P)/MLG's letter No. 3/304/0/Restructuring (B) dt. 30.10.03 on the above mentioned subject is forwarded herewith for information and necessary action.

Since cadre of new Zonal Railways are being closed from 31.10.2003 the out off date for implementation of these order will be 1.11.2003. Hence further preparatory work for updation of cadre as on 1.11.2003 and working out revised number of posts in various grades as per new percentages should be intimated immediately.

DA: (Is above.)

for Divl. Railway Manager (P),  
N. R. Railway, Tinsukia.

## Subi Restructuring of certain Group 'C' & 'D' cadres.

The Ministry of Railways have had under review cadres of certain Group 'C' & 'D' staff in consultation with the staff side with a view to strengthening and rationalising the staffing pattern of Railways. As a result of the review undertaken on the basis of functional, operational and administrative requirements, it has been decided with the approval of the President that the Group 'C' & 'D' categories of staff as indicated in the Annexure to this letter should be restructured in accordance with the revised percentages indicated therein. While implementing these orders, the following detailed instructions should be strictly and carefully adhered to:

be strictly  
date of effe  
(hereinafter  
referred to  
as cut-off  
date)

1. This restructuring of cadres will be with reference to the sanctioned cadre strength as on the date following the date on which the cadres in the Head quarters offices of new Zonal Railways/new Divisions are closed. The benefit of restructuring will be restricted to the persons who are working in a particular cadre in the cut-off date. (Contd.... P/2)

Certified to:

be forwarded copy  
Sanctioned by  
S. Chidambaram  
Advocate

( Page 2 )

2. These orders will be applicable on the regular cadre (excluding surplus & Supplementary posts) of the Open Line establishments including Workshops and Production Units. These orders will, however, not be applicable to staff of BSSD for which separate orders will be issued.

2.1 These orders will not be applicable to ex-cadre & workcharged posts which will continue to be based on worth of charge.

2.2 These instructions will also not be applicable to construction Units and Projects, where posts are generally created on worth of charge basis, though these should broadly be conforming to these percentage distributions.

3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1513 (F.R. 22) (I) (n) LII on functional basis w.e.f. the cut-off date with the usual option for pay fixation as per extant rules. Actual payment based on the pay so fixed should be made from the date of taking over the charge of the higher grade post arising out of these restructuring orders. The benefit under this rule will however, no longer be available in the case of movement from lower grade to higher grade in the non-functional situations where there is no change in duties as in the case of movement from Goods Guards to Sr. Goods Guards and Goods Drivers to Sr. Goods Drivers etc. In the case of such movement, the pay will be fixed under Rule 1513 (F.R. 22) (I) (n) (2) LII. However, the benefit of fixation of pay under rule 1513 (F.R. 22) (I) (n) LII will, however, be admissible in the cases of functional promotions such as promotion from Sr. Goods Guards to Passenger Guards and Sr. Goods Drivers to Passenger Drivers etc. through in identical scale of pay.

4. Existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, remains unchanged. Action should be taken to position the employees on the basis of selection/non-selection/suitability/Trade Test, as the case may be. However, the instructions contained in para-13.2 should be followed in case of placement of Supervisors (or whatever) to grade no. 5000-8000.

5. Extant instructions for OSA/Vigilance clearance will be applicable for effecting promotions under these orders with reference to the cut-off date.

6. While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. In other words, residency period prescribed for promotions to various categories should not be relaxed.

7. Since the cadre as detailed in the annexures to this letter are being restructured on functional, operational and administrative considerations, the posts being placed in higher scale of pay as a result of restructuring should include the duties and responsibilities of greater importance.

8. If prior to issuance of these instructions the number of posts existing in any grade in any particular cadre exceeds the number admissible in the revised percentages, the excess may be allowed to continue to be passed out proportionately with the vacating of the posts by the existing incumbents.

( Contd... P/3 )

( Page/3 )

9. While implementing these orders, specific instructions given in the footnotes for the relevant categories in the enclosed annexures should be strictly and carefully adhered to.

Introduction of  
Multi-skilling  
Mergers of  
i) SM/ASMs+YM+TIs  
ii) Personnel/  
Welfare/LSIs  
Inspectors  
iii) PSM & MSM.

10. The concept of Multi-skilling is to be introduced by merging the different categories as mentioned hereunder. While the revised percentage distribution of posts as indicated in the annexure to this letter should be implemented in the unified cadre based as the integrated seniority list, the duties, responsibilities and functions being performed by the employees of the respective cadres will be combined in a phased manner. Each member of the cadre will have to be equipped with necessary skills and functions through proper training and development. The categories indicated therein will be merged by integrating the seniority of the employees working in respective grades with reference to length of non-contiguous service in the relevant grade keeping the inter-se seniority in the respective group intact.

