

FROM NO. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORAILER SHEET

1. original Application No. 75/106
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Gopal Ch Saha 205

Respondents M.O.I. 205

Advocate for the Applicant(s) ... Mr. M.U. Mandal, Md. A. Hussain
Mr. A.F. N.V. Mokah

Advocate for the Respondant(s) By standing counsel.

Notes of the Registry	Date	Order of the Tribunal
	<u>28.03.2006</u>	Present : Hon'ble Sri K.V. Sachidanandan Vice-Chairman.
This application is in form is filed/C. F. for Rs. 50/- d.p.c. 100/BD No. 20 G 322587 Date: 22.3.06		Heard Mr. M.U. Mandal, learned counsel for the applicants.
		Issue notice to the respondents. Post on 11.05.2006 for admission.
<i>M. Meetho Dy. Registrar</i> <i>not 27/3/06</i> Steps not taken.		<i>Vice-Chairman</i>
fil. Comply and dated 28.3.06.	<u>11.5.2006</u>	Respondents' counsel wanted time to file reply statement. Let it be done. Applicants are at liberty to produce their <u>Identity</u> cards before this Tribunal to show their <u>prima facie</u> genuineness of the case. Post on 30.6.2006.

9/5/06.
Steps taken
today.

10/5/06.
Steps taken
today.

bb

Vice-Chairman

30.06.2006

Learned counsel for the

respondents requests for some more
time to file reply statement.

Post on 02.08.2006.

10-5-06① Service report
replied.3017/6/2006

mb

Step received
on behalf of
R - 2 and 4

Reviewed by

OmOn behalf of
S.C. Railway
Dr. J.L. SarkarNotice duly
served on resp.

nos. 2, 4.

17/6Notice & order
sent to D/section
for issuing to
resp. nos. 1, 3 &
regd. A/D post.b
17/6/06. D/No. 515, 516
dt - 19/6/06.29-6-06No Wb. Wm been
filed.306-7-06

Additional affidavit filed

Notes of the Registry	Date	Order of the Tribunal
<u>1 - 8 - 2006</u> No. written statement has been filed.	2.8.06	Counsel for the respondents wanted to file written statement. Three weeks time allowed to file written statement. List on 25.8.06 for order. <i>23</i>
No W/S has been filed.	pg	<i>SJ</i> Member
<u>24.8.06.</u>	25.8.06	The counsel for the respondents prays for time to file written statement Four weeks time is granted to file written statement. Post the matter on 16.10.06. <i>23</i>
<u>30 - 10 - 06</u> No W/S has been filed.	lm	Vice-Chairman
<u>13.12.06.</u>	31.10.06	Dr. J. L. Sarkar, learned Railway Star ding counsel is granted four weeks time to file reply statement as prayed for. post on 4.12.2006. <i>23</i>
No W/S has been filed.	bb	Vice-Chairman
<u>11-1-07.</u>	14.12.2006	Further time to file reply state- ment is scught on behalf of the Railway Let xx it be done. Post on 12.1.2007. <i>23</i>
No W/S has been filed.	bb	Vice-Chairman
<u>13.2.07</u> W/S submitted by Respondents Nos. 1, 2, 3 & 4.	12.1.07.	Counsel for the respondents wanted to file written statement. Four weeks time is granted to file written statement as a last chance. Post the matter on 15.2.07. <i>23</i>
<u>14.2.07</u>	lm	Vice-Chairman

15.2.07

Counsel for the applicant wanted to file rejoinder. Let it be done within four weeks.

Post on 15.3.07 for order.

No rejoinder has been filed.

pg

14.3.07.

15.3.07.

Member

Vice-Chairman

Post the matter on 11.4.07.

D

Vice-Chairman

lm

16.3.07:

An objection filed by the Applicant against 21.6.07.
W.S. page 1 to 4. 10.05.2007

Q.W.
lm

Counsel for the respondents wanted time to file written statement. Let it be done. Learned counsel for the Applicant submitted that he has filed rejoinder. Let the case be posted on 25.5.2007. In the meantime Respondents are at liberty to take instruction on the rejoinder, if any.

Rejoinder has been filed.

21.5.07.

/bb/

Vice-Chairman

W.S. and rejoinder has been filed.

25.5.2007

Post on 21.6.2007 along with the

M.P.

24.5.07.

Vice-Chairman

W.S. and rejoinder has been filed.

/bb/

21.6.07.

20.6.07.

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 23.7.07.

W.S. and rejoinder filed.

lm

Vice-Chairman

22.6.07.
20.7.07.

— 5 —
O.A. 75/06

23.7.07. Let the case be listed next available Division Bench on the priority list, since pleadings are completed.

The case is ready
for hearing.

Vice-Chairman

3.10.07.

04.10.2007 Heard learned counsel for both the parties. Hearing concluded. Judgment delivered in open Court.

For the reasons recorded separately this case stands dismissed. No costs.

11/10/07

Copy of the
judgment has been
sent to the Office
for issuing the
same to the
Appellants and Respondents
No 3 and the 2nd Addy
for the parties.

/bb/


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

19.11.07

Judgment sent
vide D. Nos 1044
& 1045 on 16.10.07



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.75/2006.

DATE OF DECISION : 04-10-2007

Shri Gopal Chandra Saha & 9 others

.....Applicant/s

Mr M. U. Mandal,

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr J. L. Sarkar, Railway standing counsel

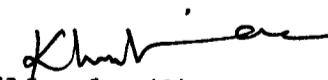
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.


Vice-Chairman/Member(A)

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 75/2006.

Date of Order : This the 4th Day of October, 2007.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Sri Gopal Chandra Saha
Son of Late Lakshan Chandra Saha
Vill & P.O. Bhawraguri
Dist. Kokrajhar, Assam
2. Sri Gopal Chandra Saha
Son of Late Basudev Saha
Vill & P.O. Bhawraguri
Dist. Kokrajhar, Assam
3. Sri Narayan Roy
Son of Sri Jogendra Roy
Vill. Mandapara P.O. Bhawraguri,
Dist. Kokrajhar, Assam
4. Sri Manmatha Kr. Roy
Son of Naratha Kr Roy,
Vill-Khalishanimari
P.O.Bhawraguri
Dist. Kokrajhar
5. Sri Ajit Narayan Singh Barua
S/o Birendra Singha Barua
Vill. Mandapara, P.O. Bhawraguri
Dist. Kokrajhar
6. Sri Sanjit Ghosh
S/o Sri Parna Ghosh
Vill. Babu Nill
P.O.Gosaigaon
Dist. Kokrajhar
7. Sri Pran Krishna dihidar
S/o Sirish Chandra dihidar
Vill & P.O. Gosaigaon,
Dist. Kokrajhar.
8. Sri Nirmal Chandra Pradhani,
S/O Dinesh Chandra Pradhani,
Vill-Khalishanimari
P.O.Bhawraguri, dist. Kokrajhar.
9. Sri Kaushik Barman
S/o Sri Direndra Nath Barman
Vill Mandapara

Khushiram

P.O.Bhawraguri, Dist. Kokrajhar.

10. Sri Mangual Singh
 S/o Sri Rajenmdra Singh
 Vill. Gosaigaon Railway Colony,
 P.O.Gosaigaon,
 Dist. KokrajharApplicants

By Advocate Mr M.U.Mandal

Versus

1. The Union of India,
 represented by the Secretary to
 the Govt. of India,Deptt.of Railways,
 New Delhi.
2. The General Manager,
 N.F.Railway, Maligaon,
 Guwahati-11.
3. The Divisional Railway Manager(P)
 N.F.Railway, Alipurduar Division,
 Alipur, Dist.Jalpaiguri.
4. The Chief Personnel Officer,
 N.F.Railway, Maligaon, Guwahati-11.Respondents

By Mr J.L.Sarkar, Railway Standing Counsel

O R D E R (ORAL)

KHUSHIRAM, (MEMBER-A)

The Applicants, a group of 10 persons, claim that they had worked as Casual Labourers, on different dates, under the Divisional Railway Manager of N.F.Railway at Alipurduar Junction before 1981 and that therefore, they are entitled for absorption/regularization in terms of the Order of the Railways that was issued on 13.3.1987.

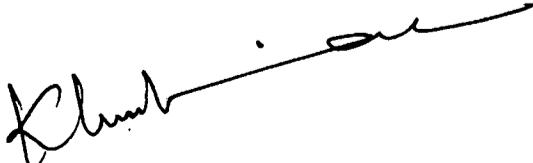
2. The Applicants had earlier approached this Tribunal with O.A.No.46/2005, in which order was passed, on 25.02.2005 holding the said case (Original Application) to be barred by limitation in terms of Section 21 of Administrative Tribunals Act 1985. However, it was

K. Choudhury

observed that since the Applicants are from very poor families, the Respondents were to consider the representations of the Applicants. Application was accordingly disposed of.

3. The Applicants had again filed O.A.No.229/2005; which was also disposed of on 07.09.2005 directing the Applicants to file appeal/representation before the General Manager of N.F.Railway, Maligaon/Guwahati within a period of one month from 07.09.2005 and the Respondents were also directed to dispose of the representations within a period of three months.

4. With the orders of this Tribunal, the Applicants filed representations before the General Manager of N.F.Railway, and the said representations were rejected by the General Manager by speaking orders dated 18.8.2005/24.2.2006; copies of which were sent to applicants on 7/8.3.2006 stating "that the discharged Casual Labourers before the target date were verified with the relevant documents such as CL card, muster roll, paid voucher etc and those which were found genuine were included in the live register for future engagement/screening. The applicants did not avail of the opportunity by applying within the time frame and the issue was closed on 31.03.1987." No proof was submitted regarding submission of an application in terms of Railway Board's letter No. E(NG)II-78/CL/2 dated 04.03.87 to the appropriate authority in time. The records enclosed in the O.A by the Applicants do not give sufficient proof to the genuineness of their claim." The claim of the Applicants for appointment/absorption in Group D' posts in Railway was rejected.

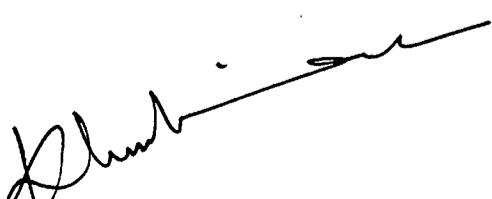


5. Aggrieved by the above said decision of the Railway authorities, the present O.A.75/2007 has been filed under section 19 of the Administrative Tribunals Act, 1985 with prayers to set aside/quash the orders dated 18.8.2005 and 7/8.3.2006 and to ask the Respondents to re-consider their cases.

6. The Respondents have filed a written statement, where it has been asserted that the speaking order passed in this regard by the competent authority has explained the correct position and there is no ground for any new cause of action as regards the claim of the Applicants and that the claim of the Applicants (that they worked with the Railways) has also been denied; as the Applicants did not submit any application before the prescribed date i.e. 31.3.1987 nor they had anything to substantiate their claims. The Respondents have finally prayed for dismissal of this case/O.A.

7. By filing Misc.Petition No.15/2007, the Respondents have prayed for deletion of the name of the Secretary to the Government of India, in the Ministry of Railway at New Delhi from the list of respondents of this case.

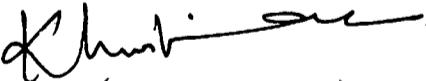
8. We have heard Mr M.U.Mandal, learned counsel appearing for the Applicants and Mr J.L.Sarkar, learned Standing counsel for the Railways. The learned counsel for the Applicants repeated the averments already made by the Applicants in different O.As but did not submit any material to substantiate the claims of the Applicants. On the contrary the learned counsel for the Respondents argued that the Railway circular had fixed 31.3.1987 as cut of date by which the

A handwritten signature in black ink, appearing to read "Shri [unclear]".

Applicants had to submit their applications to the concerned authority for consideration of their cases. Since 1987 the Applicants have slept over the case and have now come forward before this Tribunal. Therefore, their cases are without any basis and certainly barred by limitation.

9. On the basis of the foregoing discussions and considering the arguments of the learned counsel of both sides and the documents placed on record, there is no proof of the applicants having submitted their applications to the Railway authorities before the dead line set by the Railway circular of 1987, and, thus, their claim is hopelessly barred by limitation. The speaking order passed by the Railway authority, dismissing the claim of the Applicants, has no ground to interfere with. The Applicants have miserably failed to substantiate their claim. Hence the claim of the Applicants, being devoid of any substance and barred by limitation, deserves to be dismissed.

10. The O.A is accordingly dismissed. There will, however, be no order as to costs. With the dismissal of this case, M.P.No.15/2007 also stands disposed of.


 (KHUSHIRAM)
 ADMINISTRATIVE MEMBER


 (MANORANJAN MOHANTY)
 VICE CHAIRMAN

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

AC
Applicant

DESPATCH NO. CAT/ GHY/ JUDL. 1044 / DTD. GUWAHATI THE 16-10-07
ORIGINAL APPLICATION NO. 75 / 200 6 w/ H.M.P. 15/07
MISC. PETITION NO. / 200
CONTEMPT PETITION NO. / 200
REVIEW APPLICATION NO. / 200

Sri Gopal Chandra Saha versus APPLICANT(S)

U. O. E. & ors.

RESPONDENT(S)

TO

Sri Gopal Chandra Saha,
S/o Late Lakshmin Ch. Saha,
Vill & P.O. Bhamraguri
Dist. Kokrajhar, Assam.

Manoranjana Mohanty
16/10/07 N

Please find herewith a copy of Judgment/ Order dated
4. 10. 07 passed by the Bench of this Hon'ble Tribunal
Comprising of Hon'ble Justice Shri Manoranjana Mohanty
VICE-CHAIRMAN and Hon'ble Shri Kushinram
MEMBER(ADMIN) in the above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

(Signature) 11.10.07
SECTION OFFICER (JUDL).

Dtd.

11/10/07

Enclo : As above
(Copy of the Original
Application in O.A.No.

