

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No.
E.P/M.A No. 117/05 143/05

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORDER SHEET

Original Application No. 135/05

Misc. Petition No. _____

Contempt petition No. _____

Review Application No. _____

Applicant(s) Shri Anish Ch. Das

Respondents W/O 2 OM

Advocate(s) for the Applicant(s) Dr. B. Ahmed & K. Islam

Advocate(s) for the Respondents Key Counsel

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPC/BD No. <u>206/133843</u> Dated <u>13.6.05</u></p> <p align="right"><i>[Signature]</i> Dy. Registrar</p> <p><u>13.6.05</u></p> <p>Steps taken</p> <p>Deposit express Respondents fee Rs 155/- vide receipt NO. 1484 dated 13.6.05</p> <p align="right"><u>13.6.05</u></p> <p>Notice & order sent to D/Section for issuing to resp. Nos. 1 to 5 by regd. A/D post</p> <p><u>14/6/05</u>, D/No = 9317a 935</p> <p>DT = 21/6/05</p>	14.06.2005	<p>Heard Mr. B. Ahmed, learned counsel for the applicants and Dr. M.C. Sharma, learned Railway counsel.</p> <p>Dr. Sharma submits that notice has to go to the respondents since factual allegations are made regarding preparation of the select list. Hence respondents are directed to show cause as to why this application shall not be admitted.</p> <p>It is seen that full address of party respondent Nos. 6 to 36 are not furnished which will make it difficult to serve notices to the said respondents. In the circumstances, applicants are directed to get the full details of xxx party respondents 6 to 36 from the Office of the respondents 3, 4 and 5 and furnish the same before this Tribunal for sending notices to the said respondents.</p> <p>Post on 18.7.2005. Learned Railway counsel to get instruction in the meantime.</p> <p align="right"> <i>[Signature]</i> Member </p> <p align="right"> <i>[Signature]</i> Vice-Chairman </p>

18.7.05.

Mr. R. Islam learned counsel for the applicant is present. Dr. M. C. Sarma learned counsel appearing for Respondent Nos. 2 to 5 is present. Notices were sent to private respondents 6 to 36 8.7.05.

Post the matter on 19.8.05.

K. S. Sarma
Member

V. S. Sarma
Vice-Chairman

lm

Notice duly
Served on
resp. Nos. 1, 3, 4, 5.

le
29/6.

Steps taken in O.A. 135/05,
(resp. No. 6 to 35)
on 4/7/05.

le
4/7/05.

Notice & Order
sent to D/section
for issuing to
resp. Nos. 6 to 36
by regd. A/D post.

le
5/7/05.

D/No = 1080 to
1110
Dt = 8/7/05.

Notice duly served
on resp. No. 2

le
13/7.

15/7/05

- ① Notice duly sent on R. 2
other service awaited.
- ② Notice sent to Rpt. Resps.
on 8.7.05. Therefore,
S/R awaited.

le

Notice duly served

le
19/7 on resp. No. 26.

Notice D.C. on resp. Nos. 1, 2, 3, 4, 5, 6,

3
OA-135/05

P=3

3

Notice duly served
on resp. Nos = 1, 2, 3, 4, 5,
6, 7, 8, 9, 10, 12, 15, 16,
18, 19, 23, 24, 25, 26, 28,
29, 30, 33, 20, 36, 34, 13,
22, 17, 27.

less
25/7/05

Vakalatnama filed
by Mr. J. L. Sarkar, Adv.
on behalf of the
Respondents No. 17, 34,
35 & 36.

mb

18.8.05

21.9.05

R-No-32, received unserved.
(No such person has name on
this Gvt. No. R. T. S.)
notices kept in "c" file.

19/8/05

Heard Mr. B. Ahmed learned counsel
for the applicant is present. Dr. M.
C. Sharma learned Railway Counsel
submits that the written statement
is sent for vetting and that some
more time is required.

Post the matter on 7.11.05

Vice-Chairman

7.11.2005

At the request of Dr. M. C.
learned railway counsel for the
respondents, the case is adjourned
to 16.12.2005. Mr. R. Islam, lead
counsel for the applicant and Mr.
J. L. Sarkar, learned supporting
counsel has no objection.

Post on 16-12-2005

Vice-Chairman

7-10-05

As per order dt 7-11-05 passed
in no 143405, Resp. no 14
has been deleted in OA 135/05

15-12-05

No written statement
has been filed.

16.12.2005

Dr. B. Ahmed, learned counsel for the applicant is present. Mr. M. C. Sarma, learned counsel for railways submits that written statement is being filed today. Counsel for the applicant seeks time for filing rejoinder. Post on 18.1.2006. Rejoinder, if any, in the meantime.

Vice-Chairman

mb

18.01.2006 Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Post before the next available Division Bench.

Vice-Chairman

mb

11.07.2006

Post before the next Division Bench.

Vice-Chairman

mb

25.07.2006

Post on 27.07.2006.

Vice-Chairman

mb

27.07.2006

Post before the next Division Bench.

Vice-Chairman

mb

O.A. 135/2005

8.8.2006

Dr.M.C.Sharma, learned Railway counsel for the respondents is directed to produce the relevant records before the next date of hearing.

post before the next Division Bench.


Member (A)


Vice-Chairman

bb

~~22.8.08~~
~~W/S filed by~~
~~the respondents.~~

~~Per~~

① W/S filed on behalf

of R.No-1-5.

② No rejoinder has been filed.

Sub
1.3.07.

2.3.2007

Dr.M.C.Sharma, learned counsel for the Railways was directed to produce the records. He submitted that records are ready. The same be produced before the Registry and Registry will keep in safe custody. Thereafter the records will be produced before this Bench.

5.3.07

Received and kept
in Almarah in the
custody of Dy. Registrar.

5.3.07

The case is ready
for hearing.

13.3.2007

Member (A)

Vice-Chairman

Counsel for the Applicant has filed rejoinder today. Post before the next Division Bench.

15.3.07

Rejoinder filed
by Applicant.
Page contains 1 to 14.

/bb/

23.4.2007

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

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

Mr. R. Islam, learned counsel represented the Applicant. Though notices on Respondent Nos. 11, 14, 21, 31, 32 & 35 were earlier issued in the year 2005 but the same have not yet been served. Hence, we direct the counsel for the Applicant to take steps for service of notice against the said Respondents. He is directed to pay the necessary process fee and a copy of the O.A. and its Annexures. Dr.M.C.Sharma, learned Railway counsel is present. Unless all the Respondents are served case cannot be heard finally. After service of notice against the said Respondents case will be heard finally.

Post on 11.06.2007.

19.4.07

a) Notice duly served
on Resp. Nos-1,2,3,4,
5,6,7,8,9,10,12,13,
15,16,17,18,19,20,22,
23,24,25,26,27,28,29
30,33,34,36.

b) Notice for services
awaited for Resp.
nos. 11, 14, 21, 31, 32
and 35.

C.A.

= 7 -

OA 135/08

11.6.07.

Post the matter on 25.6.07.

Vice-Chairman

lm

W/S filed on
behalf of Resp.
nos. 1 to 5.

25.6.07.

Post the matter on 16.7.07.

Vice-Chairman

23/4/07

As per order dt-23/4/07 lm
notice^{sent} to D/Section
for issuing to resp. 17.7.2007
nos. 11, 14, 21, 31, 32 and
35 duly regd. A/D post
with the cost of postal
from the learned advocate
for the applicant.

At the request made by
Dr.M.C.Sharma, learned Railway Counsel
let the case be posted on 31.7.2007.

Vice-Chairman

Cons
8/5/07. D/No-454 to 459 /bb/
D/- 10/5/07.

Notice's for R-32 and
35 received^{back} as unserved
with a postal remark 31.7.2007
"No such person on
this - D/No."

Post the case before the next
Division Bench.

Vice-Chairman

Cons
29/5/07.

/bb/

Notice duly served
on R- 11, 14.

Cons
7/6/07.

W/S and rejoinder
has been filed,

8.6.07.
The case is ready
for hearing

22
22.6.07.
The case is ready
for hearing

6
5
1
2
3
(6)

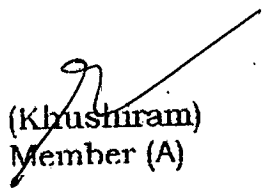
9.1.08

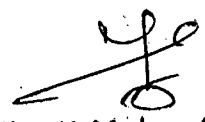
29.01.2008

It is prayed on behalf of Dr. B.

The counsel of the applicant prays for early hearing of this case as it is a flag 'A' matter.
It is prayed on behalf of Dr. B. learned counsel appearing for the Applicant that he is sick, for which the matter needs adjournment.

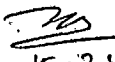
Call this matter on 06.02.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman


lm

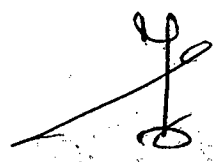
The case is ready for hearing.
06.02.2008


5.2.08

Heard in part. Call this matter for further hearing, when Dr. M. C. Sarma, learned Railway Counsel appearing for the Respondents shall cause production of records of the details of the marks of the 8 (eight) Applicants and 31 selected candidates.

Call this matter on 08.02.2008 for hearing.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman


Lm

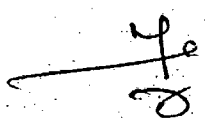
08.02.2008

Heard further - in - part. Dr. M.C.Sarma, learned counsel appearing for the Railways has placed before us the marks secured by the Applicants and the selected 31 candidates; which requires further clarification from the Respondents department.


In the aforesaid premises, the hearing of this matter stands adjourned to 24.03.2008; because Dr Sarma is likely to remain absent from North East during the intervening period.

Call this matter on 24.03.2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.


20.3.08


24.03.2008

Call this matter on

The case is ready for hearing.

08.04.2008 for hearing.

7.4.08


(M.R. Mohanty)
Vice-Chairman


Records containing
seal covers with
80 answers scripts
furnished with
Thammas.

08.04.2008

Heard further the learned
Counsel for the parties. Hearing
concluded.

For the reasons recorded
separately, this case is dismissed.
There shall, however, be no order as
to costs.

16/05/2008
Dr. M. C. Sankar
Advocate


(Khushiram)
Member (A)


(M. R. Mohanty)
Vice-Chairman

nkm

11.6.08

Copy of the Indt.
issued to the parties
along with the L/Adv.
for the parties vide
d/wos 2083 to 2092
d. 5.5.08.

11

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 135 of 2005

DATE OF DECISION: 08.04.2008

Smt Paresh Ch. Das & 7 others

.....APPLICANT(S)

Dr B. Ahmed and Mr R. Islam

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

By Advocate Dr M.C. Sharma, Railway 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 <input checked="" type="checkbox"/> |
| 2. | Whether to be referred to the Reporter or not? | Yes/No <input checked="" type="checkbox"/> |
| 3. | Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench and other Benches? | Yes/No <input checked="" type="checkbox"/> |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment ? | Yes/No <input checked="" type="checkbox"/> |

Vice-Chairman

.....

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

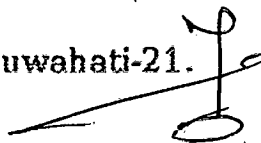
Original Application No.135 of 2005

Date of Order: This the 8th day of April 2008

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

The Hon'ble Shri Khushiram, Administrative Member

1. Shri Paresh Ch. Das
Son of Late Srikanta Das
Nilachalpur, Maligaon, Guwahati-11.
2. Shri Bhanu Ranjan Misra
S/o Late Mono Ranjan Misra
Rly. Qtr. No.6/B, East Gosala,
Maligaon, Guwahati-11.
3. Shri Praneswar Goswami
S/o Shri Ram Mohan Goswami,
Rly. Qtr. No.213 (G),
Bamunimaidam, Guwahati-21.
4. Shri Surya Kr Das
S/o Late Kanak Ch Das,
Rly. Qtr. No.410/B,
Bamunimaidam, Guwahati-21.
5. Shri Apurba Kalita
S/o Late Chabin Ch. Kalita,
Rly. Qtr. No.L/90-A,
Guwahati Rly. Colony, Guwahati-1.
6. Shri Benedict Victor Gonsalves
S/o Late Liouis Gonsalves,
Qtr. No.DS/31-F,
Guwahati Rly. Colony, Guwahati-1.
7. Shri Bhuban Ch. Goswami
S/o Late Umesh Ch. Goswami,
Qtr. No.119/H, Baminumaidam, Guwahati-21.



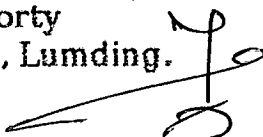
8. Shri Lagan Kachary
S/o Shri Boha Ram Boro,
Qtr. No.712/F,
Bamunimaidam, Guwahati-21.

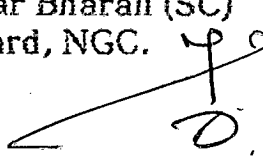
.....Applicants

By Advocates Dr B. Ahmed and Mr R. Islam.

- versus -

1. The General Manager,
N.F. Railway, Maligaon, Guwahati-11.
2. The Divisional Railway Manager,
N.F. Railway, Lumding,
District- Nagaon, Assam.
3. The Senior Divisional Operation Manager,
N.F. Railway, Lumding,
District- Nagaon, Assam.
4. The Divisional Railway Manager (Personnel)
N.F. Railway, Lumding,
District- Nagaon, Assam.
5. Shri Babulal Biswas,
Senior Goods Guard, Lumding.
6. Shri N.C. Chowdhury,
Senior Goods Guard, Lumding.
7. Shri Rakshit Majumder,
Senior Goods Guard, Lumding.
8. Shri A.C. Dey,
Senior Goods Guard, NGC.
9. Shri Hiranya Kr. Das
Senior Goods Guard, NGC.
10. Shri Manik Ch. Nath
Senior Goods Guard, BPB.
11. Shri Subhash Majumder,
Senior Goods Guard, Lumding.
12. Shri Haradhan Dey
Senior Goods Guard, BPB.
13. Shri Nirjhar Biswas,
Senior Goods Guard, Lumding.
14. Shri B.K. Biswas
Senior Goods Guard, NGC.
15. Shri Samir Chakraborty
Senior Goods Guard, Lumding.



16. Shri H.K. Kalita
Senior Goods Guard, NGC.
 17. Shri Anjan Dutta
Senior Goods Guard, Lumding.
 18. Shri S.B. Baruah (ST)
Senior Goods Guard, Lumding.
 19. Shri Gautam Roy
Senior Goods Guard, BPB.
 20. Shri Jayanta Choudhury
Senior Goods Guard, NGC.
 21. Shri Rama Ranjan Roy
Senior Goods Guard, Lumding.
 22. Shri Akhil Paul
Senior Goods Guard, Lumding.
 23. Shri J.C. Barthakur
Goods Guard, NGC.
 24. Shri P.K. Lala
Goods Guard, Lumding.
 25. Shri H.K. Dutta
Goods Guard, NGC.
 26. Shri A.K. Lala
Goods Guard, Lumding.
 27. Shri D.K. Mallick (SC)
Goods Guard, Lumding.
 28. Shri L. Kalita
Goods Guard, Lumding.
 29. Shri C.C. Boro (ST)
Goods Guard, NGC.
 30. Shri Sushil Kr. Das (ST)
Goods Guard, BPB.
 31. Shri B.K. Saha (SC)
Goods Guard, NGC.
 32. Shri A.C. Kalita
Goods Guard, NGC.
 33. Shri Sankar Bharali (SC)
Goods Guard, NGC.
- 

34. Shri B. Kumar
Goods Guard, NGC.

35. Shri B. Ahmed
Goods Guard, NGC.

.....Respondents

By Advocate Dr M.C. Sharma, Railway Standing Counsel.

.....

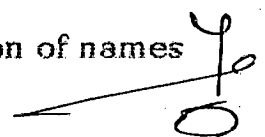
ORDER (ORAL)

M.R. MOHANTY, VICE-CHAIRMAN

A seniority list of 131 Nos. Goods Guards of N.F. Railway was drawn on 18.01.2002 and names of the Applicant No.1 was at Sl.No.2, Applicant No.2 was at Sl.No.24; Applicant No.3 was at Sl.No.33, Applicant No.4 was at Sl.No.46; Applicant No.5 was at Sl.No.47; Applicant No.6 was at Sl.No.122, Applicant No.7 was at Sl.No.112 and name of Applicant No.8 was at Sl.No.121 of the said seniority list.

For the purpose of considering them for (grant of) promotion to 31 posts of Passenger Guards, a seniority list of 93 Goods Guards was short listed on 14.09.2004. In the said list of 14.09.2004, the names of Applicant No.1 was at Sl.No.02, Applicant No.2 was at Sl.No.08, Applicant No.3 was at Sl.No.16, Applicant No.4 was at Sl.No.26, Applicant No.5 was at Sl.No.27, Applicant No.6 was at Sl.No.90, Applicant No.7 was at Sl.No.81 and name of Applicant No.8 was at Sl.No.89.

In the revised seniority short-list of 93 Goods Guard (at Annexure-B1 of the O.A.) drawn on 21.09.2004, the position of names



of the Applicants changed. In the said revised gradation list (of 93 short-listed Goods Guards) of 21.09.2004, the names of Applicant No.1 was shown at Sl.No.3, Applicant No.2 was shown at Sl.No.10, Applicant No.3 was shown at Sl.No.17, Applicant No.4 was shown at Sl.No.26, Applicant No.5 was shown at Sl.No.27, Applicant No.6 was shown at Sl.No.91, Applicant No.7 was shown at Sl.No.82 and the name of the Applicant No.8 was shown at Sl.No.90.

In the process of selection, a written test of the short-listed 93 Goods Guards was taken on 27/11, 4/12, 11/12 and 18/12 of 2004 in different groups. Applicants also took the written test.

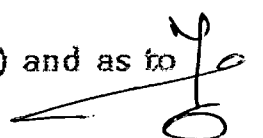
Final Panel (disclosing 31 names of Goods Guards) was published on 29.04.2005; in which the names of the Applicants did not find place.

Representations challenging the selection were filed by the Applicants on 10.05.2005.

By a Communication dated 02.06.2005, the representations were disposed of.

Thereafter, the Applicants have approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

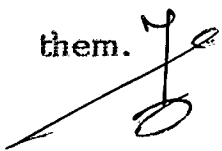
2. Respondents, by filing a written statement satisfactorily explained all the points raised by the Applicants in their Original Application. They have satisfactorily explained the reason as to why separate papers were drawn; as to why different dates were fixed for written test (instead of taking the written test on one day) and as to



why there were some delay in assessment of answer sheets. Respondents also explained as to why there were only written test and as to why there were no viva-voce test etc. etc. Respondents have also raised a point that unsuccessful candidates should remain estopped from raising any question pertaining to setting of different question papers and for holding written test on different dates etc.

3. We heard the learned Counsel for both the parties and perused the materials placed on record. Some records were also produced at the hearing, by the Respondents, to show that the selection was conducted in proper manner. From the records produced before us, it is seen and was explained that some of the Applicants did not qualify in the test (by securing minimum 30% in the written test) and some of them, though qualified, could not be named in the final select list of 31 Goods Guards; because their names were far below in the seniority list of the feeder cadre.

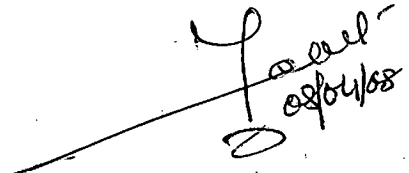
4. It appears from Para/Rule 219 of Vol.I of IREM (Revised 1989 Edition) seniority (in the feeder cadre) to be the basis for calling candidates (for consideration) for promotion and under said Para/Rule 219(j) "the names of the selected candidates should be arranged in order of seniority; obviously of the feeder cadre. That being the position, although only Applicant Nos.7 and 8 secured qualifying marks (30%) in the written test and also ^{qualify} ~~in total~~ marks (60%) in total; they were far below in the revised seniority list at Annexure-B1 to the O.A. and that since they did not secure more than 80% of marks in total, their position did not improve to supersede anybody above them.



