

FROM NO. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 99/2006
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) R. K. Sharma

Respondents U.O.I. 2006

Advocate for the Applicant(s) ... Mr. L. P. Sharma
Mr. S. Chakraborty

Advocate for the Respondant(s) ... Railway Commission ...

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/..... on 10/- depos. No. <u>26G 322933</u>	<u>17.11.2006</u>	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman. Heard learned Counsel for the parties. The Application is disposed of at the admission stage itself in terms of the order passed in separate sheets. No order as to costs.
Dated 12/11/06 <i>N. Sharma</i> 1/c Dy. Registrar 5/106		
<i>Not served</i> Serves later		
	/mb/	
<i>10/11/06</i>		
<i>27/11/06</i>		
Copy of the final order handed over to the L.A.D. for the parties.		
<i>28/11/06</i>		
<i>Recd. 28/11/06 R.D. SC/MS</i>		

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

99/2006

O.A. No.

17.11.2006.

DATE OF DECISION

Sri Raj Kumar Sarma Applicant/s

Mr L.P. Sarma and Mr S. Chakrabarty Advocate for the
..... Applicant/s.

- Versus -

Union of India & Others Respondent/s

Dr. J.L. Sarkar, Railway Standing Counsel Advocate for the
..... Respondents

CORAM

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

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

✓ 12/11/06
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 99/2006

Date of Order: This the 17th Day of November 2006.

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

Sri Raj Kumar Sarma
Son of Iswar Sarma
R/o - Tokobari, Guwahati
C/o Pandey Book Stall
A.T. Road, Tokobari, Guwahati - 1.

... Applicant

By Advocate: Mr L.P. Sarma and Mr S. Chakrabarty, Advocates.

- Versus -

1. The General Manager (Con.)
North Frontier Railway
Maligaon, Guwahati.
2. The Divisional Railway Manager (P),
Lumding Division, N.F. Railway,
Lumding.

... Respondents.

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

.....
ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The Applicant is a ex-casual worker claims to be included his name in live register of LMG, Division for screening in absorption in Grade - D category. The case of the Applicant is that his name was suggested for inclusion to the higher authority, but he was not included. Therefore, he submitted several representations, i.e. annexures - 6, 7 and 8 to the 2nd Respondent, but no relief has been granted. Hence, this Application seeking the following reliefs:-

"i) To direct the respondents to sent the name of the applicant in the live register and to absorb him in category 'D' of the service.



- ii) Any other relief or reliefs to which the applicant is entitled under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.
- iii) Cost of the Application."

2. Heard Mr L.P. Sarma, learned Counsel for the Applicant and Dr. J.L. Sarkar, learned Standing Counsel for the Railways. When the matter came up for admission, learned Counsel for the Applicant submitted that earlier the Applicant approached the Hon'ble Gauhati High Court by filing Writ Petition No. 8593 of 2005 and the High Court permitted him to withdraw the same since the jurisdiction of the subject matter is vested with this Tribunal. Therefore, he has filed this application before this Tribunal. He also submitted that he will be satisfied if a direction is given to the 2nd Respondent to consider and dispose of the representations filed by the Applicant with reference to rules and facts of the case and pass appropriate order within a time frame. Dr. J.L. Sarkar, learned Standing Counsel for the Railways submitted that he has no objection if such a course is adopted.

3. In the interest of justice, this Court directs that the Applicant shall forward the copy of the representations to the 2nd Respondent forthwith and on receipt of such representations the 2nd Respondent and/or any other competent authority shall consider and dispose of the same within a period of three months from the date of receipt of such representations.

4. The O.A. is disposed of at the admission stage itself. No order as to costs.

(K.V. SACHIDANANDAN)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPELATION NO.

99/06

1. a) Name of the Applicat:- R.K. Sharma
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 IFO/DD/For Rs: 5/- 266322833 dt 12-4-06

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:-

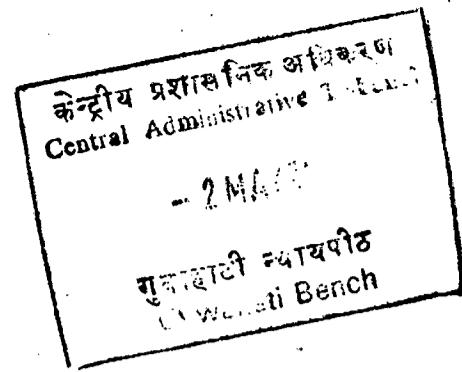
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
This application is in form.

N S 5.5.06
SECTION OFFICER (J)

① Notice not yet served
on respondents.

N 5.5.06

DEPUTY REGISTRAR



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b

APPENDIX

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

TITLE OF THE CASE - ORIGINAL

Application No. 99 /2006

INDEX

Sl. No.	Description of Documents relied upon	Pages
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3.	Annexure -1- Application dated 3.12.99 by Petitioner	- 9
4.	Annexure -2-Letter dated 17.2.2000	-
5.	Annexure -3-Letter dated 7.9.2000 with letter dt.21.4.2000	-
6.	Annexure -4- Letter dated 7.9.2000	-
7.	Annexure -5- Circular dated 10.12.2001	-
8.	Annexure-6-Letter dated 8.8.2002	-
9.	Annexure -7-Letter dated 9.8.2005	-
10.	Annexure -8-Letter dated 29.8.2005	-
11.	Annexure-9- Letter dated 30.9.2005	-
12.	Annexure -10- Order dated 9.1.2006 passed by Hon'ble High Court in W.P.(C)No. 8593/05.	-

Raj Kumar Sharma

APPENDIX**APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985**

TITLE OF THE CASE - ORIGINAL
Application No. 99 /2006

SRI RAJ KUMAR SHARMA

Applicant

Versus

Union of India and Others

Respondents

List of Dates and synopsis of the Case :-

03.12.99 — Application filed by the petitioner to the General Manager (CON) requesting to enter the name of the petitioner for screening test for entering his name in live register for absorption in Grade-D Category (Annexure No. 1).