A. Hussain
Memo. No.

Copy for information to :

Received 1. Mr. Mrs. M. L. Mandal, Advocate Sr. C. C. S. C., Addl. C.G.S.C. Gauhati High Court
Mandal 2. Mr. Mrs. J. L. Sarkar, Rly Standing Counsel,
with MP Govt. Advocate.

12/10/07

9
Respd No. 3

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

DESPATCH NO. CAT/ GHY/ JUDL 1045 / DTD. GUWAHATI THE 16-10-07
✓ ORIGINAL APPLICATION NO. 75 / 200 6 with MP 1907
MISC. PETITION NO. _____ / 200
CONTEMPT PETITION NO. _____ / 200
REVIEW APPLICATION NO. _____ / 200

Sri Gopal Chandra Saha & ors APPLICANT(S)

VERSUS

U.O.I. v/s 075.

RESPONDENT(S)

TO

The Divisional Railway Manager (P),
N.F. Railway, Alipurduar Division,
Alipur, Dist. Jalpaiguri.

Please find herewith a copy of Judgment/ Order dated 4.10.07 passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Justice Shri Manoram Mohanty VICE-CHAIRMAN and Hon'ble Shri Kushoram MEMBER(ADMN) in the above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

..... 16.10.07
SECTION OFFICER (JUDL).

Enclo : as above
(Copy of the Original
Application in O.A.No.

Dtd.

..... 16.10.07

Memo. No.

Copy for information to :

Sr.C.G.S.C., Addl.CCSC.

1. Mr. Mrs.

Rly Standing Counsel,

2. Mr. Mrs.

Govt. Advocate.

2 M

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

गुवाहाटी बेंच
GUWAHATI BENCH: GUWAHATI .Guwahati Bench

O.A. NO.

75

1/2006

BETWEEN

Sri Gopal Chandra Saha & Ors

-VERSUS-

The Union of India & Ors

LIST OF DATES AND SYNOPSIS OF THE APPLICATION:

1. 13.3.1987 :- Govt. circular issued by the D.R.M. (P) Alipur Duar for absorbtion of the project casual labour before 1.1.81. ANX-1
2. 9.10.2001 :- Govt. Notification for absorbtion of casual labourers who have worked more than 120 days.
3. 02.12.2003, :-Application filed by the applicants for 03.03.2004, appointment as casual labourers.
12.02.2002
4. 25.11.2004 :-Pleader Notice served to the G.M. (P) Alipur Duar Division.
5. 25.02.2005 :- Order passed in O.A. No.46/05. ANX
6. 12.07.2005 :- Letter to the applicants by the Divisional Railway Manager.
7. 7.9.05 :- Order passed by the CAT in O.A.No.229/05
8. 14.9.05 & :- Representation & acknowledgment receipt 15.9.05
9. 18.08.2005 &:- Impugner order passed by the Divisional 7/8 March/06 Railway Manager (P) Alipur Duar Junction in connection with order dated 25.02.2005 in O.A.No.46/2005 and the General Manager, Maligaon, Ghy-11.

Filed by



Advocate

Gauhati High Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

O.A. NO.

75

1/2006

BETWEEN

Sri Gopal Chandra Saha & Ors

-VERSUS-

The Union of India & Ors

I N D E X

<u>SL. No.</u>	<u>Particulars</u>	<u>Pages</u>
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3.	Annexure-1	----- 13
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7.	Annexure-5	----- 21 - 23
8.	Annexure-6	----- 24 - 26
9.	Annexure-7	----- 27 - 29
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23.	Annexure-21	----- 65 - 67

Filed by

Mr.

Advocate

Gauhati High Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH, GUWAHATI.

16

Filed by the Petitioners
through
Adv. Md. Anil Hussain
Adv. Col
27/3/06

O.A. NO.

75

2006.

BETWEEN

1. Sri Gopal Chandra Saha
S/o.Lt.Lakshan Chandra Saha
Vill. & P.O.-Bhawraguri
Dist. Kokrajhar, Assam.

2. Sri Gopal Chandra Saha
S/o.Lt.Basudev Saha
Vill. & P.O.-Bhawraguri
Dist. Kokrajhar.

3. Sri Narayan Roy
S/o.Sri Jogendra Roy
Vill.- Mandarpara
P.O.-Bhawraguri
Dist. Kokrajhar.

4. Sri Monmatha Kr.Roy
S/o.Naratha Kr. Roy
Vill.-Khalishanimari
P.O.-Bhawraguri
Dist. Kokrajhar.

5. Ajit Nayaran Singha Baruah
S/o. Birendra Singha Baruah
Vill.- Mandarpara
P.O.-Bhawraguri
Dist. Kokrajhar.

Conseal Clearence Seal

6. Sri Sanjit Ghosh
 S/o. Sri Parna Ghosh
 Vill.- Babu Nill
 P.O.-Gosaigaon
 Dist. Kokrajhar.

7. Sri Pran Krishna Dihidar
 S/o. Sirish Chandra Dihidar
 Vill. & P.O.-Gosaigaon
 Dist. Kokrajhar.

8. Sri Nirmal Chandra Pradhani
 S/o.Dinesh Chandra Pradhani
 Vill.-Khalishanimari
 P.O.-Bhawraguri, Dist. Kokrajhar.

9. Sri Kaushik Barman
 S/o.Sri Direndra Nath Barman
 Vill.-Mandanpara
 P.O.-Bhawraguri, Dist.Kokrajhar.

10. Sri Mangual Singh
 S/o.Sri Rajenmdra Singh
 Vill.-Gosaigaon Rly.Coloney
 P.O.-Gosaigaon, Dist.Kokrajhar.

.....APPLICANTS.

-VERSUS-

1. The Union of India,
 represented by the Secretary to
 the Govt. of India, department of
 Railway New Delhi. ✓

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

3. The Divisional Railway Manager (P), Alipur Duar Division, Alipur, District-Jalpaiguri.

4. The Chief Personnel Officer, N.F. Railway, Maligaon, Ghy-11.

..... **RESPONDENTS.**

DETAILS OF APPLICATION

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

The present application is made against the impugned orders dated 18.8.05 and 7.3.06 issued by the Divisional Railway Manager (P) Alipur Duar Junction and General Manager N.F.Railway by which the petitioners claim for absorption in the cadre of Group 'D' post were rejected without considering the grievances of the petitioners which is against the spirit of service rules as well as in violation of the Govt. Circular dated 9.10.01 issued by the Executive Director Establishment, Railway Board has provided that those persons who have worked for a period of minimum 120 days as casual labour whether continuous or in broken spells would be absorbed in Group 'D' with prospective effect.

2. **THE JURISDICTION OF THE TRIBUNAL**

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

Copy of Summons issued

3. LIMITATION

The applicants further declare that the application is filed within the limitation period prescribed under the section 2, of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

4.1. That the applicants are the citizen of India and permanent resident of the aforesaid address mention in the cause title of this application in the State of Assam and as such they are entitled to get all sorts of rights, privileges, protection and benefits guaranteed by the Constitution of India and other laws of the land.

4.2. That the applicants No.1 had been working as casual labour since 16.7.1977 to 23.12.1977 and his total working days were 157, applicant No.2 had been working since 10.5.1978 to 23.10.1978 and his total working days were 157, applicant No.3 had been working since 20.4.78 to 23.10.78, and total No. of his working days were 183, and applicant No.4 had been working since 16.1.77 to 23.8.77 and his total working days were 217, applicant No.5 had been working since 10.5.78 to 23.10.78 and his total working days were 157, applicant No.6 had been working since 22.3.78 to 16.10.78 and total No. of his working days were 207, applicant No.7 had been working since 22.11.78 to 23.6.79 and his total No.of working days 21, applicant No.8 had been working since 10.5.79 to 23.11.79 and his total No.of working days were 187, applicant No.9 has been working since 16.8.80 to 23.12.80 and his total No.of working days were 127 and applicant



No.10 had been working since 11.2.81 to 12.5.81 and 23.6.81 to 15.10.81 and his total working days were 207 as causal labourers.

4.3. That all the petitioners were terminated from service in the year 1981. On 13.3.1987 the General Manager(P) Alipur Duar Junction has issued a notice to project casual labours where in it is stated that the casual labourers who have been terminated from service prior to 1.1.1981 for want of further work/ completion of work be absorbed in the cadre of group 'D' post in pursuance to the direction given by the Hon'ble Supreme Court in case of Indarpal Yadav & Ors -Vs- Union of India & Ors. Accordingly, all the petitioners applied for absorbtion in pursuance to the notification dated 13.3.1987 and circular dated 9.10.2001, but till date no positive steps have been taken by the respondents to mitigate their grievance demand under the service rules framed thereunder. On 25.11.04 the petitioners served a legal notice to the respondents for necessary action in view of the notice dated 13.3.1987 and 9.10.01 but no response was given to the said legal notice.

4.4. That the petitioners in the earlier occasion approached before this Hon'ble Tribunal by filing on O.A. No.46/05 and this Hon'ble Tribunal was pleased to dispose of the said application by its order dated 25.2.05 with the direction to the respondents to consider the representation of the applicants in view of the poor family status of the applicants but the O.A. was dismissed. On 12.7.05 Divisional Railway Manager(P), Alipur Duar Junction

Gopal Chandra Saha

wrote a letter to the applicants directing them to appear before the respondents with all original records on 29.7.05. Accordingly all the applicants appeared before the Divisional Railway Manager(P), Alipur Duar Junction on 29.7.05 but the claim of the applicants was rejected on the ground that they could not apply within the target date (13.3.1987) given by the Railway Board for enlisting their name in the live register which can not be ground for rejection of legitimate claims of the applicants in view of the circular dated 9.10.01 issued by the same respondent and as such the impugned order dated 18.8.05 is in violation of the notification dated 13.3.1987, 9.10.01 and also in violation of the fundamental rights of the applicants guaranteed under Article 14, 16, 19 and 21 of the Constitution of India and as such the impugned order dated 18.8.05 & 7/8 March/2006 ~~are bad in law~~ and as such the same are liable to be set aside and quashed.

Copies of the Notice to project casual labourers dated 13.03.1987, absorption of casual labourers letter dated 9.10.01, copies of the Application for absorption in Group 'D' posts, legal Notice dated 25.11.04, Copies of the order dated 25.2.05 in O.A. No.46/05, letter dated 12.7.05 and the office letter dated 18.8.05 are annexed herewith and marked as Annexure-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 respectively.

4.5) That the applicants had approached this Hon'ble Tribunal vide O.A. No.229/05 and the same was disposed of by its order dated 7.9.05 directing the respondent No.2 to dispose of the appeal in accordance with law considering the grievances of

Gopal Chandra Saha

the applicants within a period of 3 months. Accordingly, the applicants filed an appeal before all respondents on 14.9.05 and 15.9.05 for compliance of the order dtd.7.9.05 passed in O.A. No.229/05 along with all relevant records. But the respondent authorities filed a Misc. petition No.165/05 in O.A. No.229/05 without furnishing the copy to the applicants seeking further two months time to carry out the order dated 7.9.05 passed in O.A. No.229/05 and the Hon'ble Tribunal was pleased to grant further two months time by its ex-parte order dated 23.12.05. On being enquired, the applicants were given assurance that their case would be considered but the same is rejected by its order dated 7/8 March/06 without assigning any justified reason and the same is in violation of the order passed by this Tribunal on 7.9.05 in O.A. No.229/05 and also in violation of the circular No.Rect-923/E/57/OPT/XXII(C) dated 9.10.01 as well as in violation of the circular dated 4.3.87 and as such impugned orders dated 18.8.05 and 7/8 March/06 is illegal, arbitrary, malafide, discriminatory and also in violation of the principle of natural justice, Administrative fair play and good conscience and as such the impugned order are bad in law and the same are liable to be set aside and quashed.

Copies of the order dated 7.9.05 in O.A.No.229/05 appeal dated 14.9.05, acknowledgement receipt dated 15.9.05, order dated 23.12.05 in Misc.petition No.165/ 05 in connection with O.A. No.229/05 and the order dated 7/8 March/06 are annexed herewith and marked as Annexure-17,18,19,20&21 respectively.

Gopal Chandra Saha

4.6) That the applicants beg to state that the impugned order dated 7/8 March/06 is received by the applicants. On 10.3.06 and as such there is no delay or lessees on the part of the applicants in approaching before this Hon'ble Tribunal. The applicants narrated all kinds of illegality in the O.A. No.229/05 and all documentary evidence where produced before the authority including the circular 4.3.87 and 9.10.01 and they have submitted all documentary evidence before the authority which have not been considered at all and as such the impugned order dated 18.8.05 and 7/8 March/06 are based on non application of mind and the same are illegal, arbitrary, malafide, discriminatory without jurisdiction and the same are liable to be set aside and quashed and the respondent should be directed to ~~engage~~ absorb/regularize in the post of grade 'D' in the permanent vacancies i.e. more than 100 posts in grade 'D' are lying vacant under the respondent No.2 & 3 and as such the applicants should be considered on humanitarian ground also taking the long pending of litigation on sympathetic ground in the interest of justice.

4.7. That considering the facts and circumstances of the case the petitioner should be absorbed in the case of the Group 'D' post as per the notification and circular dated 13.3.1987 and 9.10.01 respectively.

4.8. That this application is made bonafide and to secure the ends of the justice.

Copy of Order

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS.

5.1. For that the impugned order dated 18.8.05 and 7/8 March/06 are illegal, arbitrary, malafide, discriminatory, without jurisdiction and in violation of the circular and notification dated 13.3.1987 and 9.10.01 and hence the impugned order dated 18.8.05 and 7/8 March/06 passed by the Divisional Railway Manager (P) Alipur Duar Junction and General Manager N.F.Railway are bad in law and the same are liable to be set aside and quashed.

5.2. For that the impugned order are in violation of Articles 14, 16, 19 and 21 of the Constitution of India and the same is nullity in the eye of law and not sustainable in law and as such the same is liable to be set aside and quashed.