5. Having found that the Applicants have not displayed merit in the selection (conducted in the process of "seniority - subject to elimination of unsuitables") and having found that the selection was conducted in a fair manner, as per the standing instructions, we dismiss this case; by leaving the parties to bear their own costs.



(KHUSHIRAM)
ADMINISTRATIVE MEMBER



(M. R. MOHANTY)
VICE-CHAIRMAN

nkmm

13 JUN 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Original Application No. 135 of 2005

- BETWEEN -

Sri Paresh Ch. Das and others ----- Applicants

-AND -

Union of India and others ----- Respondents

This application is being made before this Hon'ble Tribunal by the aggrieved Railway Employee under Lumding Division regarding their promotion and empanelment list.

SYNOPSIS

<u>S1. No.</u>	<u>Facts</u>	<u>No. & Date</u>	<u>Annexure</u>	<u>Page</u>
1.	Seniority List of 91 candidates of Passenger Guards wherein present applicants' names are also appeared.	E/39-25 (Gd) (T) LNG, dtd. 18-1-2000	A	19-23
2.	Notification deciding to hold a selection for forming a penal of Passenger Guards in the scale of Rs. 5000/- 8000/- for 31 vacancies.	E/39-9/ Pt-II (T) dated 14-9-2004	B	24- 27
3.	Modification order of earlier notification dated 14-9-2004.	Dtd 21-9-2004	B1	28- 32
4.	Programme for the written test.	E/39-9/Pt-II (T) dtd. 22-11-2004	C	33- 35
5.	Impugned empanelment list published without evaluating the present applicant's eligibility and merit.	E/39-9/Pt-II (T) dtd. 29-4-2005	D	36

- 20
6. Representation filed by the instant applicants praying inter alia to verify and evaluate the answer scripts and to modify the empanelment list of successful candidates which was published after lapse of 4(four) months. Dt. 10-5-2004 E 37
7. Reply of the representation dated 10-5-2005 by the respondents alleging inter alia that the contention of the representation was baseless and there was not delay in evaluation of Answer Scripts. E/39-9/ Pt- F 38
II (T)
(Loose) dt.
2-6-2005

Filed by



(RAFICUL ISLAM)

Advocate

Date : 13-06-05

Place: Guwahati

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI**

Original Application No. 135 of 2005

- BETWEEN -

1. Sri Paresh Ch. Das
Son of Late Srikanta Das
Nilachalpur
Maligaion, Guwahati - 11
2. Sri Bhanu Ranjan Misra,
S/O Late Mono Ranjan Misra,
Rly. Qtr. No. 6/B, East Gosala,
Maligaon, Guwahati - 11
3. Sri Praneswar Goswami,
S/O Sri Ram Mohan Goswami,
Rly. Qtr No. 213 (G)
Bamunimaidan, Guwahati - 21
4. Sri Surya Kr. Das
S/O Late Kanak Ch. Das,
Rly. Qtr. No. 410/ B
Bamunimaidan, Guwahati - 21
5. Sri Apurba Kalita
S/O Late Chabin Ch. Kalita,
Rly. Qtr. No. L/ 80 -A
Guwahati Rly. Colony
Guwahati - 1
6. Sri Benedict Victor Gonsalves,
S/O Late Liious Gonsalves
Qtr. No. DS/31-F
Guwahati Rly colony,
Guwahati - 1
7. Sri Bhuban Ch. Goswami,
S/O Late Umesh Ch. Goswami,

*Filed by 21
through
Rajen Adnan
Advocate
13/6/05
Paresh Ch. Das*

R. N. Singh & Co.

Qtr. No. 119/H, Bamunimaidan
Guwahati - 21

8. Sri Lagan Kachary,
S/O Sri Boha Ram Boro
Qtr. No. 712/F
Bamunimaidan, Ghy - 21

----- Applicants

-AND-

*As per order dt. 7-11-05 passed
in mp 143/05, Res. of no.
1. is hereby deleted.*

*bm
7/11/05*

1. The Union of India,
[To be represented by the
Principal Secretary to the Govt.
of India, Ministry of Railways,
Rail Bhawan, New Delhi]
2. The General Manager,
N.F. Railway, Maligaon,
Guwahati - 11,
3. The Divisional Railway Manager,
N.F. Railway, Lumding,
District - Nagaon, Assam
4. The Senior Divisional Operation
Manager, N.F. Railway, Lumding,
District - Nagaon, Assam.
5. The Divisional Railway
Manager(Personal), N.F. Railway,
Lumding, District-Nagaon,
Assam
6. Sri Babulal Biswas, Senior Goods
Guard, Lumding,
7. Sri N.C. Chowdhury, Senior Goods
Guard, Lumding,
8. Sri Rakshit Majumder, Senior
Goods Guard, Lumding,
9. Sri A.C. Dey, Senior Goods
Guard, NGC,

Pa. Neech Ch. Das

10. Sri Hiranya Kr. Das, Senior Goods Guard, NGC ,
11. Sri Manik Ch. Nath, Senior Goods Guard, BPB,
12. Sri Subhash Majumder, Senior Goods Guard, Lumding,
13. Sri Haradhan Dey, Senior Goods Guard, BPB ,
14. Sri Nirjhar Biswas, Senior Goods Guard, Lumding,
15. Sri B.K. Biswas, Senior Goods Guard, NGC ,
16. Sri Samir Chakraborty, Senior Goods Guard, Lumding,
17. Sri H.K. Kalita, Senior Goods Guard, NGC
18. Sri Anjan Dutta, Senior Goods Guard, Lumding,
19. Sri S.B. Baruah, (ST), Senior Goods Guard, Lumding,
20. Sri Gautam Roy, Senior Goods Guard, BPB,
21. Sri Jayanta Choudhury , Senior Goods Guard, NGC
22. Sri Rama Ranjan Roy, Senior Goods Guard, Lumding,
23. Sri Akhil Paul, Senior Goods Guard, Lumding,
24. Sri J.C. Barthakur, Goods Guard, NGC,
25. Sri P.K. Lala, Goods Guard, Lumding,
26. Sri H.K. Dutta, Goods Guard, NGC
27. Sri A.K. Lala, Goods Guard, Lumding,

28. Sri D.K. Mallick (SC), Goods Guard, Lumding,
29. Sri L. Kalita , Goods Guard, Lumding
30. Sri C.C. Boro (ST) , Goods Guard, NGC,
31. Sri Sushil Kr. Das (ST) , Goods Guard , BPB
32. Sri B.K. Saha (SC) , Goods Guard, NGC
33. Sri A.C. Kalita , Goods Guard, NGC,
34. Sri Sankar Bharali (SC) Goods Guard, NGC
35. Sri B. Kumar , Goods Guard, NGC,
36. Sri B. Ahmed , Goods Guard, NGC,

-----Respondents

All the applicants have same cause of action and all of them pray for similar relief

DETAILS OF THE APPLICATION

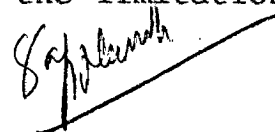
1. Particulars of the order : Memorandum vide No.
against which the application E/39-9/Pt-II(T), dated
is made 29-04-05 in the selection
for filling up of 31 posts
(UR-25, SC-4 & ST-2) of
Passenger Guards in scale
of Rs.5000/- 8000/- which
is the Panel after written
test held on 27-11-2004,
24-12-04 & 11-12-2004 and
for absentee on 18-12-04
on the basis of which 31
Nos. of candidates have
been selected and

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Raneesh Ch. Das

empanelled for promotion to the posts of Passenger Guard in Scale of Pay of Rs. 5000/- -8000/- without evaluating the eligibility and merit of the applicants.

2. Jurisdiction of the Tribunal- The subject matter of the instant application is the relief sought on the basis of their eligibility and merit and non- evaluation of the written tests and this Hon'ble Tribunal has jurisdiction to adjudicate the matter.
3. Limitation : This application has been filed within the limitation period.



(A) FACTS OF THE CASE :-

1. That all the applicants were initially appointed in different divisions on 7-12-74, 22-8-80, 19-12-80, 01-5-84, 23-10-84, 02-8-83, 7-4-92 and 8-12-92 respectively under the Railway authority in different posts in the Safety Wing of the N.F. Railway. Now all the applicants have been serving under Lumding Division of North East Frontier Railway as Senior Goods Guards and Goods Guards in the scale of pay of Rs. 5000/- - 8000/- and 4500/- - 7000/- respectively. All of them have been imparting their duties very sincerely to the satisfaction of the concerned authority. That on the basis of their sincere duties and eligibility in the department their names appeared in the seniority list vide No. E/39-25 (Gd) (T), LMG, dated 18-01-2000 issued by the respondent No. 1 and 2. They have all been oriented and trained in

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their respective trades from time to time through refresher courses and there is no deficiency in their eligibility to be Passenger Guards in so far as the technical and professional ability is concerned. The Gradation of Posts are as follows :-

<u>Category of Running Staff</u>	<u>Scales of pay applicable</u>	<u>Scale of stationary posts to which equated</u>
Traffic Running	5,500 - 9000	6500 - 10,500
(i) Mail Guards/ Sr Passenger Guards		
(ii) Passenger Guards Sr. Goods Guards	5000 - 8000	5500 - 9000
(iii) Goods Guards	4500 - 7000	5500 - 9000
(iv) Sr. Asstt. Guards	4000 - 6000	5000 - 8000
(v) Asstt. Guard	3050 - 4590	4000 - 6000

A Photo copy of the seniority list (Provisional) issued under No.E/39-25(Gd)(T), LMG, dated 18-1-2000 is annexed herewith and marked as Annexure- A (Pages-) of this application.

2. That all the applicants have been discharging their duties very sincerely and they expected to be promoted to the higher post of Passenger Guards scale on the basis of their seniority list published by the Respondents No. 4 and 5. That on 14-9-04 Vide No. E/39-9/Pt-II(T) a Notification was issued by the Respondent No. 5 deciding to hold a selection for forming a panel of Passenger Guards from the said seniority list of Goods Guards dated 18-01-2000 in the scale of Rs. 5000/-- 8000/- for 31 substantive vacancies, consisting of UR-25, SC- 04, ST - 02 within a short notice which consisted only of written test. By the same Notification 93 Nos. of Goods Guard including the present applicants were advised to

keep themselves ready to appear in the written test for these post of Passenger Guards. On 21-09-2004 vide another Office Order, the earlier notification dated 14-9-04 was partially modified and a new seniority list of eligible candidates including the instant applicants was published. The original Gradation/ Seniority List consisted of 131 Goods Guards, but 93 of them were asked to be prepared for the selection Test because the number of posts/ vacancies of Passenger Guards were 31 only.

Photo copies of the Notification for exam. vide No. E/39-9/ Pt-II(T) dated 14-9-04 and Office order dated 21-9-04 are annexed herewith and marked as Annexure -B and B(i) respectively in this application [Pages-]

3. That all the applicants were ready to appear before the selection committee despite their duties. On 22-11-04 the Respondents No. 4 and 5 issued a Notification enlisting the names of incumbents with programmes for the written test and the same was communicated to all the candidates through their respective channels. Accordingly the present applicants with other candidates appeared in the written test which were held on 27-11-2004 for Group -A candidates; on 04-12-04 for the Group -B Candidates and 11-12-04 for Group - C candidates. The last day of the written test was fixed on 18-12-04 for the absentees only. It is pertinent to mention here that all the present applicants appeared in the said written test as per dates fixed for the tests, and did well for securing pass marks in their profession ability Test which consisted of 50 marks only. No other Test was conducted for personality or other criteria of selection.

A photo copy of the Programme of the written tests dated 22-11-04

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R. N. Singh*

is annexed herewith and marked
as Annexure - 'C'[page -]

4. That your humble applicants state that after their written test all of came in contact with each other and came to know that different questions were set by the Selection Board on different dates and some questions were not at all connected with their profession or trade. They also came to know from each other that in the Board particularly who conducted the examination, there was no expert and besides wrong setting of questions, it was not properly evaluated inasmuch as the person who had set the questions has evaluated the Answer Scripts and the marks were put in such a manner as to declare some people to have qualified the test who had approached the Board Members personally. The Board Members picked up names in seriatim from the Gradation List as their personal choice without paying any heed to the marks obtained. Being aggrieved with the select list present applicants had submitted a representation on 10-05-05 through proper channel before the Divisional Railway Manager praying inter-alia to bring the serious infirmities and irregularities to the light for justice. They also prayed for informing them about the quantity of marks obtained by each of them, so that they could come to know about whether any person has got 80% outstanding marks to be placed above all who simply qualified.

Photo copies of the panel /
Select List of successful
candidates dated 20-04-05 and
Representation dated 10-05-05
submitted by the applicants are
annexed herewith and marked as
Annexures-D & E[Pages]

5. That the Divisional Railway Manager (Personnel) NFR
/Lumding, i.e. respondent No. 5 vide No. E/39-9/Pt-II(T)

(Loose) dated 2-6-05 sent a reply of the representation of the applicants dated 10-5-05 wherein he has rejected all claims and prayer and refused to inform the applicants about the quantum of marks they obtained in the evaluation of the Answer Scripts. This refusal / denial further casted doubt about the fairness of the selection and the Applicants, on very close scrutiny, found that the Answer Scripts were either not evaluated or the list was prepared without paying any regard to the marks obtained by the petitioners. The person/s who prepared the Select List simply picked up particular names of his choice in seriatim from the Gradation List/ Seniority List dated 18-1-2000 only on his personal satisfaction and not basing on marks. Thus , the select list so prepared appears to be a miniature replica of the Gradation List in so far as gradation of names is concerned. In the process, the seniority of respective incumbents have been fully ignored which means that either these 31 persons have just got equal marks and therefore they have been placed in seriatim, keeping their seniority weight-age as it. The list is as follows viz-a- viz the Gradation List.

<u>Gradation List (Modified)</u> <u>Dtd. 21-9-2004</u> <u>Position in the</u> <u>Gradation List</u>	<u>Name of the Selected</u> <u>candidates as appear in</u> <u>The impugned Panel/</u> <u>Select List dt.29-4-05</u>	<u>Select list dtd.29-4-2005 (Annexure- D)</u> <u>Position in Select</u> <u>list.</u>
Sl.No. 4	Sri Babulal Biswas,	Sl.No. 1
Sl.No. 5	Sri N.C. Chowdhury,	Sl.No. 2
Sl.No. 7	Sri Rakshit Majumder,	Sl.No. 3
Sl.No. 11	Sri A.C. Dey,	Sl.No. 4
Sl.No. 12	Sri Hiranya Kr. Das,	Sl.No. 5
Sl.No. 14	Sri Manik Ch. Nath,	Sl.No. 6
Sl.No. 15	Sri Subhash Majumder,	Sl.No. 7
Sl.No. 18	Sri Haradhan Dey,	Sl.No. 8
Sl.No. 19	Sri Nirjhar Biswas,	Sl.No. 9
Sl.No. 24	Sri B.K. Biswas,	Sl.No. 10
Sl.No. 31	Sri Samir Chakraborty ,	Sl.No. 11
Sl.No. 32	Sri H.K. Kalita,	Sl.No. 12

P. Anand K. Das

Sl.No. 34	Sri Anjan Dutta,	Sl.No. 13
Sl.No. 36	Sri S.B. Baruah, (ST),	Sl.No. 14
Sl.No. 41	Sri Gautam Roy,	Sl.No. 15
Sl.No. 42	Sri Jayanta Choudhury ,	Sl.No. 16
Sl.No. 62	Sri Rama Ranjan Roy,	Sl.No. 17
Sl.No. 63	Sri Akhil Paul,	Sl.No. 18
Sl.No. 64	Sri J.C. Barthakur,	Sl.No. 19
Sl.No. 65	Sri P.K. Lala,	Sl.No. 20
Sl.No. 70	Sri H.K. Dutta,	Sl.No. 21
Sl.No. 72	Sri A.K. Lala,	Sl.No. 22
Sl.No. 75	Sri D.K. Mallick (SC),	Sl.No. 23
Sl.No. 76	Sri L. Kalita ,	Sl.No. 24
Sl.No. 78	Sri C.C. Boro (ST) ,	Sl.No. 25
Sl.No. 80	Sri Sushil Kr. Das (ST)	Sl.No. 26
Sl.No. 81	Sri B.K. Saha (SC) ,	Sl.No. 27
Sl.No. 84	Sri A.C. Kalita ,	Sl.No. 28
Sl.No. 86	Sri Sankar Bharali (SC)	Sl.No. 29
Sl.No. 87	Sri B. Kumar ,	Sl.No. 30
Sl.No. 88	Sri B. Ahmed ,	Sl.No. 31

A photo copy of the Reply to the representation dated 02-06-05 vide No. E/39-9/Pt-II(T) (Loose) is annexed herewith and marked as Annexure - F [page-

(B) GROUND FOR RELIEF WITH LEGAL PROVISIONS :

6. For that it would appear from the impugned panel/select list that all the candidates have got marks on the basis of their position in the Gradation List and they have been arraigned in seriatim in accordance with their merit position. If that be so it is easily presumable that there is no break in the gradation of the marks that have been obtained by each of them and that was exactly in accordance with their respective positions in the Gradation List/ Seniority List. But the fact remains that the marks they obtained are not reflected from their position in the merit list and it is absolutely absurd to

Research ch. Dept

think of every selected person having secured the differential marks exactly as per their position in the Gradation List. Therefore, either there was no evaluation of the marks or there was entire manipulation of the respective marks obtained by the Applicants viz. a viz. the selected candidates to show them to have passed in the test. On this count if the answer scripts are examined the truth will come out and the anomalies that will surface is bound to be sufficient for quashing of the panel / Select List.

7. For that there is no selected candidate who has been shown as secured outstanding marks i.e. 80% of the total of 50 marks fixed as professional ability. The arrangement of the empanelled candidates goes to show that the first person has got the highest mark and the last person has got the lowest mark which too is quite absurd. In no written test the candidates who appeared are never expected to get such a seriatim of the marks in accordance with their serial number in the gradation list and as such the records of the case particularly the answer scripts are necessary to be called for to examine the truth. In other words, if there were genuine evaluation of the answer scripts, surely the seriatim of the empanelled candidates would not have exactly tallied with their seriatim in the Gradation List. Therefore an interference of this Hon'ble Tribunal is required in this matter and the panel is liable to be quashed.
8. For that the Selection Committee has conducted a Written Tests of only 50 marks and the minimum qualifying marks is 60% but they have not conducted any test of personality etc. and in the other columns they could not have added the marks except seniority and record of service columns, which are to be borne by the records. The manner in which the selected persons have been enlisted in the impugned list will invariably go to show that marks under these columns have also not been given

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and without evaluating for such marks the preparation of the select list is illegal. Even if it is supposed that all the selected persons got differential marks for descending downwards in order of merit, as shown, in the professional ability test, marks should have varied amongst them for the other columns and therefore under no circumstances the merit position in the impugned list can be said to have tallied the Gradation List exactly in toto. From the seriatim of selection it would be further evident that on particular dates of test a majority of particular groups have all together been left out and this was for the reason of differential setting of questions papers for different days. Therefore, the list has to be quashed having been made not in merit.