*Relevant  
paragraph.*

~~The category of Station Masters/Assistant Station Masters, Yard Masters and Traffic Inspectors should be merged into one unified cadre of SM/ASMs. The recruitment and promotion pattern as prescribed for the category of SMs/ASMs should be followed in the merged cadre. In the initial stage of the merger, efforts should be made to post the employees in the categories in which they have been working. Accordingly, while the staff belonging to the erstwhile three categories will be working and enjoying the benefit of the unified cadre of SMs/ASMs, on their posting in the Yard, they will perform the duties of Yard Master retaining their designation as applicable to the category of Yard Master. Similarly, while performing the inspectional job they will retain their designation as applicable to Traffic Inspectors. But at a later stage, when they are made fully equipped to discharge all the functions hitherto being discharged by SMs/ASMs, YMIs & TIs, administration will have the flexibility to post a person as per the administrative requirement. While redefining the duties and functions, Railways may also review and rationalise the cadre keeping in view the administrative requirements.~~

10.2. The Personnel, Welfare and HQRI Inspectors should be merged and a unified cadre of Personnel Inspectors introduced. After merger, 50% of the posts in the entry grade of the combined viz. 5000-8000 should be filled from amongst the existing Sr. Clerks of Personnel Department in grade Rs.450/-700/- with three years of service in the grade and the remaining 50% of the posts should be filled as per the instructions contained in Board's letter No. 3 (NG) I/2002/R4/1 dated 12-07-92.

10.3. The categories of Electric Signal Maintainers (ESM) and Mechanical Signal Maintainers (MSM) should be merged and a unified cadre of Signal Maintainers introduced. The recruitment and promotion pattern as applicable to the Electric Signal Maintainers will be followed in the unified cadre of Signal Maintainers.

Introduction of  
Direct recruitment  
i) Ministerial Staff  
(excluding Accounts  
staff)  
ii) Personnel Inspectors  
iii) DPT Material  
Superintendents

11. The implementation of restructuring scheme in the categories of Ministerial staff, Personnel Inspectors and DPT Material Superintendents is subject to the introduction of direct recruitment in these categories. After implementation of the restructuring in accordance with the revised percentage distribution of posts indicated in the annexures referred, the vacancies arising in these categories on or after the cut-off date should be filled through direct recruitment in the manner indicated hereunder :-

(Contd.... 1/4)

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11.1 An element of direct recruitment of Graduates with not less than 50% marks shall now be introduced at the level of sufficient Superintendent Gr.II in the pay scale of Rs.5500-10500 in the Ministerial categories (Establishment & those then in establishment but excluding Accounts) to the extent of 20% of the posts. The remaining 80% of the posts in grade 2000-10500 shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per procedure in force.

11.2 20% of the posts in Grade 2000-10500 in the category of Para-legal Inspectors shall be filled by direct recruitment from amongst the candidates possessing Bachelor degree with 1st Graduate Diploma in Personnel Management, Labour Laws, etc. as mentioned in Board's letter No. 3 (NG) I-2002/444/1 dated 12-07-2002. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per the procedure in force.

11.3 20% of the posts in Grade 2000-10500 in the category of Deputy Minister Superintendent should be filled by direct recruitment from amongst the candidates possessing qualification of degree in Engineering in any discipline. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per procedure in force.

12. As a result of implementation of this restructuring, more number of additional posts will be available in the highest grade of this category. Henceforth, therefore, the posts of Grade 2000 (Rs.5500) should be operated in Grade 2750-4400. In order to ensure the full availability of Category (Rs.5500) and promotion of the existing staff specially those who are working, as such, for a long period, the Training etc. at the time of their promotion to grade Rs.2750-4400 should be based on Category (Rs.5500) subject to their fulfilling the requirement of prescribed standard and competency level etc. as per extant instructions.

13. a) Subject to provisions of Para-13.2, below all the posts of Supervisors ( erstwhile Ministers ) in Grade 2000-10500 & 2100 Special category (excluding Supervisor (P.Wy) should not be upgraded to the posts of Junior Engineer in the pay scale of 2000-10500 and merged with the respective cadre of Technical Supervisors with its effect in higher grades 2500-10500, 2500-1500 & 2450-11500 as per the revised percentage distribution of posts prescribed for Technical Supervisors in these cadre.

13. b) In case of Supervisor (P.Wy), the posts being held by the erstwhile Ministers supervising more than one gang unit a maximum of 17.26% of the selected cadre of P.Wy's shall be upgraded to and merged with the posts of Junior Engineer (P.Wy) Gr.II in the pay scale of 2000-10500 with its effect in higher grades of JAE, ST & SE in grades 2500-10500, 2500-1500 & 2450-1150 respectively, as per the revised percentage prescribed for Technical Supervisors in these cadre.

13.2 The final list of the existing incumbents will be generated as per the procedure of the following:-

(a) The existing posts including all the posts of Supervisors (including Supervisors P.Wy) in the extant of agreement.

(b) The financial implications involved in the upgradation of posts of Supervisors of equivalent money value.

( Page 5 )

posts) will be placed in grade II.500-8000 without subjecting them to normal selection procedure. Their suitability shall be adjudged by a viewing modified selection procedure according to which the selection will be based on scrutiny of service records and confidential reports only.

