

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

ORDER SHEET

Original Application No. 17/06

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) M. K. Sikdar

Respondent(s) 6012018

Advocate for the Applicants Mr. H. Das, A. R. Sikdar and
J. A. Azad.

Advocate for the Respondent(s) _____

GGSC
Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
of filed/C. P. Rs. 50/-
deposit: DD
No. 26 Cr. 317961
Dated..... 16.1.06.....

Notified 19.1.06
11c Dy. Registrar

mb

24.01.2006 Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets. No order as to costs.

[Signature]
Vice-Chairman

Steps taken.

27.1.06

copy of the judgment has
been sent to the D. Secy.
for issuing the same to the
applicants as well as to
the Rly. Standing Counsel.

[Signature]

[Signature]
Contd.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No. 17/2006

DATE OF DECISION: 24.01.2006

Sri M.K. Sikdar

APPLICANT(S)

Mr. H.Das. Mr. A.R. Sikdar

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Dr. J.L. Sarkar

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

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

.....
Judgment delivered by Hon'ble Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 17/2006

Date of Order : This the 24th January 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Sri Mridul Kanti Sikdar
S/o Late Manoranjan Sikdar
R/o Subhash Tribedi Building
Natunpara, P.O., P.S. & Dist.
Bongaigaon, Assam.

... Applicant

By Advocates Mr. H. Das, Mr. A.R. Sikdar and Mr. J.A. Azad.

- Versus -

1. The Union of India,
Through the Secretary,
Ministry of Railways,
Government of India, New Delhi - 110 001.
2. The General Manager,
N.F. Railway,
Maligaon, Guwahati - 11.
3. The Divisional Railway Manager (P),
Rangia Division, N.F. Railway,
Rangia, P.O. Rangia, Dist. Kamrup, Assam.
4. The Senior Accounts Officer,
New Bongaigaon Railway Workshop,
P.O. - New Bongaigaon,
Dist. - Bongaigaon, Assam.
5. The Divisional Railway Manager (P)
N.F. Railway, Alipurduar Junction.

... Respondents

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

✓

ORDER (ORAL)SACHIDANANDAN. (V.C.)

The applicant was working under the N.F. Railway in the capacity of Diesel Assistant Driver under SSE/NBQ in pay scale of Rs. 950-1500/- but subsequently medically de-categorised by an order dated 30.09.1994 and absorbed on alternative appointment as Junior Clerk. However, pay protection was not granted which is admissible under the medical de-categorization. He had represented the authority, but no consideration has been given so far. The applicant's grievance is that the respondents in not fixing the pay of the applicant at the maximum of his absorbing grade as Junior Clerk (G) medically de-categorised running staff (DAD) and after such fixation the excess amount has not been allowed to be absorbed in future increments/increase in pay with D.A. and other allowances as personal pay in the absorbing grade. Being aggrieved by the said inaction the applicant has filed this application seeking the following reliefs: -

"i) That this Hon'ble Tribunal may kindly be pleased to pass an order directing the authority to grant pay protection and benefit admissible as a medically de-categorised running staff absorbed in an alternative post in the interest of justice.

ii) To pass any other order or orders as to deem fit and proper by the Hon'ble Tribunal in the interest of justice."

2. Mr. A.R. Sikdar, learned counsel for the applicant and Dr. J.L. Sarkar, learned standing counsel for the railways were present.

3. Mr. A.R. Sikdar, counsel for the applicant submits that he will be satisfied if a direction is given to the 3rd respondent and/or any other competent authority to dispose of the representation with special reference to Annexure - 3B (Legal Notice) and to pass appropriate speaking order with time frame. Dr. J.L. Sarkar, learned standing counsel for the railways submits that he has no objection for adopting such course of action.

4. In the interest of justice, this Court directs the 3rd respondent and/or any other competent authority, as the case may be, to consider and to pass speaking order in annexure - 3 representation within a period of three (3) months from the date of receipt of this order.

The O.A. is disposed of as above at the admission stage itself. In the circumstances of the case, there shall be no order as to costs.



