

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. original Application No. 92 / 2006
2. Misc Petition No. _____
- 3- Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Sri Satya Narayan Panday

Respondants W-0-1 2028.

Advocate for the Applicant(s) MR. B. Kalita
MR. M.K. Majumdar

Advocate for the Respondant(S)..*standing counsel... Rly.*

Notes of the Registry	Date	Order of the Tribunal
<p>his application is in form filed/C. F. for Rs 50/- posited vide ... JD 26.6.322640 dated 22.3.06.....</p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>[Signature]</i> eps taken. 27.4.06</p> <p>Received by S. N. Tomuli For. DR. J. L. Sankar 11.5.2006</p> <p><i>[Signature]</i> Sent to the Dy. Sec. to the</p>	<p>28.4.06.</p> <p>lm</p>	<p>Judgment delivered in open Court. Kept in separate sheets. Application is disposed of.</p> <p><i>[Signature]</i> Vice-Chairman</p>

Dy. Registrar

steps taken. $\sqrt{5}$
27.4.06

Received by
S. N. Tamuli
For: DR. J. L. Sankar.
11.5.2006

17.5-06

17.5.06
Copy of the Inds of
has been sent to the office
for fixing the line to the
applicant by post.
Wt

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A.No.92 OF 2006.

DATE OF DECISION: 28.04.2006.

Shri S.N.Pandey

APPLICANT(S)

Mr. Mr.B.Kalita,Mr.M.K.Mazumdar

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS-
Union of India and ors.

RESPONDENT(S)

Mr J.L.Sarkar, Railway counsel

ADVOCATE FOR THE
RESPONDENTS

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

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

Judgment delivered by Hon'ble Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No. 92 of 2006

Date of Order: This the 28th Day of April, 2006.

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

Sri Satya Narayan Pandey,
Son of Late Devi Ram Pandey
Senior Clerk(G)
Under SSE/Elect/MXN N.F.Railway. Applicant

By Advocate Mr. B. Kalita, Mr.M.K.Mazumdar

Versus-

1. The Union of India
Represented by the General Manager,
North East Frontier Railway,
(N.F.Railway), Maligaon, Guwahati-11.
2. The General Manager,
North East Frontier Railway(N.F.Railway)
Maligaon, Guwahati.
3. The Divisional Personal Officer,
Tinsukia Division, N.F.Railway,
Tinsukia.
4. The Divisional Railway Manager(P)
N.F.Railway, Tinsukia,
5. The Chief Medical Superintendent
N.F.Railway, Dibrugarh. Respondents.

By Advocate Mr.J.L.Sarkar, Railway counsel

ORDER (ORAL)

K.V.SACHIDANANDAN,V.C:

The applicant joined in the Establishment of Locofoorman/Mariani as cleaner and he was promoted to the post of 1st Fireman. He met with an accident on 21.9.96. He has undergone treatment. The matter was referred to the Medical Board and the Medical Board found him medically unfit in Aye one and thereafter he was absorbed in alternative employment in the same category in

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terms of the letter dated 23.12.99. It is observed that the applicant made an appeal to the CMS, Dibrugarh N.F.Railway seeking decision for medical re-examination. According to the applicant his case was considered and on re-examination he was found fit for original category. On being declared fit the applicant again made representation on 6.6.04 for his absorption in the Running category, but the respondents did not consider the case of the applicant till date. Being aggrieved the applicant has filed this application seeking the following reliefs :-

"That the applicant prays for admitting this application call for records and on hearing the parties direct the Respondents to consider the prayer of the Applicant to absorb him in his original category of DAD 1st fireman with all consequential benefits and due seniority as admissible under the extent Rule."

2. I have heard Mr.M.K.Mazumdar, learned counsel for the applicant and Dr.J.L.Sarkar learned Standing counsel for the Railways. When the matter came up for hearing the learned counsel for the applicant has submitted that he will be satisfied if a direction is given to the 4th Respondent to consider and dispose of the said representation dated 6.6.06 and a comprehensive representation is proposed to be filed within two weeks from to-day. In the interest of justice I am of the view that it will suffice if this court directs the applicant to make a comprehensive representation before the 4th Respondent, if he so desires, and If such representation is filed by the applicant within the time frame the 4th Respondent will dispose of the same within three months from the date of receipt of the said representation.

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



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN.

