

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUAHATI BENCH:

1. original Application No. 71/e6

2. Misc Petition No.

3- Contempt Petition No.

4. Review Application No.

Applicant(S) Pooja's Gonnani

Applicants

Respondants

W. O. I. Form

Respondents U. O. V. Form

Advocate for the Applicant(S). S. Chantam, R. S. Chantam, A. Roy  
M. Jha

Advocate for the Respondant(S)..... Railway Counsel.

bb

Steps taken.

Appointment is a  $\$13$  matter as per classification.

28,306

2813.08  
Copy of the Indent  
has been sent to the  
D/Sec. for issuing  
the same to the applicant  
as well as to the Railway  
Standing Counsel.

4/

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

71 of 2006

O.A. No. ....

23.03.2006

DATE OF DECISION .....

Sri Pradip Goswami

..... Applicant/s

Mr.S.Chouhan

..... Advocate for the  
Applicant/s.

- Versus -

Union of India & Others

..... Respondent/s

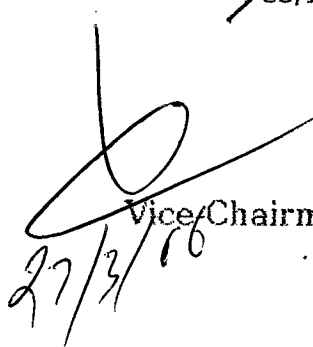
Dr.J.L.Sarkar

..... Advocate for the  
Respondents

CORAM

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

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

  
Vice-Chairman(J)

27/3/06

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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.**

Original Application No. 71 of 2006.

Date of Order: This, the 23rd Day of March 2006.

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

Sri Pradip Goswami  
Son of Late Banamali Goswami  
Resident of Tinsukia Town  
Near old Railway Station  
Tinsukia, P.S: Tinsukia  
Dist: Tinsukia

..... Applicant

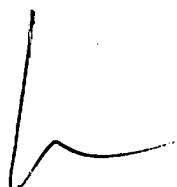
By Advocates S/Shri S.Chauhan, R.S.Chauhan, A.Roy & M.Jha.

- Versus -

1. The Union of India  
Represented by its Principal Secretary  
Ministry of Railway cum the Chairman  
Railway Board, New Delhi - 1.
  2. The General Manager  
North East Frontier Railway  
Maligaon, Guwahati-12.
  3. The Chief Personnel Officer  
(Indian Railway), N.F.Railway  
Head Office Maligaon  
Guwahati-12.
  4. The Divisional Railway Manger(P)  
Tinsukia Division  
N.F.Railway at Tinsukia.
  5. The Sr. Divisional Personnel Officer  
Tinsukia Division  
N.F.Railway at Tinsukia.
- ..... Respondents

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

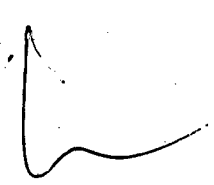
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O R D E R (ORAL)

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


The father of the applicant was a casual labourer and was regularised in the year 1972. He was removed from service for erecting Kachha Kali Temple adjacent to his quarter. The matter was referred to the Industrial Tribunal and vide award dated 26.9.2000 the Tribunal set aside the dismissal order and directed the respondents to reinstate the applicant's father with 50% back wages. The respondents preferred W.P. No.4385/2001 against the award of the Industrial Tribunal which was also dismissed vide order dated 7.4.2004 directing the respondents to implement the award of the Industrial Tribunal forthwith. During the pendency of the said proceedings the father of the applicant died leaving behind his wife, his unmarried sister and the present applicant as legal heirs. The applicant had submitted representation on 5.4.2004 for consideration of his appointment on compassionate ground. His claim is that he is eligible for compassionate appointment. The applicant claims that his representation did not heed any result and therefore, he has earlier approached this Tribunal by filing O.A. No. 84 of 2005 which was disposed of by this Tribunal vide order dated 18.7.2005 directing the applicant to apply and obtain birth certificate from the competent authority and to produce the same before the authority with a further direction to the respondents to pass appropriate order within a period of.



three months from receipt of the birth certificate. When approached, the Registrar, Birth & Death, Tinsukia District vide Annexure-M certificate dated 29.7.2005 informed the applicant that registration of death and birth has commenced only from 28.6.1978 in Tinsukia district and hence his name has not been registered in their record. The applicant submitted another representation dated 13.9.2005 alongwith Annexure-M certificate before the respondents narrating his difficulties in getting such a certificate. The respondent No.5 vide order dated 15.2.2006 again advised the applicant to obtain fresh order from this Tribunal in regard to obtaining certificate of date of birth from the competent authority. Therefore, the applicant has filed this O.A. seeking for the following reliefs:-

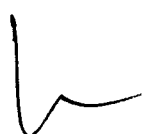
- "8.1 To direct the Respondents to appoint the petitioner on compassionate ground as per scheme of rule.
- 8.2 To direct the Respondents to accept the school certificate as proof of date of birth."

2. I have heard Mr.S.Chauhan, learned counsel for the applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways. When the matter came up for consideration it was averred that the basic ground for non-appointment of the applicant on compassionate ground is that his age appears to be different in different documents that he has



produced before the authorities. This Tribunal while disposing O.A. No.84/2005 has observed as follows:-

"2. We have also perused the Annexure R/5 dated 6/7.5.2005. We find that the main ground stated for not giving appointment on compassionate ground to the applicant at present is want of authenticated record relating the Date of Birth of the applicant. The Annexure R/5 communication itself refers to Annexure R/1 School Register dated 21.4.04 issued by the Headmaster of Ramkrishna Shishu Vidyalaya wherein it is shown that the Date of Birth of the applicant is 15.3.71. However, in the other documents mentioned in the Annexure R/5 the date of birth varies. Ordinarily the Date of Birth given in the School Certificate has to be accepted as authenticated document. The Date of Birth shown in the other documents, for example, Annexure R/4 affidavit shows the age of the applicant as 23.1.68. Now that the Respondents have taken the view that having regard to the difference in the Date of Birth in the documents produced by the applicant, we are of the view that this application can be disposed of by directing the applicant to obtain a Certificate showing the Date of Birth of the applicant from the competent authority namely; Registrar of Birth and Death attached to the Municipal Corporation concerned. Hence the O.A. is disposed of at the Admission stage itself by directing the applicant to apply for and obtain Birth Certificate from the competent authority which is attached to the Municipal Corporation in which the applicant



resides and produces the same before the Respondent within a period of two months from today. If the applicant produces the said Certificate the Respondents will act on the basis of the said Certificate and pass appropriate order in accordance with the law within a period of three months thereafter.


3. The Original Application is disposed of as above.

As per the direction of this Tribunal in that order the applicant was to apply and obtain date of birth certificate from the competent authority and to produce the same before the respondents within two months from the date of the order. Accordingly applicant has applied to the said authority and vide letter dated 29.7.2005 the authority has passed the following order:-

" TO WHOM IT MAY CONCERN


As per Enforcement of the RBD Act, 1969, & Approval and notification of State Rules framed 28.6.78 from 28.6.78 in our district. So, registration of birth prior to 1978 does not arise & the name of Sri Pradip Goswami, has not registered in our record."

It is quite clear from the said letter that registration of birth and death has commenced from 28.6.1978 in the said district and hence registration of birth prior to 1978 does not arise and such certificate cannot be issued. Further, the applicant has made representation again on 13.9.2005 pinpointing all these difficulties. Counsel for the applicant also brought to the notice of this Tribunal to




the Annexures - 'O' to 'S' and submitted that these documents are the declarations made by the deceased person before the authority while he was in service, which according to the applicant, tally with the school certificate.

3. Having found that the competent authority cannot issue any such birth certificate to the applicant and taking confidence of the decision of the Hon'ble Supreme Court in Commissioner of Police, Bombay and Another -vs- Bhagwan V. Lahane reported in (1997) 1 SCC 247 declaring that the date of birth recorded in the School Leaving Certificate could be doubted in the absence of concrete proof, the applicant has made out a case. Therefore, I am of the considered view that in the present circumstances the respondents can be directed to accept the school certificate (Annexure-J). The respondents shall ascertain the authenticity of Annexure-J certificate by verifying the same with the original certificate to be produced by the applicant within a period of 15 days from today and shall consider the case of the applicant for appointment on compassionate ground on the strength of that certificate, if the applicant is otherwise eligible, and pass a speaking order within three months from the date of receipt of such original certificate produced by the applicant and communicate the same.





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



(K.V. SACHIDANANDAN)  
VICE CHAIRMAN

BB

URGENT

OC 2

BY POST/BY HAND.

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

Applicant

DESPATCH NO. CAT/GHY/JUDL/ 387 V 388 / DTD. GUWAHATI THE

✓ ORIGINAL APPLICATION NO. 21 / 2006  
MISC. PETITION NO. \_\_\_\_\_ / 200  
CONTEMPT PETITION NO. \_\_\_\_\_ / 200  
REVIEW APPLICATION NO. \_\_\_\_\_ / 200

Sri Pradip Goswami APPLICANT(S)

VERSUS

U. G. I. & OPS. RESPONDENT(S)

To

Sri Pradip Goswami,  
S/o Late Banamali Goswami,  
R/o Tinsukia Town,  
Near Old Railway Station,  
Tinsukia, Dist - Tinsukia, Assam.

Please find herewith a copy of Judgment/Order dated  
23.3.06 passed by the Bench of this Hon'ble Tribunal  
Comprising of Hon'ble Justice Shri K. V. Sachidanandan  
Vice-Chairman and Hon'ble Shri \_\_\_\_\_  
~~Member (Adm)~~ in the above noted case for information and necessary  
action, if any.

Please acknowledge receipt of the same.

Encl : As above.

(Copy of the Original  
Application in O.A. No. \_\_\_\_\_)

By Order

28.3.06  
SECTION OFFICER (JUDL).

Memo. No.  
Copy for information to.:

Dtd. 28/3/06

/Sr. CGSC, Addl. CGSC.