(b) The supervisors (other than P. Way) who do not get promoted to Grade II.500-8000 shall continue to hold the post in the existing Grade II.4500-7000 + Rs.100 SA as personnel to them. To this extent, the posts upgraded to Grade II.500-8000 will be operated in the new Grade II.4500-7000 + Rs.100 SA till the existing incumbents receive the same by way of promotion, retirement etc. On vacation of the posts, the same shall automatically be operated in Grade II.500-8000.

**Specific Rule 13.3.** The remaining posts of Supervisor (P. Way) erstwhile PMs which are not to be upgraded and shall continue to be operated in the existing scale of pay, should be redesignated as 'Track Supervisor'.

13.4 While the existing incumbents of the post of Supervisor (P. Way) redesignated as 'Track Supervisor', shall continue to draw the scale of pay II.4500-7000 + Rs.100 SA as personnel to them, the future incumbents to the post of 'Track Supervisor' will be in the pay scale of II.4500-7000 without any Special Allowance of Rs.100/-

13.5. The upgradation of posts of Supervisor (P. Way) as indicated hereinabove should not result in creation of posts of Tr. Pymn. In other words under no circumstances additional posts of Tr. Pymn would be created.

**Each post.** 14. The existing instructions with regard to reservation of SC/ST wherever applicable will continue to apply.

**Direct recruitment percentages**

15. Direct recruitment percentage will not be applicable to the additional posts arising out of the restructuring orders as on the cut-off date. The direct recruitment percentage will apply for new vacancies arising on or after the date following the cut-off date. Also, the direct recruitment quota as on the date preceding the cut-off date will be maintained.

**Pin pointing of posts.**

The administration should take steps to pin-point the additional posts arising out of this restructuring as per administrative recruitments.

**Refusal of promotion.**

17. Such of the staff as had refused promotion before issue of these orders and stand abhorred for promotion may be considered for promotion, in relaxation of the extant provisions as a one-time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing in the cut-off date and arising due to restructuring in that date. This exception will not be applicable to vacancies arising after the cut-off date.

**Matching Savings.**

Entire scheme of restructuring is to be a self-financing and expenditure neutral proposition. Financial implications should be worked out taking into account the mid points of the scales of pay of the respective posts (even if the minimum, maximum of the scale), existing number of posts and revised number of posts in the Grade on the basis of the revised percentage distribution of posts, after working out the financial implications, the matching savings should be offset from the entry by itself, when it is not possible to do so from the entry itself, the matching saving should

( Page 6 )

be arranged from the department at the divisional/zone level. But before restructuring the cadre, as per the revised percentage distribution of posts, matching savings will have to be ensured and if the Department/Railways are not able to provide the matching savings, the particular category/department will not be restructured. While offsetting surrender of posts of equivalent financial value, the existing vacant posts available in the categories on the cut-off date should be considered for the purpose of offsetting the cost of restructuring/financial effects of restructuring. Board desires that the General Managers should ensure that the restructuring is implemented expeditiously with matching savings without any exemption and difficulty. There would be no restructuring without matching savings by surrender of posts.

Re-organisation

of Zonal Railways/  
Divisions

Due to re-organisation of Zonal Railways/Divisions, cadres are in a fluid situation. It may, therefore, take some time for the cadres in the headquarter offices of New Zones and New Divisions to stabilise. In the circumstances, new Zonal Railways are required to ensure that the staff transferred to headquarter offices of new Zonal Railways/new Divisions are not entitled to the double benefit of restructuring. In case an employee has been given the benefit of restructuring in the old (parent) railway in terms of these orders, he will not be allowed the benefit of restructuring again in the headquarter offices of new Zonal Railways/new Divisions. In these words, no railway except will be considered for double payment as a result of this restructuring.

Annual  
review

20. As per instructions contained in Board's letter N. PG.III/91/FK2 dt. 08.10.2002, the Annual Reviews for gradual percentage distribution of posts in respect were to be conducted from 01.04.03 to 01.04.05 taking into account the cadre strengths as on 01.04.2003. It has now been decided that the next Annual Review will be undertaken from 01.04.05 taking into account the cadre strength as on 01.04.2005. The Annual reviews, which were conducted already as per instructions dt'd 08.10.02 will not be undertaken.

Kindly acknowledge receipt.

Final version will follow.

Ms. Answered to & with 4y (14 sheets)

N. PG.III/2005/CRG/6, the New Unit, dated 08.10.2005.

30/- (Shri Ramash)  
Director, Pay Commiss. n-II  
Railway Board.

ANNEXURE - II

- 20 -

3)

N.F. Railway.

Office of the  
DM.Railway Manager (P)  
Tinsukia  
Date: - 13-03-2006

OFFICE ORDER

Group - A

The following Dy. SS who were empanelled for promotion to the post of SS in scale Rs. 7450-11500/- are hereby promoted and posted as under.