LM

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPEAL NO. 92/2006

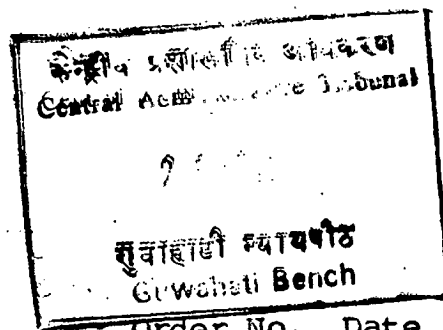
1. a) Name of the Applicant:- Satya Narayan Pandey.
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :- one
2. Is the application in the proper form:- Yes/~~No~~.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/~~No~~.
4. Has the application been duly signed, and verified :- Yes/~~No~~.
5. Have the Copies duly signed :- Yes / ~~No~~.
6. Have sufficient number of copies of the application been filed:- Yes/~~No~~.
7. Whether all the annexure parties are impleaded :- Yes/~~No~~.
8. Whether English translation of documents in the Language : Yes/~~No~~.
9. Is the application in time :- Yes/~~No~~.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:- Yes/~~No~~.
11. Is the application by IPO/DD/For Rs: 5/- 266 322640 dt-22.3.06
12. Has the application is maintainable :- Yes/~~No~~.
13. Has the Impugned order original duly attested been filed : Yes/~~No~~.
14. Has the legible copies of the annexures duly attested filed:- Yes/~~No~~.
15. Has the Index of documents been filed all available:- Yes/~~No~~.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/~~No~~.
17. Has the declaration as required by item 17 of the form:- Yes/~~No~~.
18. Whether the relief sought for arises out of the single :- Yes/~~No~~.
19. Whether the interim relief is prayed for :- Yes/~~No~~.
20. In case of condonation of delay is filed is it supported :- Yes/~~No~~.
21. Whether this Case can be heard by ~~Single Bench~~/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
This application is in form.

N. S. S.
27.4.06.
SECTION OFFICER(J)

Deets
22/4/06
DEPUTY REGISTRAR

OA 92/06

INDEX/SYNOPSIS



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3.	The Applicant got injury (hurt on duty)		21-09-96	
4.	The Applicant remain in sick list from 22-09-96 to 15-12-97			
5.	The Applicant became fit for duty		16-12-1997	
6.	The Applicant again remain sick from 11-08-98 to 19-03-99			
7.	The Applicant was referred to CMS/Dibrugarh after treatment he was declared fit vide medical certificate No.221		19-03-99	
8.	After six months the Applicant was declared unfit on review		22-9-99	
9.	The Applicant was absorbed in alternative job as Jr. Clerk		11-2-00	
10.	The Applicant was re-examined and declared fit for his original duty as 1st fire man		5-2-03	
11.	The Applicant made application for his absorption in original category but not considered hence this original application is filed for redressal of his grievance			

Filed by -

Mouinal Kanti Majumdar
Advocate

26-04-06

Satyajit Borah Pandey

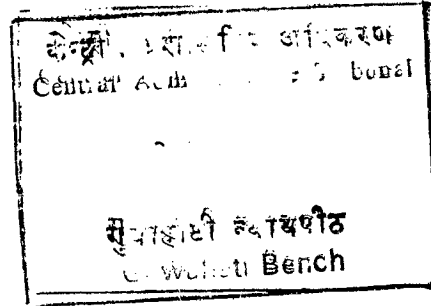
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filed by -

Mrcinal Kanti Majumdar
Advocate

DISTRICT : TINSUKIA.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI.

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

O.A. No. 92 of 2006.

Sri Satya Narayan Pandey

.... Applicant.

- Versus -

The Union of India & others.

.... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
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5.	Annexure- 13
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7.	Annexure- 15
8.	Annexure- 16 - 20

Filed by -

M.K. Majumdar
Advocate.

Satya Narayan Pandey.

DISTRICT : TINSUKIA.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

An application under Section 19 of the Central
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Sri Satya Narayan Pandey
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.... Applicant.

- Versus -

1. The Union of India
represented by the General Manager,
North East Frontier Railway
(N.F. Railway), Maligaon, Guwahati-11.
2. The General Manager,
North East Frontier Railway (N.F. Railway)
Maligaon, Guwahati.
3. The Divisional Personal Officer,
Tinsukia Division, N.F. Railway
Tinsukia.
4. The Divisional Railway Manager (P)
N.F. Railway, Tinsukia.
5. The Chief Medical Superintendent
N.F. Railway, Dibrugarh.