1. Mr./Mrs. \_\_\_\_\_

/Rly. Standing Counsel/  
Govt. Advocate

2. ~~Mr./Mrs.~~ J. L. Sarkar

Received  
Ashwin Roy Advokat  
on behalf of  
Applicant

29/3  
for J. L. Sarkar

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

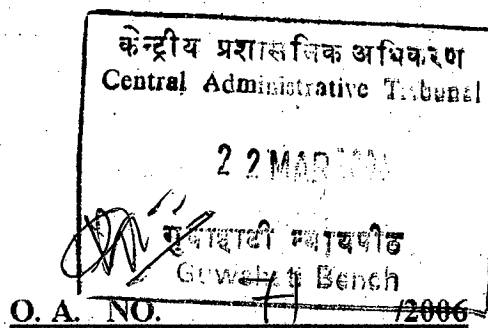
Original Application No. 71/06

1. a) Name of the Applicant: P. Gomon  
b) Respondants: Union of India & Ors.  
c) No. of Applicant(S): 1
2. Is the application in the proper form: Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title: Yes / No.
4. Has the application been duly signed and verified: Yes / No.
5. Have the copies duly signed: Yes / No.
6. Have sufficient number of copies of the application been filed: Yes / No.
7. Whether all the annexure parties are impleaded: Yes / No.
8. Whether English translation of documents in the Language: Yes / No.
9. Is the application in time: Yes / No.
10. Has the Vakalatnama/Memo of appearance / Authorisation is filed: Yes / No.
11. Is the application by IPO/BD/for Rs. 50/- 264322451
12. Has the application is maintainable: Yes / No.
13. Has the Impugned order original duly attested been filed: Yes / No.
14. Has the legible copies of the annexure duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available: Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed: Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for: Yes / No.
20. Is case of Condonation of delay is filed is it Supported: Yes / No.
21. Whether this Case can be heard by Single Bench / Division Bench:
22. Any other points: -
23. Result of the Scrutiny with initial of the Scrutiny Clerk:  
The application is in order.

SECTION OFFICER(J)

DEPUTY REGISTRAR

PA1



Sri Pradip Goswami

..... Applicant

-Versus -

Ministry of Railway & Ors.

..... Respondents

SYNOPSIS

- 3-3-71 : Applicant's father entered in service as Casual Labour. Thereafter he was regularised by another order dated 1/5/72. He was working as Hamal in catering car
- 20-11-82 : The father of applicant by affect of coal smoke suffered from Tuberculosis. On his request he was transferred and posted as peon at Tinsukia Rly station.
- 26-5-93 : Applicant's father was removed from service for erecting Kachha Kali temple adjacent to his quarter. For removal his case was referred to Industrial Tribunal, Guwahati for adjudication. Learned Tribunal by award dated 26/9/2000 set aside the dismissal order and directed to reinstate with 50% back wages.

W.P.(C) No. 4385/01:-

The respondent preferred writ application and got interim stay order of the award.

Para-4.7

Page -5

- 23-2-2001 :- During the pendency of writ petition Banamali Goswami died, after getting stay order responded not substituted legal heir for more than 2 years. The applicant, his mother and his unmarried sister got impleaded by filing application.

Para-4.7

Page -5

Contd....

7-4-2004 - Hon'ble High Court dismissed the writ petition filed by Railway and directed to implement award forthwith.

Para-4.10

Page -6

15-4-2004 - Applicant submitted a representation praying for consideration of his appointment on compassionate ground. The applicant is needy, fit qualified and eligible for appointment. Late Banamali Goswami left his wife, son the applicant and a unmarried daughter.

Para-4.8

Page -5

A large member of Group 'C' 'D' posts are lying vacant.

The Respondents called the applicant for medical test and the applicant found fit in medical test.

Para-4.14

Page -7

8-9-2004 - Mother of applicant filed a contempt case against Respondents for not releasing her pensionary benefit in Hon'ble High Court and Honble.High.Court issued notice on Respondent No. 5 A.K. Chapatia. For filing contempt the Respondents are not considering the case of applicant for appointment on compassionate ground (die-in- harness)

Para-4.16

Page -8

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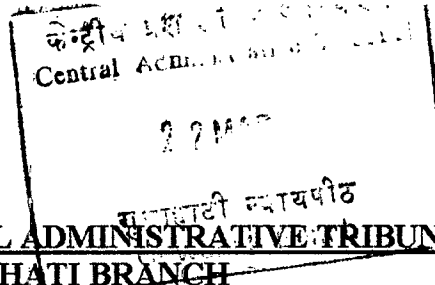
O.A. No.84/05:- The applicant repeatedly submitted representation praying for appointment on Compassionate ground under relevant scheme. Ultimately the applicant approached this Hon'ble Tribunal. Hon'ble Tribunal directed the respondents to appoint the petitioner under the scheme on furnishing fresh age certificate from competent authority. The applicant approached Tinsukia Municipal Board but such certificate could not be provided because as registration of birth & death was commenced from 28/6/78. But the date of birth of the applicant according to school certificate is 15/3/1971.

15-2-2006 :- The applicant filed representation stating the fact for not providing birth certificate but the respondent not considered the case of the applicant. Now the respondents advise the applicant to obtain a fresh order from this Hon'ble Tribunal. Hence this application.

Filed by

*Aswin Roy*

Advocate



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BRANCH**

O.A. No. 71 /2006

*Filed by: Pradip Goswami  
(Advocate)  
through Mr. Advocate  
Ashim Roy 14  
22/13/06*

**BETWEEN**

Sri Pradip Goswami,

S/O. Late Banamali Goswami,

Resident of Tinsukia Town,

Near old Railway Station,

Tinsukia,

P.S.-Tinsukia,

District- Tinsukia.

.....Applicant.

**And**

1) The Union of India represented by its Principal Secretary,  
Ministry of Railway cum the Chairman, Railway Board,  
New Delhi – 1.

2) The General Manager,  
North East Frontier Railway,  
Maligaon, Guwahati-12.

3) The Chief Personal Officer,  
(Indian Railway), N.F. Railway,  
Head Officer Maligaon,  
Guwahati-12.

*- School certificate -*

*Pradip*

4) The Divisional Railway Manager (P),

Tinsukia Division,

N.F. Railway at Tinsukia.

5) The Sr. Divisional Personal Officer,

Tinsukia Division,

N.F. Railway at Tinsukia.

.....Respondents.

**DETAILS OF THE APPLICANT**

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

Instant application is made for consideration of petitioner for appointment on compassionate ground as the petitioner is son of a railway employee who died on 23-6-2001 while in service. The application is also made for an appropriate direction to the respondents to appoint the petitioner according to the rule and guidelines given by the Railway authority.

2. **LIMITATION :**

The applicant declares that the instant application has been filed within the limitation period described U/S 21 of Administrative Tribunal Act, 1985.

3. **JURISDICTION :**

The applicant further declares that the subject matter for the instant case is within the jurisdiction of the Hon'ble Tribunal.

P. Ghosh

Contd....



4. FACTS OF THE CASE :

4.1. That the applicant is a citizen of India and permanent resident of Tinsukia, Assam and as such he is entitled to all the rights, protection and privileges as guaranteed by the Constitution of India and the laws framed there under.

4.2. That the father of the applicant was appointed as Grade-IV employee in the year 1971 by order dated 3.3.1971 and was posted at Tinsukia. The petitioner's father was working in dinning car as Hamal. Although the father of the petitioner was initially appointed as casual employee by order dated 3.3.1971, his service was regularized by order dated 1.5.1972 w.e.f. 1.9.1971 and as such the father of the petitioner was a regular employee for all purposes.

Copy of appointment letter dated 3.3.71 and regularization order dated 1.5.72 are annexed as Annexure - A and B.

4.3. That the applicant states that his father was directed to work as Hamal (Assistant to cook) in dinning car. By affect of coal smoke he suffered from Tuberculosis but somehow he was cured by great effort. Since his attack by disease he became religious minded man and also a devotee of Goddess Kali. For his such disease the petitioner's father was posted as station peon at Tinsukia by order dated 20/11/82 and at Tinsukia he was provided a very small quarter of dilapidated condition. Since the quarter was very small, he erected a small kachha Kali temple for his personal worship.

Copy of transfer order dated 20/11/82 is annexed as Annexure-C

Contd...

P. G. G. G.

4.4. That the applicant states that for construction of the Kaccha Kali Temple the respondent framed charge with a view to imposing punishment, by order dated 28/10/92. Thereafter a departmental inquiry was conducted and prior to that applicant's father admitted the said charge. However another charge was also leveled against late Banamali Goswami but that was denied by him and was also not proved by inquiry Officer. For such minor fault Banamali Goswami was removed from service by order dated 26/5/1993.

Copy of removal order dated 26/5/93 is annexed as  
Annexure-D.

4.5. That the applicant states that father of the applicant preferred a departmental appeal but the same was rejected. The father of the applicant brought the matter to the notice of Govt. of India, Ministry of Labour and the Ministry of Labour taking it as an industrial dispute referred the matter before the Industrial Tribunal, Guwahati for adjudication by order dated 30/10/98.

Copy of order dated 30/10/98 is annexed as  
Annexure-E.

4.6. That the applicant states that before the Industrial Tribunal, Railway Authority not adduced any evidence. No presenting Officer was appointed to present the case before the Inquiry Officer. Further the Inquiry Officer did not follow procedural rule and the management also did not provide list of witnesses. In fact the charges was not proved before the Industrial Tribunal and as such the learned Tribunal by award dated 26/9/2000 dismissed order of Banamali Goswami was set aside and further order was passed to reinstate him with 50% back wages.

Contd...

*P. Goswami*

Copy of order dated 26/9/2000 is annexed as  
Annexure-F.