1. Sri S. N. Das, Dy. SS/BLMR in scale Rs.6500-10500/- empanelled for promotion for the post of SS in scale Rs.74500-11500/- is hereby promoted, transferred and posted as SS/JTTN on pay Rs. 9025/- on his own request vice Sri S. N. Saikia transferred.
2. Sri D. K. Chowdhury, Dy. SS now working as SC(T)/TSK in scale Rs.6500-10500/- empanelled for promotion for the post of SS in scale Rs.74500-11500/- is hereby promoted and posted as TI/WR/TSK on pay Rs. 8800/- on his own request.
3. Sri Parash Malaker, Dy. SS/TTB in scale Rs.5500-10500/- empanelled for promotion for the post of SS in scale Rs.74500-11500/- is hereby promoted, transferred and posted as TI/TSK on pay Rs. 8125/- vice Sri A. K. Doley transferred.
4. Sri Jitendra Sonowal, Dy. SS/TSK in scale Rs.5500-10500/- empanelled for promotion for the post of SS in scale Rs.74500-11500/- is hereby promoted, transferred and posted as YS/NTSK on pay Rs. 8575/- vice Sri C.K. Mishra.

Group - B

The following SASM / YM who were empanelled for promotion to the post of Dy. SS in scale Rs.6500-10500/- are hereby promoted and posted as under.

1. Sri Khagendra Saikia, SASM/DBRT in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as LR/Dy. SS under TI/MJN at TSK on pay Rs.7900/-
2. Sri M. R. Kalita, YM/NTSK in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as Dy. SS /TSK on pay Rs.8500/-
3. Sri Rajarshree Bhattacharjee, YM/DBRT in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as Dy. SS /MRG on pay Rs.7800/- vice vacancy.
4. Sri Subhashish Bhattacharjee, SASM/FKG in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as Dy. SS /CMA on pay Rs.8300/- vice vacancy.
5. Sri K. N. Baruah, SASM/DKM in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as RS.Dy. SS /NHK on pay Rs.8100/- vice vacancy.
6. Sri L. N. Handique, SASM/TSK in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted and posted as Dy. SS /TSK on pay Rs.7900/-
7. Sri Swapan Kr. Saha, SASM/Metro Rail, Kolkata in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as LR/Dy. SS under TI/TSK vice vacancy.
8. Sri R. M. Pathak, SASM/LLO in scale Rs.5500-9000/- empanelled for promotion for the post of Dy. SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as RS.Dy. SS /SPK vice Sri D. Phukan transferred. His promotion will be effective after 1.8.07 i.e. on completion of WIT 2 Years (N.C.)

Certified to  
be true copy  
Sanjita Roy  
Associate

9. Sri D.C. Borgohain, SASM/MJN in scale Rs.5500-9000/- empanelled for promotion for the post of Dy.SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as RG.Dy.SS/TSK on pay Rs. 8300/-
10. Sri Dilip Kr. Das, SASM/NTSK in scale Rs.5500-9000/- empanelled for promotion for the post of Dy.SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as Dy.SS/NTSK On pay Rs. 8300/-
11. Sri A.C. Kakoty, SASM/KXL in scale Rs.5500-9000/- empanelled for promotion for the post of Dy.SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as RG.Dy.SS /TTB on pay Rs. 8100/- vice vacancy on his own request. But his promotion will be effective after 1-2-06 i.e. on completion of WIT 6 months (N.C.)
12. Sri Shyamal Bhattacherjee, SASM/DBRT in scale Rs.5500-9000/- empanelled for promotion for the post of Dy.SS in scale Rs.6500-10500/- is hereby promoted, transferred and posted as RG.Dy.SS/PNT vice vacancy on his own request.

Group-C

The following transfer and posting order will take immediate effect

1. Sri A.K. Doley, TI/TSK is transferred and posted as SS/DBRT vice Sri R.C.Dey transferred.
2. Sri R.C.Dey, SS/DBRT is transferred and posted as SS/NMGS vice vacancy on his own request.
3. Sri C.K. Mishra, YS/NTSK is posted as TI/MJN at TSK vice Sri A.R.Milli transferred.
4. Sri A.R.Milli, TI/MJN at TSK is transferred and posted as SS/NAM vice Sri J.L.Basumatary transferred.
5. Sri J.L.Basumatary, SS/NAM is transferred and posted as SS/SLGR vice vacancy.
6. Sri S.N.Saikia, SS/JTTN is transferred and posted as TI/MXN vice vacancy
7. Sri D.N. Kaibarta, Dy.SS/NMGS is hereby transferred and posted as Dy.SS/BLMR in his existing pay and scale vice Sri S.N. Dqs promoted and transferred.
8. Sri Pankaj Roy, Dy.SS/NTSK is hereby deputed to work as SC(T)/TSK in his existing pay and scale vice Sri D.K. Choudhury, promoted and posted as TI/WR.
9. Sri B.R. Nath, Dy.SS/FKG is hereby transferred and posted as Dy.SS/TTB in his existing pay and scale vice Sri Paresh Malakar promoted and transferred.
10. Mahendra Saikia, Dy.SS/TSK in scale Rs.6500-10500/- is deputed to look after the work of SS/TSK in addition to his normal duties.
11. Sri Bipulananda Phukan, Dy.SS/TSK is hereby transferred and posted as Dy.SS/NTSK in his existing pay and scale on his own request.
12. Sri Kamaleswar Sarmah, Dy.SS/TSK is hereby transferred and posted as Dy.SS/NTSK in his existing pay and scale on his own request.
13. Sri D. Phukan, RG.Dy.SS/SPK is transferred and posted as Dy.SS/BOJ vice vacancy.
14. Sri Anil Saikia, RG.SASM/DBRT is hereby posted as SASM/DBRT in duty cadre.
15. Sri E. Ali, SASM/SLX is hereby transferred and posted as SASM/DKM vice Sri K.N. Baruah promoted and transferred.
16. Sri Naba Kr. Saikia, LR.ASM under TI/TSK is hereby transferred and posted as ASM/DBRT vice vacancy.
17. Sri B.R. Kutum, LR.ASM under TI/TSK is hereby transferred and posted as ASM/SLX vice vacancy.
18. Anup Saikia, ASM/NMGS is hereby transferred and posted as ASM/FKG in his existing pay and scale of his own request.
19. Sri P.K.Rava, SASM/SLX is hereby transferred and posted as SASM/LHL vice vacancy.