5.3. For that the applicant's grievance was not at all considered in view of the order dated 25.2.05 passed in O.A. No.46/05 and order dated 7.9.05 in O.A.No.229/05 and on that ground the impugned order are liable to be set aside and quashed.

5.4. For that there are more than 100 posts are lying vacant under the respondents authority and as such the applicants may be absorbed considering their age group category and poor status and as such on the technical grounds the applicants and as such the impugned order was passed without any valid reason which is liable to be set aside and quashed.

The applicants craves leave of the Hon'ble Tribunal to advance more ground both factual as well as legal at the time of hearing of the case.

Sonal Chandra Sekhri

25

6. DETAILS OF THE REMEDIES EXHAUSTED

The applicants declare that they have no alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

The applications further declare that no other application, writ petition or suit in respect of the subject matter of any other Court Authority or any other Bench of the Hon'ble Tribunal for any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:-

Under the facts and circumstances stated above the applicants pray that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the impugned order dated 18.8.05 and 7/8 March/06 shall not be set aside and quashed and also to show cause as to why the applicants should not be appointed/absorbed in the cadre of Group 'D' post and/or upon hearing the parties of the records be pleased to grant the following relief:-

8.1 To set aside the impugned order dated 18.8.05 and 7/8 March/06 issued by the Divisional Railway Manager(P) Alipur Duar Junction and General Manager, N.F.Railway.

Group Chambre de Lala

8.2 To direct the respondents to appoint the applicants in the cadre of Group 'D' post lying vacant under the respondents

8.3 Any other relief/reliefs to which the applicants are entitled to.

9. INTERIM ORDER PRAYER FOR

Pending disposal of the Rule the operation of the impugned order dated 18.8.05 and 7/8 March/06 may kindly be suspended and also direct the respondents to keep reserve 10 posts in the cadre of Group 'D' under the respondents and also there shall be no bar to the respondents to appoint the applicants in the vacant post in view of the circular dated 13.3.1987 and 9.10.01 respectively and also to provide regularization of service as per the above noted circular.

10. The application is filed through advocates.

11. PARTICULARS OF THE I.O.P.

- I. I.P.O. NO. 264 322587
- II. Date 22.3.06
- III. Payable at Guwahati.

12. LIST OF ENCLOSURE

As stated in the index.

Topal Chandra Laha

VERIFICATION

I, Sri Gopal Chandra Saha, S/o. Late Lakshan Chandra Saha, resident of village-Bhawraguri, P.O.-Bhawraguri, P.S.- Gosaigaon in the district of Kokrajhando hereby solemnly affirm and declare and verify that the statement made in paragraphs 1,2,3, 4,4.6 to 10 are true to my knowledge those made in paragraph 4,2 to 4,5 and 11, rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 27th day of March/06, at Guwahati.

D E P O N E N T

Dated : 13.03.1987.

NOTICE TO PROJECT CASUAL LABOURS.

29

No. E/57/11 (C)

The Casual Laborers who had worked in N.R. Rly. as project Casual Labourers before 1.1.81 & were discharged for want of further work of due to completion of work, are hereby given an opportunity to apply if they so wish, to be considered for inclusion in the seniority list of project Casual Labour in pursuance of direction given by the Hon'ble supreme court in the case of Indra Pal Yadav & others - Vs-Union of India & others.

1. They should submit their written representation with adequate documentary proof in this regard so as to reach the concerned Divl. Manager's office on or before 31.3.87.

2. The application should be sent by Registered post to the Divl. Rly Manager of the Division in the territorial jurisdiction of which the person was initially engaged as open line Casual Labourer. A copy thereof should also be sent to the Divl. Rly Manager of the Division in the territorial Jurisdiction of the office from which the person was last discharged. A copy should also be marked in the PWI/LOW etc. under whom they worked.

3. The applications reaching after 31.3.87 or those which are incomplete will not be considered.

4. The application should contain the following particulars and documents mentioned below :-

1. Name :-
2. Father's Name :-
3. Date of birth. :-
4. Permanent address :-
5. Present address :-
6. Educational Qualifications :-
7. Personal marks of identification :-
8. Office, department & place in which initially engaged & date :-
9. Office, department & place from which finally discharged :-
10. Date of discharged and reasons for the same :-
11. Whether employed at present, if and if so, details :-
12. Two attested copies of casual labour card or any other proof of his casual labour service, should accompany the application :-
13. An attested copy of photograph and attested I.I. should also accompany the application :-
14. Any other relevant information :-

Sd/-

for Genl. Manager (P) :
Alipurduar Junction.

certified to be true copy

Atm
Adv.

29

29

REFERENCES

Journal of Health Politics

2

To
GM/MLG, GM(COP), GM/IT, AGM/MLG,
All PHODs, All DHMs, ADMS, SM-DEOS,
Dy.CME/NBQs, DBMs, All DAQs, HAO/NBQs, DEMs,
All AENs, Sr.DEN/MLG, DEN/DBMT,
All Area Manager, All SPM/MS(D), SMD/RNY,
All Non-divisionalised Units, All SFCs & MOCs/MLG,
The GS/NFREU, NFRAU, AISCTREA & UFRBCREA/MLG.

Sub :- Absorption in the factories of Agricultural Labour force on the Lives Supplementary Lives Central Labour Register.

A copy of Railway Board's letter No. RBE(HP)11/99/01/19 dated 20.9.2001 (RBE No.150/2001) on the above subject is forwarded for information and necessary action. Board's earlier letters dated 15.7.91, 11.11.99 and 28.2.2001 as referred to in their previous letter were circulated as under : -

1.2(EG)11/93/01/71 d.c.25.7.93
1.2(EG)1-93/811/1 d.c.11.1.99
1.2(EG)11-99/45/11 d.c.26.2.99

(P. G. Johnson)

(Copy of my letter No.B(HC) 71/99/CL/19 dated 14.10.2001

Absorption in the Railways of ex-casual labour force on the Live/Supplementary Live Casual Labour Registers.

In terms of para 6 of this Ministry's letter of even number dated 28.02.01, relaxation of upper age limit for absorption of ex-casual labour bonus on Live Casual Labour Supplementary I.e Casual Labour Registers has been allowed upto 40 years in the case of general candidates, 43 years in the case of OBC candidates and 45½ years in the case of SC/ST candidates, provided that they have put in minimum three years service in continuous spell or in broken spells as per instructions contained in this Ministry's letter No. E(NC)-11/91/CL/21 dated 23.7.1991. Read with their letter No. E(NC)-198/PN-13 dated 11.1.1999.

The question of removal of minimum three years service condition (continuous or broken) for the purpose of grant of age relaxation to ex-casual labour as mentioned above has been taken up in the PNM-NER vide memorandum No. 1/2001. AIIE have also taken up the question of enhancing the upper age limit to 50 years and it has been seriously considered by this Ministry. It has been decided that the partial modification of the instructions quoted above, the ex-casual labour who had put in minimum 120 days casual service, whether continuously or in broken spells, and were finally engaged as casual labour within the prescribed age limit of 23 years for general candidates and 33 years for SC/ST candidates, would be given age relaxation upto the upper age limit of 40 years in the case of general candidates, 43 years in the case of OBCs and 45 years in the case of SC/ST candidates. Other provisions for their absorption in Group 'B' will remain unaltered.

1. The stable Malus tressieri

卷之三

Figure 1. Relative Effect for β_1 and β_2

Rolling Bear

Certified to be true Copy

1015

~~Adv.~~,

सं. सं. No.

नेशनल रेलवे/N.E.RAILWAY
कार्यालय विभाग

Office/Department ENGG/CENG/060
अनियंत्रित मशहुर के रूप में सेवां का रोकाव

Service book for Casual Labour
प्रता नाम साफ-साफ

1. Name in full, Gopal Chandra
(In Block letters) Sahai

वापे बागुठे का निशान

2. Father's Name, Laxmikant Chandra
ज-सं. तिपि Saha

3. Date of Birth, 01-01-1955

प्रयोग से अनियंत्रित नौकरी पाने के समय आयु

4. Ago. at initial casual employment

प्रयोग से अनियंत्रित नौकरी पाने के समय आयु

पर्याप्ति/year 22 माह/month 6

शुरूआत पर पहचान के चिह्न

5. Personal marks

identification marks

प्रारंभिक नियुक्ति के ग्राम ड्यूटी

6. Nature of job on initial

employment Casual Labour

वापे बागुठे का निशान

L. T. I.

प्रयोग नियुक्ति प्रवर्तन का दस्तावेज़/Signature
of the First Appointing Agent or Supervisor

ROHIT KUMAR

16-01-1988

Record of Service as Casual Labour.

नम्बर के हृषि में रोबा का रेकार्ड

नोकरी की अवधि Period of Employment	डूबो की किस्म
से/From 13/ To 20/	
6/05/	29/05
= 15 days	
(One hundred fifty Seven)	

Nature of assignment

तारीख सहित पर्यावरक का
हरातात्त्वार और प्रदानामा
Signature & Designation
of the Supervisor
with date

15/05/78

(Worked against
c.t.a Work time
to time as
casual Labour.)

DR. H. S. RAO
C. T. A.
6-05-78

Certified to be true copy

Ch
Adm.

To:
The Divisional Railway Manager (D.R.M.)
N.F.Railway, Aliporeuar Junction.

Sub: Application for absorption in Group 'D' Post.

Ref: 1: Railway Board's letter No. E (NG) 11/99/CC-19 dated
20.9.2001, and GM (L) Maligaon's L/No. REC-923/E/57/PT-L
(C) dt. 9.10.2001.

Respectfully,

In response to Railway Board's and GM (L) Maligaon's L/No cited above, I beg to offer myself as a candidate for absorption in Group 'D' Post as I had worked 120 days as Casual labour borne on the line/ Supplementary Casual labour register and I am filling the other terms and conditions as ex-casual labour.

Necessary particulars of my candidature as required for ready reference are furnished below.

1. Name in block letters.

CHINTA CHANDRA

2. Father's Name.

Govt. Bhawani Babu

3. Working minor.

Chintan

4. Working address.

From: 16.5.0780 23/10/78

To:

From:

To:

5. Date of birth.

5/11/58

6. Whether SC/ST/OBC?

..

7. Academic qualifications.

Pass.

8. Address: S. Vill. Bhaugajuri P. Bhaugajuri Dist. Kokrajhar
I hope, You will kindly declare me a suitable candidate for the post of my Group 'D' Category and thus eligible, to obtain grades of all subjects as per the rules of the Board.

Yours faithfully,

CHINTA CHANDRA

Offered to be true copy

Chintan
Adv.

१०/No

शरोद पर पहचान का चिन्ह

गोरोड/N.E.RAILWAY

कार्यालय रिपार

Office/Department ENGG/CEP/H/CLD

अनियत प्रजादुर के रूप में सेवा का रकार

Sc. vice book for Casual Labour

प.रा. नाम शाफ-शाह

1. Name in full GORPAL S. SHANDRA
(In Block letters) SHAH

पिता का नाम

2. Father's Name Bhandulay Shah
जना शिंग

3. Date of Birth 23-11-1958

प्राचीन में अधिकारित नामकीन पुरुष का जन्म तिथि

4. Age at initial casual employment

वर्ष/year 12 मही/month 05

5. Personal marks

identification *Cuff mark on
right leg*

प्राचीनक नियुक्ति के समय डायर्ट

6. Nature of job on initial
employment *Casual Labour*गोरोड का प्रियान
L.P.L.गोरोड का प्रियान
of the First Appointing C. O. R. P. S. Supervisor
of the First Appointing C. O. R. P. S. Supervisor

(18)

-20 =

Recd of Salvoes as Casual Labour.

ג

1950年8月23日 7:00

प्राप्ति का अवधि
Period of Employment

3021 61 1044

Nature of assignment

Signature & Designation
of the Supervisor
with date

1

(Werski) 1900
e. 1. 1. 1900
Linn. 1. 1. 1900
as (Linn.)
Linn. 1. 1. 1900

SEARCHED.....
INDEXED.....
SERIALIZED.....
FILED.....
MAY 1966
C. I. C. N. Y. 84
CHALBA

101

Certified to be true copy

Mr.
Dr.

= 24

ANNEXURE - 5

36

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

sub : 12 Application for resorption in Group 'D' Post.

Ref : : Railway Board's letter No. E(NG) 11/99/CC-19 dated
20.9.2001, and GM(I) Maligaon's L/No. REC-923/E/57/OPR-XXII
(C) dt. 9.10.2001.

The Great Wall

In response to Railway Board's and GM(U) Malligon's L/No. cited above, I beg to offer myself as a candidate for absorption in Group 'B' Post as I had worked 120 days as Casual labour borne on the line/ supplementary Casual labour register and I am filling the other terms and conditions as ex-casual labour.

Necessary particulars of my candidature as required for ready reference are furnished below.

1. Name in block letters.

2 MARGINARY

2. Father's Name.

in *goquindica* Ray

3. Working with text

Malabar P. in I

www.EasyEngineering.net

FROM 16.10.76 TO 31.3.79

From To

From : To

5. Date of Birth:

19.1.52

Q. Whether SC/ST, OBC ?

to S. C.

7. Academic qualifications

Hope, you will kindly declare me a eligible candidate for the rest of my Group 'D' Category and thus obliged, photocast copies of all

Yours faithfully,
John G. Greenleaf Whittier

Officer to witness copy

Chris
Parker

प्र०/No. - - - - -

सी. एस./N.F.RAILWAY

कागज दिया

Office/Department ENG61/C.P.H.I/C.L.D

अनियमित वर्कर के हृष में देवी का देवी

Service book for Casual Labour

प.रा. नाम साक्ष-साक्ष

1. Name in full SHRI NARAYAN RAY

(In Block letters)

विता का नाम

2. Father's Name Jagadalee Ray

ज-म तिथि

3. Date of Birth 19 - 01 - 1958

प्रारम्भ में अनियमित वर्करी पाने के ग्राम अग्र

4. Age at initial casual employment

वर्ष/year 20 माह/month 03

प्र०/पर प्रक्रिया के लिए

5. Personal marks

Na identification Due. *Cuff...marks on left*

leg. Ray. /saint

प्रारम्भिक नियुक्ति के दूसरे दृष्टिकोण

6. Nature of job on initial employment Casual labour

D.O.A - 01-04-78

वायु अधिक का नियमन

L.P.L.