4.7. That the applicant states that the Railway Management preferred a writ petition No. 4385/01 before Hon'ble Gauhati High Court and got interim stay of the award. However on 23/6/2001 Banamali Goswami died during the pendency of the writ petition. The Railway Management did not substitute the present petitioner, his mother as required under law. However the applicant and his mother filed an application praying for substitute wife Smti. Prabha Rani Goswami, applicant himself and his unmarried sister Miss Bhabani Goswami. The Hon'ble Court allowed the substitution and by order dated 7/4/2004 dismissed the writ petition filed by Railway Management and further directed to implement forthwith the award and order of Industrial Tribunal dated 26/9/2000.

Copy of death certificate and Judgment dated  
7/4/2004 are annexed as Annexure - G & H.

4.8. That the applicant states that the applicant's father entered in service in March, 1971. He died on 23/6/2001 while in service. But for technical reason i.e. due to pendency of the W.P.(C) No. 4385/2001, the applicant could not avail of the benefit of the scheme of compassionate ground.. Immediately on 15/4/04 the applicant submitted representation requesting them to appoint the applicant as per Rule. The Respondents received the representation, but after expiry of 8 month the case of the petitioner has not been considered for appointment under aforesaid scheme. There is no chance of consideration the case of the applicant, unless and until this Hon'ble Court direct the respondents to consider the case of the applicant within a time bound period.

Copy of representation dated 15/4/04 is annexed  
as Annexure -I.

Contd....

P. Goswami

4.9. That the applicant states that his date of birth is 15/03/1971 as per school certificate issued by H.M. Ramakrishna Sishu Bidyalaya, Tinsukia where the petitioner studied and promoted to class IX.

Copy of school certificate is annexed as  
Annexure - J.

4.10. That the applicant states that father of applicant entered in service in March, 1971. However the service was regularized w.e.f. 1/9/1971 and as such he rendered more than 30 years of service. Although the applicant's father was removed from service on 26/5/93 on a minor charge for erecting kachha Kali temple, the same was set aside by the Industrial Tribunal, Guwahati by order dated 26/9/2000, with order to reinstate him with 50% back wage. Although the said order was challenged by the respondents before this Hon'ble High Court but the same was dismissed by Judgment dated 7/4/2004. But during the pendency of the writ petition Banamali Goswami died on 23/6/2001 and as such this is case of die-in-harness for which the applicant is entitled for all benefits of the aforesaid scheme.

4.11. That the applicant states that the Respondent No.3,4 & 5 passed one order on 8/7/2004 observing that Late Banamali Goswami is entitled to get all benefit as death case was in service.

Copy of order dated 8/7/04 is annexed as  
Annexure-K.

4.12. That the applicant states that the mother of the applicant has been provided family pension by the respondents as widow of late Banamali Goswami ex-Office-peon and as such the applicant is entitled to get the aforesaid benefit.

Contd....

*B. Goswami*

4.13. That the applicant states that under the prevailing Rule for appointment on compassionate ground appointment should be made within 3 months and or as early as possible. In case of such appointment the General Manager personally may exercise the power he also delegates his power to Divisional Railway Manager on Chief Personnel Officer. In case of Group 'D' power to make appointment may be delegated to Divisional Railway Manager under the Rule. At present the applicant is aged of 33 years and under the Rule the upper age limit can be relaxed by the respondents under the Rule.

4.14. That the applicant states that a large number of Group 'D' post are lying vacant in the North East Frontier Railway for which a written test was held. The respondent can easily appoint and adjust the applicant in any Group 'C' or 'D' post. The applicant is able bodied man ready and willing to discharge whatever duties and functions will be entrusted to him.

The applicant is unemployed youth he was fully depended on his father. The applicant has unmarried sister and old ailing mother. There is no any source of income of the family and as such the applicant has relative hard-ship for <sup>non -</sup> appointment.

4.15. That the applicant states that although the father of the applicant died on 23/6/01 he could not approach this Hon'ble Court as he was removed from service which was questioned in Court of law and finally decided only on 7/4/2004 and as such only after 7/4/2004 the applicant is entitled to claim appointment on compassionate ground. There is no delay in the eye of law.

Contd...

P. Gorm

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4.16. That the applicant was called for medical test which is done and applicant is found medically fit now the Respondent No.5, against whom contempt of Court was filed in the Hon'ble High Court by his mother on 8/9/04 being Cont. case No. 578/04, not issuing appointment letter. The Respondent No. 5 flatly refused to issue appointment letter only for filing contempt of Court case by mother Prabha Rani Goswami.

4.17. That the applicant approached this Hon'ble Tribunal by filing an O.A. No.84/2005. By Judgement dated 18/07/2005 the Hon'ble Tribunal observed that with regard to the case of birth if there is controversy the school certificate has to be accepted as authenticated document. However Hon'ble Tribunal directed the applicant to obtain certificate from competent authority viz. Registrar of birth and death attached to the Municipal Corporation and to submit within a period of two months. Respondents shall pass appropriate order within three months.

Copy of order dated 18/07/2005 is annexed as  
Annexure - L.

4.18. That the applicant states that immediately the applicant approached the Municipal Corporation, Tinsukia for obtaining birth certificate. The Registrar, birth & Death wrote to the applicant that Birth & Death registration office was commenced from 28/6/78. So the record of birth of 1971 cannot be available. The applicant submitted the said certificate dated 29/7/05 alongwith application dated 18/9/05 to the respondents. The respondents kept silence.

Copy of certificate dated 29/7/05 alongwith  
application dated 13/9/05 are annexed as  
Annexures - M & N.

Contd....

P. Goswami

22

19. That the applicant states that the respondents remain unheard after filing of the application dated 13/9/05. Then the applicant submitted an appeal before General Manager, N.F. Railway, Maligaon at 11.00 A.M. on 21/11/05. In the said appeal the applicant stated that his father declared his age 17 years as on 1/1/86. By another declaration on 1/1/87 the age of applicant was declared 18 years. Next on 1/1/88 the age of applicant was declared 19 years and 21 year as on 1/1/90. His date of birth is recorded as 19/3/71 by Labour & Employment Deptt. And identity Card was issued to the applicant. The age of applicant was 23 year recorded on 1993 electoral roll.

Copies of order dated 1/1/86, 1/1/87, 1/1/88, 1/1/90 and 19/3/71 are annexed as Annexure-O, P, Q, R & S.

20. That the applicant requested the Respondents to accept the school certificate as authenticated document to show date of birth 15/3/1971/ the Divisional Railway Manager (P) Respondent No. 5 on 15/2/06 issued a letter to the applicant saying that the applicant require fresh order from the Hon'ble Tribunal and hence this application.

Copy of letter dated 15/2/06 is annexed as Annexure -T.

##### 5. GROUND WITH LEGAL PROVISION :

5.1. For that action of the respondents are illegal, arbitrary and violative of Railway Establishment Rules.

Contd....

P. G. S. M.

✓

5.2. For that the respondents have dis-regarded their own guidelines and rules provided for appointment on compassionate ground because dependent of employee who die-in-harness while in service required for appointment to be made within a period of three months. Further the power should be exercised by the General Manager himself.

5.3. For that the respondents did not pay the retirement benefits to the applicants mother. Only after filing contempt of Court case No. 570/04 the respondents paid retirement benefits in part.

5.4. For that the Respondents not issuing appointment letter only because the applicant filed Contempt case No. 578/04 in Hon'ble Gauhati High Court for not releasing pensionary Benefits to applicant's mother.

5.5. For that this Hon'ble Tribunal by Judgment dated 18/7/05 observed that date of birth given in the school certificate has to be accepted as authenticated documents but the Respondents have not accepted the same.

5.6. For that the Respondents directed the applicant to obtain <sup>fresh</sup> order from Hon'ble Tribunal and now the applicant has no alternative but to approach this Tribunal for necessary order.

5.7. For that on any view of the matter action/inaction on the part of the Respondent is bad in law, unjust, unreasonable and this Hon'ble Tribunal may interfere for ends of justice.

Contd....

P. J. G.



6. DETAILS OF REMEDIES EXHAUSTED :

The case of applicant has not been considered for appointment on compassionate ground for malafide intention as the mother of applicant filed contempt case against the Respondents for non-payment of her Family pension.

7. MATTER NOT PREVIOUSLY FILED BUT NOT PENDIN IN AN  
OTHER COURT :

The applicant declares that Respondent previously filed W.P.(C) No.4385/2001 and Hon'ble High Court directed to pay service benefit of pension of applicant's mother.

Secondly since Respondent did not comply the order dated 7/4/2004 passed by Hon'ble High Court the applicant filed Cont. case No. 578/04, till to-day the Respondents have not released entire service benefit of his father Bonomali Goswami.

Thirdly the applicant filed O.A. No. 84/05 praying for giving direction to the Respondent for appointment of applicant on compassionate ground. This Hon'ble Tribunal by order dated 18/7/05 disposed the same.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated above the applicant most respectfully prayed that the instant application be admitted record be called for and after hearing the parties, perusal of record be pleased to grant following reliefs.

Contd....

P. G. Gami

8.1. To direct the Respondents to appoint the petitioner on compassionate ground as per scheme of rule.

8.2. To direct the Respondents to accept the school certificate as proof of date of birth.

9. The applicant pray for interim order directing respondent to accept the school certificate as proof of date of birth and to keep a group 'C' or 'D' post vacant for the applicant and also consider the case of applicant for appointment on compassionate ground.

10.....

11. Particulars of the I.P.O.

11.1. I.P.O. No. 266 322451

11.2. Date 20-3-2006

11.3. Payable at Registrar, Central Administrative Tribunal, Guwahati

12. List of Enclosures :

As stated above.

Contd.....

P. J. J. J.

VERIFICATION

I Shri Pradip Kr. Goswami, s/o Late Banamali Goswami, aged about 34 year, resident of Tinsukia Town, Old Station do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.3, 4.6, 4.7 and 4.10 — Are true to my knowledge and those made in paragraphs 4.2, 4.4 and 4.5 — are matter of records which I believe to be true and the rest are my humble submission before this Hon'ble Court.