.... Respondents.

Satya Narayan Pandey

contd...2

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Filed by the Applicant
Through Mr. Majumdar
Advocate.
26-04-06

DETAILS OF APPLICATION:

Particulars of order appealed against :

I. This application is filed against non ~~absorption~~^{absorption} in the Original Category and non fixation of seniority as per the extent rule, in original post of running category on being declared medically fit for absorption in the original category in Mechanical running side.

II. Non assignement of correct seniority ~~as~~ position as junior clerk (G) in Electrical Department on being absorbed in identical grade on medical decategorisation in violation of the terms of rule 1310 correctionship No.77 of I.R.F.M. Vol. No.1,1989 edition as ~~per~~ per instruction issued by the Railway Board L/No.E(NG)1/96/RE/3/9(2) dated 29-4-99 circulated under GM(P)/MLG's letter No.496 E/33(C)M-Pt-III dated 23-06-99.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of this application are within jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant declares that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act,1985.

contd... 3

Solija Narayan Pandey.

4. Facts of the Case :

1. That the Applicant joined in the establishment of Loco foreman/Mariani as cleaner w.e.f. 21-07-78 in scale Rs.196-232/-. During the course of time he was promoted to the post of 1st Fireman in scale Rs.950/- - 1500/- w.e.f. 3-10-90.
2. That the Applicant while working as Fireman/MXN got an injury at about 21/40 Hrs. on 21-09-96 while performing evening duty from 14 Hrs. to 22 Hrs. as steam man. During that time he slipped on foot plate of the engine and got injury on his right leg and buttock.
3. That the Applicant state that, he remained under sick list of DMO/MXN from 22-09-96 to 15-12-97. During that period he undergone treatment and on recovery he was given fit by DMO/MXN vide fit certificate No.444 dt. 16-12-1997.
4. That the Applicant states that on being found medically fit he resumed duty of 1st Fireman on 16-12-97 and in this regard the senior Section Engineer (Loco)/MXN issued a letter No.LE/9 dated 23-12-97.
5. That the Applicant state that he again reported sick from 11-08-98 and resumed duty on 20-03-99. During this time he was given treatment and thereafter referred to CMS/Dibrugarh for consideration of his fitness in duty. On examination after treatment, he was declared

contd... 4

Selja Narayan Pandey

fit in his original category as Fireman and in that regard fit certificate was issued vide certificate No.221 dated 19-03-99. It was also mentioned in the certificate that the case will be reviewed again after six month.

6. That the applicant state that on completion of six month he was directed to appear before the CMS/DBRT for review on 19-9-99 and on this medical examination he was declared unfit in Aye one as 1st Fireman but fit in Oye-one in stationary job or desk duty vide certificate No.155 dt. 22-9-99.

A copy of certificate dated 22-9-99 is annexed as Annexure- I.

7. That the applicant state that thereafter he was absorbed in alternative job in same category in terms of DRM(P) SSK's Letter No.E/A-1/Medically unfit staff/W.B. dated 23-12-99 and the applicant resumed in Electrical Department on 11-2-2000 as ~~Kxx~~ Jr. Clerck (G) and transferred and posted at MXN under SG/Elect./MXN.

8. That the applicant states that ~~and~~ he made appeal for ~~re~~-medical^{re} examination on 13-11-02 to go back to his previous job as DAD and considering his appeal the Divisional Railway Manager forwarded the Appeal to the CMS Dibrugarh N.F. Railway seeking decision for re-medical examination.

contd... 5

Sahib Narayan Pandey.

A copy of appeal dated 13-11-02 and

A copy of the letter dated 23-12-02 is annexed
as Annexure- II and Annexure- III
respectively.

9. That the Applicant state that he appeared before
Chief Medical Superintendent, Dibrugarh for special
Medical examination on 05-02-03 and ^{on} examination he was
found fit for original category and in that regard
a certificate was issued on 5-2-03.

A copy of the certificate and communication
dated 5-2-03 are annexed as Annexure- IV
and Annexure- V respectively.

10. That the applicant states that on being
declared fit he again made application for his absorption
in the Running category but the Divisional Railway Manager
without considering the genuine claim based on rule
simply drnied to allow him to resume duty in original
category.

Copies of the representation dated 10-4-03,
15-5-03, 18-9-03, 8-1-04, 6-6-04 are annexed
as Annexure- series.