(K.V. SACHIDANANDAN)
VICE CHAIRMAN

/mb/

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 17/06

1. a) Name of the Applicant:- M.K. Sikdar
b) Respondents:-Union of India & Ors.
c) No. of Applicant(S):- one
2. Is the application in the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :Yes/No.
7. Whether all the annexure parties are impleaded :- Yes/No.
8. Whether English translation of documents in the Language:- Yes/No.
9. Is the application in time :- Yes/ No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed:Yes/No.
11. Is the application by IPO/ED/for Rs.50/- 266 317961 dt 16/10/06.
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed: Yes/ No.
14. Has the legible copies of the annexurea duly attested filed:Yes/ No.
15. Has the Index of the documents been filed all available :-Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:Yes / No.
18. Whether the relief sough for arises out of the Single: Yes/ No.
19. Whether interim relief is prayed for :- Yes/ No.
20. Is case of Condonation of delay is filed is it Supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench.
22. Any other pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in form.

SECTION OFFICER(J)

17/06/06
1/e DEPUTY REGISTRAR

केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal

16 JAN

गुवाहाटी बैचन्च
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

Title of the Case : O. A. No. 17 /2006

Sri Mridul Kanti Sikdar

... Applicant

-Versus-

The Union of India & Ors.

... Respondents

SYNOPSIS

Applicant was working under N.F. Railway in the capacity of Diesel Assistant Driver under SSE/NBQ in scale of pay Rs.950/- 1500/- but subsequently medically de-categorised by order dated 30.9.1994 and absorbed on alternative appointment as Jr. Clerk. But he was not given the benefit of pay protection admissible under medically de-categorisation. He represented the authority but no consideration has been paid. Hence this application.

950/-

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LIST OF DATES WITH INDEX

Sl. No.	Date	Particulars	Annexure	Page No.
1.		Petition with verification		1 to 9
2.	30.09.94	Date of Medical de-categorisation	1	— 10
3.	19.4.95	Date of office order for alternative absorption.		
4.	13.10.97	Date of Re-fixation of pay	2	— 11
5.	3.1.2000	Date of representation	3, 3(A)	— 12 — 13
6.	10.3.05	Date of serving Pleader's Notice	3(B)	— 14 — 16
7.	14.3.05	Date of receiving Pleader's Notice	4	— 17
8.		Vakalatnama		
9.		Notice		

Filed by :-

(R. Sikdar)
(Advocate)

Date of filing : 17-01-06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

Original Application No. 06

Sri Mridul Kanti Sikdar

... Applicant

-Versus-

The Union of India & Ors. ... Respondents

Details of the applicant :

1. Name of the applicant : Sri Mridul Kanti Sikdar,
& Address : S/o Late Manoranjan Sikdar
R/o Subhash Tribedi Building,
Natunpara, P.O., P.S. & Dist.
Bongaigaon, Assam.

2. Designation : Jr. Clerk (G. Engg.)

3. Particulars of the Respondents: 1) The Union of India,
through the Secretary,
Ministry of Railways, Govt. of
India, New Delhi - 110 001.
2) The General Manager, N.F.
Railway, Maligaon,
Guwahati-11.

Mridul Kanti Sikdar

Filed by an applicant
Dy. Mr.
Abdu Salam Sikdar

3. The Divisional Railway Manager (P)

Rangia Division, N.F. Railway,

Rangia, P.O. Rangia, Dist.

Kamrup, Assam.

4. The Senior Accounts Officer,

New Bongaigaon Railway Workshop

P.O. New Bongaigaon

Dist. Bongaigaon, Assam.

5. The Divisional Railway Manager (P)

N.F. Railway, Alipurduar Junction

Particulars of order against which the application is made:

1. Against the impugned action of the respondent authority in not fixing the pay of the applicant at the maximum of his absorbing grade as Junior Clerk(G) medically declassified running staff (DAD) and after such fixation the excess amount has not been allowed to absorb in future increments/increase in pay with D.A. and other allowances as personal pay in the absorbing grade.