And I sign this verification on this 20<sup>th</sup> day of March, 2006 at Guwahati.

Pradip Kr Goswami  
Signature

-14-

Office of the  
General Manager (Comml)  
N.F. Railway, Maligaon, Gauhati-11

Annexure A

No. C/56/50/3 TSX

at

3/3/71

To

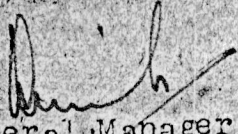
Shri Banamali Goswami  
Deptt Catering  
Tinsukia

Subj: Appointment of Casual Labour.

You are appointed as a Casual Labour on the following conditions.

- 1) Your service will be terminated on any day without assigning any reason.
- 2) You will be paid at the local market rate i.e. @ Rs. per day with 'No work no pay' basis.
- 3) Your appointment as a Casual Labour will not confer on you any benefit or claim whatsoever, to be absorbed as a regular Railway Employee nor this will establish you any claim for future employment in the Railway.

Should you agree to work on these condition please report to Assistant Manager-in-charge, Department catering Unit Tinsukia immediately for duty.

  
for General Manager (Comml)

Copy to : 1) Asstt. Manager-Incharge, Deptt. Catering Tinsukia  
for information. Shri Banamali Goswami has been appointed as a Casual Labour from 1-3-71  
vice Shri \_\_\_\_\_

Before appointment he should be sent to DMO/MLG/NJP for Medical examination.

2) FA & C AO/N.F.Rly/Pandu for information.

3) DVS/TSX at DBRT  
CI/Catering for information.

4) DS MLG/DMO & MOC

5) Asstt. Manager/Catering at \_\_\_\_\_

for General Manager (Comml)

Certified to be true copy

Ashim Roy

-Advocate

-15-

Annexure - B

N.F. RAILWAY.

OFFICE ORDER. CATERING

NO. NMG/49(MISC)

OFFICE OF THE  
DIVISIONAL SUPDT.(P)  
TINSUKIA. DT.1.5.72

THE FOLLONG CASUAL LABOURS OF DEPARTMENTAL CATERING/ TINSUKIA HAVE BEEN BROUGHT INTO AUTHORISED SCALE OF PAY ON RS.70/-P.M.INSOALERS.70-85/ PLUS USUAL ALLOWANCES FROM TIME TO TIME WITH EFFECT FROM THE DATE I.E. JUST AFTER COMPLETION OF 6(SIX) MONTHS CONTINNOUS SERVICE AS SHOWN AGAINST EACH.

AUTHORITY GOS(P)/MALIGAONS LETTER NO.E/283/III/171/I/PT.III(T)  
DATED 22.4.1972.

SL NO	NAME OF CASUAL LABOUR	DATE OF ENGAGEMENT AS CASUAL LABOUR	DATE FROM WHICH DROU- GHT INTO AUTHORISED SCALE 70-85/
----------	-----------------------	--	--

2. SRI BANAMALI GOSWAMI (ANIMAL INSPECTING) 1.3.1971 1.9.1971

NECESSARY ADJUSTMENT OF PAY WILL BE MADE IN DUE COURSE.

SD/ J.N.BAYAN  
DIVISIONAL SUPDT.(P)  
TINSUKIA

COPY TO. STAFF CONCERNED THROUGH SM/TSK FOR AND GUIDANCE PLEASE.  
COPY TO. E/BILL SECTION (SHRI N.K.DAS. SR. CLERK(E) AT OFFICE FOR INFORMATION -N- AND NECESSARY ACTION PLEASE.  
COPY TO. GOS(P)/MALIGAON FOR INFORMATION IN REFERENCE TO HIS LETTER NUMBER E/283/III/171/I/PT.III(T) DATED 22.4.72.  
COPY TO. DAO/LMG FOR INFORMATION PLEASE.

DIVISIONAL SUPDT.(P)  
TINSUKIA

STA  
E/1  
115

Certified to be true copy  
Ashu Roy  
- Ashu Roy

Date of Birth  
1-5-50

Annexure- C

No. DC/TSK/Staff 82

Dated TSK on 20/11/1982

To,

Sri Banamali Goswami,  
Hamal, Deptt, Catering Tsk.

Subject: - Sparring from catering unit/TSK.

Ref: DRM (P)/TSK'S OFFICE ORDER NO. EMG/49/(Catering)  
Dated: 15/11/1982.

With reference to above you are hereby spared from Tinsukia catering unit from date the  
20/11/82(AN) to carry out the transfer order as a station peon under S.S./TSSK.

You are advised to report to SS/TSK for your further duties.

Sd/- Illegible  
Catering Inspector  
Deptt. Carg/TSK.

Copy to :-

- 1) DRM(P) TSK for information and necessary action please.  
Sri Goswami resumed on 20/11/1982 vide DFC issued by DMD/TSK. He was in the sick list of DMD/TSK from 7/5/1982 to 11/8/1982. From 12/8/1982 he was found absconded. He was reported on 20/11/1982 with DFC issued by DMD/TSK.
- 2) CCS/G, MLG for information please.
- 3) O.S/TSK for information please.

Sd/- Illegible  
Catering Inspector  
TSK

*Certified to be true copy*

*Ashwin Roy*

*- Ashwin Roy*



NORTEAST FRONTIER RAILWAY

OFFICE OF THE DIVISIONAL RAILWAY MANAGER(P)/TINSUKIA

Tinsukia dated : 26<sup>th</sup> May '93.

NO.EM-9/14 (LOOSE)

To  
 Shri Banamali Goswami  
 Office Peon of DRM(P)/TSK (Now under Suspension),  
 Now at Rly Qtr. No.R/3 near Foot Over Bridge,  
 Railway Colony, Tinsukia-786 125, Assam.

Sub :- Notice of imposition of penalty of Removal from Service.

With reference to your defence dated 15<sup>th</sup> November, 1992 to the Memorandum No. EM/B-14 (Loose) dated 27.10.92 and in continuation the D.A.B. Enquiry Report sent to you vide DRM(P) P.TSK's confidential letter of even number dated 23/2/93 (which was acknowledged by you on 26/2/98) is hereby informed that your explanation has not been considered satisfactory and the undersigned has passed the following orders :-

" I agree with the recommendation of the disciplinary authority (ARO/IT) and in the light of the facts brought out clearly through the inquiry conducted by CPI/TSK Shri I.N. Hazarika then can be no other suitable penalty removal from service for causing grave threat to safety and encouraging unauthorized trespassing of railway track by the public who patronize the illegally set up restaurant in the portion of Shri Banamali Goswami's which he has illegally rented out to one Sri K.S. Madhavan.

Hence, in order the imposition of the abovementioned penalty i.e. removal from service, one Sri Banamali Goswami, Peon under DEM(P)/TSK for this grave misconduct".

In view of the above order you are removed from Railway service with immediate effect.

An appeal to this lies with DRM/TEZ, if preferred within 45 days from the date of receipt.

Sd/- Illegible  
 26/5/93  
 Divisional Personal Officer,  
 N.F. Railway, Tinsukia.

1. O.B. (P)/IC for official for necessary action.
2. Head Clerk 'E'/P.S. Section for necessary action.
3. Head Clerk 'E'/pass section for necessary action.
4. Head Clerk 'E'/pass section for necessary action.
5. Cadre Dealing Assitt. (at office, No will put up in case for Regularization of the suspension period from 13/10/92 to 25/5/93).
6. Q.S(P) Tfo. Bill (at office for necessary action.

Sd/- Illegible  
 Divisional Personal Officer,  
 N.F. Railway, Tinsukia.

*Colified to be true copy  
 Ashim Ray*

NO.L-41012/14/98-IR(B.I)  
 Government of India/Bharat Sarkar  
 Ministry of Labour/Shram Mantralaya

Shram Shakti Bhawan,  
 Rafi Marg,  
 New Delhi-110 001.  
 Dated 30/10/1998

.....  
 O R D E R

No.L-41012/14/98/IR(B-I) : WHEREAS the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of N.F.Railway

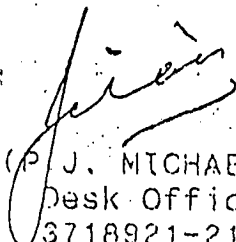
and their workmen in respect of the matters specified in the Schedule hereto annexed ;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to Industrial Tribunal, GUWAHATI. The said Tribunal shall give its award within a period of three months.

THE SCHEDULE

"Whether the action of the management of DRM, N.F.Rly. Tinsukia in termination the service of Shri Bonomali Goswami Ex-Office peon in legal justified? If not to what relief the workman is entitled?"

  
 (P. J. MICHAEL)  
 Desk Officer  
 3718921-2149

Copy Forwarded for necessary action to :

- \*1. The Presiding Officer,  
 Industrial Tribunal,  
 Ambari (bye lane),  
 Near Jor Pukhuri,  
 Uzanbazar,  
 GUWAHATI 781001
- \*2. N.F.Railway  
 The Divisional Railway Manager (P), N.F.Railway,  
 Tinsukia 786125
- \*3. a. Sri Bonomali Goswami,  
 Ex-Office Peon, Railway Gr.No.  
 R/3, Near Foot over Bridge, Railway Colony,  
 Tinsukia - 786 125

*Certified to be true copy*  
*Aswini Das*



IN THE INDUSTRIAL TRIBUNAL:::GUWAHATI:::ASSAM

REFERENCE NO. 7 (C) OF 1999

Present :- Shri K. Samah, LL.B.,

Presiding Officer,

Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between  
The Management of N.F. Railway, Tinsukia.

- Versus -

Shri Bonomali Goswami, Ex-Office Peon,

Railway Qr.No.-R/3, Near Foot Over Bridge,  
Tinsukia.