11. That the Applicant states that the ultimate
~~interest communication~~ internal communication from the Divisional
Personal Officer Tinsukia to the Chief Medical Superintendent
seeking further clerification against absorption of the

Applicant in Running Category vide letter dated 16-08-04 was duly replied by Chief Medical Superintendent vide letter dated 18-9-04 wherein it is specifically mentioned that nothing has been written in IR MM that a ~~declassified~~ decategorised employee can not be absorbed in his original category if found fit in subsequent medical examination. But unfortunately the Respondent did not consider the case of the Applicant till date and hence this application before this Hon'ble Tribunal for early redressal of his grievences.

5. GROUND FOR RELIEF :

- i) For that the applicant having been found medically fit, under the provisions of the extant rules he is entitled to get him absorbed in the original category with due seniority in that category and the respondents denying the same have acted, arbitrarily, illegally and without authority of law.
- ii) For that the Applicant being found medically fit for the original job/Running category, the act of the Respondents denying the applicant to resume his duty in the original job is illegal.
- iii) For that the Medical Mannual not having restricted the applicant to get absorbed in the original category, the act of the Respondents not allowing the

contd...7

Satyam Narayan Paudyal

applicant to get absorbed in the said category is in violation of the provisions of the medical manual.

iv) For that even after clerification from the Senior Medical Superintendent, the Respondents having denied the genuine claim of the Applicant, have acted arbitrarily, and the said act of the Respondents amounts to malafide action on the part of the DRM.

v) For that the seniority of the appellant can not be disturbed on his absorbtion in the original category since he appealed for re-examination medically within the stipulated period as per the extant Rules.

vi) For that any view of the matter the applicant is entitled to be absorbed in the original category.

6. Details of the remedie ~~xxxx~~ exhausted :

That the Applicant declare that he has exhausted all the remedie available but with no positive result hence this application and the remedie sought for are just proper and adequate.

7. Matter not previously filed or pending with any other court :

The applicant declare that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any other court or authority nor any such application writ or suit is pending.

Salga Nakayan Pandey.

8. Relief sought :

- i) That the applicant prays for admitting this application call for records and on hearing the parties direct the Respondent to consider the prayer of the Applicant to absorb him in his original category of DAD 1st fireman with all consequential benefits and due seniority as admissible under the extent Rule.
- ii) That the Hon'ble Tribunal may be pleased to pass any other relief or reliefs as it deem fit and proper.

9. Interim relief :

No interim relief is prayed for at this stage.

10. This application is made through Advocate.

11. Particulars of the Postal Order :

I.P.O. No. 2602322646
Date - 22-3-06
Issued by - Amalendu
Payable at Guwahati G.P.O.

12. List of Encloser :

As per index.

contd... 9

Satyajit Dasgupta

V E R I F I C A T I O N

I, Sri Satya Narayan Pandey, son of Late Devi Ram Pandey, aged about 48 years, presently serving as Senior Clerk (G), under SSE/Elect./MXN N.F. Railway, Maligaon, Guwahati. That the statements made in paragraphs of the accompanying application are true to my knowledge, and belief and that I have not suppressed any material facts.

And I set my hand on this Verification today the 23rd day of March, 2006 at Guwahati.

Place :

Satya Narayan Pandey
Signature of the Applicant.

Date :

NO-11/219/11

CMS/DBRT
M.F. Rly Dibrugarh.
Dated 22.9.99.

To

Sr. SE/Seco/MAN.

Subj: — Unfit Certificate of Smt Satya
Narayana Pandey, 1ST F/min/MAN.

Ref: — your letter No L/GM 19-9-99.
dated 19-9-99.

The above named Employee reported this
Hospital for re-examination. On Examination
he was found unfit in A/C, but fit in C/A
in sedentary job or desk duty without glass. The
Unfit Certificate No 155 dated 22.9.99. is sent her
-with for your necessary action please.

Encls — one Fit Certificate
No 155 dt- 22.9.99.

[Signature]

CMS/DBRT.

Copy to — (1) DRM(P)/TSK for information and neces-
-sary action please.

(2) DMO/MAN for information.

Attended to be
M. Majumdar
Advocate

Hc(E)g.
for information
L.F.D.
SSBCD/MAN
24/9/99.

CMS/DBRT.