19.01.2000 — Letter written by respondent no. 2 to the Chief Signal and Telecom Engineer (C.S.T.E.), (CON) to take necessary action with regard to petitioner's application.

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08.02.2000 -- Reminder sent by respondent no. 2 to the C.S.T.E. (CON) to take necessary action upon the application dated 03.12.99 of the petitioner.

17.02.2000 -- Letter dated 17.02.2000 issued by Senior Signal and Telecom Engineer (CON) HQ to the Deputy C.S.T.E (CON) for verification of service record of the petitioner and one Mr. Dipak Nath in this regard. (Annexure No. 2).

08.03.2000 -- Senior Section Engineer (Sig) verified service record of petitioner and sent the same to the Deputy C.S.T.E. (CON), who had forwarded the same to CSTE (CON) vide letter dated 21.4.2000, Maligaon and the latter had forwarded the same to the S P O (CON) Guwahati vide letter dated 05.07.2000 (Annexure - 3).

07.09.2000 -- The G.M.(Con), Mlg. vide letter dated 07.09.2000 forwarded the verified service particulars of the petitioner to the Divisional Railway Manager (P) Lumding for taking necessary action with regard to the application of the petitioner for inclusion of his name in the live register of Lumding Division for screening and absorption in Grade - D Category (Annexure - 4).

3 A

07.12.2000 Petitioner made another representation for considering his prayer in this regard.

21.12.2000 The G.M (Con) MLG again vide letter dated 21.12.2000 requested the Divisional Railway Manager (P) Lumding to take necessary action.

10.12.2001 Circular letter no. E/283/1/C-PT-1 dated 10.12.2001 issued from the office of. The Divisional Railway Manager (P) Lumding for verifying service record of altogether eleven persons. The petitioner is no. 7 (Annexure no. 7)

08.02.2002 In response to the circular dated 10.12.2001 out of eleven persons only two persons service record could be verified vide letter dated 8.8.2002 of C.P.I. Guwahati and petitioner is one out of the said two candidates (Annexure – 6)

After 08.08.2002 the petitioner had been regularly visiting the offices of respondent no. 2 and 3 for a favourable reply but the respondents had done nothing except given him verbal assurances for absorption in Grade – D Category and for inclusion

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of his name in live register. The respondents had assured the petitioner to absorb him in service as aforesaid and they have also fulfill the necessary formalities in this regard but even after long official procedures they have not kept their promise till date and the petitioner had to wonder from pillar to post. In the legitimate expectation of service he did not apply to any where else and his age for applying for service to any where and his age for service else is also expired.

09.08.2005)

29.08.2005)

30.09.2005)

Written representations of the petitioner but the respondents did not give any reply. Hence having no alternative the petitioner had approached to this Hon'ble Court . (Annexure 7, 8 and 9)

9.01.2006 Order dated 9.1.2006 passed by Hon'ble Gauhati High

Court in WP (C) No. 8593 / 05

Raj Kumar Sharma

केन्द्रीय प्रशासनिक अदायकरण
Central Administrative Tribunal

गुवाहाटी बूथायरी

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH

1
Raj Kumar Sharma //
Filed by
The Petitioner
through
Gantam Chakraborty
Advocate

O.A. NO. 99 / 2006

Sri Raj Kumar Sarma
Son of Iswar Sarma
R/o. Tokobari, Guwahati
C/o. Pandey Book Stall
A.T. Road, Tokobari, Guwahati - 1

.... Applicant

Versus

1. The General Manager (Con.)
North Frontier Railway
Maligaon, Guwahati
2. The Divisional Railway Manager (P)
Lumding Division, N.F. Railway,
Lumding.

.... Respondents

1. Particulars of the Order against which the application is made :-
 - 1.1 Scheme of the G.M. (Con) by which ex-casual workers names were sought to be included in the live register of LMG. Division, for screening in absorption in Grade - D category.
 - 1.2 Circular No.- E/283/I/C-Pt. I dated 10.12.2001 issued by the Divisional Railway Manager, LMG, N.F. Railway and subsequent letter No. N/51/NG /CON dated 5.7.2000 issued on behalf of CSTE/CON/MLG dated 5.7.2000 enclosing letter dated 21.4.2000 of the Dy CSTE/Con/MLG, N.F. Railway.
 - 1.3 Non-consideration of repeated verbal as well as written representations of the applicant dated 9.8.2005, 29.8.2005 and 30.9.2005.

2. JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of the Order against which redressal is sought for is within the jurisdiction of this Tribunal.

3. LIMITATION:-

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:-

4.1 That the applicant is the resident of aforesaid locality and had rendered service as casual worker under C.S.T.E. (Con), Lumding.

4.2 That the applicant had thus worked as a casual employee as a hammer man with the Railway. In the year 1999 there was a move by the railway to regularise the service of the casual workers in Grade -D and to enter their name in the live register for screening for service. Accordingly by letter dated 3.12.99 the applicant applied to the respondent no. 1 for entering his name in the live register and for screening along with his service particulars.

Copy of the letter dated 3.12.99 is annexed herewith as annexure no. 1

4.3 That the application of the applicant was forwarded by the respondent no. 1 to the Chief Signal and Telecom Engineer (C.S.T.E. (CON), Maligaon for verification of applicant's service records vide letter dated 19.1.2000 and in this regard reminder was sent vide letter dated 8.2.2000. Thereafter vide letter dated 17.2.2000 the Senior Signal and Telecom Engineer (S.S.T.E.(CON) HQ. sent the



photocopy of application and service record of the applicant and of another worker, Sri Dipak Nath for verification of service particulars to the Deputy C.S.T.E (CON/F MLG).

Annexure no. 2 is letter dated 17.2.2000.