Date of Award :- 26.9.2000

- Award -

The Govt. of India, Ministry of Labour, vide Order No.-L41012/14/98/IR(B-I) dated 30.10.98 has made this reference to this Tribunal to adjudicate the dispute arising between the Management of N.F. Railways, Tinsukia, and its workman Shri Bonomali Goswami, Peon out of termination of his service on the following issue :-

"Whether the action of the Management of DRM N.F. Railway, Tinsukia in terminating the service of Shri Bonomali Goswami Ex-Office Peon is legally justified? If not to what relief the workman is entitled?"

*Certified to be true copy*  
*Achil Roy*  
*- Advocate*

Contd...

On receipt of reference, this Tribunal has registered this case and issued notices to both the parties calling upon them to file their written statement/Addl. written statement and to exchange their documents in support of their respective claim, in response to which both the parties have appeared and filed their written statement and documents in support of their respective claims. The workman has adduced his own evidence to substantiate his case as WW 1 and no evidence has been adduced from the side of management.

The fact of the case, as reveals from materials on record is that the workman Bonomali Goswami was engaged on casual basis as Paniala in the year 1971 by the management of N.F. Railway at Tinsukia and thereafter he was posted as cover Peon in 1982 in the same station and thereafter posted as Peon in the year 1987. While he was working as Peon in the office of DRM(P), N.F. Railway at Tinsukia, he was placed under suspension by the management and charges Under Rule 9 of the Railway Servant (Discipline and Appeal) Rule, 1966 vide office memorandum No. EM/B-14 (Doose) dated 27.10.92. The first charge was that the workman had erected unauthorized structure around his Railway Quarter No. R/3 type-I situated Near Foot Over Bridge of Tinsukia Railway Station and sublet the same to an outsider named K.S. Madhwan who was running a hotel in the said rented structures endangering public safety as the busy shunting line was passing just near the hotel. The second charge alleged was that the workman erect

Contd...3.

Katch house attached to his quarter in which a sign board entitled "Shri Shri Mahakal Mandir" which erected maintenance problems of the Railway quarters."

To probe the charges, the disciplinary authority has constituted a domestic enquiry by appointing Shri I.N. Hazarika, CPI/TSK as Enquiry officer. But no presenting Officer was appointed by the disciplinary authority to present the case before the enquiry officer. The workman was allowed to take the assistance of Shri N.C. Mazumdar, Sr. C.C.TSK to assist him.

In conducting domestic enquiry, the enquiry officer has not examined any witness from the side of management, but has recorded the statement of the workman where workman has been stated to have admitted the charges. The enquiry officer thereafter submitted report holding that the charge levelled against the delinquent workman was proved and on the basis of said report the workman was dismissed from the service w.e.f. 26.5.93 vide order EM-B/14 (Loose)

After receiving the order of dismissal, the workman has preferred an appeal before the Divisional Railway Manager at Tinsukia on 4.6.93 which was dismissed by said authority vide order dated 4.6.93. After dismissal of appeal the workman has raised the Industrial Dispute before the concerned labour authority who has tried to settle the matter on conciliation and having failed to settle the matter on conciliation

has referred it to the appropriate Govt. who ultimately made this reference.

Before this Tribunal workman has adduced his own evidence as WW 1, but management has not adduced any evidence from his side.

I have heard the arguments advanced by the learned advocate for the both the parties. The learned advocate for the workman has also submitted written arguments alongwith some documents. In course of arguments, learned advocate for the management has submitted that delinquent workman has admitted the charge levelled against him before the enquiry officer and hence he was rightly dismissed from the service. But learned advocate for the workman has submitted that enquiry officer has not followed the procedural law prescribed in that behalf in conducting the domestic enquiry. He has submitted that the management has not provided the list of witness alongwith the charge-sheet to the workman as per procedure prescribed in Rule 9 of the railway ~~managers~~ servants (D & A) Rules, 1968. Secondly, by not appointing Presenting Officer, to present the case, the enquiry officer is put to play the role of both prosecutor and adjudicator. Thirdly, before this Tribunal the management has not proved the enquiry proceeding by adducing evidence of enquiry officer or any other witness. For all these reasons the domestic enquiry conducted by enquiry officer is violative to the principle of natural justice and procedural law.

In dealing with industrial dispute in case of dismissed employee who has been dismissed after holding domestic enquiry, the tribunal has to see whether domestic enquiry was properly conducted or not. In conducting domestic enquiry, the enquiry officer has to follow the procedural law prescribed in that behalf and also to follow the principle of natural justice by giving the workman a proper and reasonable opportunity of being heard. In the instant case what I find from the materials on record in that Constitution of the domestic enquiry is not in accordance with law as no presenting officer was appointed to present the case. In view of this the enquiry officer has to play the role of prosecutor and adjudicator which is violative to procedural law prescribed in that behalf. Furnishment of list of witness to the workman alongwith the charge is a mandatory requirement of Railway Servant(S & A) Rule 1968 which has not been complied with by the enquiry officer and hence enquiry is bad in law. Although, learned Advocate for the management has submitted that the workman has admitted the charge level against him before the enquiry officers, but curiously enough, the enquiry proceeding has not been proved before the Tribunal by adducing any witness from the side of the management. Not only that the evidence of the enquiry officer himself was not adduced before this Tribunal without giving any reason. This being the position, that the workman has admitted the charges before the enquiry officer has not been established.

Contd...6.

In the result the order of dismissal recorded against the delinquent workman is set aside and workman is ordered to be reinstated with 50% of his back wages with immediate effect.

With this order this reference is awarded in favour of the workman. Prepare an award accordingly.

Sd/- illegible.

Presiding officer,  
Industrial Tribunal, Guwahati.

26/9

2025 RELEASE UNDER E.O. 14176

XX Form No. 6  
XX ফর্ম নং - ৬



Sl. No.  
ক্রমিক নং 0072668

GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেবা সঞ্চালকালয়)  
CERTIFICATE OF DEATH  
(মৃত্যুৰ প্ৰমাণ পত্ৰ)

ISSUED UNDER SECTION 12/17 of the Registration of Births and Deaths Act, 1969.  
(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death which is in the register for Shanali Registration unit of J. T. D. H. S. of District Shanali of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ ----- জিলাৰ ----- থানা/পৌৰসভাৰ ----- মৌজাৰ অন্তৰ্গত ----- পঞ্জীয়ন গেটৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা সংগৃহীত কৰা হৈছে।

Name/নাম : Lt. Bananali Garami (55 yrs.)

Sex/লিঙ্গ : Male

Date of Death/মৃত্যুৰ তাৰিখ : 23/11/2021

Place of Death/মৃত্যুৰ স্থান : Rixpara, T.S.U.

Registration No./পঞ্জীয়ন নং : 331

Date of Registration/পঞ্জীয়নৰ তাৰিখ : 6/12/2021

Signature of issuing authority/স্বাক্ষৰ কৰা কৰ্তৃপক্ষৰ চহী

Designation/পদ : 10/710

Date/তাৰিখ : 10/710

Stamp Sig. of Chief Registrar/মুখ্য পঞ্জীয়কৰ চহীৰ চাপ

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to Section 17 (1)

Certified to be true copy  
Abhin Roy  
Advocate

प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
8/4/04	8/4/04	8/4/04	9/4/04	9/4/04

- 27 -

Annexure - H

### IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram and Arunachal Pradesh)

#### WRIT PETITION (C) NO. 4385 OF 2001

Union of India, through the  
General Manager, North East Frontier  
Railway, Maligaon, Guwahati-781011.

..... PETITIONER

-Versus-

1. Bonomali Goswami,  
Ex-Office Peon,  
Railway Quarter No.R/3 (Type I),  
Near Foot Overbridge, Tinsukia.

Gauhati 2. Smti Prabha Rani Goswami  
W/o Lt. Bonomali Goswami.

3. Sri Pradip Goswami,  
S/O Lt. Bonomali Goswami.

4. Miss. Bhubani Goswami,  
D/O Lt. Bonomali Goswami.

..... RESPONDENTS

#### P R E S E N T

THE HON'BLE MR. JUSTICE D. BISWAS

For the Petitioner : Shri Siddhartha Sarma,  
Standing Counsel, Railways.

For the respondent : Mr. A.K. Goswami,  
Mr. S. Chouhan,  
Mr. R.S. Chouhan, Advocates.

Date of hearing : 7.4.2004

Date of Judgment and : 7.4.2004  
Order

*W.A.*

*Certifies to be true copy  
Shriman  
- Shrivastav*



**JUDGMENT AND ORDER**

( Oral )

Heard Mr. S. Sarma, learned Standing Counsel for the Railways and also Mr. A.K. Goswami, learned counsel for the respondents.

2. Without adverting to the technical questions raised, this Court is inclined to dismiss this writ petition since the impugned award rendered by the Industrial Tribunal appears to be in aid of justice.

3. The respondent No. 1, Bonomali Goswami (since deceased) was a Grade-IV employee in the Railways. A charge sheet was served upon him for having allowed construction of a Hotel and for having constructed a Kutcha Mandir inside the residential premises allotted to him by the respondent authority as an incident of service.

4. The Enquiry Officer in his report dated 30.12.1992 exonerated him from the first charge for having allowed an outsider to construct a Hotel, and with regard to the second charge held that the respondent himself admitted to have constructed a Kutcha Temple inside the residential premises. The findings of the Enquiry Officer is quoted hereinbelow :-

**"4. FINDINGS.**

From the above foregoing chapters, the article of charges framed against the delinquent staff stand established. Since he is intending to have the unauthorized structures (both Hotel and Mahakal Mandir) dismantled by the Administration with allotment of an alternative Rly. Accommodation at the other side of the TSK Colony, it is desired that administrative action to evict both the unauthorized structures under PP Act/ 1971 be initiated and thus the Engineering Officers be advised of this suggestion, if agreed please.