For info - For info
CMS/DBRT

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From:
S.N.Panday
Sr.Clerk(G)
Under SE(E)MXN

To,
- The Divisional Railway Manager(P)
N.F Railway Tinsukia

(Through Proper Channel)

Sub:- Appeal for Re-Medical Examination.

Sir,

With profound respect I beg to put before you the following facts for favour of your kind perusal and sympathetic action please.

That, I was declared medically De-Categorized in the year during 1999 due to hurt on duty while working as DAD under SSE(LOCO) Mariani and observed me as Jr.Clerk posted under SE(Elect) MXN as alternative appointment.

That sir, though I was medically de-categorized in my previous job due to hurt on duty. But I have not been satisfied for which earnestly pray your honor to kindly consider me once again re-medical examine for well fitness in the previous job, if I become fitness allow me to go in the previous job then I may re-instate in my original job of DAD for which act of your kindness I shall be much helpful and thereby ever grateful to you.

Date: The 13th Nov 2002
Place :Mariani

Yours Faithfully,

Sree Satya Narayan Pandey
Satya Narayan Pandey.
(Sr.Clerk (G) MXN)

Attested by
Mr. Rajkumar
13/11/02

Forwarded for
final consideration
as per
na pl.

13/11/02
Section Engineer (Elect)
N.F. Railway Tinsukia

N. F. Railway.

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 23.12.2002.

No. 73/752.

To,

CMS/DDRT,
N. F. Railway.

Sub: Re-Medical Examination.

Shri Satya Narayan Pandey, Ist. Fireman/MXN get injury at about 21/40 hrs. on 21.09.96 while performing evening duty from 14 hrs. to 22 hrs. as Steam mn. During that time he slipped on foot plate of the engine and got injury his right leg and Buttock.

He remain under sick list of MXN/MXN from 22.09.96 to 15.12.97 and given fit by MXN/MXN vide fit certificate No.444 dt. 16.12.97. He had resumed duty as Ist. Fireman on 16.12.97 vide Sr. S. F. (Lore)/MXN's letter No.L7/9 dt.23.12.97. He again reported sick from 11.03.98 and resumed duty on 20.03.99. Again he was declared fit in his original category as Ist. Fireman for a period of 06 months vide fit certificate No.221 dt.19.03.99 issued by you.

Shri Pandey was again directed at yours for re-medical examination on 19.09.99. In this medical examination he was declared unfit in Ayo one as Ist. Fireman but fit in Cyo one in stationery job or desk duty without glass vide your unfit certificate No.155 dt. 22.09.99. Accordingly he was absorbed as Jr. Clerk(G) in Electrical Deptt. in scale Rs.3050-4590/- and then he was promoted as Sr. Clerk(G).

Now Shri Pandey has applied for Re-medical examination to go to his parent category i.e. running side (Medical category A/1) which is enclosed herewith for your kind perusal and decision please that whether he should be directed at your for re-medical examination or otherwise.

Encls: One application.

for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.Copy to: Satya Narayan Pandey, Sr. Clerk(G)/MXN.
Thro. SR (Elect.)/MXN.for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

At Madhobabhai
Mungundar
Dated

(Spl. Medical Exam)

ANNEXURE - IV

No. 82

पू० री०-एच/न. प. म. क/2A

ए-एम डी एच/ए-MDL 34

सेवावधि में पुनर्परीक्षण होने के समय इस्तेमाल किये जाने के प्रमाण-पत्र का फार्म
Form of Certificate to be used when an employee is re-examined during Service

(प्रमाण-पत्र/Certificate)

प्रमाण/Dispensary DORT

पू० री०-एच/न. प. Railway

मैं यहाँ प्रमाणित करता हूँ कि मैंने (काम करने का स्थान)
..... (प्रमाण) पर काम
करने वाले एक कर्मचारी, जिसका नाम (नाम)
निम्नलिखित के लिए उपस्थित हुआ, उसकी जाँच किया है—

I do hereby certify that I have examined (Name) Sri Satya Narayan Pandey
(age) 31-1-58 an employee serving as (designation) SE/AM class 1/1
in the MXN Branch/Department, at (Place where employed) MXN
who presented himself before me for.....

*आवधिक पुनर्परीक्षण/Periodical re-examination.

Re-examination prior to promotion to class..... (पदनाम) का (प्रमाण) पर पदोन्नति करने के लिए पुनर्परीक्षण
to (Designation).....

*विशेष पुनर्परीक्षण/Special re-examination.