2. Jurisdiction of the Tribunal

The applicant declares that the cause of action has arisen within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant declares that the application is filed before this Hon'ble Tribunal within the time limit prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case

Mr. Dulek Venktesh Sikder

- 4.1. That the applicant is a citizen of India and a permanent resident of Subhash Tribedi Building, Natunpara, P.O. & Dist. Bongaigaon, Assam and as such he is entitled to the rights, privileges and protection available to a citizen of India guaranteed in the Constitution and the laws of the land framed thereunder.
- 4.2. That the applicant begs to state that he was serving in the capacity of Diesel Assistant Driver (DAD) under SSE/NBQ in the basic pay scale of Rs.1350/- . While the applicant was discharging in the aforesaid capacity, physical ailment affected him and he was medically de-categorised to be absorbed in an alternative post of Jr. Typist/Clerk in the scale of Rs.950-1500/- and posted under SAO(W) NBQ against the existing vacancy vide DRM(P)/APDJ's O.O. No. Nil dtd. 04.09.95. The date de-categorisation was done on 30.09.1994 by the Ophthalmic Surgeon, Central Hospital, Maligaon, N.F. Railway. The applicant craves the leave of this Hon'ble Court in not annexing the copies of order of de-categorisation and alternative posting not being available with the applicant but the same are available in the office of the respondents.

A Photocopy of Medical Test Report is
annexed as Annexure No.1.

- 4.3. That the applicant begs to state that while he was absorbed in the alternative post of Jr. Clerk after de-

✓
Mridul Kenti Sikder

categorisation his pay was wrongly fixed as Rs. 1350/- P.M. His pay as Jr. Clerk in scale of Rs.950-1500/- was once again re-fixed as Rs.1500/- P.M. as on 2.5.95 by taking into account 30% of basic pay on DAD in fixing up his pay as Jr.Clerk . The exceeding amount of emolument in terms of his new post with respect to his earlier post has not been protected which he is entitled. The applicant in this connection made a representation dated 3.1.2000 before the Divisional Railway Manager (P), N.F.Railway, Alipurduar Junction through proper channel seeking redressal of his grievance but no action was taken to that effect. The applicant made another representation dated 23.6.2004 stating his grievances against less fixation of pay on medical de-categorisation .

A photocopy of the office order dt.13.10.97 is annexed as Annexure No.2

A photocopy of the representation dated 3.1.2000 and 23.6.2001 are annexed as Annexure No. 3 and 3A.

4.4 That the applicant begs to state that while he was working as DAD his basic pay was Rs.1350/- While he was absorbed as Jr. Clerk on decategorisation his pay was wrongly fixed as Rs.950-1550/- and which was subsequently re-fixed/revised to Rs.1500/- vide DRM/P/ APDJ's office order No.153-M dated 13.10.97.

✓ The applicant's grievance is that during such re-fixation pay protection and benefit admissible under the law is not given to him causing monetary deprivation to him . According to the applicant, in the process of such fixation on decategorisation the pay may be fixed in the new post shall be equal to his substantive pay in respect of the old

post plus personal pay equal to the difference in between the new pay in the new post and earlier pay in the earlier post. But such pay protection was not given to the applicant. The applicant before filing this application served a Pleader's Notice dated 10.03.05 but no positive response has been given to the said notice.

A photocopy of the Pleader's Notice dated 10.03.05 alongwith photocopies of acknowledgement cards are annexed as Annexure No.3& 4 respectively.

5. Grounds for Relief with Legal Provisions:

- I) For that the learned authority has committed grave error of law and facts in fixing the pay of the applicant on his posting as Jr. Clerk after being medically de-categorised.
- II) For that the learned authority has not paid any consideration upon the prayer of the applicant and their such callous and indifferent attitude has amounted violation of principles of law, legal and constitutional rights of the applicant.
- III) For that the applicant submits that the F.R. 22 provides the guidelines of regularisation to fix pay of Government servant who is appointed subsequently to a new post. Sub-Rules (ii) and (iii) of F.R. 22 reads as follows:-

F.R.22 (ii) When appointed to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale when is equal to his substantive pay in respect of the old post, or, if there is no such stage, the next below that pay, plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) When appointment to the new post is made on his own request under Rule 15(a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post he will draw that maximum as initial pay."

In the given case the applicant has not been given the benefit of aforesaid provisions of law. The applicant's pay protection and monetary benefit has been denied giving a wrong fixation of pay in violation of the aforesaid provisions of law.