प्रथम नियुक्ति प्रबु रामानन्द लाल
of the First Appointing Committee Advisor
on 1st April 1978

32

66

67

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

sub : Application for absorption in Group 'D' Post.

Ref : Railway Board's letter No. E (NG) 11/99/CC/-19 dated
20.9.2001. and GM (L) Maligaon's L/No. REC-923/E/57/OP-XXII
(c) dt. 7.10.2001.

Respected Sir,

In response to Railway Board's and GM (L) Maligaon's L/No. cited above, I beg to offer myself as a candidate for absorption in Group 'D' Post as I had worked 120 days as casual labour borne on the line/ supplementary casual labour register and I am filling the other terms and conditions as ex-casual labour.

Necessary particulars of my candidature as required for ready reference are furnished below:

1. Name in block letters.

MANMATHA KR. Roy

2. Father's Name.

Lat Nestha kr. Roy

3. Working address.

P.W.I. CHALSA

4. Working period.

From 16.01.77 to 23.8.77

From : To

From : To

5. Date of birth.

27.5.54

6. Whether SC/ST/OBC ?

0. B.C.

7. Academic qualifications.

8. Address. Vill. Kharab, P.O. Bheru, Dargai Dist. Kokrajhar

Hope, you will kindly declare me a eligible candidate for the post of my Group 'D' category and thus obliged. Photocast copies of all papers are enclosed herewith.

Yours faithfully,

Classified to Cefree Copy

S. M.
A. D.

No/No

श्री रेलवे/N.F.RAILWAY

कार्यालय विभाग

Office/Department ENGG/C.PHYS/C.L.D

अनियंत्रित मजदूर के हथ में मेंचांगा र कार्ड

Service book for Casual Labour

प.रा नाम साफ-साफ

1. Name in full **MANNATHA KUNVAR**

(in Block letters) **ROY**

पिता का नाम

2. Father's Name **Subrata K. Roy**

ज-म तिथि

3. Date of Birth **20-5-54**

प्रारम्भ में अनियंत्रित नौकरी पाने के समय आयु

4. Age at initial casual employment

"वर्ष/year **22** माह/month **7**"

- 25 -

प्रारम्भ पर पहचान के चिह्न

5. Personal marks

identification. (Blue ink/maroon ink Left Reg)

प्रारम्भिक नियुक्ति के नाम अनुच्छेद

6. Nature of job on initial
employment **Casual Labour.**

वाय. अनुच्छेद का नियम
L. P. I. E.

MANNATHA KUNVAR ROY

Permanent Way Inspector

C.T.R. N.F.R.

CHALSA/Signature

प्रथम नियुक्ति प्रबर प्रबर्वतीका का
of the First Appointing Senior Supervisor

22-11-77

40

21

60

-26-

प्रारंभ की अवधि Period of Employment		उपर्युक्ती की क्रिया	4
महीने/From	तिथि/To		
1. १६/११	२०/११	= 216 Days (Three Hundred and Sixty Days)	

Nature of assignment	प्रारंभ की अवधि पर का नाम प्रारंभ की अवधि पर का नाम Signature & Designation of the Supervisor with date
Challan against S.T.A. Work Time to Casual Labour	Reconal Work Rept G.T. R. H. F. 19 CHALAN 22/11/72

Confin'd to be true Copy

A. H.
A. D.aj
ne
all

To
The Divisional Railway Manager (W)
N.F.Railway, Aliporeuar Junction.

Sub: Re: Application for Registration of my name as a Peasant.

Ref: 1. Railway Board's letter No. 2445 11/99/33/219 dated
20.9.2001. and 21.1.2002. Registration No. REG 99/33/57/01
(c) dt. 9.10.2002.

Respected Sir,

In response to railway board's application mentioned above, I beg to offer myself as a Peasant for recognition to the post of a Peasant Labourer as per the definition of Peasant in the Supplementary Central Labour Regulation and I enclose my list of my name and conditions as Ex- casual labour.

Necessary particulars of my qualifications are enclosed. I enclose necessary reference are furnished below.

1. Name in block letters.	AJIT NARAYAN SINGH
2. Father's Name.	late Bhimendra Singh Singh
3. Working order.	Chalsa. C.P.W.I/C.L.D
4. Worked, residence.	from 16/05/78 to 22-10- 1998 T.O T.O
5. Date of birth.	22-01-1959
6. Whether SC/ST/BC?	OBC
7. Academic qualifications.	10th pass
8. Fictitious will Mathematics pass. Do you have a good distinction No. You will easily work in the agricultural field post of my group. I am a Peasant Labourer.	Yes

Certified to be true copy

Dr.

Abr

10/10/02
10/10/02
10/10/02
10/10/02

भा. No.
N.F.RAILWAY
Date/Department. ENGG/CPNG/CLD
विधा प्रश्नाके द्वारा दिया गया कार्यालय

Service book for Casual Labour
प.रा. नामांक-पाक

1. Name in full BJIT NARAYAN
(In Block letters) SENGHA BARUAH
पिता का नाम

2. Father's Name late Biranchika Singh
ज-म तिनि Baruah.

3. Date of Birth 28-01-1959

प्रारम्भ से अनियमित नौकरी पाने के समय आयु

4. Age at initial casual employment
वर्ष/year. 19 माह/month. 3

प्रारम्भ पर पहचान के नं-ह

5. Personal marks

identification marks Cuff mark on left
leg.

प्रारम्भिक नियमित का नाम अनुच्छेद

6. Nature of work on initial
employment Cassett 1959

वाय अगुठे का नियान
L. T. I. 1. 1959

Narayan
Singha Baruah

प्रथम नियुक्ति प्रबन्ध पाप्य ताक का नाम अनुच्छेद

of the First Appointing Supervisor

CHAL

1959-12-19

(15)

नेचन लाल
नाम दिया गया

लाल नाम
नाम दिया गया

नामदुर के हृष में सेवा का रेकार्ड

Record of Service as Casual Labour.

नोकरी की भित्ति Period of Employment	दिनों की किम्त No. of Days Value	Nature of assignment	तारीख यहि पर्यंत का दृष्टिकोण और पदार्थ Signature & Designation of the Supervisor with date
1 महीने/From महीने/To महीने	2 दिनों/Days दिनों/Days दिनों	3 किम्त/Value किम्त/Value किम्त/Value	4 Nature of assignment Nature of assignment Nature of assignment

1. 10/8 22/3 = 157 Days
(One Hundred
Eighty Seven)

(Worked agreement
C. T. R. Work
Time & Attendance
Casual Labour.)

Signature of Supervisor
S. B. R. N. P. M.
Date 2-12-26

6

Certified to be true Copy

Shri
Dr.

*May have
Assume
Date*

Ramgopal Bhattacharya

—30—

ANNEXURE-8



Lylock, Railway, Kali
Railway Manager (P)
Kali Junction

Sub to: Application for absorption in Group 'D' Post.

Ref to: Railway Board's Letter No. E (NG) 11/99/CC/19 dated
12.12.2001, and GM (D) Maligaon's L/No. REGD 923/2/57, dated
(at) 9.10.2001.

Replied to SIC.

In response to Railway Board's and GM (D) Maligaon's letter
as above, I beg to offer myself as a candidate for absorption in Group
'D' Post as I had worked 120 days as Casual labour borne on the line/
Supplementary Casual Labour register and I am filling the other terms
and conditions as casual labour.

Necessary particulars of my candidature as required for
ready reference are furnished below.

1. Name in block letters.

— SANJIT GOSHI

2. Father's Name.

— Purna Gosh

3. Working under.

— P.W.T Casual labour

4. Working periods.

From. 22.3.78 To 16.10.78

From. To

From. To

5. Date of Birth.

— 22.01.1960

6. Whether SC/ST/OBC ?

— whether

7. Academic qualifications.

— Poush Basud

8. Address: Vill. Baker Hill Po. Goshguri Dist. Goalpara

Hope, you will kindly declare me a eligible candidate for the
post of my Group 'D' category and thus entitled, Please attach copies of all
papers and enclosures herewith.

22/10/03
S. K. Chatterjee

Yours faithfully,

S. K. Chatterjee

Certified to be true Copy

—
S. K. Chatterjee
ADM

23

गुग्गुर के द्वारा दिया गया रेकार्ड

Record of Service as Casual Labour

नोकरी की अवधि Employment का से/From तक/To	डॉ. गुडी की किस्म	Nature of assignment	गारीस राहित पर्यवेक्षक का हाताचार और पदनाम Signature & Designation of the Supervisor with date
12/12/78	3/1/79	4	5
20/12/78	16/1/79	10/1/79 202 days C Two Handied two Worked a general a. 11 P.M. to 7 time of time Casual Labour	Signature of Inspector G. P. B. H. D. D. G. D. G. 12/2/80

Certified to be true Copy

*Chin
Adr.*

Pura
10
ad. 2

1. National Railway Manager (P)
2. Railway, Allroundar Junction.

Sub : 1. Application for absorption in Group 'D' Post.

RE : 1. Railway Board's letter No. E (NG) 11/99/CC-19 dated
20.9.2001, and CM (I) Maligon's L/No. REC-923/E/57, OPT-XXIII
(C) dt. 9.10.2001.

Response to the above.

In response to Railway Board's and CM (I) Maligon's L/No. cited above, I beg to offer myself as a candidate for absorption in Group 'D' Post, as I had worked 120 days as Casual labour borne on the line/ supplementary casual labour register and I am filling the other terms and conditions as ex-casual labour.

Necessary particulars of my candidature as required for ready reference are furnished below:

1. Name in block letters.

PRAN KRISHNA DIHIDAR

2. Father's Name.

Sirish Chandra Dihidar

3. Working under.

P.W.I Casual labour

4. Working Periods.

From 22.11.78 to 23.6.79

From _____ To _____

From _____ To _____

5. Date of birth.

13.6.1960

6. Whether M/S/O/B/C ?

M. O. B. C

7. Academic qualifications

Four Passed.

8. Hobbies & Hobbies Town: Gossai goon. W/No 3 P.O. Gossai goon Dist Kokrajhar.

Hope, you will kindly declare me a eligible candidate for the post of my Group 'D' category and thus obliged, Pictostat copies of all papers are enclosed herewith.

Yours faithfully,

PRAN KRISHNA DIHIDAR

Certified to be true Copy

Chm.

Adv.

2001
11/10/2001

69

राज्य रेलवे
रेलवे नंगरा रेलवे
रेलवे नंगरा रेलवे

Office/Department

अनियंत्रित सजदुर्दश में सेवा की रकम

Service book for Casual Labour

मराठा संस्कृत संस्कृत

Name in full PRAN RAJISHNA DEUDIA

(in Block letters)

Father's Name SIRISH CHANDRA

Date of Birth 12-06-1960

Age in years 20 years

casual employment

वर्ष/माह 12 माह/माह

Personal details
identification
One Cement on
left leg

6. Nature of initial
employment Casual labour

7. Name of supervisor
or first approaching person

8. Date of birth 12-06-1960

9. Name of supervisor
or first approaching person

10. Date of birth 12-06-1960

11. Name of supervisor
or first approaching person

12. Date of birth 12-06-1960

13. Name of supervisor
or first approaching person

14. Date of birth 12-06-1960

15. Name of supervisor
or first approaching person

16. Date of birth 12-06-1960

17. Name of supervisor
or first approaching person

18. Date of birth 12-06-1960

19. Name of supervisor
or first approaching person

20. Date of birth 12-06-1960

21. Name of supervisor
or first approaching person

22. Date of birth 12-06-1960

23. Name of supervisor
or first approaching person

24. Date of birth 12-06-1960

25. Name of supervisor
or first approaching person

26. Date of birth 12-06-1960

27. Name of supervisor
or first approaching person

28. Date of birth 12-06-1960

29. Name of supervisor
or first approaching person

30. Date of birth 12-06-1960

31. Name of supervisor
or first approaching person

Recruit of Servico as Casual Labour

Record of Service as Casual Labour		Date
Signature & Designation of the supervisor with date	Signature & Designation of the supervisor with date	Date
210 days C. T. S. C. L. S. C. L.	Work assigned T. R. - 150 m Time kept Casual Labo	Baranagar 15/1/1975 S. D. S. 1975 C. T. S. C. L. D. S. 1975

Confidential Lee Anne (copy)

Mr. John

- 36 -
- 35 -

APPENDIX B - 10
51

The Divisional Railway Manager (D.R.M.)
N.F.Railway, Silipuruar Junction.

Sub : In application for absorption in Group 'B' Post.

Ref : 1. Railway Board's letter No. E (NG) 11/10/SC/19 dated
20. 9. 2001, and DR (L) Maitiagan's L/No. REG-923/E/57/OP/XXII
(C) dt. 9.10.2001.

Subject: Absorption

In response to Railway Board's cited above, I beg to offer myself as a casual in Group 'B' Post as I had worked 100 days as casual in the supplementary casual labour register and in the said and conditions as specified above.

Necessary particulars of my case ready reference are furnished below.

1. Name in block letters.

SRI NIRANJAN CHANDRA PRODHANI

2. Father's Name.

Late Dinkar Chandra Prodhan

3. Working address.

P.W.I., CHALSA

4. Working period.

16.5.79 to 23.11.79

20.00

10.00

5. Date of birth.

03-03-1958

6. whether SC/ST/OBC ?