*पिछला काम रिपोर्ट पर पुनर्निर्धार के लिए पुनर्परीक्षण/Re-examination for reconsideration of previous adverse report.
जो पिछला काम रिपोर्ट दया अग्रे का निशान में उपस्थित में मौजूद दिया गया है।

and whose signature and thumb impression has been appended below in my presence.
मैं इसको (नाम) के मोह अवस्था है।

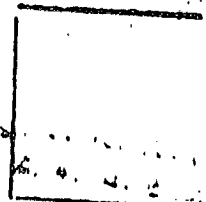
consider him fit for service in class SE me 15/12/03

प्रमाण/Dispensary का हस्ताक्षर/Signature of Railway Medical Examiner

तारीख/Date 15-2-2003

*जो लागू न हो उसे काट दें। *Strike out where applicable.

0 one cut mark 1" on the right eye.



5/2/03

कर्मचारी के बाएँ अंगूठे का निशान
L. T. I. of Employee

कर्मचारी का हस्ताक्षर
Signature of Employee

Sri Satya Narayan Pandey

ANNEXURE - V

No: H/219/1

CMS/DDRT's office
N.F. Rly Dibrugarh
Dated 05-2-2003

To
DRM(P)/TSK.

Sub: — Spah. Medical Exam, Certificate
in favour of Sri Satya Narayan
Pandey. Sr F/mn/MXN Under
SE/Elec/MXN.

Ref: — your letter NO-ES/752 dt 24-1-2003.

The above named staff reported to this office
for Spah. Medical Exam, on 05-2-2003. On Exam, he
was found fit in original category of A/1 with no
glass at present. Again he is advised to attend —
CMS/DDRT for re-examination after 6 (six) months.

The fit Certificate NO-82 dated 05-2-2003
is sent herewith for your disposal please.

Encl- one certificate (original).

From
05/2/03.
CMS/IE/DDRT.

Copy to: — SE/Elec/MXN for information
and necessary action.

Attested by
N.K. Gunder
at Dibrugarh

CMS/IE/DDRT.

To

The DRM(P)TSK
Through Proper Channel

Sub :- Absorption in Running Category

Ref :- Your L/No ES/752/ dt.24-03-2003

Sir,

In reference to your letter cited above I like to inform you that I have been medically fitted for my original category (as first fireman running category) in bottom Seniority i.e. junior of all first F/man, 2nd F/m and Engg. Cleaner as DAD on utilization basis and transfer to APDJ Division.

Therefore you are requested to kindly inform to the poor applicant on what reasons my bottom Seniority has been fixed.

Your kind reply is early solicited for my consent please.

Thanking you

Yours faithfully

Sri Satya Narayan Pandey

(SATYA NARATAN PANDAY)

Senior Clerk

Under SE/E/MXN

Date: 10/04/2003

Recd
15/4/03

उत्पादन अभियंता (विजली)
Section Engineer (Elects)
ए. ए. रोड, मयानो
N. E. Railway, Mariani.

Attested to be true
M. G. G. G.
29/4/03

From

Sri Satya Narayan Panday

Date : 15-05-2003

Sr. Clerk (G) MXN

Under - SE/Elect/MXN

To,

The Divisional Railway Manager (P)

N.F. Railway, Tinsukia

Through Proper Channel

Sub : Absorption in Running Category

Ref : Your L/No./ES/752 dt. 01-05-03

Respected Sir,

With the respect and humble submission I beg to lay before you the following few lines for your re-consideration please.

That Sir, in reference to my letter No. nil dated 10-04-03 you have replied in para 2(two) in your letter that CMS/DBRT not mentioned above re-medical (SPL Medical). But sorry to say my re-medical examination held during the stipulated period as per extent rules. Again you have mentioned that I have lost my seniority as and when I have absorbed in alternative job as per extent rules. So for Manual/Establish rules concern I have not found that my seniority might be hampered before the specified period of re-medical is over.

Therefore your kind honour is requested to let me know the extent rule by virtue of which my seniority is to be lost and seniority me to indicate my willingness, in this regard for which act of kindness I shall remain ever grateful to you and oblige.