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M. Barindra Kumar Kar

- IV) For that the applicant submits that fixation of pay ought to have been made in such a way that his previous emoluments before decategorisation are protected and if it exceeds the maximum of absorbing grade, the difference between pay fixed and previous pay may be treated as personal pay.
- V) For that the applicant begs to state and submit that in a similar case of medically decategorisation and absorption of one Shri Barindra Kumar Kar has been granted benefits admissible to a medically decategorised running staff absorbed in an alternative post but the same has been denied to the applicant causing discrimination to him.
- VI) For that in any view of the matter, the impugned callous and indifferent action of the respondent authority is not sustainable in law.

6. Details of Remedies Exhausted

The humble applicant submitted representation and served Pleader's Notice vide Annexure No.2, 3 and 4 respectively but the same are not considered.

7. Matters not previously filed or pending with any other Court/Tribunal:-

The applicant declares that he has not filed any application, writ petition or suit regarding the present

matter in any court of law or Tribunal and no case is pending before any court.

8. Relief Prayed for:-

Under the above circumstances of the case as stated above, the humble applicant most respectfully prays for following relief:-

- i) That this Hon'ble Tribunal may kindly be pleased to pass an order directing the authority to grant pay protection and benefit admissible as a medically decategorised running staff absorbed in an alternative post in the interest of justice.
- ii) To pass any other order or orders as to deem fit and proper by the Hon'ble Tribunal in the interest of justice.

9. Interim Relied Prayed for:-

In the interim the applicant prayed for – a direction of granting pay protection and benefits admissible as a medically decategorised running staff in the interest of justice.

10. Details of Postal order:-

Postal Order No. : 26G 317961

Date of Issue : 16-01-06

Issued from : Guwahati

Payable at : Guwahati

11. List of Particulars :-

As per Index

Mridul Kanti Sikdar

VERIFICATION

I, Sri Mridul Kanti Sikdar, S/o Late Manoranjan Sikdar, resident of Subhash Tribedi Building, Natunpara, P.O., P.S. & Dist. Bongaigaon, Assam do hereby verify that the contents in paragraphs 1, 2, 3 and4.... are true to my knowledge and paragraphs 5.... and 6 to 9.... are believed to be true as legal advice and I have not suppressed any material fact.

And I sign this verification on this 16th day of January/2006 at Guwahati.

Date :

Place :

Signature of Applicant

Mridul Kanti Sikdar

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ANNEXURE-1

HOSPITAL

RLY.

EYE CLINIC

NAME
M. K. S. Suleen

RELATIONSHIP & GUARDIAN

AUB

M

REF. BY

OPD NO.

25126

DESIG.

F

DEPT.

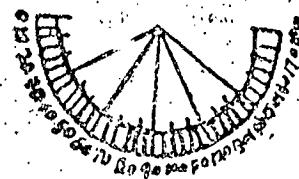
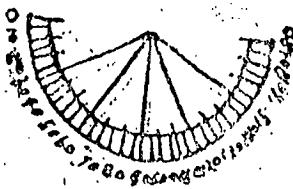
DATE.

T. NO.

F. m/s / Loco / M/s. d. 30/7/94

R

L



DISTANCE	SPH.	CYL.	AXIS.	VISION	SPH.	CLY.	AXIS.	VISION
		P			-1.50	-		6/9
NEAR	Ophthal.				+0.50			1/6

REMARKS

NOTE: Krypton By 2nd Cens

OPHTHALMIC SURGEON.

1. Please Preserve the Prescription for Future Reference.

2. Please get your Glasses verified.

Binodini stores Ghz.-11 P. O. No. 13/90/5210/1/40674, dt. 21-3-90 20.000 Nos.