20. Sri P. Hazarika, RG.SASM/PNT is hereby transferred and posted as SASM/NAM vice vacancy.
21. Sri Bhaskar Mukherjee, SASM/MRG is hereby transferred and posted as SASM/DJG vice vacancy.
22. Sri Babul Ch. Dey, RG.ASM/MJN is hereby posted as RG.ASM/CGF vice vacancy.
23. Sri Dipen Ch. Saikia, RG.SASM/CGF is hereby transferred and posted as SASM/LLC vice vacancy.
24. Sri C. K. Borah, RG.ASM/LML is hereby transferred and posted as ASM/CGF vice vacancy.
25. Sri R. Dekabaruah, ASM/LHL is posted as RG.ASM/LHL vice Sri C.K.Borah transferred.
26. Sri R. Hazarika, SASM/TSK is posted as LR.SASM/TSK vice vacancy.
27. Sri G.K. Saikia, SASM/NTSK is posted as LR.SASM/NTSK vice vacancy.
28. Sri R.D. Das, RG.SASM/BOJ is hereby transferred and posted as SASM/SPK vice vacancy on his own request.
29. Sri S.N. Saikia, SASM/SFR is hereby transferred and posted as SASM/BOJ vice vacancy.
30. Sri M. Deka, SASM/SFR is hereby transferred and posted as RG.SASM/BOJ vice Sri R.D. Das transferred.
31. Sri S.K. Rabha, RG.SASM/AGI is hereby posted as SASM/AGI in duty cadre vice vacancy.
32. Sri B.P. Borah, LR.ASM/AGI is hereby posted as RG.ASM/AGI vice Sri S.K. Rabha.
33. Sri J.A. Sheikh, SASM/CMA is hereby transferred and posted as SASM/MXN vice vacancy on his own request.
34. Sri R.K. Dey, SCR/TSK under order of transfer as LR.SASM under TI/MXN is hereby posted as SASM/MXN vice vacancy on his own request.
35. Sri A.C. Gogoi, SASM/KXL is hereby transferred and posted as SASM/FKG vice vacancy.
36. Sri W. Marbeniang, SASM/NCH is hereby transferred and posted as LR.SASM under TI/MXN vice vacancy.
37. Sri J. Hazarika, LR.SASM working temporarily as TI/MXN is hereby posted as LR.SASM under TI/MXN.
38. Sri B.C. Saha, SASM/NTSK is hereby posted as LR.SASM under TI/TSK vice vacancy.
39. Sri D.K. Kalita, SASM/TSK is hereby posted as LR.SASM under TI/TSK vice vacancy.
40. Sri A.C. Das, SASM/TSK is hereby posted as LR.SASM under TI/TSK vice vacancy.
41. Sri K.N. Mahato, SASM/TSK is hereby posted as LR.SASM under TI/MJN at TSK vice vacancy.
42. Sri P.C. Gogoi, SASM/NCH is hereby transferred and posted as LR.SASM under TI/MJN at TSK vice vacancy.
43. Sri P. Hazari, ASM/NHK is hereby transferred and posted as RG.ASM/MJN vice Sri B.C. Dey transferred.
44. Sri P.K. Baruah, ASM/CJG is hereby transferred and posted as ASM/MJN vice vacancy.
45. Sri P. Maiti, LR.ASM under TI/MJN at TSK is hereby posted as ASM/TSK vice vacancy.
46. Sri N.K. Sinha, LR.ASM under TI/MJN at TSK is hereby posted as ASM/TSK vice vacancy.
47. Sri P. Kumar, LR.ASM under TI/MJN at TSK is hereby posted as ASM/TSK vice vacancy.
48. Sri B.M. Kachari, ASM/LLC is hereby transferred and posted as ASM/TSK vice vacancy.
49. Smt Ivvilata Bailung, LR.ASM under TI/MJN at TSK is hereby posted as RG.ASM/NTSK vice vacancy.

