

(Guwahati Bench)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 169/06
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) B. Karmakar & another

Respondent(s) U.O.I 2008

Advocate for the Applicant(s) Mr. M. Chanda, S. Nath
G. N. Chakraborty & Mrs. U. Das

Advocate for the Respondent(s) Standing Railway Counsel
Sub- B. Deni

Notes of the Registry	Date	Order of the Tribunal
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This application is in respect
of file No. 101
deposited vide P.C. DD
No. 266 324277
Dated 22.5.06

G. Chakraborty
Dy. Registrar

No steps.

N.S.
4.7.06

04.07.2006 Present: Sri Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

The applicants are presently working
as Traffic Inspector in Rangia Division of
N.F. Railway. As per position of seniority
assigned in the impugned provisional
combined seniority list published on
16.06.2006, the applicants have been found
ineligible for consideration of promotion to
the cadre of Deputy Station Superintendent
pursuant to the letter dated 20.06.2006
(Annexure - 14). The said selection for
Deputy Station Superintendent is
scheduled to be commenced with effect from
08.07.2006 onwards.

Heard Mr M. Chanda, learned counsel
for the applicants and Ms U. Das, learned
counsel on behalf of Dr. J.L. Sarkar,
learned railway standing counsel.

Contd/-

Contd/-
04.07.2006

Mr. M. Chanda, learned counsel for the applicants submitted that the applicants may be permitted to sit in the examination schedule to be held on and from 08.07.2006 onwards, otherwise they will put to great hardship.

PL comply on dm
dated 4.7.06.

NE

Received
Usha Das.
For Mr. J.L. Sarkar.
Se. P.M.
5/7/06

Steps taken
on 19/7/06

On
19/7-

Notice & order
Sent to D/Section
for issuing to
resp. nos. 1 to 10
by regd. A/D post.

(as
20/7/06) D/No-756 to 765
Dt. 25/7/06.

3-8-06

① Service report
awaited.

3

Issue notice to the Respondents.

Post on 04.08.2006.

Vice-Chairman

/mb/

04.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Hon'ble Sri Gautam Ray,
Administrative Member.

Considering the issue involved,
We are of the view that the O.A. has to
be admitted. Admit.

Four weeks time is allowed to
the respondents to file reply statement
Post on 06.09.2006.

3
Member

Vice-Chairman

mb

06.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Mrs. B. Devi, learned Railway
Counsel submits Vakalatnama on behalf
of the Respondents. It appears that it is
not in the proper form. She is directed to
file in the proper form. She also wanted
time to file reply statement. Let it be done.

Post on 24.10.2006.

✓

No. 1013 has been
lited.

3
5.9.06.

24.10.2006

Mrs. B. Devi, learned Railway

No W/Ls has been
filed.counsel was represented and four weeks
time is sought on her behalf to file
reply statement. Let it be done.

post on 24.11.2006.

23.11.06.

Vice-Chairman

bb

24.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.Mrs. B. Devi, learned Railway
Counsel for the official respondents
submitted that she would like to have time
to file reply statement. Let it be done. The
private respondents are also given liberty
to file reply statement, if any. Post on
03.01.2007.No W/Ls has been
filed.23.1.07.

Vice-Chairman

/mb/

24.01.07

Counsel for the respondents
wanted further time to file written
statement. Several opportunities have
been given to the respondent to file the
same. Let it be done.Post the matter on 19.2.07. as a
last chance.

Vice-Chairman

lm

28.2.07.

Let the case be listed on
15.3.07 for filing of written state-
ment and further orders.No W/Ls has been
filed.14.3.07.

lm

ce
Member

Vice-Chairman

15.3.07.

At the request of learned counsel for the applicant three weeks time is granted to file rejoinder. Post the matter on 4.4.07.

Member

Vice-Chairman

lm

16.3.07

Wts filed by the respondents. page. 1 to 10.

4.4.07

Post the matter on 24.5.07.

Vice-Chairman

3.4.07

24.5.07.

Counsel for the applicant wanted time to file rejoinder. Post the matter on 13.6.07.

NO rejoinder filed.

In

Vice-Chairman

lm

No rejoinder has been filed.

15.6.07.

At the request of learned counsel for the applicant three weeks time is granted to file rejoinder. Post the matter on 2.7.07.

23.5.07

No rejoinder has been filed.

lm

14.6.07.

2.7.2007

On request, three weeks further time is granted to the learned counsel for the Applicant to file rejoinder.

Rejoinder not filed.

Post the case on 25.7.2007.

29.6.07

Rejoinder not filed

/bb/

24.7.07

Vice-Chairman

25.7.07. At the request of learned counsel for the applicant three weeks further time is granted to file rejoinder. Post the matter on 16.8.07

Rejoinder not filed.

lm

22
12.9.07.

Vice-Chairman

13.9.07

Counsel for the applicant submitted that she will file rejoinder by Monday with copy to the other side.

Post on 1.10.07 for order.

22
28.9.07.

Vice-Chairman

pg

3.10.07

Rejoinder filed by the Applicant
Copy served.

DR

01.10.2007

In this case reply and rejoinder have already been filed.

Set this matter for final hearing on

20.11.2007.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

The case is ready for hearings.

22
19.11.07.

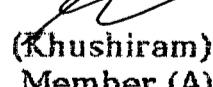
/bb/

20.11.2007

Heard Mr M. Chanda, learned counsel for the Applicant and Mrs B. Devi, learned counsel for the Respondents/Railways in part.

Call this matter tomorrow i.e.

21.11.2007.


(Khushiram)
Member (A)


(M. R. Mohanty)
Vice-Chairman

nkm

OA. 169/06 S-

21.11.07 On the prayer of the counsel for the parties
call this part heard matter on 7.12.07.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

pg

220
6.12.07.

07.12.2007

Heard further in part.

Call this matter on 02.01.2008 for
further hearing.

The case is ready
for hearing.

221
1.1.08.

/bb/

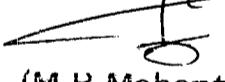

(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

02. 01.2008 Mrs. U.Dutta, learned counsel for
the Applicant, by filing Memo, seeks
adjournment of this Part Heard case.

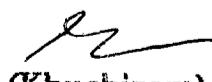
Call this matter on 4th January, 2008
for giving further hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

Lm

04.01.2008 On the prayer of Mr M. Chanda,
learned Counsel appearing for the
Applicant made in presence of Mrs B. Devi,
learned Counsel for the
Respondents/Railways, call this part heard
matter for further hearing on 07.01.2008.

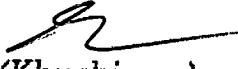

(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

O.A.No.169/2006

07.01.2008 Heard the learned Counsel for
the parties. Hearing concluded.
Orders reserved.

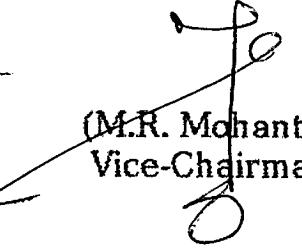

(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

14.02.2008 Judgment pronounced in open
court, kept in separate sheets. The
O.A. is allowed. No order as to costs.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 169 of 2006

DATE OF DECISION: 14.02.2008

Shri Bhabagiri Kaman and
Shri Dhiraj Chandra Kalita

.....APPLICANT(S)

Mr M. Chanda, Mr S. Nath, Mr G.N. Chakraborty
and Ms U. Dutta.

ADVOCATE(S) FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

.....RESPONDENT(S)

Mrs B. Devi, Railway Standing Counsel

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Mr. M.R. Mohanty, Vice-Chairman

The Hon'ble Mr Khushiram, Administrative Member

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No

.....
Vice-Chairman/Member

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.....
.....

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.169 of 2006

Date of Order: This the 14th day of February 2008

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khushiram, Administrative Member

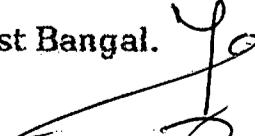
1. Shri Bhabagiri Kaman,
S/o Shri Tarun Chandra Kaman,
Working as Traffic Inspector,
O/o The Divisional Railway Manager (O),
N.F. Railway, Rangiya Division, Rangiya,
Assam-781356.
2. Shri Dhiraj Chandra Kalita,
S/o Late Ramesh Chandra Kalita,
Working as Traffic Inspector,
O/o The Divisional Railway Manager (O),
N.F. Railway, Rangiya Division, Rangiya,
Assam-781356.

.....Applicants

By Advocates Mr M. Chanda, Mr S. Nath,
Mr G.N. Chakraborty and Ms U. Dutta.

-versus-

1. The Union of India, represented by the
General Manager,
N.F. Railway,
Maligaon, Guwahati-781011.
2. Divisional Railway Manager (P)
N.F. Railway, Rangiya,
Rangiya, Assam-781356.
3. The Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
4. Chief Passenger Transportation Manager
N.F. Railway,
Maligaon, Guwahati-781011.
5. Shri Sudipta Saha,
Dy. Station Superintendent,
Jorai Station (JOQ),
Alipurduar Division,
N.F. Railway
P.O. Jorai, West Bengal.



6. Shri Ajitesh Das,
Yard Master,
O/o The Chief Yard Master,
New Jalpaiguri,
N.F. Railway, Katihar Division,
P.O.- New Jalpaiguri, West Bengal.
7. Shri Haladar Talukdar,
Traffic Inspector (Time table),
O/o The Chief Operations Manager,
N.F. Railway,
Maligaon, Guwahati-781011.
8. Shri Ramchandra Talukdar,
Asstt. Station Master,
Rangiya Station,
N.F. Railway,
P.O. Rangiya, Distt.- Kamrup, Assam.
9. Shri Promod Chandra Das,
Traffic Inspector,
O/o The Sr. DOM/Rangiya,
Rangiya Division,
N.F. Railway,
P.O. Rangiya, Distt.-Kamrup, Assam.
10. Shri Subash Chandra Das,
Asstt. Station Master,
Rangiya Station,
N.F. Railway,
P.O. Rangiya, Distt.- Kamrup, Assam.Respondents

By Advocate Mrs B. Devi, Railway Standing Counsel.

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ORDER

M.R. MOHANTY, VICE-CHAIRMAN

Both the Applicants were continuing to serve the Indian Railways as Assistant Station Master, in Alipurduar Railways Division of North East Frontier Zonal Railways; when it was decided (as given out in a Notification dated 22/23.10.2002 of Zonal Headquarters) to fill up 44 posts of Traffic Apprentice (in short 'TA') in the scale of Rs.5000-150-5150/- against 10% Deptt. (LDCE) Quota of promotional

10

posts (of SM etc.) on the basis of merit (to be assessed in the competitive examination) and, accordingly, a Circular dated 07.11.2002 was issued (by Divisional Headquarters of Alipurduar Railways Division) inviting applications from such of the staff of Operating Department who were graduates and not over 40 years of age. It was clearly spelt out in the said Notification dated 07.11.2002 that, upon the selection (consisting of written test, followed by viva-voce test), the selected candidates were to undergo a training for a specified period and that, upon successful completion of training, they will be absorbed in the posts of SM/ASM, SCR, XM or TI in the scale of Rs.5500-9000/- Relevant portion/paragraph of the Divisional Notification dated at Annexure-1 dated 07.11.2002 reads as under:-

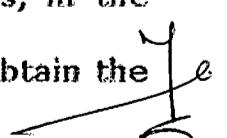
"The selection will be held in the shape of written test followed by viva-voce test. The candidates selected for the posts will have to undergo a training for a period of 2(two) years. On successful completion of training, they will be absorbed in the categories of SM/ASM, SCR, XM or TI both in scale Rs.5500-9000/- for which selection is held."

2. Both the Applicants, who offered their candidature, faced the written test on 22.02.2003 and viva-voce on 26.05.2003 (that was conducted from Zonal Headquarter Level) and came out successful. The said Result was declared in a Memorandum (issued from N.F. Railway Zonal Headquarter) dated 26/27.06.2003. In the merit panel of 28 selected persons (that was drawn in the said Memorandum at Annexure-2 dated 26/27.06.2003) the names of the Applicant No.1 was at Sl.No.16; Applicant No.2 was at Sl.No.17, Respondent No.5 (a Goods Train Guard) was at Sl.No.18 and Respondent No.6 (a Sr. TNC) was at Sl.No.28.

M Q

3. While above said selection process was going on, new Rangia Railway Division was carved out (by bifurcating the existing Alipurduar Division) with effect from 01.04.2003 and both the Applicants remained in the (new) Rangia Division as ASM from very beginning. Therefore, in the Memorandum dated 26/27.06.2003 (a copy of which has been placed as Annexure-2 to the O.A.); both the Applicants were shown as ASMs under the Sr. DMO of RNY (means Rangia), by making corrections. As it appears from Annexure-2 of the O.A., they were initially noted as Staff of Alipurduar/APDJ Division and, by correction, they were shown as staff of Rangia/RNY Division in the said Memo dated 26/27.06.2003; which aspect was admitted by the Advocate for the Applicant at the hearing. In the said document/Annexure-2 dated 26/27.06.2003, the Respondent No.5 was shown to be a staff of Alipurduar (APDJ) Division and Respondent No.6 was shown to be a staff of Katihar (KIR) Division.

4. After the above said empanelment dated 26/27.06.2003, the Training for T.A. commenced from 24.07.2003; but both the Applicants (and other selected ASMs of Alipurduar & Rangia Divisions) could not be spared (for the said Training) as per an order dated 17.07.2003 of the Zonal Headquarters (as reflected in DRM(P)/APDJ's Memorandum dated 22.07.2003 at Annexure-3 to the O.A.); because of acute shortage of ASMs in those Divisions and the Respondent No.5 (a Goods Guard) was only spared for the said Training that was to commence from 24.07.2003. As it appears, the Respondent No.6 was also spared (from his Division) to undergo the said Training that commenced from said 24.07.2003. Thus, in the interest of the Organisation, both the Applicants could not obtain the



Training alongwith their batch of selected persons i.e. Respondent Nos.5 & 6.

(5) Both the Respondents (Nos.5 & 6), on successful completion of their Training in January 2005, however, joined the promotional post during February 2005. While the Respondent No.5 joined in the promotional post in Alipurduar (APD) Division, the Respondent No.6 joined in the promotional post in Katihar (KIR) Division. It is seen from Annexure-16 dated 15.07.2005 that in Alipurduar Division, a test of the members of staff ^{W^o} were taken (for the next promotional posts of Deputy Station Superintendents) and the Respondent No.5 (a batch-mate of both the Applicants) was also called to face the said test in Alipurduar Division and, it is said, that he (Respondent No.5) received the said promotion in his Division.

(6) Both the Applicants, on the strength of Zonal Headquarters letter under Annexure-5 dated 24.05.2004, were asked to be spared to undergo Training that was to commence from 26.07.2004 and, upon being spared, they took the Training (up to December 2005) and appeared in the Final Examination of the Training that was held on 04.01.2006 at Zonal Headquarters and came out successful; as notified in Zonal Headquarters Memorandum under Annexure-6 dated 13.01.2006. On the same day (13.01.2006) both the Applicants were posted in Rangia (RNY) Division (where they are now continuing) in the promotional post since January 2006.

(7) On 07.04.2006, a Provisional Combined Seniority List of ASM, YM, TI category in scale Rs.5500-9000/- as on 01.04.2006 (in respect of Tig/Optg. Deptt.) was issued (in Rangia Division) by the DRM(P)/RNY and, as it appears from the copy of the said document

(Annexure-8 of the O.A.) dated 07.04.2006, the names of both the Applicants found place at Sl.No.15 (Applicant No.2) and Sl.No.16 (Applicant No.1); whereas the names of Respondent No.7 (Haladhar Talukdar), Respondent No.8 (Ramchandra Talukdar), Respondent No.9 (Pramod Chandra Das) and Respondent No.10 (Subhas Chandra Das) were at Sl.Nos.17, 18,19 & 40 respectively of the said Gradation List dated 07.04.2006. It was pointedly stated at the foot of the said Gradation List dated 07.04.2006 (Annexure-8) issued from the Office of the DRM/RNY, as under:-

"Representation, if any, against above seniority should be sent so as to reach this Office within one month from the date of publication; after which no repn. Will be entertained."

8. Although both the Applicants were given posting (in the cadre of SM/TI) during January 2006, it was noted in the said Gradation List dated 07.04.2006 that their date of posting (in the cadre) to be 26.07.2004. It was stated in the said Gradation List of 07.04.2006 that the date of posting of each of the Respondent Nos.7 to 10 to be 05.05.2005. It is stated, the Respondent Nos.6 to 10 received promotions (apparently, only for the reason of their seniority/experiences in feeder cadre) at re-structuring stage during 2005; whereas both the Applicants received promotions on the basis of merit that was displayed by them in 2003.

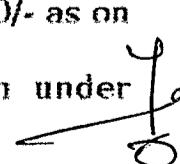
9. In the meantime, on the strength of a joint representation dated 03.05.2006 of both the Applicants (at Annexure-9/page 39 of O.A.) the Zonal Headquarters of N.F. Railway, on 12.06.2006, circulated an inter-se seniority list of those who received merit promotions on 28.01.2005 (covering the Respondent Nos.5 & 6) and on 13.01.2006 (covering both the Applicants) and placed both the

Applicants at Sl.Nos.08 & 09; the Respondent No.5 at Sl.No.10 and Respondent No.6 at Sl.No.18 respectively in the said inter se seniority list dated 12.06.2006. A copy of the Zonal Memorandum dated 12.06.2006 has been placed as Annexure-10 to the O.A. In the said Memorandum (at Annexure-10) dated 12.06.2006, it was stated as under:

"The following Traffic Apprentices who were selected against 10% departmental (LDCE) quota vide GM(P)MLG's Memo No.E/10/5/Pt VII(I) Loose dated 26/27.06.03 and subsequently on satisfactory completion of training and passing the prescribed test they were posted in scale Rs.5,500-9,000/- vide GM(P)MLG's O.O. No.F/227/81(T) Apprentice Pt.1 dated 28.01.05 & No.E/227/81(T) Traffic Apprentice dated 13.01.06 respectively.

Accordingly their seniority in scale Rs.5,500-9000/- have been fixed as per panel position assigned in the selection in terms of para 306 & 309 of IREM Vol.I (1989) Revised Edition as under:

<u>Sn.</u>	<u>Name</u>	<u>Community</u>	<u>Now Working under</u>
....
08	Shri Bhabugiri Kaman	ST	Sr. DOM/RNY (Applicant No.1)
09	Shri Dhiraj Ch. Kalita	UR	Sr. DOM/RNY (Applicant No.2)
10	Shri Sudipta Saha	UR	Sr. DOM/APDJ (Respondent No.5)
....
18	Shri Ajitesh Das	UR	Sr. DOM/KTR (Respondent No.6)

10. As it appears, on consideration of certain representations, the authorities, in control of the matter in Rangia Railway Division, revised the position of both the Applicants (that was in the combined Gradation List of ASM, YM, TI category in scale Rs.5500-9000/- as on 01.04.2006 - that was issued by Rangia Railways Division under 

Annexure-8 dated 07.04.2006) and placed their names at Sl.Nos.92 & 93 of a freshly issued (on 16.06.2006) Provisional Combined Seniority List of ASM, YM and T.I. A copy of the said freshly issued Seniority List dated 16.06.2006 of Rangia Division has been placed on record as Annexure-11 to the O.A.; the heading of which reads as under:

"Provisional Combined Seniority List of ASM/YM & TI category in Scale Rs.5500-9000 as on 01.04.06 based on representations received against provisional combined Seniority List for ASM/YM & TI category in Scale Rs.5500-9000/- as on 01.04.06. Fresh Seniority List of the same category as on 01.04.06 is published taking the representations in to account and as per GM(P)/MLG's Memorandum under No.E/10/5/Pt.VII(I) dated 12-06-06."

11. In the said revised gradation list (Annexure-11 dated 16.06.2006), the Respondent Nos.7 to 10 were placed at Sl.Nos.15, 17, 16 and 39 i.e. much above both the Applicants.

12. Both the Applicants, immediately, on 20.06.2006, addressed a joint representation to the Divisional Railway Manager of Rangia Railway Division (a copy of which has been placed on record as Annexure-12 to the O.A.) challenging the revised gradation list dated 16.06.2006. Relevant portion of the said representation reads as under:

"10. DPO/RNY issued a provisional Seniority List of ASM, YM II category in scale Rs.5,500-9000/- on 01.04.06 vide No.EG15/Optg/SS/CYM/TI/RN dated 07.04.06 and placed our names at serial nos.15 and 16 taking our date of promotion on 26.7.04 (Copy enclosed).

11. But, Sir regarding our Seniority a complaint was lodged by some ASMs of the RNY Division stating that our names were illegally entered on the seniority list mentioned above. They raised/questions to DPO/RNY that our D.O.P. was fixed on 26.07.2004 (ie. from commencement of training) which is wrong entry. As a result the matter was referred in the HQ and the Divisional Seniority list was cancelled.

12. The ASMs, who lodged the complaint against us, were promoted to 5500-9000/- grade on 05.05.2005 from

5000-8000/- Grade and it was a Non-Selection Divisional Promotion. But Sir, we were selected on 26/27-06-2003 as Traffic Apprentice in grade 5500-9000/- and it was a Selection Post against 10% LDCE quota. Moreover, this selection was conducted centrally at HQ, Maligaon in Zonal Basis." (emphasis has been supplied by us)

(13) In the above said representation (Annexure-12) dated 20.06.2006 it was pointed out to resolve the situation by taking aid of the instructions/directions given in para 228 (I) of IREM (Vol.I) of 1989 Edition; which reads as under:

"228. Erroneous Promotions.- (I) Sometimes due to administrative errors, staff are over-looked for promotion to higher grades could either be on account of wrong assignment of relative seniority of the eligible staff or full facts not being placed before the competent authority at the time of ordering promotion or some other reasons. Broadly, loss of seniority due to the administrative errors can be of two types:-

- (i) Where a person has not been promoted at all because of administrative error, and
- (ii) Where a person has been promoted but not on the date from which he would have been promoted but for the administrative error.

Each such case should be dealt with on its merits. The staff who have lost promotion on account of administrative error should on promotion be assigned correct seniority vis-à-vis their juniors already promoted irrespective of the date of promotion. Pay in the higher grade on promotion may be fixed proforma at the proper time. The enhanced pay may be allowed from the date of actual promotion. No arrears on this account shall be payable as he did not actually shoulder the duties and responsibilities of the higher posts."

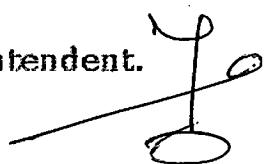
(emphasis has been supplied by us)

(14) By their communication dated 23.06.2006 of the Rangia Railways Division, both the Applicants were intimated that they have not lost their seniority in Rangia Division. However, the matter (relating to the grievances of the Applicants, as made in their

representation under Annexure-12 dated 20.06.2006) was referred to Zonal Headquarters of N.F. Railways from Rangia Division; as is seen under Annexure-13 dated 23.06.2006.

