

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A./T.A No. 191/2007

R.A/C.P No.

E.P/M.A No. 137/2007

1. Orders Sheet.....OA.....Pg. 1.....to. 8
2. Judgment/Order dtd. 19.11.2009.....Pg. 1.....to. 7 discontinued  
MP 137/07 order page 1 to 4
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....196/2007.....Pg. 1.....to. 58
5. E.P/M.P. 137/2007.....Pg. 1.....to. 4
6. R.A/C.P.....Pg.....to
7. W.S.....Pg. 1.....to. 58 6  
and w/s page 1 to 45
8. Rejoinder.....Pg. 1.....to. 5
9. Reply.....Pg.....to
10. Any other Papers.....Pg.....to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Kalita  
05/10/17

**CENTRAL ADMINISTRATIVE  
TRIBUNAL CHUNAWATI BENCH  
ORDERS SHEET**

1. Original Application No. 191/07

2. Misc Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(S) Tapan K. Das vs Union of India & Ors

Advocate for the Applicant(S) Ms. K. Bhattacharya, B. Chakrabarty  
Bikram Chandling

Advocate for the Respondent(S) K. A. Prasad  
Railways Advocate

Notes of the Registry	Date	Order of the Tribunal
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This application is in form  
is filed/C. F. for Rs. 50/-  
deposited vide IPO/BB  
No. 849 654924  
Dated 10-7-07

Registrar

*Petitioners copy  
for issue of notices  
are received.*

There are 12 applicants. The applicants are serving in different Group C posts under Lunding Division. According to the applicants they are eligible for promotion to the post of Goods Guard which is also a Group 'C' post having a higher pay scale. On 5.4.2006 Notification was issued for filling up 20 vacancies of Goods Guard for 60% departmental promotion quota. Options were called from eligible candidates. On 19.6.06 a Notification was issued by the Respondents publishing the list of incumbents alongwith the applicants found eligible to appear in the selection process of Goods Guards. After completion of the written test in the select list the names of the applicants were also included. Thereafter medical examination was held and these applicants were directed to go undergo Guard ship Training Course for 43 days, commencing from 6.11.06. The Respondents have issued a letter dated 15.11.06 stating that the panel of 20 for promotion to the posts of Goods Guard against the 60% D.P. quota which was published on 04.09.2006 is hereby treated as

13.7.07.

2-

cancelled. On 7.12.06, the respondents has issued Notification for fresh selection process for Goods Guards for which the applicants were earlier selected. The applicants alongwith the others has approached this Tribunal by filing O.A.No.311 of 2006 which was disposed of on 20.12.2006 directing the respondents No.2 to consider and dispose of the representation of the applicants. Accordingly, the applicants have submitted the representations. But the applicants have received letter from the Respondent No.4 intimating that the respondent No.2 had rejected their representations dated 1.5.07. The Respondents also issued Notification by which option were invited for 22 posts of Goods Guard which were earlier advertised by notification dated 7.12.06 (Annexure-VII). Being aggrieved the applicant has filed this O.A. seeking the following reliefs.

Notice & order sent to D/Section for issuing to R-1 to 4 by regd. A/D post.

10/7/07. D/No - 784 to 787.  
D/- 1/8/07

I have heard Mr. B. Chakraborty, learned counsel appearing for the applicants and Dr. J.L. Sarkar learned Railway counsel for the Respondents.

Notice duly served on R-2, 3, 4. Considering the facts and circumstances I am of the view that application has to be admitted. Application is admitted. Issue notice on the respondents.

13/8/07 In the meantime by way of interim order I direct the respondents that selection if any as per the Notification dated 26.6.07, shall be subject to the out come of this O.A.

W/s not filed.

Vice-Chairman

W/s not filed.

24.8.07

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 26.9.07.

Vice-Chairman

lm

26.9.2007

Mr.B.Choudhury, learned counsel for the Applicant and Mr.K.K.Biswas, learned counsel for the Railways are present.

Mr.K.K.Biswas seeks time to file reply. Prayer is allowed.

Call this matter on 13.11.2007.

(Khushiram)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

/bb/

13.11.2007.

This matter has come from the Hon'ble High Court of Gauhati, Shillong Bench (Writ Petition (C) 32(SH) of 03, asking this Tribunal to re-examine the rival contentions and to give a clear findings as to whether the Applicants' claim is covered by 1989 Scheme and if so, as to whether, they are entitled to relief claimed by them.

Issue Notice to the Applicants and

13.11.2007

No Written Statement has been filed by the Respondents in this case.

Call this matter on 14.12.2007 awaiting reply from the Respondents.

(M.R.Mohanty)  
Vice-Chairman

Lm

Notice duly served on R-1.

27/9/07.

W/s not filed.

27/12.11.07.

W/s not filed.

13.12.07.



- 4 -  
O.A. 191/2007

14.12.07 In this case written statement has filed today in Court after serving a copy on the counsel for the Applicant. Learned counsel for the Applicant seeks some time to file rejoinder. He may do so by 04.01.2008.

Call this matter on 04.01.2008 awaiting rejoinder from the Applicant.

17.12.07

W/s submitted by the Respondents. Copy not served.

*[Signature]*

*[Signature]*  
(G. Ray)  
Member(A)

*[Signature]*  
(M. R. Mohanty)  
Vice-Chairman

pg

Rejoinder not filed.

04.01.2008

In this case written statement and rejoinder has already been filed. Mr. K.K. Biswas learned Railway counsel appearing for the Respondents who is in receipt of copy of the rejoinder, seeks sometime to take instructions from the Railways.

Call this matter on 4<sup>th</sup> February, 2008 awaiting reply on the rejoinder.

16.1.08

Rejoinder filed by Applicant. Copy served.

*[Signature]*

*[Signature]*  
(Khushiram)  
Member(A)

*[Signature]*  
(M. R. Mohanty)  
Vice-Chairman

W/s and rejoinder filed by the parties.

04.02.2008

In this case reply and rejoinder have already been filed. Despite opportunity, the Respondents have not been able to file any written reply to the rejoinder.

In the aforesaid premises, this case is otherwise ready for hearing and to be called up on 14.03.2008 for hearing.

(Khushiram)  
Member (A)

(M. R. Mohanty)  
Vice-Chairman

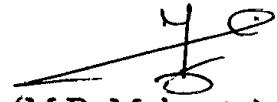
/bb/

O.A.191/07

14.03.2008

Mr K.K. Biswas, learned Counsel appearing for the Respondents/Railways has brought the answer scripts in sealed cover.

Call this Division Bench matter on 5.05.2008, when Mr K.K. Biswas shall produce the answer scripts.

  
(M.R. Mohanty)  
Vice-Chairman

nkm


05.05.2008

This matter stands adjourned to 29.05.2008 for hearing.

  
(Khushiram)  
Member (A)

/bb/

The case is ready for hearing.

  
24.07.08.

29.05.2008

None for the Applicant. Mr.K.K.Biswas, learned counsel appearing for the Railways are present.

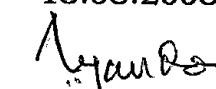
Call this matter on 07.07.2008.


  
(Khushiram)  
Member(A)

Lm


07.07.08

On the prayer of the counsel for the Applicant, made in presence of counsel for the Respondents, call this matter on 18.08.2008 for hearing.

  
( R.C.Panda )  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

The case is ready for hearing,

  
27.8.08.

07.19/07

28.08.2008

Heard Mr. B. Chakrabarty, learned Counsel appearing for the Applicant, and Mr K.K. Biswas, learned Counsel for the Respondents/Railways, in part.

Call this matter on 01.10.2008 for further hearing.

30.9.08

W/s filed by  
the Respondents.  
Indertaking given  
for service copy.

nk m

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

01.10.2008

On behalf of the Advocate for the Applicant, Mr. Paresh Das, Advocate, seeks an adjournment of the hearing of this case. Mr.K.K.Biswas, learned counsel for the Railways, has served a copy of the written argument on Mr.Paresh Das in court. Mr. Paresh Das undertakes to supply the copy, he has received in court today, to the Advocate for the Applicant.

On the prayer of Mr. Paresh Das the hearing of this case stands adjourned to be taken up on 02.12.2008.

(S.N.Shukla)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

The case is ready  
for hearing /bb/

02.12.2008

Call this matter on 02.02.2009 for hearing.

1.12.08

(S.N. Shukla)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing. nk m

22.09 Bench is not available  
List on 20.3.09

13.3.09

O.A.191/2007

20.03.2009

None for the Applicant. Mr.K.K.Biswas for the Respondents.

Adjourned to be taken up on 04.05.2009 for hearing.

~~h/s~~

The case is ready for hearing.

  
(A.K. Gaur)  
Member (J)

22  
01.05.09

/bb/

04.05.2009

Call this matter on 18.06.2009 for hearing.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

The case is ready for hearing.

18.06.2009

Call this matter for hearing on 18<sup>th</sup> August 2009.

23  
17.8.09

  
(M.R. Mohanty)  
Vice-Chairman

/lm/


17.8.09

Add. Rejoinder/  
Reply has been  
filed by the Applicant,  
through their Adv.  
with undertaking  
to serve a copy  
to the Rly. Advocate.

18.08.2009

On the prayer of learned counsel for both the parties, call this matter on 12.10.2009 for hearing.

  
(M.K. Chaturvedi)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/bb/


~~h/s~~  
17/8/09

The case is ready for hearing.

24  
9.10.09.

12.10.2009 On the prayer learned counsel for the Applicant, call on 10.11.2009.

  
(M.K. Chaturvedi)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/lm/

The case is ready for hearing.

25  
9.11.09.

2A No 191/2007

10.11.2009

Heard Mr B. Chakraborty, learned  
counsel for the applicant and Mr K.K.  
Biswas, learned Standing Counsel for the  
Railways. Hearing concluded. Orders  
reserved.

Respondents have produced original  
records, which have been taken for  
consideration.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

hkm

Accd: One copy  
of the Judgment  
order dt: 19-11-09  
Recd: 24-11-09  
By: Advocate

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

.....

O.A. Nos. 191 of 2007

DATE OF DECISION: 19 -11-2009.

Sri Tapan Kumar Dey

.....Applicant/s

Mr. B. Chakraborty

.....Advocates for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr K.K.Biswas, Railway counsel.

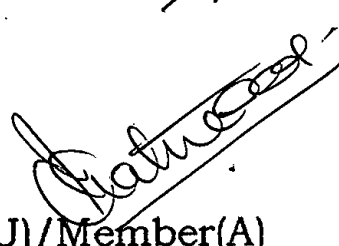
.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)

THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

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~~

  
Member (J)/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

O.A. Nos.191 of 2007

DATE OF DECISION : THIS IS THE 19TH DAY OF NOVEMBER, 2009.

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)  
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Sri Tapan Kumar Dey  
S/o Late Har Kumar Dey  
Senior Train Clerk  
Lumding, Dist - Nowgaon.
2. Sri Surajit Raha  
S/o Late Aswani Raha  
Point Man, Lumding  
Dist - Nowgaon.
3. Sri Natu Kumar Mali  
S/o Late Nagendra Ch. Mali  
Cabin Man - II  
Panchagram, Dist- Karimganj.
4. Sri Bijoy Kumar Ghose  
S/o Late Baroda Kanta Ghose  
Reliver Point Man (A)  
Lumding, Dist - Nowgaon.
5. Sri Patul Chandra Das  
S/o Late Dharmeswar Das  
Rest Giver Point Man (A)  
Jamguri, Dist- Sibsagar.
6. Sri Pranab Chandra Dey  
S/o Dhirendra Ch. Dey  
Point Man (A)  
Dhalpukhuri, Dist - Nowgaon.
7. Sri Chandra Kanta Saikia  
S/o - Somnath Saikia  
Reliver Point Man (A)  
Lumding, Dist - Nowgaon.
8. Sri Dilip Roy Choudhury  
S/o Santosh Roy Choudhury  
Reliver Point Man (A)  
Lumding, Dist - Nowgaon.
9. Sri Ajoy Kumar Majumdar  
S/o Late Sudhangshu Kumar Mazumdar  
Point Man (A), Lumding, Dist - Nowgaon.

10. Sri Rakesh Chandra Dey  
S/o Late Rakhal Ch. Dey  
Point Man (A), Lumding, Dist.- Nowgaon.
11. Ranjit Kumar Dutta  
S/o M.L. Dutta  
Reliever Cabin Man - II  
Badarpur, Dist - Karimganj.
12. Sri Nripen Sonowal  
S/o Late Jogen Sonowal  
Reliever Point Man (A)  
Lumding, Dist - Nowgaon.

...Applicants

By Advocate : Mr. B. Chakraborty.

-Versus-

1. Union of India  
Represented by the Secretary to the  
Government of India, Ministry of Railway  
New Delhi.
2. General Manager  
N.F. Railway, Maligaon  
Guwahati - 11.
3. Divisional Railway Manager  
N.F. Railway, Lumding  
Nagaon.
4. Divisional Railway Manager (P)  
N.F. Railway, Lumding  
Nagaon.

...Respondents

By Advocate : Mr. K.K. Biswas, Railway Advocate.

ORDERMR M. K. CHATURVEDI, MEMBER (A)

The applicants by this O.A assails the cancellation of selection process for the post of Goods Guards.

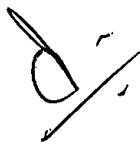
2. All the applicants were serving in different Group C posts under Lumding Division of N.F.Railway. The post of Goods Guard was also a Group C post which was to be filled up 60% from departmental



promotion quota and 40% by direct recruitment. The feeder posts to 60% departmental quota to the post of Goods Guard includes, Senior Trains Clerk, Trains Clerk, Senior Commercial Clerk, Commercial Clerk, Cabin Man-I, Cabin Man-II and Point Man-A.

3. DRM, N.F.Railway Lumding, Respondent No.4 issued notification under memo No.E/39-9/P VIII(T) dated 5.4.06 for selection of 20 Goods Guard under the departmental promotion quota by taking option from the eligible/interested incumbents from the feeder post. Pursuant to the said notification applicants opted for the post of Goods Guard. After due scrutinisation, list of incumbents, found eligible to appear in the selection process, was notified. It was made clear that selection process will consist of only written test.

4. The candidates were divided into two groups, namely Group A and B for the purpose of written test. Group A test held on 5.8.06 and Group B test held on 12.8.06. After the completion of test, list of selected candidates was notified, consequent upon approval from ADRM, Lumding on 21.8.06. The selected candidates including the applicants were required to have their medical examination for the purpose of undergoing Guardship Promotional Training Course. Applicants were found fit for the Guardship training. As such vide memo dated 26.10.06, directions were issued to undergo the promotional training course for a period of 43 days commencing from 6.11.06. The candidates were asked to report the Principal, Zonal Railway Training Institute, Alipurduar by 5.11.06. The subordinate in charges were asked to spare the candidates for training. Applicants were spared from their



respective offices to attend the training. All of them joined training centre within the time specified.

5. While undergoing training respondent No.4 issued order No.E/39-9/I Pt.IV VIII (T) dated 15.11.06 whereby select list/panel of the applicants dated 4.9.06 was treated as cancelled. The Principal of Zonal Railway Training Institute was directed to send back the applicants and other selected candidates. Shri Manoranjan Biswas and Bhanu Ghosh having failed to qualify in the selection test made complaint before the authorities. On the basis of their complaint enquiry was conducted and on the basis of the enquiry respondent No.4 has cancelled the entire selection list.