The statements obtained during the DAR enquiry from the delinquent person are enclosed for perusal of the Disciplinary Authority (APO/II)/TSK and to kindly pass his orders thereof."

W  
AC

5. A casual glance of the findings quoted above clearly indicate that the Enquiry Officer did not indict him for having committed any serious offence amounting to misconduct. It appears that the petitioner had constructed a Kutcha Temple in his official residence for the purpose of worshipping and this alone should not have been a ground for his dismissal from service. Neither of the charges levelled against the respondent No.1 was relatable to his office, and therefore, any punishment other than the punishment of dismissal would have sufficed the very purpose of initiation of the departmental proceeding. The learned Tribunal by the impugned award dated 26.9.2000 set aside the order of dismissal on various grounds of which mention may be made of the non-compliance of the mandatory requirements of Railway Servants (S & A) Rules, 1968. The Enquiry Officer has been found to have violated the procedural law as applicable in a departmental proceeding. The learned Tribunal in clear terms observed that a reasonable opportunity of being heard was also denied to the respondent No.1. These observations cannot be reversed by this Court on re-appreciation of evidence in exercise of powers under Article 226. Going by what have been recorded by the learned Tribunal, this Court is left with no option but to conclude that the impugned award which has ensured justice to a Grade-IV employee of the Railways needs no interference by this Court.

6. Hence, this writ petition is dismissed. The appellate authority is directed to implement the award forthwith.

*sd J. V. Narayan*  
*Judge*

<b>CERTIFIED TO BE TRUE COPY</b>
<i>AK on Borpatra</i>
Date <i>09/11/04</i>
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act I, 1872

*sd J. V. Narayan*

*PAU 11908*  
*9410*

To,

The General Manager, N.F. Railway,  
Maligaon, Guwahati-11.

Date-15-04-2004.

Sub :-Prayer for appointment on compassionate ground.

Respected Sir,

My father was appointed in March 1971 as Hamal. During 1980 he suffered from T.B. and on request he was allow to work as peon in the office of D.R.M. Tinsukia.

By order dated 26-5-93 he was removed from service for a petty offence for constructing a Kaccha Mahakal Mandir adjacent to his Railway quarter. On appeal the punishment was upheld. A conciliation was initiated but failed up ultimately the Govt. of India, Ministry of Labour by order dated 30-10-98 referred the matter to Industrial Tribunal,Guwahati. The learned Tribunal set aside the dismissal order and ordered to reinstate my father with 50% back wages.

Against the award Railway authority preferred W.P.(C) No.- 4385/01 before Hon'ble Gauhati High Court. During the tendency of the petition on 23-6-01 my father died at the age of 55 years. However my mother, myself and my unmarried sister impleaded in the case and ultimately Hon'ble High Court by Judgment dated 7-4-04 dismissed the writ petition with direction to implement the award forthwith.

That Sir, although my father was dismissed from service on 26-5-93 he was ordered to be reinstated by Industrial Tribunal vide its ~~max~~ award dated 26-9-2000, since the award way under challenge technically my father was not in service but as the

Certified to be true copy  
Ashim Roy  
- Advocate

writ petition was dismissed on 7-4-04 with direction to implement the award of Industrial Tribunal. My father would have been reinstated if he would have been ~~ex~~ alive. Although my father was died on 23-6-01 but the Judgment of order of High Court was passed on 7-4-04 i.e. prior to 7-4-04 I could not make a claim. Now I am son of deceased employee late Bonomali Goswami who was a peon in the office of D.R.M., Tinsukia.

That Sir, I passed class-VIII and I am experienced in Electrical works under provision/scheme of appointment on compassionate ground a post under Group-C may be provided to me as I am the only son of deceased employee to meet the financial hardship of my family as I have to maintain my aged mother and unmarried sister.

Therefore Sir, provide me a Group-C job immediately under ~~order~~ to the scheme and oblige.

Date - 15/04/2004.

Yours faithfully,

*Pradip Goswami*

( Sri Pradip Goswami )  
S/o Late Bonomali ~~Goswami~~ Goswami  
Resicent of Tinsukia  
near old station.

Particulars

School certificate showing age and qualification,

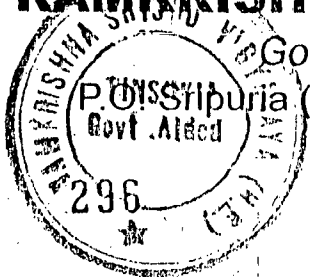
~~Age ~~Exaxax~~ ~~Exaxax~~~~

2) Death Certificate.

Copy enclosed :

- 1) Copy of award dated 26-9-2000.
- 2) Copy of Judgment of Hon'ble High Court dated 7-4-04.

## Transfer Certificate

**RAMKRISHNA SHISHU VIDYALAYA**

Govt. Aided High School

(Tinsukia), Dist : Tinsukia (Assam)

No.

Date 21.4.04

Certified that Pradip K. GoswamiSon / Daughter of Late Banamali Goswami inhabitant ofTinsukia left Ramkrishna Shishu Vidyalaya on 31-12-88His / Her Date of birth according to Admission Register is 15.3.71He / She was reading in Class VIII and had / hadnot passed the examination for promotion to Class IX. All sumsdue by him / her have been paid, viz, fees and fines upto 31-12-88 (date)

Countersignature

Fines :- Nil.

Character :- Good

Reason of leaving :-

- i) Unavoidable change of residence
- ii) Ill health
- iii) Completion of the School course
- iv) Minor Reason

P. Roy 22/4/04  
 Asst. Inspector of Schools  
 Tinsukia

B. Mahanta 21.4.04  
 Headmaster

Ramkrishna Shishu Vidyalaya

Tinsukia

RAMKRISHNA SHISHU VIDYALAYA (TINSUKIA)

TINSUKIA, ASSAM

Certified by  
 Mr. Inspector

Certified to be true copy

Ashim Roy

- Advocate

- 33 -  
- 4 -

Annexure - K

46

Office of the  
Divl. Rly. Manager (P),  
Pinsukia.

OFFICE ORDER.

With due honour of the Hon'ble High Court/Guwahati's judgement order dated 07.04.2004 in the WP (C) and the Hon'ble Industrial Tribunal's award dated 26.09.2000 in ref. case No. S (C)/99, the removal order of late Banamali Goswami, ex. Office Recd. under DPO/RSK has been set aside. Late ~~Gov~~ Goswami was removed from Rly. service w.e.f. 26.05.93 vide this office NIP No. EM-(B)/14 (loose) dt. 26.5.93, but as per above order he has been reinstated w.e.f. 26.9.2000 with 50% of his back wages with immediate effect (i.e. the date of award of the Industrial Tribunal on dt. 26.9.2000).

GM (P)/ALG has directed to implement the order of the Hon'ble High Court/Guwahati vide his L/No. E/170/RLC/1/2001 dt. 10.6.2004.

Accordingly he is entitled to get 50% of his back wages from the date of his removal from service i.e. w.e.f. 26.5.93 to the date 25.9.2000. From 26.9.2000 i.e. date of award of I. Tribunal he will be reinstated and get full benefit up to 23.6.2001 i.e. up till his death. And he is entitled to get all benefits as death case while in service.

His pay of IV CPC and V th CPC are fixed as under duly vetted by associated finance/RSK.

IVth pay commission w.e.f. 1.1.86 in scale Rs. 750-940/-.

Pay fixed on	Rs. 884/-	w.e.f.	1.1.86.
Pay raised to	Rs. 898/-	"	1.1.86.
Pay raised to	Rs. 912/-	"	1.1.87.
Pay raised to	Rs. 926/-	"	1.1.88.
Pay raised to	Rs. 940/-	"	1.1.89.
Pay raised to	Rs. 940+14/-	1.1.91 ( Stg. Pay)	" "
Pay raised to	Rs. 940+14+14/-	1.1.93	" "
Pay raised to	Rs. 940+14+14+14/-	1.1.95	" "

Vth Pay commission w.e.f. 1.1.96 in scale Rs. 2550-3200/-

Pay fixed on	Rs. 3080/-	w.e.f.	1.1.96.
Pay raised to	Rs. 3140/-	"	1.1.96.
Pay raised to	Rs. 3200/-	"	1.1.97.
Pay raised to	Rs. 3200+60/-	1.1.99 (stg. Pay).	" "

*Sign*

Contd..... P/2.

Certified to be true copy  
Admin. Secy  
- Advocate

34

Granted ACP scheme for monetary benefit in grade Rs. 540-1540/-  
w.e.f. 1.10.99.

Pay fixed on Rs. 3410/- w.e.f. 1.10.99.

Pay raised to Rs. 3475/- " 1.10.2000.

This has the approval of competent authority.

8.7.04

( R. L. BHAGAT )

APC/I/TSK.

for Rtl. Rly. Manager (P),  
N. F. Rly. Tinsukia.

No. EM/B-141 dated 08.07.2004.

Copy forwarded for information and necessary action to:-

1. GM(P)/MLG ( for personal attention of Sri B. Sharma, APC/Legal Cell.  
MLG in reference to his letter No. E/170/RLC/I/2001  
dt. 10.6.2004)
2. IFM/TSK.
3. ET/ Bill (at office).
4. FS section (at office).
5. COS(P)/ET/? COS(P)/EG & CLWI/TSK.

8.7.04

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.84 of 2005

Date of Order: This the 18<sup>th</sup> Day of July, 2005.HON'BLE MR.JUSTICE G.SIVARAJAN, VICE-CHAIRMAN  
HON'BLE MR.K.V.PRAHLADAN, ADMINISTRATIVE MEMBERSri Pradip Goswami,  
S/O. Late Banamali Goswami,  
Resident of Tinsukia Town,  
Near old Railway Station,  
Tinsukia, P.S.-Tinsukia,  
District-Tinsukia

Applicant

By Advocate Mr.S.Chouhan, Mr.R.S.Chouhan  
Mr. A.Roy.