(15) Thus, the prayer of both the Applicants; to restore their names in the seniority list above the persons who received the promotion (merely on the point of seniority/experience; at the restructuring stage) w.e.f. 05.05.2005 (even in Rangia Division) so that they can enjoy the fruits of their merit promotions, was, virtually, turned down at Divisional level under Annexure-13 dated 23.06.2006.

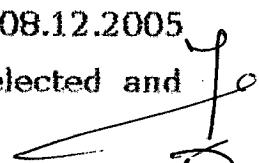
(16) Before rejecting the representation of both the Applicants, on 23.06.2006, at Divisional level (under Annexure-13 dated 23.06.2006); said Rangia Division drew a list (on 20.06.2006) of 78 members of staff (from the revised Seniority List dated 16.06.2006) as eligible persons to face selection for the next higher post of Deputy Station Superintendent in the pay scale of Rs.6500-10500/-. Names of 78 members of the staff (said to be only eligible for the post of Deputy Station Superintendent) was not only circulated (without the names of both the Applicants) on 20.06.2006; they were also called to take the test on 08.07/15.07/22.07.2006 (in different groups, from the said list circulated on 20.06.2006) vide Annexure-15 dated 21.06.2006. Under Annexure-14 dated 20.06.2006, both the Applicants were declared ineligible (for consideration) to go to the post of Deputy Station Superintendent. Both the Applicants (apparently, because their names had gone down in the revised Gradation List that was issued under Annexure-11 dated 16.06.2006) were not called to face the said test/selection for the posts of Deputy Station Superintendent.



(17) As is seen, the eligibility list under Annexure-14 dated 20.06.2006 was issued on the basis of revised gradation list at Annexure-11 dated 16.06.2006.

(18) In the above premises both the Applicants had to rush to this Tribunal with the present Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, with the following prayers:

- “8.1 That the Hon’ble Tribunal be pleased to set aside and quash the impugned provisional combined seniority list dated 16.06.2006 published as on 01.04.2006 (Annexure-11)
- 8.2 That the Hon’ble Tribunal be pleased to direct the respondents to re-fix the seniority of the applicants above private respondents No.7 to 10 in the grade of ASM/T1.
- 8.3 That the Hon’ble Tribunal be pleased to declare that the applicants are senior to private respondents No.5 to 7 in the cadre of ASM/T1/Yard Master in terms of Rule 306 and 309 of IREM Vol.I 1989 (Revised edition)
- 8.4 That the Hon’ble Tribunal be pleased to declare that the applicants are eligible for consideration for promotion to the cadre of Deputy Station Superintendent.
- 8.5 That the Hon’ble Tribunal be pleased to set aside and quash the impugned letter dated 20.06.06 and 21.06.06 (Annexure-14 and 15)
- 8.6 That the Hon’ble Tribunal be pleased to set aside and quash the Impugned letter dated 08.12.2005 whereby Respondent No.5 has been selected and



recommended for promotion without considering cases of the applicants who are senior to the Private respondent No.5.

8.7 Costs of the application

8.8 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper."

(19) Both the Applicants also made the following interim prayers in the present O.A., that was filed on 04.07.2006:-

"9.1 That the Hon'ble Tribunal be pleased to stay the proposed selection of Deputy SS notified through DRM (P)'s impugned letter dated 21.06.06 scheduled to be held on 08.07.06 onwards till disposal of the Original Application others applicants

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

(20) On 04.07.2006, when this matter came up for admission, this Tribunal passed the following orders:

"The applicants are presently working as Traffic Inspector in Rangia Division of N.F. Railway. As per position of seniority assigned in the impugned provisional combined seniority list published on 16.06.2006, the applicants have been found ineligible for consideration of promotion to the cadre of Deputy Station Superintendent pursuant to the letter dated 20.06.2006 (Annexure-14). The said selection for Deputy Station Superintendent is scheduled to be communicated with effect from 08.07.2006 onwards.

Heard Mr M. Chanda, learned counsel for the applicants and Ms U. Das, learned counsel on behalf of Dr. J.L. Sarkar, learned railway standing counsel.

Mr M. Chanda, learned counsel for the applicants submitted that the applicants may be permitted to sit in the examination schedule to be held on and from 08.07.2006 onwards, otherwise they will put to great hardship.

In the interest of justice, the Respondents are directed to permit the applicants to sit in the examination, but the result shall be kept in abeyance, which shall be subject to the outcome of this O.A.

Issue notice to the Respondents

.....

(21) On 04.08.2006, this case was admitted.

(22) Respondents, in this case, filed a written statement only on 15.03.2007 and the Applicants filed a Rejoinder only on 01.10.2007. The Respondents have also filed (only on 12.10.2007) a Misc. Petition No.112 of 2007 (seeking vacation of the interim order dated 04.07.2006).

(23) By filing written statement, the Respondents have stated that since the Respondent Nos.5 and 6 belong to other Divisions (than Rangia Division) and since the Applicants are continuing in Rangia Division, they (Applicants) should have no grievance against their (Respondent Nos.5 and 6) promotions to next higher post of Deputy Station Superintendent/Station Superintendent in other Divisions.

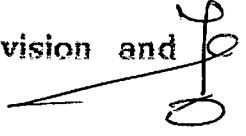
(24) It has been stated by the Respondents in the written statement, that while sending some of the batch of the selected candidates (including the Respondent Nos.5 and 6) to Training (and not able to send both the Applicants and other ASMs of Alipurduar and Rangia Division to Training in the interest of organisation) it was made clear, in the letter dated 17.07.2003 of Zonal Headquarters,

that "their seniority will be fixed by the administration, without prejudice to their seniors, who may be sent to the training later on".

(25) It has also been disclosed in the written statement that due to mistake and oversight, the date of promotion of the Applicants were wrongly shown as 26.07.2004 (the date on which the Training of both the Applicants commenced) instead of 16.01.2006 (the actual date on which they joined in the promotional post) in the provisional combined seniority list (of ASMs etc.) that was issued under Annexure-8 dated 07.04.2006 and that, on scrutiny of representations of some aggrieved parties, a fresh seniority list was drawn on 16.01.2006, after taking into account the memorandum dated 12.06.2006 (of the Zonal Headquarters) re-fixing the seniority of the Applicants.

(26) It has also been stated in the written statement that mere empanelment for promotion was not enough to claim seniority; until joining the post, on successful completion of training, and that the Applicants, having joined the promotional post only on 16.01.2006, they have rightly been placed below in the revised gradation list of 16.06.2006.

(27) It has further been disclosed in the written statement that Respondent Nos.7 to 10 were promoted as per their seniority (on restructuring of the cadre) and the Applicants, being junior to those private Respondents, have rightly been placed below those Respondents in the revised gradation list of 16.06.2006 and that since the post of Deputy Station Superintendent/Station Superintendent are of Divisional Cadre, the eligibility list was drawn on the basis of the Revised Gradation List dated 16.06.2006 of Rangia Division and



Applicants were not in the eligibility list; for they are at far below in the said Revised Gradation List.

(28) By filing Rejoinder, the Applicants have supported their stand taken in the Original Application.

(29) Mr M. Chanda, learned Counsel appearing for both the Applicants and Mrs Bharati Devi, learned Counsel appearing for the Respondents/Railways were heard at a considerable length and we also perused the materials placed on record.

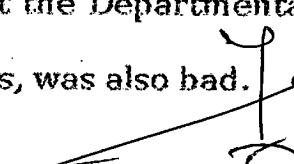
(30) At the very outset, at hearing, Mr M. Chanda, appearing for both the Applicants, argued that there was violation of principles of natural justice at the stage of issuance of revised gradation list under Annexure-11 dated 16.06.2006. He pointed out that in the gradation list at Annexure-8 dated 07.04.2006, the position of both the Applicants were shown at Sl.Nos.15 and 16 and the position of Respondent Nos.7, 8, 9 and 10 were shown at Sl.Nos.17, 18, 19 and 40 respectively and that in the revised gradation list that was issued under Annexure-11 dated 16.06.2006; the position of both the Applicants were changed to a far lower positions (Sl.Nos.92 & 93) and the position of the Respondent Nos.7 to 10 were taken to higher position (i.e. Sl.Nos.15, 17, 16 & 39) than both the Applicants and that before revising the gradation list (to the prejudice of both the Applicants) on 16.06.2006; the official Respondents/Railways ought to have followed the principles of natural justice, by way of granting opportunities to both the Applicants to have their say in the matter.

(31) While answering this point Mrs B. Devi, learned Counsel appearing for the Railways, pointed out that on consideration of



representations of others and upon finding that wrong "dates of appointment" were mentioned as against the names of both the Applicants (in the gradation list under Annexure-8 dated 07.04.2006) the revised gradation list was issued under Annexure-11 dated 16.06.2006 and, stating so, Mrs Devi, appearing for the Railways, argued that, in the given circumstances, 'no opportunity was required to be given to the Applicants (to have their say in the matter) before revising the gradation list'.

(32) Law is well settled, by now, that "not able to answer, is no answer to deny natural justice to an affected party". There is also no material placed on record to show that the Applicants were ever given opportunity (by the Official Respondents/Railways) to have their say in the matter; before changing their position (in the revised gradation list under Annexure-11 dated 16.06.2006) to their prejudice. Therefore, we are inclined to hold that there were violation of principles of natural justice/Article 14 of the Constitution of India in drawal of the revised gradation list under Annexure-11 dated 16.06.2006. On that ground alone, we are of the considered view, the revised gradation list dated 16.06.2006 (Annexure-11) is not sustainable and liable to be set aside/quashed. As a consequence, the order under Annexure-14 (page 50 of the O.A.) dated 20.06.2006 declaring the Applicants as not eligible and the eligibility list dated 20.06.2006; which was without the names of both the Applicants (both drawn on the basis of the revised gradation list dated 16.06.2006), was bad. Thus, the logical end takes us to say that the Departmental Examination, which was fixed without the Applicants, was also bad.



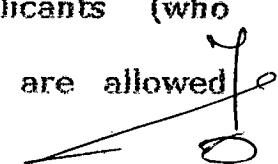
(33) While taking the above firm view, we now proceed to examine the matter on merit pertaining to the seniority of Applicants in the promotional post.

(34) It is not in dispute that both the Applicants and Respondent Nos.5 & 6 not only applied to get promotion by dint of their merit, but they also came out successful in the selection (consisting of written test and viva-voce held during 2003) to occupy 10% of the promotional post/vacancy set apart exclusively for merit promotion. As it appears from Annexure-1 the said 10% of the D.P. Quota vacancies were finally identified on 22/23.10.2002 (when GM(P)/MLG's Notification No.E/10/5/Pt.VII(T)L was issued) and the vacancies also notified on 07.11.2002 (when Circular No.E/10/1(T) Pt.II was issued by Alipurduar Division) and in response to the same, both the Applicants offered their candidature. It is also not in dispute that in the selection (held on 20.02.2003 and on 26.05.2003) both of them came out successful and they were placed above (in the merit list) the Respondent No.5 (a goods Guard of same Alipurduar Division) and Respondent No.6; as is evident from Annexure-2 dated 26/27.06.2003. While the names of both the Applicants were placed at Sl.Nos.16 & 17 of the merit list, the names of Respondent Nos.5&6 were at Sl.Nos.18 & 23 respectively. However, in the interest of the Organisation, both the Applicants could not be spared for the Training (that commenced on 24.07.2003); although less meritorious Respondent Nos.5 & 6 were sent to the said Training Programme. As is seen at Para 7 of the written statement filed by the Respondents/Railways, the Zonal Headquarters of N.E. Railway was conscious of the situation that was to arise for the reason of not sparing the meritorious staff (like both the Applicants) to undergo the

Training (while sparing the less meritorious staff; like the Respondent Nos.5 & 6, to the Training); for which it was, apparently, made clear in Zonal Headquarters letter dated 17.07.2003 that deputation of less meritorious staff (like the Respondent Nos.5 & 6) was "subject to the condition that their seniority will be fixed by the administration" and that would be "without prejudice to their seniors who may be sent for training later on". Later; although both the Applicants acquired the Training and, on successful completion of the said Training, got the actual posting in the promotional post after a gap of almost one year of the promotional posting of the Respondent Nos.5&6, the Zonal Headquarters issued a final inter se gradation list (of those who got promotional benefits with the Respondent Nos.5&6 and those who got promotions with both the Applicants after a gap of almost one year) under Annexure-10 dated 12.06.2006. In the said inter se list dated 12.06.2006(Annexure-10) issued by the Zonal Headquarters of N.E. Railway both the Applicants (although they joined the promotional post later/after almost one year) were placed above at Sl.Nos.08 & 09 and the Respondent Nos.5&6 (who joined about one year earlier) were placed below at Sl.Nos.10 & 18 respectively. Thus, the administrative interest of the Organisation (i.e. paucity of strength in the rank of ASM, for which both the Applicants could not be spared in time) was not allowed to be a barrier to grant recognition of merit of both the Applicants. We are of the considered view to hold that the action of the Zonal Headquarters (in issuing Annexure-10 dated 12.06.2006/by placing both the Applicants above the Respondent Nos.5&6) was just; consistent with (a) their promise (that was held out in their letter dated 17.07.2003) and (b) the standing instructions in Para 228 (I) of IREM (Vol.I) of 1989 Edition (Supra).

(35) While drawing the provisional gradation list (in the promotional cadre) at Rangia Division under Annexure-8 dated 07.04.2006; the Authorities placed the names of both the Applicants above the names of those who received promotions (not on merit) merely on the basis of their seniority/experiences in the feeder cadre that too at restructuring stage of the Organisation. It is seen that all those persons (including Respondent Nos.7 to 10) got promotions (only on the basis of their Seniority/Experiences in the feeder cadre) at the re-structuring stage and, therefore, all of them (Sl.Nos.17 to 97 in Annexure-8 dated 07.04.2008) were shown to have got the promotions on one date i.e. on 05.05.2005. Names of both the Applicants were shown at Sl.Nos.15 & 16 of the said provisional Gradation List/Annexure-8 dated 07.04.2006, whereas the names of those who received promotions on 05.05.2005 were shown below.

(36) We are inclined to hold the placement of both the Applicants at Sl.Nos.15 & 16 and those who were placed from 17 to 92 in the Gradation List (at Annexure-8) dated 07.04.2006 to be correct; because both the Applicants (at Sl.Nos.15 & 16 of the gradation list) displayed their merit in the Departmental Competitive Examination (written test and viva-voce) during 2002/2003 and acquired merit promotion as against the merit promotion quota of promotional posts/cadre and others (who were placed at Sl.Nos.17 to 92 of the said list dated 07.04.2006, including the Respondent Nos.7 to 10) acquired the promotional benefits merely for the reason of their seniority/experiences and that too at a stage of re-structuring of the organisation. Therefore, unless both the Applicants (who acquired meritorious promotions by dint of their merit) are allowed



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to be above in the gradation list than those who got promotions with aid of their mere seniority/experiences (that too at re-structuring stage) only, then the value of the merit promotion shall stand totally wiped out/would be nugatory. Since merit promotion granted to both the Applicants cannot be ignored, they are bound to be placed above those who received promotions for the reason of their mere seniority/experiences (not in a normal circumstances) at the stage of re-structuring of the organisation only. Thus, placement of both the Applicants above others/Respondent Nos.7 to 10 was just; even though their dates of promotion was not reflected correctly in the gradation list dated 07.04.2006.

(37) We have also examined the matter from a different but practical angle; because it is the positive case of the Respondents that the gradation list in question having been drawn for Rangia Division only, both the Applicants need not draw any comparison with any individual (Respondent Nos.5 & 6) of other Division. Such a stand of the Respondents cannot be accepted, because of the Zonal Order under Annexure-10 dated 12.06.2006 and Para 228(5) of IREM (Supra). We are of the view that merely because the gradation list in question was drawn for Rangia Division, both the Applicants cannot be allowed to suffer in getting their due placement in the gradation list. We have analysed the matter by going deep into the matter. Present Rangia Division was part of undivided Alipurduar Division (of N.F. Zonal Railway) and, for administrative conveniences, Rangia Division has been carved out (by bi-furcating) of original/undivided Alipurduar Division. Had Aliopurduar Division not been divided (for administrative convenience) then, in the undivided gradation list (of undivided Alipurduar Division) the names of both the Applicants

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would have been placed above Respondent No.5 (for the reason of Zonal Memorandum under Annexure-10 dated 12.04.2006) and the names of Respondent Nos.7 to 10 (and those who received promotions w.e.f. 05.05.2005 only, for the reason of seniority/experience) would have been placed below the name of said Respondent No.5 who joined the promotional post during February 2005. Thus, merely because there were bifurcation of Alipurduar Division (for the reason of administrative requirement) both the Applicants (who received merit promotions) cannot be allowed to lose their seniority and placed below all those persons, who received promotions (for the reason of their seniority only, that too at re-structuring stage) all on one day on 05.05.2005 (including the Respondent Nos.7 to 10) in the gradation lists drawn in Rangia Division.

(38) Although it is stated that while drawing the revised gradation list under Annexure-11 dated 16.06.2006, the official Respondents took note of Zonal Order under Annexure-10 dated 12.06.2006, it appears that they did not take note of the ground reality of the matter behind the inter se seniority/behind Zonal Order under Annexure-10 dated 12.06.2006. In Annexure-10 dated 12.06.2006, both the Applicants were placed above the Respondent No.5 (who received promotion during February, 2005) although they (both the Applicants) joined the promotional post during January 2006. From this it was a clear indication that both the Applicants, for the purpose of determination of their seniority, are to carry with them the position as if they came to the promotional post/cadre at least during February 2005 i.e. the date when the Respondent No.5 came to the cadre/promotional post. Thus, while re-drawing the gradation list under Annexure-11 dated 16.06.2006, the official Respondents in

Rangia Division committed a miscarriage of justice (in the decision making process) by not treating the date of joining of both the Applicants to be February 2005 for the purpose of determining their seniority in the promotional cadre. While rejecting the representation of the Applicants on 23.06.2006, the Respondents did not look to the ground realities behind the Zonal order dated 12.06.2006 (which should have been done in exercise of powers vested by Para 228(I) of IREM (Supra) and as such there were a mis-carriage of justice in the decision making process leading to issuance of the rejection order dated 23.06.2006.

(39) Thus, judging from any angle, both the Applicants were rightly placed above (in the gradation list under Annexure-8 dated 07.04.2006) all those persons (who have been treated to have joined the promotional posts in May 2005) including Respondent Nos.7 to 10. It is for the Respondents (and everybody) to treat their position in the seniority list as if they came to the promotional cadre during February 2005, when his juniors (Respondent No.5) joined the promotional post. For the reason of Para 228 (I) of IREM, the Respondents (even in Rangia Division) are to give such a placement to both the Applicants.

(40) The Official Respondents, for the purpose of determining the seniority of both the Applicants, should treat the date of promotion (of both the Applicants) to be February 2005 i.e. the date, when their junior/Respondent No.5 got promotion in Alipurduar Division and confirm his position in the gradation list of 07.04.2006; because (a) at Zonal Level it has already been decided (in Annexure-10 dated 12.06.2006) that they (both the Applicants) are seniors to

Respondent No.5 and (b) said Respondent No.5 joined the promotional post during February 2005 and (c) all others (in the said gradation list) shown below them (Applicants) were promoted on 05.05.2005.

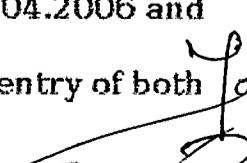
(41) On 20.06.2006 a list of persons was drawn (treating them to be only eligible to face the selection for the post of Deputy Station Superintendent) on the basis of the Revised Gradation List (Annexure-11) dated 16.06.2006. Since we are of the view that the revised gradation list was bad, the list dated 20.06.2006 is bound to be quashed.

(42) As a consequence, the Official Respondents, should now publish the result of all those who appeared in the written test (including the Applicants) that was taken during July 2006 and complete the selection process and grant promotions to the selected candidates.

(43) Accordingly, we allow this case (however, without costs) with the following orders:

(A) We direct that February 2005 to be recorded as the date of joining of both the Applicants, only for the purpose of determining of their seniority in the present promotional post and their seniority be fixed accordingly above all those (including the Respondent Nos. 7 to 10) who received promotions after February 2005.

(B) We also confirm the placement of both the Applicants in the gradation list under Annexure-8 dated 07.04.2006 and hold that by noting 26.07.2004 as the date of entry of both

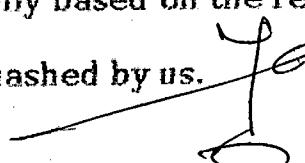


the Applicants in to the promotional cadre in the said gradation list dated 08.04.2006, the Official Respondents did commit no serious mistake; because by that time Zonal Order dated 12.06.2006 had not been issued and that in order to recognize the merit promotions of both the Applicants above other Respondents, they had to do that; which was consistent with the mandate given under Para 228 (I) of IREM (Supra).

(C) We also hereby quash the revised gradation list under Annexure-11 dated 16.06.2006 as the same was issued, not only for the reason of violation of the principles of natural justice but also for the reason that there were mis-carriage of justice in the decision making process, as discussed in the foregoing paragraphs.

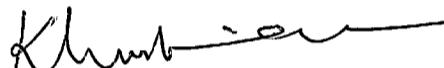
(D) We also quash the rejection order under Annexure-13 dated 23.06.2006, as there were mis-carriage of justice in the decision making process; as discussed in the paragraphs above.

(E) We also quash the consequential order (at Annexure-14/page 50 of O.A.) dated 20.06.2006 (by which both the Applicants were held to be not eligible to take the test for the next higher post of Deputy Station Superintendent) and list of eligible candidates drawn on 20.06.2006 (in which the names of both the Applicants were not reflected) enclosed to the order under Annexure-15 dated 21.06.2006; because those were only based on the revised gradation list that has now been quashed by us.



(F) As a consequence, we hold that both the Applicants were eligible to appear in the test/selection for the post of Deputy Station Superintendent and, rightly, they were allowed (on the strength of interim order passed in this case) to take the test.

(G) Finally, the Respondents are allowed to publish the result of the written test that was held during July 2006 (in the process of the selection for the post of Deputy Station Superintendent in Rangia Division) and complete the selection process by treating both the Applicants as eligible candidates.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


Yester
14/02/2006
(M. R. MOHANTY)
VICE-CHAIRMAN

nkm

- 4 JUL 2006

गুৱাহাটী ন্যায়পৌঁঠ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 169 /2006

Shri Bhabagiri Kaman & another.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

07.11.2002/
22/23.10.02- NF Railway issued notification for holding selection to the post of traffic apprentice in stipendiary scale of Rs. 5000-150-5150 against 10% quota of under limited departmental competitive examination from among the operating staff who are graduates and not over 40 years of age.