NO

7. Academic qualification.

IV passed

8. Address: Vill. Khalipanimari, P.O. Bhoraaguri, Dist. Kokrajhar (Assam).

Hope, you will kindly consider me a eligible candidate for the post of my Group 'B' category and other willing, Please see copies of all documents are attached herewith.

Certified to electronic copy

Shri
Dhr.

Mr. Professor G. S. Ghosh

4.11.01
P. 21

90 सं० रेलवे/N F. RAILWAY
कार्यालय/विभाग
Office/Department/N 097/C.P.I.G.T/C LD
आनेपत्र मजदूर के हृष में सेवा का रेकार्ड
Service book
for Casual Labour

परा नाम साक्ष-साक्ष
Name in full NIRMAL CHANDRA
(In Block letters) PRAMANT
पिता का नाम

2. Father's Name Dinesh Chandra
ज-म तिथि 08-03-1958
3. Date of Birth 08-03-1958
4. Age at initial casual employment
वर्ष/Year 21 माह/months 02

शहर पर पहचान के चिह्न
5. Personal marks of
identification One Cut mark on
Left leg.

प्रारंभिक नियुक्ति के समय डूपूटी
6. Nature of job on
initial employment Casual Labour

वापिअंगठे का नियन्त्रित
L.T.I.



AI 887804 प्रथम नियुक्ति प्रवर्त प्रबन्धक विभाग
8/10/1961 Signature of the First Appointing Authority
Mr. K. S. Dikshit, Esq., M.A., Sub-Inspector
CHALSI 12-03-30

RECORD OF SERVICE AS CASUAL LABOUR

अनियत मजदुर के लग मे सेवा का रेकार्ड

क्रम संख्या को अवधि No. of Period of Em- ployment.	संख्या से/From तक/To No. से/From तक/To	Nature of assignment डू.पू.डू को किया/	4		
			1	2	3
1. १६/०५	२३/०६	= 180 days (One Hundred and Eighty Days)			

ARMOURED
C-96
C-1104
100 DIVISION
R.A. DIVISION, 100 DIVISION

Nature of assignment

(Welding, Painting,
Curing, Cleaning
etc.)

तारिख सहित पापर्चे चक्र
का हस्ताक्षर और
पदानाम

Signature and
designation of the
Supervisor with date

5

Parashuram Wagh
C. P. R. M. S. A.
CHALSI

12/06/04

Certified to be true Copy

Sh

DD

ANNEXURE - II

To
The Divisional Railway Manager (S)
N.F. Railway, Aliporeduar Junction.

sub : Application for absorption in Group 'D' Post.

Ref. : Railway Board's letter No. E (NG) 11/99/CC/19 dated
20.9.2001, and GM (S) Maligaon's L/No. RE/T/923/E/57/OPT-XXI
(S) dt. 9.10.2001.

Respectfully SIS.

In response to Railway Board's and GM (S) Maligaon's L/No. cited above, I beg to offer myself as a candidate for absorption in Group 'D' Post as I had worked 120 days as casual labour borne on the line/s supplementary casual labour register and I am fulfilling the other terms and conditions as ex-casual labour.

Necessary particulars of my qualification required for ready reference are furnished below.

1. Name in block letters.

Koushik Barman

2. Father's Name.

Dhirendra Nath Barman

3. Working under.

ENG/C.P.W.I/C.L.O Mal Section

4. Working post.

From 16.08.1980 to 23.12.1980

From

To

From

To

5. Date of birth.

02-03-1964

6. Whether SC/ST/OBC?

OBC

7. Academic qualifications.

D. Pass

8. Address: S. Vill: Mandaripara Po: Bhowmikganj Dist: Kokrajhar
I hope, You will kindly decide me a eligible candidate for the post of my Group 'D' category and thus obliged, whose due of all particulars are enclosed herewith.

Koushik Barman
Your's faithfully

17/10/01

Classified to Central Govt

Min
Add.

शरोद पर पहचान के चिह्न

Personal marks

identification

Office/Department: N.F.RAILWAY
प्रतिगत मन्त्रके रूपमें सेवा का रोकाव

Service book for Casual Labour

नाम संग्रह-संग्रह

1. Name in full Koushik Barman
(In Block letters)

पिता का नाम

2. Father's Name Bhirendra Kali
Barman.

ज-म तिथि

3. Date of Birth 02-08-1964

प्रारम्भ में अनियमित नौकरी पाने के समय आयु

4. Age at initial casual employment
वर्ष/वर्ष 16 माह/माह 5 दिन

प्रतिगत मन्त्रके रूपमें गया डिग्री

5. Nature of initial casual
employment - Casual Labour.

पांच अंगुष्ठ का निशात
L. P. I.



Koushik Barman
प्रथम नियुक्ति प्रबोधन का दिनांक
of the First Appointing Senior Supervisor
29-12-80

32

मनदुर के रूप में सेवा का रेकार्ड

Record of Service as Casual Labour

तोकरी की अवधि Period of Employment	दिनों की संख्या No. of Days	Nature of assignment	नामीत सहित पायँवो का नाम Signature & Designation of the Supervisor with date
1. 16/08/00 2. 23/08/00 3. 16 days 4. = 127 days. (One hundred and twenty seven days)		(Worked as a casual labourer from 16-08-00 to 23-08-00 as a casual labourer)	नामीत सहित पायँवो का नाम द्वारा दातार श्रीगणेश Signature & Designation of the Supervisor with date 5. 16/08/00 6. 23/08/00 7. 23/08/00

33

Certified to be true Copy



To
The Divisional Railway Manager (r)
N.F.Railway, Alipurduar Junction

sub : Application for absorption in Group 'D' Post.

Ref : Railway Board's Letter No. E (NG) 11/99/CC-19 dated
20.9.2001, and GM (P) Maligaon's L/No. REC-923/E/57/OP-2001
(3) dt. 9.10.2001.

Accepted sir.

In response to Railway Board's and GM (P) Maligaon's L/No. cited above, I beg to offer myself as a candidate for absorption in Group 'D' Post as I had worked 120 days as casual labour borne on the line/ supplementary casual labour register and I am fulfilling the other terms and conditions as ex-casual labour.

Necessary particulars of my candidature as required for ready reference are furnished below.

1. Name in block letters.

MONGOL SINGH

2. Father's Name.

Ranjendra Singh

3. Working under.

Saricbagh, P.W.I.

4. Working periods.

From, 23.6.81 to 16.10.81

From.

To

From.

To

5. Date of Birth, C.I. F. 59

6. Whether SC/ST/OBC/Gen. GEN.

7. Academic qualifications

8. Address. Gossagron, Rail Coloune P.O. Gossagron, Kokrajhar
Hope, You will kindly declare me a eligible candidate for the Assm. post of my Group 'D' category and thus obliged, Photostat copies of all papers are enclosed herewith.

Yours faithfully,

Mongol Singh

12.2.2002

Certified to be true Copy

Adv.

43-
राजस्थान रेलवे/N. F. RAILWAY
कार्यालय दिवार
Office / Department Engg.
अनियंत्रित मजदूर के रूप में सेवा का देकार्ड
Service book for Casual Labour

पुरा नाम साक्ष-साक्ष
1. Name in full.... Mangal Singh...
(In Block letters)
पिता का नाम
2. Father's Name Rajendra Singh...
जन्म-तिथि
3. Date of Birth 01-7-57
प्रस्तुत में अनियंत्रित नीकरी पाने के यात्रा आयु
4. Age at initial casual employment
वर्ष / Year माह/month

5. Personal marks of
identification. *Long black hair*
Left knee

प्रारंभिक नियुक्ति के वर्ष में वर्ष
6. Nature of job on initial
employment *C.G. Gangotri*
Moulder

धार्ये अंगूठे का नियम
L. T. I.

प्रथम नियोजित अधिकारी का इमारत
Signature of the First Appointing Senior Supervisor

K
SS

अनियत मजदूर के रूप में सेवा का रेगार्ड

— 44 —

Record of Service as Casual Labour.

Nature of assignment	तारीख सहित प्रबन्धक हस्ताक्षर और पदकार्य Signature & Designation of the Supervisor with date
.....
.....
.....
.....
.....

Certified to be true (69)

Mr.
 Dr.

1970

Sri Butul Sarma LL.B
(ADVOCATE)

P.O. & DIST. - KOKRAJHAR
PIN - 783370 (BAC)

RESIDENCE
Near - Kokrajhar Girls' H.S.
School, Kokrajhar

Date : 25/11/2004.

Ref. No.

To:-

The General Manager (P),
N.F. Railway,
Maligaon, Guwahati

Sub:-

Plaintor's Notice.

Dear Sir,

Under the instructions of my clients, (1) Sri Gopal Chandra Saha, S/O Late Laxman Chandra Saha, (2) Sri Gopal Chandra Saha, S/O Late Basudeb Saha, (3) Sri Ram Krishna Saha, S/O Sri Joy Gobinda Saha, (4) Sri Tapan Kumar Dov, S/O Sri Sishir Kumar Dov, (5) Sri Narayan Roy, S/O Sri Jogendra Roy, (6) Sri Sunjita Ghosh, (7) Ashutosh Chakdar, S/O Sri Khitish Chandra Chakdar, (8) Monmath Kumar Roy, S/O Late Nezath Kr. Roy, (9) Ajit Narayan Singha Barua, S/O Late Birendra Singha Barua, (10) Sri Pran Krishna Dibidari, S/O Sri Sirish Chandra Dibidari, (11) Sri Nirmal Chandra Prodhan, S/O Late Dinesh Chandra Prodhan, (12) Sri Koushik Barman, S/O Dhirendra Nath Barman and (13) Sri Mangal Singh, S/O Rajendra Singh all are resident of Bhowraguri, P. S. Gosaigon, Dist. Kokrajhar, (Assam). Client Nos. 2 to 13 under C/O Sri Gopal Chandra Saha, S/O Late Laxman Chandra Saha, Bhowraguri, P. S. Gosaigon, Dist. Kokrajhar, Assam for and on behalf of my said clients I am honoured to write you as follows:-

- 1) That, my client No-1 was engaged as casual labour under the Deptt. of ENGG/Opwl/c.l.D, N.F. Railway, Alipurduar Division. He served as casual labour in the said deptt. from 16-7-77 to 23-12-77 i.e. for total days of 157. Service Book was issued to the name of my said client by your departmental officer on 16-5-78. (Zerox copy of the said Service Book is enclosed herewith.)
- 2) That, my client No-2 was engaged as casual labour under the Deptt. of ENGG/Opwl/c.l.D, N.F. Railway, Alipurduar Division. He served as casual labour in the said deptt. from 16-5-78 to 23-10-78 i.e. for total days of 157. Service Book was issued to the name of my said client by your departmental officer

(Contd to page No-2)

Certified to be true copy

*Sub
Sd/-*



Sri Putul Sarma, LL.B.
(Advocate)
P.O. & DIST. - KOKRAJHAR
PIN - 783370 (BAG)

(Page No-2)

RECEIVED
M. S. Kokrajhar Girls' H.
school, Kokrajhar

Date 25/11/2004

Ref. No.

officer on 25-12-78. (Zerox copy of the said Service Book is enclosed herewith.)

3) That, my client No-3 was engaged as casual labour (casual Gangman) under the Deptt. of PWI/DNJ/Engg, N.F. Railway, Alipurduar Divn. He served as casual gangman in the said deptt. from 22-1-76 to 15-7-76 i.e. for total days of 167. Service Book was issued to him by your departmental officer on 30-4-83. (Zerox copy of the said Service Book is enclosed herewith.)

4) That, my client No-4 was engaged as casual labour under the Deptt. of BNGU/C. A. W. T/old, N.F. Railway, Alipurduar Divn. He served as casual labour in the said deptt. from 16-7-80 to 23-11-80 i.e. for total days of 127. Service Book was issued to him by your departmental officer on 7-12-80. (Zerox copy of the said Service Book is enclosed herewith.)

5) That, my client No-5 was engaged as casual labour under the Deptt. of BNGU/C. P. W. I/C. L. D. N. F. Railway, Alipurduar Divn. He served as casual labour in the said deptt. from 20-4-78 to 23-10-78 i.e. total days of 183. Service Book was issued to him by your departmental officer on 16-12-78. (Zerox copy of the said Service Book is enclosed herewith.)

6) That, my client No-6 was engaged as casual labour under the Deptt. of N.F. Railway, Alipurduar Divn. He served as casual labour in the same from 22-3-78 to 16-10-78 i.e. total days of 202. Service Book was issued to him by the deptt. on 12-2-80. (Zerox copy of the said Service Book is enclosed herewith.)

7) That, my client No-7 was engaged as casual labour under the Deptt. of BNGU/C. I. D. N. F. Railway, Alipurduar Divn. He served as casual labour in the same from 17-11-78 to 15-2-79 and 23-3-79 to 15-5-79 i.e. total days of 142. Service Book was issued to him by the deptt. on 10-11-79. (Zerox copy of the said Service Book is enclosed herewith.)

8) That, my client No-8 was engaged as casual labour under the Deptt. of BNGU/C. P. W. I/C. L. D. N. F. Railway, Alipurduar Divn. He served as casual labour in the same from 16-01-77 to 23-08-77 i.e. total days of 211. Service Book was issued to him by the deptt. on 22-11-77. (Zerox copy of the said Service Book is enclosed herewith.)

(Contd to page No-3)

Sri Putul Sarma, LL.B
(ADVOCATE)

P.O. & DIST. - KOKRAJHAR
PIN - 783370 (BAC)

RESIDENCE
Near - Kokrajhar Girls' H.S.
School, Kokrajhar.

70461/03

70542/03

Date : 20/11/2004.

Ref. No.

9) That, my client No-9 was engaged as casual labour under the aforesaid Deptt. N.F. Railway, Alipurduar Divn. He served as casual labour in the said deptt. from 16-5-78 to 23-10-78 i.e. total days - 61. Service Book was issued to him by the doptt. on 7-12-78. (Zerox copy of the said Service Book is enclosed herewith.)