-Versus-

- 1 The Union of India represented by  
Its Principal Secretary, Ministry of  
Railway cum the Chairman Railway Board,  
New Delhi-1.
2. The General Manager,  
North East Frontier Railway,  
Maligaon, Guwahati-12
3. The Chief Personnel Officer,  
(Indian Railway), N.F.Railway,  
Head Office Maligaon,  
Guwahati-12.
4. The Divisional Railway Manager,  
Tinsukia Division,  
N.F.Railway at Tinsukia.
5. The Divisional Personnel Officer,  
Tinsukia Division,  
N.F.Railway at Tinsukia.

Respondents.

By advocate Mr.S. Sengupta, Railway counsel.

ORDER(ORAL)SIVARAJAN J(V.C.)

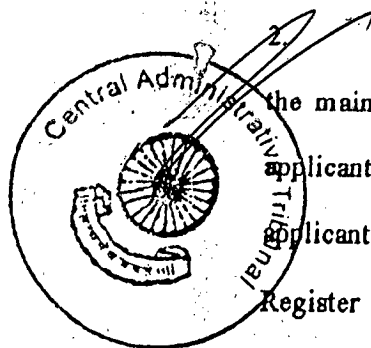
This O.A. is posted on 8.7.05 and 12.7.05. On 8.7.2005 counsel for the parties were absent. On 12.7.05 also there was no representation for the parties. The case is again adjourned to this date on that date. It was specifically mentioned that as a last



*Original is to be sent copy*  
Ashwin Roy  
Advocate



chance the case is posted on 18.7.05. There is no representation for the applicant even to-day. Mr.S.Sengupta, learned counsel for the Railway took us to Annexure R/5 dated 6/7.5.2005 to the written statement and submits that the Respondents are ready to give the appointment to the applicant on compassionate ground but the Date of Birth of the applicant recorded in the School Certificate and other documents produced by the applicant does not tally. Mr.S.Sengupta counsel for the respondents also submitted that if the applicant produces authenticated documents relating to Date of Birth, the Respondents on being satisfied will give appointment to the applicant provided other conditions are satisfied.



We have also perused the Annexure R/5 dated 6/7.5.2005. We find that the main ground stated for not giving appointment on compassionate ground to the applicant at present is want of authenticated record relating the Date of Birth of the applicant. The Annexure R/5 communication itself refers to Annexure R/1 School Register dated 21.4.04 issued by the Headmaster of Ramkrishna Shishu Vidyalaya wherein it is shown that the Date of Birth of the applicant is 15.3.71. However, in the other documents mentioned in the Annexure R/5 the date of birth varies. Ordinarily the Date of Birth given in the School Certificate has to be accepted as authenticated document. The Date of Birth shown in the other documents, for example, Annexure R/4 affidavit shows the age of the applicant as 23.1.68. Now that the Respondents have taken the view that having regard to the difference in the Date of Birth in the documents produced by the applicant, we are of the view that this application can be disposed of by directing the applicant to obtain a Certificate showing the Date of Birth of the applicant from the competent authority namely; Registrar of Birth and Death attached to the Municipal Corporation concerned. Hence the O.A. is disposed of at the Admission stage itself by directing the applicant to apply for and obtain Birth Certificate from the competent authority which is attached to the Municipal Corporation in which the applicant resides and produces the same before the Respondent within a period of two months from today. If the applicant produces the said Certificate the Respondents will act

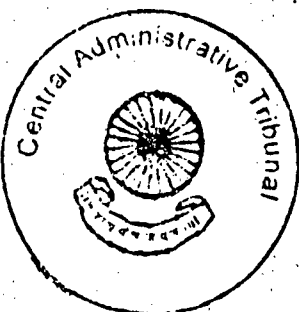
*[Signature]*

on the basis of the said Certificate and pass appropriate order in accordance with the law within a period of three months thereafter.

3. The Original Application is disposed of as above.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)



Certified to be true Copy  
प्रमाणित प्रतिस्वरूप

अनुभाग अधिकारी  
Section Officer (J.C.)  
Central Administrative Tribunal  
गुवाहाटी-5.  
GUWAHATI-5.

21/7/15

11/7/05

TO WHOM IT MAY CONCERN

As per Enforcement of the RBD Act, 1969, & Approval and notification of State Rules framed 28.6.78 in Assam, the registration of Birth & Death has Commenced from 28.6.78 in our district. So, registration of birth prior to 1978 does not arise & the name of Sri Pradip Goswami, has not registered in our record.

Date:- 29/7/05  
Tinsukia

(Marked)  
 29/7/05  
 Registrar,  
 Birth and Death,  
Tinsukia District Tinsukia

Certified to be true copy

Shrimoy  
 Advocate

-39-

Annexure - N

To,  
The Divl. RLY Manager (P)  
N.F. Rly. Tinsukia

**Sub: Consideration of application for compassionate ground appointment as per  
Cat/Guwahati Branch order No. 84 of 2005 dated 18/7/2005**

As per decision of CAT as mentioned above I was directed to produce Birth certificate from the competent Authority, which is attached to Municipal Corporation in which I resides.

Accordingly, I approach to the Registrar, Birth and death. Tinsukia for certificate. But Registrar, Birth and Death Tinsukia, has given a certificate, that Registration of Birth and death has commenced from 28/6/1978 in Tinsukia District. Hence registration of birth, prior to 1978 does not arise. (Copy enclosed). However MHO/1, urban FW centre, Tinsukia/has given me a certificate where it has been certified that, my age is about 34 years. (Copy enclosed).

Hence, <sup>under</sup> considering above circumstances I therefore praying you to kindly consider my application taking date of birth as 15/3/1971 as per School certificate, as there is not any available in the office of the Registrar death and Birth prior to 1978.

Yours faithfully,

*Pradip Goswami*

Shri Pradip Goswami  
S/o Late Banamali Goswami  
Near Old Railway Station  
P.O. : Tinsukia

13/9/05

13/9/05

Tinsukia

*Certified to be true copy*

*Arjun Roy*

*Advocate*

FAMILY DECLARATION.

1. Employee's full name : Sri Basamali Goswami  
 2. ~~Relative's~~ <sup>Descendant's</sup> full name : Peon under S.S/75K  
 3. Date of appointment : \_\_\_\_\_  
 4. Present pay Rs 238/- (5). Whether father alive, if not, date of death. not alive.

Full name of persons for whom ~~Father's name~~ (Relation ship) Date of ~~with employee~~ birth. 01/1/86  
 No passes may be required.

1. Mr. Prabha Ram Goswami - wife - 31 yrs.  
 2. Pradeep K. Goswami - son - 17 "  
 3. Pooja Ram Goswami - daughter - 11 "  
 4. Sail Ram Goswami - son - 58 "  
 5. Sejal Raj Goswami - upm 2/3rd - 23 "  
 6. Pooja Goswami - 2/3rd - 18 "

I do hereby declare that all the particulars given above are correct and that they are wholly dependent on me and actually residing with me at \_\_\_\_\_

Signature in full \_\_\_\_\_

Date \_\_\_\_\_ Designation & Station \_\_\_\_\_

CERTIFICATE.

born 01/01/86 the best of our knowledge that the particulars declaration are wholly dependent on Shri \_\_\_\_\_ and actually residing with him at \_\_\_\_\_

1) Full Signature \_\_\_\_\_ 2) Full Signature \_\_\_\_\_  
 1) Designation & Stn. \_\_\_\_\_ 2) Designation & Stn. \_\_\_\_\_  
 Date \_\_\_\_\_ Date \_\_\_\_\_

I am satisfied on necessary verification that the above declaration given by Shri \_\_\_\_\_ (Design.) is correct.

Signature of Immediate Officer  
 Attach seal & date \_\_\_\_\_

Certified to be true copy  
Ashim Roy  
Asst. Secy

Family Declaration

1. My full name SURE BACHMALI GOSWAMI  
 2. Designation Station Peon / TSK  
 3. Rate of Pay Rs. 760/- 11/11/-  
 4. Department & Service The Under SS / TSK  
 5. Father alive or not Not alive

Sl. No.	Name of the person for whom name & P.T.O. may be required	Relationship	Age on 1/1/87
1	Mrs. Pradha Rani Goswami	wife	32 yrs.
2	Sri. Pradip Goswami	son	18 "
3	Smt. Priti Rani Goswami	daughter	12 "
4	" Sail Rani Goswami	w/sister	59 "
5	Sri. Vijayash Goswami	5th broth.	19 "

Signature in full.  
 Designation: Station Peon  
 Under SS / TSK

Signature of the Officer

Certified to be true copy  
 Ashwin Rao  
 - Advocate

FAMILY DECLARATION FORM:

55  
Signature  
Annexure-2

1. Name of the Employee Sri. Banamali Goswami
2. No. of the Section Peon under D.M.P. TSK
3. Pay at present 9/2/-
4. Father alive or not N/A

5. Name of persons for whom passes / Relationship Age on the Jan or date of birth 1/1/55  
No. P.T.Os may be required

1. Mrs. Pradha Rani Goswami wife 33 years
2. Sri. Pradip K. Goswami Son 19 "
3. Smt. Priti Rani Goswami daughter 13 "
4. " Sail Rani Goswami w/mother 60 "
5. Miss. Safali Rani Goswami 4th/sister 25 "
6. Sri. Pijush Goswami N/Brother 20 "
- 7.
- 8.
- 9.
- 10.

Signature in full:

Designation :

Section/Sub-Section:

We certify that to the best of our knowledge the parties as shown are residing with and are wholly and are wholly dependent upon the employee.