3/2/94

Advocate

ANNEXURE 2 A

N. F. MILITARY

O. FICE OF THE
DIVL. RLY. MANAGER (P),
LIPUJUAR JUNCTION

OFFICE ORDER

D. T. D: 13.10.97

On being declared medically unfit in A/t but fit in C/1 & C/2, pay of Shri Mridul Kanti Sikdar, As. D.D./N.B.Q in scale Rs. 950-1500/- of Mechanical Department, who was absorbed on ~~on~~ alternative appointment as Jr. Clerk (G) in scale Rs. 950-1500/- under IOW/BPRD in Engg. Deptt. in terms of D.M.(P)/APDJ's O.O. No. WD/19/ALTV/Appt/Pt.III(C) dt. 19.4.95, was wrongly fixed as Rs. 1350/- P.M. through oversight. His pay as Jr. Clerk in scale Rs. 950-1500/- is now refixed as under :-

XXXXXELLEVECUSLEXXXXX N
XXXXSGELLXXXXX 950-1500/-

PAY AS D.D.	PAY PREVIOUSLY IN SCALE	PAY NOW REFIXED IN SCALE	REMARKS
950-1500/-	950-1500/-	950-1500/-	
Rs. 1350/- as on 1.6.94	Rs. 1350/- as on 2.5.95	Rs. 1500/- as on 2.5.95	By taking into account 30% of basic pay as D.D. in fixing up his pay as Jr. Clerk.

for M. R. L. RLY. MANAGER (P),
LIPUJUAR JUNCTION

NO: 153-1

D. T. D: 13.10.97

Copy forwarded for information & necessary action to :-

1. DIO/APDJ. (2). CLW/IC/APDJ.
3. OS/I/Cadre-Bill. (4). OS/II/Cadre-Bill.
5. OS/I/Elect/Cadre-Bill (6). OS/I-8 / D.M.(P)/APDJ.
7. EF/ENG
9. Staff Concerned.
- (8). P/Case.

for M. R. L. RLY. MANAGER (P),
LIPUJUAR JUNCTION

ac:7K97

Advocate
S. C. S.

10/10/97

The Divisional Railway Manager (P)
N.F.Railway/Alipurduar Jn.

(Through Proper channel)

Sir,

Sub:- Less fixation of Pay on medical de categorisation

Ref:- Rule 1313(IREM) substituted by 1308(IREM) vide
advance correction slip no. 77 communicated vide
Rly Bd's letter no. E(NG)I/96/RE3/9(2) dt.29.04.99.

With due respect and humble submission I beg to lay before you
the following a few lines for favour of your kind and sympathetic
consideration please.

That Sir, On being medically ^{de categorised} running staff (DAD), I have been absorbed
in an alternative post of Jr. clerk (G) in scale Rs. 950/-1500/- in terms
of your O.order no. WB/19/ALTV/Pt.III(C) dt.19.4.95 and posted under
IOW/BPRD.

That Sir, while going through the rule under reference, what I find that
the fixation of my pay has not been done in correspondence to the rule.

That Sir, while working as DAD my basic pay was Rs. 1350/- On deca-
tegorisation and absorbing me as Jr. Clerk (G) my pay was initially
fixed to be Rs. 1350/- which was subsequently revised to Rs. 1500/-
vide DRW/P/APDJ's office order no. 153-M dt.13.10.97.

That Sir, what ruling says, "If the pay so arrived at exceeds the maxi-
mum of the absorbing grade type pay may be fixed at the maximum and the
difference may be allowed as Personal pay to be absorbed in future
increments/increase in pay with D.A. and other allowances such as DA,
CCA, HRA etc are also to be allowed at Pay plus P.P in the absorbing
grade."

That Sir, what I feel that the fixation of my pay has not been done
in conformity to the rules causing serious monetary deprivation to me.

As such I shall fervently request your kindself to look into the
matter and to extend me an opportunity to enjoy the benefits admissible
to a medically de categorised running staff. For your this act of kind-
ness I shall be ever greatful to you.

Thanking you,

Yours' faithfully

Mridul Kanti Sikdar

(Mridul Kanti Sikdar)

Jr. Clerk (G) under

SSE/Exect/Bongaigaon.

Dated:- Bongaigaon.
03.01.2000.

DRW/P/APDJ

Attest by
S. Secy. (Exect.) (RECKH)
S. Secy. (Exect.) (E100)
S. Secy. (Exect.) (RECKH)
S. Secy. (Exect.) (E100)

Information

Certified to be true
Sikdar

Yours' faithfully

Mridul Kanti Sikdar

(M. SIKDAR)

Divisional Railway Manager (P)
Railway / Alipurduar Jn.