6. The applicant approached the Tribunal challenging the action of the authorities in issuing order dated 15.11.2006 and notification dated 7.12.2006. The Tribunal after hearing of the concerned parties directed the applicant to make comprehensive representation before the General Manager within 15 days for consideration within the time frame of 3 months thereafter. Applicants also made a prayer to the General Manager for personal hearing. Thereafter applicants received letter dated 1.5.07 issued from the office of respondent No.4 intimating that respondent No.2 has considered their representations and rejected the same by upholding the decision of the authorities, in canceling the entire process of selection for the promotional post of Goods Guards.

7. It transpired from the enquiry that there were several complaints and a thorough enquiry was carried out into the conduct of

the same by the vigilance department of N.F.Railway and it has been clearly established that there were major irregularities in the evaluation of answer scripts. The irregularities were of such a nature that it was not possible to rectify the panel simply by deleting or adding one or two names and issuance of show cause notice was also not possible. The only way out was to cancel the entire selection. Thereafter notification dated 26.1.07 was issued by which options were invited for 22 posts fixing last date of making options on 16.7.07.

8. Learned counsel for the applicants vehemently objected the cancellation of selection process. It was alleged that applicants were duly selected for Goods Guards and it was not justified to cancel the selection process. The selection process was cancelled without assigning any plausible reason and without giving any chance to the applicants for personal hearing. Mala fide was alleged against the action of the respondents. It was prayed that the respondents be directed to maintain the select list dated 4.9.06 and appoint the applicants as Good Guard after due completion of the training.

9. Mr. K.K.Biswas, learned counsel appearing for the respondents vehemently opposed the contention raised by the applicants. It was stated that vigilance enquiry was conducted against the alleged irregularities which were found to be proved. The answer scripts were not properly evaluated. Out of the 20 answer scripts evaluation had not been done properly in respect of 17 answer scripts. It was done in a most irregular, callous & casual way. Patently wrong answers of the objective questions were marked as correct. Some

answer in the objective portion which were marked as correct in the case of some candidates have been marked as incorrect in the cases of other candidates. The marks initially awarded, both for individual questions and for the total have in several cases been tampered with by evaluator with the obvious intention of favouring candidates who could not attain qualifying marks initially. Such tampering was noted in the case of candidates whose marks were on the borderline i.e. marks marginally short of qualifying the test. The tampering were in both ways i.e. overwriting on earlier marks awarded as also by crossing out the earlier marks and awarding fresh marks. There was no signature of the evaluator endorsing the correction of the marks. When all these details were came to the notice of concerned authorities the matter was examined with due care and occurrence of irregularities were confirmed. On that basis cancellation of the panel was suggested. DRM being the competent authority ordered accordingly. It was pointed out that neither the vigilance had taken the process of evaluation nor took any decision for cancellation of the panel. They had only pointed out their honest opinion as to the irregularities. These irregularities were examined by the Divisional Personnel Officer in charge. The report submitted by vigilance was found to be correct. Learned counsel for the respondents strongly relied on the decision of Hon'ble Supreme Court rendered in the case of Union of India & Ors. vs. O. Chakradhar, (2002) 3 SCC 146.

10. We have heard the rival submissions and perused the materials placed before us in the light of of the precedents relied upon.



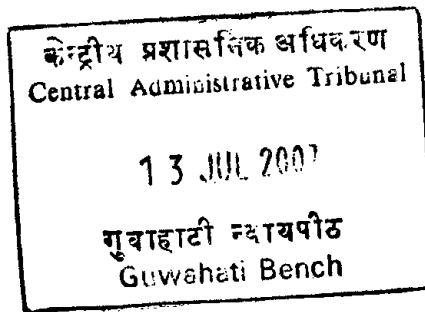
It transpired from the perusal of records that selection process was riddled with many irregularities. On examination of the answer scripts we find that the irregularities pointed out in the aforesaid paras were quite palpable. It is abundantly clear that vigilance recommended the cancellation of the selection process in view of the aforesaid irregularities and after verifying the factual details concerned authorities cancelled the selection process.

11. In the case of Union of India and Ors. vs. O.Chakradhar (supra) Hon'ble Superme Court had held that "if the mischief played is so widespread and all pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show cause notices to each selectee. The only way out would be to cancel the whole selection."

12. In the facts of the present case, we find that it was difficult to weed out the beneficiaries or irregularities or illegalities. The mischief played was widespread and all pervasive. It was not possible to pick out the persons who were unlawfully benefited or wrongfully deprived of their selection. Having regard to the facts discussed above and respectfully following the precedent, we do not find any infirmity in canceling the selection process. In the result O.A stands dismissed. No costs. In view of the dismissal of O.A M.P also stands disposed of.

  
(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER

  
(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER



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

O. A. NO. 191 / 2007.

Tapan Kr Dey & Others.

..... Applicants.

- Versus -

Union of India and others.

..... Respondents

I N D E X

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
1.	List of Dates	----- (i) - (ii)
2.	Original Application	----- 01 - 16
3.	Verifiation	----- 17
4.	Annexure - I	----- 18 - 19
5.	Annexure - II	----- 20 - 23
6.	Annexure - III	----- 24 - 27
7.	Annexure - IV	----- 28
8.	Annexure - V	----- 29 - 30
9.	Annexure - VI	----- 31 - 32
10.	Annexure - VII	----- 33
11.	Annexure - VIII	----- 34 - 35
12.	Annexure - IX	----- 36 - 40
13.	Annexure - X	----- 41 - 54
14.	Annexure - XI	----- 55 - 56
15.	Annexure - XII	----- 57 - 58

Filed by :  
*Bikram Choudhury*  
Advocate

22

(1)

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

O. A. NO. 191 /2007.

Tapan Kr. Dey & others

..... Applicants.

- Versus -

The Union of India & Others.

..... Respondents

LIST OF DATES

The applicants are serving in different Group-C posts under Lumding Division and they are eligible for promotion to the post of Goods Guard which is also a Group-C post having a higher pay-scale.

- 5.4.06 : Notification was issued for filling up 20 vacancies of Goods Guard for 60% departmental promotion quota. Options were called from eligible candidates.  
Annexure - I, at page No. 18
- 19.6.06 : Notification publishing the list of incumbents along with the applicants, found eligible to appear in the selection process of Goods Guard.  
Annexure - II, at page No. 20
- 20.7.06 : Schedule for the written test was published. Candidates were divided into two groups.  
Annexure - III, at page No. 24
- 4.9.06 : After completion of the written test a select list was published, wherein the names of the applicants were also included.  
Annexure- IV, at page No. 28

After selection, the applicants were required to have medical examination for the purpose of

*Contd....*

(ii)

undergoing Guardship promotional training course.

Annexure- V, at page No.29

26.10.06 : Applicants were found medically fit and they were directed to undergo Guardship Training Course for 43 days, commencing from 6.11.06.

Annexure- VI, at page No. 31

15.11.06 : Select List dated 4.9.06 was cancelled without any reason.

Annexure- VII, at page No.33

7.12.06 : Notification issued initiating fresh selection process for Goods Guard post for which the applicants were earlier selected.

Annexure- VIII, at page No.34

20.12.06 : Order by this Hon'ble Tribunal directing the applicants alongwith others in O.A 311 of 2006 to submit a comprehensive representation before the respondent No. 2 ventilating their grievances and the Respondent No. 2 shall dispose of the same within three months.

Annexure - IX, at page No. 36

5.1.07 : The applicants alongwith others submitted the representation as directed by this Hon'ble Tribunal before the Respondent No. 2 through proper channel.

Annexure - X, at page No. 41

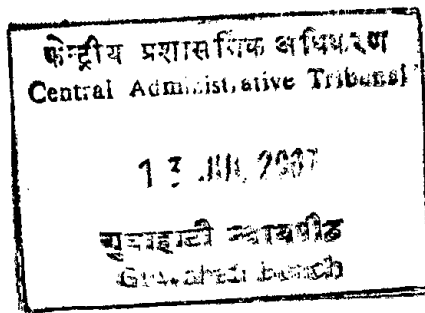
1.5.07 : Received letter from the Respondent No. 4 intimating that the respondent No. 2 had rejected their representation dated 1.5.07.

Annexure - XI, at page No. 55

26.6.07 : Notification issued by which options were invited for 22 posts of Goods Guard which were earlier advertised by notification dated 7.12.06 (Annexure - VIII) and the last date of application is 16.7.07.

Annexure - XII, at page No. 57





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

(An Application under section 19 of the Administrative Tribunal  
Act., 1985)

O. A. NO. 191 /2007.

1. Sri Tapan Kumar Dey  
S/o Late Har Kumar Dey  
Senior Train Clerk  
Lumding  
Dist.- Nowgaon.

2. Sri Surajit Raha  
S/o Late Aswani Raha  
Point Man  
Lumding  
Dist.- Nowgaon.

3. Sri Natu Kumar Mali  
S/o Late Nagendra Ch. Mali  
Cabin Man- II  
Panchagram  
Dist.- Karimganj.

4. Sri Bijoy Kumar Ghose  
S/o Late Baroda Kanta Ghose  
Reliver Point Man (A)  
Lumding  
Dist.- Nowgaon.

5. Sri Putul Chandra Das  
S/o Late Dharmeswar Das

Contd....

29  
Sri Chandra Kanta Sikia.  
Filed by the applicants -  
through Bikram Choudhary  
Adv.  
13.7.07.

-2-

Rest Giver Point Man (A), Jamguri.Dist.-  
Sibsagar.

6. Sri Pranab Chandra Dey  
S/o Dhirendra Ch. Dey  
Point Man (A)  
Dhalpukhuri.Dist.- Nowgaon.

7. Sri Chandra Kanta Saikia  
S/o- Somnath Saikia  
Reliver Point Man (A)  
Lumding,Dist.- Nowgaon.

8. Sri Dilip Roy Choudhury  
S/o Santosh Roy Choudhury  
Reliver Point Man (A),  
Lumding,Dist.- Nowgaon.

9. Sri Ajoy Kumar Majumdar  
S/o Late Sudhangshu Kumar Mazumdar  
Point Man (A), LumdingDist.- Nowgaon.

10. Sri Rakesh Chandra Dey  
S/o Late Rakhal Ch. Dey  
Point Man (A),Lumding,Dist.- Nowgaon.

11.Ranjit Kumar Dutta,  
S/o M.L.Dutta,  
Reliever Cabin Man-II,Badarpur,  
Dist: Karimganj

12 Sri Nripen Sonowal ,  
S/o Late Jogen Sonowal,  
Reliever Point Man( A),Lumding,  
Dist: Nowgaon.

..... Applicants.

Contd....

12

SKA

- Versus -

1. Union of India

Represented by the Secretary to the  
Government of India Ministry of  
Railway, New Delhi.

2. General Manager

N.F. Railway, maligaon,  
Guwahati- 11

3. Divisional Railway Manager

N.R. Railway, Lumding  
Nagaon.

4. Divisional Railway Manager (P)

N.F. Railway, Lumding

..... Respondents.

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

- (i) Order No. E/39-9/1 Pt. VIII (T) dated 15.11.06 issued by the Respondent No. 4, cancelling the panel for the promotional post of Goods Guard containing the names of the applicants after being duly selected.

Annexure- VII, Page No. 33

- (ii) Letter No. E/39-9/1 P. VIII (T)/Losse dt:1.5.07 issued by the Respondent No. 4 informing the applicants individually that the Respondent No. 2 had rejected the joint representation submitted by them pursuant to the direction of this Hon'ble Tribunal in O.A 311 of 2006.

Annexure - XI, Page No. 55

Contd....

*(Signature)*

(iii) Notification issued under memo no E/39-9/1 Pt.VIII(T)Loose dt:26.6.07 issued by the Respondent no 4 initiating proceeding to hold the selection afresh for the posts of Goods Guard for which the applicants have been duly selected and undergone training thereafter.

2. **JURISDICTION OF THE TRIBUNAL :**

The applicants declares that the subject matter of the orders against which they wants redressal is within the jurisdiction of this Tribunal.

3. **LIMITATION :**

The applicants further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunal Act., 1985.

4. **FACTS OF THE CASE :**

1. That the applicants are citizens of India and are permanent residents of aforesaid locality and are entitled to the rights and privileges guaranteed under the Constitution of India.
2. That the applicants are all serving in different Group C post under Lumding Division of N.F. Railway. The present post in which the applicants are serving and their respective place of posting are mentioned above and having a common grievance they are approaching this Hon'ble Tribunals jointly as per Rule 4 of C.A.T (Procedure) Rules, 1987.
3. That the post of Goods Guard is also a Group C posts which are filled up as 60% from the departmental promotion quota and 40% by direct recruitment. The scale of pay of Goods Guard is Rs. 4500/- 7000/-.
4. That the feeder posts to 60% departmental quota to the post of Goods Guard are as follows.
  - (a) Senior Trains Clerk,

Contd....

*Bia*

- (b) Trains Clerk,
- (c) Senior Commercial Clerk,
- (d) Commercial Clerk,
- (e) Cabin Man- I,
- (f) Cabin Man-II and
- (g) Point Man -A.

5. That the Respondent No. 4 issued notification under memo No. E/39-9/P VIII (T) dated 5.4.06 to hold a selection for filling up 20 vacancies of Goods Guard of departmental promotion quota by taking options from the eligible/interested incumbents from the feeder posts mentioned above. Eligible/Interested candidates were asked to submit their options within the cut off date of 30.4.06.

Copy of the notification dated 5.4.06 is annexed herewith and marked as ANNEXURE- I.

6. That pursuant to the notification dated 5.4.06 the applicants, alongwith many other eligible candidates, made their applications giving options for the post of Goods Guards. The Respondent No. 4 after due scrutinization issued notification under memo No. E/39-9/1/P-VIII (T) dated 19.6.06 giving a list of incumbents found eligible to appear for the selection process, the list so notified contained the names of the applicants. It was mentioned in the notification that the selection process will consist of only written test on General English, General Knowledge, Safety Awareness, General Train Working Emphasis in Guard job and Rajbhasha. It was further provided in the notification that pre-selection coaching was to be imparted for the reserved candidates.

Copy of the notification dated 19.6.06 is annexed herewith and marked as ANNEXURE-II.

Contd....

*Chandra*

7. That thereafter by letter No. E/39-9/1-Pt VIII (T) dated 20.7.06 issued by the Respondent No. 4 to the concerned officers published the schedule for the written test. The candidates were divided into two groups mainly Group-A and Group -B for the purpose of written test and it was provided that for Group-A the test would be held on 5.8.06 and Group-B the test would be held on 12.8.06 at the respective schedule and venue mentioned in the letter. The name of the applicants were there in the list.

Copy of the letter dated 20.7.06 is annexed herewith and marked as ANNEXURE-III.

8. That thereafter the written test was duly held on the scheduled date and the applicants performed fairly to their expectations and were expecting selection for the post. After completion of the selection test the Respondent No. 4 issued office order dated 4.4.06 whereby a select list for the post of Goods Guard was published after being duly approved by the ADRM, Lumding on 21.8.06. In the list the name of the applicants No. 1 to 22 figured at serial nos. 2, 9, <sup>12</sup>13, 15, 16, 17, 18, 19, ~~and~~ 20, <sup>11</sup>and 14

Copy of the order dated 4.9.06 notifying the select list is annexed herewith and marked as ANNEXURE-IV.

9. That after the selection for the post of Goods Guard the selected candidates including the applicants were required to have their medical examination for the purpose of undergoing Guardship Promotional Training Course. Accordingly, the applicants had their medical examination and certificates were submitted before the Respondent No. 4 for further action.

A copy of the letter requisitioning medical examination of some of the applicants is annexed herewith and marked as ANNEXURE-V.

Contd....