Yours faithfully

Sri Satya Narayan Panday

(SATYA NARAYAN PANDAY)

Sr : Clerk/Elect/MXN

R
15/5/03
Noted to be done
M. K. Gunder
J. K. Datta

ANNEXURE - VI(3)
Series

= 18 =
22 29

To,

Date: 18/09/2003

The Divisional Railway Manager(P)
N.E.Railway, Tinsukia
Through proper channel

26.9.03

Ref - 1. Your L.No ES/752/ dtd.01/05/03

2. SE/E/MXN L/No E/1/ESSII/MXN 466 dtd.15/05/03

Sub :- Reminder thereof.

Respected Sir,

I beg most respectfully to apprise you that as desired by you an explanation was submitted by me within stipulated date for your information and favourable consideration. But it is a matter of regret that neither any favourable action has been taken nor any reply has been received from your end till date.

In view of the above circumstances I would like to submit herewith one Zerox copy each of my letter dated 15/05/03 as well as the receipt copy of the said letter of mine enclosed here.

Hope, your goodself would be kind enough to look into the matter favourably and take necessary prompt action in this regard for which act of your kindness I shall remain ever grateful.

Yours faithfully

Satya Narayan Pandey

(S.N.PANDEY)

SR.CLERK (G) (ELEC.) MXN

DA/2 Nos

Forwarded to
his present pl.

17/9

सत्यनारायण पण्डेय
SR. Clerk (G) (Elec.) MXN
N.E. Railway, Tinsukia

Marked to be the
M.K. Pandey
Approved

=19- 28

ANNEXURE - VI (4)
Series

24

To, ✓
The Divisional Personal Officer
Tinsukia Division, N.F. Railway

(Through proper channel)

Sub:- Prayer for seeking fruitful result on my legitimate claim as DAD, in Running category.

Respected Sir,

With profound respect and humble submission, I beg to draw your kind attention with the following facts for favour of your kind sympathetic, consideration & favourable action on my legitimate demand please.

That Sir, in connection with the above, I have already submitted my views against my seniority going downward as intimated by APO/TSK for DRM/P/TSK vide his L/No. ES/752/TSK, dtd 01.05.2003. But, in view of the above, due to non receipt of the fruitful action or any intimation after the expression of my views, the situation compelled me to serve a reminder on 18/09/03. The first reminder was received by DRM/P/TSK on 26/09/2003.

While in spite of serving appeal and then reminder, neither any action on my letter was taken nor any intimation was given to me. So, being impatient once again I am bound to approach your honour by praying another one appeal for prompt action on my request for absorbing me in my original category as a DAD along with my previous seniority as because I have been deemed fit in my original job of DAD after being completion of Re-Medical examination vide CMS/DBRT's certificate No. 55 dtd. 22/7/03 which was duly informed to you.

That Sir, In this regard, I want to let you know that the correspondence has been made with you so prolonged in this respect, but action has not yet been done finally on my legitimate claim.

Therefore, lastly once again, I earnestly pray that your honour would kindly look into the matter sympathetically and impartially and would solve the problem finally absorbing me to my original post of DAD along with my previous seniority as prayed for. This act of your kind consideration would make me grateful to you in future.

Dated Mariani the
8th January 2004

Yours faithfully

(Satya Narayan Panday)
Sr. clerk/G/MXN
Under SE (E) MXN N.F. Rly.

Copy to (1) DRM/TSK
(2) DEE/TSK
(3) Br. Secy./M. Union/MXN }

For kind information and necessary
fruitful action on my legitimate claim
please.

Yours faithfully,

Satya Narayan Panday
(Satya Narayan Panday)
Sr. clerk/G/MXN
Under SE (E) MXN N.F. Rly.

*Added for
disposal please*
128-1
भारतीय रेलवे (मार्ग)
Section Engineer, Tinsukia
प. सी. डिवी, मयिनी
N.F. Railway, Mariani

दिनांक
Received on
श्री प्र. (कारिष)
DRM (P)
प. सी. डिवी, म.
N.F. Rly. / Tinsukia

Received
19/1/04

ANNEXURE - VI (S)

Series

To,

Date: 06.06-2004

The Divisional Railway Manager (P)
N.E. Railway, Tinsukia

(Through proper channel.)

Ref. : My letter dt. 18-09-2003 received by you on 26-09-2003 and my letter
dt 08-01-2004, received by you on 19-01-2004.

Sub. : A prayer to absorb in my original post of running category or intimate
me the extend rules of seniority.

Sir,

In reference to the subject cited above I have the honour to inform you of the
following facts for your perusal and kind early action please.