26/27.06.03- Applicant appeared in the written test and viva voce held on 20.02.03 and on 26.05.03 and declared successful and their names were placed at serial No. 16 and 17 respectively in order of merit in the panel. (Annexure- 2)

17.07.03/24.07.03- Out of the 28 selected candidates only 4 persons were deputed for promotional training course which commenced w.e.f. 24.07.03 for 15 and ½ months on pick and choose basis on the pretext of selected candidates belonging to ASM cadre cannot be spared due to acute shortage of ASM in NF Railway. (Annexure- 3)

24.05.2004- Applicants have been spared for promotional training course pursuant to the letter dated 24.05.04 and accordingly they joined in the training course w.e.f. 26.07.04. However, respondents No. 5 and 6 alongwith Shri B Bhattacharjee joined in the promotional post in the month of Feb 2005, whereas applicants have joined in the promotional post of TI only in the month of January 2006 although they are senior in order of merit as per the select list. (Annexure- 5)

07.04.2006/01.04.2006- Provisional seniority list dated 07.04.06 as on 01.04.06 was published in the cadre of ASM/TI where the applicants have been placed at serial No. 15 and 16, treating their date of promotion w.e.f. 26.07.04. (Annexure- 8)

03.05.2006- Applicants submitted representations for redressal of their grievances for assigning correct seniority position.
 (Annexure- 9 Series)

12.06.2006- General Manager (P) Maligaon vide memorandum dated 12.06.06 assigned correct seniority to the applicants in terms of rule laid down in para 306 and 309 of IREM Vol. I, placing the applicants at serial No. 8 and 9 whereas respondent No. 5 and 6 have been placed at serial No. 10 and 18.
 (Annexure- 10)

16.06.2006- Impugned provisional combined seniority list of ASM/TI was published by the DRM (P) Rangiya vide its letter dated 16.06.06 placing the applicants at serial No. 92 and 93 and juniors have been placed from serial No. 15 to 91, those who have been promoted to the scale of Rs. 5,500-9,000 in the cadre of ASM following a subsequent selection held in the month of May 2005 whereas selection of the applicants had held in the cadre of TI in the month of June 2003 as such impugned seniority list has been prepared in violation of seniority rule laid down in para 306 and 309 of IREM.
 (Annexure- 11)

20.06.2006- Applicants submitted representations against the impugned seniority list dated 16.06.06 but to no result. (Annexure- 12)

20.06.2006/21.06.2006- DRM (P) Rangiya issued impugned letter dated 20.06.06 whereby applicants have been declared ineligible for consideration of their promotion to the cadre of Deputy Station Superintendent due to wrong fixation of seniority position and thereby denied opportunity to the applicants to appear in the proposed selection scheduled to be held w.e.f. 08.07.06 onwards, communicated by the impugned letter dated 21.06.06.
 (Annexure- 14 and 15)

Hence this Original Application.

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned provisional combined seniority list dated 16.06.2006 published as on 01.04.2006 (Annexure- 11).
2. That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the seniority of the applicants above private respondents No. 7 to 10 in the grade of ASM/TI.

Omraj Ch. Kalra

3. That the Hon'ble Tribunal be pleased to declare that the applicants are senior to private respondents No. 5 to 7 in the cadre of ASM/TI/Yard Master in terms of Rule 306 and 309 of IREM Vol. I 1989 (Revised edition).
4. That the Hon'ble Tribunal be pleased to declare that the applicants are eligible for consideration for promotion to the cadre of Deputy Station Superintendent.
5. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter dated 20.06.06 and 21.06.06 (Annexure- 14 and 15).
6. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter dated 08.12.2005 whereby Respondent No. 5 has been selected and recommended for promotion without considering cases of the applicants who are senior to the Private respondent No. 5.
7. Costs of the application.
8. Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicants pray for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the proposed selection of Deputy SS notified through DRM (P)'s impugned letter dated 21.06.06 scheduled to be held on 08.07.06 onwards till disposal of the Original Application others applicants will suffer irreparable loss and injury.
2. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicants for providing relief as prayed for.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 169 /2006

Shri Bhabagiri Kaman & another. : Applicants.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

S. Nal

Advocate

Date:-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 169 /2006

BETWEEN:

1. **Shri Bhabagiri Kaman,**

S/o- Shri Tarun Chandra Kaman,
Working as Traffic Inspector,
O/o- The Divisional Railway Manager (O),
N.F Railway,
Rangiya Division, Rangiya
Assam- 781356.

2. **Shri Dhiraj Chandra Kalita,**

S/o- Late Ramesh Chandra Kalita,
Working as Traffic Inspector,
O/o- The Divisional Railway Manager (O),
N.F Railway,
Rangiya Division, Rangiya
Assam- 781356.

-----Applicants.

-AND-

1. The Union of India,

Represented by the General Manager,
N. F. Railway,
Maligaon, Guwahati-781011.

2. Divisional Railway Manager (P)

N.F. Railway, Rangiya,
Rangiya.
Assam- 781356.

3. The Chief Personnel Officer,

N.F. Railway,
Maligaon, Guwahati-781011,

4. Chief Passenger Transportation Manager

N.F Railway
Maligaon, Guwahati- 781011.

45/1
Filed by the applicants
Dhingra, S. Nalini
04.07.07
Acharya

Dhingra Ch. Kalita

5. Shri Sudipta Saha,
Dy. Station Superintendent,
Jorai Station (JOQ)
Alipurduar Division,
NF Railway.
P.O- Jorai, West Bengal.

6. Shri Ajitesh Das,
Yard Master,
O/o- The Chief Yard Master,
New Jalpaiguri,
NF Railway,
Katihar Division,
P.O- New Jalpaiguri. West Bengal.

7. Shri Haladar Talukdar,
Traffic Inspector (Time table)
O/o- The Chief Operations Manager,
NF Railway,
Maligaon, Guwahati- 781011.

8. Shri Ramchandra Talukdar,
Asstt. Station Master,
Rangiya Station,
NF Railway,
P.O- Rangiya,
Dt- Kamrup, Assam.

9. Shri Promod Chandra Das,
Traffic Inspector,
O/o- The Sr. DOM/Rangiya,
Rangiya Division,
NF Railway
P.O- Rangiya,
Dt- Kamrup, Assam.

10. Shri Subash Chandra Das,
Asstt. Station Master,
Rangiya Station
NF Railway,
P.O- Rangiya,
Dt- Kamrup, Assam.

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the Divisional Railway Manager (P) Rangiya's impugned letter dated 20.06.2006, declaring the applicants ineligible for the selection of Deputy Station Superintendent proposed to be held on 08.07.2006 onwards pursuant to the Railway's notification dated 21.06.2006 issued by DRM (P) Rangiya, while juniors in the cadre of have been declared eligible for proposed selection to the post Deputy Station Superintendent and further praying for a direction upon the respondents to declare the applicants senior to the private respondents No. 5 to 10 in the cadre of Station Master in terms of the select list of Traffic Apprentice issued by the General Manager (P) on 26/27.06.2003 and also in terms of seniority list published by the General Manager (P) Maligaon on 12.06.06 and also praying for a direction upon the respondents to allow the applicants to participate in the selection proceeding of Deputy Station Superintendent in terms of the notification issued vide Railway's letter dated 21.06.2006 on the basis of their seniority in the cadre of Station Master/Traffic Inspector.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

4. Facts of the case:

4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That both the applicants while working as Assistant Station Master under the Administrative control of Senior Divisional Operation's Manager under Alipurduar Division, NF Railway, one notification was issued by NF Railway vide letter No. E/10/1 (T) PT. II dated 07.11.2002 for holding selection to the post of Traffic Apprentice in stipendiary scale of Rs. 5000-150-5150 against 10 % [limited departmental competitive examination (in short LDCE)] quota of operating department following General Manager's notification No. E/10/5/PT VII (T) L dated 22/23.10.02 whereby it was decided to hold a selection for filling up of 44 vacancies of Traffic Apprentices on stipend of Rs. 5000 in the first year and Rs 5150 in the second year against the 10 % departmental quota of LDCE from Class III of Operating Department who are graduates and not over 40 years of age as on 01.11.2002 were declared eligible for such selection. By the said notification dated 22/23.10.02 as well as NF Railway's letter dated 07.11.02 equal opportunity have been provided to all the Class III staff of operating departments of the employees of the then 4 Division offices which were functioning under the administrative control of General Manager (P), NF Railway, Maligaon. Be it stated that the operating staff of Katihar Division, Alipurduar Division, Lumding Division, Tinsukia Division have participated in the selection held for the post of Traffic Apprentices under 10 % LDCE quota following GM (P)'s notification dated 22/23.10.02.

A copy of letter dated 07.11.02 is enclosed hereto for perusal of Hon'ble Tribunal as Annexure- 1.

4.4 That your applicants appeared in the written test and viva voce held on 20.02.2003 and 26.05.2003 along with other similarly situated candidates and the result of the selection test for the post of Traffic Apprentice under 10 % LDCE quota have been declared placing their name in the panel, in order of merit vide Railway's memorandum bearing letter No. E.1015/PT VII (T) dated 26/27.06.03. In the said panel name of the applicant No. 1 placed at Sl. No. 16 and name of the applicant No. 2 was placed at Sl. No. 17 in order of merit, the said panel was duly selected by the Chief Passenger Transportation Manager, NF Railway, Maligaon on 23.06.03.

A copy of the memorandum dated 26/27.06.03 is enclosed hereto for perusal of Hon'ble Tribunal as Annexure- 2.

4.5 That it is stated that pursuant to the General Manager (P) Maligaon's letter bearing No. E/1015/PT. VII (T) dated 17.07.2003, the DRM (P) Alipurduar Junction spared Shri Bhabatosh Bhattacharjee, Shri Sudipta Saha, Shri Ramesh Kumar Yadav, Goods Guard, New Coochbihar/Alipurduar and Shri Ajitesh Das, Senior Trains Clerk, New Jalpaiguri for participating in the scheduled promotional training course of 2 years, which was commenced w.e.f. 24.07.2003 at Zonal Training Center, Alipurduar Junction, however, the said training period was subsequently curtailed to the extent of 15 and 1/2 months vide GM (P) Maligaon's letter No. E/227/81 (T) Traffic Appr dated 19.09.2003. It is relevant to mention here that DRM (P) Alipurduar Division made a mention in the said memorandum dated 22.07.03 that the other Apprentices who were selected in the said panel but belonging to the category of ASM, could not be spared for training due to acute shortage in the cadre of ASM, in terms of GM (P)'s letter bearing No. E/1015/PT. VII (T) dated 17.07.2003. In terms of the memorandum dated 22.07.03 Respondent No. 5 and 6 and Shri B. Bhattacharjee have joined the training course on 24.07.03 at Alipurduar Junction i.e. much prior to the joining of the applicants in the training course.

A copy of the letter dated 22.07.03 and 19.09.03 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure- 3 and 4 respectively.

4.6 That it is stated that the applicants along with other similarly situated candidates for the promotional post of Traffic Apprentice who were selected under 10 % LDCE quota have been directed to join in the training course which were scheduled to be commenced from 26.07.04 vide GM (P) Maligaon's letter bearing No. E/10/5/PT. VII (T) dated 24.05.2004. It is relevant to mention here that the applicants have been spared for joining in the training after lapse of almost 1 year for no fault of the applicants. It is further submitted that during the span of 1 year from the date of selection for the post of Traffic Apprentice no new Assistant Station Master (for short ASM) joined any where in NF Railway but the applicants were not sent for training on the pretext of shortage in the category of ASM staff. In this connection it may be stated that in the meanwhile the 4 selectees i.e. the private respondents have completed their training in the promotional post of Traffic Apprentices at Alipurduar junction and reported back to the Headquarter office in the month of January 2005 for their final examination to be held in the Headquarter Office for appointment to the promotional cadre of Traffic Apprentice. Be it stated that the final examination in respect of the private respondents was conducted by the Headquarter office, Maligaon in the month of January 2005 itself and as a result those private respondents i.e. Respondent No. 5, 6 and Shri B. Bhattacharjee could able to join in the promotional post of Traffic Apprentice i.e. in the cadre of Station Master/Yard Master in the month of February 2005 in Alipurduar and Katihar Division. Shri B. Bhattacharjee and Shri S. Saha joined at Alipurduar Division as Station Master and Shri Ajitesh Das joined as Yard Master in Katihar Division. However, Shri Ramesh Kumar Yadav withdrawn his candidature during his training period. The applicants also joined in the training course w.e.f. 26.07.04 and successfully completed the training in the month of December 2005. Both the applicants thereafter

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reported back to the Headquarter office, Maligaon and appeared in the final examination held on 04.01.2006 and they have been declared selected for the promotional post of Traffic Apprentice vide memorandum dated 13.01.2006 under letter No. E/227/81 (T) issued by CM (P) Maligaon. In the said letters it has been stated that their names have been arranged in order of merit and a separate posting order has been passed on the same dated i.e. on 13.01.06. The applicants have been posted at Rangiya Division under Senior Divisional Operations Manager, Rangiya. It may be noted here at this stage that the private respondents No. 5, 6 and Shri B. Bhattacherjee who have selected along with the applicants have cleared their training at a earlier point of time and promoted in the month of February 2005 since they have been spared for training at a earlier point of time and as a result the placement of the applicants shown in a separate order of merit in the letter dated 13.01.2006 without including the names of the private respondents No. 5, 6 and Shri B Bhattacharjee and thereby the Railway administration has caused injury to the applicant so far their promotion and seniority are concerned in the promotional post of Station Master/Yard Master/Section Controller/Traffic Inspector. Be it stated that the applicants have been posted in the cadre of Traffic Inspector in Rangiya Division pursuant to the order dated 13.01.2006 and accordingly both the applicants joined on 16.01.2006 and their fixation in the higher scale have been done accordingly vide office order bearing letter No. E/254/RN/GR-C/Sel/Optg/35 dated 16.02.2006.

A copy of the letter dated 24.05.05, 13.01.06, 13.01.06 and 16.02.06 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure- 5, 6 (Series) and 7 respectively.

4.7 That your applicants beg to say that one provisional combined seniority list of Rangiya Division only was published in respect of ASM, Yard master, TI of the Traffic Operating department in terms of DRM (P) Rangiya's letter No. EC/5/OPTC/SS/CYM/TI/RN dated 07.04.2006. In the said

provisional list date of promotion of the applicant was shown w.e.f. 26.07.04 i.e. from the date of commencement of training of the applicants at Alipurduar junction. However, after publication of the provisional seniority list as on 01.04.06, the same was finalized canceling the earlier provisional seniority list without any notice to the applicants vide DRM (P) Rangiya's impugned letter No. E/255/Seniority/Optg./RN/06 dated 16.01.06 placing the name of the applicant at Sl. No. 92 and 93 showing their date of promotion on 16.01.06 whereas in the earlier provisional list the applicants were placed at Sl. No. 15 and 16 showing their date of promotion w.e.f. 26.07.04. However, applicants being highly aggrieved apprehending change in seniority list to the detrimental to the interest of the applicants preferred an appeal on 03.05.2006 addressed to the Senior Personnel Officer (Traffic) Maligaon. In the said representation dated 03.05.06 the applicants made a categorical mention alleging supersession in the matter of promotion by the private respondents No. 5, 6 and Shri B Bhattacharjee since they have spared earlier in order to enable them to complete their training earlier and requested for expeditious fixation of seniority and other consequential benefits at par with the private respondents i.e. benefit of seniority are liable to be given at least with effect from 24.07.03 i.e. the date when the private respondents were sent for promotional training at Alipurduar junction. The said appeal was forwarded to GM (P) Maligaon by the DRM (P) Rangiya vide letter bearing No. EG/5/Optg/SS/CYM/TI/RN dated 29.05.06.

Copy of the provisional seniority list as on 01.04.06, representation dated 03.05.06, forwarding letter dated 29.05.06 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure- 8, 9 (Series) respectively.

4.8 That the GM (P) Maligaon vide his memorandum bearing letter No. E/10/15/Pt. VII (T) dated 12.06.06 finally assigned seniority position of the applicants vis-à-vis private respondents in terms of the panel/select list

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which was published vide memorandum dated 26/27.06.03 and also in terms of para 306 and 309 of the Indian Railway Establishment Manual Vol. I (1989 Edition) revised addition in the said list of seniority the applicants have been placed at Sl. No. 8 & 9 Sri B. Bhattacharjee was placed at Sl. No. 7 and Shri Saha respondent No. 5 placed at Sl. No. 10 and Shri Ajitesh Das private respondent No. 6 placed at Sl. No. 18. The seniority assigned by the CM (P) Maligaon vide his letter dated 12.06.06 was issued with the approval of Dy. CPO (Headquarter) Maligaon in partial modification of the office memorandum No. E/227/81 (T) Traffic Appr. Pt. I dated 28.01.05 and No. E/227/81 (T) Traffic Appr. Dated 13.01.06.

Para 306 and 309 of the IREM Vol. I (1989 Edition) are quoted hereunder for perusal of the Hon'ble Court for proper adjudication of the case of the applicants:

“306. Candidates selected for appointment at an earlier selection shall be senior to those selected later irrespective of the dates of posting except in the case covered by paragraph 305 above.

309. SENIORITY ON PROMOTION.- Paragraph 306 above applies equally to seniority in promotion vacancies in one and the same category due allowance being made for delay, if any, in joining the new posts in the exigencies of service.”

On a mere reading of para 306 and 309 of the IREM quoted above it appears that the seniority of the applicants ought to have been fixed in the order of list of panel which was prepared by the Railway Administration after conducting the written examination and viva voce for recruitment of the Traffic apprentices and accordingly by the memorandum dated 12.06.06 the seniority position of the applicants have been correctly assigned by the Railways so far the applicants are concerned.

Asm / J. J. (2)

Shriy Ch. Rabha

A copy of the memorandum dated 12.06.06 is enclosed herewith for perusal of Hon'ble Tribunal and marked as Annexure- 10.

4.9 That surprisingly the DRM (P) NF Railways, Rangiya, published a impugned provisional combined seniority list dated 16.01.06 of ASM, YM and TI categories in scale of Rs. 5,500-9,000 as on 01.04.06 wherein it has been stated that the said impugned provisional combined seniority list has been prepared on the basis of representation received by the Railway authority against the provisional combined provisional seniority list prepared earlier on 07.04.06 and it was also stated in the seniority list published as on 01.04.06 that in addition to the representation the memorandum dated 12.06.06 was also taken into consideration by the DRM (P) Rangiya while publishing the impugned provisional combined seniority list vide letter No. E/255/Seniority/Optg/ RN/06 dated 16.06.06. In the said impugned combined seniority list the name of the applicants have been placed at Sl. No. 92 and 93 on the basis of their date of promotion i.e. on the basis of their joining in the working post of Traffic Inspector at Rangiya Division. Be it stated that the impugned combined provisional seniority list issued by DRM (P) Rangiya on 16.06.06 by canceling the earlier provisional seniority list published on 07.04.06.

It appears that the impugned provisional combined seniority list has been issued on the basis of date of joining in the promotional post in total violation of the memorandum dated 12.06.06 as well as in violation of the statutory provision laid down in para 306 and 309 of the TREM Vol. I (1989 Edition).

It is surprised to note here at the stage that even the promotees of 5th May 2005 i.e. from Sl. No. 15 to Sl. No. 91 have been placed above the applicants in deliberate violation of seniority rule laid down in para 306 and 309 as indicated above as because those promotees who are placed at Sl. No. 15 to Sl. No. 91 they have been promoted in the cadre of ASM of the scale of Rs. 5,000-8000 to the scale of Rs. 5,500-9,000 following their

promotion to the cadre of higher grade ASM through non-selection departmental promotion i.e. on seniority cum fitness basis only in the month of May 2005 whereas the present applicants have been selected for promotion way back in the month of June 2003 following memorandum dated 26/27.06.03 and on the basis of the examination/selection conducted centrally at the Headquarter office, Maligaon under 10% LDCE quota that too after completion of rigorous 15 and 1/2 months in service training at Alipurduar junction therefore admittedly selection of the present applicants had held earlier than the promotees whose names placed at Sl. 15 to Sl. No. 91 in the impugned combined seniority list published as on 01.04.06 vide DRM (P) Rangiya's letter dated 16.06.06. It is categorically submitted that the date of joining in the promotional post cannot be taken as a criteria for determining seniority in the higher cadre of ASM, YM and TI as done by the DRM (P) Rangiya. In the facts and circumstances as stated above the name of the applicants ought to have been placed above Shri Haladhar Talukdar Sl. No. 15 of the impugned seniority list dated 16.06.06 in terms of the seniority rule contained para 306 and 309 of the IREM Vol. I (1989 Edition) as such the impugned provisional combined seniority list published as on 01.04.06 through DRM (P) Rangiya's letter dated 16.06.06 is liable to be set aside and quashed since the impugned seniority list have been prepared contrary to the provisions of the aforesaid rule as indicated above.

Copy of the impugned seniority list published as on 16.06.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 11.

4.10 That your applicants being highly aggrieved with the impugned provisional seniority list dated 16.06.06 submitted representations on 20.06.06 addressed to DRM, Rangiya Division, Rangiya. In the said representations the applicants interalia stated that their selection under 10% LDCE quota has held way back in the month of June 2003 and select list/panel was declared vide memorandum dated 26/27.06.03 which was duly approved by the CPTM on 23.06.03, however out of the 28 selected

candidates for the post of Traffic Apprentices 4 selectees were sent for training on 24.07.03 but the applicants were not spared on the pretext of acute shortage in the cadre of ASM although name of the applicants appeared above the name of private respondents Shri Sudipta Saha and Shri Ajitesh Das in the select panel on the order of merit. The applicants also specifically stated that placement of Sl. No. 15 and 16 in the impugned seniority list was placed wrongly only on the basis of complain by some of the ASM of the Rangiya Division who were promoted at a later point of time only in the month of May 2005 whereas applicants have been selected in the month of June 2003 and the applicants finally prayed that their seniority may be re-fixed on the basis of their selection made under 10% LDCE quota which was controlled centrally by the Headquarter office Maligaon on zonal basis. The applicants further requested in the said representations that no selection should be arranged without considering assignment of their proper seniority.

Copy of the representations dated 20.06.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 12.