10. That all the selected candidates including the applicants had been found fit medically for the Guardship training and by office order issued under memo No. E/39-9/1/Pt. VIII (T) Losse dated 26.10.06 by the Respondent No. 4, the applicants were directed to undergo the Guardship Promotional Training Course for a period of 43 days commencing from 6.11.06. The candidates were asked to report to Principal, Zonal Railway Training Institute, Alipurduar by 5.11.06. Accordingly, the subordinate in-charges were asked to spare the selected candidates for training.

A Copy of the office order dated 26.10.06 is annexed herewith and marked as ANNEXURE-VI.

11. That accordingly the applicants were spared from their respective offices to attend the training at Alipurduar and all of them joined the training centre and were duly undergoing training from 6.11.06.

12. That while undergoing training, to the utter shock and surprise to the applicants the Respondent No. 4 issued order No. E/39-9/1 Pt. VIII (T) dated 15.11.06 whereby the select list/panel of the applicants dated 4.9.06 (Annexure- IV) was treated as cancelled. The Principal of the Zonal Railway Training Institute was also directed to send back the applicants and other selected candidates.

A copy of the order dated 15.11.06 is annexed herewith and marked as ANNEXURE-VII.

13. That the applicants were greatly shocked and surprised when their selection was cancelled, in as much as they were duly selected with strict adherence to the rules and there were no illegalities and infirmities in their selection for the posts of Goods Guards.

Contd....



14. That the applicants have made an enquiry as to the possible cause for taking such drastic action and to their great shock they came to know that two candidates appearing in the selection process namely Sri Manoranjan Biswas and Bhanu Ghosh figuring at serial No. 17 and 44 of Group-B candidate in the list dated 20.7.06 (Annexure- III), having failed to qualify in the selection test, made complain before the authorities and without making any proper enquiry and without having any reasonable cause, Respondent No. 4 has cancelled the entire select list with utmost non-application of mind. The applicants state that the selection has been cancelled only at the interest of some vested interests including candidates who failed to succeed and exercise was based on extraneous consideration. The applicant states that there were no illegalities or irregularities in the process of selection so widespread and all-pervasive so as to cancel, the entire selection. The applicants state that the action of the authorities was malice laden which has caused undue prejudice to the applicants.

15. That after passing the impugned order of cancellation of the panel, the Respondent No. 4 issued notification under memo No. E/9-9/P/VIII (T)/Loose dated 7.12.06 initiating a fresh process to fill up the 22 posts of Goods Guards including those for which the earlier panel containing the name of the applicants were prepared and cancelled. The application were to be submitted by 30.12.06.

A copy of the notification dated 7.12.06 is annexed herewith and marked as ANNEXURE- VIII.

16. That, having no other alternative, the applicants approached this Hon'ble Tribunal by way of an Original Application challenging the action of the authorities in issuing impugned order dated

Contd....

Copy



15.11.06 (Annexure - VII) and notification dated 7.12.06 (Annexure - VIII) and the same was registered and numbered as OA. No. 311/2006.

17. That, on 20.12.06, this Hon'ble Tribunal after hearing all concerned parties disposed of the original application directing the applicants to make comprehensive representation before the Respondent No. 2 (i.e. General Manager) within 15 days for his consideration within a time frame of three months thereafter.

Copy of the order dated 20.12.06 is annexed herewith and marked as ANNEXURE -IX.

18. That thereafter in pursuance to the direction of the Hon'ble Tribunal, the applicants submitted a comprehensive representation ventilating their grievances on the cancellation of the panel for promotional post of Goods Guard through proper channel on 5.1.07.

The applicants state that since by the impugned action and orders their vested rights were affected, while giving representation pursuant to the direction of the Tribunal, they prayed for personal hearing in the matter in which case they would have known the reasons for the decisions and the same would have been fair and transparent.

Copy of the representation dated 5.1.07 is annexed herewith and marked as ANNEXURE - X.

19. That the applicants state that yet again to their shock and surprise they received letter No. E/39-9/IP. VII (T)/LOOSE date 1.5.2007 issued from the office of Respondent No. 4 intimating that the Respondent No. 2 had considered their representation and rejected the same upholding the decision of the authorities in cancelling the entire selection process of the applicants for

Contd....



the promotional post of Goods Guard. Suprisingly the order passed by the Respondent No. 2 was not supplied to the applicants and only the relevant portion of the order was quoted in the above mention impugned letter dated 1.5.2007 which was devoid of minimum requirements.

As quoted, the order pass by General Manager, NF Railway (i.e. Respondent No. 2), the following features were reflected namely (i) that there were several complainants about the examination, (ii) that there was a through enquiry by the Viglience Department of the Railways into the complaint, (iii) that in the enquiry it was clearly established that there were major irrigularities in the evolution in the answer script , (iv) that the irregularities were of such nature that issuance of show cause notice was not possible. That the only way out was the cancellation of the entire selection proccess, (v) that there was no substanse in the allegations made by the applicants that the cancellation was done to serve vested interest and (vi) that since the facts of the case was known to the applicants and there was no dispute about the facts, their was no need to give personal hearing to the applicant.

Copy of the above letter dated 1.5.07 is annexed herewith and marked as ANNEXURE- XI.

20. That the authorities have now issued notification under memo No. E/39-9/1Pt. VIII (T) LOOSE dated 26.6.07 by which options were invited for those 22 posts of Goods Guards which were earlier advertised by notification dated 7.12.06 (Annexure - VIII) and the last date of making application/options has been fixed on 16.7.07.

Copy of the notification dated 26.6.07 is annexed herewith and marked as ANNEXURE- XII.

Contd....



21. That the applicants state that they were duly selected for the posts and were undergoing trainings. However the authorities illegally and arbitrarily cancelled the selection, which action was challenged before the Hon'ble Tribunal in O.A No. 311/06 and this Hon'ble Tribunal disposed of the application with direction to the Respondent No. 2 to consider the representation/appeal to be filed by the applicants and pass appropriate orders. However, the Respondent No. 2 acted illegally and unfairly nad disposing of their appeal through representation in a mechanical manner. The authorities, thereafter, has initiated process to hold the selection process de-novo. The applicants state that while disposing of the representation pursuant to the order passed by this Hon'ble Tribunal, the Respondent No. 2 acted capriciously and rejected the representation in improper manner. The applicants are therefore yet again approaching this Hon'ble Tribunal assailing the aforesaid action of the authorities. The applicants state that a prima facie case has been made out by the applicants and as such this Hon'ble Tribunal may be pleased to pass some interim order protecting the lawful interest of the applicants.

5. **GROUND FOR RELIEF WITH LEGAL PROVISIONS:**

- (i) For that the applicants had been duly selected for the posts of Goods Guards and they are entitled to complete the entire training for being appointed to the posts of Goods Guards and as such the action of the authorities in cancelling the selection on extraneous consideration is wholly unreasonable and as such the impugned order dated 15.11.06 (Annexure- VII) and the notification dated 7.12.06 (Annexure- VIII) are bad in law and liable to be quashed and set aside.
- (ii) For that the action of the authorities in cancelling the entire selection process without assigning any plausible reason is illegal and arbitrary and as such the impugned action and orders are bad in law and liable to be quashed and set aside.

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*Chitra.*

- (iii) For that after being duly selected for the posts, the applicants got a vested right for consideration for being appointed, moreso, when the authorities are going to fill up the posts and as such before setting aside the selection the authorities were duty bound to give a hearing to the applicants which has not being done in the present case. The applicants submit that after being empanelled the cancellation of the selection entails serious consequence and even if there is no stipulation for giving a notice in the rules/regulation, the rules of principle of natural justice demands that the applicants were entitled for a prior notice of the action of the authorities to cancel the select list and had a right to hearing which was not done, for which the impugned actions and the orders are not sustainable in law and liable to be quashed and set aside.
- (iv) For that the process undergone by the applicants for the selection was strictly in accordance with law and there were no such infirmities or illegalities in the process which would have vitiated the entire proceedings and the authorities have cancelled the entire select list arbitrary, whimsically and on extraneous consideration.
- (v) For that the applicants submit that the action of the authorities in cancelling the entire select list and initiating steps for fresh proceedings is affected by extraneous consideration and the same is malafide, illegal and arbitrary and is without authority of law and as such the impugned order and notification are not maintainable in law and the same are liable to be set aside and the applicants are liable for due relief.
- (vi) For that the applicants while filing the representation before Respondent No. 2 as per order of the Hon'ble Tribunal, asked for personal hearing into the matter which could have appraised them of any facts adverse to them and the same would have

Contd....

Office

been fair and transparent and the action of the authorities in rejecting the prayer on the ground that the facts of the case were known to the applicants is wholly not maintainable in as much as the applicants are not aware of any reasons/facts as to why such drastic action was taken. As such the action of the Respondent No. 2 in refusing personal hearing on such ground was wholly illegal and not maintainable in law and as such the impugned orders are bad in law and are liable to be quashed and set aside.

- (vii) For that, it appears from the order dated 1.5.07 (Annexure - XII) passed by Respondent No. 2 that there were several complaints about the examination in which the applicants were selected and the vigilance department inquired into the matter and brought into light major irregularities in the evaluation of answer scripts. The applicants submit that since their vested rights was affected they were entitled for such materials adverse to their interest which were relied upon by the authorities in cancelling their selection. The applicants further submits that the order passed by Respondent No. 2 does not reveal the basic facts on the basis of which the actions were taken and the order is vague and cryptic in nature and as such the impugned order dated 1.5.07 is not maintainable in law and is liable to be set aside.
- (viii) For that the applicants state that while passing the order dated 1.5.07, the Respondent No. 2 has not mentioned as to the nature of irregularities in the evaluation of answer scripts and it was only mentioned vaguely that the issuance of show cause notice was not possible without assigning any reason therefore and as such the order is not maintainable in law and is liable to be set aside.
- (ix) For that the applicants state that before coming to the conclusion of cancelling the entire selection process due to some

*Contd....*

*dit*

irregularities the same has to be justified that the irregularities were substantial, all pervasive and wide spread giving details as to the reason of reaching such finding and that not being there the impugned order is not maintainable in law and is liable to be quashed and set aside.

- (x) For that the applicants state that the Respondent No. 2 while passing the impugned order dated 1.5.07 has failed to give any explicit reasons with necessary facts and details as to the reason for taking such drastic action in cancelling the selection of the applicants on the basis of complaints by the failing candidates and as such the action of the authorities in issuing the order for cancellation of the applicants as well as the order dated 1.5.07 passed by Respondent No. 2 is not maintainable in law and are liable to be set aside.
- (xi) For that in any view of the matter the impugned order and action are bad in law and is liable to be quashed and set aside.

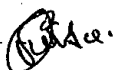
6. **DETAILS OF THE REMEDIES EXHAUSTED:**

That the applicants pursuant to order of this Hon'ble Tribunal dated 20.12.06 in O.A. 311 of 2006 had submitted a representation before the Respondent No. 2 and the same was rejected by him by letter dated 1.5.07 (Annexure - XI) in a very mechanical manner without considering the points raised by the applicants and as such the applicants are once again approaching this Hon'ble Tribunal for due relief.

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

The applicants declare that they have previously filed an application before this Hon'ble Tribunal in regard to the subject of this Original Application (i.e. O.A 311 of 2006) but this

Contd....



Hon'ble Tribunal directed them to file a representation before the Respondent No. 2 but the same was rejected.

8. PRAAYER:

It is, therefore prayed that Your Lordships' may be pleased to admit this application, call for the entire records of the case, ask the Respondents to showcause as to why the impugned order dated 15.11.06 (Annexure- VII), letter dated 1.5.07 (Annexure - XI) and notification dated 26.6.07 (Annexure- XII) shall not be quashed and set aside and as to why a direction shall not be issued to the Respondents to maintain the select list dated 4.9.06 for appointment of the applicants as Goods Guards after due completion of the training that they were undergoing and after perusing the causes shown, if any and hearing the parties quashed and set aside the impugned order dated 15.11.06 (Annexure- VII), letter dated 1.5.07 (Annexure - XI) and notification dated 26.6.07 (Annexure- XII) and direct the Respondents to maintain the select list dated 4.9.06 and appoint the applicants as Goods Guards after due completion of the training and/or pass any other order or orders as Your Lordships may deem fit and proper.

And for this act of kindness the applicants as in duty bound shall ever pray.

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*Chia.*

9. INTERIM ORDER:

It is, further prayed that pending disposal of the application Your Lordships would be pleased to stay the operation of the selection process initiated vide impugned order dated 26.6.07 (Annexure- XII) and/or pass any other order or orders as Your Lordships may deem fit and proper.

10. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:

- (i) I.P.O. No. 34G 654324.
- (ii) Date of issue: 10.7.07.
- (iii) Issued by: G.P.O.

11. LIST OF ENCLOSURES:

As stated in the Index.





### VERIFICATION

I, **SRI CHANDRA KANTA SAIKIA**, son of Somnath Saikia, aged about - 45 Years, presently serving as Reliver Point Man (A), Lumding, in the district of Nowgaon, Assam do hereby state that I am one of the applicants of the accompanying application and I am well conversed with the facts of the case and other applicants have duly authorised me to sign this verification on their behalf also and I verify that the contents of paragraphs 1, 2, 3, 4, 11, 13, 14, 18 and 21 are true to my personal knowledge and those in paragraphs 5, 6, 7, 8, 9, 10, 15, 16, 17, 19 and 20 are believed to be true on legal advice and that I have not suppressed any material fact.

Date: 13-7-07

Place: Gousahati

Sri Chandra Kanta Saikia.

Signature of the applicant.

-18-

ANNEXURE-I

94351  
65788

(1)

Northeast Frontier Railway

Office of the  
Divl. Railway Manager (P)  
N.F. Railway, Lumding.  
Dated 05-04-2006.

**Notification.**

**Sub:- Selection for promotion to the post of Goods Guard in scale Rs.4500-7000/- against 60% D.P. quota.**

It has been decided to hold a selection to fill up 20 vacancies (UR-15, SC-3 & ST-2) of Goods Guard in scale Rs.4500-7000/- against 60% D.P. quota by option from the following prescribed categories as per percentage shown against each :-

Sr.TNC	4000-6000/-	}	28%	= 9
TNC	3050-4590/-			
Sr.CC	4000-6000/-	}	4%	= 2
CC	3200-4900/-			
C.Man/I.	4000-6000/-	}	28%	= 9
C.Man/II	3050-4590/-			
P.Man-A	3050-4590/-			

Options are invited from the eligible candidates only who desire to volunteer for the post of Goods Guard in scale Rs.4500-7000/- and send their application in a bunch as per proforma given below so as to reach this office on or before 30.4.06 positively. Application received after the target date i.e. after 30.4.06 will not be entertained. TNC, Commercial Clerk, C.Man/I & II and P.Man-A who have put in a minimum of 3 years (Three) of service; in the above mentioned grades will be eligible for promotion to the post of Goods Guard in scale Rs.4500-7000/-.

**PROFORMA OF APPLICATION.**

1. Name.
2. Designation and station.
3. Date of birth.
4. Date of appointment.
5. Present pay and scale.
6. Date of promotion to the grade.
7. Whether SC/ST.
8. Educational qualification.

Subordinate in-charges should give wide publication of this notification amongst the eligible staff working under them and send the applications obtained from the willing eligible candidates in a separate cover superscribing "APPLICATION FOR GOODS GUARD" addressed to APO/LLMG on or before 30.4.06 positively.

(N. Mukherjee) 3/4/06  
APO/LLMG  
for Divl. Railway Manager (P)  
N.F. Railway, Lumding

Contd. P/No.2

Attested by  
Shondhury  
Adv.