10) That, my client No-10 was engaged as casual labour in the said deptt. He served as casual labour in the said deptt. from 22-11-78 to 23-6-78 i.e. total days of 210. Service Book was issued to him by the doptt. on 5-12-79. (Zerox copy of the said Service Book is enclosed herewith.)

11) That, my client No-11 was engaged as casual labour under the Doptt. of BNGO/o.p.w.I/o.l.D. N.F. Railway, Alipurduar Divn. He served as casual labour in the said deptt. from 16-5-79 to 23-11-79 i.e. total days of 187. (Zerox copy of the said Service Book is enclosed herewith.)

12) That, my client No-12 was engaged as casual labour under the aforesaid Deptt. N.F. Railway, Alipurduar Divn. He served as casual labour in the same from 16-08-80 to 23-12-80 i.e. total days of 127. Service Book was issued to him by the deptt. on 29-11-80. (Zerox copy of the said Service Book is enclosed herewith.)

13) That, my client No-13 was engaged as casual Gangman under the Doptt. of BNGO. N.F. Railway, Alipurduar Divn. He served as Cle. Gangman in the said deptt. from 23-6-81 to 15-10-81 and 11-2-81 to 12-5-81 i.e. total days of 204. Service Book also was issued to him by the doptt. on 24-11-91 (24-11-91). (Zerox copy of the said Service Book is enclosed herewith.)

14) That, my clients mentioned above had worked as casual labours/casual Gang man more than 120 days in their respective categories in the aforesaid doptt. under N.F. Railway, Alipurduar Divn. and they were initially engaged as casual labours/casual Gangmen by the said doptt. within the proscribed age limit. Now, they are all ex-casual labours/casual Gangmen and they have been spending their lives without any job. My said clients are very poor persons and they have been maintaining themselves along with their respective families with great troubles as well as financial crisis. They are all in acute financial crisis.

(Contd to pg. No. 0-4)

Sri Putul Sarma LL.B
(ADVOCATE)

P.O. & DIST. KOKRAJHAR
PIN - 783370 (BAC)

RESIDENCE
Near Koirajpur Girls' H.S.
School, Kokrajhar

70481 (1)
70542 (1)

Date: 25/11/2004.

Ref. No.....

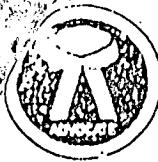
15) That, with reference to the Railway Board's Letter No. B (E) 11/99/CC/-99 dated 20-9-2001 and GM (D) Maligaon L/No. REC/923/E/57/ULF-XXII (C) dated 9-10-2001 my client No-1 submitted an application to the Divisional Railway Manager (P), N.E. Railway, Alipurduar Jn. for absorption in Group 'D' post which was received by the office of the Divisional Railway Manager (P), N.E. Railway, Alipurduar Jn. on 02-12-2003. My clients No-2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 also submitted the same applications to the Divisional Railway Manager (P), N.E. Railway, Alipurduar Jn. basing upon the above mentioned letters for absorption in Group 'D' posts which were received by the office of the Divisional Railway Manager (P), N.E. Railway, Alipurduar Jn. on 03-03-2004, 26-08-2003, 03-03-2004, 04-09-2003, 22-10-2003, 22-09-2003, 02-12-2003, 03-03-2004, 11-11-2003, 02-12-2003, 02-12-2003 and 04-03-2004 respectively.

16) That, after receiving the said applications from my said clients the Divisional Railway Manager (P), N.E. Railway, Alipurduar Jn. had not taken any step in respect of absorption of my said clients in Group 'D' posts nor communicated any information to my said clients till date. So, my client No-1 wrote a Regd. letter on 7-10-2004 to you requesting you to absorb him along with the aforesaid applicants. But you have not given any response to the said letter.

17) That, having no alternative my said client No-1 along with aforesaid other clients serve this Pleader's Notice through me requesting you to take necessary steps in respect of absorption in Group 'D' posts and absorb my said clients in Group 'D' posts within 60 days from the date of receipt this Pleader's Notice. Failing which my said clients shall resort to the Court for getting redressal against you and in that case you will have to bear the costs of the litigation too.

(Contd to page No-5)

(Page No-5)



Sri Putul Sarma, LL.B
(ADVOCATE)

P.O. & DIST. - KOKRAJHAR
PIN - 783370 (BAC)

REIDENCE

No. - Kokrajhar Govt. High
School, Kokrajhar

Ref. No.

Date ... 25/11/2004.

I, therefore, on behalf of my said clients request you to take necessary steps in respect of absorbing my said clients in Group 'D' posts for which they submitted applications as early as possible or within the two months from the date of receipt of this notice.

Thanking you,

Yours faithfully,

Enclosed:

- 1) Xerox copy of Service Book of my clients No- 1 10 13.
- 2) Xerox copy of the applications submitted by my clients No-1 to 13.
- 3) Xerox copy of the letter written by my client No-1.

(Sri Putul Sarma)
Advocate, Kokrajhar

Copy to:- 1) The Divisional Railway Manager (F),
N F. Railway, Alipurduar Jn.

N.B. A copy of this notice is kept in my shorista for ready reference.

Certified to be true (P)

Shri

Adv.

BY POST/BY HAND

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

DESPATCH NO. CAT/GHY/JUDL/ 382 DATED GUWAHATI THE 10-3-05

Applicant

✓ ORIGINAL APPLICATION NO. 46/2005

MISC. PETITION NO. /200

CONTEMPT PETITION NO. /200

REVIEW APPLICATION NO. /200

Sri Gopal Ch. Saha APPLICANT(S)

C. O.I. v. 075

VERSUS

RESPONDENT(S)

TO Sri Gopal Chandra Saha,
s/o Late Lakshman Ch. Saha,
Vill n P.O. Bhownaguri,
Dist. Kokrajhar.

Please find herewith a copy of Judgment/Order dated 25.2.05
 Passed by the Bench of this Hon'ble Tribunal Comprising of Hon'ble Justice Sri Vice-Chairman and Hon'ble Sri K. V. Prabudan Member (Admn.) in the above noted case for information and necessary action, if any.
 Please acknowledge the receipt of the same.

Enclo :: As above.

By Order

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

S. O. 46/3/05
SECTION OFFICER (J)

Memo No. /

Dated 46/3/05

Copy for information to:

1. Mr. / Mrs. J. L. Sarker, Rly. Standing Counsel.

2. Mr. / Mrs. /

Certified to: Electronic Copy

S. O.

A. D.

- 84 -
66
CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 46/2005

Date of Order : This the 25th day of February, 2005

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Sri Gopal Chandra Saha
S/o Late Lakshan Chandra Saha
Vill. & P.O.: Bhowraguri
District - Kokrajhar.

2. Shri Gopal Chandra Saha
S/o Basudev Saha
Vill. & P.O. - Bhowraguri
Dist. - Kokrajhar.

3. Shri Ram Kishan Sha
S/O Joygobind Sha
C/o - Gopal Ch. Saha
Vill. & P.O.: Bhowraguri
District - Kokrajhar

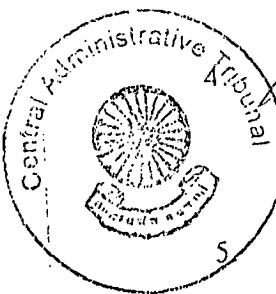
Sri Tapan Kumar Dev
S/o Sushil Kr. Dev
C/o - Gopal Chandra Saha
Vill. & P.O. - Bhowraguri

Sri Narayan Ray
S/o Sri Jogendra Roy
Vill. Mandarpura,
Vill. & P.O.: Bhowraguri
District - Kokrajhar

6. Sri Asutosh Chakdar
S/o Sri Gopal Chakdar
C/o - Sri Gopal Ch. Saha
Vill. & P.O.: Bhowraguri
District - Kokrajhar.

7. Sri Manmath Kr. Roy
S/o - Naratha Kr. Roy
Vill. - Khalsimari
P.O. - Bhowraguri, Kokrajhar.

8. Sri Ajit Narayan Singha
S/o - Sri Birendra Singha
Vill. - Mahendrapur



P.O. - Bhowraguri, Kokrajhar.

9. Sri Sanjit Ghosh
S/o Sri Parma Gosh
Vill. - Baba Bill
P.O. - Gosaigaon, Kokrajhar.
10. Sri Pran Krishna Dilindar
S/o Suresh Ch. Dilindar
P.O. Gosaigaon, Kokrajhar.
11. Sri Nirmal Ch. Pradhani
S/o Sri Dinesh Ch. Pradhani
Vill. - Khalsinimari
P.O. - Bhowraguri, Kokrajhar.
12. Sri Kaushik Barman
S/o - Sri Dhirendra Nath Barman
Vill. - Mandarpura
P.O. - Bhowraguri, Kokrajhar.
13. Sri Mangal Singh
S/o Sri Rajendra Singh
Gosaigaon Rly. Colony
Gosaigaon, Kokrajhar

... Applicants.

By Advocates Mr. H.P. Borman, Mr. B.K. Talukdar.

- Versus -

The Union of India, represented by

1. General Manager,
N.F. Railway,
Maligaon, Guwahati - 11.
2. Divisional Rly. Manager (P)
Alipurduar Division
Alipurduar Junction
District Jalpaiguri
3. Chief Personnel Officer
N.F. Railway, Maligaon,
Guwahati - 11.

... Respondents.

By Advocate Mr. J.L. Sarkar

oral

ORDERK.V. PRAHLADAN, MEMBER(A)

Heard Mr. H P. Boraon, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the respondents.

2. This application has been filed by a group of 13 applicants seeking absorption in the post of Group 'D'. They submitted representations dated 2.12.2003, 3.3.2004, 26.8.2003, 1.1.2003, 4.9.2003, 2.9.2003, 2.12.2003, 3.3.2004, 22.10.2003, 11.11.2003, 2.12.2003, 2.12.2003, 12.12.2003 and a legal notice to the General Manager (P), N.F. Railway, Maligaon on 25.11.2004 (Annexure - A/15). The applicants 1 to 12 were employed as Casual Labour during the year of 1976, 1977, 1978, 1979, 1980. Applicant No. 13 was employed in 1987.

3. The Railway Board's letter for absorption of Casual Labours to Group 'D' posts dated 20.09.2001, the representations have been made two to three years after the order of 20.09.2001. Thus the application is filed beyond the period of limitation as per rule 21 of Central Administrative Tribunals Act 1985. However, since the applicants are from very poor families the Respondents may consider the representations of the applicants. Barring the above observations, the O.A. stands dismissed. No order as to costs.

Sd/MEMBER (A)

TRUE COPY
क्रियता

N.S. 9.9.05
Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-67005

10.9.05
N.S. 9.9.05

Certified to be true Copy

Mr.

Dr.

ANNEXURE - 15

N.F.RAILWAY.

NO. E/208/2/DN/46/05/GHY.

OFFICE OF THE
DIVL.RLY.MANAGER(P),
ALIPURDUAR JUNCTION.

DATED 12/07/05.

To:

Shri Gopal chandra Saha
S/o. Late Lakshmi chandra Saha
Vill & P.O. Bhowraquwa
Dist. Kokrajhar (Assam)

Sub:- Compliance of Hon'ble CAT/GHY's order
dated 25.2.05 in OA/46/05 - G.C. Saha
& others - Vrs. - U.O.I. & others.

In connection with above, the competent authority
is desirous to hear you in person and inspect/verify your
original records before disposing of your representation. As
such, you are advised to attend this office with all original
record on 29.7.05 if desires so.

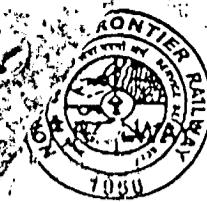
On 12/7/05
for DIVL. RLY. MANAGER(P),
ALIPURDUAR JUNCTION.

(un/12705.)

Certified to receive copy

Attn

adr.



55

ANNEXURE - 16

7766

XO

OFFICE OF THE
DIVL. RLY. MANAGER [P]
ALIPURDUAR JUNCTION

No.E/208/2/O.A./46/05./GHY.

Date:- 18-08-2005.

To
Sri. Gopal Ch. Saha
S/o Late Lakshman Ch. Saha
Vill. & P.O. Phowraguri
Dist. Kokrajhar
(Assam)

Sub= Compliance of Hon'ble CAT/GHY's order
Dated 25-2-05 in OA/46/05- Sri Gopal
Ch. Saha & Others Vs Union of India &
Others.

Ref= This office letter of even dated 12-07-2005.

=====

The above cited O.A was dismissed on 25-02-05 by the hon'ble CAT/GHY. But in their order the hon'ble court was pleased to advise the respondent as to- since the applicants are from very poor families - respondent may consider the representation of the applicants. In honour to court's advice the relevant file with records were put up to DPO. And after perusal of the representation of the applicants the matter was thoroughly enquired a fresh and heard the applicants in person on 29-7-05 peruse their records. Thereafter, on behalf of the respondents [DPO- being respondent No.2] has passed the following orders-

Though the Hon'ble Court was pleased to dismiss the O.A., but for their advise- grievances of the petitioners were thoroughly examined, petitioners were heard in person and pursued the records lying with them. From such perusal it is gathered that none of the petitioners except Sri Ram Krishan Saha S/o Joy Gobind Saha (Petitioner No.3) had worked/utilize as C.L. as claimed. But Sri R.K.Saha did not apply within target date (31-03-87) given by the Railway Board for enlisting his name in the Live Register. The Petitioners (except Petitioner No.3) are appeared to be solely manipulation/fabrication and with malafide intention. Thus they deserve 'Legal action' instead of any consideration.

This is for your information please.

For Divl. Rly. Manager [P]
Allipurduar Junction.