4.4. That in response to the letter dated 17.2.2000 service particulars of the applicant were verified by the Senior Section Engineer (Sig)/CON/GHY and were sent to the Deputy CSTE/CON/MLG vide letter dated 8.3.2000 and the Deputy CSTE/CON/MLG had forwarded it to CSTE/CON/Maligaon and the later had forwarded to S.P.O./CON/MLG by letter dated 5.7.2000. Subsequently the General Manager (CON) had by letter dated 7.9.2000 intimated the DRM((P) LMG about the application of the applicant for inclusion of his name in the live register of Lumding Division for screening and observation in Grade-'D' Category and also intimated that by letter dated 5.7.2000 and 4.4.2000 CSTE/CON/MLG has confirmed the service record of the petitioner and requested the DRM(P) LMG to do the needful.

Copy of letter dated 7.9.2000 is enclosed as annexure - no.3

4.5. That after letter dated 7.9.2000 the applicant was waiting for a favourable reply and call for screening but the same did not come to him. As such again by letter dated 7.12.2000 the applicant made representations to G.M.(CON) Maligaon and the later vide letter dated 21.12.2000 requested DRM(P) LMG for taking necessary actions in this regard.

4.6. That on 10.12.2001 by circular letter no. E/283/1/C-PT-1 dated 10.12.2001 issued from the office of the DRM(P)/ LMG, all the CLWI'S



were asked to verify the service records of 11 persons including the applicant. Out of the said 11 persons only two persons service records could be verified which includes the petitioner and by letter dated 8.8.02 in response to the circular dated 10.12.2001 the DRM (P) Lumding (respondent no. 3) was intimated about the facts.

Circular dated 10.12.2001 and letter dated 8.8.02 are annexed herewith as annexure no. 4 and 5.

- 4.7 That after final verification of service records vide letter dated 8.8.02 the applicant had been given assurances about his service by inclusion of his name in the live register and the applicant had been making regular representations in this regard in the office of the respondent no. 3 and had got no result except verbal assurances. Since December, 1999 the applicant had been compelled to move from pillar to post for the service and although after a long procedure his service particulars had been verified by letter dated 8.8.2002 but still the respondents particulars the respondent no. 3 is sitting over the matter without any action and the applicant had only been given verbal assurances.
- 4.8 That by letter dated 8.8.05 the applicant had made representation to the respondent no. 3 about his service giving him all particulars of previous records. Thereafter vide letter dated 29.8.05 the applicant had made another representation to the respondent no. 3. Again by letter dated 30.9.05 the petitioner made representation to the respondent no. 3 with copy to the G.M.(CON), Maligaon requesting him to take necessary actions in this regard. But inspite of all these representation no actions had been taken by the respondents and

they even, did not deem with fit to reply to the letters / representations of the petitioner.

Representation dated 9.8.05, 29.8.05 and 30.9.05 are annexed herewith as annexure no. 6,7 and 8.

4.9 That in response to the move of the respondent for inclusion of the applicant's name in the live register and regularization of his service in category -D the applicant had applied to the respondent no. 1 for the said purpose. The respondent's have in response to his application verified his service particulars and on such verification he was assured of the service / absorption in category - D. The assurances as well as the actions / conduct of the respondents have created a legitimate expectation to the applicant with regard to his service and now the respondents are estopped from going back. Because of the legitimate expectation created by the respondents the petitioner did not try for another job and in the meantime he has become over aged for applying for any other job. Thus the applicant has been deprived of his livelihood in most illegal manner causing irreparably loss and injury and immense sufferings to the applicant as well as his dependants because of unemployment of the applicant.

4.10 That out of total 11 candidates only 2 persons service records could be verified. And out of there two peoples the applicant's service record was more suitable but even then no response came from the respondents and even the respondents did not care to reply to the written representations of the applicant. The illegal and arbitrary actions of the respondents. The applicant had been



deprived of his livelihood as well as his legitimate expectation of service even without hearing him and no opportunity had been provided to him of being heard.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :-

- 5.1 That the applicant most respectfully submits that the actions of the correspondence authority as stated above in the foregoing paragraphs are illegal and without authority of law. After causing the applicant to wait for such a long period since the year 1999 by giving him assurance of absorption in service verbally as well as by their position actions now they are bound to absorb him in service.
- 5.2 That in pursuance of scheme of the respondents authorities and in response to the applicant's application dated. 3.12.99 the applicant had been duly selected / screened for absorption in Grade – D Category after long official procedure. The repeated assurances and the positive actions of the respondents and their conduct has created a legitimate expectation to the applicant now the respondents are estopped from going back from their promise. Because of the actions and assurances of respondents the applicant did not try for any other job and has become over aged for applying for any other job.
- 5.3 That the actions of the correspondence in not absorbing the applicant in service and not considering his representations and thus dooming him even without hearing is grossly violative of principles of natural justice.
- 5.4 That the actions of the correspondence are illegal, arbitrary, unreasonable; unfair and violative of the rights guaranteed under



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Article 14, 16, 19(1), and 21 of the Constitution of India. The applicant had been deprived of his livelihood as well as his legitimate expectation of service even without hearing him.

6. **DETAILS OF REMEDIES EXHAUSTED :-**

The applicant declares that he had already submitted written representations dated 9.8.2005, 29.8.2005 and 30.9.2005 before the authority but the same had neither been considered nor disposed of.

The applicant had filed a writ petition before the Hon'ble Gauhati High Court being WP (C) No. 8593/05 wherein Order dated 9.1.06 had been passed.

7. **MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT**

That applicant declares that he has not previously filed any application, any suit regarding the matter in respect of which the instant application has been filed before any Court, authority or other tribunal nor any such application or suit is pending before any of them. The Writ petition no. 8593/05 filed by the applicant before the Hon'ble Court had been withdrawn vide Order dated 9.1.2006.

8. **RELIEF SOUGHT FOR :-**

That in view of the aforesaid facts and circumstances details of which has been mentioned in paragraph no. 4 of the application as well as in the grounds above the applicant prays for following reliefs :-



- i) To direct the respondents to enter the name of the applicant in the live register and to absorb him in category 'D' of the service;
- ii) Any other relief or reliefs to which the applicant is entitled under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal;
- iii) Cost of the Application.