Witness:

1. Signature Bimal Das
2. Designation Chk. (E)
3. Section D.M.P. TSK
1. Signature Gautam Mohan Nath  
(in full)
2. Designation Office peon
3. Section D.M.P. TSK

Ghosh:

(SIGNATURE OF IMMEDIATE OFFICER)

Certified to be true copy  
Ashu Roy  
Advocate

DECLARATION FORM PASS & PTO

1. NAME OF THE EMPLOYEE : Sri Bimal Goswami
2. NAME OF THE SECTION : DAMP/TSU
3. DATE OF APPOINTMENT : 1-9-1971
4. PAY AT PRESENT (AUTH/PREScribed) : Rs 912/-
5. FATHER ALIVE OR NOT : NOT alive

SI. NO. NAME OF PERSONS FOR WHOME PASS/PTO's MAY BE REQUIRED RELATIONSHIP AGE ON THE 1ST APRIL OR DATE OF BIRTH. 1/1/90

1. Mrs Praba Rani Goswami - wife - 35 yrs
2. Sri Pradip Goswami - son - 21
3. Sri Priti Rani Goswami - daughter - 15
4. Sail Rani Goswami - daughter - 62
5. Mrs Sefali Rani Goswami - wife of Sail Rani - 27
6. Sri Bijush Goswami - son - 22
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

SIGNATURE IN FULL \_\_\_\_\_

DESIGNATION Peon

SECTION/SUB-SECTION DAMP/TSU's Office

We certify that to the best of our knowledge the parties as shown above are residing with and are wholly dependent upon the employee.

WITNESS:

1. SIGNATURE IN FULL: [Signature]
2. SIGNATURE IN FULL: \_\_\_\_\_
1. SIGNATURE IN FULL: \_\_\_\_\_
2. DESIGNATION: Asst. Secy
2. DESIGNATION: \_\_\_\_\_
3. SECTION: Asst. Secy
3. SECTION: \_\_\_\_\_

1.1.90

SIGNATURE OF THE ISSURING OFFICER. \_\_\_\_\_

P. 5

Certified to be true copy  
Ashim Roy  
— Advocate



- 481 -

Annexure-S

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR & EMPLOYMENT  
EMPLOYMENT EXCHANGE  
TINSUKIA

IN LIEU OF X-10-(D)

IDENTITY CARD.

Category S/C. S/T. M.O.B.C./ O.D.C./ P.H.  
(Not an introduction Card for interview with employer)

1. Name :- Shri Brod P. Dasgupta  
2. Date of Birth :- 15-3-21  
3. Date of Registration :- 30-10-87  
4. Registration No. :- 257318  
5. N.C.O. Code No. :- 20270  
6. Qualification :- M.B.  
7. Occupation :- NLV  
8. Prominent Identification Mark. :- N.V.

Signature of Applicant.

Brod P. Dasgupta

26-10-87  
Employment Officer,  
Employment Exchange  
Tinsukia.

Next renewal due in month and  
year with initial of Assistant

Next renewal due in month and year  
with initial of Assistant.

Return this card when you no longer require employment assistance after  
filling the following on tries.  
I have required employment through the Employment through the employment  
Exchange/Through own efforts under ..... I no longer require Empl-  
oyment assistance.

Signature of applicants.

Date

Certified to be true copy

Ashu Roy

Advocate



- 45 -

9946320

Annexure - T

N. F. RAILWAY.

Regd. With A/D.

Office of the  
Divl. Railway Manager (P)

Tinsukia.

Dated : 15.02.2006.

No.DC/PG/Appn

To,  
Shri Pradip Goswami,  
S/o. Late Bananali Goswami,  
Ex-Peon/DRM (P)/TSK,  
Tinsukia Railway Colony,  
Qr.No.3 (Near foot Over bridge),  
P.O. & Dist. Tinsukia (Assam).

**Sub: Appointment on Compassionate ground.**

**Ref: 1. Your appeal dated 06-12-05.**

**2. GM (P)/MLG's L/No.E/170/LC/NS/571/05 dt.17.01.06.**

Your case was referred to GM (P)/MLG for legal opinion in connection with your appointment on compassionate ground.

As per the Hon'ble CAT/GHY's Order date 18-07-05 in the O.A. You were directed to obtain a certificate of your date of birth from the competent authority i.e. Registrar of Birth and Death office attached to the Municipal Corporation concerned. But you have failed to obtain the Birth certificate from the authority vide your application dated 06-12-05. Now GM(P)/MLG has informed vide his letter under reference above that you have to obtain a fresh order from the Hon'ble Tribunal in this regard since you have failed to obtain the Birth certificate from the Authority concerned.

Hence, you are hereby advised to obtain a fresh order from the Hon'ble Tribunal in regard to obtaining certificate of date of birth from the competent authority.

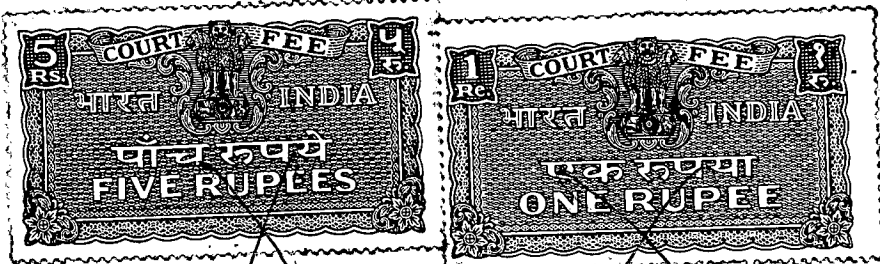
*10 gnt  
TSK/06  
APR 01/1/TSK*  
For Divisional Railway Manager (P),  
N. F. Railway, Tinsukia.

*Confirms to be true copy  
Ashim Roy  
- A.W.O.C.*

30615

SL. No.  
DISTRICT:

V



## IN THE GAUHATI HIGH COURT

[ THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM  
AND ARUNACHAL PRADESH ]

O.A. NO. 71 OF 2006

Sri pradip Goswami  
VERSUS

The Union of India 2005

APPELLANT  
PETITIONERRESPONDENT  
OPPOSITE-PARTY

Know all men by these presents that the above named ..... *applicant*  
do hereby nominate, constitute and appoint Sri/Smti. *Sudama Chauhan, A. Roy*  
*Radhey Sgan Chauhan* Advocate and such of the undermentioned Advocates as shall  
accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above  
and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or  
drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree  
to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-  
payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 20<sup>th</sup> Day of March '06

N. M. LAHIRI (Sr. Adv.)	K.R. PATHAK (Sr. Adv.)	D.C. MAHANTA (Sr. Adv.)	S. P. ROY
B. M. GOSWAMI (Sr. Adv.)	BHUBANESWAR KALITA (I) (Sr. Adv.)	T.C. KHATRI (Sr. Adv.)	K.K. BHATRA
J.P. BHATTACHARJEE (Sr. Adv.)	B. R. DAS (Sr. Adv.)	MS. BINOYA DUTTA	R.P. SHARMA (Sr. Adv.)
D.C. SHARMA	S.P. DEKA	BHABATOSH BANERJEE	S.C. BISWAS
B. K. GOSWAMI (Sr. Adv.)	D.R. GUHA	R.K. JAIN	P.C. RAYMEDHI
A. M. MAZUMDAR (Sr. Adv.)	S.A. LASKAR	G.K. BHATTACHARYYA (Sr. Adv.)	UTPAL DAS (I)
P. K. BARUA (Sr. Adv.)	SAUKAT ALI (Sr. Adv.)	PRANABANANDA PATHAK (Sr. Adv.)	DR S. S. HARLALKA
S. N. BHUYAN (Sr. Adv.)	B. K. ACHARYYA	T.C. MAJUMDAR (Sr. Adv.)	D.R. GOGOI
J. K. BARUAH (Sr. Adv.)	MS. USHA BARUAH	DR H. N. DAS (Sr. Adv.)	KHAIRUL BASAR
ANIL SARMA (Sr. Adv.)	N.C. DAS (Sr. Adv.)	B. C. MALAKAR	A.S. CHOUDHURY (Sr. Adv.)
B.K. DAS (Sr. Adv.)	A.K. BHATTACHARYYA (Sr. Adv.)	SAMSUL HUDA	DINDAYAL AGARWALA
M. A. LASKAR (Sr. Adv.)	A. B. CHOUDHURY (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
DR S.N. CHETIA	T.S. DEKA (Sr. Adv.)	N.N. SARMA	MD. SAMNUR ALI
A.S. BHATTACHARJEE (Sr. Adv.)	K. P. SARMA (Sr. Adv.)	JANARDAN DAS	JOYDEV CH. DAS
A. R. BANERJEE (Sr. Adv.)	B. P. BORAH (Sr. Adv.)	CHAITANYA BARUAH (Sr. Adv.)	V. K. BHATRA
D.K. HAZARIKA (Sr. Adv.)	H. K. SARMA	A.C. SARMA	A.C. BORBORA (Sr. Adv.)
N.N. SAIKIA (Sr. Adv.)	PRABIN BARTHAHAKUR (Sr. Adv.)	N.Z. AHMED	P.K. KALITA
J.M. CHOUDHURY (Sr. Adv.)	M.C. BARTHAHAKUR	N.C. PHUKAN	SAILEN MEDHI
P.K. GOSWAMI (Sr. Adv.)	P.C. GAYAN	MUNIN (GAUTOM) SARMA	MRS. M.B. DUTTA CHOUDHURY
P.G. BARUAH (Sr. Adv.)	C.K. SHARMA BARUA (Sr. Adv.)	FAIZNUR ALI	P.C. GOSWAMI
C.R. DE (Sr. Adv.)	ANUP KR. DAS	D.K. KAKATI	APURBA SARMA (I)
D. K. BHATTACHARYYA (Sr. Adv.)	DR Y.K. PHUKAN (Sr. Adv.)	G.N. SAHEWALLA (Sr. Adv.)	K.H. (SALIM) CHOUDHURY (Sr. Adv.)
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ABDUL GONI  
TILAK RANJAN SARMA

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satisfied and accepted

Advocate

Mr/Ms..... will lead  
me/us in the case

Advocate

And Accepted

And Accepted

Advocate

And Accepted

Advocate

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