28/8/05

Certified to be true copy

Ch

Ad

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 229 of 2005

Date of Order : This the 7th day of September 2005.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

1. Sri Gopal Chandra Saha
S/o Lt. Lakshan Chandra Saha
Vill. & P.O. - Bhawraguri,
Dist. - Kokrajhar, Assam.
2. Sri Gopal Chandra Saha
S/o Lt. Basudev Saha
Vill & P.O. - Bhawraguri
Dist. - Kokrajhar.
3. Sri Narayan Roy
S/o Sri Jogendra Roy
Vill. - Mandarpura
P.O. - Bhawraguri
Dist. - Kokrajhar.
4. Sri Manmath Kr. Roy
S/o - Naratha Kr. Roy
Vill. - Khalishanimari
P.O. - Bhawraguri
Dist. - Kokrajhar.
5. Ajit Narayan Singha Baruah
S/o - Birendra Singha Baruah
Vill. - Mandarpura
P.O. - Bhawraguri
Dist. - Kokrajhar.
6. Sri Sanjit Ghosh
S/o - Sri Parna Ghosh
Vill - Babu Bill
P.O. - Gosaigaon
Dist. - Kokrajhar.

Certified to be true Copy

Ch
Adr.

7. Sri Pran Krishna Dihidar
S/o - Sirish Chandra Dihidar
Vill. & P.O. - Gosaigaon
Dist. - Kokrajhar.

8. Sri Nirmal Chandra Pradhani
S/o - Dinesh Chandra Pradhani
Vill. - Khalishanimari
P.O. - Bhawraguri
Dist. - Kokrajhar.

9. Sri Kaushik Barman
S/o Sri Direndra Nath Barman
Vill. - Mandanpara
P.O. - Bhawraguri
Dist. - Kokrajhar.

10. Sri Mangal Singh
Vill. - Gosaigaon Rly. Colortey
P.O. - Gosaigaon
Dist. - Kokrajhar.

Applicants

By Advocates : Mr. M.U. Mandal, Mr. A. Hussain, Mr. M.H. Borbhuain, A.F.N.U. Mollah

- Versus -

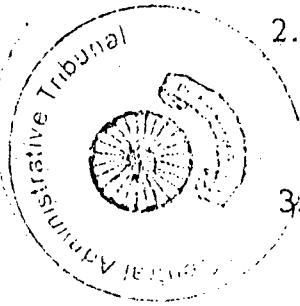
1. The Union of India, represented by the Secretary to the Government of India, Department of Railway, New Delhi.

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

3. The Divisional Railway Manager (P),
Alipur Duar Division, Alipur,
District - Jalpaiguri.

4. The Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati - 11.

By Advocate : Mr. J.L. Sarkar, Rly. Standing Counsel.



ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicants, 10 in number are stated to be casual workers employed under the respondents during the periods 1976, 1977, 1978, 1979, 1980 and 1987. Earlier, 13 such workers including the applicants had approached this Tribunal by filing O.A. No. 46/2005 seeking relief of absorption in Group 'D' posts under the Railway. The said application was dismissed with observation that "since the applicants are from very poor family the respondents may consider the representation of the applicants." Based on the said directions the Divisional Personnel Officer (DPO) had considered the case of the said 13 persons with reference to the relevant files and records produced by the applicants. The 2nd respondent issued a communication dated 18.08.2005 (Annexure - 16) wherein it is stated that after considering the matter and after conducting personal hearing of the applicants on 29.07.2005, the DPO, on behalf of the respondents had passed the following orders :-

"Though the Hon'ble Court was pleased to dismiss the O.A., but for their advise - grievances of the petitioners were thoroughly examined, petitioners were heard in person and pursued the records lying with them. From such perusal it is gathered that none of the petitioners except Sri Ram Krishan Saha S/o Joy Gobind Saha (Petitioner No. 3) had worked/utilize as C.L. as claimed. But Sri R.K. Saha did not apply within target date (31-03-87) given by the Railway Board for enlisting his name in the Live Register. The petitioners (except Petitioner No. 3) are appeared to be solely manipulation/ fabrication and with malafide intention. Thus they deserve 'Legal action' instead of any consideration."

The applicants challenge the said order in this proceeding.

Certified to be true copy

*Mr
Ade*

2. Mr. M.U. Mandal, learned counsel for the applicants submits that the applicants had produced records - service book etc. which showed that they were engaged by the respondents during the periods mentioned earlier, and that the respondents without referring to any records maintained by them has simply stated that the documents produced by the applicants have appeared to be solely manipulated/fabricated and with malafide intention. Counsel further submits that the respondents have threatened the applicants by stating "Thus they deserve 'Legal action' instead of any consideration." Counsel submits that there is no due consideration of the matter with reference to the relevant records and that they were engaged as casual workers under the respondents.

3. Mr. J.L. Sarkar, learned Standing counsel for the Railways submits that all the casual workers engaged prior to 1987 were afforded an opportunity under the 1987 scheme which provided for registration of their names with the railways for future absorption which the applicants did not avail. The Standing counsel further submitted that in spite of the said position the respondents had considered the case of the applicants on merits with due reverence to the order passed by this Tribunal. The standing counsel further submits that it is with reference to the records maintained by the respondents that it was found that the applicants therein were not at all engaged as casual workers and that it is in the above circumstances, the respondents have stated that the documents produced by the applicants are solely manipulated /fabricated and with malafide intention. Standing counsel in short submits that there is no merit in this application.

GD

4. I have considered the rival submissions. Now, it is clear that the respondents had considered the case of the applicants in view of the direction issued by this Tribunal and found that the applicants were never engaged as casual workers. Though it is stated in the communication dated 18.08.2005 (Annexure - 16) that "in honour to court's advice the relevant file with records were put up to DPO and after perusal of the representation of the applicants the matter was thoroughly inquired afresh and heard the applicants in person on 29.07.2005 peruse their records" and had also stated that "the Petitioners (except Petitioner No.3) are appeared to be solely manipulation/fabrication and with malafide intention." There is no reference to any particular records either maintained by the respondents or produced by the applicants. The statements of fact are not specific with reference to any material. This is matter, which deserves to be considered by the respondents. Since the decision in the case of the applicants was taken by the DPO pursuant to the direction issued by this Tribunal in O.A. No. 46/2005, I am of the view that this application can be disposed of at the admission stage itself with certain directions. The applicants are directed to file an appeal/representation against the impugned order (Annexure - 16) before the 2nd respondents pointing out the illegalities in the impugned order within a period of one month from today. If any such appeal/representation is filed by the applicants, the 2nd respondent will dispose of the same in accordance with law and in the light of the observation made hereinabove within a period of three months thereafter. The applicants are free to produce copies of all the relevant records with them alongwith appeal/representation to be filed before the 2nd respondent. The 2nd respondent will pass a

Ans

reasoned order with reference to records taking note of the observation made earlier in the judgment.

The O.A. is disposed of as above at the admission stage itself. The applicants will produce this order alongwith appeal/representation as directed hereinabove for compliance.

sd/VICE CHAIRMAN

/mb/

..... of April 2005..... 9.9.2005

..... on which day is received: 9.9.2005

..... on which day is delivered: 9.9.2005

..... certified to be true copy

..... 9.9.2005

Section 8
C. A. G. C. Shahi Seth
Counsel

..... 9.9.2005

certified to be true copy

.....

.....

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

- 62 -

AK

Dated - Gauhati the 14..... Sep./2005.

Sub:-Prayer for consideration of application for appointment / absorption in Grade 'D' Post in Rly. Deptt. in connection with the order passed by the Central Administrative Tribunal, Gauhati Branch, dtd. 7/9/05 in O.A. No. 229/05.

Sir,

We are submitting herewith the above noted order for absorption in grade 'D' Posts as per the circular dtd. 13/3/1987 and 9/10/01 in the light of the order dtd. 7/9/05 passed in O.A. No. 229/05 within the stipulated time i.e. within 3 months.

Therefore, you are requested to comply the above noted order considering the facts and circumstances of the present case on humanitarian ground and thus oblige.

Copy to -

~~Revised~~ 1. The Secretary to the Govt. of India
Dept. of Rly., New Delhi.
~~Revised~~ 2. The Divisional Rly. Manager (P)
Alipurduar Division, Alipurduar.
Dist. - Jalpaiguri.
3. The Chief personal officer
N.F.Rly. Maligaon.
Gauhati-11.

N.B. :-

1. Copy to the O.A. No.- 229/05.
2. Order dtd. 7/9/2005 in O.A. No.-229/05
an enclosed herewith for necessary
action.

Yours faithfully -

1. Sri, Gopal Chandra Saha
2. 7517210780/31721
3. Narayan Roy
4. M. Anmatha Kur Roy
5. Ajit Narayan Singha Boruah
6. Sugata
7. Purn Krishna Dilidhar
8. ~~Subrata Roy~~
9. Koushik Boruah
10. Mangal Singh

✓
7/9/05

Certified to be true copy

✓
Sri.

-63-

वोमा नहीं NOT INSURED

लाए गये डाक टिकटी का मूल्य To 36/-
 Amount of Stamps affixed Rs. 36/- P.
 एक रजिस्ट्रेड Received a Registered 685
 पानेवाले का नाम.....
 Addressed to.....

मालिक/No. 39/2

39/2
 685
 तारीख शहर
 Date Stamp

पानेवाले अधिकारी के दस्तावे
 Signature of Receiving Officer

वोमा नहीं NOT INSURED

लाए गये डाक टिकटी का मूल्य To 36/-
 Amount of Stamps affixed Rs. 36/- P.
 एक रजिस्ट्रेड Received a Registered 685
 पानेवाले का नाम.....
 Addressed to.....

मालिक/No.

39/2
 685
 तारीख शहर
 Date Stamp

पानेवाले अधिकारी के दस्तावे
 Signature of Receiving Officer

वोमा नहीं NOT INSURED

लाए गये डाक टिकटी का मूल्य To 36/-
 Amount of Stamps affixed Rs. 36/- P.
 एक रजिस्ट्रेड Received a Registered 685
 पानेवाले का नाम.....
 Addressed to.....

मालिक/No.

39/2
 685
 तारीख शहर
 Date Stamp

पानेवाले अधिकारी के दस्तावे
 Signature of Receiving Officer

Offered to see true copy

Adm
 Adv.

FORM NO. 9
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 165/05 in O.A 229/05

Misc. Petition No. 165/05

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Union of India & Ors
Respondent(s) G.C. Saha & Ors

Advocate for the Applicants J.L. Sankar, Standing Counsel
Advocate for the Respondent(s) I.P. K. Mandal, A. Gogoi & Ors
H.L. Borkhugan Rly-St. Counsel

Notes of the Registry Date

Order of the Tribunal

23.12.05 This Misc. Petition has been filed for extension of time for compliance of the direction issued in the O.A. dated 7.9.05. Mr. J.L. Sarker learned Railway Standing counsel in the O.A. submits that two months time more may be granted. There is no objection the counsel for the petitioner in this regard. Accordingly, M.P. is disposed of.

Sd/- Vice-Chairman

Memo No. 01

Dtd. 02-01-06

Copy for information and necessary action to:

1) Sri Gopal Chandra Saha, 5/0 Lt. Lakshmi
Chandra Saha, VII B.P.O. Bhamraguri,
Dist. Kokrajhar, Assam.

2) Mr. J.L. Sarker, Railway Standing Counsel,
C.A.T. Guwahati Branch.

Certified to be true Copy

*Mr.
Adv.*

23.12.05
Section Officer (S).

Adv. 14/01/06



- 65 -

ANNEXURE-21

9988406
By Regd Post with AD

Northeast Frontier Railway
Office of the
Divisional railway Manager (P)
Alipurduar Junction

No. E/206/2/OA/229/05/GHY

07.03.2006

To:

Sri Gopal Chandra Saha
S/o Lt. Basudev Saha
Vill. & PO: Bhawraguri
Dist: Kokrajhar, Assam.

Sub : Compliance of Hon'ble CAT/Guwahati's order dated 07.09.05
in OA/229/05 – Sri Gopal Ch.Saha –vs- UOI & others.

In connexion with above, this is to inform you that in compliance with the above order of the Hon'ble CAT/Guwahati, the 2nd respondent i.e. General Manager, NF Railway has examined the issue in details and passed the speaking orders. The copy of the order passed by the General Manager is enclosed herewith for your information.

DA : As above.

28/3/06
(J.C.Das)
APO/I
For Divl.Rly.Manager (P)
Alipurduar Junction.

Confined to electronic copy

Shri
Dor

(3)

Sub: Speaking order on the representation submitted by the applicants of O.A. No. 229/05, in compliance with Hon'ble Central Administrative Tribunal/GHY order dt. 07.09.05.

⑥

The undersigned perused the order dt. 07.09.05 passed by the Hon'ble CAT/Guwahati in OA No. 229 of 2005—Shri Gopal Ch. Saha & Ors -Vs- U.O.I & Ors. Hon'ble Tribunal directed the applicants to file an appeal/representation against the impugned order (Annexure 16 to OA) before the 2nd respondent (GM/NFR/MLG) pointing out the illegalities if any, in the impugned order within a period of one month and if any such appeal/representation is filed by the applicants, the 2nd respondent will dispose of the same in accordance with Law and in the light of the observation made by the Hon'ble Tribunal in the said order within a period of three months thereafter. Hon'ble Tribunal also directed that the applicants are free to produce copies of all the relevant records with them alongwith appeal/representation to be filed before the 2nd respondent.

The applicants submitted their representation which has been received from DRM(P)/APDJ alongwith the relevant file and records. #

The undersigned perused the copy of the OA. The applicants sought for the following relief before the Hon'ble Tribunal

- (a) to set aside the impugned order dt. 18.08.05 issued by DRM(P)/APDJ.
- (b) to appoint the applicants in the cadre of Gr.'D' post in the Railway.