4.11 That after receipts of the representations, the DRM (P), Rangiya by the impugned letter bearing No. E/255/Seniority/Optg/RN/06 dated 23.06.06 it was informed to the applicants that so far their seniority in the Rangiya Division are concerned they have not lost any seniority and the same has been fixed as per directives of the General Manager (P) Maligaon. It is further stated that all other staffs in the panel belongs to other Division and since both the applicants are involved with the seniority in the Rangiya Division, therefore it appears from the impugned letter dated 23.06.06 that the grievances of the applicants regarding assignment of their seniority below the Sl. No. 15 to 91 of the impugned provisional combined seniority list dated 16.06.06, thereby prayer for refixation of seniority in fact rejected by the DRM (P) Rangiya and so far their grievances regarding assignment

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of seniority in respect of private respondent Nos. 5 and 6 Shri Sudipta Saha and Shri Ajitesh Das a vague reply is given without assigning any valid reasons. The DRM (P), Rangiya also failed to consider the relevant facts that the serial No. 15 to 91 who have assigned higher seniority when they have been promoted only in the month of May 2005 without considering the relevant facts that the applicants have been promoted following a earlier selection. It is a settled position of law that once an employee selected for promotion in an earlier selection/panel liable to be ranked senior than those selected at a subsequent selection/panel and as such the impugned reply dated 23.06.06 as well as impugned seniority list dated 16.06.06 are liable to be set aside and quashed.

A copy of the impugned letter dated 23.06.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 13.

4.12 That your applicants further beg to say that on the basis of the impugned combined provisional seniority list dated 16.06.06 the applicants have been declared ineligible in the proposed selection in the rank and grade of Deputy Station Superintendent in the scale of pay of Rs. 6,500-10,500 vide impugned letter No. E/210/RN/Optg/21/PT.I dated 20.06.06 whereas Sl. No. 15, 16, 17 and many others juniors right from Sl. No. 15 to 91 have been declared eligible for selection of Deputy Station Superintendent (for short Deputy SS) in the scale of pay of Rs. 6,500-10,500 but the applicants who are in fact senior to Sl. No. 15 to 91 of the impugned combined provisional seniority list dated 16.06.06 have been declared ineligible for selection of Deputy SS in total violation of the seniority fixed by the CM (P) Maligaon's letter dated 12.06.06. On the same date another eligibility list published by the DRM (P) Rangiya declaring 78 eligible candidates for appearing in the selection of Deputy SS. The DRM (P) Rangiya again notified date of written examination in 3 phases which are scheduled to be held w.e.f. 08.07.2006 to 22.07.2006 by the impugned letter No. E/210/RN/Optg/21/Pt. I dated 21.06.2006 denying the right to appear of the applicants in the said selection

of Deputy SS. Moreover, seniority of applicants have been assigned wrongly in total violation of the seniority position assigned by the GM (P) Maligaon in favour of the applicants vide letter dated 12.06.06 as such the proposed selection issued vide impugned letter dated 20.06.06 (Series) as well as the impugned letter dated 21.06.06 are liable to be set aside and quashed since the applicants have been declared ineligible by the DRM (P) Rangiya although the applicants have been promoted following the select panel published in June 2003 in the cadre of Traffic Apprentice.

Copy of the impugned letter dated 20.06.06 (Series), 21.06.06 and 15.07.06 ^{23.06.06} are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 14, 15 and 16 respectively.

4.13 That it is pertinent to mention here that the private respondents No. 5, Shri Sudipta Saha, junior to the applicant have already been selected and promoted to the cadre of Deputy Station Superintendent vide memorandum No. E/29 (T)-AP/Pt. I dated 08.12.2005 since the selection of Deputy Station Superintendent held in Alipurduar Division on 20.08.2005 and 27.08.2005, Shri Saha joined to the promotional post of ASM at a earlier point of time i.e. in the month of February 2005 since he was sent on training earlier to the present applicants but as per select list said Shri Saha is junior to the present applicants. It is also interesting to note at this stage that when the appointment/recruitment under the 10 % LDCE quota is made centrally by holding a common selection at the headquarter office Maligaon providing equal opportunity to all the staff members of the operating department of the various Divisions under the NF Railway whereas further promotion to the cadre of Deputy SS has been made on the basis of Divisional seniority, thereby without providing equal opportunity to the persons senior to Shri Sudipta Saha such decision of the Railways is highly arbitrary, illegal and unfair and contrary to the provisions laid down in Article 14 of the Constitution of India and on that ground alone selection and promotion of Shri Sudipta Saha communicated vide impugned

memorandum bearing No. E/254/29 (T)-AP/PT-I dated 08.12.2005 is liable to be set aside and quashed and the Hon'ble Court further be pleased to hold a review selection providing opportunity to the applicants and further be pleased to direct the respondents not to hold the proposed selection of Deputy SS scheduled to be held on 08.07.2006 onwards till disposal of the Original Application.

It is stated that the applicants in spite of their best efforts could not collect the selection/promotion order dated 08.12.05, therefore, the Hon'ble Court be pleased to direct the respondents to produce the said impugned order dated 08.12.05, whereby Shri Sudipta Saha has been promoted to the post of Deputy Senior Superintendent.

4.14 That it is stated that in addition to private respondents No. 5 and 6, the applicants also impleaded Shri Haladhar Talukdar, Shri PC Das, Shri Ram Charan Talukdar and Shri Subash Das i.e. Sl. No. 15, 16, 17 and 39 of the impugned combined seniority list dated 16.06.06 as private respondents as an abundant caution, but the basic grievance of the applicants is against the adoption of unfair policy of seniority in the promotional cadre of ASM, YM and TI in the Divisional level in violation of seniority rule laid down in para 306 and 309 of the IREM Vol. I (1989 Edition). However, some of the private respondents who are likely to be effected in the matter of seniority and promotion have been impleaded in the instant application on representative capacity for other similarly situated employees whose seniority may also be effected in the event of granting adequate relief to the applicants.

4.15 That it is stated that in the impugned provisional combined seniority list dated 16.06.06, the persons whose names shown from Sl. No. 15 to Sl. No. 91 including the names of private respondents Shri Haladhar Talukdar, Shri PC Das, Shri Ram Charan Talukdar and Shri Subash Das i.e. Sl. No. 15, 16, 17 and 39 were promoted only on 5th May 2005 following a selection on

the basis of seniority cum fitness and all the persons are in service candidates whereas promotion of the applicants under 10% LDCE quota have been conducted in the month of June 2003, since the applicants have been selected to the cadre of TI following a earlier selection conducted by the Railways in the month of June 2003 as such they ranked senior in the combined cadre of ASM, Yard Master and TI. Therefore, in the impugned seniority list the names of the applicants ought to have been placed above the Sl. No. 15 in the impugned seniority list dated 16.06.06. Moreover, the applicants are also entitled to be declared eligible for appearing in the proposed selection of Deputy SS but due to wrong fixation of seniority in the impugned combined seniority list dated 16.06.06 the applicants have been denied the opportunity to appear in the selection of Deputy SS scheduled to be held on 08.07.2006 onwards. It is categorically submitted that the impugned combined seniority list dated 16.06.06 have been prepared by the DRM (P) Rangiya on the basis of date of joining in the promotional post whereas the seniority ought to have been determined on the basis of selection, if employee selected for promotion in an earlier selection they should be ranked senior to the promotees selected in a subsequent selection and the said principles which is laid down in para 306 and 309 have been violated by the DRM (P) Rangiya while preparing the impugned combined seniority list dated 16.06.06 and on that score alone the impugned combined seniority list dated 16.06.06 is liable to be set aside and quashed.

4.16 That your applicants further beg to state that when their juniors i.e. Shri Sudipta Saha as well as Shri Haladar Talukdar, Shri PC Das, Shri Ram Charan Talukdar and Shri Subash Das i.e. Sl. No. 15, 16, 17 and 39 respondent No. 5 to 10 have been declared eligible for selection to the cadre of Deputy SS as such the applicants have acquired a valuable and legal right to appear in the said selection of Deputy SS being senior to the aforesaid private respondents No. 5 to 10 in the cadre of ASM, Yard master

and TI and as such the impugned letter dated 20.06.06 whereby the applicants have been declared ineligible for consideration of promotion in the cadre of Deputy SS also liable to be set aside and quashed.

In the facts and circumstances stated above the Hon'ble Court be pleased to set aside and quash the impugned combined seniority list dated 16.06.06 and the impugned order dated 20.06.06 whereby the applicants have been declared ineligible to appear in the proposed selection of Deputy SS and DRM (P) Rangiya's notification dated 21.06.06, whereby selection of Deputy SS is scheduled to be held on 08.07.06 onwards and further be pleased to declare that the applicants are senior to the private respondents and entitled to be considered for selection for promotion to the cadre of Deputy SS scheduled to be held on 08.07.06 onwards and further be pleased to direct the respondents to re-fix the seniority of the applicants placing them above the private respondents. It is further prayed that as an interim measure the Hon'ble Tribunal be pleased to stay the proposed selection of Deputy SS notified through DRM (P)'s impugned letter dated 21.06.06 scheduled to be held on 08.07.06 onwards till disposal of the Original Application.

4.17 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 applicants have been declared selected to the cadre of Traffic Apprentice through memorandum dated 26/27.06.03 (Annexure- 2) with the approval of the CPTM on 23.06.03 and as such on the basis of select list/panel which was prepared in order of merit the applicants ranked senior to the private respondents No. 5 to 10 in the cadre of ASM, Yard Master and TI.

5.2 For that, the seniority position of the applicants have already been determined by the General Manager (P) vide his memorandum dated

12.06.06 declaring the applicants senior to the private respondents in terms of provision of seniority rule laid down in para 306 and 309 of IREM Vol. I (1989 Edition), thereafter placing the applicants in the bottom of the impugned provisional combined seniority list dated 16.06.06 by the DRM (P) Rangiya is highly arbitrary, unfair, illegal and contrary to the provisions of relevant rules of seniority and thereby DRM (P) Rangiya exceeded his jurisdiction by superseding the order of the higher authority as because the order dated 12.06.06 have been issued with the order of Deputy CPO Headquarter in partial modification of office memorandum dated 28.01.05 and Railway's letter dated 13.01.06 hence the impugned provisional combined seniority list dated 16.06.06 is liable to be set aside and quashed.

5.3 For that, in the impugned provisional combined seniority list dated 16.06.06 the applicants have been placed at Sl. No. 92 and 93 whereas promotees who were selected in a subsequent selection held on 05.05.2005 placed at Sl. No. 15 to 91 assigning higher seniority in the promotional cadre of ASM and have been placed above the applicants in total violation of the provision of seniority rule mentioned in para 306 and 309 of the IREM Vol. I (1989 Edition) as well as in violation of the direction contained in the GM (P) Maligaon's letter dated 12.06.06 and on that score alone the impugned seniority list dated 16.06.06 is liable to be set aside and quashed.

5.4 For that, the impugned seniority list dated 16.06.06 has been prepared on the basis of date of joining in the promotional post of in the cadre of ASM, Yard master and TI which is contrary to the provision laid down in para 306 and 309 of IREM Vol. I (1989 Edition).

5.5 For that, the private respondents Sl. No. 7 to 10 have been promoted to the higher cadre of ASM in the scale of 5,500-9,000 on the basis of a subsequent selection held in the month of May 2005 whereas the present

applicants have been promoted in the equivalent grade and rank following a earlier selection held in the month of June 2003 as such they are entitled to be placed above the private respondents in the impugned seniority list dated 16.06.06.

5.6 For that, the applicants have been declared ineligible for further consideration of their promotion to the cadre of Deputy SS by the DRM (P) Rangiya vide his impugned letter dated 20.06.06 due to wrong assignment of their seniority position in the cadre of ASM/TI as such the impugned letter dated 20.06.06 and the consequential order dated 21.06.06 proposing to hold the selection of Deputy SS w.e.f. 08.07.06 onwards on the basis of impugned seniority list are liable to be set aside and quashed.

5.7 For that, Shri Sudipta Saha, junior to the applicants in the cadre of ASM/TI/Yard master have been considered and declared selected to the cadre of Deputy SS by the impugned order dated 08.12.05 on the basis of Divisional seniority without providing any opportunity to the applicants who are senior to Shri Saha as such his promotion to the cadre of Deputy SS is liable to be set aside and quashed.

5.8 For that the selection of Deputy SS cannot be continued on the basis of Division seniority in the cadre of ASM, YM and TI and such action of Railway administration is in violation of Article 14 of the Constitution.

6. Details of remedies exhausted.

That the applicants declare that they have exhausted all the remedies available to and there is no other alternative remedy than to file this application.

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

The applicants further declare that they 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 applicants humbly pray 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 set aside and quash the impugned provisional combined seniority list dated 16.06.2006 published as on 01.04.2006 (Annexure- 11).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the seniority of the applicants above private respondents No. 7 to 10 in the grade of ASM/TI.

8.3 That the Hon'ble Tribunal be pleased to declare that the applicants are senior to private respondents No. 5 to 7 in the cadre of ASM/TI/Yard Master in terms of Rule 306 and 309 of IREM Vol. I 1989 (Revised edition).

8.4 That the Hon'ble Tribunal be pleased to declare that the applicants are eligible for consideration for promotion to the cadre of Deputy Station Superintendent.

8.5 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter dated 20.06.06 and 21.06.06 (Annexure- 14 and 15).

8.6 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter dated 08.12.2005 whereby Respondent No. 5 has been selected and

recommended for promotion without considering cases of the applicants who are senior to the Private respondent No. 5.

8.7 Costs of the application.

8.8 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicants pray for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to stay the proposed selection of Deputy SS notified through DRM (P)'s impugned letter dated 21.06.06 scheduled to be held on 08.07.06 onwards till disposal of the Original Application others applicants will suffer irreparable loss and injury.

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

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11. Particulars of the I.P.O

i)	I.P.O No.	: 26 632 4297
ii)	Date of issue	: 22-05-06
iii)	Issued from	: G.I.O, Ghy
iv)	Payable at	: G.P.O, Ghy

12. List of enclosures:

As given in the index.

VERIFICATION

I, Shri Dhiraj Chandra Kalita, S/o- Late Ramesh Chandra Kalita, aged about 38 years, working as Traffic Inspector, in the office of Divisional Railway Manager (O), N.F Railway, Rangiya Division, Rangiya, Assam-781356, applicant No. 2 in the instant application, duly authorized by the others to verify the statements made in this application, 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 03rd day of July 2006.

Dhiraj Ch. Kalita

22/23.10.2002

07.11.2002
(Anx-1)

66

Both the Applicants were continuing to serve the Rlys. as Asst. Station Master in Alipurduar Division of NFRly.; When a Notification was issued by NFRly (on this date) for holding Selection for ³⁴⁴ Post of TA (in the pay scale of Rs 5000-150-5150) against 10% LDCE Quota of Operating Dept. / following Lm:

Notification Dated 22/23.10.2002 ~~(Anx)~~

20.02.2003 - Written test taken.
01.04.2003

26.05.2003 - Viva Voce taken.

Rangia Division was created by bifurcating Alipurduar Division. Appd. remained in Rangia Division.

23.06.2003

26/27.06.2003 - Result out (Applicants placed at 16 & 17)
(Anx-2)

17.07.2003 - Bhabatosh Bhattacharya (GG) of New Coochbihar
(Anx-1)

Sudipta Saha (GG) of New Coochbihar

Ramesh Kumar Yadav (GG) of New Coochbihar

2 Ajitosh Das (STC) of New Jalpaiguri

asked to be
were offered to join the Training at ZTC/Alipurduar

~~at the w.e.f. 24.07.2003 for 2 yrs~~
22.07.2003 - Memorandum of DPM (Anx-3)

19.09.2003 - Training period was reduced to 15 1/2 months

24.07.2003 - Prop. 5 & 6 & B. Bhattacharya joined the Training. (Anx-4)

N. F. Railway.

No. E/10/1(T)Pt.II

Office of the
Divl. Mgr.(F),
All India Junction.

Dt. 7/11/2002.

To : Principal, ZTC/APDJ.

All SAs, SMs of APDJ Division, CmC/APDJ & KPN
AM/NBJ & KPN, CCM/NBJ, ZTC/BNG

All TI's of APDJ Division, LI/Safety's/APDJ

C/- Sr. DOM/APDJ, C/DSO/APDJ, COS/OPTy/APDJ

C/- AOM(G)/APDJ, AOM/Coaching/APDJ

C/- Convener/NFRMU/APDJ

C/- Divl. Secy./NFRMU/APDJ

C/- Divl. Secy./ISCTREA/APDJ

C/- Divl. Secy./NPROBKA/APDJ

Sub :- Selection for the post of Traffic
Apprentice in stipendary scale
Rs.5000/-150-5150/- against 10%
Dept. (LDC) quota of operating
department.

Ref :- GM(F)/MLG's notification No.E/10/5/Pt.VII
(T)L dt. 22/23.10.02.

It has been decided to hold a selection for filling up of (Fourty four) vacancies of Traffic apprentices (UIC-33, SC-5, ST-2), on stipend Rs.5000/- in the first year and Rs.150/- in the second year against 10% D.V. quota on the basis of limited departmental competitive examination from Class-III staff of Opty, Deptt; (other than ministerial staff) who are graduates and not over 40 years of age as on 1.11.02 are eligible.

The selection will be held in the shape of written test followed by viva-voce test. The candidates selected for the posts will have to undergo a training for a period of 2(two) years. On successful completion of training they will be absorbed in the categories of SM/ADM, SCR, KM or TI both in scale Rs.5500-9000/- for which selection is held.

You are, therefore, requested to give wide publicity of the above amongst the staff working under you and forwarded their applications along with their service particulars of those who volunteer for being considered in the above mentioned selection in the protomma given below as soon as possible to reach this office by 30/11/02 positively. Application received after the target date will not be entertained in any circumstances.

While forwarding the application a certificate should be furnished to the effect that all the application of the eligible candidate have been received within the target date and forwarded duly verified. It should also be certified that no applications are left over.

Incomplete application and applications without certification by the Controlling Officer/Establishment Officer will be straightway rejected without any further communication.

The candidature of the volunteers will be liable to be cancelled at any stage during finalisation of the said list in case the service particulars furnished by them are found to be not in order or if he/she is otherwise not eligible to appear in the above mentioned selection.

(Contd....2..)

Attest
Jas. Achrekar

242
- (2) -

You are therefore advised to give wide publication of the above notification amongst the operating staff working under you and obtain the applications (in duplicate) from willing eligible staff to ... volunteer in the above selection as per prescribed procedure in annexure 'A' enclosed herewith under seal. Cover duly forwarded with necessary service particulars addressed to A. K. MUKERJI

A.P.O./M.I.D. by name on or before 22.11.2002 without fail so that the applications may be forwarded to Gn(P)/M.G's Office in time. No application will be entertained after receiving 15.00

22.11.2002

for DIV.II Manager (P),
11th Circular Junction.

Original
22.11.02

(A.K./51102)

MEMORANDUM

Re: Result of the selection for the post of Trainee Apprentice in the ratio of 5000 - 150 - 5150 against 10% of
Department (LDCE) quota of Operating Deptt.

In the selection held on 22-02-03 (Written test) and 26-03-03 (Viva-
voce) held for appointment to the post of Trainee Apprentice on stipendiary scale
Rs. 5000/- (5000) against 10% LDCE quota of Operating Department in
terms of旨 (Office) Order No. E/1015/Pt.VII (T) loose dated 22/23-10-02, the
following candidates have come out successful and their names are placed in the
panel under.

Sl. No.	Name	Community	Designation	Working under
1.	Sri. Wasanta Kumar	ST	ASAM	Sr. DOM/RNY
2.	Sri. Tapash Kumar	UR	ASAM	Sr. DOM/LMG
3.	Sri. Partha Sarathi	UR	ASAM	Sr. DOM/KIR
4.	Mr. Partha	UR	ASAM	Sr. DOM/APDJ
5.	Sri. Tapash Kumar	UR	ASAM	Sr. DOM/LMG
6.	Sri. Sudip Kumar	UR	ASAM	Sr. DOM/LMG
7.	Sri. Deepak Kumar	UR	ASAM	Sr. DOM/KIR
8.	Mr. Zillur Rahman	UR	ASAM	Sr. DOM/KIR
9.	Sri. Sudip Kumar	UR	ASAM	Sr. DOM/LMG
10.	Sri. Rajesh Kumar	UR	SO	Sr. DOM/KIR
11.	Sri. Sankar	UR	ASAM	Sr. DOM/KIR
12.	Sri. Sankar	UR	ASAM	Sr. DOM/KIR
13.	Sri. Tapash Kumar	UR	ASAM	Sr. DOM/LMG
14.	Sri. Vijay Kumar	UR	ASAM	Sr. DOM/KIR
15.	Sri. Bhupen Kumar	UR	CV/Guard	Sr. DOM/APDJ
16.	Sri. Ishwar Chandra	UR	ASAM	Sr. DOM/APDT RNY
17.	Sri. Sudip Kumar	UR	CV/Guard	Sr. DOM/APDJ RNY
18.	Sri. Sankar	UR	ES/ACM	Sr. DOM/APDJ
19.	Sri. Sankar	UR	CV/Guard	Sr. DOM/APDJ
20.	Sri. Sameech Choudhury	UR	ASAM	Sr. DOM/APDJ
21.	Sri. Rajesh Kumar	UR	ASAM	Sr. DOM/APDT
22.	Sri. Rajesh Kumar	UR	ASAM	Sr. DOM/KIR
23.	Sri. Motonay Kumar	UR	ASAM	Sr. DOM/KIR
24.	Sri. Rajesh Kumar	UR	ASAM	Sr. DOM/KIR
25.	Sri. Ujjwal Kumar	UR	ASAM	Sr. DOM/KIR

Attest
Anuradha
Private

26. Sri Shashank Sekhar UR ASM Sr.DOM/KJR
27. Sri Rajiv UR ASM Sr.DOM/KJR
28. Sri Ajitesh Dutt UR Sr.TNC Sr.DOM/KJR

The above panel has been approved by CPTM on 23-06-03

(A.K.CHATTERJEE)
APO (TEST)
for General Manager (P) / MLC

MLG dated 26-6-03

by forwarded for information & necessary action to :-

CPTM, COM, CCM/LMG
DRM(P)/KIR, APPJ, LMG, TSK
Sr.DOM/KIR, APPJ, LMG, DOM/TSK/SRASON/RNY
SARM/GHY, NJP
Area Manager/ NGC, BPB
APO/NJP, NBO, GILY, DBRT

(A.K.CHATTERJEE)
APO (TEST)
for General Manager (P) / MLC

(Typed True Copy)

N.F.Railway

Sub:- Result of the selection for the post of Traffic Apprentice in the scale of Rs. 5000-150-5150 against 10% departmental (LDCE) quota of operating Deptt.