9. For that the applicants and all other Goods Guards have been declared as unqualified only on the basis of professional ability test. The authorities have always trained them and provided orientation because of their serious involvement in safety measures in running the trains. There is no much difference between running a goods train and a passenger train and it is quite absurd that all of them have been disqualified as not having secured 60% marks in the professional ability tests of 50 marks. The impugned list speaks out that those who have passed and enlisted therein have got above 30 marks. But there can not be any situation where all of them were expected to have or would have secured a respective pass marks exactly in the same sequence downwards as their names appear in the Gradation List. Therefore, genuiness of the select list has to be examined by this Hon'ble Tribunal by calling for the Answer Scripts and result sheets of the said tests. The approval of the select list was not made by a competent authority on scrutiny of the result sheets or answer scripts.
10. For that the Selection Board has taken a longer time than prescribed under the Rules to finalise the select

list and during this period the entire merit positions of respective candidates have been manipulated. There was serious procedural irregularities and such defects warrants cancellation of the list and preparation of a fair and genuine list basing on the marks obtained by the incumbents. The delay in finalisation of the list speaks for itself and as such the impugned panel is liable to scrutinized by this Hon'ble Tribunal.

11. For that the applicants have a right to know their performance in the written test but that right has been denied to them. The selection procedure has been made obscure in not declaring the marks obtained by each of them. The Selection Board has not examine their service records and confidential reports and also the seniority and other qualities. The same person/ persons who set the question papers has/ have evaluated the answer scripts but the evaluation sheet has not been given any weightage in the selection by the Board and the names have been arranged in order of their seniority without paying any regard to the qualifying marks obtained by different candidates and therefore the impugned list is liable to be set aside or quashed.
12. For that in the four dates on which the written tests was held , the question papers were quite different and because of this difference a number of candidates on particular dates could not perform in a similar manner with their counter parts who were testes on a different day. Notwithstanding these differential securing of marks, the Selection Board and the Officials who conducted the selection included a number of persons in the impugned panel/ select list who could not qualify the written test. Therefore the penal/ Select list is liable to be quashed.
13. For that the memorandum vide No. E/ 39-9/Pt-II (T) dated 29-04-05 empanelling 31 Nos. of candidates for

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promotion to the post of Passenger Guard is illegal and against the provisions of law as contained in Railway Establishment Rules in so far as it prescribes the procedure of selection for such posts. The Selection Board has not paid any regard to the procedure contained therein and published the select list and as such it is illegal. The delay was not brought to the personal notice of DRM/ PHOD and / or to the notice of the General Manager [R.B.;s No. E(NG) 1-87-PMI-14 (AIRF) of 22-7-88] (NR SN. 9657 which is why the same is liable to be declared as illegal.

14. From the above mentioned provisions it is very clear that the respondents wilfully violating the provisions published the empanelled list of candidates after 4 months which is illegal and unjust. Therefore, on this ground only the impugned memorandum vide N. E/ 39-9/Pt-II(T) dtd. 29-04-05 may be set aside or quashed.
15. For that the applicants being aggrieved by the empanelled list dated 29-4-05 submitted a representation before the respondents on 10-5-05 which was dismissed without evaluating the contention of the representation which is glaring instance of embezzlement together with ignoring the rules, norms and principles of Railway Establishment Rules which warrants immediate interference of law.
16. For that the Rules under "Normal Selection" does not permit the authority to set different question papers for lone selection. The present selection had the 4(four) different set of question papers for 4(four) different posts from the one seniority list. Moreover, it will be seen in the Rules that once question paper had been prepared and served to the candidates and marks evaluated in the answer books, no longer to remain confidential. Every candidate has the right to know the evaluated marks obtained by him as also

directed and enshrined under Railway Boards Order dated 22-07-80 which is guiding factor for empanelment for promotion which was not followed in the instant selection for promotion.

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(C) DETAILS OF THE REMEDY EXHAUSTED :

The present applicants had submitted a representation on 10-5-05 to the respondents but the said representation was dismissed alleging inter alia that the delay in evaluation of answer scripts was baseless as there was no such delay in evaluating the answer scripts which was published after 4 (four) months instead of stipulated 2(two) months as enshrined in Railway Establishment Rules [RB's No. E(NG) 1 -87 -PMI-14 (AIRF) dtd. 22-7-88.

(D) MATTER NOT PENDING IN ANY OTHER COURTS:-

The applicants state that in the matter regarding which this application is being made, there is no other case pending now in any other court or Tribunal:

(E) RELIEF SOUGHT :

In view of the facts mentioned in the preceeding paragraphs and grounds taken above the applicants pray for the following relief:-

- (i) For setting aside and/or quashing the impugned Select List/Panel List of selected candidates dated 29-04-05 prepared and published by the Respondents (Annexure-D) without evaluating the answer scripts of the applicants and also without putting the other criteria to tests as required under the procedure;
- (ii) For re-assessment of the marks obtained by them in other columns/ heads and integrally putting it together with the ones obtained from the answer scripts and preparing a fresh Panel on merit basis taking into consideration all the factors;

Page 21. 201

- (iii) During the pendency of the application for showing of marks of the written tests obtained by the candidates or a direction to display the same in the office/s of the Respondents ;
- (iv) For an interim order directing the respondents not to proceed for promotion from the impugned panel list dated 29-4-05;
- (v) For any other or further relief as to this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice;
- (vi) During pendency of the Application, directing the Respondents not to issue any appointment / promotion order from the impugned list promoting / appointing the Respondents No. 6-36;

(F) **PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION.**

- (i) Number of Indian Postal Order 206 133843 dated 13-6-05
- (ii) Post Office by which payable, General Post Office, Guwahati.

(G) DETAILS OF THE ENCLOSURE :

- (i) IPO No. 206 133843 dated 13-6-05
- (ii) Copy of the seniority list dated 18-1-2000
(Annexure -A)
- (iii) Notification date 14-9-04 (Annexure - B)
- (iv) Office Order dated 21-9-04 (Annexure - B(i))
- (v) Programme of the written tests dated 22-11-04
(Annexure-C)
- (vi) Empanelled Select list of successful candidates
dated 29-4-05 (Annexure - D)
- (vi) Representation of the applicants dated 10-5-05
(Annexure -E)
- (vii) Reply of the representation of the respondents dated
2-6-05 (Annexure -F)

-VERIFICATION -

I, Sri Paresh Ch. Das, S/O Late Srikanta Das, aged about 55 years, resident of Nilachalpur, Maligaon, P.S. Pandu, District - Kamrup, Assam. I am one of the applicants and all other applicants authorise me to verify the same on their behalf, do hereby verify that the contents of this application from paragraphs No. 1 to 8 are true to my knowledge and I have noting to suppressed any material facts in the filing this application in this Tribunal.

I sign this verification on this 13th day of June, 2005 at Guwahati.

Paresh Ch. Das

(Paresh Chandra Das)

Provisional seniority list of
Goods Guard as on 1-4-96.

Sanctioned - 150

Category :- Goods Guard, Scale :- Rs.4500-7000/-

Department :- Operating, Division :- Lumding.

SN.	Name.	Designation & station.	SC/ ST.	Date of birth.	Date of Apptt.	Date of promotion to the grade.	Offg. (Con-) fd.	Re- ma- rk.
1	2	3	4	5	6	7	8	9

S/Shri.

NGC

1.	Benugopal Dhar,	Goods Guard /NGC.	-	1.2.49	7.12.74	28.3.81	Offg.	
2.	Parash Ch. Das,	-do- /NGC	-	1.10.47	23.12.74	7.1.81	"	
3.	Sunayan Sengupta,	-do- /BPD	-	3.7.54	30.11.74	19.2.81	"	
4.	M.K. Das,	-do- /BPD	-	14.2.55	3.2.75	26.2.83	"	
5.	K.M. Singh,	-do- /BPD	-	1.1.47	29.4.75	28.2.83	"	
6.	R.K. Kar,	-do- /LMG	-	28.9.49	28.5.75	27.4.83	"	
7.	S. Chakraborty,	-do- /LMG	-	1.5.51	1.7.75	20.8.83	"	
8.	Sekhar Dutta,	-do- /LMG	-	1.2.50	8.6.76	25.8.83	"	
9.	K.C. Bhowmick,	-do- /LMG	-	7.9.44	2.11.69	25.8.83	"	
10.	N.N. Borah,	-do- /LMG	-	9.12.50	24.12.74	13.2.84	"	
11.	Alijan Saikia,	-do- /LMG	-					
12.	N.C. Chowdhury,	-do- /LMG	-	15.2.52	19.2.75	17.2.84	"	
13.	Pramode K. Dutta,	-do- /NGC	-	10.9.49	29.9.76	11.9.83	"	
14.	N. Kabiraj,	-do- /LMG	-	15.1.55	23.11.78	20.2.84	"	
15.	M.K. Dey,	-do- /BPD	-	1.12.47	13.9.73	10.2.84	"	
16.	C.K. Dutta,	-do- /BPD	-	30.7.52	5.1.79	20.9.84	"	
17.	Sunil Chakraborty,	-do- /LMG	-	13.1.53	7.3.79	17.2.84	"	
18.	Biswajit Dey,	-do- /NGC	-	2.3.46	10.5.67	30.1.84	"	
19.	S.K. Dey,	-do- /LMG	-	30.3.46	17.6.67	31.1.84	"	
20.	Ratan Lal Das,	-do- /LMG	-	10.1.55	17.5.75	9.2.84	"	
21.	R. Majumder,	-do- /LMG	-	1.3.49	28.3.77	31.7.84	"	
22.	M.L. Chakraborty,	-do- /LMG	-	15.10.46	29.6.73	31.7.84	"	
23.	Biswanath Das,	-do- /LMG	-	31.1.43	14.8.71	3.11.84	"	
24.	Bhanu K. Misra,	-do- /NGC	-	1.2.60	22.8.80	1.9.84	"	
25.	Amar Ch. Dey,	-do- /NGC	-	1.7.53	29.3.81	7.8.84	"	
26.	Subhas Ch. Dey,	-do- /LMG	-	2.4.52	1.1.76	9.2.85	"	

Contd... P/No.2

Certified to be true Copy

Advocate,

Date: 13/6

200: Cym/NGC

40

- 2 -

NGC	1	2	3	4	5	6	7	8
✓ 6)	27.	Hiranya Kr. Das, Goods Guard/NGC	Ac/GF	2.9.61	7.7.84	7.7.84	Offg.	
	28.	Krishna pada Deb, Goods Guard/LMG	-	21.8.54	1.1.76	26.6.86	"	
	29.	Manik Ch. Nath, -do-/BPD	-	13.5.57	19.8.82	24.12.86	"	
	30.	Subhash Majumder, -do-/LMG	-	7.9.49	21.5.75 5.12.79	19.2.87	"	
	31.	Sankar Das-II, -do-/LMG	-	7.2.41	26.2.62 27.11.80	13.2.87	"	
	32.	Gopal Nath, -do-/BPD	-	25.7.48	16.4.70	19.2.87	"	
✓ 33.	Premeswar Goswami, -do-/NGC	*	-	1.10.56	19.12.80	28.2.87	"	
✓ 34.	Ranjit Kr. Das, -do-/NGC	(mt/mt)	-	7.12.53	24.11.80	30.3.87	"	
	35.	Haradhan Dey, -do-/BPD	-	8.8.52	17.3.81	13.2.87	"	
	36.	Nirjhar Biswas, -do-/LMG	-	20.1.63	7.4.81	12.12.87	"	
	37.	A.B. Dhar, -do-/LMG	-	12.2.45	3.7.68 11.8.77	19.2.87	"	
	38.	Rabi Rn. Dey, -do-/LMG	-	1.3.42	16.2.62 29.8.77	6.2.87	"	
	39.	P.K. Mukherjee, -do-/LMG	-	10.10.44	19.9.63 27.8.77	6.2.87	"	
	40.	Haradhan Ch. Dey, -do-/LMG	-	3.5.45	14.11.69 29.10.79	9.6.87	"	
	41.	Badal Ch. Dey, -do-/LMG	-	1.1.52	26.12.78 26.3.83	8.8.88	"	
	42.	Jiban Kr. Das, -do-/LMG	-	10.10.53	4.3.77	12.2.87	"	
	43.	Sunil Kr. Dey, -do-/LMG	-	28.7.62	3.1.84	12.2.87	"	
✓ 7)	44.	Bimal Kanti Biswas, -do-/NGC	*	30.5.59	1.4.84	30.3.87	"	
	45.	Basudev Debnath, -do-/BPD	-	10.11.56	20.4.84	12.2.87	"	
✓ 1/8	46.	Surjya Kr. Das, (A14) -do-/NGC	ST	21.12.60	1.5.84	14.3.87	"	
✓ 9/12	47.	Apurba Kalita, (A15) -do-/NGC	-	10.10.65	23.10.84	28.2.87	"	
	48.	Kamakhya Majumder, -do-/LMG	-	19.4.50	16.4.69	15.2.87	"	
	49.	N.R. Debnath, -do-/LMG	-	1.1.48	19.2.73	12.2.87	"	
✓ 10)	50.	Ku' Ahmed, -do-/NGC	-	1.8.59	30.8.85	6.8.88	"	
	51.	Ra. Das, -do-/LMG	SC	1.5.46	23.3.65	8.8.88	"	
	52.	Satrunghna Singh, -do-/LMG	-	20.7.42	28.6.64	10.9.88	"	
	53.	Samir Chakraborty, -do-/LMG	-	28.2.58	25.7.79	20.9.88	"	

Contd... P/No. 3

1	2	3	4	5	6	7	8	9
NGC								
✓ 11)	54. Hiranya Kr. Kalita, Goods Guard/NGC ✓	-		1.1.62	30.8.85	4.11.88	Offg.	
	55. Subhash Ch. Das, -do- /BPB	-		28.8.53	28.8.77	27.10.88	"	
	56. Anjan Dutta, -do- /LMG	-		5.1.57	12.5.78	4.11.88	"	
✓ 12)	57. Surendra Nath, -do- /NGC ✓	-		1.10.46	1.5.73	3.11.88	"	
	58. S. B. Barua, -do- /LMG ST	-		16.6.55	1.2.77	4.12.88	"	
	59. Kiran Ch. Das, -do- /LMG	-		23.6.56	18.5.81	3.11.88	"	
	60. Haradhan Banerjee, -do- /LMG	-		5.4.45	3.7.64	3.12.88	"	
	61. Ajoy Chakraborty, -do- /LMG	-		22.1.62	15.3.84	3.12.88	"	
	62. Sadhan Ch. Das, -do- /LMG	-		30.4.48	2.5.71	5.4.89	"	
	63. M.K. Chakraborty, -do- /BPB	-		20.5.44	4.11.67	9.1.89	"	
	64. Parimal Ch. Das, -do- /BPB SC	-		11.10.45	31.12.69	31.10.88	"	
	65. S.K. Nawar, -do- /LMG	-		3.4.64	13.4.84	5.4.89	"	
	66. Gautam Roy, -do- /BPB	-		28.3.64	20.4.84	25.4.89	"	
✓ 13)	67. Jayanta Chowdhury, -do- /NGC ✓	-		1.2.65	20.4.84	31.5.89	"	
	68. Niranjan Majumdar, -do- /LMG	-		2.4.54	20.11.78	20.5.89	"	
✓ 14)	69. Subir Kr. Roy, -do- /NGC SC ✓	-		1.9.57	8.7.83	18.1.90	"	
	70. Pradip Paul, -do- /BPB	-		19.7.55	5.5.81	18.4.87 20.12.89	"	
	71. P.C. Das, -do- /BPB SC	-		4.12.53	25.9.79	24.2.90	"	
✓ 15)	72. Prithiraj Patar, -do- /NGC ST ✓	-		1.6.57	30.5.81	23.3.90	"	
✓ 16)	73. Pradip Boro, -do- /NGC ST ✓	-		1.12.63	30.8.85	23.3.90	"	
	74. G.C. Barman, -do- /BPB ST	-		11.2.57	26.4.76	24.3.90	"	
	75. Sunil Das, -do- /LMG SC	-		18.1.66	18.1.87	29.3.90	"	
	76. N.R. Chowdhury, -do- /LMG	-		1.10.46	18.11.69	13.4.90	"	
	77. A.C. Deb, -do- /BPB	-		30.12.89	10.7.80	24.4.90	"	
	78. Dipak Kr. Das, -do- /LMG	-		15.1.58	27.5.81	9.4.90	"	
	79. Debabrata Jey, -do- /BPB	-		1.2.52	27.3.84	9.4.90	"	
	80. Ranjit Kr. Jey, -do- /BPB	-		13.3.48	30.9.71	10.4.90	"	
✓ 17)	81. Chabin Ch. Deka, -do- /NGC ✓	-		1.3.59	14.12.82	13.4.90	"	
	82. K.C. Jey, -do- /BPB	-		1.12.53	30.7.79	15.5.90	"	

Contd... P/No. 4

NGC	1	2	3	4	5	6	7	8
✓ 18)	33. L. Thakuria,	Goods Guard/LMG.	-	1.4.60	3.9.85	10.4.90	Offg.	
	34. K.R. Ghose,	-do- /BPB	-	16.8.54	4.3.79	4.4.90	"	
	65. N.C. Mallick,	-do- /BPB	SC	1.2.50	11.3.70	8.5.90	"	
	66. Haradhan Sarkar,	-do- /LMG	-	28.3.48	10.11.83	10.4.90	"	
	67. Rama Rn. Roy,	-do- /LMG	-	1.1.51	8.11.83	8.5.90	"	
✓ 19)	68. J. C. Barthakur,	-do- /NGC	-	31.3.49	14.8.79	10.9.90	"	
✓ 20)	89. C.L. Bania,	-do- /NGC	-	30.11.56	13.3.82	10.9.90	"	
	90. P.K. Lala,	-do- /LMG	-	19.9.60	8.2.81	17.9.90	"	
	91. A.K. Dutta,	-do- /LMG	-	25.1.55	8.11.83	13.10.90	"	
	92. Akhil Paul,	-do- /LMG	-	2.4.54	10.11.83	25.10.90	"	
	93. Joydeep Das,	-do- /LMG	-	1.1.61	25.10.90	25.10.90	"	
	94. A.K. Basumatary,	-do- /LMG	ST	1.3.62	25.10.90	25.10.90	"	
✓ 21)	95. Satyabrata Baidya,	-do- /NGC	SC	5.11.62	25.10.90	25.10.90	"	
	96. Depak Das,	-do- /BPB	-	1.1.63	25.10.90	25.10.90	"	
	97. Satyendra Sarmah,	-do- /LMG	-	16.1.65	25.10.90	25.10.90	"	
✓ 22)	98. H.K. Dutta,	-do- /LMG	-	1.2.65	25.10.90	25.10.90	"	
	99. D. Basumatary,	-do- /LMG	ST	5.7.62	26.10.90		"	
	100. A.K. Lala,	-do- /LMG	-	13.1.57	8.11.83	2.11.90	"	
	101. A.G. Dey,	-do- /BPB	-	27.2.57	22.11.83	27.11.90	"	
	102. Sujit Sen,	-do- /LMG	-	22.7.54	19.5.79	6.12.90	"	
	103. P. Bagchi,	-do- /LMG	-	6.5.50	4.3.82	7.12.90	"	
	104. D.K. Mallick,	-do- /LMG	-	18.2.63	12.2.91		"	
	105. L. Kalita,	-do- /LMG	-	1.3.59	13.2.91		"	
	106. Sankar Das-III,	-do- /LMG	-	27.6.62	13.4.91		"	
	107. C. C. Boro,	-do- /BPB	ST	1.2.64	7.5.91		"	
	108. M.L. Singh,	-do- /BPB	-	24.8.49	27.5.91		"	
	109. S.K. Das,	-do- /BPB	ST	1.4.64	11.6.91		"	

Contd... P/No. 5

1	2	3	4	5	6	7	8	9
110. Pradip Chakraborty,	Goods Guard/LMG.	-	1.2.54	23.7.91			Offg.	
✓ 23) 111. B.K.Saha,	-do-/NGC LMG	SC	30.6.56	7.4.92			"	
✓ 24) 112. B.C.Goswami, (A/4)	-do-/NGC LMG		1.4.66	7.4.92			"	
✓ 25) 113. P.C.Sarmah,	-do-/do-		1.7.68	7.4.92			"	
✓ 26) 114. A.C.Kalita,	-do-/do-		1.3.61	3.4.92			"	
✓ 27) 115. Sankar Bharali,	-do-/do-		1.12.67	9.4.92			"	
116. Nur Husain,	-do-/LMG.	-	1.7.64	22.4.92			"	
✓ 28) 117. B. Kumar,	-do-/LMG NGC		1.12.67	8.5.92			"	
✓ 29) 118. B.A.Ahmed,	-do-/BPE NGC		1.1.62	11.5.92			"	
✓ 30) 119. K. Ahmed,	-do-/do-		1.1.63	2.7.92			"	
120. D. K. Roy,	-do-/BPE	-	4.1.66	10.9.92			"	
✓ 31) 121. Kachari, (A/8)	-do-/NGC	-	1.1.67	8.12.92			"	
✓ 32) 122. B.V.Gonsal, (A/6)	-do-/NGC	-	1.1.57	2.8.83	2.6.94		"	
123. Dilip Das,	-do-/BPE	-	30.1.64	12.1.87	6.5.95		"	
124. Biswajit Sonowal,	-do-/LMG. ST		1.4.62	12.8.89	15.5.95		"	
✓ 33) 125. A.K.Debnath,	-do-/NGC	-	10.1.52	14.8.79	5.5.95		"	
126. Narayan Chakraborty,	-do-/LMG	-	10.4.66	5.7.89	15.5.95		"	
127. R.C.Debnath,	-do-/BPE	-	3.4.48	28.11.78	11.7.95		"	
128. A.K.Thakur,	-do-/LMG	-	8.7.55	2.1.90	6.1.96		"	
129. Tapan Ch.Das,	-do-/LMG	-	5.3.56	3.11.83	6.1.96		"	
130. Pradip Paul,	-do-/LMG	-	8.1.65	12.7.89	6.1.96		"	
131. Dilip Ch.Paul,	-do-/BPE	-	11.2.55	22.9.73	8.1.96		"	

No.E/39-25(Gd)(T) LMG, dtd. 19/99. 18/11/2000 For Divl. Railway Manager(P) N.F. Railway, Lumding.