9. PARTICULARS OF THE IPO -

- i) IPO. No : 266-322833
- ii) Date : 24-3-06.
- iii) Payable at : Guwahati.

10. LIST OF ENCLOSURES : As stated in the Index.

VERIFICATION

I Sri Raj Kumar Sarma, son of Iswar Sarma, aged about 45 years, resident of Tokobari, A.T. Road, Guwahati - 1 in the district of Kamrup, Assam do hereby verify and state that the contents of paragraphs no. 1 to are true to my knowledge and those made in paragraphs no. being matters of record are true to my information derived there from and the rests are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts.

Raj Kumar Sarma.

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VERIFICATION

I, Shri Raj Kr Sarma, son of Iswar Sarma, aged about 45 years, resident of Tokobari, A.T road, Guwahati-1 in the district of Kamrup, Assam, do hereby verify that the statements made in paragraphs Nos. 1 to 4.10 are true to my personal Knowledge ; those made in paragraph nos 6 and 7 are matters of record and the statements made in paragraph nos. 5 to 5.4 --are believed to be true on legal advice and I have not suppressed no material fact.

And I sign this verification on this 27 day of July / 2006, at Guwahati.

Place Guwahati

Date 27.7.06

Raj Kumar Sarma.

Annexure - 1 -9-
No
TYPE COPY

To

The General Manager (Con)
Maligaon,

Sub:- Prayer to send my name for screening Test.

Respected Sir,

With due respect and humble submission I beg to say that I am an ex-casual staff worked under C.S.T.E. (Con) Maligaon. I was discharged on 05.05.85. From then I am lying It is known from reliable sources that without any job./screening test of ex-casual staffs have been going on. I was waiting for call for screening test held firstly from 03.11.99 to 05.11.99 and secondly on 30.11.99, but I found no call for the said test.

Sir, I worked lastly as casual H/men under C.S.T.E. (Con) MLG. once from 26.7.83 to 18.4.84 (258 days) and secondly after being discharged, from 06.06.84 to 05.05.85 (333 days)

So, I request you for proper action and send my name for the said test as soon as possible.

Under the above circumstances I hope and pray for your kind consideration please. I shall be grateful to you for this act of kindness.

Thanking you,

Enclosed:

Attested copy of
discharged certificate.

Record of service as casual
labour.

Dated, Guwahati.
03.12.99

Yours faithfully

(Raj Kumar Sharma)

Mailing address:

Raj Kumar Sharma
Rly. Colony, Gtr. No. DS/15/E
Guwahati-781001

Certified to be true copy
①

To,

The General Manager (Com)
Maligaon.

Sub - Prayer to send my name for
screening Test.

Respected Sir,

With due respect and humble
fonbmission I beg to say that I am an
ex-casual staff worked under C.S.T.C. (Com)
Maligaon. I was discharged on 05/05/85.
From then I am living without any job.
It is known from reliable sources that
screening Test of ex-casual staffs have been
going on. I was waiting for call for
screening Test held firstly from 03/11/95 to
05/11/95 and secondly on 30/11/95 but I
found no call for the said Test.

Sir, I worked lastly as Casual
H/mn in under C.S.T.C. (Com), MLC, once
from 26/7/83 to 18/4/84 (258 days) and
(secondly) after being discharged, from 06/06/84
to 05/05/85 (333 days).

So, I request you for proper
action and send my name for the said
Test as soon as possible.

I hope and pray for your kind consideration
Please. I shall be grateful to you for
this act of kindness.

Thanks

Enclosed

Attested copy of
discharged Certificate
Record of Service as casual
labour.

Dated, Guwahati
03/12/99

your faithfully,

Raj Kumar Sharma

Mailing Address:

Raj Kumar Sharma
Rly. Colony, Rd No. DS/15/E
Guwahati - 78001.



Recd.

3-12-99

2-11
Annexure 2
N. F. RAILWAY.

Office of the
CSTE/CON/MLG

No. N/51/3/NG/CON

Dt. 17.02.2000.

Dy.CSTE/CON/F/MLG
N. F. Railway.

Sub : Verification of Casual labour service particulars.

I am sending photo copies of application & Record of service particulars of Casual labour of Shri Dipak Nath & Shri Raj Kumar Sarma, for verification of genuineness of service particulars from record of your office. In case they were engaged to Construction Organisation whether their names were included in the Live register of Casual Labour or not.

D.A. : 5 (Five)

(A. GOSSWAMI)
SSTE/CON - I/HQ/MLG
for CSTE/CON/MLG

Copy to:- (1) Sr. DEN/LMG for kind arrangement of verification of casual service of Shri Raj Kumar Sharma under Permanent Way Inspector, N.F. Railway, Badarpur. A photocopy of Record of service is also sent herewith.
DA. One

(2) Dy. CPO/CON/MLG for his information please. This is in reference to his L/No. E/235/CON/CL(Retrenched) dt. 19.1.2000 & 8.2.2000.

A. Goswami
17.2.2000
for CSTE/CON/MLG

certified to be true copy
D.

Office of the
General Manager(Con)
Maligon.

NO:E/235/CON/CL(2)Retrenched

Dated 7.9.2000

To
DRM(P)/IMG

Sub: Service particulars of ex-
casual labour etc.

S/Shri Raj Kumar Sharma and Dhananjay Kr. Dey
have applied for inclusion their name in the Live
Register of IMG division for screening and
absorption in Gr.'D' category.

CSTE/CON/MLG vide his letter No. N/51/3/NG/CON
dated 3/4/4.2000 and 5.7.2000 has confirmed that S/Shri
Sharma and Dey had worked as casual labour under SI/
BG/CON/GHY.