In the selection held on 22.02.03 (written test) and 26.05.03 (viva voce) test for promotion to the post of traffic Apprentice on stipendiary scale Rs. 5000-150-5150 against 10 % D.P.Quota of Operating Department in terms of this office letter No. E/1015/Pt. VII T) loose dated 22/23-10-02, the following candidates have come out successful and their names are placed in the panel as under:

Sl. No.	Name	Community	Designation	Working under
1	Sri Basanta Kr. Boro	ST	SASM	Sr. DOM/RNY
2	Sri Tapash Mondal	SC	ASM	Sr. DOM/LMG
3	Sri Partha Sarahi Sarkar	UR	ASM	Sr. DOM/KIR
4	Md. Fahim	UR	ASM	Sr. DOM/APDJ
5	Sri Tapash Kumar Dutta	UR	ASM	Sr. DOM/LMG
6	Sri Sudip Kr. Bhowmik	UR	ASM now	Sr. DOM/LMG
7	Sri Deepak Kumar	UR	ASM	Sr. DOM/KIR
8	Md. Zulfiqar Ali Khan	UR	ASM	DO
9	Sri Sudip Sarma	UR	ASM	Sr. DOM/LMG
10	Sri Rajiv Kr. Jha	UR	SC	Sr. DOM/LMG
11	Sri Sanjoy Kr. Ghosh	UR	ASM	Sr. DOM/KIR
12	Shri Dharmendra Prasad	UR	ASM	Sr. DOM/KIR
13	Sri Tapash Dhar	UR	ASM	Sr. DOM/LMG
14	Shri Bijoy Narayan Jha	UR	ASM	Sr. DOM/KIR
15	Sri Bhabotash Bhattacharjee	UR	G/Guard	Sr. DOM/APDJ
16 ✓	Shri Bhabagiri Kaman	ST	ASM	Sr. DOM/RNY
17 ✓	Sri Dhiraj Kr. Kalita	UR	ASM	Sr. DOM/RNY
18	Sri Sudipta Saha ✓	UR	G/Guard	Sr. DOM/APDJ
19	Sri Anjani Kumar	UR	LR/ASM	Sr. DOM/APDJ
20	Sri Ramesh Kumar Yadav	UR	G/Guard	Sr. DOM/APDJ
21	Sri Sanjee Kumar Choudhury	UR	ASM	Sr. DOM/APDJ
22	Sri Ajay Kumar	UR	ASM	Sr. DOM/KIR
23	Sri Monoj Kumar	UR	ASM	Sr. DOM/KIR
24	Sri Rajesh Ranjan	UR	ASM	Sr. DOM/KIR
25	Sri Sanjoy Kumar	UR	ASM	Sr. DOM/KIR
26	Sri Shashank Sekhar	UR	ASM	Sr. DOM/KIR
27	Sri Rajiv	UR	ASM	Sr. DOM/KIR
28	Sri Ajitesh Das ✓	UR	Sr. TNC	Sr. DOM/KIR

*Affesto
Advocate*

-26-

Ad

The above panel has been approved by CPTM on 23.06.2003

(A.K.Chatterjee)
APO (TEST)
For General Manager (P)/MLG

No. E. 1015/Pt VII (T) loose

MTG dated 26/27.06.03

Copy forwarded for information & necessary action to:-

- 1) CPTM, COM, CCM/LMG
- 2) DRM(P)/KIR, APDJ, LMG, TSK
- 3) Sr. DOM/KIR, APDJ, LMG, DOM/TSK/ Sr. DOM/RNY
- 4) Sr. ARM/GHY, NJP
- 5) Area Manager/NGC, BPB
- 6) APO/NJP, NBQ, GHY, DBRT.

(A.K.Chatterjee)
APO (TEST)

For General Manager (P)/MLG

- 29 -

OFFICE OF THE

TVC, MYSORE, KARNATAKA

Date :- 22.07.2003.

Lokayukta

In terms of Mr. MLC's letter No-E/1015/Pt.VII(T) dated 26/06/2003, the following candidates on being declared passed in both written & viva-Vocals test held on 22.07.03 and 26.05.03 respectively have been selected for promotion to the post of Traffic Apprentice on stipendium scale Rs.5000/-550/- plus 10% D.S.T. quota of Operating Department in Mysore and placed in the following order:-

S.R.N.T

Name

Design. & Section Working Under

S/No.

01.	Babuji Kr. Bero	(ST)	ASW/RNY	22.07.03
02.	Id. Falim	(UR)	1. G.O. at Control	22.07.03
03.	Dibyendu Bhattacharya	(UR)	2. Security Guard/NCB now	22.07.03
04.	Bhabagiri Ramu	(ST)	3. RNY Control	22.07.03
05.	Chiranjit Ch. Malita	(UR)	4. ASW/RNY	22.07.03
06.	Chiranjit Ch. Malita	(UR)	5. Security Guard/NCB	22.07.03
07.	Ganesh Kr. Yellav	(UR)	6. ASW/RNY	22.07.03
08.	Ganesh Kr. Chawdhury (UR)	(UR)	7. Security Guard/NCB	22.07.03
09.	Ganesh Kr. Chawdhury (UR)	(UR)	8. ASW/RNY/RCAC/APDJ	22.07.03

Out of the above 09(nine) candidates only item no-05, 06 & 08 may be directed for promotional course training of Traffic Apprentice commencing w.e.f. 24.07.2003 at 2TC/APDJ as due to non-availability of staff in both APDJ & RNY Division the selected ASW cannot be directed for the training presently as per order of Mr. MLC vide letter No-E/1015/Pt.VII(T) dated 17.07.2003.

No-E/101/1(T) Pt.II.

for Civil. P. M. Handa (P)
Allipurduar Junction

dated :- 22.07.2003.

Copy forwarded for information and necessary action:-

1. SPO/APDJ, RNY.
2. Dr. DDM/APDJ, RNY.
3. Principal/2TC/APDJ.
4. GM(P)/MLG.
5. AM/RPAH.
6. RAC/APDJ.
7. CHC/APDJ & RNY.
8. SG/APDJ, NCB.
9. SG/RNY, RPL, FLK.
10. Staff concerned.
11. Comm. Controller/APDJ. He is requested to convey the order to the concerned officer for the implementation of the above order.

He is requested to spare and direct the staff working under him without fail to attend the above mentioned training programme commencing w.e.f. 24.07.2003 at 2TC/APDJ. He is also requested to spare & direct the staff working under him to 2TC/APDJ for attending the training programme commencing w.e.f. 24.07.2003 positively.

for Civil. P. M. Handa (P)
Allipurduar JunctionAfsar
S. Advocate

N. S. Railway.

Office of the
General Manager(P)
Maliygoni: Cauhati-11.

No. E/227/81(T) Traffic Appr.

Dated: 19-9-2003.

To
COM, CEO, CPTM, FA&CAO
DRM/B/KIR, APDJ, LMG, TSK, PNY
Sr.DOM/DOM, KIR, APDJ, LMG, TSK, PNY
Principal ZTC/APDJ.

Sub:- Curtailment of Training Period
of Traffic Apprentices.

In exigencies of service, G.M./N.F.Rly/MLD has approved the curtailment of 8 months training from the Traffic Apprentice training course. GM's approval is recorded at PP-8 in case file No. E/227/81(T) Traffic Appr.

Syllabus for Traffic Appr. showing existing and after curtailment is below:

	Existing (8 months)	After curtailment. (7 months)
1. A suitable school course earning 53 working days of the duties of ASM (including of 7 days) in respect of Train working and coaching (Commercial) but excluding Morse telegraphy.	53 working days.	
2. Picking up with a Guard on different type of trains.	1 month	15 days.
3. Working as Guard independently with different types of trains mostly pick up with shunting goods trains and Parcel express.	12 months	15 days.
4. Refresher course combined with a course in goods working.	(3 months) 72 working days.	(7 months) 72 working days.
5. (a) Working as ASM at a medium Traffic Station.	2 months	20 days.
(b) Working as ASM at a large station.	2 months	25 days.
6. (a) Working as AYM at medium Traffic Yard.	2 months	25 days.
(b) Working as AYM at a large Traffic Yard.	2 months	25 days.
7. Learning the duties of Station Master at a large station under Station Master.	1 month	30 days.

(Contd....2/-)

Affected
Law Advocate

	<u>Existing</u>	<u>After curtailment.</u>
8. Senior transportation course	{ 1½ months at ZTC.	45 days. (9 days)
9. Learning the work of Inspector under an Inspector.	2 months.	45 days.
10. Learning the work in the control office (examination in the Divn.)	3 months	30 days.
11. Working as Section Controller	{ 2 months in different offices.	45 days.
12. Learning the work of Dy. Chief Controller and Chief Controller under them.	{ 1 month	
	Total: 24 months	15½ months.

Final examination written during the last month.

On such curtailment of training, the trainees shall be posted against the posts for which they have been recruited/ selected. They shall on such posting, be entitled to benefits as applicable to incumbents of such posts except seniority and benefit of increment. Grant of seniority and increments will continue to be regulated as per existing orders in this regard.

1421
11.9.83
(N. N. Thakur)
SPO (TEST)
For General Manager (P)MLD.

ad/-19.9.2003

N.E. Railway

Office Of the
General Manager(P)
Malignon, Guwahati - 781101

Dated: 24-05-2004.

Ref: E/10/5/PL.VII(I).

To:

DRGM(P)KIR, APDJ, RNY, LMG
Sr.DOM/KIR, APDJ, RNY, LMG
CVO/MLG

Sub : Training for the post of Traffic Apprentice selected against 10% LDCE
Quota- Date of training on 26.07.04.

Ref : This office Memorandum No E/10/5/PL.VII (I) dated 26.6.03.

The following candidates who were selected for the post of Traffic Appr. Against The intake of 10% LDCE Quota.

SN	NAME & COMMUNITY	DEPT	WORKERS UNDER
1.	Sri Basanta Kr.Boro(ST)	ASAM	Sr.DOM/RNY
2.	Sri Tapash Mandal (SC)	ASAM	Sr.DOM/LMG
3.	Sri Partha Sarathi Sarkar (UR)	ASAM	Sr.DOM/KIR
4.	Md.Fahim (UR)	ASAM	Sr.DOM/APDJ
5.	Sri Tapash Kr.Dutta (UR)	ASAM	Sr.DOM/LMG
6.	Sri Sudip Kr.Bhowmick (UR)	ASAM now CVO/MLG	Sr.DOM/LMG nowCVO/MLG
7.	Sri Deepak Kumar (UR)	ASAM	Sr.DOM/KIR
8.	Md. Zulfiqar Ali Khan (UR)	ASAM	Do
9.	Sri Sudip Sarma (UR)	ASAM	Sr.DOM/LMG
10.	Sri Rajeev Kr.Jha(UR)	SC	Sr.DOM/KIR
11.	Shri Sanjoy Kr. Gholosh (UR)	ASAM	Sr. DOM/KIR
12.	Shri Dharmendra Prasad(UR)	ASAM	Sr.DOM/KIR
13.	Shri Tapash Dhar(UR)	ASAM	Sr.DOM/LMG
14.	Shri Bhijoy Narayan Jha(UR)	ASAM	Sr.DOM/KIR
15.	Shri Bhabagiti Gamad(ST) ✓	ASAM	Sr.DOM/APDJ
16.	Shri Dhiraaj Ch.Kalita(UR) ✓	ASAM	Sr.DOM/APDJ
17.	Shri Anjan Kumar(UR)	TR/ASAM	Sr.DOM/APDJ
18.	Shri Sanjeev Kr.Chowdhury(UR)	ASAM	Sr.DOM/APDJ
19.	Shri Ajoy Kumar(UR)	ASAM	Sr.DOM/KIR

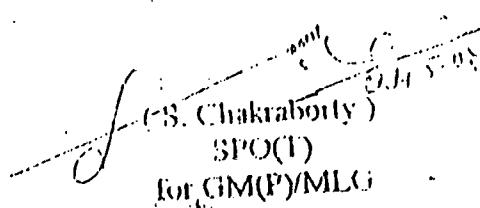
Affected
Jan.
Advocate

19	Shri Ajoy Kumar(UR)	ASM	St.DOM/KIR
20	Shri Manoj Kumar(UR)	ASM	Sr.DOM/KIR
21	Shri Rajesh Rajan(UR)	ASM	Sr.DOM/KJR
22	Shri Sanjoy Kumar(UR)	ASM	Sr.DOM/KJR
23	Shri Shashank Shekar(UR)	ASM	Sr.DOM/KJR
24	Shri Rajiv(UR)	ASM	Sr.DOM/KJR

The next course of training at ZTRI/APDJ will begin from 26.7.2004.

It is therefore, advised to spare the staff & directed to report to Principal/ZTRI/APDJ accordingly.

This issues with the approval of CPTM/MLG.


(S. Chakraborty)
SPO(I)
for GM(P)/MLG

SB

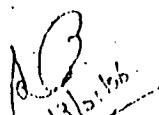
N.F.RAILWAY

MEMORANDUM

The following Traffic Apprentice who were selected against 10% departmental quota and 15% DR quota were sent to ZRTI/APDJ and other places undergo training for a period of 15 ½ months and have come out successful in the final Examination held on 01-01-2006 at Hd.Qrs. Their names are arranged in order of Merit.

Sn	Name	Designation	Community	Quota
01.	Shri Sudip Kr. Bhownick	Traffic Appr.	UR	10%DP Quota
02.	Shri Tapash Kr. Dutta	Traffic Appr.	UR	10%DP Quota
03.	Shri Dhriti Ch. Kalita	Traffic Appr.	UR	10%DP Quota
04.	Shri Sanjay Kumar	Traffic Appr.	UR	10%DP Quota
05.	Shri Bijoy Narayan Jha	Traffic Appr.	UR	10%DP Quota
06.	Shri Rajiv	Traffic Appr.	UR	10%DP Quota
07.	Shri Anjan Kumar	Traffic Appr.	UR	10%DP Quota
08.	Shri Rajesh Ranjan	Traffic Appr.	UR	10%DP Quota
09.	Shri Tapash Dhar	Traffic Appr.	UR	10%DP Quota
10.	Shri Manoj Kumar	Traffic Appr.	UR	10%DP Quota
11.	Shri Ajay Kumar	Traffic Appr.	UR	10%DP Quota
12.	Shri S. Sekhar	Traffic Appr.	UR	10%DP Quota
13.	Shri Sanjay Kr. Ghosh	Traffic Appr.	UR	10%DP Quota
14.	Shri Bhupagriti Kamal	Traffic Appr.	ST	10%DP Quota
15.	Shri Tapash Mandal	Traffic Appr.	SC	10%DP Quota
16.	Shri Vilay Kr. Pandit	Traffic Appr.	UR	15%DR quota

This issues with the approval of COM/MLG.



(S.R.Nandy)

Senior personnel officer(T)
for General Manager(P)
Mallgaon dated 13. 01.2006

No./E/227/81(T) Traffic-Appr.

Copy forwarded for information and necessary action to:-

- 1) DRM(P)KIR/APDJ,RNY,LMG,TSK
- 2) Sr.DOM/DOM/KIR/APDJ,RNY,LMG,TSK
- 3) DY.COM(S)(G)MLG
- 4) Staff concerned at office.



for General Manager(P)/MLG

6

Affed
Sar.
Adarsh

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N.E.RAILWAY
OFFICE ORDER

On satisfactory completion of training and passing the prescribed test held on 04-01-2006 the result was issued vide this office memorandum No.E/227/81(1) Traffic Appr. dated 13-01-2006. Now the said Traffic Apprentices, who were selected against 10% departmental quota and 15% DR quota are hereby temporarily posted in the divisions as mentioned against each. Before their posting they should be booked to look after Interlocking works etc. for sometime by their respective division.

Sl. No.	Name	Comm unity	Posted in scale	Posted under
1.	Shri Sudip Kr. Bhowmick	UR	Rs.5,500-9,000/-	Sr.DOM/LMG at GHY
2.	Shri Tapash Kr.Dutta	UR	Rs.5,500-9,000/-	Sr.DOM/LMG at GHY
3.	Shri Dhriti Ch. Kallita ✓	UR	Rs.5,500-9,000/-	Sr.DOM/RNY
4.	Shri Sanjay Kumar	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
5.	Shri Vijay Narayan Jha	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
6.	Shri Rajiv	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
7.	Shri Anjani Kumar	UR	Rs.5,500-9,000/-	Sr.DOM/APDJ
8.	Shri Rajesh Ranjan	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
9.	Shri Tapash Dhar	UR	Rs.5,500-9,000/-	Sr.DOM/LMG
10.	Shri Manoj Kumar	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
11.	Shri Ajay Kumar	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
12.	Shri S. Sekhar	UR	Rs.5,500-9,000/-	Sr.DOM/KIR
13.	Shri Sanjay Kr. Ghosh	UR	Rs.5,500-9,000/-	Sr.DOM/RNY
14.	Shri Bhagabati Kamal ✓	ST	Rs.5,500-9,000/-	Sr.DOM/LMG
15.	Shri Tapash Mandal	SC	Rs.5,500-9,000/-	Sr.DOM/KIR
16.	Shri Vijay Kr. Pandit	UR	Rs.5,500-9,000/-	Sr.DOM/KIR

This issues with the approval of COM/MLG

13/1/06
(S.R.Nandy)

Senior personnel officer(1)
for General Manager(P)/MLG.

Dated 13-01-2006

E/227/81(1) Traffic Apprentice.

Copy forwarded for information and necessary action to:-

- 1) DFA&CAO/MLG, 2) COM/MLG
- 3) DIRM(P)/KIR, APDJ, RNY, LMG, TSK
- 4) DFM/KIR, APDJ, RNY, LMG, TSK, 5) DY.COM(S)(G)MLG
- 6) Sr.DOM/KIR, APDJ, RNY, LMG, TSK, 7) CAM/GHY, 8) APO/GHY
- 9) Staff concerned at office.

13/1/06
for General Manager(P).

*Attest
Sub. Advocate*



36. Annexure 7

Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya.

OFFICE ORDER

Dated. 16.02.2006

In terms of GM(P)/MLG's office order No. B/227/81(1) Traffic Apprentice dated 13.01.2006, the following staff have been selected against 10% Departmental Quota of Traffic Apprentice, and have undergone training at ZRTI/APDJ w.e.f 26.07.2004 and they have been promoted to the post of Traffic Inspectors under Sr. DOM/RNY.

Their pay have been fixed as under:

SN	Name of the staff S/Slui	Existing scale Rs 5000-8000/- as ASM	Now pay fixed as TI in scale Rs. 5500-9000/-	Place of posting
01	Dhruv Gh. Kalita	5000/- w.e.f 01.07.04 5150/- w.e.f 01.07.05	5500/- w.e.f 26.07.04 5675/- w.e.f 01.07.05	Sr. DOM/RNY
02	(B) Abingra Karmaw	5300/- w.e.f 01.01.04 5450/- w.e.f 01.01.05 5600/- w.e.f 01.01.06	5500/- w.e.f 26.07.04 5675/- w.e.f 01.07.05	Sr. DOM/RNY

Composite grant, T/Pass, P/late, are admissible to the staff as per extant rule.

Staff concerned may exercise option within one month for re-fixation of pay from the date of accrual of next increment in the lower grade if they so desire.

(S. Samah)
APGM/RNY

For DRM(P)/RNY
Dated. 16.02.2006

No. B/254/RN/Gr-C/Sel/Opng/35.

Copy to:-

1. Sr. DOM/RNY.
2. AOM/RNY.
3. DFM/RNY.
4. DRM(P)/ET/BHR/RNY
5. Concerned staff.

For DRM(P)/RNY

0267026

*Affectionate
for private*

37.

Provisional combined Seniority list of ASM, YM, TI, Category I in scale Rs 6600-8000/- as on 01.04.06
Deptt : Tfg/Opty Sanction : 92

SN	Name (S/Sir)	Caste	Desig	Station	D.O.B	D.O.A	D.O.P
1	T N Jha	UR	ASM	TQM	05.02.62	15.10.00	01.11.03
2	P D Deka	UR	ASM	SPQ	01.03.55	15.10.00	01.11.03
3	S N Samanta	UR	ASM	MZS	01.01.52	15.10.00	01.11.03
4	J Dhar	UR	ASM	BPRD	01.08.66	15.10.00	01.11.03
5	A A Miah	UR	ASM	JPZ	11.10.60	15.10.80	01.11.03
6	P K Das	UR	ASM	BPRD	30.12.50	15.10.80	01.11.03
7	P K Datta	UR		MLG/CNL	10.06.54	22.01.81	01.11.03
8	J N Sultardhar	UR	ASM	RNY	09.09.55	24.11.00	01.11.03
9	D N Borlihukul	UR	ASM	DPRD	01.08.60	23.09.76	01.11.03
10	Gopal Saha	UR	ASM	BPRD	01.04.82	00.11.79	01.11.03
11	B R Saha	UR	ASM	TNL	25.12.52	16.11.80	01.11.03
12	G J Choudhury	UR	ASM	NBO	01.03.60	27.11.83	01.11.03
13	K Mahanta	UR	ASM	IIU	01.05.60	27.11.03	01.11.03
14	Md Reheman Ali	UR	ASM	CGS	02.04.56	10.11.03	01.11.03
15	Uttarai Chikellita	UR	TI	RNY	01.03.69	04.09.02	20.07.04
16	Bhabanirit Karmakar	ST	TI	RNY	01.03.68	13.02.98	20.07.04
17	Holedihar Talukdar	UR	TI	MLG	01.01.58	27.11.03	06.06.06
18	P C Das	UR	ASM	AZRA	01.01.60	27.11.03	06.06.05
19	Ram Ch Talukdar	UR	ASM	RNY	01.01.61	27.11.03	06.06.06
20	K K Deka	UR	ASM	PBL	01.03.69	17.07.04	06.06.05
21	M M Das	UR	ASM	BPRD	01.05.61	27.11.03	06.06.06
22	Maheendra Nath	UR	ASM	PTLD	29.11.57	27.11.03	06.06.05
23	K Bhattacharjee	UR	ASM	RNY	01.01.67	08.07.04	06.06.05
24	J C Sarma	UR	ASM	GOE	10.07.68	17.07.04	06.06.05
25	A C Kella	UR	ASM	BKTB	01.01.67	08.07.04	06.06.05
26	K Berman	UR	ASM	CGS	01.02.68	08.07.04	06.06.05
27	J C Biswas	UR	ASM	KRNI	01.03.59	08.07.04	06.06.05
28	Ahawer Ali	UR	ASM	BIZ	01.03.61	08.07.04	06.06.05
29	J C Saloi	UR	ASM	COON	01.01.69	17.07.04	06.06.05
30	U K Das	SC	ASM	MZRA	01.03.60	17.07.04	06.06.05
31	H K Das	SC	ASM	AZRA	01.03.68	08.07.04	06.06.05
32	D N Sarma	UR	ASM	RPAN	01.01.58	08.07.04	06.06.05
33	R Chakraborty	UR	ASM	BNGN	01.03.60	08.07.04	06.06.05
34	Bhupendra Sarma	UR	ASM	PTLD	01.01.69	08.07.04	06.06.05
35	S Bhagdwall	UR	ASM	AZRA	01.08.67	07.09.04	06.06.05
36	R Talukdar	UR	ASM	BPRD	01.03.49	23.09.76	06.06.05
37	L C Sengupta	ST	AGM	SPO	11.01.54	27.11.78	06.06.05
38	B D Drahma	ST	ASM	RNGI	18.08.64	29.11.78	06.06.05
39	A K Sarma	UR	ASM	NLP	01.01.53	25.09.70	06.06.05
40	S C Das	SC	ASM	RNY	01.12.58	31.08.05	06.06.05
41	S Basumatary	ST	ASM	IIU	01.12.61	03.09.06	06.06.05
42	P P Choudhury	UR	TI	GLPT	13.01.60	16.00.00	06.06.05
43	S D Baruah	UR	ASM	PBL	01.01.62	31.08.05	06.06.05
44	Masref Ali	UR	ASM	SDE	01.12.60	31.08.00	06.06.05
45	Birendra Nath Sarma	UR	ASM	KDKN	01.07.68	14.01.00	06.06.05
46	Alil Boro	ST	ASM	ULG	01.01.62	25.08.08	06.06.05
47	Dilip Kr Sarma	UR	ASM	BOKO	01.08.61	10.08.00	06.06.05
48	Parekh Kella	UR	TI	RPAN	01.02.62	10.08.00	06.06.05
49	B N Malakeri	SC	ASM	UDNI	01.08.59	10.08.08	06.06.05
50	Mohoranjani Nayak	UR	ASM	NBO	01.08.61	11.08.00	06.06.05
51	S N Das	UR	ASM	BPRD	18.07.63	10.08.08	06.06.05
52	K C Deka	UR	ASM	RNY	01.10.61	16.12.08	06.06.05