Copy forwarded for information and n/action to:-
 1) Staff concerned through proper channel. They should submit their representation against the seniority position, if any, within one month from the date of receipt of this seniority list failing which no representation will be entertained.

- 2) COPS(P)/MIG, 3) DRM(P)/KIR, APDJ & TSK, 4) AG/BPE & GHY,
 5) Divl. Secy., NFREU & NFRMU/LMG with 3 spare copies.
 6) GS/NFREU & NFRMU/LNO with 6 spare copies.

dbn/6999

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

NORTHEAST FRONTIER RAILWAY

Notification

Office of the
Divl. Rly. Manager (P)
Lumding, Dtd: 14/9/04

Sub: Selection for the post passenger Guard in scale Rs. 5000-8000/-.

It has been decided to hold a selection for forming a panel of Passenger Guard in scale Rs. 5000-8000/- for 31 vacancies consisting of UR = 25, SC = 04 and ST = 02 within a short notice. The selection will consist of written test only. The candidates will be called as per 3X formula.

The following eligible Goods Guard in scale Rs. 5000-8000/- are hereby advised to keep themselves in readiness to appear in the written test for the post of Passenger Guard in scale Rs. 5000-8000/- which will be held at Short notice. Their names are arranged below in order of seniority.

SN	Name of the Candidates	Designation & Station
01	Shri S.C. Malakar (SC)	Goods Guard/BPB
02	Shri Paresh Ch. Das A/1	Goods Guard/NGC
03	Shri Babulal Biswas (SC)	Goods Guard/LMG
04	Shri N.C. Chowdhury	Goods Guard/LMG
05	Shri Biswajit Dey	Goods Guard/BPB
06	Shri Rakshit Majumder	Goods Guard/LMG
07	Shri M.L. Chakraborty	Goods Guard/LMG
08	Shri B.R. Misra A/2	Goods Guard/NGC
09	Shri A.C. Dey	Goods Guard/NGC
10	Shri Subhas Ch. Dey	Goods Guard/LMG
11	Shri H.K. Das	Goods Guard/NGC
12	Shri K.P. Deb	Goods Guard/LMG
13	Shri Manik Ch. Nath	Goods Guard/BPB
14	Shri S. Majumder	Goods Guard/LMG
15	Shri Gopal Nath	Goods Guard/BPB
16	Shri Praneswar Goswami A/3	Goods Guard/NGC
17	Shri Haradhan Dey	Goods Guard/BPB
18	Shri Nirjhar Biswas	Goods Guard/LMG
19	Shri A.B. Dhar	Goods Guard/LMG
20	Shri P.K. Mukherjee	Goods Guard/LMG
21	Shri Badal Ch. Dey	Goods Guard/LMG
22	Shri Jiban Kr. Das	Goods Guard/LMG
23	Shri Sunil Kr. Dey	Goods Guard/LMG
24	Shri Bimal Kt. Biswas	Goods Guard/NGC
25	Shri Basudev Debnath	Ex. Goods Guard /BPB now Mi under GM/CON/Maligaon.
26	Shri Sunja Kr. Das (ST) A/4	Goods Guard/NGC
27	Shri Apurba Kalita A/5	Goods Guard/NGC
28	Shri N.R. Debnath	Goods Guard/LMG
29	Shri K. Ahmed (Kutubuddin)	Goods Guard/NGC
30	Shri Samir Chakraborty	Goods Guard/LMG
31	Shri H.K. Kalita	Goods Guard/NGC
32	Shri Subhash Ch. Das	Goods Guard/BPB

Contd....2

SNR/CON/MSO-3001

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[Signature]
Advocate,
Date: 13/8

33	Shri Arjan Kr. Dutta	Goods Guard/LMG
34	Shri Surendra Nath	Goods Guard/NGC
35	Shri B.B. Baruah (ST)	Goods Guard/LMG
36	Shri Kishor Ch. Das	Goods Guard/LMG
37	Shri Haradhan Banerjee	Goods Guard/LMG
38	Shri Ajit Chakraborty	Goods Guard/LMG
39	Shri Padmal Ch. Das (SC)	Goods Guard/BPB
40	Shri Gauram Roy	Goods Guard/BPB
41	Shri Joyanta Chowdhury	Goods Guard/NGC
42	Shri Narayan Majumder	Goods Guard/LMG
43	Shri Subir Kr. Roy (SC)	Goods Guard/NGC
44	Shri Pradip Paul	Goods Guard/BPB
45	Shri Pramesh Ch. Das (SC)	Goods Guard/BPB
46	Shri Prithiraj Pater (ST)	Goods Guard/NGC
47	Shri G.C. Deb Barman (ST)	Goods Guard/BPB
48	Shri Sunil Das (SC)	Goods Guard/LMG
49	Shri N.R. Chowdhury	Goods Guard/LMG
50	Shri Atul Ch. Deb	Goods Guard/BPB
51	Shri L. Thakuria	Goods Guard/NGC
52	Shri Dipak Kr. Das	Ex. Goods Guard/LMG now RRI under DSO/LMG
53	Shri Ranjan Kr. Dey	Goods Guard/LMG
54	Shri Debabrata Dey	Goods Guard/NGC
55	Shri C.C. Deka	Goods Guard/NGC
56	Shri K.R. Ghose	Goods Guard/BPB
57	Shri N.C. Mallick (SC)	Goods Guard/BPB
58	Shri Haradhan Sarkar	Goods Guard/LMG
59	Shri Rania Rn. Roy	Goods Guard/LMG
60	Shri Akhil Paul	Goods Guard/LMG
61	Shri J.C. Barthakur	Goods Guard/NGC
62	Shri C.L. Bania (SC)	Goods Guard/NGC
63	Shri P.K. Lala	Goods Guard/LMG
64	Shri Joydeep Das	Goods Guard/NGC
65	Shri A.K. Basumatary (ST)	Goods Guard/LMG
66	Shri Subrata Baidya	Goods Guard/NGC
67	Shri Dipak Das (SC)	Goods Guard/LMG
68	Shri S. Sarmah	Goods Guard/NGC
69	Shri H.K. Dutta	Goods Guard/NGC
70	Shri D. Basumatary (ST)	Goods Guard/LMG
71	Shri A.K. Lala	Goods Guard/LMG
72	Shri A.G. Dey	Goods Guard/LMG
73	Shri Sujit Kr. Sen	Goods Guard/LMG
74	Shri D.K. Mallick (SC)	Goods Guard/LMG
75	Shri L. Kalita	Goods Guard/NGC
76	Shri Sankar Das - III	Goods Guard/LMG
77	Shri C.C. Boro (ST)	Goods Guard/NGC

Contd...3

78	Shri M.L. Singh	Goods Guard/BPB
79	Shri Sushil Kr. Das (ST)	Goods Guard/BPB
80	Shri B.K. Saha (SC)	Goods Guard/NGC
81	Shri B.C. Goswami	Goods Guard/NGC
82	Shri P.C. Sarmah	Goods Guard/NGC
83	Shri A.C. Kalita	Goods Guard/NGC
84	Shri Nur Hussain	Goods Guard/LMG
85	Shri Sankar Bharali (SC)	Goods Guard/NGC
86	Shri B. Kumar	Goods Guard/NGC
87	Shri B.A. Ahmed	Goods Guard/NGC
88	Shri Kalimuddin Ahmed	Goods Guard/NGC
89	Shri L. Kachari (ST)	Goods Guard/NGC
90	Shri B.V. Gonsalves	Goods Guard/NGC
91	Shri Dilip Das	Goods Guard/BPB
92	Shri B. Sonowal (ST)	Goods Guard/LMG
93	Shri A.K. Debnath	Goods Guard/NGC

Subordinate Incharges are advised to spare and direct the candidates belonging to SC/ST community at Serial No. 01, 39, 45, 47, 57 & 79 to TI/BPB, Serial No. 03, 35, 48, 65, 67, 70, 74 & 92 to TI/Hill/LMG and Serial No. 25, 43, 46, 62, 77, 80, 85 & 89 to TI/GHY for undergoing pre-selection Coaching for 07 days w.e.f. 24-9-04 positively even without relief. If any body does not attend the above pre-selection Coaching, it will be presumed that they are not interested to take this advantage and a written unwillingness to that effect should invariably be obtained by the Sr. subordinates concerned and sent to this Office. TI/BPB, TI/Hill/LMG and TI/GHY should impart the pre-selection Coaching of SC/ST candidates accordingly as nominated by DOM/IC/LMG. On completion of the Pre-selection Coaching, respective TIs should submit the competency certificate to this Office immediately i.e. before the written test is held.

Staff concerned are also advised to submit their representation in regard to the above seniority position, if any WITHIN 07 (seven) days positively. Representation received after 22-9-04 will not be entertained.

This issues as per order of DOM/IC/LMG

(N. MUKHERJEE)
A/IC/LMG

For Divl. Rly. Manager (P)/LMG

Contd...4

No: E/39 - 3 /PLI(T)

Dated: 14/9/04

Copy forwarded for information and necessary action to:-

1. DOM/IC/LMG

2. SSs - BPB, LMG

3. CYM/NGC

They are advised to spare and direct the staff belonging to SC/ST community as shown against each as above to their respective TIs for undergoing Pre-selection Coaching commencing for a period of 07 days w.e.f. 24-9-04

4. TIH/LMG

TI/SPB & GHY

The have been nominated by DOM/IC/LMG to take the classes of Pre-selection Coaching for a period of 07 (Seven) days. They will also submit the result of the said coaching to this Office after completion of the same without fail.

5. DOM/IC/LMG

6. Sr.ARM/GHY

7. AM/BPB

8. APO/GHY

9. Divl.Secy./NFREU/LMG

10. Convenor/NFRMU/LMG

11. CS to DOM/IC/LMG. He will send the Last 03 years ACRs of the above named staff to CS to DPO/IC/LMG.

12. Staff concerned through proper channel.

13. CS to DPO/IC/LMG

(N.MUKHERJEE)

APO/ILMG

For Divl.Rly.Manager (P)/LMG

14/9/04

14/9/04

N.F.Railway

Office of the
Divl. Rly. Manager(F),
Lumding.
Dated. 21.09.2004

Office Order.

In partial modification of the list of eligible candidates circulated vide this office notification No.E/39-9/Pt.II(T), dt.14.09.04 for selection to the post of passenger Guard in scale Rs. 5000-8000/- it is informed that Goods Guard in scale Rs.5000-8000/- & 4500-7000/- are eligible to appear in the selection for the post of passenger guard notified vide this office notification no.E/39-9/Pt.II(T), dt.14.09.2004.

Like following
Names of the eligible candidates are arranged below in order of seniority:-

1. Shri S. C. Malakar	(SG)	-Sp.Goods Guard/BPB.
2. " Gopal Ch. Boro	(ST)	" /NGC.
3. " Paresh Ch. Das		" /NGC.
4. " Babulal Biswas	(SC)	" /LMG.
5. " K.C. Chowdhury		" /I.G.
6. " Biswajit Dey		" /BPB.
7. " Rakshit Majumder		" /L.G.
8. " Subhash Dey		" /LMG.
9. " K. L. Chakraborty,		" /LMG.
10. " B. R. Misra,		" /NGC.
11. " A. C. Dey,		" /NGC.
12. " H. K. Das		" /NGC.
13. " K. P. Deb,		" / LMG.
14. " Manik Ch. Nath		" /BPB.
15. " Subhas Majumder		" /LMG.
16. " Gopal Nath		" /BPB.
17. " Praneswar Goswami		" /NGC.
18. " Haradhan Dey		" /BPB.
19. " Nirjhar Biswas		" /LMG.

Contd.2.....

Certified to be true Copy

Advocate,

Date : 13/6

20.	Shri A. B. Dhar,	St. Goods Guard/LMG.
21.	" P. K. Mukherjee,	" /LMG.
22.	" Tiban Kr. Das,	" /LMG.
23.	" S. K. Dey,	" /LMG.
24.	" B. K. Biswas,	" /NGC.
25.	" Basudev Debnath,	" /Ex Gds. Gd/BFB now MI/MLG
26.	" Surjya Kr. Das, (ST)	" under GM/CON/MLG.
27.	" Apurba Kalita,	" /NGC.
28.	" N. F. Debnath,	" /LMG.
29.	" Badal Ch. Dey,	" /LMG.
30.	" Kutubuddin Ahmed,	" /NGC.
31.	" Samir Chakraborty,	" /LMG.
32.	" H. K. Kalita,	" /NGC.
33.	" Subhas Ch. Das,	" /BFB.
34.	" Anjan Dutta,	" /LMG.
35.	" Surendra Nath	" /NGC.
36.	" S. B. Baruah, (ST)	" /LMG.
37.	" Karan Ch. Das,	" /LMG.
38.	" Harandhan Banerjee,	" /LMG.
39.	" Ajay Chakraborty	" /LMG.
40.	" Parimal Ch. Das (SC)	" /BFB.
41.	" Gautam Roy,	" /BFB.
42.	" Jayanta Chowdhury	" /NGC.
43.	" Niranjan Majumder,	" /LMG.
44.	" Subir Kr. Roy. (SC)	" /NGC.
45.	" Pradip Paul	" /BFB.
46.	" Pramesh Ch. Das (SC)	" /BFB.

Contd...3....

47.	" Shri Prithiraj Patar	(ST)	Sr. Goods Cd/NGC
48.	" G.C. Deb Barman	(ST),	-do- / BPD
49.	" Sunil Das	(Sc)	-do- / SR LMG
50.	" N.R. Choudhury		-do- / LMG
51.	" Atul Ch. Deb		-do- / BPD.
52.	" L. Thakuria		-do- / NGC
53.	" Dipak Kr. Das		-do- / LMG - now working as
54.	" N.C. Mallik (SC),	Sr. Goods Cd/BPD	RR/LMG under Sr. DEO/LMG.
55. 54.	" C. L. Bania	(SC),	Sr. Goods Cd/NGC.
56. 55.	" Dipak Das	(SC)	-do- / LMG
57. 56.	" Ranjit Kr. Dey		Goods Cd/LMG.
58. 57.	" Debabrata Dey		-do- / NGC.
59. 58.	" C. C. Deka		-do- / NGC.
60. 59.	" K. R. Chose		-do- / BPD
61.	" Haradhan Sarkar		-do- / LMG
62.	" Rama Ranjan Roy		-do- / LMG
63.	" Akhal Paul		-do- / LMG
64.	" J.C. Barthakur		-do- / NGC
65.	" P. K. Lala		-do- / LMG
66.	" Jaydeep Das		-do- / NGC
67.	" A.K. Dasgupta (ST),		-do- / LMG
68.	" Satya Brata Daidya		-do- / NGC.
69.	" S. Sarmah		-do- / NGC.
70.	" H.K. Dutta		-do- / NGC.
71.	" D. Dasgupta (ST)		-do- / LMG.
72.	" A.K. Lala		-do- / LMG.
73.	" A.G. Dey		-do- / LMG
74. 73.	" Sujit Sen		-do- / LMG
75. 74.	" D.K. Mallik (SC)		-do- / LMG
76.	" L. Kalita		-do- / LMG 6

77.	Shri Sankar Das-III	Goods Guard/LMG.
78.	C. C. Boro (ST)	/NGC.
79.	M. L. Singh	/BFB
80.	Sugil Kr. Das (ST)	/BFB.
81.	B. K. Saha (SC)	/NGC.
82.	B. C. Goswami, ST	/NGC.
83.	P. Q. Sarmah,	/NGC
84.	A. C. Kalita,	/NGC.
85.	Nur Hussain,	/LMG.
86.	Sankar Bhattacharya, (SC)	/NGC.
87.	B. Kumar,	/NGC.
88.	B. A. Ahmed,	/NGC.
89.	Kalim uddin Ahmed,	/NGC.
90.	L. Kachari, ST (ST)	/NGC.
91.	B. V. Gonsalves ST	/NGC
92.	Dilip Das, ST (ST)	/BFB.
93.	B. Sanwal (ST)	/LMG.

Subordinate-in-charges are advised to spare and direct the staff belonging to SC/ST Community at serial No. 4, 36, 49, 52, 63, 71, 76 and 93 to report to II/Hill/LMG, serial No. 2, 26, 44, 47, 53, 78, 81, 85 and 90 to report to II/GHY and serial No. 1, 40, 46, 48, 54 and 80 to report II/BFB for undergoing Pre-Selection Coaching for a period of 7 days commencing from 27.9.2004 to positively, even without relief. If any body does not attend the above pre-selection Coaching it will be presumed that he is not interested to take this advantage.

II/H/LMG, II/GHY and II/BFB should submit the competency certificate in respect of pre-selection Coaching when it is over.

L instead of 24.9.04.

21/9/04
(N. Mukherjee)
APO/I/LMG.
for Divl. Railway Manager(P)-
N. F. Railway, Lumding.

No.E/39-9/Pt.II (T)

Copy forwarded and necessary information to:-

1. GM(P)/MLG. 2. GM(CON)/MLG.
3. SSs-BPB, LMG. 4. CYM/NGC.
5. TI/H/LMG, TI/BPB & TI/GHY.
6. DOM/IC/LMG.
7. Sr.ARM/GHY.
8. AM/BPB & AFO/GHY.
9. Divl. Secy./NFREU/LMG.
10. Convenor /NFREU/LMG.
11. Divl. President/SC/ST/Association/LMG.
12. CS to DOM/IC/LMG- He will submit the last 3 years ACR of the above name staff to CS to BPO/IC/LMG.
13. CS to BPO/IC/LMG.
14. Staff Concerned thro:- proper channel.