Divl. Secy /NFREU/LMG.

P/No.2.

No.E/39-9/PVIII(T).

Lumding, dated 05-04-2006.

Copy forwarded for information and n/action to :-

1. Sr.DOM/LMG.
2. DOM/PI/LMG. CAM/GHY.
3. AM/BPB.
4. CYM/NGC.
5. CHCs/LMG, BPB & GHY.
6. RAC(O) & RAC(Comm) at office.
7. RAC/BPB.
8. All SMs/ASMs of LMG Division.
9. TL/LMG, T/E/LMG, TI/W/LMG, TI/WR/LMG, TI/BPB & TI/GHY. They will also collect the applications from the willing eligible candidates working at their sections and send the same to this office within 30.04.06.
10. Divl. Secretary, NFREU/LMG.
11. Convenor, NFRMU/LMG.
12. Divl. Secy., SC/ST Association/LMG.
13. CPIs/LMG, BPB & GHY for wide publication amongst the eligible staff.

*Amulya S/4/06*  
for Divl. Railway Manager  
N.F. Railway, Lumding.

*10/04/06*

E/Type Rec/Traffic/Selection/Selection

*P. S. Choudhury*

M - 08.40 - 34313

## N.F.Railway

Office of the  
Divl. Rly. Manager (P)  
Lumding, Dtd: 17.6.06

## Notification

Sub:- Selection for the post of Goods Guard in scale Rs.4500-7000/-  
Ref:- This Office Notification No. E/39-9/Pt-VIII(T) dtd: 05.4.06.

It has been decided to hold a selection for the post of Goods Guard in scale Rs. 4500-7000/- to form a panel of 20 persons (UR-15, SC-3 & ST-2) against 60% D.P. quota vide this office Notification under reference.

The selection will consist of written test only to assess professionalism of the candidates.

The candidates may answer the question in English or Hindid as they like. No absentee selection will be held under any circumstances as the posts are to be filled up by calling options.

The following candidates who have opted and are eligible to appear in the above mentioned selection are hereby advised to keep themselves in roadiness to appear in the above selection which will be held at short notice.

The names of the eligible optees are arranged below in order of their seniority.

SN	Name	Design. & Stn.	Whether SC/ST
1	Tapan Kr. Roy	Sr.TNC/LMG	
2	Tarunmoy Bose	Sr.TNO/LMG	
3	Pranab Chanda	Sr.TNC/LMG	
4	Tapan Kr.Dey	Sr.TNC/LMG	
5	Adhir Rn.Dey	Sr.TNC/LMG	
6	Debojit Dey	Sr.TNC/LMG	
7	Tapan Chakraborty	Sr.TNC/BPB	
8	Debabrata Bhattacharjee,	Sr.TNC/LMG((CNL)/BPB	
9	Md. Mainul Haque Ali	Jr.TNC/NGC	
10	shri Monmatha Kr.Nath	Sr.CC/KNBR	
11	Debasish Chakraborty	Sr.CC/BGTP/LMG	
12	Prem Chand Toppo	Sr.CC/LMG	ST
13	Pranjal Bordoloi	R/CC/BPB at DMR	ST
14	Udang Raja Goyari	CC/G/DMR	ST
15	Utpal Kr.Dobnath	R-CC/LMG at DMV	
16	Norbert Kujur	RCC/BPB	ST
17	K.S.Tripura.	RCC/BPB	ST
18	Manik Chakraborty	Rg-C/man-II/LMG	
19	Dugdha Mohan Goswami	P/man/A/HBN	
20	Taffil Uddin Ahmed	P/man/A/ AGT	
21	Ram Chandra Mahato	P/man/A/ NGC	
22	Phani Bhusan Das	P/man/A/ BPB	SC
23	Gouri Sankar Bhadra	Rg-C/man-II/LMG	
24	Phanindra Mohan Das	P/man/A/DMR	
25	Guneswar Nath.	P/man/A/NGC	
26	Amulya Kr.Paul	P/man/A/ARCL	
27	Prafullya Ch.Nath	P/man/A/GHY	
28	Toj Narayan Jha	P/man/A/NGC	
29	Har Nath Deka	P/man/A/NGC	
30	P.Kam Raju	P/man/A/NGC	SC

Attended by  
B. S. Choudhury  
Adv.

SN	Name	Design. & Stn.	Whether SC/ST
31	Kamal Ch.Phukan	C/man-II/PDJ	
32	Surajit Raha	P/man/A/LMG	
33	Sunil Khan	P/man/A/HJO	
34	Sankar Debnath	C/man/II/KXJ	
35	T.Pataiya	P/man/A/DSR	SC
36	M.P.Rama Rao	LR-C/man-II/ <del>QPR</del> CME	
37	Swapan Kr.Roy	R/C/man-II/LMG	
38	Kanulal Gope	P/man-A/LKA	
39	Dulal Biswas	R.P.man/A/LMG at BPB	
40	G.B.Chetry	R.P.man/A./LMG	
41	Khagendra Baruah	C/man/II/DJA	
42	Swapan Ch.Das	C/man/II/SQF	
43	Ranjit Dutta	R.C/man-II/BPB	
44	Subodh Ch.Nath	P/man-A/BRGM	
45	Nantu Kr.Mali	C/man-II/PNGM	SC
46	Nabin Ch.Nath	R.P.man-A/LMG	
47	G.C.Das	C/man-II/PNGM	
48	Bijoy Kr.Ghosh	R.P.man-A/LMG	
49	Nripen Sonowal	R.P.man-A/LMG	ST
50	Subodh Ch.Dy	P/man-A/DML	
51	Ajit Kr.Dey	P/man-A/LMG	
52	K.K.Kachari	P/man-A/DSR	ST
53	Putul ch.Das	RG.P/man/A./JMI	SC
54	Pranoy Mohan Dey	LR.Pmnan/A/DMR	
55	Ghai Sing Kabui	LR.Pmnan/A/SCL	ST
56	Dipak Chakraborty	P/man/A/JTG	
57	Nirmal Ch.Das	P/man/A/KHKT	
58	Sraban Singh	P.man/A/KWM	
59	Rupeswar Boro	P.man/A/DSR	ST
60	Navakamal Panegum	R.Pman/A/LMG	ST
61	Bhumidhar Patar	R.C.man-II/LMG	ST
62	Pranab Ch.Dey	P/man/A/DHRY	
63	Prad8ip Das	P/man/A/NGC	SC
64	Monoranjan Biswas	P/man/A/BPB	SC
65	Ranjit Nath	LR.C/m,an-II/SCL	
66	Ranjit Kr.Dey	Rg..C/man-II/SZR	SC
67	Samir Ch.Roy	R/P.man/A/LMG	
68	Kanan Chakraborty	P.man/A/ARCL	
69	Tapan Seal	P.man/A/LMG	
70	Suroj Josowara	P.man/A/BPB	SC
71	Sajdeo Mahato	Rg.P.man/ALMG	
72	Debashish Dey	P.man/A./AGT	
73	Nripen Baishya	P.man/A./NGC	
74	Sitil Kr.Das	P.man/A./BPB	SC
75	Chandra Kanta Saikai	R.P.man/A/LMG	
76	Dilip Roy Chowdhury	P.man/A/LMG	
77	Shyamal Ch.Mali	P.man/A/BPB	SC
78	Subal Ch.Seal	P.man/A/NGC	
79	Subal Mohan Sarkar	R/C/man-II/BPB	
80	Ajoy Kr Majumder	P/man-A/LMG	

SN	Name	Design. & Stn.	Whether SC/ST
81	Swapn Kr.Dutta	P/man-A/BPB	
82	Pradip Ch.Mali	P/man-A/BPB	SC
83	Pradip Dewri	P/man-A/PNO at NGC	ST
84	Dilip Ch.Barman	R.P.man/A/LMG	ST
85	Parimal Ch.Deb	P.man/A/LMG	
86	Upendra Prasad	P.man/A/LMG	
87	Abdul Kuddus	P.man/A/NGC	
88	Majbur Rahaman	P.man/A/NGC	
89	Dilip Roy Chowdhury	P.man/A/NGC	
90	Rakhesh Ch.Dey	P.man/A/LMG	
91	Bhanu Ghosh	LR/P/man-A/BPB	
92	Debashish Dutta	R.P.man/A/LMG	
93	Prabin Ch.Bordoloi	P.man/A/JID	ST
94	Uma Ram Bordoloi	P.man/A/JID	ST

The Syllabus of the written test for the post of Goods Guard in scale Rs. 4500-7000/- as under:-

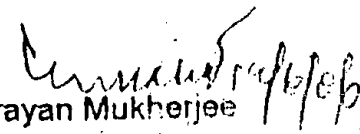
- 1 General English
- 2 General Knowledge
- 3 Safety awareness
- 4 General Train working Emphasis in Guard Job
- 5 Rajbhasha

Subordinate incharges are also advised to spare and direct the staff belonging to SC/ST community appearing at Serial Nos. 12,30,35,49,52,53,59,60,61,66 and 84 to report to Ashok Kr.Basak, TI/M/LMG, serial Nos 13,14,16,17,22,45,55,64,70,74,77 & 82 to report to Shri Ashok Kr.Dey TI/BPB and Serial Nos 63,83,93 & 94 to report to Shri J.C.Sarma CHC/GHY for undergoing pre-selection coaching for a period of 7 (seven) days wef.26.6.06 positively even without relief.

If anybody does not attend the pre-selection coaching, it will be presumed that he is not interested to take this advantage.

Subordinate incharges are also advised to send the last 4 years working report for the year 03,04,05 and 06 of the staff working under them appearing at serial Nos 09 to 94 in separate sealed cover addressed to APO//LMG subscribing on the TOP of the cover "WORKING REPORT FOR GOODS GUARD" immediately.

CS to Sr.DOM/LMG is also advised to send the last 4 yrs. ACRs of the staff appearing at serial No. 1 to 8 for the year 03,04,05 and 06 to CS to DPO/ICLMG immediately.

  
Narayan Mukherjee  
APO//Lumding.  
for Divil.Rly.Manager (P)

-4-

No-E/39-9/1/P-VIII(T) Lumding, Dtd: 19.6.06

Copy forwarded for information and necessary action to:-

- 1) Sr.SM/GHY
- 2) SMs LMG, BPB, DMR, DMV, HBN, AGT, NGC, ARCL, PDJ, HJO, KXJ, DSR, CPK, LKA, DJA, SQF, BRGM, PNGM, DML, JMI, SCL, KHKT, KWM, DHRY, SZR, PNO, JID AND JTG
- 3) CYM NGC
- 4) RAC/BPB
- 5) CHC/BPB & GHY
- 6) RAC(Optg/at GHY office)
- 7) BCIC/KNBR
- 8) RAC/Comml. at Office
- 9) DOM/Plg/LMG and AM/BPB
- 10) Sr.DCM/LMG
- 11) Shri Ashok Kr.Basak, TI/M/LMG
- 12) Shri Ashok Kr.Dey, TI/BPB
- 13) Shri J.C.Sarmah, CHC/ GHY

They have been nominated to impart the pre-selection coaching to the staff belonging to SC/ST community as mentioned above. They should submit the competency certificate as regards pre-selection coaching immediately. On completion of the pre-selection coaching so that the written test can not be held without delay.

- 15) Divil.Secy. NFREU/LMG
- 16) Convenor NFRMU/LMG
- 17) Secy. SC/St and OC Association LMG
- 18) EIV/Gr.I
- 19) CS to Sr.DOM and DPO/IC/LMG
- 20) Staff concerned.

*Narayan Mukherjee*  
Narayan Mukherjee  
APO//Lumding.  
for Divil.Rly.Manager (P)  
N.F.Railway. Lumding.

*19/6/06*

Divi/Secy/NFREU/LMG

(5)

N.F. Railway

Office of the  
Divil.Rly.Manager (P)  
Lumding, Dtd: 20.7.06

No- E/39-9/1-PtVIII(T)

To

- 1) Sr.SM/GHY
- 2) SS's LMG,BPB,NGC, DMR, DMV, HBN, AGT, ARCL, PDJ, HJO, KXJ, DSR, CNE, LKA, DJA, BXP, SQF, BRGM, PNGM, DML, JMI, SCL, KHKT, KWM, DHRY, SZR, PNO, JID, BXP and JTG.
- 3) CYM./NGC (4) RAC/BPB, RAC/(Optg) & (Comm)/LMG at Office.
- 5) CHC/BPB, GHY, LMG (6) BCIC/KNBR

Sub:- Written test of Selection for the post of Goods Guard in scale Rs.4500-7000/-  
Ref:- This Office Notification No. E/39-9/Pt-VIII(T) dtd: 19.6.06.

In reference to the above the written test for selection to the post of goods Guard in scale Rs. 4500-7000/- has been fixed to be held as per following schedule:-

Date of Examination:-

5.8.2006 :- For the staff enlisted Group-"A"

12.8.06 :- For the staff enlisted Group-"B"

Time	Venue
10.00 hrs.	DRM(P)'s office/Lumding.
10.00 hrs.	DRM(P)'s office/Lumding.

Please spare and direct the staff mentioned below at Group-"A" and "B" to appear in the written test of selection for the post of Goods Guard in scale Rs.4500-7000/- fixed to be held on 5.8.06 for Group"A" and 12.8.06 for Group="B" positively even without relief.

**Group-A**

Written test fixed to be held on 5.8.06 from 10.00 hrs. in DRM(P)'s Office/Lumding.

SN	Name	Design. & Stn.	Whether SC/ST
1	Tapan Kr. Roy	Sr.TNC/LMG	
2	Tarunmoy Bose	Sr.TNC/LMG	
3	Pranab Chanda	Sr.TNC/LMG	
4	Tapan Kr.Dey	Sr.TNC/LMG	
5	Adhir Rn.Dey	Sr.TNC/LMG	
6	Debojit Dey	Sr.TNC/LMG	
7	Tapan Chakraborty	Sr.TNC/BPB	
8	Debabrata Bhattacharjee	Sr.TNC/(CNL)/BPB	
9	Md. Mainul Haque Ali	Jr.TNC/NGC	
10	shri Monmatha Kr.Nath	Sr.CC/KNBR	

Attested by  
B. B. B. B.



-2-

SN	Name	Design. & Stn.	Whether SC/ST
11	Debnish Chakraborty	Sr.CC/BGTP/LMG	
12	Prem Chand Toppo	Sr.CC/LMG	ST
13	Pranjal Bordoloi	R/CC/BPB at DMR	ST
14	Udang Raja Goyari	CC/G/DMR	ST
15	Utpal Kr.Debnath	R-CC/LMG at DMV	
16	Norbert Kujur	RCC/BPB	ST
17	K.S.Tripura	RCC/BPB	ST
18	Manik Chakraborty	Rg-C/man-II/LMG	
19	Dugdha Mohan Goswami	P/man/A/HBN	
20	Taffil Uddin Ahmed	P/man/A/ AGT	
21	Ram Chandra Mahato	P/man/A/ NGC	
22	Phani Bhusan Das	P/man/A/ BPB	SC
23	Gouri Sankar Bhadra	Rg-C/man-II/LMG	
24	Phanidra Mohan Das	P/man/A/DMR	
25	Suneswar Nath.	P/man/A/NGC	
26	Amulya Kr.Paul	P/man/A/ARCL	
27	Prafullya Ch.Nath	P/man/A/GHY	
28	Tej Narayan Jha	P/man/A/NGC	
29	Har Nath Deka	P/man/A/NGC	
30	P.Kam Raju	P/man/A/LMG	SC
31	Kamal Ch.Phukan	C/man-II/PDJ	
32	Surajit Raha	P/man/A/LMG	
33	Sunil Khan	P/man/A/HJO	
34	Sankar Debnath	C/man-II/KXJ	
35	T.Pataiya	P/man/A/DSR	SC
36	M.P.Rama Rao	LR-C/man-II/CNE	
37	Swapn Kr.Roy	R/C/man-II/LMG	
38	Kanulal Gope	P/man-A/LKA	
39	Dulal Biswas	R.P.man/A/LMG at BXP	
40	G.B.Chetry	R.P.man/A/LMG	
41	Khagendra Baruah	C/man-II/DJA	
42	Swapn Ch.Das	C/man-II/SQF	
43	Ranjit Dutta	R.C/man-II/BPB	
44	Subhash Ch.Nath	P/man-A/BRGM	
45	Nantu Kr.Mali	C/man-II/PNGM	SC
46	Nabin Ch.Nath	R.P.man-A/LMG	
47	G.C.Das	C/man-II/PNGM	

-3-

**Group-B**

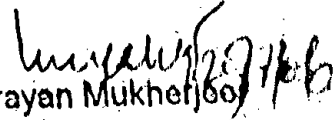
Written test fixed to be held on 12.8.06 from 10.00 hrs. in DRM(P)'s Office/  
Lumding.