50. Sri U.C. Deori, ASM/BOJ is hereby transferred and posted as ASM/SFR vice vacancy.
51. Sri D. Boro, ASM/BFD is hereby transferred and posted as ASM/SFR vice vacancy.
52. Sri M.L.Das, SASM/NMT is hereby transferred and posted as SASM/ BFD vice vacancy.
53. Sri S.R. Patar, ASM/SLGR is hereby transferred and posted as ASM/NMT vice vacancy.
54. Sri Deepak Dey, LR ASM under TI/TSK is hereby transferred and posted as ASM/SLX vice vacancy.
55. Sri B.R. Kutum, LR ASM under TI/TSK is hereby transferred and posted as ASM/SLX vice vacancy.
56. Sri S. Gohain, LR ASM under TI/TSK is hereby transferred and posted as ASM/NCH vice vacancy.
57. Sri K. Deori, LR ASM under TI/TSK is hereby transferred and posted as ASM/NCH vice vacancy.
58. Sri Anupam Gogoi, LR ASM under TI/MXN is hereby transferred and posted as ASM/KXL vice vacancy.
59. Sri K.J. Rajkhowa, LR ASM under TI/MXN is hereby transferred and posted as ASM/KXL vice vacancy.
60. Sri R.P. Kumar, LR ASM under TI/MXN is hereby transferred and posted as ASM/GLGT vice Sri P.C. Kakoti transferred.
61. Sri B.C. Hazarika, LR ASM under TI/MXN is hereby transferred and posted as ASM/NMGS vice Sri Anup Saikia transferred.
62. Sri P.C. Kakoti, ASM/GLGT is hereby transferred and posted as ASM/JTTN vice vacancy on his own request.
63. Sri D.N. Saikia, ASM/MXN is hereby posted as LR ASM under TI/MXN vice vacancy

(a) Staff of group A & B above may opt for fixation of pay from their next incremental date within one month from the date of issue of this office order.

(b) Staff who have been transferred on their own request they are not entitled to transfer pass, CTG, joining time etc.

(U.N. MISHRA)  
ABD/TT/TSK

Divl. Railway Manager (P)  
N.F. Railway, Tinsukia

No. E/203/TFC/Selection (SS) Date:- 13-01-2006

Copy forwarded for information and necessary action to:-

1. Staff Concerned (2) All SS's of TSK Division
2. Sr.DOM/TSK (4) AOM/TSK
3. TI/TSK, MXN, MJN & CHC/TSK
4. Quoter section Sr.DOM/TSK's office
5. ACM/DBRT (Quoter section)
6. E/Pass at office (9) E/Bill at office (10) EQ at office
7. Div.Secy.NFREU/TSK (12) Convenor NFRMU/TSK
8. Branch Secy.NFREU all branches of TSK Division
9. Branch Secy.NPR/AU all branches of TSK Division
10. OS (P)/II Union cell at office.

For Divl. Railway Manager (P)  
N.F. Railway, Tinsukia

95 25m

To  
The Hon'ble Divisional Railway Manager,  
I.F. Railway,  
Tinukia Division,  
Tinukia. 783301.

Dated: the 18th January, 2006.

Sir,

Sub:- ~~ON APPOINTMENT POSITION OF TIs AS STI~~

We beg to lay the following few lines for favour of your kind consideration and sympathetic action please.

Sir, we Shri A.R. Milli, TI/MJN at TSK and Shri A.K. Doley, TI/TSK who are working for last 17 years as TI in different sections/Divisions, but vide E/205/TFC/Selection(S) dated 13.01.05 we have been going to be posted as SS/HAM and SS/DBRT respectively, where there is no any such rules/instruction/instances neither in the Zone nor at any Division. In connection with above neither we were informed nor any option was taken for the change of our posts. So long the posts of TIs are exists in the Railway and we being selected TIs from I.F. Railway and worked fruitfully for 17 years. We are very much upset with this transfer and posting order including change of posts and posting of non-selected persons as TI in our posts for which we the undersigned request your kind honour to look into the case and also hope for immediate cancellation of the order for the interest of work culture in the Railway.

Your early action is solicited.

With regards,

Yours faithfully,

Ashok Ram Milli.

1) (A. R. MILLI)  
TI/MJN at TSK

2) (A. K. DOLEY)  
TI/TSK

Certified to be  
true copy -  
Sanchari Roy  
Associate

ANNEXURE - IV.

-25-

36

Date: 03/03/2006.

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

Sub:- REFUSAL TO CARRYOUT THE POSTING ORDER AS SS AND  
PRAYER FOR SUPPLY OF THE RULES/INSTRUCTION/ORDERS  
IN CONNECTION WITH THE POSTING OF TIS AS STN. SUPER.