Handwritten: 21/2/04
 (N. Mukherjee)
 AFO/I/LMG.
 for DEM (P)/ LMG.
Stamp: 21/2/04
 CONFIDENTIAL

NORTHEAST FRONTIER RAILWAY

Office of the
Divl.Rly.Manager(P)/LMG

Dated: 22.11.04

No:E/39-9/Pl.II(T)

To,

SSs/BPB, LMG & CYM/NGC,
GM(CUN)/Maligaon,
Sr.DSO/LMG.Sub: Written test of selection for the post Passenger Guard
in scale Rs.5000-8000/-.

Ref: This office letter No. E/39-9/Pl.II(T) dated 05.11.04

In reference to the above, the written test for selection to the post of Passenger Guard in scale Rs. 5000-8000/- has been refixed to be held as per following schedule. -

<u>Date of examination</u>		<u>Time</u>	<u>Venue</u>
27.11.2004	for the staff enlisted at Group - "A"	10.00 hrs.	DRM(P)/LMG's Office.
04.12.2004	for the staff enlisted at Group - "B"	10.00 hrs.	DRM(P)/LMG's Office.
11.12.2004	for the staff enlisted at Group - "C"	10.00 hrs.	DRM(P)/LMG's Office.
18.12.04	Absentee written test	10.00 Hrs.	DRM(P)/LMG's Office

Please spare and direct the staff mentioned below at Group - "A" to appear in the written test of selection for the post of Passenger Guard in scale Rs. 5000-8000/- fixed to be held on 27.11.2004 for Group - "A" and 04.12.2004 for Group - "B" positively even without relief.

GROUP - "A"Written test fixed to be held on 27.11.2004 from 10.00 hours in DRM(P)/LMG's Office.

01)	Shri S.C. Malakar	(SC)	Sr. Goods Guard / BPB
02)	Shri Biswajit Dey	(UR)	Sr. Goods Guard / BPB
03)	Shri Manik Ch. Nath	(UR)	Sr. Goods Guard / BPB
04)	Shri Gopal Nath	(UR)	Sr. Goods Guard / BPB
05)	Shri Haradhan Dey	(UR)	Sr. Goods Guard / BPB
06)	Shri Subhas Ch. Das	(UR)	Sr. Goods Guard / BPB
07)	Shri Gopal Ch. Boro	(ST)	Sr. Goods Guard / NGC
08)	Shri Paresch Ch. Das	(UR)	Sr. Goods Guard / NGC
09)	Shri B.R. Misra	(UR)	Sr. Goods Guard / NGC
10)	Shri A.C. Dey	(UR)	Sr. Goods Guard / NGC
11)	Shri H.K. Das	(UR)	Sr. Goods Guard / NGC
12)	Shri Praneswar Goswami	(UR)	Sr. Goods Guard / NGC
13)	Shri B.K. Biswas	(UR)	Sr. Goods Guard / NGC
14)	Shri Basudev Debnath	(UR)	Sr. Goods Guard / BPB now M/CON/LMG.
15)	Shri Surjya Kr. Das	(ST)	Sr. Goods Guard / NGC
16)	Shri Apurba Kalita	(UR)	Sr. Goods Guard / NGC
17)	Shri Kumbuddin Ahmed	(UR)	Sr. Goods Guard / NGC

Contd...P/No.2

Certified to be true Copy

Advocate,

Date: 13/6

P/No.2

18)	Shri H.K. Kalita	(UR)	Sr. Goods Guard / NGC
19)	Shri Babulal Biswas	(SC)	Sr. Goods Guard / LMG
20)	Shri N.C. Choudhury	(UR)	Sr. Goods Guard / LMG
21)	Shri Rakshit Majumder	(UR)	Sr. Goods Guard / LMG
22)	Shri Subash Dey	(UR)	Sr. Goods Guard / LMG
23)	Shri M.L. Chakraborty	(UR)	Sr. Goods Guard / LMG
24)	Shri K.P. Deb	(UR)	Sr. Goods Guard / LMG
25)	Shri Subhash Majumder	(UR)	Sr. Goods Guard / LMG
26)	Shri Nirjhar Biswas	(UR)	Sr. Goods Guard / LMG
27)	Shri A.B. Dhar	(UR)	Sr. Goods Guard / LMG
28)	Shri P.K. Mukherjee	(UR)	Sr. Goods Guard / LMG retired on 31.10.2004.
29)	Shri Jiban Kr. Das	(UR)	Sr. Goods Guard / LMG
30)	Shri S.K. Dey	(UR)	Sr. Goods Guard / LMG
31)	Shri N.R. Debnath	(UR)	Sr. Goods Guard / LMG

GROUP - "B"

Written test fixed to be held on 04.12.2004 from 10.00 hours in DRM(P)/LMG's Office.

01)	Shri Parimal Ch. Das	(SC)	Sr. Goods Guard / RPH
02)	Shri Gautam Roy	(UR)	Sr. Goods Guard / BPB
03)	Shri Pradip Paul	(UR)	Sr. Goods Guard / BPB
04)	Shri Pranesh Ch. Das	(SC)	Sr. Goods Guard / BPB
05)	Shri G.C. Deb Barman	(ST)	Sr. Goods Guard / BPB
06)	Shri Atul Ch. Deb	(UR)	Sr. Goods Guard / BPB
07)	Shri Surendra Nath	(UR)	Sr. Goods Guard / NGC
08)	Shri Jayanta Chowdhury	(UR)	Sr. Goods Guard / NGC
09)	Shri Subir Kr. Roy	(SC)	Sr. Goods Guard / NGC
10)	Shri Prithviraj Patar	(ST)	Sr. Goods Guard / NGC
11)	Shri L. Thakuria	(UR)	Sr. Goods Guard / NGC
12)	Shri C.L. Bania	(SC)	Sr. Goods Guard / NGC
13)	Shri Debadrata Dey	(UR)	Goods Guard / NGC
14)	Shri C.C. Deka	(UR)	Goods Guard / NGC
15)	Shri J.C. Barthakur	(UR)	Goods Guard / NGC
16)	Shri Jaydeep Das	(UR)	Goods Guard / NGC
17)	Shri Satya Brata Baidya	(UR)	Goods Guard / NGC
18)	Shri S. Sarma	(UR)	Goods Guard / NGC
19)	Shri Badal Ch. Dey	(UR)	Sr. Goods Guard / LMG
20)	Shri Samir Chakraborty	(UR)	Sr. Goods Guard / LMG
21)	Shri Anjan Kr. Dutta	(UR)	Sr. Goods Guard / LMG
22)	Shri S. B. Barua	(ST)	Sr. Goods Guard / LMG
23)	Shri Kiran Ch. Das	(UR)	Sr. Goods Guard / LMG
24)	Shri Haradhan Banerjee	(UR)	Sr. Goods Guard / LMG
25)	Shri Ajoy Chakraborty	(UR)	Sr. Goods Guard / LMG
26)	Shri Niranjan Majumder	(UR)	Sr. Goods Guard / LMG
27)	Shri Sunil Das	(SC)	Sr. Goods Guard / LMG
28)	Shri N.R. Choudhury	(UR)	Sr. Goods Guard / LMG
29)	Shri Dipak Kr. Das	(UR)	Sr. Goods Guard / LMG now RR/LMG
30)	Shri Dipak Das	(SC)	Sr. Goods Guard / LMG
31)	Shri Rajit Kr. Dey	(UR)	Sr. Goods Guard / LMG VR w.e.f. 31.10.04.

GROUP - "C"

Written test fixed to be held on 11.12.2004 from 10.00 hours in DRM(P)/LMG's Office.

- | | | | |
|-----|-----------------------------|------|-----------------------|
| 1) | Shri H.K. Dutta | (UR) | Goods Guard / NGC |
| 2) | Shri C.C. Boro | (ST) | Goods Guard / NGC |
| 3) | Shri B.K. Saha | (SC) | Goods Guard / NGC |
| 4) | Shri B.C. Goswami | (UR) | Goods Guard / NGC |
| 5) | Shri P.C. Sarma | (UR) | Goods Guard / NGC |
| 6) | Shri A.C. Kalita | (UR) | Goods Guard / NGC |
| 7) | Shri Sankar Bhargali | (SC) | Goods Guard / NGC |
| 8) | Shri B. Kumar | (UR) | Goods Guard / NGC |
| 9) | Shri B.A. Ahmed | (UR) | Goods Guard / NGC |
| 10) | Shri Kalimuddin Ahmed | (UR) | Goods Guard / NGC |
| 11) | Shri L. Kachari | (ST) | Goods Guard / NGC |
| 12) | Shri B.V. Gonsalves | (UR) | Goods Guard / NGC |
| 13) | Shri N.C. Mallick | (SC) | Sr. Goods Guard / BPB |
| 14) | Shri K.R. Ghose | (UR) | Goods Guard / BPB |
| 15) | Shri M.L. Singh | (UR) | Goods Guard / BPB |
| 16) | Shri Sujit Kr. Das (Kuchal) | (ST) | Goods Guard / BPB |
| 17) | Shri Dilip Das | (SC) | Goods Guard / BPB |
| 18) | Shri Haradhan Sarkar | (UR) | Goods Guard / LMG |
| 19) | Shri Rama RN. Roy | (UR) | Goods Guard / LMG |
| 20) | Shri Akhul Paul | (UR) | Goods Guard / LMG |
| 21) | Shri P.K. Lala | (UR) | Goods Guard / LMG |
| 22) | Shri A.K. Basumatary | (ST) | Goods Guard / LMG |
| 23) | Shri D. Basumatary | (ST) | Goods Guard / LMG |
| 24) | Shri A.K. Lala | (UR) | Goods Guard / LMG |
| 25) | Shri A.G. Dey | (UR) | Goods Guard / LMG |
| 26) | Shri Sujit Kr. Sen | (UR) | Goods Guard / LMG |
| 27) | Shri D.K. Mallick | (SC) | Goods Guard / LMG |
| 28) | Shri L. Kalita | (UR) | Goods Guard / LMG |
| 29) | Shri Sankar Das - III | (UR) | Goods Guard / LMG |
| 30) | Md. Nur Hussain | (UR) | Goods Guard / LMG |
| 31) | Shri B. Sonowal | (ST) | Goods Guard / LMG |

(N. MUKHERJEE)
APO/LMG

For Divl. Rly. Manager(P)/LMG

Copy to:

- 1) DOM/IC/LMG, Sr.ARM/GHY & AM/BPB - For information & action please.
- 2) CS to DOM/IC/LMG - He will please submit the last 03 (three) years ACRs of the above mentioned staff to CS to DPO/IC/LMG immediately i.e. before the written test is held.
- 3) Staff concerned through proper channel.
- 4) COS/Opig at Office OS(Safety) at office.
- 5) CHC/LMG. He will please arrange to relay the above through Control phone immediately.

(N. MUKHERJEE)
APO/LMG

For Divl. Rly. Manager(P)/LMG

22/11/04

N.F. Railway

Divisional Office of the
Railway Manager (P),
Lumding, Dt. 29.04.2005.

MEMO RANDUM.

In the selection for filling up of 31 Posts (UR-25, SC-4 & ST - 2)
Pass. Guard in Scale Rs. 5000-8000/-, Written Test ~~xxxxx~~ held on
27.11.2004, 24.12.2004 & 11.12.2004 and Absentees on 18.12.2004, the following
31 candidates have come out successful and empanelled for promotion to the
post of Pass. Guard in Scale Rs. 5000-8000/-.

- 1) Shri Babulal Biswas (SC), Sr. Goods Guard/LMG,
- 2) " N.C. Chowdhury, - Sr. Goods Guard/LMG,
- 3) " Rakshit Majumder, - do -
- 4) " A.C. Dey, Sr. Goods Guard/NGC,
- 5) " Hiranya Kr. Das, - Sr. Goods Guard/NGC,
- 6) " Manik Ch. Noth, - Sr. Goods Guard/BPB,
- 7) " Subhash Majumder, xx. Sr. Goods Guard/LMG,
- 8) " Haradhan Dey, - Sr. Goods Guard/BPB,
- 9) " Nitjhar Biswas, - Sr. Goods Guard/LMG,
- 10) " B.K. Biswas, - Sr. Goods Guard/NGC,
- 11) " Samir Chakraborty, - Sr. Goods Guard/LMG,
- 12) " H.K. Kalita, - Sr. Goods Guard/NGC,
- 13) " Anjan Dutta, - Sr. Goods Guard/LMG,
- 14) " S.B. Baruah, (ST) Sr. Goods Guard/LMG,
- 15) " Gautam Roy, - Sr. Goods Guard/BPB,
- 16) " Jayanta Choudhury, - Sr. Goods Guard/NGC,
- 17) " Rama Ranjan Ray, - Sr. Goods Guard/LMG,
- 18) " Akhil Paul, - xx. Goods Guard/LMG,
- 19) " J.C. Barthakur, - Goods Guard/NGC,
- 20) " P.K. Lala, - Goods Guard/LMG,
- 21) " H.K. Dutta, - Goods Guard/NGC,
- 22) " A.K. Lala, - Goods Guard/LMG,
- 23) " D.K. Mallick (SC) Goods Guard/LMG,
- 24) " L. Kalita, - Goods Guard/LMG,
- 25) " C.C. Boro (ST) - Goods Guard/NGC,
- 26) " Sushil Kr. Das, (ST) - Goods Guard/BPB,
- 27) " B.K. Saha (SC) - Goods Guard/NGC,
- 28) " A.C. Kalita, - Goods Guard/NGC,
- 29) " Sankar Bharali (SC) Goods Guard/NGC,
- 30) " B. Kumar - Goods Guard/NGC,
- 31) " B. Ahmed - Goods Guard/NGC.

The panel has been approved by ADM/LMG on 29.4.05.

(N. Mukherjee)
APR/I/Lumding
for Divisional Railway Manager (P),
N.F. Railway, Lumding.

No. E/32-9/Pt. II(T), Dt. 29.04.2005.

Copy forwarded for information and necessary action to :-
1) SS/LMG & BPB, 2) CYM/NGC, 3) Sr. DOM/LMG, 4) Sr. ADM/GHY, 5) DOM/Plg/LMG
6) AM/BPB, 7) Divil. Secy. NFRMU/LMG, 8) Convechor/NFRMU/LMG, 9) Secretary/
SC/ST Association/LMG, 10) Staff concerned thro: Proper Channel,
11) S/copy for p/cases.

(N. Mukherjee)
APR/I/Lumding,
for Divisional Railway Manager (P),
N.F. Railway, Lumding.

Certified to be true Copy

Advocate,
Date: 13/6

To,

Divisional Railway Manager
N. F. Railway / Lumding

(Through proper channel)

Sub :- Procedural lapses in formation and publication of Panel vide DRM (P) / LMG's Memorandum No. E/39-9/Pt-II (T) dated 29.04.2005.

Sir,

Respectfully I beg to crave for an indulgence to exercise the provision "to represent against panel" issued under Rly Bd's L/No. E(NG) 168 PM1-60 dated 29.08.68, to bring the serious infirmities and irregularities to the light for justice and fair play at your end.

That Railway Board vide their Letter No. PC-III/2003/CRC/6 dated 6.01.04 at Para 4.3 stated inter-alia "All vacancies arising from 2.11.03 will be filled by normal selection procedure." Again at Para 4.4 stated inter-alia "All vacancies arising out of restructuring should be filled up by senior employees who should be given benefit of promotion w.e.f. 1.11.03, where as for the normal vacancies existing on 1.11.03, junior employees should be posted by modified selection procedure but they will get promotion and higher pay."

It is evident in the memorandum published under DRM(P)/LMG's No. E/III/Gr-I/Restructuring (T) dated 31.3.04, that there generated no post at the bottom grade of Passenger Guard as result of restructuring, so the benefit from 1.11.03 does not arise. But for the normal vacancies existed in the grade of Passenger Guard as on 1.11.03, the modified selection procedure ought to be followed. Such normal vacancies were 18 (if not more) as evident at DRM(P) / LMG's notification No. E/39-9/P/1 (T) dated 5.09.03.

Management exhibited apathy for obvious reason, and did not process modified selection for the very 18 vacancies of Passenger Guard. Further vacancies arose from 2.11.03 were 31-18 = 13 for which normal selection procedure was to be followed. Management at their will and pleasure ignored the critical application of two type selections at their impugned panel dated 29.04.05.

It is imperative to mention that Railway Board in order to avert manipulation at the hand of vested interests, had stipulated the mandatory time schedule in their letter vide No. E(NG) /1-87/PM 1-14 (AIRF) dated 22.7.88 stated inter-alia "It has been further laid down that where the concerned officers take more than 2 months for finalising the evaluation of written examination papers, the same should be brought to the personal notice of DRM /PHOD, and in case where delay exists 3 months it should be brought to the notice of General Manager". The so-said result of written examinations in the form of impugned panel exhibiting no evaluation published on 29.04.05, after 4 months 11 days from the date of written examinations ended long before on 18.12.04. The panel carried serious manipulation obviously kept evading notice of reverend General Manager.

In the premises, it is most respectfully prayed that your kind prudent honour will be pleased to appreciate the just cause of my grievance, and will further be pleased to pass an order to cancel/modify the impugned panel dated 29.04.05. And /or pass such order/orders as thought fit and proper. For this act of kindness your humble deprived Goods Guard shall ever pray.

Dated :- 10.05.05

Yours faithfully,

(Paresh Ch. Das)
Sr. Goods Guard / NGC

Certified to be true Copy



Advocate,

Date : 13/6

Northeast Frontier Railway

Office of the
Divl. Railway Manager (P)
N.F. Railway, Lumding.
Dated 02-06-2005

No.E/39-9/Pt.II(T)(Loose)

To
S/Shri

- 1) Praneswar Goswami, Sr. Goods Gd/NGC.
- 2) Apurba Kalita, Sr. Goods Gd/NGC.
- 3) Lagan Kachary, Goods Gd/NGC.
- 4) Joydeep Das, Goods Gd/NGC.
- 5) Surjya Kr. Das, Sr. Goods Gd/NGC.
- 6) Debabrata Dey, Goods Gd/NGC.
- 7) Paresb Ch. Das, Sr. Goods Gd/NGC.
- 8) Bhanu Pn. Misra, Sr. Goods Gd/NGC.
- 9) L. Thakuria, Sr. Goods Gd/NGC.

Through CYM/NGC.

Sub:- Representation dated 10-05-05 against the panel of Passenger Guard (5000-8000/-) published vide this office Memorandum No.P/39-9/Pt.II (T) dated 29-04-2005.

The vacancies of Passenger Guard in sale Rs.5000-8000/- which existed as on 01-11-03 have been filled up by normal selection procedure following the instruction contained in Para 4.5 of Rly.Bd's L/No.PC-III/2003/CRC/6 dated 06-01-04 as because percentage in this grade has been reduced and no new post became available as a result of restructuring of cadre.

Hence, the contention of your representation mentioned above is not correct in view of Para 4.5 of RB's letter dated 06-01-04 quoted above which read as under :-

"In cases where percentages have been reduced in the lower grade and no new post becomes available as a result of restructuring, the existing vacancies on 01-11-03 should be filled up by normal selection."

Further, your allegation of delay in evaluation of answer scripts is also baseless as there was no such delay in evaluating the answer scripts.


(K.P. Singh)

DPO/IC/LMG
for Divl. Railway Manager (P)
N.F. Railway, Lumding.

E/Type Sec/Traffic/Representation.

Certified to be true Copy



Advocate,

Date: 13/6

IN THE MATTER OF

O.A.135 OF 2005

Shri Paresh Chandra Das & Others / ... Applicants

Versus

The Union of India & Others ... Respondents.