Bio data

1. Name	1. Shri Raj Kumar Sharma
2. F/Name	2. " Dhananjay Kr. Dey
	1. Iswar Sharma
	2. D.C.Dey
3. Date of birth -	1. 01.01.1960
	2. 07.6.1961
4. Working Period -	1. 26.7.83 to 184.84 2. And 6.6.84 to 5.5.85 3. 25.7.83 to 26.7.83
5. Cast	1. UR 2. UR

All the relevant papers are send herewith for
your verification and needfull action please.

DA.17 (Conventeen)

FOR GENERAL MANAGER(Con)

Copy to :-

✓ 1. CSTE/CON/Maligon
✓ 2. Raj Kumar Sharma

FOR GENERAL MANAGER(Con)

certified to be true copy
S. J. S.

S/9/2000

All CLWI's/PI's of Lumding Division

Sub:- Verification of Record.

Please verify the service particulars of the following staff in different Sr. Subordinate office and submit a report to this section i.e. S&T/P as early as possible.

1. Malay Chakraborty 4.8.82 to 2.11.87, 10.12.82 to 10.2.83, 05, 583 to 30.7.1

under TCI/Auto/MLG

30 days 60 days 60 days.

2. Bishnu Deb Nath. 15.9.78 to 14.10.78, 16.11.78 to 15.12.78, 2.12.78 to 24.1.79

under TCI/Auto/

30 days 30 days 30 days

New Ghy.

3. Narayan Misra 16.5.78 to 14.6.78, 18.6.78 to 17.7.78, 7.9.78 to 10.7.78

under SI/GHY

30 days 30 days 30 days

4. Narayan Ch. Debnath 15.6.78 to 14.7.78, 17.7.78 to 15.8.78, 17.8.78 to 15.9.78

under TCI/Auto/MLG

30 days 30 days 30 days

5. Khokan Paul 15.5.78 to 18.6.78, 15.9.78 to 18.10.78

under TCI/Auto/

30 days 30 days 30 days

New GHY

6. Madhu Sudhan Deb 15.8.78 to 18.7.78 16.7.78 to 14.8.78

under TCI/Auto/

30 days 30 days 30 days

New Ghy

7. Raj Kr. Sharma 25.5.78 to 31.12.78, 26.7.83 to 18.4.84, 6.6.84 to 5.5.84

(Service particulars confirmed by CSTE/Con/MLG vide his L/No.N/51/3/NG/Con dt.05.7.2000 & Dr. CSTE/Con/MLG

L/No.N/555/5/Con/Pt.II-261 dt.21.4.2000 GM/Con/MLG's

No.8/235/Con/CL-2 Retrained dt.7.9.2000

8. Dhananjay Kr. Dey-25.7.83 to 20.9.83

under CSI/B.G/Cob/GM/Con/MLG vide his L/No.E/235/Con/CI/2-Retrained

dt.7.9.2000 Address to DRM(R) for Service particulars

DIPAK KR. DEY & RAJ KR. SHARMA

9. Bhupendra Bhownik-1.3.88 to 30.3.85, 15.4.85 to 14.5.85, 1.6.85 to 30.6.85

under TCI/Auto/New GHY

30 days 30 days 30 days

10. Dipak Ch. Das 4.3.79 to 2.4.79, 12.4.79 to 11.5.79

under TCI/Auto/ 30 days 30 days

New GHY.

11. Manik Ch. Das 1. 18.7.78 to 15.9.78, 18.9.78 to 15.4.79 (under CLWI/P/MLG

2. 30days 30days

2. 22.5.85 to 20.6.85, 21.6.85 to 20.7.85 (Under CTCI/A/MLG

30 days 30 days

(Under SI/Con/MLG

3. 30.7.85 to 28.8.85
30 days

(Under SI/BPB

4. 01.9.85 to 9.10.85
30 days

(Under SI/M LMG

5. 8.11.85 to 8.12.85
30 days

(Under SI/LMG

6. 7.1.86 to 8.2.86
30 days

(Under SI/LMG

7. 7.1.86 to 5.2.86
30 days

(Under SI/LMG

certified to be true copy
8.

con...

I. (Under) S1

8.8.2.86 to 24.2.86

16 days

(Absentee screening test letter of DRM(P)/IMG's vide No.

(E/283/1/C-pt-1 dt.16.7.97 DRM(P)/IMG's XXR No.

(E/283/1/C-BT-1 df 87 To be continued on reverse)

(E/283/1/C-pt-1 at 9.7. regarding Appearance test 9-65914
no longer valid or frequent is finding that certain strains of *Escherichia coli* are
(Absentee)

This has the approval of competent authority.

10. Dy. CSTL/Con/MLG
11. CM/Con/IMG
12. Sr. DSTE/IMG

He is requested to verify the records alongwith CLWI/Pt's
of the above named staff.

0002.1.12.48 10-11.59\003\c\822\1.01
0002.2.5.48 bebenjetel 2-10\nc\822\8.01

15
4

Annexure - 4 contd

Sub:- Verification of Records.

Please verify the service & the following staff in different Sr. Subordinate Offices and submit a report to this section in S&T/P as early as possible.