ANNEXURE—3(A) (ii)

(Through proper channel)

Sub:- Less fixation of Pay on medical declassification.

Ref:- My previous application no. Nil dt. 03.01.2000.

SiI₉

Most respectfully and humbly I beg to draw your kind attention to my appeal under reference. For your kind information one of the medically decategorised staff under Dy. CME/NBQ is enjoying the all the facilities as is admissible but I am being deprived of the same.

However Sir, I am enclosing herewith one of the xerox copy of my previous application and shall fervently request your kindself to look into my case sympathetically and to pass a favourable order in my favour please.

Thanking you,

Yours' faithfully

Abigail Kaniki Sikden

(Mridul Kanti ~~Dever~~) SINGH
Jr. clerk(G) under
SSE/Elect/BNGN.

Dated:- Bongaigaon.
14.6.2001.

Certified to be true
[Signature]
John C. Hale

15
* Registered with A/D

To,

1. Union of India
Represented by its
General Manager,
N.F.Railway,
Maligaon,
Guwahati-11.
2. The Divisional Rly. Manager(P)
Rangia Division,
N.F.Railway,
Rangia.
3. The Senior Accounts Officer,
New Bongaigaon Rly. Workshop,
P.O. New Bongaigaon,
Dist.Bongaigaon, Assam.

Dated- Bongaigaon the 10th day of March, 2005.

Sub:- PLEADER'S NOTICE (U/S 80 C.P.C.)

Dear Sir(s),

Under the instructions of my client viz. Shri
Mridul Kanti Sikdar Ex. Jr. Clerk(G) under SSE/Elect./BNGN,
do hereby give you this Notice under Section 80 C.P.C. with a
request to review the matter mentioned herein in accordance
with the Rule of Fixation of pay of medically declassified
staff.

Please note, if you fails to provide benefits to
my client as suggested herein, I have instructions to
institute a Civil suit against you for ~~realisation~~ the
same alongwith further compensation and costs of the suit.
You reply in this regard highly desirable to be sent
within the statutory period of time.

cc td.....P/2.

10-3-05

Certified to be true
Advocate

(Page - 2)

1. Name & Address of the Plaintiff : Sri Mridul Kanti Sikdar
S/o Late Monoranjan Sikdar
R/o - Subhash Tribedi Building, Natnpara,
P.O., P.S. & Dist. Bongaigaon,
(Assam)

2. Cause of Action :

- i) That, on 20/3/96 vide Office Order No.E/283/3(EM) as/AP issued by DRM(P) APDJ, my client on being medically decategorised was transferred and posted in the capacity of Jr. Clerk(G-Engg.) under IOW/BPRD in Scale of Rs. 950 - 1500.
- ii) That, my client Sri Mridul Kanti Sikdar was an employee of N.F. Railway working in the capacity of Diesel Assistant Driver(DAD) under SSE/NBQ in Scale Rs. 950 - 1500/- but unfortunately on 30.09.2004 vide Office Order No. W.B./19/ALTV/Pt.III(C) issued by Ophthalmic Surgeon Central Hospital, Maligaon, N.F. Railway he was medically decategorised and absorbed on alternative appointment as Jr. Clerk(G-Engg.) in Scale Rs.950 - 1500/- under IOW/BPRD in Engg.Deptt.
- iii) That, on being declared medically unfit(in A/I but fit in C/I & C/2) as per terms of DME(P), APDJ's Office Order vide No.WB/19/19/ ALTV/Appt./Pt. dtd. 19.4.95 was wrongly fixed as Rs. 1350/- P.M. through oversight. His pay as Jr. Clerk in Scale Rs.950 - 1500/- was once again re-fixed as Rs.1500/- P.M. as on 2.5.95.
- iv) That, under Rule 1313 R.11 (FR 22), it is categorically mentioned that the fixation of pay may be in such a way that the previous emoluments before decategorisation, are protected and if it exceeds the maximum of absorbing grade, the difference between pay fixed and previous pay may be treated as personal pay.
- v) It is pertinent to mention here that in a similar case of medically decategorisation and absorption another employee viz. Shri Barindra Kumar Kar has been enjoying the benefits admissible to a medically decategorised running staff absorbed in an alternative post, but what worse to say that inspite of repeated request lodged to you by my client time and again he is still

Phone: 95-3664 - 230679
NEHRU ROAD (LICHUTOLA)
Ward No. 1, Bongaigaon
P.O. & DIST. BONGAIGAON
ASSAM - 783380

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deprived of getting the benefit as admissible from your end.