After
Advocate

53	K K Ghosh	UR	ASM	BNGN	01.07.61	16.12.88	06.06.06
54	Dimeswar Das	UR	ASM	PUL	11.01.62	16.12.88	05.06.05
55	H K Kardong	ST	ASM	DMC	01.06.63	22.06.90	05.06.05
56	L Narzary	ST	ASM	GLPT	02.09.01	22.05.80	06.05.05
57	P C Basumatary	ST	ASM	RNGI	01.09.58	22.05.80	06.05.05
58	D K Baisya	SC	ASM	NCA	01.03.59	22.05.80	06.05.05
59	Gurudhar Negu	ST	ASM	KIPR	01.09.03	12.07.81	05.05.06
60	Rabindra Brahma	ST	ASM	RNY	01.09.62	12.07.90	05.05.05
61	Biswajit Goyal	ST	ASM	BGND	01.03.64	13.07.90	05.06.05
62	M K Basumatary	ST	ASM	RPAN	21.06.01	07.12.90	05.06.05
63	Ashoke K Das	UR	ASM	GVR	01.12.65	28.01.92	05.06.05
64	Gopeshwar Sarmia	UR	ASM	AZRA	01.03.65	31.01.92	05.06.05
65	B N Deka	UR	ASM	DIZ	01.10.55	05.02.92	05.05.05
66	Mil A Hinklin	UR	ASM	ULG	01.01.55	11.02.92	05.05.05
67	Srimanta Sainoi	UR	ASM	RNY	27.08.00	31.01.92	05.05.05
68	R P Sha	UR	ASM	RWID	02.11.46	06.01.67	05.05.05
69	Umbul Ch Kakati	UR	FI	RNY	01.11.84	01.03.95	05.06.05
70	R N Chakrabarty	UR	ASM	NUG	10.10.55	01.01.84	05.06.05
71	Aftab Kr Dey	UR	ASM	NMM	05.11.53	29.05.77	05.06.05
72	R P Yadav	UR	ASM	NMM	01.07.47	11.09.66	05.06.05
73	Ganesh Kerketta	ST	ASM	RPAN	13.01.55	07.04.70	05.06.05
74	B C Goswami	UR	ASM	UVU	18.02.01	27.05.06	05.06.05
75	L P Kurni	UR	ASM	RPAN	06.12.59	26.05.80	05.06.05
76	J K Roy	UR	ASM	NBQ	01.07.58	10.06.79	05.06.05
77	Bhuldhara Das	SC	ASM	KTCH	01.03.72	12.02.90	05.05.05
78	Kamal Medhi	SC	ASM	NBQ	01.03.69	15.02.99	05.05.05
79	Nripen Das	SC	ASM	CPQ	01.09.73	13.02.99	05.05.05
80	Dipak Das	SC	ASM	GLPT	01.01.71	15.02.99	05.05.05
81	P K Das	SC	ASM	IBH	01.01.68	14.02.99	05.05.05
82	Kiran Kumbang	ST	ASM	LOM	00.00.74	13.02.99	05.05.05
83	B R Choudhury	UR	ASM	NUX	29.12.60	12.02.99	05.05.05
84	P C Doley	ST	ASM	NLP	20.03.72	13.02.99	05.05.05
85	J Stharla	SC	ASM	MRZA	01.09.71	15.02.99	05.05.05
86	Unjip Ali	UR	ASM	NLV	01.07.71	12.02.99	05.05.05
87	S K Mehdil	UR	ASM	GPZ	25.12.71	14.02.99	05.05.05
88	Gurudhar Bharmen	UR	ASM	GOE	01.03.72	13.02.99	05.05.05
89	Utpal Kr Bora	UR	ASM	DDNI	17.11.66	15.02.99	05.05.05
90	B Basumatary	ST	ASM	KTCH	01.02.71	15.02.99	05.05.05
91	K Mella Barua	UR	ASM	NLV	01.01.72	12.02.99	05.05.05
92	Harajyoti Das	SC	ASM	AZRA	00.07.71	04.07.99	05.05.05

Representation, if any, against above seniority should be sent so as to reach this office within one month from the date of publication after which no repn will be entertained.

For Divl Rly Manager(I) / RNY

Dated: 7-4-2006

No. EG/5/OPD/BS/CYM/TI/RNY

Copy to:

1. GM/PI/MLG 2. COM/MLG 3. Sr. DOM/RNY 4. AM/NLQ/RPAN

5. BS/NBQ/BNGN/RNY, JPZ, GLPT, CGS, NLQ 6. CYM/NBQ

7. DIVI Secy/NFREU/RNY 8. Convener/NFRMU/RNY

9. Sectional TIs: They are requested to please handover the enclosed S/I list to the staff concerned with detailed acknowledgement and send the A/C to this for record.

For Divl Rly Manager(P) / RNY

To,

The Senior Personnel Officer (Traffic),
Maligaon, N.F.Railway,
(Through proper channel)

Sub: Appeal for Uniform Seniority of Traffic Apprentices selected against 10% LDCE quota

Ref: GM(P)/MLG's Letter no. E/1015/Pt-VII(1) Loose dated 26/27-06-2003 and GM(P)/MLG's Letter no. E/1015/Pt-VII(1) Loose dated 17-07-2003.

Sir,

With respect to the subject cited above, we the undersigned would like to lay down the following few lines for your kind consideration and necessary action please. That Sir, we were empanelled for undergoing Tsc. Apprenticeship after being declared passed and selected in both written and Viva voce test by GM(P)/MLG's Letter no. E/1015/Pt-VII(1) Loose dated 26/27-06-2003 in the grade Rs.5500-9000. The Panel was duly approved by CPFM on 23-06-2003. Subsequently on 17-07-2003 GM(P)/MLG issued a letter under the same Letterhead to the Divisions stating that out of the 28 selected candidates of the Panel four(viz. 1. Bhabatosh Bhattacharjee, Gds Gd/NCB, 2. Sudipta Saha, Gds Gd/NCB, 3. Rakesh Kr. Yadav, Gds Gd/APDJ and 4. Ajitesh Dasgupta, TNC/NJP) were to be immediately spared to ZRTT/APDJ for training which was to commence on 24-07-2003 and the reason for not sparing the rest was being stated as "Acute shortage of ASMs" in all the Divisions.

The above four were duly spared to ZRTT/APDJ by respective Divisions and after completion of the scheduled training they have been posted in different cadres in Rs. 5500-9000 scale w.e.f. 24-07-2003.

That Sir, the rest of us (out of 24-16 App. Sixteen (16) turned up for training) were called for Apprenticeship training vide GM(P)/MLG's Letter no. E/1015/Pt-VII(1) Loose dated 25-04-2004 and commenced our training on 26-07-2004 which is exactly one year after commencement of their (i.e. the above four) training.

The above four completed their Apprenticeship training one year before us and Shri Bhabatosh Bhattacharjee, Gds Gd/NCB and Shri Sudipta Saha, Gds Gd/NCB joined APDJ Division in January, 2005. On 15-07-2005 they have been called for Selection of Dy SS in scale Rs. 6500-10,500 vide DRM(P)/APDJ's letter no. E/254/29(T)-AP/Pt.- I dated 15-07-2005 and were selected for the same vide DRM(P)/APDJ's letter no. E/254/29(T)-AP/Pt.- I dated 08-12-2005.

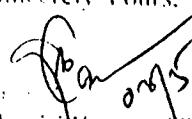
That sir, this is a clear incidence of Supercession which is contrary to standing rules we, the undersigned hereby humbly request your honor to consider the case expeditiously and fix our Seniority and other related benefits at par with the other 16 apprentices (who were sent earlier) i.e. from 24-07-2003 as we were from the same Panel and the reason for our delayed sparing was purely administrative.

Thanking you in anticipation of justice. Sir

Date : 03.05.06

Place: Rangiya

Sincerely Yours,


L.Bhabagiri Kaman, T1/RNY

Copy to:- DPO/RNY, Sr. DOM/RNY


2. Dhiraj Ch. Kafita, T1/RNY

*After 2
for
Amritava*

-40-

Annexure-9
Series

N.E. Railway.

No. EG/5/Optg/SS/CYM/TI/RN

Office of the
DRM(P)/RNY
Dt: 29-05-06

To,

GM(P)/ET Sec./MLG.

(Kind attention of Shri S.R.Nandl,SPO/T)

Sub:-Appeal on Seniority of Tfc.Apprentice
against 10% LDCE quota.

Ref:-Joint appeal dated 03-5-06 of S/Shri
B.Kalman & D.G.Kalita, both TI/RNY in
scale Rs. 5500-9000/-addressed to
SPO/T/MLG & copy endorsed to this
office.

Kindly refer to the above quoted letter and favour
the undersigned with the decision on the issue raised therein.

Finalisation of Seniority list of TIs etc. is held up
& consequently no selection for promotion to Dy.SS (6500-10500)
etc. could be held for want of a decision on above.

(A.K.Chatterjee)
APO/III/RNY
for DRM(P)/RNY.

Attestd
Dr.
Advocate

N.E. RAILWAY

MEMORANDUM

The following Traffic Apprentices who were selected against 10% departmental (LDCE) quota vide GM(P)MLG's Memo. No. E/10/5/PL. VII(T) Loose dated 26/27.06.03 and subsequently on satisfactory completion of training and passing the prescribed test, they were posted in scale Rs. 5,500 - 9,000/- vide GM(P)MLG's O.O. No. E/227/81(T) Traffic Apprentice Pt.I dated 28.01.05 & No. E/227/81(T) Traffic Apprentice dated 13.01.06 respectively. Accordingly their seniority in scale Rs. 5,500 - 9,000/- have been fixed as per panel position assigned in the selection in terms Para 306 & 309 of IREM Vol.I (1989) Revised Edition as under:

Sn.	Name	Community	Now Working under
01.	Shri Tapash Mondal	SC	Sr. DOM/LMG
02.	Shri Tapash Kr. Dutta	UR	COM/MLG
03.	Shri Sudip Kr. Bhownick	UR	COM/MLG
04.	Shri Sanjoy Kr. Ghosh	UR	Sr. DOM/KIR
05.	Shri Tapash Dhar	UR	Sr. DOM/LMG
06.	Shri Vijoy Narayan Jhu	UR	Sr. DOM/KIR
07.	Shri Bhabatosh Bhattacherjee	UR	Sr. DOM/APD.I
08.	Shri Bhabagiri Karmen	ST	Sr. DOM/RNY
09.	Shri Dhiraj Ch. Kalita	UR	Sr. DOM/RNY
10.	Shri Sudipta Saha	UR	Sr. DOM/APD.I
11.	Shri Anjan Kumar	UR	Sr. DOM/APD.I
12.	Shri Ajoy Kumar	UR	Sr. DOM/KIR
13.	Shri Monoj Kumar	UR	Sr. DOM/KIR
14.	Shri Rajesh Ranjan	UR	Sr. DOM/KIR
15.	Shri Sanjoy Kumar	UR	Sr. DOM/KIR
16.	Shri Shashank Sekhar	UR	Sr. DOM/KIR
17.	Shri Rajiv	UR	Sr. DOM/KIR
18.	Shri Ajitesh Das	UR	Sr. DOM/KIR

This issues with the approval of DY.CPO(HQ) in partial modification of this office memo. no. E/227/81(T) Traffic Appr. Pt.I dated 28.01.05 & no. E/227/81(T) Traffic Appr. Dated 13.01.06.

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

Dated 12.06.06

No. E/10/5/PL.VII(T)

Copy forwarded for information & necessary action to :

1. COM/MLG
2. CSO/MLG
3. DRM(P) KIR/APD.I,RNY,LMG,TSK
4. Sr.DOM/DOM/KIR/APD.I,RNY,LMG,TSK
5. Dy.COM/Safety/MLG
6. Staff Concerned through their Controlling Officer.

for General Manager (P) MLG.

*Attested
Datt. Adhikarate*

N.F.Railway

Provisional combined Seniority List of NSM, YM & TI category in scale R.5500-900/- as on 1-4-06 based on the representation received against provisional combined seniority list for NSM, YM & TI category in scale R.5500-900/- as on 1-4-06. Fresh seniority list of the same category as TI category in scale R.5500-900/- as on 1-4-06 is published taking the representation into account and as per C.107, M.R.C. Memo/Recd. on 1-4-06 is published taking the representation into account and as per C.107, M.R.C. Memo/Recd. under No. E/10/5/Pt.VII(R) dt'd: 12-6-06 (*).

Division: PWY

Dept: Traffic(Opt.)

SN	Name (S/Short)	Category	Design.	Station	D.O.B.	B.C.A.	D.S.R.	Relief Date
1.	T.N.Jha	UR	ASM	PTK	03-03-52	15-10-80	01-11-03	
2.	P.D.Deka	UR	ASM	SPQ	01-03-55	15-10-80	01-11-03	
3.	S.N.Samanta	UR	ASM	PTK	01-01-52	15-10-80	01-11-03	
4.	K.Dher	UR	ASM	BPRD	01-05-56	15-10-80	01-11-03	
5.	A.S.Miah	UR	ASM	SPQ	11-10-50	15-10-80	01-11-03	
6.	R.K.Dutta	UR	ASM	BPRD	30-12-50	15-10-80	01-11-03	
7.	P.K.Dutta	UR		MLG/CNL	10-06-54	22-01-81	01-11-03	
8.	S.N.Sarkar	UR	ASM	RNN	09-09-55	24-11-80	01-11-03	
9.	P.N.Borthakur	UR	ASM	DPRA	01-06-50	23-09-76	01-11-03	
10.	Gopal Saha	UR	ASM	BPRD	01-04-52	06-11-78	01-11-03	
11.	B.R.Saha	UR	ASM	TML	25-12-52	16-11-80	01-11-03	
12.	G.J.Choudhury	UR	ASM	WBQ	01-03-60	27-11-83	01-11-03	
13.	K.Mahanta	UR	ASM	THU	01-05-60	27-11-83	01-11-03	
14.	Md.Ranaman Ali	UR	ASM	CGS	03-04-56	16-11-83	01-11-03	
15.	Haladhar Talukdar	UR	TI	MLG	01-01-56	27-11-83	05-05-05	
16.	P.C.Das	UR	ASM	AZRA	01-01-60	27-11-83	05-05-05	
17.	Ram Ch.Talukdar	UR	ASM	RNN	01-01-61	27-11-83	05-05-05	
18.	P.K.Deka	UR	ASM	PBL	01-03-59	17-07-84	05-05-05	
19.	M.M.Das	UR	ASM	BPRD	01-05-61	27-11-83	05-05-05	
20.	Halendira Nath	UR	ASM	PTED	29-11-57	27-11-83	05-05-05	

(Contd. on p. 2)

Qb

Affect
Law Advoce

43

S/No	Name	Category	Rank	Joining Date	Retirement Date	Post
21.	K. Bhattacharjee	UR	ASM	RNY	01-01-57	06-07-84 05-05-05
22.	J.C. Sarma	UR	ASM	GOEN	10-07-56	17-07-84 05-05-05
23.	P.C. Kalita	UR	ASM	BNTE	01-01-57	06-07-84 05-05-05
24.	K. Barman	UR	ASM	GS	01-02-58	06-07-84 05-05-05
25.	J.C. Bhattacharjee	UR	ASM	KRNE	01-03-59	06-07-84 05-05-05
26.	Amber Ali	UR	ASM	CS	01-03-61	06-07-84 05-05-05
27.	J.C. Saloi	GR	ASM	CCONTE	01-01-59	17-07-84 05-05-05
28.	U.C. Das	SC	ASM	PERP	01-03-58	17-07-84 05-05-05
29.	S.N. Sarma	UR	ASM	RNY	01-12-55	06-07-84 05-05-05
30.	H.K. Das	SC	ASM	PERA	01-03-58	06-07-84 05-05-05
31.	D.N. Sarma	UR	ASM	RPN	02-11-58	06-07-84 05-05-05
32.	R. Choudhury	UR	ASM	BNIN	01-03-60	06-07-84 05-05-05
33.	Bhupendra Sarma	UR	ASM	PTLD	01-01-59	06-07-84 05-05-05
34.	S. Bhagawati	UR	ASM	PERA	01-08-57	07-09-84 05-05-05
35.	R. Talukdar	UR	ASM	BPND	01-03-49	23-09-75 05-05-05
36.	L.C. Sengupta	SC	ASM	CEP	11-01-54	27-11-78 05-05-05
37.	B.B. Brahma	UR	ASM	ENGI	18-06-54	29-11-73 05-05-05
38.	A.K. Saha	UR	ASM	NLP	01-01-53	25-09-76 05-05-05
39.	S.C. Das	SC	ASM	RNY	01-12-56	31-06-85 05-05-05
40.	S. Basumatary	SC	ASM	THV	01-12-61	03-09-85 05-05-05
41.	P.P. Choudhury	SC	TI	GIFT	13-01-58	16-08-88 05-05-05
42.	S.D. Baruah	UR	ASM	PSD	01-01-63	31-06-85 05-05-05
43.	Masraf Ali	UR	ASM	SBE	01-12-60	31-08-85 05-05-05

(Contd... P/3)

44.	Bijendra Nath Sarma	UR	ASW	01-03-58	14-01-88	05-05-05	8.
45.	Govind	ST	ASW	01-03-52	25-06-82	05-05-05	9.
46.	Uma K. Sahu	UR	ASW	01-03-62	09-08-88	05-05-05	
47.	Rakesh Kaitra	UR	ASW	01-03-59	10-08-88	05-05-05	
48.	B.N. Malekar	SC	ASW	01-06-61	11-02-88	05-05-05	
49.	Madhurian Nayak	UR	ASW	01-06-63	10-03-88	05-05-05	
50.	S.N. Das	UR	ASW	01-07-61	10-03-88	05-05-05	
51.	S.D. Deekshit	UR	ASW	01-07-81	16-03-88	05-05-05	
52.	Ranu Ghosh	UR	ASW	11-01-61	15-10-81	05-05-05	
53.	Madhukar Das	UR	ASW	01-03-53	22-01-80	05-05-05	
54.	H. M. Andone	ST	ASW	03-01-51	22-01-80	05-05-05	
55.	A. M. Nayak	ST	ASW	01-03-56	22-01-80	05-05-05	
56.	P.C. Sekhukhuni	UR	ASW	01-03-59	22-05-80	05-05-05	
57.	D.K. Baishya	UR	ASW	01-05-63	12-07-90	05-05-05	
58.	Gungdharkarbu	UR	ASW	01-09-42	13-07-90	05-05-05	
59.	Rekha Devi	ST	ASW	01-03-64	13-07-90	05-05-05	
60.	Niswajit Gayari	ST	ASW	21-06-61	07-12-90	05-05-05	
61.	M.R. Baruah	ST	ASW	01-12-65	26-01-92	05-05-05	
62.	Ashok Baruah	UR	ASW	01-03-65	31-01-92	05-05-05	
63.	Oppenji Sarma	UR	ASW	01-10-55	05-02-92	05-05-05	
64.	S.N. Deo	UR	ASW	01-01-55	11-03-92	05-05-05	
65.	Prakash	UR	ASW	27-08-66	31-01-92	05-05-05	
66.	Simanta Saloi	UR	ASW	02-11-46	06-01-67	05-05-05	88
67.	R.P. Sha	UR	ASW	01-11-64	01-03-95	05-05-05	
68.	Amuli Ch. Kakati	UR	ASW				(Contd... P/4)

(Continued)

-5h-

46
5
This seniority list may be brought to the notice of all the above staff by concerned
Senior Subordinate Incharge for confirmation.

for Divi.Riv.Wing(P)
N.F.R.W., Rangia.

No. 2/255/Seniority/Optg/RW/06

006-068

Copy to:-

- 1) GM(P)/MLG (2) COM/MLG (3) SR.DCM/RW (4) PAM/NEQ, PPN
5) SS/NEQ, PPN, NE, PPE, GLP, C.M, NIP (6) CIN/NEQ
7) Divi.Secy./NIREU/RW (8) Convenor/NIREU/RW

8) Situational TIs - They are requested to please handover the enclosed S/I/let to the
staff concerned obtaining acknowledgement and send the acknowledgement to
this office for record.

for Divi.Riv.Wing(P)
N.F.R.W., Rangia.

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To:

The Divisional Railway Manager,
Ranigya Division,
N.E.Railway
(Through proper channel)

a1

Sub: Erroneous Seniority

Ref.: GM(P)/MLG Memorandum No.1/1015/Pl. VII(1) Dated 12.06.06

(Enclosed find DRM(P)/RNY's seniority list vide no. E/255/Seniority/Optg./RN/06 dated 16.06.06 (enclosed)).

Sir,

Most respectfully we, the undersigned, pray to draw your kind attention in connection with our seniority in grade 5500-9000/- followed by the facts given below.