AND

IN THE MATTER OF

Written statement on behalf of Respondents 1 to 5.

The answering respondents respectfully SHEWETH :

1. That the answering respondents have gone through the copy of the application filed and have understood the contents thereof. Save and except the statements which have been specifically admitted hereinbelow or those which are borne on records all other averments/allegations as made in the application are hereby emphatically denied and the applicant ^{are} put to the strictest proof thereof.

2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondents have confined their replies to those points/allegations/averments of the applicants which are found relevant for enabling a proper decision on the matter.

3. That the application suffers from want of a valid cause of action as will be clear from the submissions made in the relevant paragraphs below. To cite one example of the many non-existent causes of action, the applicants have repeatedly questioned the wisdom of setting different question papers (of the standard laid down) for the four different dates of test as notified. The consequence of setting the same question paper for the four different dates can be easily understood, as the question of leakage of the question paper would emerge. Yet this non-existent cause of action has been repeated from the beginning to the end of the application. Thus, the application is full of such examples as will be shown in the paragraphs below.

4. That the application suffers from wrong representation and lack of understanding of the basic principles followed in the matter as will be clear from the submissions made hereunder.

received copy
16/12/05

४८२२ कर्मचारी अधिकारी
 पृ० सी० एल० ग्रामडिंग
 Div. Personnel Office/12
 श्री ए. ए. ए. लुमदिन

5. Facts of the case:

That before traversing the details of allegations/averments made in the application, the respondents beg to indicate the facts relating to the matter raised in the O.A.

5.1. Notification:

That the respondents had notified vide notification No.E/39-9/PtII(T) dated 14.9.2004 (Annexure B of the O.A.) that selection consisting of a written test only will be held for forming a panel of 31 passenger guards in scale Rs.5,000-Rs.8,000/-. This notification contained names of 93 persons as per their seniority in the records on the date and invited concerned staff to submit representation in regard to their seniority within seven days so that mistake, if any, in the seniority list could be rectified and correct seniority list of 93 persons could be notified finally. Consequently, a fresh notification with modified seniority list of 93 persons was issued vide no.E/39-9/Pt II(T) dated 21.9.2004. (Annexure B 1 of the O.A.)

This notification dated 21.9.2004 also stated that a number of SC/ST staff had to undergo pre-selection training and obtain competency certificates as required under the guidelines issued by the Railway Board to assist these under-privileged candidates to prepare better for the tests.

5.2. Why written test only:

The notification dated 14.9.2004 (annexure B of O.A) stated that "the selection will consist of written test only". This followed instructions contained in Railway Board's letter No.E(NG)I/2000/PM1/41 dated 7.8.2003. Para 3(i) of the letter stated "There will be no viva voce in the departmental selections except in the case of selection, if any, for promotion to the posts in the category of Law Assistants, Physiotherapists, Telephone Operators and Teachers". Para 3.1(i) and (ii) contained other related instructions in this regard. Accordingly, Advance Correction Slip No.150 to Chapter II, Section "B" - Rules Governing the promotion of Group "C" staff (In the Indian Railway Establishment Manual Vol.I (1989 Edition) was issued.

A copy of Railway Board's letter dated 7.8.2003 and of correction slip No.150 are annexed herewith and marked as ANNEXURE R1 and R1A respectively.

5.3. Selection Board and procedure:

The procedure to be adopted by the selection Board is laid down in para 219 of the Indian Railway Establishment Manual Volume I (Revised edition-1989)

An extract of para 219 of IREM Vol.I (Revised edition-1989) is annexed herewith and marked as ANNEXURE R.2

5.3.1. Para 219(b) mandated that "An officer of the concerned department who is also a member of the selection Board must be authorised to set the question paper for written test. Where possible, another officer who is also a member of the selection board should be nominated to evaluate the answer books...."

These provisions were elucidated further vide Railway Board's clarificatory letter No.E(NG)I-95/PM1/14 dated 3.3.98 in para 3 as follows:

"3. Similarly the provisions of para 219(b) to the effect that where possible another officer who is also a member of the selection Board should be nominated to evaluate the answer books of the written tests wherever held as part of the selection, are being interpreted to mean that the officer who has set the question paper cannot evaluate the answer books resulting in the same being evaluated by an officer from the Department other than that for which selection is held. It is to be noted that these provisions do not put an embargo on the officer who has set the question paper from evaluating the answer books"

A copy of Railway Board's letter No. E(NG)I-95/PM1/14 dated 3.3.98 is annexed herewith and marked as ANNEXURE-R-3.

5.4. From the foregoing it would be clear that correct and approved procedures were followed in the selection for the posts of passenger guards keeping in view the provisions of the IREM and instructions issued by the Railway Board from time to time.

6. Parawise comments:

6.1. That with regard to the statements made in paras 1, 2 and 3 of the application the respondents state that the notifications issued for selection were as per prescribed procedure and were correctly issued. The applicants themselves have admitted in para 3 that "all the present applicants appeared in the said written test as per dates fixed for the tests..." However, they filed the application before the Hon'ble Tribunal only after the results were published when they found that they had not come out successful. Since they appeared in the tests without objection they do not have any cause of action at this stage as the selection process was correct and as per prescribed rules and procedure.

6.2. That regarding para 4 the respondents state that different question papers had necessarily to be set for various dates on which the tests were held, because setting the same question paper for all four days would tantamount to officially leaking the question paper. This contention of the applicants therefore appears extraordinary, to say the least. Similarly, the statement that "...some question papers were not at all connected with their profession or trade" is considered irrelevant as the candidates who failed in the test are not considered competent to judge the standard of examination. The respondents also deny the allegation that "... besides wrong setting of questions, it was not properly evaluated in as much as the person who had set the questions has evaluated the answer scripts and the marks were put in such a manner as to declare some people to have qualified the test who had approached the Board members personally" As clarified in para 5.3.1 above an officer who sets the question paper can also evaluate the answer books, as per prescribed procedure.

As regards the allegation of the applicants that "The Board members picked up names in seriatim from the gradation list as their personal choice without paying heed to the marks obtained", the respondents emphatically deny the same and state that there was no bias or prejudice in the selection process as sought to be hinted by the applicants.

6.3. That as regards paragraph 5 the respondents state that the reply sent to the applicants was based on the Railway Board's latest instructions on the matter. Secondly, the candidates who unfortunately failed to get selected on merit had no basis to question the ~~question~~ selection process which was carefully completed by following the prescribed procedure in all respects.

That as regards the allegation of delay in the process of selection, the respondents beg to deny the same. It will be noted that the process of selection involved pre-section training of SC/ST staff as detailed in the notification dated 21.9.2004 (Annexure B1 of the O.A.) and the need to call 93 running staff (goods guards) working trains at far off places on four different dates (as indicated in Annexure C of the O.A.). Care had to be taken to hold the selection tests in such a manner that running of goods trains was not affected for want of guards a no train can run without a train guard. It is to be further noted that after completion of the written tests on the last notified date the answer scripts had to be evaluated by the nominated departmental officer and only after that the selection

(5)

committee duly constituted of officers of different departments as per rule could sit together to finalise the selection process. One more factor to be considered is that the officer members of the selection committee had to perform their own departmental work to the full and had to work as members of the selection committee in addition to their own work as the system does not provide for a permanent machinery solely for the purpose of departmental selection work. The selection process also involves preparation and examination of the latest confidential reports of staff concerned and these necessarily take time, especially if the selection is initiated at the fag end of the financial year, as was the case in the present selection. These factors influenced the respondent No.5 in replying to the applicants vide their letter dated 2.6.2005 that the allegation of delay in evaluation of answer scripts was baseless..

In this connection the respondents do submit that there are instructions from the administration at higher levels to avoid delay in filling up selection posts by following a calendar of selection in the Divisions. The main emphasis is on technical correctness in the selection process. No doubt the time factor is important but this in itself is not meant to negate the selection proceedings but is only a guideline for ideal selection calendar which, if violated for some reason, is to be internally explained.

A copy of one of the latest instruction of the Railway Board issued vide letter No.E(NG)I-96/CR/8 dated 9.1.97 circulated vide GM(P), Maligaon's letter dated 9.6.97 is annexed herewith and marked as R-4.

It is stated that every care was taken to complete the selection of passenger guards by carefully following the spirit of all extant instructions and as per rule, in spite of the enormous difficulties as described in para above.

6.3(a) The respondents deny the allegation made in the later part of para 5 that the persons who prepared the select list simply picked up names of their choice in seriatim from the seniority list on their personal satisfaction and not basing on marks. This false allegation by the applicants has arisen due to their ignorance of the process of selection, according to which the names of the successful candidates should be arranged in order of their

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Annexure - R 1

(10)³⁻⁴ EPS
NORTHEAST FRONTIER RAILWAY

Office of the
GENERAL MANAGER(P),
MALIGAON : GUWAHATI-11

EPS - 458
No. E/254/O Pt. XIV(C)

Dated: 26.8.2003

To,
GM/MLG, GM/CON/MLG, AGM/MLG & others,

Sub: Procedure for holding selections for promotion to posts classified as "Selection".

A copy of Railway Board's letter No. E(NG) I/2000/PM1/41, dated 7.8.2003 (RBE No. 137/2003) on the above mentioned subject is forwarded for information and necessary action. Board's earlier letter dated 8.3.2002 as referred to in their present letter was circulated under GM(PY/MLG)'s No. EPS - 438-E/254/O Pt. XIII(C) dated 22.3.2002. In this connection a copy of advance correction slip No. 150 of IREM Vol. - 1, 1989 is also enclosed herewith for information.

Sd/-
(AKROY)
SPO/MPP
for GENERAL MANAGER(PY/MLG)

No: E/207/EPS/O Pt. V

Lumding Dated: 02.9.2003
3

Copy forwarded for information and necessary action to:

- 1) Sr.DPO, DPO, APOs/LMG 2) APO/GHY 3) MS/BPB 4) ATM/BPB
5) All BMs 6) All cadre section at Office.

7) All assistant officers

Com Pooled

03.09.03

(N.B. DAS)
APO/II/LMG
for Divnl Rly. Manager(PY/MLG)

(Copy of Railway Board's letter No. E(NG) I/2000/PM1/41 dated 7.8.2003)

Sub: Procedure for holding selections for promotion to posts classified as "Selection".

In terms of extant procedure, selection posts are filled by a positive act of selection consisting of a written test and / or viva-voce; viva voce being a must in every case.

1. In cases where written test is held as part of the selection for promotion to the highest grade selection post in a category, the same includes objective type questions for about 50% (in the range of 45% to 55%) of the total marks for the written test. The objective type questions limited to about 25% (in the range of 20% to 30%) of the total marks for the written examination, if any, held as part of the selection for promotion to selection posts in the lower grades, have also been introduced vide ACS No. 130 issued under the Ministry's letter of even number dated 8.3.2002 with the stipulation that in order to offset the impact of random answering, there will be negative marking for wrong answers to objective type question.

Contd. to page 2.

2. The staff side in the fora of Departmental Council under the JCM Scheme and the PNM have demanded that:

- (i) In order to reduce subjectivity to the maximum extent possible in the departmental selections viva voce should be eliminated on the analogy of viva voce having been eliminated in the recruitments from open market through Railway Recruitment Boards; and
- (ii) the concept of negative marketing should be done away with.

3. Pursuant to deliberations with the staff side, Ministry of Railways have considered the matter carefully and have decided as under:

(i) There will be no viva voce in the departmental selections except in the case of selection, if any, for promotion to the posts in the category of Law Assistants, Physiotherapists, Telephone Operators and Teachers. For these categories, viva voce is in vogue in the recruitment through Railway Recruitment Boards (RRBs).

(ii) While the objective type question in the written test held as part of selection for promotion to all selection posts will be retained, the concept of negative marking for wrong answers to the objective type questions as introduced vide ACS No. 130 ibid stands withdrawn.

3.1 As a corollary to elimination of viva voce in the departmental selections, the following decisions have also been taken:

- (i) Written test will invariably form part of all selections held for promotion to posts classified as "Selection" including the posts for which presently only viva voce forms part of the selection.
- (ii) 15 marks hitherto allotted to viva voce in the selection, which consisted of both written test and viva voce test, will now be added to written test. Accordingly, the total marks allotted to written test for assessing professional ability of the candidates shall be 50 (both in cases where presently written and viva voce or only viva voce form part of the selection) except in the case of selection to posts in the categories of Teachers, Law Assistants, Physiotherapists and Telephone Operators for which the existing distribution of marks, namely, 35 for written test and 15 for viva voce will continue to be in force.

4. It has also been decided that the procedure as revised above will be applicable to selections notified on or after the date of issue of this letter.

4.1 All the remaining procedure prescribed for holding selections including constitution of Selection Boards will remain unaltered.

5. Accordingly, the Indian Railway Establishment Manual Volume I, 1989, is amended as per ACS No. 150 enclosed.

Please acknowledge receipt.

Encl: ACS No. 150

Sd/-
(J.S.GUSAIN)
Joint Director, Establishment(N)
Railway Board

(11)

10
ANNEXURE- R I A.

INDIAN RAILWAY ESTABLISHMENT MANUAL
VOL. I (1989 EDITION)

Advance Correction Slip No. 150

Chapter II, Section 'B' - Rules governing the promotion of Group 'C' staff.

I. In the existing para 215:

i) For the existing sub-para (a) substitute the following:-

"Selection post shall be filled by a positive act of selection made by Selection Boards, from amongst the staff eligible for selection. The positive act of selection shall consist of only written test to assess the professional ability of the candidates, for which reasonable advance notice should be sent, except in the case of selection for promotion to posts in the categories of Teachers, Law Assistants, Physiotherapists and Telephone Operators, where the positive act of selection shall consist of both written test and viva-voce test. The staff in the immediate lower grade with a minimum of two years service in that grade only will be eligible for promotion, unless a longer length of service in the lower grade has been stipulated as a condition of eligibility for promotion in a particular category. The service for this purpose includes service, if any, rendered on ad hoc basis followed by regular service without break. The condition of two years service should stand fulfilled at the time of actual promotion and not necessarily at the stage of consideration. If by virtue of the above rule, a junior is eligible for promotion, his senior also will be eligible for such promotion, even though he might not have put in a total service of two years, or more, (if stipulated in particular category in the lower grade)"

ii) In sub paras (c) and (d) the words and figures "para 216" should be corrected to read as "para 219".

iii) Delete sub-para (ee) as separated from the original sub-para (e) vide ACS No.82 issued under the Ministry's letter No.E(NG)I-99/PM1/15 dated 26.7.1999.

II. In the existing para 219:

i) In the existing sub-para (b) as modified vide ACS No.40 issued under the Ministry's letter No.E(NG)I-95/PM1/14 dated 3.3.1998, delete the words "if such a test is" appearing in the first sentence of the sub-para.

ii) For the existing sub-para (c) as modified vide ACS No.130 issued under the Ministry's letter No.E(NG)I-2000/PM1/41 dated 8.3.2002, substitute the following:

.....cont'd...2/-

(c) (i) : In the written test held as part of the selection for promotion to the highest grade selection post in a category, objective type questions should be set for about 50% (in the range of 45% to 55%) of the total marks for the written test. In the written test held as part of the selection for promotion to other lower grade selection posts, objective type questions should be set to the extent of about 25% (in the range of 20% to 30%) of the total marks for the written test.

(ii) : The provisions at (i) above will be applicable to selections in all departments except Accounts Department".

iii) For the existing Note (iii) below sub-para (g) as modified vide ACS No.66 issued under the Ministry's letter No.E(NG)/I-98/PM1/11 dated 16.11.1998, substitute the following:-

"Candidates must obtain a minimum of 60% marks in professional ability and 60% marks of the aggregate for being placed on the panel. In a few cases where both written and oral tests are held for adjudging the professional ability, the written test should not be of less than 35 marks and the candidates must secure 60% marks in written test for the purpose of being called in viva-voce test. Provided that 60% of the total of the marks prescribed for written examination and for seniority will also be the basis for calling candidates for viva-voce test instead of 60% of the marks for the written examination only; marks for seniority being awarded on notional basis. However, it should be specifically made clear to them that they are being called for interview based on the marks for seniority awarded on notional basis and that empanelment will be subject to their securing 60% marks in the professional ability (written test and viva voce test) and 60% in the aggregate."

iv) For the existing entries against item (1) of the table at the end of clause (i) of sub-para (j) as modified vide ACS No.66 issued under the Ministry's letter No.E(NG)/I-98/PM1/11 dated 16.11.1998, substitute the following under the columns "Factors/Headings, Maximum Marks and Qualifying Marks respectively"

(1)	Professional ability	50	30
-----	----------------------	----	----

v) For the existing sub-clause (ii) of sub-para (j), substitute the following:

"In a few cases where both written test and viva-voce test are held to assess the professional ability of the candidates, all those who secure not less than 60% marks in the written test should be called for viva-voce test."

(Authority: Ministry of Railways letter No. E(NG)/I-2000/PM1/41
dt. 07.08.03)

(13)

ANNEXURE-R-2

P.R.B. (पी.आर.बी.) 275-I
20,000-1989 (D.S.K.) IV



सत्यमेव जयते

भारत सरकार

रेल मंत्रालय

(रेलवे बोर्ड)

GOVERNMENT OF INDIA

MINISTRY OF RAILWAYS
(RAILWAY BOARD)

भारतीय रेल स्थापना मैन्युअल,

भाग I

(संशोधित संस्करण-1989)

INDIAN RAILWAY ESTABLISHMENT MANUAL
Volume I

(Revised Edition-1989)

मूल्य/PRICE { देश में / Inland : Rs. 45.00
विदेश में / Foreign : £ 1.73 or \$ 2.69

(14)

[Board's letter No. E(NG) 1-73 PM-1/100 dated 10-8-1973]

When a Selection Board consist of only three members, none of the members be directly subordinate to another.

For selection post in the scale of Rs. 1600- and above, the Selection Boards will consist of members of Junior administrative rank, for all other selection posts the Selection Board will consist of members not lower in rank than senior scale. In either case the Selection Board may include a Personnel Officer in the next lower rank, shall, nevertheless, be a member of the Selection Board.

E(NG) 1-83 PM 1-214 dt. 8-12-76

(d) Every effort should be made to include a SC/ST Officer on the Selection Board whether of the concerned Department, if available or the other Department, Railway/Production Units or a non-Railway Department.

E(SCT)/15/32 dt. 8-11-81

If for any reason the competent authority is unable to comply with the provisions of this paragraph, it should make a report of the facts to the General Manager.

Para-219 ||
Procedure to be adopted by Selection Board

When a Selection post is to be filled, the authority empowered to constitute a Selection Board shall refer the post to the Board to assemble and make recommendations. It shall also nominate the Officer who shall be the Chairman of the Board. The responsibility for the selection will be of all members.

(b) An officer of the concerned Department who is also a member of the Selection Board must be authorised to set the question paper for written test. If possible, another Officer who is also a member of the Selection Board should be nominated to evaluate the answer books, if such a test is held as a part of the Selection or determining the professional qualifications. The test should be confidential system with members.

E(NG) 1-84 PM 1-6/1 dt. 30-3-85 & E(NG) 1-84 PM 1/13 (RRC) dt. 5-9-1985
190 RB/89

(c) In the written test, if any, held as part of the selection for promotion to the highest grade selection post in a category, objective type questions may be set for about 50% of the total marks for the written test. The figure of 50% for objective type of questions is intended to be for guidance and should not be construed to mean as constituting a inflexible percentage.

E(NG) 1/83/PM 1-65 (PNM-NFIR) dt. 17-4-84

(d) Moderation of results by way of awarding grace marks to candidates shall not be resorted to without the authority of the Selection Board or the authority competent to accept the recommendations of Selection Board. No grace marks shall be allowed in individual cases.