1. Malay Chakraborty	4.8.82 to 2.11.87, 16.12.82 to 14.2.83, 65.5.83 to 3.7.83. under TCI/Auto/MLG	30 days	60 days
2. Bishnu Deb Nath	15.9.78 to 14.10.78, 10.11.78 to 15.12.78, 2.12.78 to 24.1.79 under TCI/Auto/ New GHY	30 days	30 days
3. Narayan Misra	16.5.78 to 14.6.78, 18.6.78 to 17.7.78, 7.9.78 to 6.10.78 under SI/GHY	30 days	30 days
4. Narayan Ch. Debnath	15.6.78 to 14.7.78, 17.7.78 to 18.8.78, 17.8.78 to 15.9.78. under TCI/Auto/MLG	30 days	30 days
5. Khokan Paul	15.5.78 to 1.6.78, 15.9.78 to 1.10.78. under TCI/Auto/ New GHY	30 days	30 days
6. Madhu Sudhan Deb	15.6.78 to 14.7.78, 16.7.78 to 14.8.78. under TCI/Auto/ New GHY	30 days	30 days
7. Raj Kishan Sharma	26.6.80 to 12.7.81, 26.7.83 to 18.4.84, 6.6.84 to 5.5.84 (Service particulars confirmed by CSTE/Con/MLG vide his L/NO.N/51/3/NG/Con dt.05.7.2000, & By.CSTE/Con/MLG L/NO.N/555/5/Con/Pt.11-261 dt.21.4.2000 & GM/Con/MLG's NO.B/235/Con/CL-2 Retrended dt.7.9.2000.)		
8. Dhananjay Kr. Dey	25.7.83 to 20.9.83. under CSI/B.G/Con/GM/Con/MLG vide his L/NO.C/235/Con/CI/2-Retrended dt.7.9.2000 Address to DRM(P) for Service particulars encl.Dhananjay Kr.Dey & Raj Kr.Sharma.		
9. Bhupendra Bhowmick	1.3.86 to 30.3.86, 15.4.85 to 27.4.85, 1.6.86 to 30.6.86 under TCI/Auto/ New GHY	30 days	30 days
10. Dipak Ch. Das	4.3.79 to 2.4.79 to 11.5.79 under TCI/Auto/ New GHY	30 days	30 days
11. Manik Ch. Das	1.18.7.78 to 15.9.78, 18.9.78 to 15.4.79 under CSTE/Con/MLG 2. 22.5.85 to 20.6.85, 21.6.85 to 20.7.85 under CTCI/A/MLG. 3. 30.7.85 to 26.8.85 under SI/Con/MLG. 4. 0.8.86 to 10.10.86 under SJ/BIB 5. 4.11.85 to 3.12.85 under SI/MLG 6. 7.1.86 to 9.1.86 under SI/MLG 7. 7.1.86 to 9.2.86 under SI/MLG 8. 8.2.86 to 24.2.86 under SI/DRM (Absentee screening) test letter of DRM(P)/LNG's vide NO. (E/283/1/C-PT.I dt.16.7.97 to DRM(P)/LNG's XXR NO. (E/283/1/C-PT-I dt.9.7, regarding bi-annual screening test (Absentee).		

This has the approval of competent authority.
competent

Copy forwarded for information & necessary action to:-

1. SSE/Tele/Auto/ELG.
2. SE/Telco/new G.H.Y.
3. SSE/Sig/B.R.B.
4. SSE/Sig/P.L.G.
5. SSE/Sig/D.M.
6. SSE/Sig/Con/L.M.G.
7. SSE/P-Train/P.L.G.
8. SSE/Sig/G.H.Y.
9. SSE/SC/Sig/Con/G.H.Y.
10. Dy.CSTE/Con/ELG.

11. CH/Con/ELG.
12. Com. S.S.E./Con/

He will assist the CLW/pt's for verification of records of the above named staff.

He is requested to verify the records alongwith CLW/pt's of the above named staff.

for Divisional Railway Manager
N.P.- Railways, L.M.G.

W.H.W.

N. F. RAILWAY.

Amritsar - 4 Contd

4/10/00 | - 18 -

(19)

Office of the
CSTE/CON/MLG

No. N/51/3/NG/CON

(19)

SPO/CON/MLG,
N F Railway.

Dt. 05.07.2000.

Sub : Verification of casual service

Ref : (i) Your L/No. E/235/CON/CL (Retrenched) dt. 19.1.2000
and 8.2.2000
(ii) This office letter of even No. dt. 17.2.2000

Please find herewith a photocopy of letter received from Dy. CSTE/CON/F/MLG,
N. F. Rly. regarding casual service particulars of Sh. Raj Kumar Sarma for your disposal
please.

D.A. One photocopy of letter no
N/555/5/Con/Pl II - 261 dt. 21.04.2000
Issued from Dy. CSTE/CON/F/MLG's office.

AC
1 photocopy
5.7.2000
(A. Goswami)
SSTE/CON/F/MLG
for CSTE/CON/MLG

N.F.RIV

From : Shri A.P.Sarma,
CPI/GHY

No - WB/GHY

Dt. 8.8.2002

To

DRM (P) / Lumding

Sub:- Verification of Records.

Ref:- Your letter No-E/283/1/C/Pt. I dtd.
10.12.2001.

As per above cited letter, I have attended the SSE/81g/CON/GHY's Office and record verified from C.L.Register which are as follows:-

1. Shri Dhananjay Kr.Dey, (SL NO-83 of CL Register)
S/O-D.C.Dey, From 25.7.1983 to
D/Birth-7.9.1961 left Service on 20.9.1983.
D/Engagement-25.7.1983

Remarks:- From Employment Exchange, Silpukhuri.

2. Shri Rajkumar Sarma, (SL NO-159 of CL Register)
S/o -Iswar Sarma, From 26.7.1983 to 18.4.1984
D/B: 1.1.1960 " 6.6.1984 to 5.5.1985
E/Engagement :-26.7.1983

Cc/Ry to:-

1. Shri Dhananjay Kr.Dey.

✓ 2. Shri Rajkumar Sarma.

(Shri A.P. Sarma
CPI/GUJARATI)

certified to be true copy

Q.

Dt. 9.8.2005

To

-20-

Annexure A8 - 63

The DRM/P/LMG
N.F. Railway

Sub:- Reminder for screening and absorption in Gr. 'D'
category.

Ref:- Your letter No. E/282/1/C/Pt-I dt. 10.12.2001

Respected Sir,

In reference to your letter quoted above, my name is included in S/No. 7, and as per your order, my service particulars have been verified by the CPI/CHY, Sri A.F. Sharma by his letter No. WG/CHY dated 8.8.2002 and verification report is submitted to SRT/P. Lumding.

Sir, before this, my service particulars have already been verified by the following official which is included in your letter too.