SN	Name	Design. & Stn.	Whether SC/ST
1	Bijoy Kr Ghosh	R.P.man-A/LMG	
2	Abhron Sonowal	R.P.man-A/LMG	ST
3	Subodh Ch.Dey	P.man-A/DML	
4	Ajit Kr.Dey	P.man-A/LMG	
5	K.K.Kachari	P.man-A/DSR	ST
6	Putu Ch.Das	RG.P/man/A./JMI	SC
7	Pranoy Mohan Dey	LR.Pm.man/A/DMMR	
8	Ghai Sing Kabui	LR.Pmnan/A/SCL	ST
9	Dipak Chakraborty	P/man/A/JTG	
10	Nirmal Ch.Das	P/man/A/KHKT	
11	Sraban Singh	P.man/A/KWM	
12	Rupeswar Boro	P.man/A/DSR	ST
13	Navakamal Panegum	R.Pman/A/LMG	ST
14	Bhumidhar Patar	R.C.man-II/LMG	ST
15	Pranab Ch.Dey	P/man/A/DHRY	
16	Prad. Ip Das	P/man/A/NGC	SC
17	Monoranjan Biswas	P/man/A/BPB	SC
18	Ranjit Nath	LR.C/man-II/SCL	
19	Ranjit Kr.Dey	Rg.C/man-II/SZR	SC
20	Samir Ch.Roy	R/P.man/A/LMG	
21	Kanan Chakraborty	P.man/A/ARCL	
22	Tapan Seal	P.man/A/LMG	
23	Suroj Josowara	P.man/A/BPB	SC
24	Sajdeo Mahato	Rg.P.man/A/LMG	
25	Debdanish Dey	P.man/A/AGT	
26	Nripen Balshya	P.man/A/NGC	
27	Sitil Kr.Das	P.man/A/BPB	SC
28	Chandra Kanta Saikari	R.P.man/A/LMG	
29	Dilip Roy Chowdhury	P.man/A/LMG	
30	Shyamal Ch.Mali	P.man/A/BPB	SC
31	Bubal Ch.Seal	P.man/A/NGC	
32	Subal Mohan Sarkar	R/C/man-II/BPB	
33	Ajoy Kr.Majuamder	P/man-A/LMG	
34	Swapan Kr.Dutta	P/man-A/BPB	
35	Pradip Ch.Mali	P/man-A/BPB	SC
36	Pradip Dewri	P/man-A/PNO at NGC	ST
37	Dilip Ch.Barman	R.P.man/A/LMG	ST
38	Parimal Ch.Deb	P.man/A/LMG	
39	Upendra Prasad	P.man/A/LMG	
40	Abdul Kuddus	P.man/A/NGC	

-4-

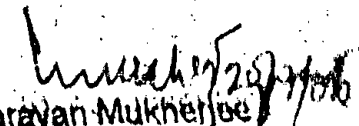
SN	Name	Design. & Stn.	Whether SC/ST
	(Majibara)		
41	Majbur Rahaman	P.man/ANGC	
42	Dilip Roy Chowdhury	P.man/ANGC	
43	Rakhesh Ch.Dey	P.man/A/LMG	
44	Bhanu Ghosh	LR/P/man-A/BPB	
45	Debashish Dutta	R.P.man/A/LMG	
46	Prabin Ch.Bordoloi	P.man/A/JID	ST
47	Uma Ram Bordoloi	P.man/A/JID	ST

Since the posts of Goods Guard are to be filled by options no further absentee written test will be held under any circumstances.

  
 (Narayan Mukherjee)  
 APO/II/Lumding.  
 for Divil.Rly.Manager (P)  
 N.F.Railway. Lumding.

Copy forwarded for information and necessary action to:-

- 1 Sr.DOM,Sr.DCM/LMG
- 2 DOM/PI/LMG
- 3 AM/BPB
- 4 Divil.Secy. NFREL/LMG
- 5 Convenor NFRMU/LMG
- 6 Secy.SC/ST Association/LMG
- 7 CS to Sr.DOM and Sr.DCM/LMG
- 8 Staff concerned

  
 (Narayan Mukherjee)  
 APO/II/Lumding.  
 for Divil.Rly.Manager (P)  
 N.F.Railway. Lumding.

N.F. Railway.OFFICE ORDER.Office of the  
DRM(P)/LMG.

Z. No. 24/9/06

Sub : Result of Selection to the post of  
Goods Guard in Scale Rs.4500-7000/-.

-----

In terms of this Office letter No.E/399/1Pt.VIII(T),  
dt.20.07.2006 for the selection to the post of Goods Guard in Scale  
Rs.4500-7000/- Written Test held on 05.08.2006 & 12.08.2006 final  
result approved by ADRM/LMG on 31.08.2006 wherein the following  
candidates who come out successful and empanelled for promotion to  
the post of Goods Guard in Scale Rs.4500-7000/-.

Shri.

- 1) Pranab Chanda (UR), Sr.TNC/LMG,
- 2) Tapan Kr.Dey, (UR), - do -
- 3) Debojit Dey, (UR), - do -
- 4) Monmath, Kr. Nath (UR) ~~xxxxxx~~ Sr. CC/KNBR, (KNBR)
- 5) Prem Chand Tappo, (ST), Sr. ~~RMX~~ CC/LMG,
- 6) Pranjal Bordoloi, (ST), RCC/BPB at DMR (against ST Quota),
- 7) Norbert Kujur, (ST), - do - (against ST Quota),
- 8) Phani Bhusan Das, (P.Man(A)/LMG, (Against SC Quota),
- 9) Surajit Raha, (UR), - do -
- 10) Sunil Khan, (UR), - do -/HJO,
- 11) Ranjit Kr.Dutta, (UR), R.C/Man/II/BPB,
- 12) Nantu Kr.Mali, (SC), C/Man/II/PNGM (against SC Quota),
- 13) Bijoy Kr.Ghose, (UR), R.P.Man(A)/LMG,
- 14) Nripen Sonowal (ST) - do -
- 15) Putul Ch.Das, (SC), Rg.P.Man(A)/JMI (against SC Quota),
- 16) Pranab Ch.Dey, (UR), P.Man(A)/~~RMX~~ DHRY,
- 17) Chandra Kanta Saikia, (UR), R.P.man(A)/LMG,
- 18) Dilip Roy Choudhury, (UR), - do -
- 19) Ajoy Kr.Majumder, (UR) R.Man(A)/LMG,
- 20) Rakhes Ch.Dey, (UR) - do -

( Md. Salim )

APO/PC/LMG,

for DRM(P)/LMG.

Copy forwarded for information and necessary action to :-

- 1) SS's/SM's-LMG, DMR, HJO, PNGM, JMI, DHRY, 2) BCI/IC/KNBR, 3) RAC (Optg) & Comnl. at Office & RAC/BPB, 4) Sr.DCM/LMG, 5) Sr.DOM/LMG, 6) DOM/PI/LM
- 7) Divil. Secy./NFREU/LMG, & Convenor/NFRMU/LMG, 8) Secy. SC/ST Association/LMG, 9) Staff concerned through Proper Channel, 10) S/Copies for P/Case, 11) E/III/Gr.II & III, EIV/Gr.I.

for Divisional Railway Manager(P),  
N.F. Railway, Lucknow.Attested by  
[Signature]  
Adv.13  
24/11/06

4/09/06

ANNEXURE-V

(TYPED COPY)

NFRLY

Office of the  
DRM /P/LMG  
dated 07.9.06

No. E/E/39-9/1 PVIII (T)

To,

AM/BPB  
BC/IC/KNBR

**Sub :** Medical Examination in A/2 prior to promotion to the  
post of Goods Guard in Scale Rs. 4500-7000/-

**Reg :** this Office- Office order NOE/379/1/PVIII (T) dated  
04.9.06

Please refer to this office order quoted above, and direct the following staff to appear before MS/IC/BPB with enclosed G-37 form after obtaining their specimen signature in the G-37 form in specific space, for their Medical Examination in A/2 (two) in order to book them for Guardship promotional training course at ZRT/APDJ.

- 1) Shri Monmath Kr. Nath, Rg Sr. CC/KNBR
- 2) „ Pranjali Bordoli (ST) R-CC/BPB
- 3) „ Norbert Kujur (ST) „ /BPB

The medical certificate in question should be submitted to this Office by a special manager so as to enable this office to take further action.

Sd/- Illegible  
APO/I/C/LMG  
for DRM/P/LMG

Coyp to :-

MS/IC/BPB for information and n/a please

Sd/- Illegible

Attested by  
B. S. D. D. D.  
Adv...

Refic/KNBR

NFRly

No. E/E/39-9/1 PVIII(T)

Office of the  
DHM/P/LMG  
Dated 07-9-06

To: ~~AM/BP~~  
BCIC/KNBR.

Sub: Medical Examination in A/2 prior  
to promotion to the post of Goods Guard  
in Scale Rs 4500-7000

Ref: This Office-office order No E/379/1 PVIII(T)  
dated 04-9-06

Please refer to this office order quoted  
above, and direct the following staff to  
appear before MS/IC/BP with enclosed G-37  
form after obtaining their specimen signature in  
the G-37 form in specific space, for their  
Medical Examination in A/2 (two) in order to  
booked them for guardship promotional training  
course at ART/APDT.

- 1) Sub Monmalk 2nd Nalt, R-CC/KNBR
- 2) Pranjali Boddoli (ST) R-CC/BPB
- 3) Norbert Xujive (ST) //BPB

The medical certificate in question should be  
submitted to this office by a special messenger so as  
to enable this office to take further action.

(Signature)  
for DHM/P/LMG

Cop to: MS/IC/BP - for information and n/a please

(Signature)  
for DHM/P/LMG  
A. B. B. L. Amador

Div/Secy/NFRL/MTG

59

N.F. Railway.Office Order.Office of the  
DRM(P)/LMG,  
Dt. 26.10.06.

The following candidates who have been empanelled for promotion to the post of Goods Guard vide this Office Memorandum No. E/39-9/I Pt. VIII(T), dtd. 4.9.2006 and Medically fit in A/2 are hereby directed for undergoing Guardship Promotional Training Course at ZRTI/APDJ, Commencing from 06.11.2006 for a period of 43 working days.

<u>S/N.</u>	<u>Name.</u>	<u>Design. &amp; Stn.</u>
1)	Shri Pranab Chanda, (UR),	Sr. TNC/LMG,
2)	" Tapan Kr. Dey, (UR),	- do -
3)	" Debojit Dey, (UR),	- do -
4)	" Monmath Kr. Nath (UR),	Rg. Sr. CC/KNOR,
5)	" Prem Chand Tappo, (ST),	Sr. CC/LMG,
6)	" Norbert Kujur, (ST)	Rg. Sr. CC/BPB,
7)	" Phani Bhusan Das, (SC),	R. P. Man(A)/BPB,
8)	" Surajit Raha, (UR),	- do -/LMG,
9)	" Sunil Khan, (UR),	- do -/HJO,
10)	" Ranjit Kr. Dutta, (UR),	R. C. Man/II/BPB,
11)	" Nantu Kr. Mali, (SC),	C/Man/II/PNGM,
12)	" Bijoy Kr. Ghose, (UR),	R. P. Man(A)/LMG,
13)	" Nripen Sonowal, (ST),	- do -
14)	" Putul Ch. Das, (SC),	Rg. P. Man(A)/JMI,
15)	" Pranab Ch. Dey, (BR),	P. Man(A)/DHRY,
16)	" Chandra Kanta Saikia, (UR),	R. P. Man(A)/LMG,
17)	" Dilip Roy Choudhury (UR),	R. P. Man(A)/LMG,
18)	" Ajoy Kr. Majumder, (UR),	P. Man(A)/LMG,
19)	" Rakesh Ch. Dey (UR),	- do -

Subordinate in-charges are advised to spare and direct the above mentioned candidates to report to Principal/ZRTI/APDJ by 5.11.2006 positively for undergoing Guardship Training Commencing from 6.11.2006 even without relief.

The staff concerned should also be advised the following instruction :-

- I) Accommodation of ZRTI/APDJ Hostel will be provided as per availability of Bed/Rooms.
- II) The departmental Trainees are entitled for free food during the training in lieu of TA/DA. In addition they will get 2% TA/DA.
- III) They will have to carry their own beddings etc.
- IV) They should wear uniform and badges when attending the Class/Examination.
- V) They will have to maintain strict discipline in the School and also outside the class.

xxx

Attested by  
Bhondhury  
sdw

Cont...P/2



( Page No. 2 )

VI) Before leaving for APDJ they should leave pay authority with their co-worker.

02

*N. Mukherjee* 26/10/06  
( N. Mukherjee )  
APO/I/Lumding,

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

No.E/39-9/1/Pt.VIII(T)Loose, dtd. 21.10.2006.

Copy forwarded for information and necessary action to :-

1) SS's-LMG, BPB, HJO, PNGM, JMI & DERY, 2) BC/IC/KNBR, 3) AM/BPB.  
4) COS/OPTG & COS/Comml/LMG, 5) RAG (ptg.) at Office & RAG (Comml.)  
at Office, 6) Sr.DCM/LMG, & Sr.DCM/LMG, 7) Divil.Secy./NFERU/LMG,  
8) & Convenor/NFERMU/LMG, 8) Secy. DISTREA/LMG, 9) CHC/LMG - He will  
relay the above message through : Control Phone.

10) E/IV/Gr.I & E/III/Gr.-2 & 3.

11) Staff concerned thro: Radio Channel.

12) OS/ZIT/Cell.

13) Principal/ZRTNADT

*N. Mukherjee* 26/10/06  
for DRM(PO)/Lumding.  
N.F. Railway.

*B.*  
26/10/06

Divl Secy NFREU/LP

(8)

N.F. RAILWAY

Office of the  
DRM(P) LMG

Date : 15.11.2006

NO. E/39 - 9/I Pt.VIII (T)

The panel (of 20) for promotion to the posts of Goods Guard in the scale 4500 - 7000 against 60 % D.P. quota which was published vide this office order No.E/39-9/I Pt.VIII(T) dated 04.09.2006 is hereby treated as CANCELLED

This is issued with the approval of competent authority.