That sir, I approached you with two reminders (dt. 18-09-2003 and
dt. 08-01-2004) praying to absorb me in my original post of running category
retaining my seniority. In the same appeal I also requested you to let me know the
extend rules of seniority of service applicable to my case. This I did as you informed
me through the letter No. ES/752 dt. 01-05-2003 that I might be absorbed in my
original post of running category with bottom seniority. It is a matter of great regret
that having waited more than a year I have not yet received any reply from your end
regarding the matter. I, however, again appeal to you kindly to provide me with my
original post of running category retaining the then seniority or inform me of the
related rules of seniority.

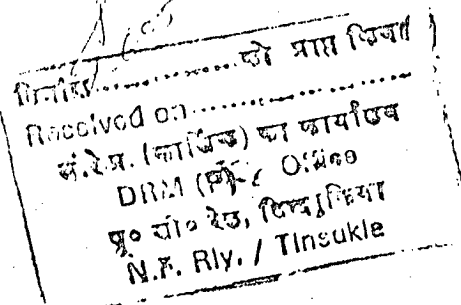
I would very politely like to intimate you that I would be bound to adopt legal
procedure in case of non-receipt of any reply from your end. Kindly permit me to do
so and oblige thereby.

Hoping your early treatment.

Yours faithfully,

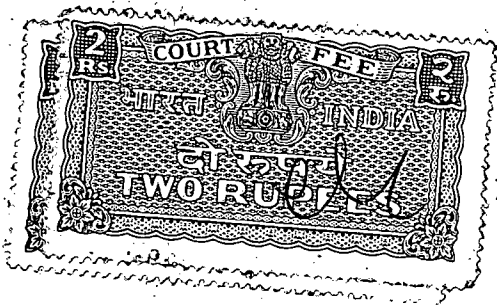
Sri Satya Narayan Panday.

(Satya Narayan Panday)
Sr. Clerk (G)
Under SSE/Elect./MXN
N.E. Railway.



Forwarded for your kind
disposal please.

Attested by
[Signature]
[Signature]



30

Sabya Narayan Pandey.

VAKALATNAMA~~to the Gauhati High Court~~~~CAT The High Court of~~~~Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.~~

(Civil/Criminal Jurisdiction)

In the Central Administrative Tribunal, Gauhati Bench

O.A. No. 92 of 2006

Sabya Narayan Pandey Appellant / Applicant
Petitioner

Versus

C.O.D. & Ors. Respondent
Opposite Party

Know all men by these presents that the above named Applicant
Do hereby nominate, constitute and appoint Shri B. Kalita Sr. Adv. M.K. Majumdar
Advocate and such of the under mentioned Advocates as shall accept this S. Dutta
Vakalatnama to be my/our true and lawful Advocate to appear and act for me/us in
the matter noted above and in connection therewith and for that purpose to do all
acts whatsoever in that connection including depositing or drawing money, filing
in or taking our 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 Advocate as
mine/ours to all intents and purposes. In case of nonpayment 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 this the 23rd day
of March 2006

Advocates

N.M. LAHIRI
B.M. GOSWAMI
P.G. BARUAH
J.P. BHATTACHARJEE
TARUN SEN DEKA
B.KALITA Sr. Adv.
B.R. DEY

B.K. ACHARYYA
L.M. KSHETRY
S.L. JAIN
DR. Y.K. PHUKAN
M. RAHMAN
A.N. ZAMAN

N. KALITA
✓ M.K. MAJUMDAR
D.K. DAS
SMT. P. KALITA
SMT. C. SHOME
✓ S. DUTTA
P. KHATANAR
D. BARMAN
D. TALUKDAR
G. PHUKAN

Received, satisfied and accepted.

M.K. Majumdar
Advocate

Mr. B. Kalita, Sr. Adv. will lead
us in this case.

M.K. Majumdar
AdvocateS. Dutta
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI

To

Sri J. L. Sarker
Advocate
Standing Counsel Rly.
C.A.T. Guwahati

OA No _____/06

Sri Satya Narayan Pandey
Sr. Clerk (G)
vs. - Applicant

The Union of India & Ors.
Respondents

Sir

Please find herewith a copy of the Original
Application to be filed by the Applicant today
and acknowledge receipt of the same.

Thanking you

Sincerely

M. M. Majumdar
Advocate

26th April 06

Received Copy

[Signature]
SC. Rys.
26/4/06

Satya Narayan Pandey.