SIR,

We the signatories who are Traffic Inspectors since 1990 feeling too much upset due to the transfer and posting order vide DRM(F)/TSK's no. E/205/TRC/Selection(SS) dt. 13/1/06. We are fully in darkness and out of knowledge on which basis and on which para of the rules/instruction, only A.R. Milli and A.K. Doley are only to posted as SS TIS/ADJN at TSK and A.R. Milli, A.K. Doley (3) selected TIS in TSK division namely A.R. Milli, A.K. Doley and S.K. Singh. Why A.R. Milli and A.K. Doley were only chosen for the implementation, which cause mental agony in our workings and facilities. Hence, we hereby refuse to carry out the order and request to continue in our existing posts without disturbance.

In connection with the above honourable DRM/TSK was approached for amicable solution of the case on 18th January 2006 and again we request the honour for considerate action please.

Copy to:-

1) DRM/TSK for kind consideration  
please.

Yours faithfully,

Abhilash Milli.

2) Sr. DRM/TSK for information and  
necessary action please.

1) A.R. MILLI, TIS/ADJN  
at TSK 03/3/06

3. ✓ Secy - AISCTA/MLG for information  
and P/T & Please.

1) A.R. MILLI, TIS/ADJN  
at TSK 03/3/06  
2) A.K. DOLEY, TIS/TSK  
03.3.06

Certified to be  
true copy  
Sanjita Ray  
Advocate

- 26 -

To

The Hon'ble Chief Operations Manager,  
N.F.Railway,  
Maligaon,Guwahati-11.

Dated 31.03.2006

Sub:- An appeal against the posting of TIs ~~and~~ SS as

Respected Sir,

We beg to lay the following few lines for favour of your kind consideration and sympathetic action please.

Sir, we the undersigned Shri A.R.Milli, TI/MJN at TSK and Shri A.K.Doley TI/TSK in scale grade Rs.7450/- = 11500/- who are selected TIs from GM(P),MLG and working fruitfully for last 17 years as Traffic Inspectors in different Sections/Divisions but by keeping us in darkness and without informed also without taking any option-vide DRM (P)/TSK's order No.E/205/TFC/Section(SS) dated 13.01.2006 we have been forcefully going to be posted as SSS/NAM and SS/DBRT respectively. Wherever there is no any such instances/ example neither in the Zone nor at any Division. We are very much upset and feeling humiliation due to this forceful Transfer and posting order and change of our posts to non selected persons as TIs,i.e. C.K.Mishra,CYM/NTSK as TI/MJN at TSK vice A.R.Milli, TI/MJN at TSK and Paresh Malakar SS/TTD newly promoted to SS in grade 7450-11,500/- vide A.K.Doley. TI/TSK.

In connection with the above we the undersigned approached and requested for review the order to Hon'ble DRM/TSK on 18.1.06 TO DRM(P)/TSK on 23.03.06 and Sr.DOM/TSK on 21.3.06 but no any authority responded our appeals nor give any reply, instead of it Sr. DDM/TSK is forcing us to carryout the order which causes us mental agony in our duties alongwith to our family members.

Please note that out of 3 ( three) selected TIs in the Division only the following signatories are chosen to transfer from TI to SS but Shri S.K.Singh, TI/TSK HQ is specially considered by Sr.DDM/TSK and retained as TI/HQ/TSK which compelled us to think that transfer posting are doing on the basis of languestic and communal base-by Sr.DDM/TSK.

Certified to  
be true copy  
Sanchita Roy  
Advocate

Contd...2/-

(2)

We hope honourable Sir, will consider our case sympathetically for maintaining of work culture in the Railway and cancell the above order and allow us to continue our existing posts. For which act of your kindness, we shall remain ever grateful to you.

With regard and early solicits action.

Yours faithfully,

Sd/- Abhiram Milli

1) ( A.R. Milli )

TI/MCN at TSK

Sd/- Amulya Kumar Doley

2) ( A.K.Doley )

TI|TSK

Enclosed:

Xerox copy of Office order no.  
E/205/TIs/Selection (SS) etc.  
13.1.06 for your kind perusal  
please.

N. F. RAILWAY

Office of the  
General Manager ( P )  
Maligaon, Guwahati-1

No. F/283/120 Pt V (T) Loose

Dated 10.05.06

To

Sr. DOM/TSK

Sub:- (1) Transfer of Shri A.R.Milli ,TI/MJN & Shri A.K.Deley, TI/TSK  
(2) Promotion & posting of Shri R.Bhattacharjee, YM/DBRT

Ref: Your Office order endorsed vide No.E./205/TFC/  
Selection(SS) dated ~~xx/xx/05~~ 13.01.06 & E/254/I/  
Selection(SS)Pt.II dated 21.10.05.

The representations submitted by S/Shri A.R.Milli TI/MJN, Shri A.K. Deley TI/TSK & Shri R.Bhattacharjee, YM/DBRT~~xxx~~ have been put up to COM/MLG and he has passed the following orders.

Provision of 10.1 of Board's circular have been violated in these case. The relevant para states that efforts should be made to post the employees in the categories in which they have been working ,in the initial stage of merger. Moreover there is serious safety repercussion. A yard master/TI is not competent to perform train passing duties without a conversion training and issue of necessary competency certificates. The medical categories of Train passing and like ASM/SN/DY.SS are higher than prescribed for YM/TI's. Keeping in view all these fact the transfer order of Shri A.R. Milli TI Shri A.K.Deley TI and Shri R.Bhattacharjee, YM to the category of Dy.SS are hereby cancelled. They should be given the benefit of cadre re-structuring in the same category in which they are working as per para 10.1 of Board's letter No.PC-III/2003/CRC/6 dated 9.10.03.