1. We were selected as Traffic Apprentice against 10% E.D.C. Quota on 26/07/06/2003, Exam conducted by GM(P)/MLG and the panel was duly approved by CPIM on 23/06/2003 (copy enclosed)

2. No. of total Selected Candidates were 28 (Twenty Eight).

3. Out of 28 Candidates, 04(four) were spared for training at ZRTI on 24-07-2003 splitting up the panel vide GM(P)/MLG's L. No. 1/1015/Pl. VII(1) dated 17.07.03. (One of them withdrew his candidature from Apprenticeship) (Sparing order enclosed)

4. Remaining were not spared for training on Administrative Reason mentioning that there was shortage of ASMs in all the Divisions. (copy enclosed)

5. The rest of us were spared for training on 26.07.2004 (16 turned up for training) i.e. exactly one (01) year after the commencement of first batch training vide GM(P)/MLG's L. No. 1/1015/Pl. VII(1) dated 24.05.04 (Copy enclosed)

6. One application was filed to DPO, Maligaon for Uniform Seniority of the above panel on Aug/2004 but no results came out from HQ till June, 2006.

7. First batch Apprentices completed their training on January/2005 and joined their working post on Feb/2005. Subsequently their seniority was fixed w.e.f. Feb/2005.

8. Second Batch completed their training on January/2006 and joined their working post on January/2006. Since the first batch joined one year before us, they got extra privileges and those who joined in the APDI Division already got 6000-10500/- Grade. (Copy enclosed).

9. We, the second batch candidates, have already lost the Grade and Increment benefits because the above three(03) got the 5500-9000/- grade w.e.f. 24-07-2003. Our 5500-9000/- grade starts w.e.f. 26-07-2004 which is a considerable monetary loss to us as well as our seniority also.

10. DPO/RNY issued a provisional seniority list of ASM, YM, TM category in scale Rs.5500/- 9000/- on 01.04.06 vide No. E/255/Optg./VII/1/RNY dated 07.04.06 and placed our names at serial nos. 15 and 16 taking our date of promotion on 26.7.04. (Copy enclosed)

11. But, Sir, regarding our Seniority a complaint was lodged by some ASMs of the RNS Division stating that our names were illegally entered in the seniority list mentioned above. They raised questions to DPO/RNY that our D.O.P. was fixed on 26-07-2004 (i.e. from the commencement of training) which is a wrong entry. As a result the matter was referred to the HQ and the Divisional Seniority list was cancelled.

10/7/04
In accordance
D. P. R. I. M. S. (D. P. R. I. M. S.)

Attest
S. S. J. Advocate

48-
92

12. The ASMs, who lodged the complaint against us were promoted to 5500-9000/- grade on 05-05-2005 from 5000-8000/- Grade and it was a Non-Selection Divisional Promotion. But Sir, we were selected on 26/27-06-2003 as Traffic Apprentice in grade 5500-9000/- and it was a Selection Post against 10% LDCE quota. Moreover, this selection was conducted centrally at HQ, Maligaon in Zonal Basis.

13. To fix our seniority, we again submitted our petition to SPO(T)/MLG on May/2006. On 12.06.06 one memorandum issued by GM(P)/MLG vide no. E/1015/Pt. VII(T) indicating that our seniority should be fixed on the basis of Selection Panel (Copy enclosed). But the criteria of the memorandum was not maintained in the new seniority list and our names are placed in the bottom i.e. DOP fixed on 16-01-06. This is a clear contradiction of Rule 228(1)(ii) of IREM Vol.I (1989 edition).

It clearly shows that, those who were placed in the bottom of the panel are ranked senior to us because they completed their training and joined their working post one year before us.

It is also clear from the above that in any future selection they will be ranked senior to us because their eligibility criteria will be fulfilled before us since they had joined their working post one year before us. Their length of service in the Grade 5500-9000/- is one year more than that of us. This become apparent that the Seniority maintained in the Panel will not be followed for any further Selection in the future as the candidates placed below us will always get first preference to appear for any Selection thereby making the sole purpose of the Panel seniority invalid.

That Sir, from the very beginning, contradictory verdict was given towards us which cannot clear the actual picture of our combined seniority.

Hence, hereby, we pray your honour to asses the matter and hand out proper justification by arranging to reckon the date of our seniority from Feb,2005 in consonance with the previous batch. Otherwise this will prove to be a case of super cession which is contrary to Establishment rules. Moreover, we request your honour to stop any selection related to us in the Division till the appropriate seniority is fixed.

Finally, we pray your honour to give us justification within a period of one month or else we shall be compelled to go to the Court.

Thanking you in anticipation of justice, Sir.

Date: 20.06.06
Place: RNY

Sincerely Yours

Dhiraj Ch. Kalita, TI/RNY

Bhabagiri Kaman, TI/RNY

Copy to:

1. CPO/N.F.Railway/MLG,
2. Dy CPO/N.F.Railway/ MLG,
3. General Secretary, NFREU/MLG
4. General Secretary, NFRMU/PNO
5. SPO(T)/MLG,
6. DPO/RNY,
7. Sr.DOM/RNY,
8. Convenor, NFRMU,RNY Branch.
9. Divisional Secretary, NFREU/RNY

49
N.P. Railway.Office of the
DRM(P)/RNY

Dt: 23-06-06

No.E/255/Seniority/Opdg/RN/06

To.

1) Shri Shabagiri Kaman, TI/RNY
 2) Shri Dhiraj Ch. Kalita, TI/RNY

Sub:- Joint representation dt: 20-6-06 on
 Seniority position of Shri Shabagiri
 Kaman, TI/RNY and Shri Dhiraj Ch. Kalita,
 TI/RNY.

Receipt of your joint application dated 20-6-06 is
 hereby acknowledged. The case is being referred to GM(P)/MLG
 where it was dealt.

In so far, your seniority in Rangiya Division is
 concerned, you have not lost any seniority as only you two
 are involved in this seniority which has been fixed as per
 GM(P)/MLG's directive.

All other staff in the panel belong to other Division.

(A. K. Chatterjee)
 APO/IIT/RNY
 for DRM(P)/RNY

Copy to:- GM(P)/SI-Section/MLG for information.

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

25
 Affest
 Law.
 Advocate

N.F. Railway

Office of the
DRM(P)/RNY

Dt: 20-06-06

No. E/210/RN/Optg/21/Pt.I

To,

Sr. DOM/RNY, SS/GVR, AZRA, VIZ, ULG, RNY, RWTB, NBO, DPRA, NMM.
NLP, TQM, KRNI.

Sub:- Holding of written Examination
of Dy.SS in scale Rs.6500-10500/-.

Consequent on publication of revised provisional seniority list for Dy.SS in scale Rs. 6500-10500/- as on 1-4-06 taking the representation and GM(P)/MLG's directive communicated vide No. E/10/5/Pt.VII(T) dt. 12.6.06 (as Memo-
randum) the following staff are found to be eligible to appear in the written examination of Dy.SS in scale Rs. 6500-10500/-.

FOR DY.SS (6500-10500/-)

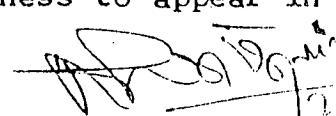
(A) Eligible staff

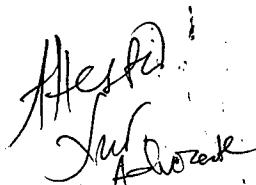
<u>SN</u>	<u>Name</u>	<u>Designation</u>
<u>S/Shri</u>		
1.	Ashok Kr.Das (UR)	ASM/GVR
2.	Gopeshwar Sarma (UR)	ASM/AZRA
3.	B.N.Deka (UR)	ASM/BIZ
4.	Md.A.Hakim (UR)	ASM/RMTH ULG
5.	Simanta Saloi (UR)	ASM/RNY
6.	R.P.Sah (UR)	ASM/RWTB
7.	Bubul Ch.Kakati (UR)	TI/RNY (Sr.DOM/RNY)
8.	R.N.Chakraborty (UR)	ASM/NBO
9.	Anjan Kr.Dey (UR)	ASM/DPRA
10.	R.P.Yadav (UR)	ASM/NMM
11.	B.C.Goswami (UR)	ASM/BVU
12.	L.P.Kurmi (UR)	ASM/RPAN
<u>Ex.</u>		

(B) NOT ELIGIBLE

1.	Dhiraj Ch.Kalita (UR)	TI/RNY (Sr.DOM/RNY)
2.	Bhabagiri Kaman (UR)	TI/RNY (Sr.DOM/RNY)
3.	P.C.Doley (ST)	ASM/NLP
4.	Kiran Kumbang (ST)	ASM/TQM
5.	Biseswar Basumatary (ST)	ASM/KTCH now at KRNI.

As all eligible SC/ST staff have been given pre-promotional training, Written examination is fixed to be held soon. Accordingly they are advised to keep themselves in readiness to appear in the written examination at short notice.


(A.K.Chatterjee)
APO/ IJI/RNY
for DRM(P)/RNY


A.K. Chatterjee

ANNEXURE

The following ASMs in scale Rs.5500-9000/- are eligible to appear in the selection for the post of Station Supdt. in scale 6500-10500/- Their names are arranged in order of seniority.

Sl.no	Name of the staff	Community	Designation	Siptier
1	S/Shri. Dwijadas Bhowinick	UR	ASM	KOL
2	Bijoy Anand Deb	UR	ASM	SIRE
3	Bikash Malakar	UR	ASM	BRO
4	Samir Pn. Banerjee	SC	ASM	ALW
5	Subhendu Roy	UR	ASM	DQG
6	S.K.Sen	UR	ASM	M.R.U. KOL
7	Tapan Kr. Chakraborty	UR	ASM	SVQ
8	Pradip Kr. Raha	UR	ASM	APDJ
9	P.N. Pandey	UR	ASM	FIR
10	N.C. Roy	UR	ASM	GUP
11	Sushil Kr. Ghosh	UR	ASM	NCB
12	Jiten Deb	UR	ASM	SIRR
13	Pradip Paul	UR	ASM	KAMG
14	Supriyo Roy	SC	ASM	GUZ
15	P.K.Kundu	ST	ASM	TENMZ
16	U.C. Mohanty	SC	ASM	SLNN
17	Uttish Ch. Saha	UR	ASM	BIGS
18	Uttish Ch. Saha	UR	ASM	FLK
19	Uttish Ch. Saha	UR	ASM	SMTA
20	Subinoy Bhattacharjee	UR	ASM	APDJ
21	Dilip Kr. Deb	UR	ASM	NBS
22	Dilip Chakraborty	UR	ASM	APDJ
23	P.C. Sanyal	UR	ASM	SLNN
24	Swapan Chakraborty	UR	ASM	MJE
25	Subir Kr. Ghosh	UR	ASM	APDJ
26	Biplab Deb Thakur	UR	ASM	TENMZ
27	Prabhat Kr. Roy	UR	ASM	FLK
28	Satnir Bhawal	UR	ASM	SXX
29	Arinduda Ghosh	UR	ASM	DQG
30	Promod Sarma	UR	ASM	FIR
31	Samir Kanti Das	SC	ASM	GUZ
32	Bijoy Sarkar	SC	ASM	GOGU
33	Khugendu Nath Roy	UR	ASM	CROA
34	Arun Ch. Das	UR	ASM	EP
35	Anil Kr. Talukder	UR	Inst(GZRT)	APDJ
36	Bishnu Pada Paul	UR	ASM	NCB
37	Kamal Roy	UR	ASM	APDJ
38	Tapash Kr. Goswami	UR	ASM	JOQ
39	Feku Sahu	UR	ASM	APDJ
40	Gautam Kr. Das	UR	ASM	NCB
41	Ashok Kr. Saha	ST	ASM	DSCE
42	Mitharam Bagumata	UR	ASM	DYX
43	1980 Gopore			

Chandan Ghosh	Chandan Ghosh
Hudibras Basumatary	Hudibras Basumatary
Khalendra Basumatary	Khalendra Basumatary
Uttam Kr. Basumatary	Uttam Kr. Basumatary
Pradip Kr. Basumatary	Pradip Kr. Basumatary
Dambhidhar Baishya	Dambhidhar Baishya
Ramesh Ch. Basumatary	Ramesh Ch. Basumatary
Chakrani Mukund Gayari	Chakrani Mukund Gayari
Somendra Narjinal	Somendra Narjinal
Bhagyamal Medil	Bhagyamal Medil
Paresh Dutta	Paresh Dutta
Sunandan Saha	Sunandan Saha
Khan Khan Mahato	Khan Khan Mahato
Bikash Gangopadhyay	Bikash Gangopadhyay
Prabir Sultauhan	Prabir Sultauhan
Deshibal Roy	Deshibal Roy
Kamaldhuri Roy	Kamaldhuri Roy
Birshri Ekka	Birshri Ekka
Subir Dey	Subir Dey
Dipak Kr. Basu	Dipak Kr. Basu
Raj Kr. Roy	Raj Kr. Roy
Rajendra Pd. Salan	Rajendra Pd. Salan
Lalchuman Sutradhar	Lalchuman Sutradhar
Narayan Ch. Biswas	Narayan Ch. Biswas
Krishna Lacayen Dey	Krishna Lacayen Dey
Chandra Sekhar Jha	Chandra Sekhar Jha
Alok Sarkar	Alok Sarkar
Shyamapada Choudhury	Shyamapada Choudhury

UR	ASM	APDI
ST	ASM	KOJ
ST	ASM	KOJ
ST	ASM	KOJ
UR	ASM	SLKN
ST	ASM	DTX
ST	ASM	NCB
ST	ASM	FKM
ST	ASM	APPD
ST	ASM	DTX
ST	ASM	NBS
UR	ASM	PQZ
UR	ASM	DSG
UR	ASM	APDI
UR	ASM	GLMA
UR	ASM	BYXA
UR	ASM	SIRR
UR	ASM	BYXA
UR	ASM	NCO
ST	ASM	ELD
UR	ASM	SAITA
UR	ASM	ATM
SC	ASM	KAMCH
SC	ASM	SRPB
SC	ASM	PQZ
UR	ASM	KLGR
UR	ASM	APDI
UR	ASM	APDI
UR	ASM	APDI

三

Name of the staff who are provisionally eligible to appear in the selection for II, Dy.SS, Dy.CYM etc. categories in scale:Rs.6500-10500/-, names are arranged as per seniority.

Name S/snm	Caste	Designation	Working station
1. H. Ma	UR	ASM	SS/RK/PR
2. C. Deka	UR	ASM	SS/ASD
3. C. Samanta	UR	ASM	SS/MLD
4. C. Dhar	UR	ASM	SS/BPKD
5. A. Mantri	UR	ASM	SS/UD
6. P. K. Das	UR	ASM	SS/SD/PRD
7. C. D. Datta	UR	ASM	Working at CMM/MLG
8. C. K. Bhattachar	UR	ASM	SS/RK/PR
9. C. K. Bhattachar	UR	ASM	SS/RK/PR
10. C. Bhattachar	UR	ASM	SS/SD/PRD
11. C. Bhattachar	UR	ASM	SS/ML
12. C. Choudhury	UR	ASM	SS/NBQ
13. C. Mananta	UR	ASM	SS/PR
14. H. Ranman Ali	UR	ASM	SS/UD
15. Halodnar Talukdar	UR	II	Working at CMM/MLG
16. C. Das	UR	ASM	SS/AAZ
17. H. C. Talukdar	UR	ASM	SS/RK/PR
18. K. K. Deka	UR	ASM	SS/PBL
19. M. N. Das	UR	ASM	SS/BPRD
20. M. Narendra Nath	UR	ASM	SS/PTD
21. K. Bhattacharjee	UR	ASM	SS/RK/PR
22. C. C. Barman	UR	ASM	SS/GRD
23. A. C. Kanta	UR	ASM	SS/UR/3
24. R. Barman	UR	ASM	SS/GR/3
25. C. Bhawas	UR	ASM	SS/RK/PR
26. A. K. Karim Ali	UR	ASM	SS/GR/3
27. C. C. Saloi	UR	ASM	SS/UGR
28. J. C. Das	SC	ASM	SS/MZRA
29. S. H. Barma	UR	ASM/RK	Working as Safety Counsellor/MLG
30. H. K. Das	SC	ASM	SS/AAZ
31. D. D. Barma	UR	ASM	SS/RPAN
32. R. C. Mukraboroy	UR	ASM	SS/GR/3
33. Bhopendra Barma	UR	ASM	SS/PTD
34. S. Bhagwati	UR	ASM	AS/AAZ
35. R. Talukdar	UR	ASM	SS/BPRD
36. C. C. Sargiary	ST	ASM	SS/AAZ
37. A. C. Barma	UR	ASM	SS/GR/3
38. S. C. Das	SC	ASM	SS/RK/PR
39. S. Basumatary	ST	ASM	SS/GR/3
40. P. C. Choudhury	SC	II	GR/1 section
41. S. C. Barman	UR	ASM	SS/PBL
42. Muzraf Ali	UR	ASM	SS/RK/PR
43. Ajit Hora	ST	ASM	SS/UGL
44. Dip K. Barma	UR	ASM	SS/BPKD
45. Naren Kanta	UR	II	SS/RK/PR
46. B. C. Malakar	SC	ASM	SS/UD/1
47. Manoranjan Nayak	UR	ASM	SS/RK/PR

-2-

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43 S.N. Das	UR	ASM	SS/BPRII
44 S. S. Das	UR	ASIM	SS/RNY
45 B.K. Ghosh	UR	ASIM	SS/RNY
46 L. N. Deo	UR	ASIM	SS/RNY
47 L.M. Karanji	SI	ASIM	SS/RNY
48 M. Marzali	SI	ASIM	SS/RNY
49 P.C. Dasumatai	SI	ASIM	SS/RNY
50 O.K. Baisoya	SI	ASIM	SS/RNY
51 Gidnachai Pegu	SI	ASIM	SS/RNY
52 Rabindra Brahma	SI	ASIM	SS/RNY
53 Biswajit Gayant	SI	ASIM	SS/RNY
54 M.K. Basumatary	SI	ASIM	SS/RNY
55 Ashok Kt. Das	UR	ASIM	SS/RNY
56 Gopeshwar Sarma	UR	ASIM	SS/RNY
57 D.N. Deka	UR	ASIM	SS/RNY
58 Md. A. Hakim	UR	ASIM	SS/RNY
59 Simanta Saloi	UR	ASIM	SS/RNY
60 P.P. Sah	UR	ASIM	SS/RNY
61 Bubul Ch. Kakoti	UR	ASIM	SS/RNY
62 R.N. Chakraborty	UR	ASIM	SS/RNY
63 Anjan Kr. Dey	UR	ASIM	SS/RNY
64 R.P. Jadau	SI	ASIM	SS/RNY
65 Ganeshi Khetkate	UR	ASIM	SS/RNY
66 B.G. Goswami	UR	ASIM	SS/RNY
67 B.P. Karmi	SC	ASIM	SS/RNY
68 Bhupnath Das	SC	ASIM	SS/RNY
69 Kamal. Medhi	SC	ASIM	SS/RNY
70 Nipen Das	SC	ASIM	SS/RNY
71 Dipak Ghosh	SC	ASIM	SS/RNY
72 P.K. Das	SC	ASIM	SS/RNY
73 Halayudha Das	SC	ASIM	SS/RNY

Note :-

1. B.B. Brahma, ASIM/RNCII
2. Birendra N. Sarma, ASIM/RNCII

Medically unfit, hence not eligible

APURNA RNY

26/8/06
27/8/06

4. Purnendu Chakraborty, ASIM/RNCII

No.E/210/RN/Optg/21/Pt.I

Office of the
DRM(P)/RNY
Dt: 21-06-06

To,

Sr.DOM/RNY, CHC/RNY, RPAN
Concerned SS/CYM/TI of RNY Division.Sub:- Holding of Written examination for
SS etc. (Rs. 7450-11500/-) and Dy.SS
etc. (Rs. 6500-10500/-). (1)Ref:- This Office Notification No.E/210/
RN/Optg/21/Pt.I dated 19-4-06 (for
SS etc.).(2) No.E/210/RN/Optg/21/Pt.I dated
19-4-06 (for Dy.SS etc.).(3) Postponement of written examination under L/No.E/210/RN/Optg/
21/Pt.I dt: 5-5-06.Further to this office references indicated above the
date of written examination for SS/TI/CYM in scale Rs.7450-11500/-
and Dy.SS/TI/Dy.CYM in scale Rs.6500-10500/- are fixed as under:-(A) FOR SS/TI/CYM IN SCALE RS.7450-11500/-

Date of Written examination on 1-7-06 (Saturday)

Absentee Written examination if required 8-7-06 (Saturday)

Venue:- DRM(P)/RNY's Office. Time:- 10.00 hrs. to 11.30 hrs.
Duration : $1\frac{1}{2}$ hrs. Full Marks:- 50 (Fifty)(B) FOR DY.SS/TI/DY.CYM IN SCALE RS.6500-10500/-Written examination in 3 (three) ~~pages~~ phases -

(A) On 8-7-06 (SL No. 1 to 28 = 28 Candidates of eligibility list dated 20-6-06).

(B) On 15-7-06 (SL No. 29 to 53 = 25 Candidates of eligibility list dated 20-6-06).

(C) On 22-7-06 (SL No. 54 to 78 = 25 Candidates of eligibility list dated 20-6-06).

Absentee Written examination if required 29-7-06 (Saturday)

Venue:- DRM(P)/RNY's Office. Time:- 10.00 hrs. to 11.30 hrs.

Duration: $1\frac{1}{2}$ hrs. Full Marks:- 50 (Fifty).You are requested to kindly to advise all the eligible
candidates as well as to spare them as per above programme to
appear in the Written examination as scheduled.Conditions stipulated in Notification dated 19-4-06 for
holding absentee written examination may please be adhered to
strictly.

D/A as above.

(A.K.Chatterjee)
APO/III/RNY
for DRM(P)/RNY

Copy to :-

- 1) COM/MLG with request kindly to advise as well as arrange sparing
on the scheduled date of written examination of S/Shri (1) P.K.
Dutta, ASM/CNL (2) Haladhar Talukdar, TI/MLG (3) S.N.Sarma, ASM/
Safety Counsellor/MLG.
- 2) Divl.Secy./NFRBU/RNY (3) Convenor/NFRBU/RNY

(A.K.Chatterjee) 21/6/06
for DRM(P)/RNY.Affested
Sub.
Advocate

North East Frontier Railway

Office of the
Divl.illy Manager (Rly.)
Alipurduar Junc. Dist.
Dated: - 15.07.2005

TOP

HO-E/254/29(T)-AP/EP-1

To:
SSS/APDQ, HOQ, NCD, GJM, BYK, SJMK, BDU, SII, BII,
KMG, SRPD, PZL, KLR, 112/FM, SII, LII, FM, CUZ,
COCH, CROM, JPE, FSA, JOM, DII, DII, DTX, KUJ, SIIK,
IIS, KUJ, SV, GUP, KII, BII

All TIs of APD Division.

Sub:- Selection for the post of Station Sup-t. in
scale Rs.6500-10500/-

It has been decided to hold a selection in order to form a panel for filling up of 41(fortyone) posts (YK-35, SC-3, SI-3) of Station Supdt. in scale Rs.6500-10500/- The selection will be in the form of written test only.