K.P. Singh  
DPO/IC/LMG  
For DRM(P) LMG

Copy forwarded for information and necessary action to

- 1) Sr.DOM/LMG, Sr.SM/GHY, AM/BPB, Sr.DCM/LMG
- 2) SS/SMs - LMG, DMR, HJO, PNGM, JMI, DHRY
- 3) BC/IC/KNBR
- 4) RAC (Optg & Comml) LMG and BPB
- 5) Divl Secy. NFREU, Convener NFRMU, SC/TC Assn. / LMG
- 6) Staff concern
- 7) Principal, ZRTI / APDJ. He is requested to send back the candidates of the above mentioned panel undergoing training.

For DRM(P) LMG

Attended by  
Boudhwar  
Adv.

- 43 days  
- 9 days of training completed  
De PR.

N.F.Railway.

Notification.Office of the  
Divl. Rly. Manager (P)  
Lundin. Dated: 07.12.06

Sub:- Selection for promotion to the post of Goods Guard  
in scale Rs. 4500-7000/- against 60% D.P. quota.

It has been decided with the approval of competent authority to hold a selection to fill up 22 vacancies (UR-17, SC-3 and ST-2) of Goods Guard in scale Rs. 4500-7000/- against 60% D.P. quota by option from the following prescribed categories as per percentage shown against each.

Sr.TNC	4000-6000/-	}	28% = 10
TNC	3050-4590/-		
Sr.CC	4000-6000/-	}	4% = 02
CC	3200-4990/-		
C/Man-I	4000-6000/-	}	25% = 10
C/Man-II	3050-4590/-		
P/man-A	3050-4590/-		

Options are invited from the eligible candidates of the above mentioned categories only who desire to volunteer for the post of Goods Guard in Scale Rs. 4500-7000/- and send their applications in a bunch as per proforma given below so as to reach this office on or before 31/12/06 positively. Application received after the target date i.e., after 29/12/06 will not be entertained. TNC, Commercial Clerk, C/man and P/man-A who have put in a minimum of 03 years (three) of service in the above mentioned grades will be eligible for promotion to the post of Goods Guard in Scale Rs. 4500-7000/-

Proforma

- 1) Name :-
- 2) Designation and Station:-
- 3) Date of birth:-
- 4) Date of appointment:-
- 5) Present Pay and Scale :-
- 6) Date of promotion to the grade:-
- 7) Whether SC/ST :-
- 8) Educational qualification:-

Contd...2

Attested by  
Broadway  
Adv.

Subordinate in-charges should give wide publication of this notification amongst the eligible staff working under them and send the applications obtained from the willing eligible candidate in a separate cover superscribing "APPLICATION FOR GOODS GUARD" addressed to APO/LMG on or before 29/12/06 positively.

(Narayan Mukherjee)

APO/Lunding.

for Divil.Rly.Manager (P)

N.F.Railway, Lunding.

No- E/39-9/PVIII(T)/Loose Lunding.Dtd: 27/12/06

Copy forwarded for information and necessary action to:-

1) Sr.DOM/LMG (2) DOM/PL/LMG. (3) CAM/GHY (4) AM/BPB

5) CYM/NGC & LMG (6) RAC(O) & RAC(Comm.) at Office. (7) RAC/BPB

8) All SM/ASMs of LMG Divn, A/I. BC/CS of LMG Divn.

9) TI/LMG, TI/E/LMG, TI/W/LMG and TI/Hill/LMG, TI/WR/LMG, TI/BPB & GHY

They will also collect the applications from the willing eligible candidates working at their sections and send the same to this office with in 29/12/06.

10) Divil.Secretary, NFRMU/LMG

11) Convenor NFRMU/LMG

12) Divil.Secy. SC/ST Association Lunding

13) CPIs/LMG, BPB and GHY for wide publication amongst the eligible staff.

for Divil.Rly.Manager (P)

N.F.Railway, Lunding.

27/12/06

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

ORIGINAL APPLICATION No.311 of 2006.

Date of Order: This the 20<sup>th</sup> Day of December 2006.

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

1. Sri Pranab Chanda  
S/O Late Promod Ch.Chanda  
Senior Train Clerk  
Lumding  
Dist.-Nagaon
2. Sri Tapan Kumar Dey  
S/O Late Har Kumar Dey  
Senior Train Clerk  
Lumding  
Dist.-Nagaon
3. Sri Debojit Dey  
S/O Paresch Ch.Dey  
Senior Train Clerk  
Lumding  
Dist.-Nowgong
4. Sri Surajit Raha  
S/O Late Aswani Raha  
Point Man  
Lumding  
Dist.-Nowgong
5. Sri Ranjit Kumar Dutta  
S/O.M.L.Dutta  
Cabin Man-II  
Badarpur  
Dist.-Karimganj
6. Sri Natu Kumar Makli  
S/O Late Nagendra Ch.Mali  
Cabin Man-II  
Panchagram  
Dist.-Karimganj
7. Sri Bijoy Kumar Ghose  
S/O Late Baroda Kanta Ghose  
Reliver Point Man(A)  
Lumding  
Dist.-Nowgong
8. Sri Nripen Sonowal  
S/O Late Jogen Sonowal  
Reliver Point Man(A)  
Lumding  
Dist.-Nowgong
9. Sri Pului Chandra Das  
S/O Late Dharmeswar Das  
Rest Giver Point Man(A) Jamguri  
Dist.-Sibsagar
10. Sri Pranab Chandra Dey  
S/O Dharendra Dh Dey  
Point Man(A)  
Dhalpukhuri  
Dist.-Nowgong



Attested by  
*[Signature]*  
 Adm

11. Sri Chandra Kanta Saikia  
S/O- Somnath Saikia  
Reliver Point Man(A)  
Lumding  
Dist. Nowgaon
12. Sri Dilip Roy Choudhury  
S/O Santosh Roy Chioudhury  
Reliver Point Man(A)  
Lumding  
Dist. Nowgaon
13. Sri Ajoy Kumar Majumdar  
S/O Late Sudhangshu Kumar Mazumdar  
Point Man(A)  
Lumding  
Dist. Nopwgaon
14. Sri Rakesh Chandra Dey  
S/O Late Rakhal Ch. Dey  
Point Man(A)  
Lumding  
Dist. Nagaon

Applicants

By Advocate Mrs. K. Bhattacharyya, Mr. B. Chakraborty  
Mr. P. Sarma, Mr. B. Choudhury, Mr. D. Goswami,  
Mrs. B. Chakraborty, Ms. B. Das

-Versus-

1. Union of India  
Represented by the Secretary to the  
Government of India, Ministry of Railway,  
New Delhi
2. General Manager,  
N.F. Railway, Maligaon  
Guwahati-11
3. Divisional Railway Manager  
N.F. Railway, Lumding  
Nagaon
4. Divisional Railway Manager (P)  
N.F. Railway, Lumding.

Respondents

By Advocate Dr. J. L. Sarkar

ORDER (GRAL)

K. V. SACHIDANANDAN, V.C.

There are 14 applicants, serving in different Group C post under Lumding Division of N.F. Railway. According to the applicants they are eligible for promotion to the post of Goods Guard which is also a Group-C post having a higher pay-scale. Notification was issued for filling up 20 vacancies of Goods Guard by 60% departmental



promotion quota. Options were called from eligible candidates. Notification publishing the list of incumbents alongwith the applicants, found eligible to appear in the selection process of Goods Guard. After completion of the written test a select list was published, wherein the names of the applicants were also included in the select list. After selection, the medical examinations were held by the respondents for the purpose of undergoing Guard ship promotional training course. The applicants were found medically fit and they were directed to undergo Guard ship Training Course for 43 days, commencing from 6.11.06. In the select list (Annexure IV) dated 4.9.2006 the result of selection for the post of Goods Guard the applicants were selected. The Respondents issued an order (Annexure VII) dated 15.11.06 and a panel (of 20) for promotion to the posts of Goods Guard against 60% D.P. quota was published. The office order dated 04.09.2006 was treated as cancelled without giving any reason. The respondent issued Notification (Annexure VIII) dated 7.12.06 for initiating fresh selection process for Goods Guard post for which the applicants were earlier selected. Being aggrieved the applicants have filed this O.A. seeking for the following reliefs. :



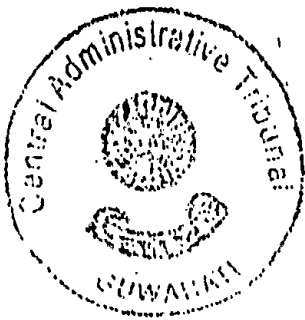
"It is, therefore prayed that Your Lordships" may be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why the impugned order dated 15.11.2006(Annexure VII) shall not be quashed and set aside and as to why a direction shall not be issued to the Respondents to maintain the select list dated 4.9.2006 for appointment of the applicants as Goods Guards after due completion of the training that they were undergoing and after perusing the causes shown, if any and hearing the parties quashed and set aside the impugned order dated 15.11.06(Annexure VII) and Notification dated 7.12.06(Annexure-VIII) and direct the Respondents to maintain the select list dated 4.9.06 and appoint the applicants as Goods Guards after due completion of the

training and/or pass any other order or orders as Your Lordships may deem fit and proper."

I have heard Mr. B. Chakraborty, learned counsel for the applicants and Dr. J. L. Sarkar learned counsel for the Railways. When the matter came up for hearing the learned counsel for the applicants has submitted that there was no illegality or irregularity in the process of selection. The applicants have made an enquiry, but it was found that two unsuccessful candidates has made complain before the authorities without making any proper enquiry and without having any reasonable cause. The entire selection process has been cancelled only at the instance of some vested interest. The counsel for the applicant has submitted the decision of the Hon'ble Supreme Court in 3 SCC 2002 Vol-II 146, Union of India and others Vs. O. Chakradhar, relevant portion of which is quoted below:-

"8. In our view the nature and the extent of illegalities and irregularities committed in conducting a selection will have to be scrutinized in each case so as to come to a conclusion about future course of action to be adopted in the matter. If the mischief played is so widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show cause notices to each selectee. The only way out would be to cancel the whole selection. Motive behind the irregularities committed also has its relevance."

The counsel has also relied on (1993) 1 SCC 154, Union Territory of Chandigarh Vs. Dilbagh Singh and others, that decision/action must be non-arbitrary and bonafide. From this

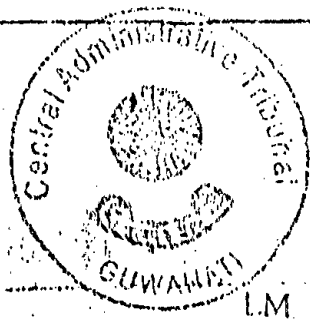




decision it is very much clear that it is an arbitrary action and the cancellation of the select list is not justified. However, the counsel for the applicant has submitted that he will be satisfied if a Court direction is given to the applicants to make comprehensive representation before the Respondent No.2 within 15 days from to-day. If such comprehensive representation is filed by the applicant within a time frame of 15 days from to-day the Respondent No.2 shall consider the representation within a time frame of three months thereafter. Dr. J. L. Sarkar learned counsel for the Respondents has submitted that he has no objection if such direction is given.

By way of interim order (Annexure-VIII) dated 7.12.2006 calling for option to the post of Goods Guard for which the applicants were earlier selected will be kept in abeyance till such disposal of the representation.

The O.A is accordingly disposed of. There will be no order as to costs.



Sd/ VICE CHAIRMAN

TRUE COPY

সত্যকপি  
 26.12.06  
 অধ্যক্ষ, সিনিয়র  
 Section Officer (Adm)  
 Central Administrative Tribunal  
 Guwahati  
 26/12/06

To

The Divisional Railway Manager  
NF Railway, Lumding

5-1-07

**Sub : Forwarding of Representation**

**Ref : Order dated 20.12.06 passed by the Hon'ble  
Central Administrative Tribunal, Guwahati  
Bench in O. A. No. 311 of 2006**

Sir,

We, respectfully, beg to state that we were selected for the post of Goods Guard in scale of Rs. 4500-7000/- in Group- C category. Being aggrieved, by the action of the authorities in cancelling our selection for no apparent reason by order dated 15.11.06 and issuance of notification dated 7.12.06 initiating fresh process for selection to the post of Goods Guard for which we were already selected, we filed an Original Application before the Hon'ble Central Administrative Tribunal, Guwahati Bench and the same was numbered as O.A. 311 of 2006. On 20.12.06, the Hon'ble Tribunal disposed of the Original Application allowing us to make a representation before the General Manager, NF Railway and further directed him to consider the representation within a time frame of 3 (three) months. Accordingly, we request Your Goodself to forward the representation being submitted today to the General Manager, NF Railway, Maligaon.

We, shall be obliged if personal hearing is given, while disposing of the representation. An advance copy of the representation has already been submitted before the General Manager, NF Railway, Maligaon.

Yours faithfully

BEFORE THE GENERAL MANAGER, NE RAILWAY, MALIGAON  
GUWAHATI

(Through Proper Channel)

IN THE MATTER OF :

A representation on behalf of the applicants as per the direction issued by the Hon'ble Central Administrative Tribunal, Guwahati Bench by Order dated 20.12.06 in O.A. 311 of 2006.

-AND-

IN THE MATTER OF :

Unreasonable and arbitrary exercise of power by the authorities in issuing order No. E/39-9/I Pt. VIII (T) dated 15.11.06, whereby the panel for promotion to the posts of Goods Guard containing the names of the applicants were cancelled illegally and on extraneous consideration.

-AND-

IN THE MATTER OF :

Notification dated 7.12.06 initiating a fresh process to fill up the posts of Goods Guard for which the applicants were selected and sent for training.

*Contd....*

-2-

-AND-

IN THE MATTER OF :

1. Sri Pranab Chanda

S/o Late Promod Ch. Chanda

Senior Trains Clerk

Lumding

2. Sri Tapan Kumar Dey

S/o Late Har Kumar Dey

Senior Train Clerk

Lumding

Dist.- Nowgaon.

3. Sri Debojit Dey

S/o- Paresh Ch. Dey

Senior Train Clerk

Lumding

Dist.- Nowgaon.

4. Sri Surajit Raha

S/o Late Aswani Raha

Point Man

Lumding

Dist.- Nowgaon.

5. Sri Ranjit Kumar Dutta

S/o M. L. Dutta

Cabin Man- II

Badarpur

Dist.- Karimganj.

6. Sri Natu Kumar Mali

S/o Late Nagendra Ch. Mali

*Contd....*

-3-

Cabin Man- II  
Panchagram  
Dist.- Karimganj.

7. Sri Bijoy Kumar Ghose  
S/o Late Baroda Kanta Ghose  
Reliver Point Man (A)  
Lumding  
Dist.- Nowgaon.

8. Sri Nripen Sonowal  
S/o Late Jogen Sonwal  
Reliver Point Man (A)  
Lumding.  
Dist.- Nowgaon.

9. Sri Putul Chandra Das  
S/o Late Dharmeswar Das  
Rest Giver Point Man (A),  
Jamguri.  
Dist.- Sibsagar.

10. Sri Pranab Chandra Dey  
S/o Dhirendra Ch. Dey  
Point Man (A)  
Dhalpukhuri.  
Dist.- Nowgaon.

11. Sri Chandra Kanta Saikia  
S/o- Somnath Saikia  
Reliver Point Man (A)  
Lumding,  
Dist.- Nowgaon.

Contd....

12. Sri Dilip Roy Choudhury  
S/o Santosh Roy Choudhury  
Reliver Point Man (A),  
Lumding  
Dist.- Nowgaon.

13. Sri Ajoy Kumar Majumdar  
S/o Late Sudhangshu Kumar  
Mazumdar  
Point Man (A),  
Lumding  
Dist.- Nowgaon.

14. Sri Rakesh Chandra Dey  
S/o Late Rakhal Ch. Dey  
Point Man (A),  
Lumding  
Dist.- Nowgaon.

..... Applicants.