- (1) CSTE/Con/MLG. L/No.N/51/3/NG/Con dt. 5.7.2000
- (2) Dy.CSTE/Con/MLG. L/No.N/555/5/Con/Pt-II-261 dt. 21.4.2008
- (3) CPI/Con/MLG. L/No.E/235/Con/CL-2 Retrenched dt. 7.9.2000

Sir, after the verification report is submitted I have been waiting since then for your call and reply, but no call and reply has yet been received. In this regard I have been frequently making representation before authorities but except verbal assurances nothing had been done in connection to my service. Regarding this matter I would like to remind and request you to look into the matter as early as possible.

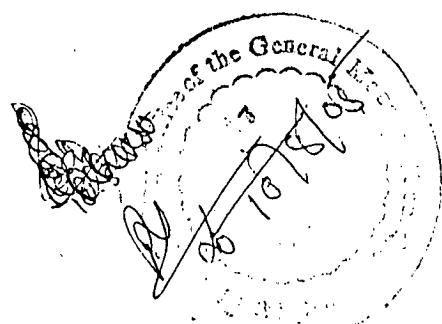
I shall be highly obliged for your kind and positive action.

Yours faithfully

Raj Kumar Sharma
(Casual H/man Under SI/BG/Con/CHY)

Add. for communication-

c/o Pandey Book Stall
A.T. Road, Tokobari
Guwahati-1



certified to be true copy
R.

Lawal yade

Lawal yade

To

The DRM(P) LMG
N.F. Railway

Swasthi
Date: 29.8.05

-21-

Annexure A6- 7

Sub:- Absorption of previous casual labour recorded in live register/Supplementary line register in grade -D category.

Ref:- (i) GM(P) MLG'S Letter No. RECT-890
No.E/57/o(c) Pt XII dt. 31.5.99

(ii) Your letter No. E/283/1/C/Pt-I dt. 10.12.01.

Respected Sir,

In response to N.F.Railway move for absorption of Ex-casual workers in grade-D category, I had applied for such absorption/service vide letter dtd. 3.12.99. Thereafter I had submitted various representations, in this regard.

In response to my said letter and representations my service particulars had been verified by the CPI/CHY. Sri A.P. Sharma by his letter No. KG/CHY dated 8.8.2002 and verification report is submitted to S&T/P. Lumding.

After submission of verification report I waiting for positive response from your end. Since no position response has been given I am almost regularly making personal representations to the Railway authorities but accept verbal assurances nothing has been done in this regard.

On 9.8.2005 again I had made written representation but till date I have not received any response.

contd...2

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✓

- 2 -

I once again request you to consider the matter of my service sympathetically considering my unemployment and the fact that I have to support my wife, children and parents, which I am unable to do by small part time irregular works.

Thanking you,

Enclosures:

Yours faithfully

Raj Kumar Sharma

(Raj Kumar Sharma)
Casual H/man under
SI/BG/CON/GHY)

Few reference of earlier correspondence.

i) Copy of GM/CON/MLG's
L/No-E/235/CON/CL-2
(Retrenched) dt. 7.9.2000

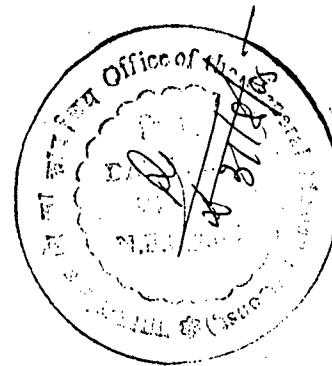
Address for communication -
c/o. Pandey Book Stall
A.T. Road Tokbari
Guwahati - 1

ii) Copy of GM/CON/MLG's
L/No.E/235/CON/CL-Retrenched
dtd. 21.12.2000

iii) Copy of my previous representation dated 9.8.2005

IV COPY OF CPI/GHY's L/No. WG/GHY
Copy to:- dt. 8/8/2002.

The GM/CON/MLG, N.F.Rly. for kind information and action.



- 23 -

Annexe No- 8

To:

The DRM(P) L.M.G.,
N.F. Railway.

Guwahati the dated-30th
day of Sept., 2005

Sub:-

Absorption in Grade 'D' category on the basis
of verification of service particulars.

Ref:-

(i) GM(P) MLG's Letter No. REC/T- 890,

No. E/57/0(c) pt. -XII dtd. 31-5-99.

(ii) Your letter No. E/283/1/C/pt.-I, dtd. 20-12-01.

Respected sir,

In reference to letter No. quoted above, I have
been making several personal and written representations
regarding the matter of absorption in Grade 'D' category,
as my service particulars have been verified by the CPI/
Ghy. Sri A.P. Sharma Sharma by th his letter No. BG/Ghy.
dt. 8-8-2002 as per your letter No. quoted above in Sl.
No. (ii) . After submission of verification report, a long
span of time has been passed, during the xxxxxxxxx
but nothing is done regarding my service till date. During
these three (3) years I have been in regular touch with the
concerned Railway authorities, but accept verbal assurances
nothings has been done in this regard.

In this connection, I requested you on (a)
dt. 9-8-2005 and (b) dt. 29-8-2005 to consider the matter of
my service sympathetically. I once again request you to
consider the matter of my service, otherwise there will be no
alternative to me and I shall be compelled to take legal
help.

Thanking you.

Yours faithfully,

Raj Kumar Sharma

(RAJ KUMAR SHARMA)

EX. CASUAL H/MAN. UNDER

SI/BG/CON/ CIV.

Enclosures:-

Copy of Previous letters

(i) dt. 9-8-2005.

(ii) dt. 29-8-2005.

Copy to :-

GM/CON/MLG. N.F. RAILWAY,
for kind information and
necessary action.

Mailing Address :-

C/O PANDEY BOOK STALL,

A.T. ROAD : TOKOBARI:

GUWAHATI - 781001.



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Q

तारीख Date of application for the copy.	संलग्न सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	दिनांक सूचित करने की तिथि Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	तारीख Date of making over the copy to the applicant.
20/01/06	20/01/06	20/01/06	26/01/	26/01/06

IN THE GAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

W. P(C)

No. 8593 of 2005

Appellant

Petitioner

Sri Raj Kr. Sharma

Respondent

Opposite Party

Versus

Union of India

N.V. S.J. Sharma,

Miss Kalpana Deka,

Appellant
For
PetitionerRespondent
For
Opposite Party

S.C. & F. Railway

certified to be true copy
S.