The date of holding of the selection of Ss(6500-10500/-) has been fixed as under:-

1) Written test on : - 20.08.2005. (at 10.00 hrs)

2) Absentee written test on : - 27.08.2005. (If necessary)

Date of pre-promotional training for SC/ST candidates has been fixed to be held for 21 days w.e.f 26-07-2005, at APD for which Sr. DCM/APD has nominated TI/Hu & TI/Planning who will conduct the training.

You are, therefore, requested to spare and direct the candidates as shown in ANNEXURE-'A' enclosed herewith to appear in the written test positively on 20.08.2005 and the SC/ST candidates to the pre-promotional training commencing from 26.07.2005.

The candidates who are unwilling to appear in the above selection may submit their written declaration within 10 days from the date of issue of this letter.

Syllabus for the selection of Ss(6500-10500/-) is enclosed at ANNEXURE-'B'.

Written test on 20.08.2005 will be held at the ANNEX Building/ZRTI/APD.

(J.C.DS, AP-1,
For Divl.illy Manager (Rly.)

Copy forwarded for information and necessary action as:-

1) Sr. DCM/APD. 2) DCM/APD. 3) ICD/APD. 4) ICD/APD.

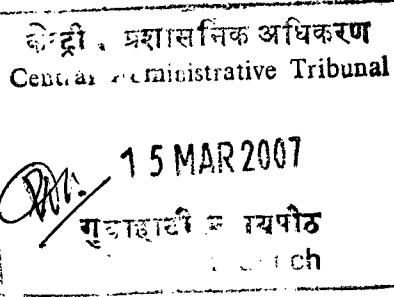
5) Staff concerned. 6) DPO/APD. 7) Principal/ZRTI/APD.

8) Rajbhasha Akhikalya/APD. He is requested to spare and direct the slator & Type-writer and driver to report at DPO/APD on the scheduled date.

9) GM(Pv)/Metro Rly, 33/4, Jawaharlal Nehru Rd, Kolkata-700071. He is requested to please spare and direct the same under him at Metro Rly. as per election date mentioned above.

10) OA to DPO & Sr. DCM/APD.

After
Jasv
Advocate



101 File No. 5
Bhabagiri Kaman, Dm
P/A. N.F. My, Ag
15/3/07

DIST.: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI
BENCH :: GUWAHATI.

Original Application No.169/2006

Sri Bhabagiri Kaman & others.....

.....*Applicants*

- Vs -

Union of India & others

.....*Respondents*

**Written statements on behalf of the
respondents**

THE WRITTEN STATEMENTS OF THE RESPONDENTS ARE AS FOLLOWS :

1. That a copy of the Original Application No.169/2006 (herein after referred to as the ("Application") has been served upon the respondents. The respondents has gone through the same and understood the contents thereof.
2. That save and except the statements which are specifically admitted by the respondents, the rests of the statements made in the application may be treated as denied by the respondents.
3. That the statements made in paragraphs 4.1 & 4.2 to the application the answering respondents has no comments.

Divisional Forest Officer
Go. of Assam, 2007
N. F. My, Ag

4. That the statements made in paragraphs 4.3, 4.4. & 4.5 of the application the answering respondents has nothing to say unless contrary to the records.

5. That with regard to the statements made in paragraph 4.6 to the application the answering respondents begs to state that due to administrative ground broadly speaking due to shortage of Asst. Station Master (ASM) not only the applicants but other apprentices who were selected in the said penal dated 26/27.06.03 but belonging to the category of ASM could not be spared for training for which the applicants were spared for training after a lapse of almost one year. It may be mentioned herein that the Rangia Division was created bifurcating Alipurduar Division on and from 01/04/03 and the two applicants joined and became the staff of Rangia Division accordingly. The four (4) selected staff mentioned in the application belong to other Division and not under Rangia Division and hence the applicants should have nothing to say against them and they should have nothing to say for the staff belonging to Katihar and Alipurduar Division, who have no connection with the seniority of these two applicants being not in same Division.

Further it is brought to the notice of the Hon'ble Court that no injury has been caused to the applicants as their seniority as Asstt. Station Master/Traffic Inspector/Yard Master (ASM/TI/YM) is maintained by Rangia Division alone and have no connection with the Dy. SS's of other Division i.e. Katihar, Alipurduar, Lumding & Tinsukia (KIR, APDJ, LMG & TSK). The answering respondent begs to state that the even if respondents No.5 and 6 and Sri B. Bhattacharjee jointed as Dy. SS earlier to the date of joining of the applicants, the applicants shall not have lost any seniority as only they two are involved in the RNY Divisional seniority as Asstt. Station

4/1/2014
Court of Civil
Divisional
N. L. Railways, Bony

Jawar Raoarao 103

महाराष्ट्र राज्य प्रशासन
दिल्ली कार्यालय, दिल्ली
N. T. Bhattacharjee, P. Secretary

Master/Traffic Inspector/Yard Master, others being of other Division having no connection with seniority as Asstt. Station Master.

6. That the statements made in paragraphs 4.7 to the application are not totally correct and the same are not acceptable by the answering respondent. The answering respondent begs to state that due to mistake and oversight in the provisional combined seniority list prepared by the respondent/authority dated 7/4/06 w.e.f 1/4/06 the date of promotion of the applicants were wrongly shown as on 26/7/04 (the date on which the training of the applicants commenced) instead of 16/1/06 (the date on which the applicants jointed in their promotional post). Subsequently on the basis of scrutiny made upon representation a fresh seniority list of the same category in the scale of Rs.5,500 - 9,000/- as on 1/4/06 was published and also taking in to account the memorandum dated 12/06/06 showing the different date of promotion of the promotees including the applicants as 16/1/06 vide annexure -11 to the application. Accordingly the seniority of the applicants was fixed. The applicants do not have any seniority connection with the private respondent No.5 & 6 and one Sri B. Bhattacharjee as alleged by the applicants who belong to other Division and not Rangia Division in which the applicants seniority is fixed. And as such the applicants claim of loosing their seniority is not sustainable in law.
7. That in respect of the averments made in paragraph 4.8 to the application the answering respondent begs to state that twenty eighty (28) candidates were selected for the post of Traffic Apprentice against 10% D.P. quota vide GM (P)/MLG's Memo No.E/1015/pt-VII (T) loose dated 26/27/6.3 out of which 24 candidates were from ASM,3 from Goods Guard and

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Casebook

one from Sr. TNC. But acute shortage of ASM, 4 (four) candidates belongings to other categories [Other than ASM/viz. Goods Guard (3) & Sr. Trains Clerk (01)] were sent for training in ZRTI (APDI) for a period of 15 $\frac{1}{2}$ months [out of which three (3) reported], subject to the condition that their seniority will be fixed by the administration without prejudice to their seniors who may be sent for training later on vide letter No. GM(P) MLG's No. E/1015/pt-VII (T) dated 17/7/03 w.e.f. 24/7/03. On completion of training and passing the final examination, they were posted in the working post w.e.f. 28/8/05 vide GM (P)'s letter dated 28/1/05. Similarly the remaining 24 candidates who were selected from the cadre of ASM were deputed for apprenticeship training for a period of 15 $\frac{1}{2}$ months w.e.f. 26/7/04 at ZRTI (APDJ) out of which fifteen (15) reported. On completion of training and passing the final examination, they were also posted in their working post w.e.f. 13/1/06 vide GM (P)'s letter dated 13/1/06. It is also fact that the seniority of all the candidates were correctly fixed considering the representations of the incumbents by the authority concerned vide Office Memo No. E/255/Seniority/Optg/RN/06 dated 16.6.06.

The answering respondent further begs to state that the applicants had completed their training and joined the post of traffic inspector in RNY Division only on 16/1/06 and accordingly their seniority is fixed. It is wrong to say that their seniority was fixed in the order of select list of panel as other conditions successful completion of training remained unfulfilled. Merely empanelling staff for promotion without completion of training successfully and joining the working post does not qualify a staff to demand his seniority without adhering the relevant procedure for promotion. As such the allegation set forth in the said paragraphs is untrue allegation having no legal force at all.

महाराष्ट्र राज्य अधिकारी
Divisional Inspector Officer
क्र. नं. 110001, दिनांक 20.01.2007
N. S. Kulkarni, E/255

8. That the statements made in paragraphs 4.9 to the application are denied by the answering respondent and begs to state that the seniority list published on 7/4/06 and to be corrected upon some representations received from Asstt. Station Master/Traffic Inspector/Yard Master etc. and revised seniority list was to be prepared for the same and was to be published duly correcting the data wrongly shown in the earlier list. It is worthwhile to mention here that the Select List published is on provisional basis and hence it can be correct at a time if any representation on seniority is submitted within stipulated time of one month which holds good as per procedure. It is blatantly denied that the seniority list dated 16/6/06 was issued in total violation of the memorandum dated 12/6/06 and paragraph 306 & 309 of IREM Vol-1 (1989 Edition). It is submitted that in the said memorandum dated 12/6/06 the seniority of the two applicants belonging RNY Division out of 18 candidates were shown as under :-

08. Shri Bhabagiri Kaman, (ST) under Sr. DOM/RNY

09. Shri Dhiraj Ch. Kalita (UR) under Sr. DOM/RNY

Subsequently, their seniority was correctly shown in the seniority list dated 16/6/06 as under :-

92. Shri Bhabagiri Kaman (ST) TI RNY

93. Shri Dhiraj Ch. Kalita (UR) TI RNY

The answering respondent further begs to state that the seniority of the applicants have been correctly adjusted and fixed as shown in the seniority list dated 16/6/06 of ASM/TI/YM in scale of Rs.5,500-9000/- . There is no mistake in indicating the seniority of the applicants which has taken into consideration from the date of joining of the working post

मातृ विभाग अंगतारी
Divisional Personnel Officer
पो. बिहार, राजग.
10 जनवरी 1975

after successful completion of training as stated in the aforementioned paragraph. It is also denied that seniority of the applicants had to be shown above Shri Haladhar Talukdar bearing Sl. No.15.

9. That as regards the statements made in paragraphs 4.10. to the application the answering respondent begs to state that the allegation of the subject matter of this paragraphs has been described in paragraphs 6.7 & 8 to this written statements and the deponent does not admit anything contrary to the records.

10. That the statements made in paragraph 4.11 to the application are not admitted and the same are hereby denied by the deponent. The claim of seniority of the applications is baseless. The seniority of the applicants has been fixed duly complying with the order of the GM (P), Maligaon. Since their seniority was correctly assigned in the seniority list dated 16.06.06, not further action to revise the seniority of the applicants was needed and hence replied to the concerned staff accordingly. Selection panel is not only the criteria for determining the seniority of ASM/TI/YM the empanelled staff are to successfully completed the required training and other formalities required for the purpose and also to join the working post which are also the criteria for determining the seniority. In the instant case, the applicants after successfully completion of training, joined the working post on 16.01.06 and accordingly their seniority was fixed. The claim of seniority from the date of empanelment by the applicants is, therefore, not tenable without adhering the other two criteria viz. successful completion of training and joining the working post.

Div. of P. & T. Dept.
Govt. of Assam
N. L. Hukumy, IAS
General Secretary

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11. That the statements made in paragraph 4.12 to the application are untrue allegation and the same are not acceptable. The answering respondent begs to state that staff shown at Sl. No.1 to 91 of the seniority list are not junior to the applicants as alleged but they all are senior to the duo and they all have joined the working post after successful completion of training much before the date of joining of the two applicants. Since Sri Sudipta Saha belongs to other Division and not of Rangia Division, the applicants need not have to comment anything in the matter of seniority with him.
12. That the statements made paragraph 4.13 to the application are untrue allegation and the same are not admitted by the deponent. The deponent/answering respondent begs to state that since Sri Sudipta Saha belongs to other division and not a Rangia Division, the applicants have no connection in the matter of seniority with him. Hence question of decision of the Railways can not be said to be arbitrary, unfair and contrary to the provision laid down in Art. 14 of the Constitution of India.
13. That the statements made in paragraphs 4.14, 4.15, 4.15 & 4.17 to the application are denied by the answering respondents and begs to state that no unfair in the promotional cadre of Asstt. Station Master/TI/YM has been adopted by RNY Division as alleged by the applicants. Division followed the laid down procedures of seniority rule in fixing seniority of staff.

The answering respondent further begs to state that all the private respondents namely Sri Haladhar Talukdar, P.C. Das, R.C. Talukdar and Sri S.C. Das have been promoted as per seniority on restructuring of cadre effective from 01.11.03 as ordered by the Railway Board, the applicants being junior

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Division
10.11.03
R.N.Y. F.I.B. 2

Jyoti Chawdhury 10/8

were not covered by Seniority to be considered for to claim that the above incumbents are junior to the applicants. As stated earlier seniority of ASM/TI/YM etc. has been fixed not only on the basis of the position of penal selection but also taking into consideration the date of successful completion of Training and the date of joining the working post as paragraphs 302 of IREM (Vol-I) and accordingly their seniority was fixed. It is wrong to say that the seniority ought to have been determined on the basis of selection alone as claimed by the applicants. The applicants have been correctly declared ineligible to be considered for promotion as Dy. SS as they are the junior most staff as ASM/TI/YM in grade of scale of Rs.5,500-9000/- as their date of joining to the working post being 16.1.06 The seniority list published on 16.6.06 has been correctly revised.

14. That the submission made in the ground portion are not admitted by the answering respondent and the same are not tenable in law in view of the facts and circumstances stated above and for the ends of justice. There is no violation of the direction of General Manager (P) as the panel published by them contained names of all division Viz. Katihar, Lumding, Tinsukia, Alipurduar & Rangia. The seniority being maintained at divisional level, the applicants who being to Rangia division only have to do with the other empanelled staff. Even after publication of the by panel General Manager (P), there remained other two conditions to be fulfilled by the empanelled staff Viz successful completion of training and joining the working posts. Only after completion of these two conditions, the seniority of the empanelled staff can be fixed which has been done correctly the Rangia Division keeping para 306 & 309 of IREM Vol-I(1989 Edition in view. As such no arbitrariness, unfair, illegality or malafide has been committed by the respondents.

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15. That the applicant is not entitled to any relief as claimed by him.
16. That the answering respondent begs to submit that the seniority as well as selection to the next higher post in the Rangia Division is mainly confined with the Rangia Division only. whatever seniority list has been endorsed to the application are concerned with the Rangia Division only. As soon as when the applicants have appointed in the Rangia Division on promotion as TI with the scale of pay of Rs.5,500-9,000/-, they became the incumbent of Rangia Division and their promotion to the next higher post will be conducted by the Rangia Division having no connection with other divisions. The authority in Rangia Division correctly prepared the seniority list dated 16.6.06. showing the applicants at Sl. No.92 & 93. Accordingly by letter dated 20.6.06, the list of eligible staff holding the scale of Rs.5500-9000/- for holding of written Examination for the post of Dy SS in the scale of Rs.6500-10,500/- was communicated to the authorities concerned vide **Annexure-14** to the application which is only meant for Rangia Division.
17. That the applicants did not challenged when they, alongwith other selected ASM were not spared at the same time when the other four (4) selected candidates were spared for training.
18. That the application filed by the applicants lacks bonafide and as such not tenable in law liable to be dismissed forthwith.
19. That in any view of the matter raised in the application and the reasons set forth thereon, there can not be any cause of action against the respondents at all and the application is liable to be dismissed with cost.

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In the premises aforesaid, it is therefore, prayed that Your Lordship would be pleased to peruse the records and after hearing the parties be pleased to dismiss the application with cost. And pass such order or orders as to the Hon'ble Court may deem fit and proper considering the facts and circumstances of the and for the ends of justice.

And for this act of kindness the humble respondent as in duty bound shall ever pray.

VERIFICATION

I Shri Somesh Chawabarty son of Sri Nandu Chaman Chawabarty resident of Rangia at present working as the Divisional Personnel Officer, Rangia, Guwahati being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1,2,3,4,5,6,7,8,9,10, & 12 are true to my knowledge and belief, and the rest are my humble submission before this Hon'ble Tribunal I have not suppressed any material fact.

And I sign this verification on this _____ day of March/2007s at Guwahati

Somesh Chawabarty

मार्ग. नं ५३, अ. अ. एस.
Division I B. and C. Pier
गु. १० नं. १०, रंगिया
N. C. Railway, Rangia

File in Court on...1/10/07

Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of:-

O.A.No. 169/2006.

Shri Bhabagiri Kaman and another.

-Versus-

Union of India and others.

-And-

In the matter of:-

Rejoinder submitted by the applicant
against the written statement submitted
by the respondent.

The applicant above named most respectfully begs to state as follows:-

1. That with regard to the statements made in paragraph 5 and 6, the applicants while denying the correctness of the same, beg to say that it is admitted by the respondents that the applicants have been appeared for training after a lapse of 1 year due to acute shortage in the cadre of Asst. Station Master, as such the applicants cannot be faulted for non sparing them in due time when juniors of the same panel have been spared by the railways, earlier for receiving training, as required under the rule for consideration of promotion in ASM/TI/Yard master. The contention of the respondent that the private respondents and other similarly situated employees who have been spared much earlier then the present applicants were rightly granted promotion and seniority above the applicants cannot be a ground sustainable under the law because the panel for selection have been prepared following a competitive examination, as such the alleged ground that the other selected candidates including private respondents belong to other division, therefore they have spared

1/1
Filed by the applicant
U. Datta, advocate
through
on 01.10.07

1 OCT 2011

गुवाहाटी न्यायपीठ
Guwahati Bench

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earlier cannot be a ground maintainable in the eye of law rather such action of the respondents offends Article 14 of the Constitution. As such ground of joining the promotion post earlier by the private respondents and other similarly situated employees of other division, when their position is admittedly much lower in the panel then the present applicants, therefore assigning seniority to the private respondents and others above the applicants on the basis of their date of joining is opposed to rule and public policy. In the instant case of the present applicants, a panel has been prepared following a positive act of selection where applicants, private respondents and others who were allowed by the railways to participate in the said selection without imposing any restriction on the basis of divisional seniority since the selection is based on the basis of a competitive examination. When the applicants are placed above the private respondent namely 5 and 6 in the merit list published by the railways after the selection, as such the applicants have acquired a valuable and legal right for placement of their names in the seniority list on the basis of the panel prepared by the railways and the railways cannot deny the seniority to the applicants when person junior in the panel have been spared earlier for the purpose of the training without considering the cases of the applicants, therefore the applicants cannot be made to suffer in the matter of seniority. Therefore, contention of the respondents to the effect that the date of promotion to the present applicants have been wrongly shown w.e.f 26.07.2004 instead of 16.01.2006 is not a correct statement rather applicants are senior to the private respondents since the applicants have been placed above in the panel then the respondents which was prepared on merit basis.

2. That with regard to the statement made in para 7, 8, 9 and 10 of the written statements, the applicants denies the correctness of the statements and further beg to say that when it is admitted by the railways categorically in para 7 of the written statement, to the effect that there was already a condition imposed by the G.M (P) in his letter dated 17.07.2003, while persons junior in the panel were sent for training w.e.f 24.07.2003, when admittedly other senior persons of the panel including the

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Guwahati Bench

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applicants could not be spread on 24.07.2003 for training due to acute shortage of ASM. The relevant portion of para 7 of the written statement is quoted below:-

"But acute shortage of ASM, 4 (four) candidates belonging to other categories [other than ASM/viz. Goods Guard (3) & Sr. Trains Clerk (01)] were sent for training in ZRTI (APDI) for a period of 15½ months [out of which three (3) reported], subject to the condition that their seniority will be fixed by the administration without prejudice to their seniors who may be sent for training later on vide letter No. GM (P) MLG's o. E/1015/pt-VII (T) dated 17/7/03 w.e.f 24/7/2003. On completion of training and passing the final examination, they were posted in the working post w.e.f 28/8/05 vide GM (P)'s letter dated 28/1/05. Similarly the remaining 24 candidates who were selected from the cadre of ASM were deputed for apprenticeship training for a period of 15 ½ months w.e.f 26/7/04 at ZRTI (APDJ) out of which fifteen (15) reported. On completion of training and passing the final examination, they were also posted in their working post w.e.f 13/1/06 vide GM (P)'s letter dated 13.01.2006"

It is quite clear from the above statements of the respondents that the GM (P) was aware of such anomalies situation and therefore as a precautionary measure, he has already issued the letter dated 17.07.2003 even before sending of the private respondents for training. Now therefore the other contention raised and developed by the respondents denying the seniority benefit of the present applicants above the private respondents on the alleged ground that those private respondents belong to other division is highly arbitrary, illegal and unfair. As such the ground raised by the respondents that the applicants have joined the promotional post only on 16.01.2006 after completion of the training is highly arbitrary, illegal and opposed to the rule laid down in para 306 and 309 of IREM Vol. 1, 1989 edition and it is categorically stated that the date of joining

cannot be a ground for determining seniority. The applicants reiterates their statements made in the O.A.

3. The applicants deny the correctness of the statements made by the respondents in para 10, 11, 12 and 13 and reiterates the statements made in the O.A. It is categorically submitted that selection panel is the only criteria subject to successful completion of training for determination of seniority in the promotional post, as such other contention raised in para 10, 11, 12 and 13 are categorically denied and rest of the contention of the respondents are elaborately replied in preceding paragraphs. The date of joining in the promotion at past has no bearing for the purpose of determining seniority.
4. That with regard to the statements made in para 14, 15, 16, 17, 18 and 19, the applicant categorically denies the statements therein and further beg to say that since the GM (P) has already made a declaration wayback on 17.07.2003 to the effect that seniority would be fixed by the administration, as such GM (P) is duty bound to implement the direction contained in the letter dated 17.07.2003 and as such railways is barred by law of estoppel to raise any further grounds after issuance of the letter dated 17.07.2003. By no stretch of imagination it can be said that the date of joining in the promotional post should be a criteria for determining seniority in the face of the rule 306 and 309 of the IERM, Vol-I, 1989 edition. Therefore it is a fit case for the learned Tribunal to issue necessary direction upon the respondents to refix the seniority above the private respondents and also pass appropriate direction as prayed by the applicants in the instant O.A.
5. That in the fact and circumstances stated above, the applicant most humbly submits that they are entitled to the reliefs prayed for, and the O.A deserves to be allowed with costs.

1 CCT

गुवाहाटी न्यायपीठ
Guwahati Bench

VERIFICATION

I Sri Dhiraj Chandra Kalita, S/O late Ramesh Chandra Kalita, aged about 38 years, working as Traffic Inspector, in the office of Divisional Railway Manager (O), N.F.Railway, Rangiya Division, Rangiya, Assam 781356, applicant no. 1 in the instant application, duly authorized by the others to verify that the statements made in Paragraph 1 to 5 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 29 ~~5~~ day of October 2007.

Dhiraj Ch. Kalita