E(NG) 1/67 PM 1-21 dt. 25-2-71 and E(NG) 1-84-PM 1/6 dt. 30-3-85

(e) Before the Selection Board assembled to make the selection, the papers connected with the proposed selection, the names of the candidates to be considered, the confidential reports, if any on such candidates and other relevant data concerning them shall be circulated for the information of the members of the Board as also the qualifications prescribed for the particular post under consideration.

(f) The Selection Board will examine the service record and confidential reports (if kept) of the staff eligible. All the members of the Selection Board should independently assess the candidates under different headings of personality, leadership etc) and record the marks awarded by them in the mark sheet given to them and the same should be signed and handed over to the Personnel Officer who should average the marks given by members of the Selection Board and be responsible to compile the results on the basis of marks given by the members of the Selection Board. This evaluation chart prepared by the Personnel Officer should thereafter be signed by all the members of the Selection Board. The members nominated on a Selection Board should be advised clearly that there should not be any cuttings and over-writings in the proceedings of the Selection Board and serious objection of any cuttings and over-writing will be taken.

E(NG) 1-79/PM 1-320 dt. 23-12-79

(g) Selection should be made primarily on the basis of overall merit, but for the guidance of Selection

Board the factors to be taken into account and relative weight are laid down below :—

E(NG) I-69/PM 1-126 dt. 18-9-69

	Maximum Marks	Qualifying Marks
(i) Professional ability	50	30
(ii) Personality, address, Leadership and academic qualification	20	—
(iii) A record of service	15	—
(iv) Seniority	15	—

NOTE (i) The item 'record of service' should also take into consideration the performances of the employee in essential Training Schools/Institutes apart from the examining CRs and other relevant records.

E(NG) I-72/PM 1/192 dt. 27-6-73

- (ii) Candidates must obtain a minimum of 30 marks in professional ability and 60% marks of the aggregate for being placed on the panel. Where both written and oral tests are held for adjudging the professional ability, the written test should not be of less than 35 marks and the candidates must secure 60% marks in written test for the purpose of being called in viva-voce test. This procedure is also applicable for filling up of general posts. Provided that 60% of the total of the marks prescribed for written examination and for seniority will also be the basis for calling candidates for viva-voce test instead of 60% of the marks for the written examination.

E(NG) I/72/PM-1/158 dt. 12-12-73 & E(NG) 3/PM 1/65 dt. 5-12-1984

(h) The importance of an adequate standard of professional ability and capacity to do the job must

be kept in mind and a candidate who does not secure 60% marks in professional ability shall not be placed on the panel even if on the total marks secured, he qualifies for a place. Good work and a sense of public duty among the consciousness staff should be recognised by a warding mere marks both for record of service and for professional ability.

(i) For general posts i.e. those outside the normal channel of promotion for which candidates are called from different categories whether in the same department or from different departments, the selection procedure should be as under :—

(i) All eligible staff irrespective of the department in which they may be working who satisfy the prescribed conditions of eligibility and volunteer for the post should be subjected to a selection which should consist of both written test and viva-voce test; and

(ii) The Selection Board should call for viva-voce test all candidates who secure not less than 60% marks in the written test. The final panel should be drawn up on the basis of marks obtained in the written and viva-voce test in accordance with the procedure for filling selection posts.

E(NG) I-72/PM 1-158 dt. 21-8-1972

(j) The names of selected candidates should be arranged in order of seniority but those securing a total of more than 80% marks will be classed as outstanding and placed in the panel appropriately in order of their seniority allowing them to supersede not more than 50% of total field of eligibility.

E(NG) I/76 PM 1-142 dt. 25-7-79, 30-10-79

(k) The list will be put up to the competent authority for approval. Where the competent authority does not accept the recommendations of a Selection Board, the case could be referred to the General Manager, who may constitute a fresh Selection Board at a higher level, or issue such other orders as he considers appropriate.

(16)

ANNEXURE-R-3.

NORTHEAST FRONTIER RAILWAYEPS- 403.
No. E/254/-P. XIII(C)

Maligaon dated 7-04-98.

To,
GM(Con)/MLG, All HODs, All DRMs, All DAOs, WAO/NBQ & DBWS,
All Controlling Officers of Non-divisionalised offices.
The GS/NFREU, NFRMU, AISCTREA/MLG.

Sub:- Promotion of Non-Gazetted staff-filling up of the selection
post - procedure reg.

A copy of Rly. Board's letter No. E(NG) I-95/PM1/14 dt. 3.3.98 on the above subject is forwarded for information and necessary action. Board's earlier letter No. E(NG) I-73/PM1/100 dt. 10.12.73 as referred to in their present letter was circulated under CPO/PNO's No. EPS-172/E/254/0 Pt.VIII(C) dated 31.1.74.

DA/As above.

[Signature]
SPO/HQ

for GENERAL MANAGER(P)/MLG.

General Manager
N F
Maligaon.

provisions of para 218 (a) of IREM Vol.I, 1989 Edition stipulate that Selection Boards shall consist of not less than three officers, one of whom should be a personnel officer and one of the members should be from a Department other than that for which selection is held.

2. Though clarificatory instructions exist vide Board's letter No. E(NG) I-73/PM1/100 dated 10.12.73 that the presence of a Personnel Officer in the Selection Boards alongwith two officers from the Department for which selection is held would meet the requirement of one of the members being from a Department other than that for which selection is held, in practice the provisions in the Manual are being construed to mean that the third member of the Selection Board should necessarily be from a Department other than the Department for which selection is held over and above the Departmental Officer and the Personnel Officer. This results in each of the three members of the Selection Board being from different Departments.

3. Similarly the provisions of para 219 (b) to the effect that where possible another officer who is also a member of the Selection Board should be nominated to evaluate the answer books of the written tests wherever held as part of the selection, are being interpreted to mean that the officer who has set the question paper cannot evaluate the answer books resulting in the same being evaluated by an officer from the Department other than that for which selection is held. It is to be noted that these provisions do not put an embargo on the officer who has set the question paper from evaluating the answer books.

4. In order, therefore, to make the provisions explicitly clear the Board have decided to suitably update the provisions contained in paragraphs 218(a), 218(c) and 219(b) as in the Advance Correction Slip Nos.38,39 & 40 enclosed.

5. Past cases decided otherwise need not be re-opened.
Please acknowledge receipt.

Encl: 435

(J.S.Gusain)
Joint Director Estt.(N)
Railway Board.

(17)

INDIAN RAILWAY ESTABLISHMENT MANUAL, VOL. I, 1989

Advance Correction Slip No. 38

Substitute the following for the existing para 218(a) in Chapter-II, Section B containing Rules governing promotion of Group 'C' staff :-

"218(a): Selection Boards shall consist of not less than three officers, one of whom should be a Personnel Officer and one of the Members should be from a Department other than that for which selection is held. The presence of a Personnel Officer in the Selection Boards along with two officers from the Department for which selection is held would meet the requirement of an officer being from a Department other than that for which selection is held."

(Authority: - Board's letter No.E(NG)I-73/PM1/100 dated 10.8.73 and 2.11.73, No.E(NG)I/95/PM1/14 dated 3.3.98).

.....

INDIAN RAILWAY ESTABLISHMENT MANUAL, VOLUME-I, 1989

Advance Correction Slip No.39

Substitute the following for the existing para 218(c) in Chapter-II, Section B containing Rules governing promotion of Group 'C' staff:-

"218(c): For selection posts in scale of pay Rs.1600-2660/5000-8000(RSRP) and above, the Selection Boards will consist of officers of Junior Administrative grade. For all other selection posts the Selection Board will consist of officers not lower in rank than senior scale. In either case, except in the case of selection for Personnel Department, the Selection Board may include a Personnel Officer in the next lower rank who shall nevertheless be an equal member of the Selection Board.

Note:- In Divisions where JA Grade officers are not available in the concerned Department, JA Grade officers of any other Department may be nominated as the members of the Selection Board, the senior scale officer in independent charge of the concerned Department, who will not be subordinate to any other Member of the Selection Board, being nominated as the fourth Member who will also sign the selection proceedings. In the case of selection for Personnel Department if there is no JA Grade officer in the Personnel Department of a Division and the post is Divisionally controlled, in addition to the senior scale personnel officer of the Division, a JA Grade officer of the adjoining Division or of the Headquarters may be included in the Selection Board."

(Authority: Board's letter No.E(NG)I-87/PM1/6 dated 29.8.88 and 15.11.89; No.E(NG)I/95/PM1/14 dated 3.3.98).

.....

(19)

INDIAN RAILWAY ESTABLISHMENT MANUAL, VOLUME-I, 1989

Advance Correction Slip No.40

Substitute the following for the existing para 219(b) in Chapter-II, Section B containing Rules governing promotion of Group 'C' staff:-

"219(b): An officer of the concerned Department who is also a member of the Selection Board must be authorised to set the question paper for written test, if such a test is held as part of the selection for determining the professional ability. Where possible another officer of the concerned Department who is also a member of the Selection Board should be nominated to evaluate the answer books, ensuring, however, that the answer books are invariably evaluated by a Member-Officer of the Department for which selection is held. The test should be conducted on a confidential system with Roll numbers."

(Authority: Board's letter No.E(NG)I-95/PM1/14 dated 3.3.98).

.....

(20)

ANNEXURE-R. 4.

N. E. RAILWAY.

Office of the
GENERAL MANAGER(P)
Gauhati-11.

EPS-394

NO: E/254/O-Pt.XII(C)

Dated 30.5.1997.

To,

All Hds of Department,
All DRMs, DAOs, WAO/NBQs and DBWs,
All Controlling Officers of non-
Divisional Offices,

The General Secy./NFREU/NFRMU/MLG.

Sub : Timely filling up of non-gazetted promotional posts-
maintenance of calender for selections/suitability/
trade tests.

A copy of Railway Board's letter No.E(NG)I-96/CR-8 dated
9.1.97 on the above mentioned subject is forwarded for information
and guidance.

Board's earlier letters as referred to in their present
letter which were circulated under CPO's circular No.EPS- 320-
E/254/O Pt.XI(C) dt. 25.9.87 and EPS-331 - E/254/O-Pt. XI(C)
dt. 22.11.88 and EPS- 336 - E/254/O-Pt.XI(C) dt. 12.6. 89.

for GENERAL MANAGER(P)/MLG.

(Copy of Rly.Bd's letter No.E(NG)I-96/CR/8 dt. 9.1.97.)

Sub: Timely filling up of non-gazetted promotional posts-
Maintenance of calender for selections/suitability/
trade tests.

The Railway Administrations are aware that in terms of Board's
letter Nos.E(NG)I- 87/PM1/4 dt.18.8.87 and E(NG)I-87/PM1-14(AIRF)
dt. 22.7.88, they are required to draw up a calender for conducting
selections in various grades to help them plan various activities
connected with selections and to ensure better compliance of Board's
orders regarding holding of selections at regular intervals. Further,
in terms of Board's letter No.E(NG)I-81/CR-4 dt. 14.7.81, Annual
confidential Reports of employees should be recorded within one
month of the expiry of the report period and delay in this regard
on the part of the Reporting Officer should be adversely commented
upon and that promotion of staff should not be held up merely because
of the non-availability of the latest report for a particular period
for which it has become due. The need to avoid delay in holding
selections timely writing of Confidential Reports and the ways to do
so were emphasised/suggested in the then Adviser(Staff)'s D.O.letter
No.E(NG)I-87/PM1/14(AIRF) dt. 1.11.88 and D.O.letter of same number

Contd...2/-

See
letter no E/254/O Pt.XII(C)
dt 22-12-99.

:: 2 ::

dated 15.12.88 from the then Chairman, Railway Board. However, complaints still continue to be received regarding delays in filling up of vacancies especially the promotional ones which are to be filled on the basis of selections and suitability/trade tests. The Staff Side in the JCM/DC vide item No. 57/96 have raised a demand, inter-alia, that there is delay in every step of selection, main delay being on account of evaluation of answer scripts, availability of confidential Reports and availability of members of the Selection Board.

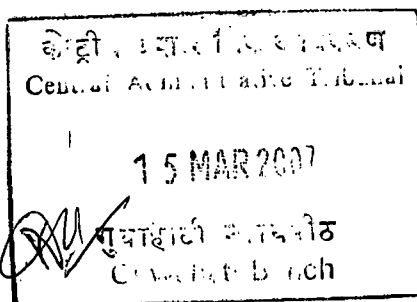
2. The matter has been reviewed by the Board and it has been decided to issue the following further instructions in the matter :-

- i) The date(s) of written test, supplementary test and viva-voce should be indicated in the notification issued for selection.
- ii) The above dates should be so fixed that the entire selection process including notification of panel is completed within a period of 90 days to 120 days depending on the number of staff involved and whether or not supplementary test is held.
- iii) Once the dates as above are fixed the same should be followed and the member of the selection Board should keep these dates in view while planning their other engagements.
- iv) Confidential Reports/service Records and Vigilance/DAR clearances should be called for in respect of all the candidates while notifying the selection so as to reach the Selection Board seven days before the earliest date fixed for interview. This will also alert the officers who have not completed Confidential Reports of the staff concerned.
- v) Where one or more confidential Reports have not been written for any reason during the relevant period, the selection Committee should considering the confidential Reports of the year preceding the period in question and if in any case even these are not available the selection Committee should take the Confidential Reports of lower grade into account to complete the number of confidential reports required to be considered. If this is also not possible, all the available Confidential Reports should be taken into account.

3. Similar calendars for non-selection posts (suitability test with written tests and trade tests) should also be made out. However in these cases the efforts should be to complete the same within 30 to 45 days of the date of notification.

4. Board desire that the above instructions should be scrupulously followed so that promotional vacancies are filled in regular manner and in time.

Please acknowledge receipt.



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
::: GUWAHATI BENCH :::**

O.A. No. 135/ 2005

(Shri Paresh Ch. Das & Ors. Applicants
-Versus-
The Union of India & Ors. Respondents)

IN THE MATTER OF :

A Rejoinder filed by the Applicants of the
O.A. for adducting additional records in
the Case.

1. That the applicants are in receipt of the Written Statement in this case and having gone through the same they have understood its contents. They categorically deny the contentions of the Respondents that there is no cause of action in the case.
2. That as regards the contention of the Respondents that the Railway Boards decision that there will be only written tests for promotion except certain cadres, there is no dispute. However, the said decision did not take away the other limbs of the selection process such as constitution of the Selection Board, publishing the result of the selection test etc. Rather it is one of the essentials of all selections as the incumbents concerned has a right to know his performance in the written test (or oral test), which is an important right under all settled principles of law. This is also a corollary for achieving transparency of the selection concerned. Service jurisprudence contemplates such publication of result before preparation of the panel for promotion and in all selections, even of the N.F. Railways, the result of such tests were declared step by step prior to empanelment and promotion/ appointment.

87
Signed by
Borhamuddin Ahmed
13.3.07, Advocate
for the Applicants

✓

3. That in just the previous selection for the same post (cadre) i.e. Passenger Guards held in 2002-2003, all the norms of selection, such as Notification of the vacancies, notification of the date of written test and publication of the result of the written test etc., were complied with by the same authorities. However, in the impugned selection no result of written test had been published and the empanelment has been done, wherefrom the Respondents No. 6-36 were appointed. In the said selection done in the previous year for the same posts (19) by the same respondents a list of incumbents in the feeder cadre was drawn on 7-6-2002, the result of written test was published on 2-12-2002, the viva-voce test was conducted on 2-4-2003, 3-4-2003 and 4-4-2003 and finally the selection test was published on 4-4-2003 after empanelment of 19 candidates. Thereafter promotion order was issued on 17-4-2003 and there was no anomaly in the entire process. Contrarily in the impugned selection no result was published after the written test and the authorities empanelled 31 aspirants directly for appointment.

A copy each of the records of Notification the date of holding written test, Result of the Written Test, Date of viva-voce and the panel and the follow-up order of promotion are all annexed herewith as Annexures- G, H, I, J, K respectively in this rejoinder.

4. That it will be evident that the process of selection for promotion to any post has to be undertaken in a phased manner with each step indicating clarity and transparency. In the previous selection, as will be revealed from Annexures-

H, I and J, that a total of 28 persons were declared to have passed the written test and out of them only 19 were selected and empanelled and that was done consecutively on different dates. But in the impugned selection the result of the written test was not declared and as such the entire selection has been vitiated for want of transparency and ignoring the settled procedure prescribed by Rules or norms.

5. That placing reliance on the records adduced by the Respondents particularly R-1 of the Written statement, the applicants beg to state that the Respondents blatantly and grossly violated the norms incorporated in paragraphs 4 and 4.1 of the Railway Board's Circular dated 7-8-2003 and violated the procedure of selection which vitiates the entire process. Therefore, the impugned selection is bad in law and liable to be quashed.

A copy of the Railway Board's Letter No. E (NG) I/ 2000/PM 1/ 41 dated 7-8-2003 is annexed herewith as Annexure- of this rejoinder.

6. That the procedure contemplates a certain period of time (2 months) for evaluation of the answer scripts. However, in the instant selection the performance of the applicants were not evaluated at all and directly a panel was prepared with those incumbents (herein respondents) who have personal approaches, as per the sweet will of the Selection Board Members. In doing so a long period of about 4 months were taken and illegalities writ large in the entire process of selection including the non-evaluation of the answer scripts, which requires close scrutiny by this Hon'ble Court.

Verification

- 4 -

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VERIFICATION

I, Sri Bhuban Chandra Goswami, S/O. Late Umesh Chandra Goswami, aged about 40 years, resident of Railway Quarter No. 119/H, B.G. Colony, Guwahati- 21, I am one of the applicants and all other applicants authorized me to verify this rejoinder on their behalf and I do hereby verify that the contents of this rejoinder from paragraphs No. 1 to 6 are true to my knowledge and I have nothing to have suppressed in this rejoinder nor any material facts in filing the same in this Tribunal has been concealed.

I sign this verification on this the 13th day of March, 2007 at Guwahati.

Bhuban chandra Goswami
(Sri Bhuban Chandra Goswami)

M.F.Rly.

No. E/40-9/Pt. I(T) Section

Office of the
Divl. Rly. Manager (P),
Landing, dtd: 07/06/2002,

To
GM(Cor)/MLG
CYM/NCC
SSS/IMG, BPB

Sub: Selection for the post of
Pass Gd. in scale Rs. 5000-3000/-.

Sub: This office notification No. E/40-9/P-I(T)
selection dtd: 16-4-01.

It has been decided to hold a selection for the post of
Pass-Guard in scale Rs. 5000-3000/- to form a patrol of 17 (12-19)
persons consisting of UR-17, SC-1- ST-1

Please spare and direct the following staff to appear
in the written test of selection for Pass Guard (5000-3000) on
the scheduled date and time as shown against each.

1. S/Shri Sarat Ch. Sarmah, Sr. Goods Guard/ NCC
2. S/Shri Ajit Chandrai, Sr. Goods Guard/IMG
3. Sukumar Bhattacharjee "/IMG
4. A. Abdul Hoque "/BPE
5. D.K. Dasgupta "/BPE
6. Pravat Ch. Das (I) (SC) "/IMG
7. Suril Ch. Malakar (SC) "/BPE
8. Gopal Ch. Boro/ST "/EGC
9. S.K. Das "/IMG
10. S.P. Chakraborty "/BPE
11. Paresch Ch. Das "/EGC
12. Kantamari Singh "/BPE
13. Ranjit Kr. Kar "/IMG
14. Subhash Chakraborty "/IMG
15. Babulal Biswas (SC) "/IMG
16. Sekhar Dutta "/IMG
17. K. Bhowmick "/IMG
18. P.B. Bora "/IMG
19. Alijan Saikia "/IMG
20. M.C. Choudhury "/IMG
21. M. Kabiraj "/IMG
22. B.G. Bardhan "/EGC
23. Milar Kt. Dev "/BPE
24. C.K. Dutta "/BPE
25. Swapan Kr. Dey "/IMG
26. Pramode Kr. Dutta "/EGC
27. Suril Chakraborty "/IMG
28. Biswaji Dey "/BPE
29. Ratan Lal Das, Sr. Goods, Guard/IMG
30. Rakshit Majumder "/IMG
31. Subash Dey "/BPE.