The applicants above named :

MOST RESPECTFULLY BEGS TO STATE :

1. That the applicants are aggrieved by the action of the authorities in setting aside there selection for being promoted to the post of Goods Guard which they agitated before the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A No. 311 of 2006. The Hon'ble Tribunal disposed of the application by order dated 20.12.06 with a direction to file a representation before Your Goodself, which should be considered by Your Goodself within a time frame of 3 (three ) months.

Contd....

and in the mean time the order dated 7.12.06 initiating fresh process of selection to fill up the vacancies to be kept in abeyance till disposal of the representation.

A copy of the order dated 20.12.06 is annexed herewith and marked as ANNEXURE- I.

2. That the applicants are all serving in different Group C post under Lumding Division of N.F. Railway. The present post in which the applicants are serving and their respective place of posting are mentioned above.
3. That the post of Goods Guard is also a Group C posts which are filled up as 60% from the departmental promotion quota and 40% by direct recruitment. The scale of pay of Goods Guard is Rs. 4500/- 7000/-.
4. That the feeder posts to 60% departmental quota to the post of Goods Guard are as follows.
  - (a) Senior Trains Clerk,
  - (b) Trains Clerk,
  - (c) Senior Commercial Clerk,
  - (d) Commercial Clerk,
  - (e) Cabin Man- I,
  - (f) Cabin Man-II and
  - (g) Point Man -A.
5. That the Divisional Railway Manager(P), Lumding issued notification under memo No. E/39-9/P VIII (T) dated 5.4.06 to hold a selection for filling up 20 vacancies of Goods Guard of departmental

Contd....

promotion quota by taking options from the eligible/interested incumbents from the feeder posts mentioned above. Eligible/Interested candidates were asked to submit their options within a cut off date of 30.4.06.

Copy of the notification dated 5.4.06 is annexed herewith and marked as ANNEXURE- I (A).

6. That pursuant to the notification dated 5.4.06 the applicants, alongwith many other eligible candidates, made their applications giving options for the post of Goods Guards. The Divisional Railway Manager(P), Lumding after due scrutinization issued notification under memo No. E/39-9/1/P-VIII (T) dated 19.6.06 giving a list of incumbents found eligible to appear for the selection process, the list so notified contained the names of the applicants. It was mentioned in the notification that the selection process will consist of only written test on General English, General Knowledge, Safety Awareness, General Train Working Emphasis in Guard job and Rajbhasha. It was further provided in the notification that pre-selection coaching was to be imported for the reserved candidates.

Copy of the notification dated 19.6.06 is annexed herewith and marked as ANNEXURE-II.

7. That thereafter by letter No. E/39-9/1-Pt VIII (T) dated 20.7.06 issued by the Divisional Railway Manager(P), Lumding to the concerned officers

Contd....



-7-

published the schedule for the written test. The candidates were divided into two groups mainly Group-A and Group -B for the purpose of written test and it was provided that for Group-A the test would be held on 5.8.06 and Group-B the test would be held on 12.8.06 at the respective schedule and venue mentioned in the letter. The name of the applicants were there in the list.

Copy of the letter dated 20.7.06 is annexed herewith and marked as ANNEXURE- III.

8. That thereafter the written test was duly held on the scheduled dated and the applicants performed fairly to their expectations and were expecting selection for the post. After completion of the selection test the Divisional Railway Manager(P), Lumding issued office order dated 4.4.06 whereby a select list for the post of Goods Guard was published after being duly approved by the ADRM, Lumding on 21.8.06. In the list the name of the applicants No. 1 to 14 figured at serial nos. 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20

Copy of the order dated 4.9.06 notifying the select list is annexed herewith and marked as ANNEXURE- IV.

9. That after the selection for the post of Goods Guard the selected candidates including the applicants were required to have the medical examination for the purpose of undergoing Guardship

*Contd....*

promotional training course. Accordingly the applicants had their medical examination and certificates were submitted before the Divisional Railway Manager(P), Lumding for further action.

A copy of the letter requisitioning medical examination of some of the applicants is annexed herewith and marked as ANNEXURE-V.

10. That all the selected candidates including the applicants had been found fit medically for the Guardship training and by office order issued under memo No. E/39-9/1/Pt. VIII (T) Losse dated 26.10.06 issued by the Divisional Railway Manager(P), Lumding. The applicants were directed to undergo the Guardship Promotional Training Course for a period of 43 days commencing from 6.11.06. The candidates were asked to report to Principal, Zonal Railway Training Institute, Alipurduar by 5.11.06. Accordingly, the subordinate in-charges were asked to spare the selected candidates for training.

A Copy of the office order dated 26.10.06 is annexed herewith and marked as ANNEXURE-VI.

11. That accordingly the applicants were spared from their respective offices to attend the training at Alipurduar and all of them joined the training centre and were duly undergoing training from 6.11.06.

Contd....

12. That while undergoing training, to the utter shock and surprise to the applicants the Divisional Railway Manager(P), Lumding issued order No. E/ 39-9/1 Pt. VIII (T) dated 15.11.06 whereby the select list/panel of the applicants dated 4.9.06 (Annexure- IV) was treated as cancelled. The Principal of the Zonal Railway Training Institute was also directed to send back the applicants and other selected candidates.

A copy of the order dated 15.11.06 is annexed herewith and marked as ANNEXURE- VII.

13. That the applicants were greatly shocked and surprised when their selection was cancelled, in as much as they were duly selected with strict adherence to the rules and there were no illegalities and infirmities in their selection for the posts of Goods Guards.

14. That the applicants have made an enquiry as to the possible cause for taking such drastic action and to their great shock they came to know that two candidates appearing in the selection process namely Sri Manoranjan Biswas and Bhanu Ghosh figuring at serial No. 17 and 44 of Group-B candidate in the list dated 20.7.06 (Annexure- III), having failed to qualify in the selection test, made complain before the authorities and without making any proper enquiry and without having any reasonable cause, Divisional Railway Manager(P), Lumding has cancelled the entire select

*Contd....*

list with utmost non-application of mind. The applicants state that the selection has been cancelled only at the interest of some vested interest including candidates who failed to succeed and exercise was based on extraneous consideration. The applicant states that there was no illegalities or irregularities in the process of selection so widespread and all-pervasive so as to cancel, the entire selection. The applicants state that the action of the authorities was malice laden which has caused undue prejudice to the applicants.

15. That after passing the impugned order of cancellation of the panel, the Divisional Railway Manager(P), Lumding has issued notification under memo No. E/9-9/P/VIII (T)/Loose dated 7.12.06 initiating a fresh process to fill up the 22 posts of Goods Guards including those for which the earlier panel containing the name of the applicants were prepared and cancelled. The application are asked to be submitted by 30.12.06.

A copy of the notification dated  
7.12.06 is annexed herewith and  
marked as ANNEXURE- VIII.

16. That the applicants state that the action of the authorities in cancelling their valid selection is highly unreasonable and therefore illegal and arbitrary and the same are not sustainable on the following grounds -

*Contd....*

-11-

## G R O U N D S

- (i) That the applicants submit that they had been duly selected for the posts of Goods Guard and they are entitled to complete the entire training for being appointed to the posts of Goods Guard and as such the action of the authorities in cancelling the selection on extraneous consideration is wholly unreasonable and as such the impugned order dated 15.11.06 (Annexure- VII) and the notification dated 7.12.06 (Annexure- VIII) are bad in law and liable to be quashed and set aside.
- (ii) That the applicants submit that the action of the authorities in cancelling the entire selection process without assigning any plausible reason is illegal and arbitrary and as such the impugned action and orders are bad in law and liable to be quashed and set aside.
- (iii) That after being duly selected for the posts, the applicants got a vested right for consideration for being appointed, moreover, when the authorities are going to fill up the posts and as such before setting aside the selection the authorities were duty bound to give a hearing to the applicants which has not being done in the present case. The applicants submits that after being empanelled cancellation entails serious consequence and even if there is no stipulation for giving a notice in the rules/regulation, the rules of principle of natural justice demands that the applicants were entitled for a prior notice of the action of the

*Contd....*

authorities to cancel the select list and which was not done, for which the impugned actions and the orders are not sustainable in law and liable to be quashed and set aside.

- (iv) That the process undergone by the applicants for the selection was strictly in accordance with law and there were no such infirmities or illegalities in the process which would have vitiated the entire proceedings and the authorities have cancelled the entire select list arbitrary, whimsically and on extraneous consideration.
- (v) That the applicants submit that after they had been selected for promotion in due adherence to the procedure laid down under the rules, they have a legitimate expectation for being promoted to the post of Goods Guard. The ratio laid down by the Supreme Court in the cases referred by the Hon'ble Tribunal in order dated 20.12.06, makes it obligatory on the part of the authorities that the action in setting aside the select list must be non-arbitrary, and bonafide. It has been further laid down by the Apex Court that the authorities should scrutinize the nature and extent of the illegalities and irregularities in each case to decide on the future course of action, unless the mischief committed is widespread and all pervasive, for which reason it is difficult to pick out the individual cases and which calls for cancellation of entire selection. The applicants submits that the authorities have deviated the course aforesaid while cancelling

*Contd....*

the select list and as such the action is not maintainable in law.

(vi) That the applicants submit that the action of the authorities in cancelling the entire select list and initiating steps for fresh proceedings is affected by extraneous consideration and the same is malafide, illegal and arbitrary and is without authority of law and as such the impugned order and notification are not maintainable in law and the same are liable to be set aside and the applicants are liable for due relief.

(vii) That in any view of the matter the impugned orders and action are bad in law and is liable to be quashed and set aside.

In the premises aforesaid, it is, therefore prayed that Your Goodself, may be pleased to set aside the impugned order dated 15.11.06 (Annexure- VII) and dated 7.12.06 (Annexure- VIII) and be pleased to uphold / maintain the select list dated 4.9.06 (Annexure- IV) for appointment of the applicants on promotion to the posts of Goods Guard and allow them to complete the training.

And for this act of kindness the applicants as in duty bound shall ever pray.

BY REGD. POST.

NORTHEAST FRONTIER RAILWAY

Office of the  
Divl. Railway Manager(P)  
N.F. Railway, Lumding.  
Dated - 05.05.2007.

No.E/39-9/1 PVIII(T)/Loose.

To  
Sri. Surajit Raha, Point Maula Lumding  
C/o: Station Manager Lumding  
PO: Lumding Dist: Nagaon (Assam)

Sub:- Compliance with the Hon'ble CAT/Guwahati's order dated 20.12.06 passed in O.A. 311 of 2006 (Pranab Chanda & 13 others - VS - Union of India & others).

Ref:- Your representation dated NIL received by this office on 05.01.07.

In compliance with the Hon'ble CAT/Guwahati's order dated 20.12.06 passed in OA-311 of 2006, General Manager, N.F. Railway, Maligaon has considered your representation mentioned above and passed the order as follows :-

"I find after the completion of written examination, based on several complaints, a thorough enquiry was carried out into the conduct of the same by the Vigilance department of N.F. Railway and it has been clearly established that there were major irregularities in the evaluation of answer scripts. These irregularities are such that it is not possible to rectify the panel simply by deleting or adding one or two names. Accordingly, I am fully satisfied that the conditions specified in the Hon'ble Supreme Court's decision in 3 SCC 2002 Vol.III 146, Union of India and others Vs O.Chakradhar, quoted in the CAT's Judgment viz "If the mischief played is so widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show-cause notices to each selectee. The only way out would be to cancel the whole selection" are fully met with. Therefore, decision of the competent authority to cancel the panel is valid. There is no substance in the allegation made by the applicants that the cancellation of the panel was done to serve some vested interests or benefit any candidate(s) or with mala fide intentions.

Under the facts and circumstances above, I fully concur with the order of cancellation of the panel dated 15.11.2006 and thus I uphold the same.

Contd. to P/No.2.

v. A. I

Attested by -  
A. K. Choudhury  
Sd/-

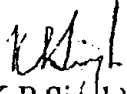


-56-

84


P/No.2.

The applicants have jointly submitted the representation and have ventilated a common grievance against cancellation of the panel of goods guard. Therefore, the representation is disposed of in a single order. Since the facts of the case are known and there is no dispute about them, there is no need to give any personal hearing to the applicants. The decision should be communicated to the applicants".

  
(K.P. Singh)  
DPO/IC/LMG  
For Divl. Railway Manager(P)  
N.F. Railway, Lunding.

Copy to:-

- 1) CPI/LMG. He will depute respective PI for handing over the above mentioned letter to the staff concerned obtaining signature of the staff as mentioned above and the same should be sent to this office for record.
- 2) PI/BPB. He will hand over the above mentioned letter to the staff concerned obtaining signature of the staff as mentioned above and the same should be sent to this office for record.

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

D/legal/letter.

N.F.Railway.

Notification

Office of the  
Divl.Rly Manager (P)  
Lumding. Dated: 26/12/07.

Sub.- Selection for promotion to the post of Goods Guard  
In scale Rs. 4500-7000/- against 60% D.P Quota.

Ref.- This Office Notification of even No. Dtd: 7.12.2006.

1) In continuation to this office Notification under reference calling options for selection to fill up 22 ( twenty two ) vacancies ( UR- 17, SC-3 and ST-2 ) of Goods Guard in scale Rs. 4500-7000/- against 60% D.P quota in the ratio of 10 posts from the optees of Sr.TNC/TNC Group, 02 posts from the optees of Sr.CC/CC Group and 10 posts from the optees of C/man-I,II and P.man/A Group, the date of submission of option is hereby extended for 21 days from the date of issue of this notification, up to 16-7-07.

2) Accordingly options are hereby invited from Sr.TNC, Sr.CC and C/man-I in scale Rs. 4000-6000/- TNC, C/man-II and P.man/A in scale Rs. 3050-4500/- and CC in Scale Rs. 3200-4900/- TNC, Commercial Clerk, C/man and P.man/A who have put in a minimum of 03 ( three ) years service in respective grades are eligible to apply for the post of Goods Guard in scale Rs. 4500-7000/- Options so invited should be submitted as per proforma given below so as to reach this office on or before 16-7-07 positively. Options received after the target date i.e., after 16-7-07, will not be entertained.

PROFORMA

- 1) Name
- 2) Designation & Station
- 3) Date of birth
- 4) Date of appointment
- 5) Present pay and scale
- 6) Date of promotion to the grade
- 7) Whether SC/ST
- 8) Educational qualification

It may be noted that those who have earlier submitted options within the target date i.e., 29.12.06 in response to this office notification of even No. dtd: 7.12.06 need not apply again.

This issues with the approval of competent authority.

*(Signature)*  
( Narayan Mukherjee )  
APO/II Lumding.  
for Divl.Railway Manager (P)  
N.F.Railway. Lumding.

Contd to Page - (2)

Affected by -  
*(Signature)*  
Advt

No- E/39-9/1 Pt.VIII(T) Loose

Lumding, Dtd. 26/1/07

Copy forwarded for information and necessary action to:-

- (1) Sr.DOM/LMG
- (2) DOM/PL/LMG
- (3) CAM/GHY
- (4) AM/BPB
- (5) CYM/NGC
- (6) RAC(O)/Comm./LMG
- (8) All SM/ASMs & BCIC of LMG Divin.
- (9) TI-LMG, BPB & GHY TI/Hill/LMG, TI/W/LMG, TI/East/KNG- They will collect the application from the willing eligible candidates working at their section and send the same to this office within 6.07.07
- (10) Convenor NFRMU/LMG
- (11) Divil.Secy. NFREU/LMG
- (12) Divil.Secy. SC/ST Association/LMG
- (3) S & WI/LMG, BPB and GHY.

for Divil. Railway Manager (P)  
N.F. Railway Lumding

WWW@selection-2007@Tfc#I.MG.com

26/1/07  
25/1/07

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

14 DEC 2007

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

File in Court on.....14-12-07

Court Officer.