The undersigned perused the representation submitted by the applicants. The applicants did not point out any illegality in the order dt. 18.08.05 passed by DPO/APDJ. They did not furnish any documentary evidence to prove that they were discharged Casual Labours of this Railway. Xerox copy of CL cards as furnished as Annexures to OA were not signed by the competent authority at the time of engagement. Railway Board vide their letter No. E(NG)II-78/CL/2 dt. 04.03.87 had given the opportunity to discharged Casual Labours to

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represent before 31.03.1987 for inclusion of name in live Casual Labours Register. The representations which were submitted by the discharged Casual Labours before the target date were verified with the relevant documents such as CL card, muster roll, paid voucher etc and those which were found genuine were included in the live register for future engagement/screening. The applicants did not avail of the opportunity by applying within the time frame and the issue was closed on 31.03.1987. They have not submitted any proof of submitting the application in terms of Railway Board's letter No. E(NG)II-78/CL/2 dt. 04.03.87 to the appropriate authority in time. The records available with the administration as well as documents enclosed in the OA by the applicants do not give sufficient proof of the genuineness of their claim. The applicants sought for relief on the circular No. Rect.- 923/E/57/OPT XXII (C) dt. 09.10.01 which is not relevant to this case as this circular relates to the relaxation of upper age limit.

On the basis of the above the claim of the applicants for appointment/absorption in Gr.'D' posts in Railway does not stand good. The applicants may be informed accordingly.

Sd/-

24/02/06

GENERAL MANAGER
N.F. RAILWAY

120 days

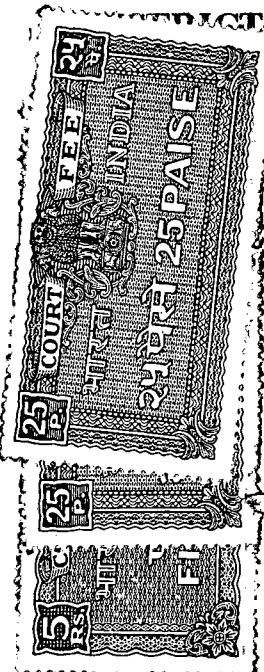
Enclosed to be forwarded copy

Mr
Dr.

28/3/06

GENERAL MANAGER
N.F. RAILWAY

(S)



KOKrajhar

1 Gopal Chandra Saha
2 Mahomed Thakur Roy
3 Narayan Roy
4 Mangal Singh
VAKALATNAMA
5 Purn Krishna Dasgupta
6 Sandip Das
7 Koushik Barman
8 Sujit Narayan Sengha Boruah
9 Ranjan Bora SIT Q1
10 Gopal Mondal (A.F.N.U. Mondal) B3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O. A. No. 75/2005.

Sri. Gopal Chandra Saha & ors Appellant (S)
Petitioner (S)

-VERSUS-

The Union of India & ors Respondent (S)
Opposite Party (Parties)

Petitioners

Sri..... Mr. M. U. Mondal, Md. A. Hussain, Mr. A. F. N. U. M. D. M. A.
..... Advocate and such of the undermentioned Advocate 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, filling 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 so done by the said Advocates as mine /ours to all intents and purposes. In case on non-payment of the stipulated fee in full no Advocate will be bound to appear or act on my / our behalf.

In Witness Whereof I / we hereunto set my /our hand on this 27th day of March 2005

ADVOCATES

Mr. N.M. Lahiri
Mr. A.M. Mazumdar
Mr. J.M. Choudhury
Mr. C.R. Dey
Mr. A.B. Chowdhury
Mr. J. Abedin
Mr. M.U. Mondal
Mr. F.U. Barbhuyan

Mr. H.R.A. Choudhury, Sr. Advocate
Mr. M.H. Barbhuyan
Mr. Dr. B.U. Ahmed
Mr. I. A. Hazarika
Miss. L. Rahman
Mr. Z. Hussain
Mr. N. Dhar
Mr. A. Hussain

Received from the
executant, satisfied
and accepted.

Mr..... Senior Advocate
will lead me / us in this case.

Accepted

Mohamed Uddin Mondal
Advocate

Mr. Amit Hussain
Advocate

(A. F. N. U. Mondal)
Advocate

STUDY GUIDE

ANSWER

IN THE GAURATI HIGH COURT
THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA;
MANIPUR; TRIPURA; MIZORAM; ARUNACHAL PRADESH

2,000..... to which I did not mind and you are informed that I am ready to offer

2120071

1275-226

REFERENCES

Notice

Date - 27/3/06, 8

From:- Md. A. Hussain
Adv.

To,

S.C. Ry.

Sub:- O.A. No. - 106.

Sri Gopal Chandra Saha
-vs-

the union of India & ors

Sir,

Please find herewith a copy
of the above and with petition
which would be filed today

Please receipt and acknowledge
the same.

Revised by

Md. A. Hussain
Adv.
27/3/06

S.C. Ry.

Yours faithfully

Md. A. Hussain
Adv.

27/3/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH, GUWAHATI.

O.A. NO. 75 OF 2006.

BETWEEN

Shri Gopal Chandra Saha & Ors
..... Applicants

-Versus-

The Union of India & Ors.
..... Respondents

IN THE MATTER OF:

An additional Affidavit in
connection with O.A. No.
75/06.

1. That the applicants have filed an original application vide O.A. No. 75/06 which is pending for final disposal. On 11.05.06, the Hon'ble Tribunal was pleased to direct the applicants to produce the Service Book for casual labourer and accordingly, the applicants are submitting herewith 10 Nos. of Service Book for casual labourer to substantiate their genuine claim for regularization of their services in the N.F.Railway.
2. That the above noted 10 Nos. of records Service as casual labourer have been furnished by the

File copy in applicants
Kiran
MD. Anis
A.D.O. 85

Gopal Chandra Saha

applicants before this Hon'ble Tribunal and as such the Hon'ble Tribunal would be pleased to consider these original documents and passed necessary order for regularization of their services as per Govt. Guidelines issued from time to time.

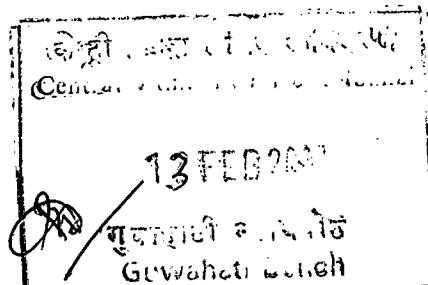
3. That this petition is made bonafide to secure ends of justice.

VERIFICATION

I, Sri Gopal Chandra Saha, S/o. Late Lakshan Chandra Saha, resident of village-Bhawraguri, P.O.- Bhawraguri, P.S.- Gosaigaon in the district of Kamrup, do hereby solemnly affirm and declare and verify that the statement made in paragraphs 1 are true to my knowledge those made in paragraph 2 is derived from records and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this ³⁰th day of June/66 at Guwahati.





IN THE CENTRAL ADMINISTRATIVE BOARD
GAUHATI BENCH, GUWAHATI

75
OA NO: 228/06

Gopal Chandra Saha & Ors

-Vs-

UOI & Ors.

Written statement on behalf of Respondents No. 1, 2, 3 and 4.

The Respondents No. 1, 2, 3 and 4 most respectfully beg to state as under:

- (1) That the Respondents have gone through the aforesaid O.A. and understood the contents thereof.
- (2) That the O.A. deserves to be dismissed for misjoinder of party for the reason that secretary to the Government of India Department of Railway is not ⁱⁿ any way related to the facts of the present case. An M.P. has been filed praying for deletion of the said name from the OA.
- (3) That the OA. is liable to be dismissed on the principle of resjudicata. The decisions of the Railway respondents ^{have} been communicated by the speaking order of the General Manager, N.F. Railway in compliance with the order of the Hon'ble Tribunal. The correct position has been stated in the said order of the General Manager. There is no new ground or any new cause of action.
- (4) That the O.A. is grossly barred by limitation prescribed by section 21 of the A.T. Act - 1985. In the facts and circumstances of the case the order passed by the General Manager N.F. Railway does not cause new cause of action or condone the delay nor obliterate the dictate of section 21 of the A.T. Act - 1985.

Re: Correspondence
S. N. Tammali
S. C. (S. C.) Advocate
12/2/07

4

- (5) That the application also deserve to be dismissed on the ground that number of applicants have been joined together, neither their cause arouse^d by any common order nor on any common date. Statements in para 4.2 clearly state of the different dates on which applicants claim to have worked. However these statements are also denied. Because applicants never worked in the Railways.
- (6) That in reply to statements in para 4.2 to para 4.5 the correctness of the statements are denied. There is no scope to adjudicate the matters relating to the periods stated in para 4.2, by the Hon'ble Tribunal. Matters relate to very old period. It is denied that the applicants worked in Railways. It is also stated that the applicants didn't submit any application before the prescribed date is 31/3/87 nor they had any document to submit.
- (7) That in reply to statements para 4.6 to 4.8 the respondents reiterated the above statements and states that there is no scope to appoint the applicants in any post in the Railway. It is further stated that none of the petitioners of the instant O.A. has any original documents as they were never employed ^{in The} with Railway.
- (8) That it is stated that speaking order dated 24/2/2006 narrates the correct position and in the facts and circumstance ~~fact~~ of the case there is no reason for interference in the matter.
- (9) That the respondents respectfully, ^{state} that OA deserve to be dismissed with cost.

VERIFICATION

I Shri..... Sasanka Sarman, aged about 32.....years son of
Late Nalini Kumar Sarman presently working as.....D.P.O......N.F Railway.....A.P.D.J.....
 hereby verify that statements made in para 1 to..... are true to my knowledge
 and belief and I have not suppressed any material facts.

AND I sign this verification on this day of.....200.....
 at.....

Place:

Signature

B
24/11/02

Date:

शिष्ठ प्रार्थित अधिकारी
 Divl. Personnel Officer
 श्री लोदे अलीगुरुमार अं०
 N. F. Railway, Alipundhar Jn

NOTICE

From DR. J. L. Sarkar
S.C. Railways
C.A.T. Guwahati

Date. 9/2/07

To Mr. M. U. Mandal
Advocate

Sub: W.S. in O.A. 75/2006

(G.C. Sahayors vs. U.O.I. Xors)

Sir,

Please find enclosed herewith a copy of the
W.S. in the above O.A. which is being filed today. This
is for your kind information and necessary action. Please
acknowledge receipt.

Received.

I undertake to serve
a copy on the concerned
advocate

Yours Sincerely

Suru

For DR. J. L. Sarkar
S.C. Railways.

Suru

12/2/07

15 MAR 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

O.A. No. 75/06

B E T W E E N

Sri Gopal Chandra Saha & Ors.

... Applicants

-versus-

The Union of India & Ors.

... Respondents.

In the matter of -

An objection on behalf of the applicants
against the written statement filed by
the Respondents in connection with O.A.
No. 75/06.

1. That with regard to the statements made in
paragraph 1 of the written statement filed by the
respondents, the deponent has no comments.

2. That with regard to the statements made in
paragraph 2 of the written statement, the deponent/
applicants deny the same and begs to state that the
Secretary to the Govt. of India, Department of Railway
is necessary party and as such, there is no misgoinder
of party in the present O.A.

3. That with regard to the statements made in

92
Placed in Person
In the name of
Sri Gopal Chandra Saha
Guwahati Bench

2.

paragraph 3 of the written statement filed by the respondents, the deponents/applicants deny the same and begs to state that there is no res-judicata since the cause of action of the original application vide O.A. No. 75/06 is fresh/new one and as such, the applicants/deponents filed their petition before the respondents authority as per the order dtd. 7.9.05 passed in O.A. No. 229/05. In pursuance to the representation filed by the petitioners, the respondent no.3 has passed speaking order dtd. 7/8 March/06 whereby the petitioners' legitimate demand for appointment in the cadre of Group 'D' post in Railway Deptt. have not been considered and as such, there is no question of barred by res-judicata.

4. That the statements made in paragraph 4 in the written statements filed by the respondents, the applicants/deponent, deny the same and beg to state that the question of limitation has been settled by order dtd. 25.2.05 passed in O.A. No. 46/05 and also it is a continuous process since 2004 and as such, the question of limitation is not the subject matter to be decided.

5. That with regard to the statements made in paragraph 5 & 6 of the written statements filed by the respondents the deponents deny the same and begs to state that they had worked more than 120 days and they are entitled to be regularised as per the Circular dated 13.3.87 and 9.10.01 and the applicant also

Gopal Chandra Saha

3.

also furnished the Identity Cards in support of their appointment.

6. That with regard to the statements made in paragraph 7 & 8 in the written statement the applicants beg to state that the order dated 24.2.06 (7/8 March/06) is perverse, arbitrary, malafide, bias and discriminatory and the same is liable to be set aside and quashed. The original document are with the respondents and they should produced these before this Hon'ble Tribunal and this Hon'ble Tribunal is pleased to interfere with the order dated 24.2.2006 (7/8 March/06) and the respondents should be directed to appoint the applicants in the available vacancies lying with the respondent authorities.

7. That with regard to the statements made in paragraph 9 of the written statements, the deponent deny the same and beg to state that the written statements filed by the respondents are not maintainable and the same is liable to be rejected and the O.A. may kindly be allowed by imposing heavy cost upon the respondents in the interest of justice.

... verification.

... 4

VERIFICATION

I, Sri Gopal Chandra Saha, aged about 52 years, son of Late Lakshan Ch. Saha, village and P.O. Bhawraguri, P.S. Gossaigaon in the district of Kokrajhar, Assam do hereby solemnly affirm and declare and verify that the statements made in paragraphs 1, 2 & 7 are true to my knowledge those made in paragraphs 3 to 6 are derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this the 15th day of March, 2007 at Guwahati.

(Signature of Deponent)


Gopal Chandra Saha
Deponent

Notice

dt. 15. 3. 07

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From:- A. Hussain
Adv.

To,

Mrs. J. L. Sarker
S. C. Rhy

Sub:- Rejoinder of the written statement filed
by the respondents in O.A. No. 75/06

Sir,

Please find herewith a copy of the above
noted rejoinder copy which would be filed
today.

Please receive and acknowledge the same.

Revised by
J. L. Sarker
15/3/07
S. C. Rhy

Yours faithfully
M. A. Ali Hussain
Advocate