This is for your information & necessary action please.

Sd/-

( S.R.Nandy )  
Senior Personnel Officer (T)  
for General Manager ( P )/MLG

Copy forwarded for information & necessary action to:-

1. COM/MLG
2. DRM(P)/TSK

for General Manager ( P ) MLG.

Chief of Railways  
Operations Staff Officer

27.12.2006

- 29 -

To  
The Divl. Mgr. Manager (P),  
S. P. RAILWAY/ Tinsukia.

ANNEXURE - VII

WD

Sir,

Sub to: Idle keeping of TI/TSK & TI/MRN  
at TSK.

\*\*\*\*\*

We the undersigned i.e. Tari A.K. Doley, TI/TSK  
and A.R. Milli, TI/MRN at TSK who have been kept idle since  
long through G.(P)/MLG's No. E/283/120/Pt. V(T) dt'd. 01/5/06  
cancelled the transfer order of DDM(P)/TSK No. E/205/TTCA/  
selection (55) dt'd. 13/1/2006.

OUR POSTS IS STILL UTILISED THROUGH OTHER PERSONS.

EARLY ACTION IS SOLICITED.

Yours faithfully,

(Ananya Kr. Doley)  
A.K. Doley, TI/TSK.

AbulRahim Milli  
(A.R. Milli/TI/MRN)  
at TSK.

Copy to: to Hon'ble DDM/TSK for kind information please.

Copy to: to Mr. DDM/TSK for information and necessary action  
please.

Abi  
12/12/06

8/c

Certified to be  
true copy  
Sandita Ray  
Private

NORTHEAST FRONTIER RAILWAY

Office of the  
Divisional Railway Manager(P),  
Tinsukia.

No.ES/A-119

Dated: June 20, 2006

To

- 1). Shri A.K. Doley, TI/TSK
- 2). Shri A.R. Milli, TI/MJN at TSK

Sub:- Idle keeping of TI/TSK & TI/MJN at TSK.

Ref:-Your letter of dated 12.6.2006.

20/6/06

With reference to your letter mentioned above, it is intimated that the transfer orders involving you, issued by this office are technically and administratively proper. Therefore, the competent authority has decided in consultation with the Headquarters that the orders must be carried out.

In this respect, it is pointed out that Shri A.K. Doley has to complete his refresher course before he assumes charge as SM/DBRT and for this purpose he has already been booked for refresher course commencing from 22.6.06 at ZRTI/APDJ vide Sr.DOM/TSK's Office L/No.T/41-Org/MPP Dated 13.6.06. Shri A.R. Milli to assume new charge immediately as he has already completed his refresher course.

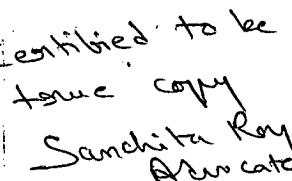
Hence, you are advised to carry out your transfer order immediately.

  
A. Narayanan  
Divisional Personnel Officer  
N. F. Railway, Tinsukia

  
DPO

Copy to:- 1) Sr.DOM/TSK  
2) AOM/TSK

  
( A. Narayanan )  
Divisional Personnel Officer  
N. F. Railway, Tinsukia

  
Certified to be  
true copy  
Sanchita Roy  
Arunachal

- 31 -

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

No. PC/III/2003/Misc/5  
The General Secretary,  
AIRF,  
4, State Entry Road,  
New Delhi-110055.

Dated 18.02.2005, 18.02.2005

Sir,

Sub:- Restructuring of ASMs/SMs.TIs/YMs

Ref:- Your letter No.AIRF/DC/JCM/59/2004 dt.10.01.2005.

Please connect your letter abid wherein it was pointed out that the N.F.Railway vide his memorandum dated 22.12.2004 has downgraded the post of TI in grade/Rs.4500-7000 which was never allotted to the cadre of TI,.The matter has been examined and it is advised that prior to restructuring posts of TIs were available in three grade structure(viz Rs. 7450-11,500, Rs.6500-10500 & Rs.5000-8000) and after implementations of cadre restructuring these posts are being operated in the same scales.TI post, which was erroneously shown in scale Rs.4500-7000 in thememorandum issued vide GM(P)/N.F.Railway&s letter dated 22.12.2004 has been corrected and corrigendum has been issued in this regard. Therefore ,no post of TI has been down graded after cadre restructuring and staff who are performing the duties of TI are retaining their designations as TI.

Yours Sincerely

Sd/-

For Secretary,Railway Board.

A I.R.F

NO.AIRF/KC/JC(4)/59/2004 ( 452) Dated 18.02.2005

Forwarded to General Secretary,AIRF,  
.....Guwahati for information.

*Certified to  
be true copy  
Sanchita Roy  
Advocate*