Date of
written test
is to be
held on
16-6-2002
at 10-00
hrs. in
DRM's
office

Contd 2-

32.	S/Shri M.L.Chakraborty,	Jr.Goods Guard/LMG	{ Date of
33.2	Biswanath Das	-d/-/LMG	written
34.2	Bharu Rn.Misra	"/NCC	test will
35."	Amar Ch.Dey	"/NCC	be held on
36."	Hiranya Kr.Das	"/NCC	15-6-02 at
37."	Krishna Pada Dey	"/NCC LMG	0-00 hrs.
38.	Marik Ch.Nath	"/BPB	in DRM(P)'s
39.	S. Sush. Majumder	"/MG	Office/LMG
40.	Gopal Nath	"/BPB	
41.	Praneshwar Goswami	"/NCC	
42.	Haradhar Dey	"/BPB	
43.	Nirjhar Biswas	"/LMG	
44.	A.B.Dhar	"/LMG	
45.	P.K.Mukherjee	"/LMG	
46.	Haradhar Ch.Dey	"/LMG	
47.	Jibhar Kr.Das	"/LMG	(The date of written
48.	Suril Ch.Dey	"/LMG	(test will be fixed
49.	Bimal Kt.Biswas;	"/NCC	(later on.
50.	Basudev Debnath,	"/BPB-	Advised to keep
		row TI/Cor/MLG	them-selves in
		under GM/Cor/	readiness for the
		MLG	selection.
51.	Surjya Kr.Das (ST).	"/NCC	(Date of written test
			(fixed to be held on
			15-6-02 at 1000 hrs.
			(in DRM(P)'s Office/LMG
52.	Apurba Kalita-	"/NCC	(The date of written
53.	Ram Ch.Das (SC)	"/LMG	(test will be fixed
54.	Parimal Ch.Das (SC)	"/BPB	(later on.
55.	Subir Kr.Roy (SC)	"/NCC	(Advised to keep
56.			them-selves in
			readiness for the
			selection.
56.	Prithiraj Patar (ST)	"/NCC	Date of written test
			fixed to be held on
			15-6-02 at
			in DRM(P)'s Office/LMG
57.	Pradip Boro (ST)	"/NCC	Advised to keep
			self readiness for the
			selection.
			The date will be fixed
			later on.

for Divl. Rly. Manager (P),
P.F. Rly. Lumding.

No.E/40-9/Pt.I(T) Selection Lumding, dated: 7/06/02,

Copy forwarded for information and reaction to:-

- 1) Staff concerned thro: Proper channel.
- 2) Sr.ARM & ATM/BPB (3) Sr.DOM/LMG. (4) CS to Sr.DPO/LMG
- 5) CS to Sr.DOM for appraisal of Sr.DOM/LMG and keep read ACIs of the above mentioned staff.
- 6) CHC/LMG. He will please relay the above thro: Control phone.
- 7) TI/BPB, LMG & CHX.

for Divl. Rly. Manager (P),
P.F. Rly. Lumding.

Shri. Cym/NGe

N.F. Railway.

Office of the
Divl. Railway Manager
Lumding.

Dated 02-12-2002.

Memorandum.

Sub :- Result of written test of selection for the
post of Pass-Guard in scale Rs. 5000-8000/-.

The following staff who appeared in the written test of
selection for the post of Pass-Guard in scale Rs. 5000-8000/-
on 15-6-2002, 06-7-02 and absentee on 10-8-02 have secured quali-
fying mark to appear in the Viva-voce test of above selection.

The names are/arranged below in order of seniority.

✓ Shri.

- | | |
|-------------------------------|----------------------|
| 1. Sarat Ch. Barnah, | Sr. Goods Guard/NCC. |
| 2. Ajit Kr. Changmai, | Sr. Goods Guard/LG. |
| 3. Sukumar Bhattacharjee, | -do- / LG. |
| 4. Md. Ablul Haque, | -do- / BFB. |
| 5. Sankar Prasad Chakraborty, | -do- / BFB. |
| 6. Ranjit Kr. Kar, | -do- / LG. |
| 7. Subhash Chakraborty, | -do- / LG. |
| 8. Sekhar Dutta, | -do- / LG. |
| 9. Narendra Nath Bora, | -do- / LG. |
| 10. Md. Alijan Saikia, | -do- / LG. |
| 11. Narayan Kabiraj, | -do- / LG. |
| 12. Milan Kanti Dey, | -do- / BFB. |
| 13. Chandan Kr. Dutta, | -do- / BFB. |
| 14. Swapan Kr. Dey, | -do- / LG. |
| 15. Promode Kr. Dutta, | -do- / NCC. |
| 16. Sunil Chakraborty, | -do- / LG. |
| 17. Ratan Lal Das, | -do- / LG. |
| 18. Bhanu Rn. Misra, | Goods Guard/NCC. |
| 19. Hiranya Kr. Das, | -do- / NCC. |
| 20. Krishna Pada Deb, | -do- / LG. |
| 21. Manik Ch. Nath, | -do- / BFB. |
| 22. Subhash Majumder, | -do- / LG. |
| 23. Haradhan Dey, | -do- / BFB. |
| 24. Bimal Kanti Biswas, | -do- / NCC. |
| 25. Apurba Kalita, | -do- / NCC. |
| 26. Ram Chandra Das (JC), | -do- / LG. |
| 27. Jubir Kr. Roy, (JC), | -do- / NCC. |
| 28. Pradip Kr. Boro (ST), | -do- / NCC. |

Note :- Serial No. 5 has been qualified in the written test to
appear in the Viva-voce only with the help of notional
seniority marks.

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

Contd... / Pg. 2

- 2 -

No. E/40-9/P-1(T) Selection. Lumbing, dated 22-12-02

Copy forwarded for information and n/action to :-

1. Staff concerned through proper channel.
2. JSS/L.G & B.B, 3. CYN/NGC.
4. GM(P)/MLG, 5. Sr.DOM/L.G, 6. ARM/CHY, 7. AM/BFB,
8. Divl. Secretary, NFREU/Lumbing.
9. Convenor, NFRMU/Lumbing.
10. Secy., C & ST Association/Lumbing.
11. Spare copy for P/Cases.

for Divl. Railway Manager ()
N.F. Railway, Lumbing.

21/12/02
02/11/02

XXR

LMG

DL20.03.03

To,
CYM/NGC
SS/BPB
SS/LMG

C/- Sr.DOM
AM/GHY
AM/BPB
TI/LMG
TI/BPB

Reg: Viva-voce test for the post of Passenger Guard in scale Rs. 5000-8000/-

E/40-9/ P-I (T) Selection. Due to unavoidable circumstances viva-voce tests for the post of Passenger Guard in scale Rs. 5000-8000/- held on 19.12.2002, 20.12.2002 and 23.12.2002 are cancelled and re-fixed afresh (viva-voce only) on 02.04.2003, 03.04.2003 and 04.04.2003.

Please spare and direct the following staffs to report to DRM(P)/ LMG's office on the dates shown below: -

S/Shri		
1.	Sarat Ch. Sarmah,	Sr. Goods Guard/NGC.
2.	Ajit Kr. Changmai,	Sr. Goods Guard/LMG.
3.	Sukumar Bhattacharjee,	Sr. Goods Guard/LMG.
4.	Md. Abdul Haque,	Sr. Goods Guard/BPB.
5.	Sankar Prasad Chakroborty,	Sr. Goods Guard/BPB.
6.	Ranjit Kr. Kar,	Sr. Goods Guard/LMG.
7.	Subhash Chakraborty,	Sr. Goods Guard/LMG.
8.	Sekhar Dutta	Sr. Goods Guard/LMG.
9.	Narendra Nath Bora,	Sr. Goods Guard/LMG.
10.	Md. Alijan Saikia,	Sr. Goods Guard/LMG.
11.	Narayan Kabiraj,	Sr. Goods Guard/LMG.
12.	Milan Kanti Dey,	Sr. Goods Guard/BPB.
13.	Chandann Kr. Dutta,	Sr. Goods Guard/BPB.
14.	Swapan Kr. Dey,	Sr. Goods Guard/LMG.
15.	Pranode Kr. Dutta,	Sr. Goods Guard/NGC.
16.	Sunil Chakraborty,	Sr. Goods Guard/LMG.
17.	Ratan Lal Das,	Sr. Goods Guard/LMG.
18.	Bhanu Rn. Misra,	Goods Guard/NGC.
19.	Hiranya Kr. Das,	Goods Guard/NGC.
20.	Krishna Pada Deb,	Goods Guard/LMG.
21.	Manik Ch. Nath,	Goods Guard/BPB.
22.	Subhash Majumder,	Goods Guard/LMG.
23.	Haradhan Dey,	Goods Guard/BPB.
24.	Bimai Kanti Biswas,	Goods Guard/NGC.
25.	Apurba Kalita,	Goods Guard/NGC.
✓ 26.	Ram Chandra Das(SC),	Goods Guard/LMG.
27.	Subir Kr. Roy (SC),	Goods Guard/NGC.
✓ 28.	Pradip Kr. Boro (ST),	Goods Guard/NGC.

02.04.2003.

03.04.2003.

04.04.2003.

CHC/LMG, to please relay the above message through control Phone.

(A.Narayanan)
APO/ I / LMG.
for DRM(P) / LMG.

NORTHEAST FRONTIER RAILWAY

Office of the
DRM(P)/LMG
Dated: 04.04.2003.

Memorandum

In the selection for filling up of 19 posts (UR-17, SC-01 & ST-01) of Passenger Guard in scale Rs. 5000-8000/-, written test held on 15.06.2002, 06.07.2002 and absentee written test held on 10.08.2002 and viva-voce test held on 02.04.2003, 03.04.2003 & 04.04.2003, the following candidates have come out successfully and empanelled for the post of Passenger Guard in Scale Rs. 5000-8000/-.

- | | |
|-------------------------------------|----------------------|
| 1) Shri Sarat Ch. Samah, | Sr. Goods Guard/NGC. |
| 2) Shri Ajit Kr. Changmai, | Sr. Goods Guard/LMG. |
| 3) Shri Sukumar Bhattacharjee, | Sr. Goods Guard/LMG. |
| 4) Md. Abdul Haque, | Sr. Goods Guard/BPB. |
| 5) Shri Shankar Prasad Chakraborty, | Sr. Goods Guard/BPB. |
| 6) Shri Ranjit Kr. Kar, | Sr. Goods Guard/LMG. |
| 7) Shri Subhash Chakraborty, | Sr. Goods Guard/LMG. |
| 8) Shri Sekhar Dutta, | Sr. Goods Guard/LMG. |
| 9) Shri Narendra Nath Bora, | Sr. Goods Guard/LMG. |
| 10) Md. Alijan Saikia, | Sr. Goods Guard/LMG. |
| 11) Shri Narayan Kabiraj, | Sr. Goods Guard/LMG. |
| 12) Shri Milan Kanti Dey, | Sr. Goods Guard/BPB. |
| 13) Shri Chandan Kr. Dutta, | Sr. Goods Guard/BPB. |
| 14) Shri Swapan Kr. Dey, | Sr. Goods Guard/LMG. |
| 15) Shri Promode Kr. Dutta, | Sr. Goods Guard/NGC. |
| 16) Shri Sunil Chakraborty, | Sr. Goods Guard/LMG. |
| 17) Shri Ratan Lal Das, | Sr. Goods Guard/LMG. |
| 18) Shri Ram Chandra Das (SC), | Goods Guard/LMG. |
| 19) Shri Pradip Kr. Boro (ST), | Goods Guard/NGC. |

The above names are arranged in order of their seniority.

The panel has been approved by ADRM/LMG on 04.04.2003.

(A. Narayanan)
APO/1/LMG.

for Divil. Rly. Manager (P)/LMG.

Contd...2.

No: E/40-9/P-I (T) Selection

Dated: 04.04.2003.

Copy forwarded and necessary action to: -

- 1) Staff concerned through proper channel.
- 2) SS's - LMG & BPB.
- 3) CYM / NGC.
- 4) Sr. DOM / LMG.
- 5) ARM / GHY & AM / BPB.
- 6) Divil. Secy / NFREU / LMG.
- 7) Convenor / NFIRMU / LMG.
- 8) Spare copies for P / cases.
- 9) Secy. SC/ST Association / LMG.

(A. Narayanan)

APO / I / LMG.

for Divil. Rly. Manager(P)/LMG.

N.F.Railway.

Office of the
Divl.Rly.Manager(P)
N.F.Rly.,Lumding.

Office order.

Dated/7/4/2003.

The following Sr.Goods Guard in scale Rs.5000-8000/- who have been empanelled for promotion to the post of Pass.Guard in scale Rs.5000-8000/- vide this office Memorandum No.E/40-9/P-1(T) Selection Dtd. 04-4-2003 are hereby temporarily posted as Pass Guard on their existing pay and scale at the station shown against each vice vacancy with immediate effect.

SN	N a m e	Present Design. & Stn.	Posted as Pass.Gd. in scale Rs.5000-8000/-
	S/Shri.		
1.	Sarat Ch.Sarmah,	Sr.Goods Gd/NGC.	Pass.Gd/GHY.
2.	Ajit Kr.Changmai,	-do-/LMG.	Pass.Gd/BPB.
3.	Sukumar Bhattacharjee,	-do-/LMG.	Pass.Gd/BPB.
4.	Md.Abdul Haque,	-do-/BFB.	Pass.Gd/BPB.
5.	Sankar Praead Chakraborty,	-do-/BFB.	Pass.Gd/BPB.
6.	Ranjit Kr.Kar,	-do-/LMG.	Pass.Gd/BPB.
7.	Subhash Chakraborty,	-do-/LMG.	Not promoted due to WIP for 1.1/2 Yrs. w.e.f 10-7-02 to 09-1-04.
8.	Sekhar Dutta,	-do-/LMG.	Pass.Gd/BPB.
9.	Narendra Nath Bora,	-do-/LMG.	Pass.Gd/BPB.
10.	Md.Alijan Saikia,	-do-/LMG.	Pass.Gd/BPB.
11.	Narayan Kabiraj,	-do-/LMG.	Pass.Gd/BPB.
12.	Milan Kanti Dey,	-do-/BFB.	Pass.Gd/BPB.
13.	Chandan Kr.Dutta,	-do-/BFB.	Not promoted due to WIT for 1.1/2 Yrs. w.e.f 1-12-01 to 31-5-03.
14.	Swapam Kr.Dey,	-do-/LMG.	Pass.Gd/BPB.
15.	Promode Kr.Dutta,	-do-/NGC.	Pass.Gd/GHY.
16.	Sunil Chakraborty,	-do-/LMG.	Pass.Gd/BPB.

Composite transfer grant, T/Pass and joining time are admissible in the cases of Sl.Nos.2, 3, 6, 8, 9, 10, 11, 14 & 16 only.

This issues as per order of Sr.DOM/LMG.

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

Contrd...P/No.2

RG-24 FR 246

GENERAL MANAGER (P),
MILITARY : GUWAHATI - 11.

SPS-458
No. E/25470 Pt. XIV (C)

26-8-2003
26-8-2003.

To
GM/MLG, GM/CON/MLG, AGM/MLG,
All PRODs, DRMS, ADIRMS, Sr. DFO/DFOs, DEAS,
COM/NEWS, DEAS, WAO/NEWS, DEAS,
All Area Managers, Sr. DMS (D)s, AENS,
DEN/DEPT, All Non-divisionalised Units,
Dy. CE/Dr. Line/MLG, Dy. CSTE (TC)/MLG,
Dy. CSTE (MN)/MLG, Dy. CAO/Cash & Pay/MLG,
All SPOs & APOs of P. Branch/MLG,
The GS/NREU, NERMU, AISCAREA & NERONEA/MLG.

Sub: Procedure for holding selections for
promotion to posts classified as
'selection'.

A copy of Railway Board's letter No. E (NG) I/2000/
PM1/41 dated 7-2-2003 (RBE No. 137/2003) on the above
mentioned subject is forwarded for information and necessary
action. Board's earlier letter dated 8-3-2002 as referred
to in their present letter was circulated under GM (P)/MLG's
No. SPS - 438-E/254/0 Pt. XIII (C) dated 22-3-2002. In this
connection a copy of advance correction slip No. 150 of IREM
Vol. - 1, 1989 is also enclosed herewith for information.

(A. K. Roy)

SPO/MPP

for GENERAL MANAGER (P)/MLG.

(Copy of Railway Board's letter No. E (NG) I/2000/PM1/41
dated 7-2-2003.)

Sub: Procedure for holding selections for promotion to posts
classified as 'Selection'.

In terms of extant procedure, selection posts are filled by a positive act of selection
consisting of a written test and/or viva voce; viva voce being a must in every case.

1.1 In cases where written test is held as part of the selection for promotion to the highest
grade selection post in a category, the same includes objective type questions for about 50%
(in the range of 45% to 55%) of the total marks for the written test. The objective type
questions limited to about 25% (in the range of 20% to 30%) of the total marks for the written
examination, if any, held as part of the selection for promotion to selection posts in the lower
grades, have also been introduced vide ACS No. 130 issued under this Ministry's letter of even
number dated 8.3.2002 with the stipulation that in order to offset the impact of random
answering, there will be negative marking for wrong answers to objective type questions.

2. The staff side in the form of Departmental Board under the JCM Scheme and the
PNM have demanded that:

i) In order to reduce subjectivity to the maximum extent possible in the departmental
selections, viva voce should be eliminated on the analogy of viva voce having been
eliminated in the recruitments from open market through Railway Recruitment
Boards; and

ii) the concept of negative marking should be done away with.

3. Pursuant to deliberations with the staff side, Ministry of Railways have considered the
matter carefully and have decided as under:-

i) There will be no viva voce in the departmental selections except in the case of
selection, if any, for promotion to the posts in the categories of Law Assistants,
Physiotherapists, Telephone Operators and Teachers. For these categories, viva
voce is in vogue in the recruitment through Railway Recruitment Boards (RRBs).

...Conf'd...2/

- ii) While the objective type questions in the written test held as part of selection for promotion to all selection posts will be retained, the concept of negative marking for wrong answers to the objective type questions as introduced vide ACS No.130 ibid stands withdrawn.

3.1 As a corollary to elimination of viva voce in the departmental selections, the following decisions have also been taken:-

- i) Written test will invariably form part of all selections held for promotion to posts classified as 'selection' including the posts for which presently only viva voce forms part of the selection.
- ii) 15 marks hitherto allotted to viva voce in the selection, which consisted of both written test and viva voce test, will now be added to written test. Accordingly, the total marks allotted to written test for assessing professional ability of the candidates shall be 50 (both in cases where presently written and viva voce or only viva voce form part of the selection) except in the case of selection to posts in the categories of Teachers, Law Assistants, Physiotherapists and Telephone Operators for which the existing distribution of marks, namely, 35 for written test and 15 for viva voce will continue to be in force.

4. It has also been decided that the procedure as revised above will be applicable to selections notified on or after the date of issue of this letter.

4.1. All the remaining procedure prescribed for holding selections including constitution of Selection Boards will remain unaltered.

5. Accordingly, the Indian Railway Establishment Manual, Volume I, 1989, is amended as per ACS No. 150 enclosed.

Please acknowledge receipt.

Encl: ACS No. 150

(J.S. GUSAR)
Joint Director, Establishment (HR)
Railway Board