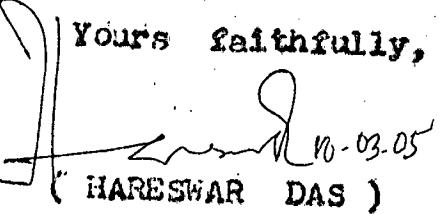
vi) That, due to non-action of giving proper pay to be taken from your end in favour of my client, he has been deprived of getting his legitimate right which is due from your department causing ~~loss~~ ^{loss} loss to my client both mentally and monetarily.

RELIEF CLAIMED :

That, my client is entitled to get all the facilities due to decategorised him and for that reason it is required to make necessary arrangement for giving all the above facilities as admissible alongwith compensation.

Thanking you,

Yours faithfully,


(HARESWAR DAS)

Advocate,
Bongaigaon.

ACKNOWLEDGEMENT DUE CARD

ANNEXURE

17/3
ADDRESSED TO : The Union of India, Represented by its General Manager, N.F. Railway, Gauhati, Assam.

Date :-

Signature

ACKNOWLEDGEMENT DUE CARD

ADDRESSED TO : The Senior Accounts Officer, New Borgaigaon Rly. Workshop, P.O. New Borgaigaon, Dist. Borgaigaon, Assam.

Date :-

Signature

ACKNOWLEDGEMENT DUE CARD

ADDRESSED TO :- The Divisional Rly. Manager (P) Rangia Division, N.F. Railway, P.O. Rangia, Dist. Kamrup, Assam.

Date :-

Signature

CC Office to be used
✓ Advocate



26

DISTRICT:

V A K A L A T N A M A

**IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGALAYA
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL
PRADESH)**

O.A. NO..... OF 2006.

Minal Karbi Seldas

Appellant
Petitioner

-Versus-
The union of India

Respondent
Opposite Party

Know all men by these presents that the above named.....Applicant.....do hereby nominate, constitute and appoint Sri. A. Das, A. R. Seldas, J. A. Basu.....Advocate and such of the under-mentioned Advocate(s) as shall accept this Vakalatnama to be my/ our true and lawful Advocate(s) to appear and act for me/ us in the matter noted above and in connection therewith and for that purpose to do all act whatsoever in that connection including depositing and drawing money filing in or taking our papers, deeds of composition etc. for me/ us and on my/ our behalf and I/ We agree to ratify and confirm all act to be done by the said Advocate(s) as mine/ ours to all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will bound to appear and on my/ our behalf. In witnesses whereof I/ We hereunto set my/ our hand on thisday of200

N. M. LAHIRI
B. K. GOSWAMI
B.K.DAS
BIJAN Ch. DAS
Bhabotosh BANERJEE
DWIJEN BHATTACHARJEE

ASHISH DAS GUPTA
DILIP MAZUMDAR
PRASANTA Kr. ROY
P.C. DEY
B. KAR PURKAYASTHA

SURAJIT DUTTA
SANCHITA ROY
PANCHALI BRAHMA
SUPRIYA KAR
RABINDRA Ch. PAUL
HARESWAR DAS

Received from the executant, Mr.....
Satisfied and accepted. Advocate will lead me/us in the case.

Accepted

Minal Karbi Seldas
Advocate

Jahangir Alim A. A. A.
Advocate

J. A. Basu
26.12.05
Advocate

Notice

From.

Jahangir Alom Azad
Advocate

To, S. C., Railway

Sub :- Filing of O.A.M. 106.

Mrinal Kanti Sikdar

-15-

The ~~the~~ Union of India.

Sir,

Please kindly take in notice
of filing of the above mentioned
case.

Yours sincerely

J. A. Azad
Advocate

Copy received by

Recd
Mr. Ashok
for J. A. Sikdar
19/1

S. C. ; Rly.