J. B. S.

applied to the respondent

as per affidavit

In the matter of:

Sri Raj Kumar Sarma

S/o. Iswar Sarma

R/o. Tokobari, Guwahati

C/o. Pandey Book Stall

A.T. Road, Tokobari, Guwahati -1

VS

y. Union of India

Represented by the Ministry of
Railways, New Delhi.

2. The General Manager (CON).

MLG, N.F. Railway Maligaon,
Guwahati

(3)

32

3. Divisional Railway Manager (P)

Lumding Division, N.E. Railway.

Lumding.

26

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) No. 8593 of 2005

BEFORE
THE HON'BLE MR. JUSTICE I A ANSARI.

09-01-2006

Heard Mr. SJ Sharma, learned counsel for the petitioner, and Mr. S Sarma, learned standing counsel, NF Railway, appearing on behalf of the respondent Nos. 2 and 3.

Raising a preliminary objection to the maintainability of the writ petition, Mr. S Sarma, learned counsel for the respondents submits that the present writ petition is not maintainable, inasmuch as the subject-matter of this writ petition falls within the jurisdiction of Central Administrative Tribunal, in terms of Section 14 of the Administrative Tribunal Act, 1985 and the petitioner's grievance, if genuine and sustainable, can be looked into, examined and decided by the Central Administrative Tribunal.

In view of the above, Mr. SJ Sharma, learned counsel for the petitioner, seeks to withdraw this writ petition without prejudice to the petitioner's right and with liberty to approach this Court with appropriate application, in future, if so advised.

Considering the matter in its entirety and in the interest of justice, this writ petition is disposed of with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised.

Sd/- I A. Ansari

Judge

P/No:- 46834

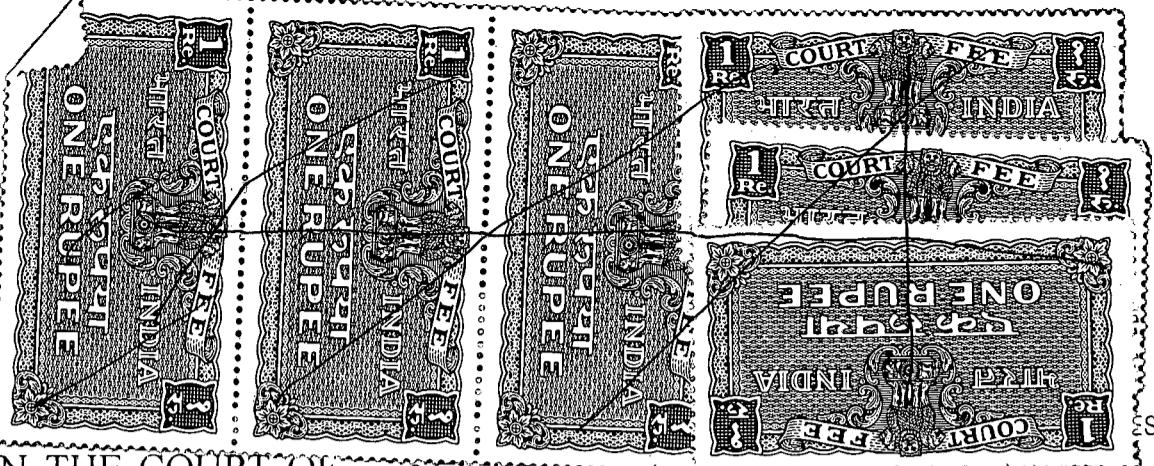
dt-d 20/01/06

CERTIFIED TO BE TRUE COPY	
Date 20/01/06	
Superintendent (Copying Section)	
Gauhati High Court	
Authorised U/S 76 Act 1 1872	

AS
24/1/106

District

(THE H)



IN THE COURT OF Central Administration Tribunal

AT GUWAHATI

No,

SH 99 of 200 6

Sri Raj Kumar Sharma

- Appellant

Plaintiff / Petitioner
Complainant / Appellant

--VERSUS--

Union of India and Anr

Defendant / Opp. Party
Accused / Respondent

Know all men by these presents that the above named

Applicant

do hereby nominate constitute and appoint

Shri L. P. Sharma, S. Chakrabarty Advocate and such of the undermentioned Advocates as shall accept this Vakalatnam to be my/our true lawful Advocate/Advocates to appear and act for me/us in the matter noted above and in all miscellaneous and interlocutory matters in connection therewith including review and execution of decree or order if any and to effect compromise and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and on my/our behalf and I/ We agree to ratify and confirm all acts so done by the said Advocate/Advocates as mine/ours to all intents and purposes. In case of 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 3rd day of April 200 6

ADVOCATES

Bishnu Kinkar Goswami
Abdul Muhib Mazumdar
Anil Kumar Bhattacharya
P. C. Deka
Jatindra Mohan Choudhury
Nirmalendu Chakravorty
Lalit Mohan Kshetry
Shyam Sunder Sharma
G. K. Joshi
Hari Kanta Deka
C. K. Sarma Baruah
Atul Chandra Sharma
Nilamoni Goswami
R. L. Yadav
Ramesh Kumar Jain
S. P. Roy

Binod Kumar Jain
Jagdish Sharma
M. K. Jain
Satyajit Sharma
M. K. Choudhury
Rupjyoti Bordoloi
Satyen Sarma
Imdad Rashul
Rajeshwar Singh
Akhtar Parvez
Kanhay Gupta
Noushad Alam
R.P.N. Singh
Shivnath Roy
Sanjoy Sarma
Kush Ram Bora

Sr. Advocate
leads me in this case

Advocate

Received from the executant, verified and accepted.

*L. P. Sharma
Advocate
Santosh Chakrabarty*