O.A. No. 191/07

Sri Tapan Kr. Dey & Ors.....Applicants

-VS-

Union of India & others..... Respondents

IN THE MATTER OF:

**WRITTEN STATEMENT BY THE RESPONDENTS**

**THE ANSWERING RESPONDENTS MOST RESPECTFULLY SHEWETH:**

1. That the answering Respondents have gone through the copy of the application filed by the above named Applicants and understood the contents thereof. Save and except the statements which have been specifically admitted herein below or those which are borne on records all other averments/allegations made in the application are hereby emphatically denied and the Applicants have been put to the strictest proof thereof.
2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering Respondents confined their replies to those points/allegations/averments of the application which are found relevant for enabling a proper decision on the matter.
3. That the Respondents beg to state that for want of the valid cause of action for the Applicants the application merits dismissal as the application suffers from wrong representation and lack of understanding of the basic principles followed in the matter as will be clear and candid from the statements made hereunder.

Contd....P/2.. That

87

1. श्री. तपन, मयफिर निरोदे बारान दय  
Divisional Personnel Officer.  
M. P. Baran Dey  
Landins

Filed by:  
K. B. Baran Dey  
17/12/07  
Advocate

1 DEC 2006

गुवाहाटी न्यायपीठ

Guwahati Bench

4. ~~That it is stated that the~~ case is bad for Non-Joinder & Mis-joinder of the Parties. As per prevailing system, to sue the Central Govt., it is the Union of India is to be impleaded and to be made the General Manger of the Zonal Railway as Respondents No. 1. to represent a Union of India, whereas in this O.A. the Applicant has made the Secretary to the Government of India, Ministry of Railways, New Delhi as the 1<sup>st</sup> Respondent. The Respondents are filing a separate Misc Petition with the prayer for deletion of the name of the 1<sup>st</sup> Respondent. As such, the case is defective and, hence, liable to be dismissed.

5. That with regard to the statements made under paragraphs 4.1. to 12 in the O.A. the Respondents beg to state that the statements are admitted only to the extent of their admissibility as per law & and verification of records and, therefore, the Respondents offer no comments.

6. That with regard to the statements made under paras 13,14,15 and 16 it is stated that this is a second Round of litigation filed by 10 (ten) applicants on the same issue i.e. against the cancellation of the DRM(P)/LMG's L/No.E/39-9/1 Pt-VIII(T) dtd. 15.11.06. whereby the panel (of 20) for promotion to the post of goods guard in scale Rs. 4500-7000/- against 60% DP quota which was published vide office order dtd. 04.09.06 was cancelled. The earlier case No. OA/311/06 was filed by 14 applicants. The 10 applicants who have filed the instant OA were also the applicants in earlier OA of 311/06 which was disposed of by this Hon'ble Tribunal on 20.12.06 with a direction to the General Manager/Maligaon to dispose their representations and the consequent upon which the General Manager/Maligaon complied with the court's order upholding the order of cancellation of the panel issued vide DRM(P)/LMG's letter dtd. 15.11.06. As such the instant OA is hit by Resjudicata and Estoppel and the averments of the applicants are denied.

In this connection it is further stated that the quota-wise percentage shown by applicant are not correct. The correct position is that the post of goods guard in scale Rs. 4500-7000/- are filled up in the following ratio: -

14 DEC 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

- (a) DP quota = 60% (Departmental Promotion Quota)  
 (b) LDCE quota = 15% (Limited Departmental Competitive  
 Examination)  
 (c) DR quota = 25% (Direct Quota)

The names of applicants No. 1 to 10 along with others 10(ten) total 20 were empanelled for promotion to the post of Goods Guard in scale Rs. 4500-7000/- vide DRM(P)/LMG's office order No.E/39-I/Pt-VIII(T) dtd. 04.09.06 shown above. Out of 20 empanelled candidates 1(one) empanelled candidate submitted unwillingness for promotion to the post of Goods Guard. Accordingly 19 candidates were directed to undergo promotional training course w.e.f. 06.11.06 for 43 working days vide office order No.E/39-9/1 Pt-VIII(T) dtd. 26.10.06 (photo copy annexed to the OA as ANNEXURE VI at page 31). But subsequently the made had to be cancelled because some irregularities were pointed out by the vigilance department while conducting a preventive check. The answer scripts were scrutinized by vigilance department. Out of the 20 (twenty) answer scripts of the candidates empanelled, it was found that in 17 of the answer scripts the evaluation had not been done. According to the propriety and standard to be maintained for such promotional post; rather, it was made in a most irregular, calous & causal way. Some of the irregularities are:

(i) By marking wrong answers as correct, it is seen that 07(seven) candidates have passed who should not have passed normally so far their merits are concerned in the progression of their careers.

(ii) Patently wrong answers of the objective questions have been marked as correct.

(iii) Some answer in the objective portion which has/have been marked as correct in the case of some candidates have been marked as incorrect in the cases of other candidates. This proof, to be of absolute discrimination of the examiner in adjudging the answer scripts.

सदस्य कासिम अजीज  
1. सी. रेवे, लायडिंग  
Divisional Personnel Officer  
N. E. Rly., Lumding

11 DEC 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

90.

(iv) The next serious irregularity however is that the marks initially awarded, both for individual questions and for the total, have in several cases been tampered with by evaluator with the obvious intention in favouring candidates who could not attain qualifying marks initially. Such tampering has been noted in the case of candidates whose marks were on the borderline i.e. marks marginally short of qualifying detest. The tampering are in both ways i.e. overwriting on earlier marks awarded as also by crossing out the earlier marks and awarding fresh marks. In none of the cases there is any signature of the evaluator endorsing the correction of the marks.

✓ In view of the above irregularities, vigilance is of the view that there is no option available other than canceling the panel and accordingly, on the basis of the irregularities pointed out by the vigilance were examined afresh by the competent authority so as, not to cause any unfair play of action in the matter and miscarriage of justice thereto. Hence, the allegations of the applicants are futile and have no basis at all.

7. That with regard to paras 17 and 18 of the O.A it is stated that the Hon'ble CAT/GHY's order dtd. 20.12.06 passed in OA-311/06 is very much clear. The Hon'ble Tribunal nowhere in the said order directed the Railway Respondent No. 2 to take personal hearing of the applicants. As such the prayer for personal hearing by the applicants is not conformity with the Hon'ble Tribunal order's dtd. 20.12.06.

the Railway respondent acted as per direction of the Hon'ble Tribunal and there was no violation at all. .

8. That with regard to paras 19 of the O.A it is stated that the allegations of applicants are baseless. The entire orders passed by the Respondent No. 2 was communicated to the applicants as evident from the Annexure-XI to the OA. Thus the allegations of the applicants have no basis at all in the context of the comments in the preceding paragraphs.

Contd....P/5..that

Nivedita Baran Das

Divisional Personnel Officer  
N. D. Ray, Lending

1. श्री. रेखा, न्यायपीठ

1 / DEC 2000

9. That with regard to the statements made under paras 20 and 21 of the Respondents beg to state that they had taken actions according to the orders and directions of the Court of Law and also as per Rly. Rules & procedure and there was no violation of any of the same.

10. That the Respondents respectfully reiterate that the present application has no merit at all and is, therefore, liable to be dismissed with costs.

11. That the Respondents crave leave of this Hon'ble Tribunal to file an Additional Written Statement if necessary, for the ends of justice.

12. That the case suffers from Resjudicata, Estoppel and the like infirmities and, therefore, may be dismissed, as prayed for.

13. That with regard to the statements mentioned in the various paragraphs under para-5 GROUND the Respondents 1 to 3 respectfully submit that the grounds are not well- founded and, genuine, to yield the coveted result. Rather, by the very first glance it appears prima-facie to be of the personal gain of which is unsustainable in both facts and law. And hence, it is prayed that the OA may be dismissed in limine and with costs.

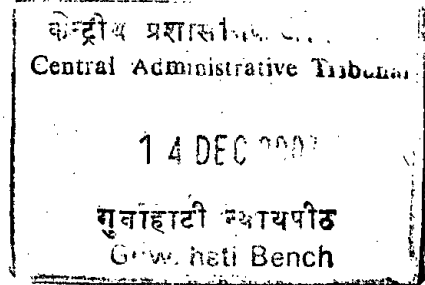
## VERIFICATION

पञ्चम कार्यक अधिकारी  
( श्री. रेखे, कार्यविधि )  
Divisional Personnel Officer,  
Dr. B. V. Lending

Nirode Baran D.

21





Nirodi Baran Das

### VERIFICATION

I, Shri Nirodi Baran Das, son of Late R. M. Das,  
aged about 59 Years, working in the capacity of  
Divisional Personnel Officer N.E. Railway, Lumding, do hereby  
solemnly affirm and verify that the contents of paragraphs 1 to 9 are  
derived from the records and I believe them to be true to my knowledge &  
information and that I have not suppressed any material facts and the  
paragraphs 10 to 13 are my humble and respectful submission before this  
Hon'ble Tribunal.

And I sign this VERIFICATION on this 14th day of Dec, 2007.

Place: Guwahati.

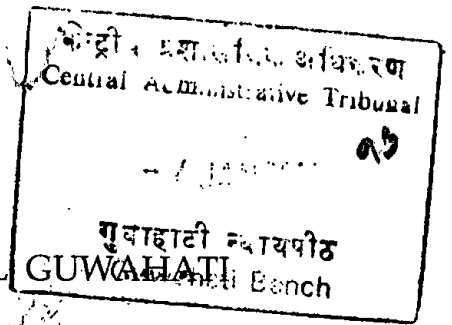
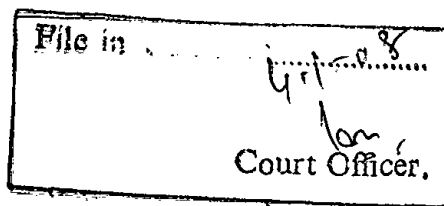
Date: 12/12/07

Nirodi Baran Das  
SIGNATURE OF THE DEPONENT

व्यक्तिगत कार्यालय  
1. सी. रेल्वे, लायडिंग  
Divisional Personnel Officer  
N. E. Ry., Lumding

To

The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH  
GUWAHATI

Original Application No. 191 of 2007

Sri Tapan Kumar Dey and others

.....Applicants

-Vs-

Union of India and others

.....Respondents

**REJOINDER OF THE APPLICANTS AGAINST THE WRITTEN  
STATEMENT OF THE RESPONDENTS**

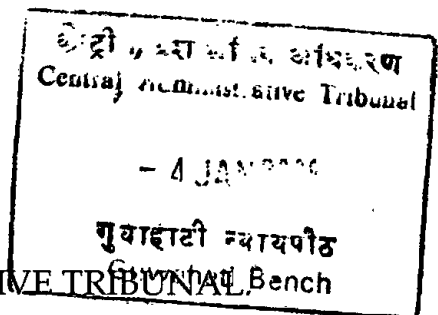
**INDEX**

<u>SL.NO</u>	<u>PARTICULARS</u>	<u>PAGE NO</u>
1	Rejoinder	1 - 4
2	Verification	5

Filed by

*Bijan Chakraborty*  
(Bijan Chakraborty)

Advocate  
4.1.08



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL Bench

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION No. 191/07

Sri Tapan Kumar Dey and others

.....Applicants

-Vs-

Union of India and others

.....Respondents

IN THE MATTER OF :

A rejoinder filed on behalf of applicants

against the written statement filed by the

respondents.

WRITTEN STATEMENT

1. That the Respondents, in the above mentioned Original application have filed a written statement to the Original Application filed by the applicants and a copy of the same has been furnished to the applicants through their counsel. The answering applicants have understood the contents of the written statement
2. That as regards the statements made in paragraphs 1 and 2 of the written statement, the applicants have no comments to offer.
3. That the applicants deny the statements made in paragraph 3 of the written statement and states that they have made out a clear case of violation of their vested rights by the authorities in an illegal manner, which calls for interference by this Hon'ble Tribunal.

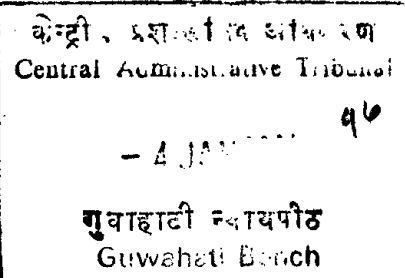
- 4 JAN 2008 95

गुवाहाटी न्यायपीठ  
Guwahati Bench

4. That the applicants deny the statements made in paragraph 4 of the written statement and state that there is no irregularity and/or infirmity in the impleadment of the Respondent No. 1 in the Original Application and the same is in order.
5. That as regards the statements made in paragraph 5 of the written statement, the answering applicants have no comments to offer.
6. That as regards the statements made in paragraph 6 of the written statement, the applicants state that they are highly aggrieved by the impugned order dated 1.5.2007 (Annexure-XI to the Original Application), by which the representation submitted by the applicants in pursuance to the order dated 20.12.2006 passed by this Hon'ble Tribunal has been rejected. Since the action of the authorities in passing the order dated 1.5.2007 has given a fresh cause of action to the applicants, the present Original application is not barred by the principles of Res-Judicata and Estoppel.

As regards the third part of paragraph 6, the applicants state that, it has become apparent from the statements so made that the Vigilance had undertaken the process of evaluation of the answer scripts, which was beyond their competence. It has also become apparent that the action of the authorities in canceling the selection of the applicants was undertaken on the basis of the view expressed by the Vigilance, which is absolutely extraneous and illegal on the face of the record and on that sole ground, the impugned action is not sustainable in law. The applicants further state that the statements made in the paragraph are vague, evasive as well as contradictory in as much as that though it is stated that out of 20 empanelled candidates, the evaluation of 17 candidates were defective without giving any details as to the

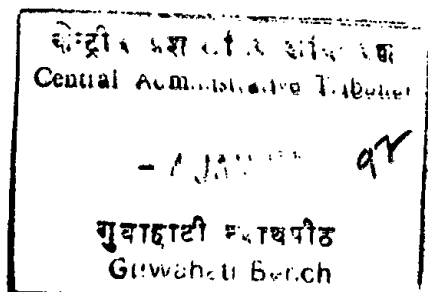
Tapan Kumar Dey



evaluation of whose answer scripts were defective or valid, again contradictorily, it has been further stated in a vague manner by the respondents that 7 empanelled candidates who ought not to have passed have been empanelled.

7. That the applicants state in this regard that they had been selected for the promotion after observing the requirements of law and they were under going training when their selections were cancelled without any notice or hearing and the impugned exercise of cancellation of their promotion was violative of the principles of natural justice and is liable to be set aside on this ground alone. Even assuming, but not admitting that the Vigilance of the Department had detected irregularities, the further action in the matter had to be taken by the authorities in a fair and reasonable manner with ☐ least of opportunities to the applicants to have their say in the matter against the action, which was not done. The statements made in paragraph 6 of the written statement does not show in any manner as to what procedure was adopted by the authorities in the matter before taking such a drastic action. On the contrary, it is apparent from the statements that the Vigilance itself took the decision for cancellation of the selection of the applicants, which was beyond their competence. The applicants further state that though they have been victimized in the matter, no action, whatsoever, was taken against the erring officers, assuming that the allegations as to the irregularities in the evaluation as mentioned in the written statement were correct.
8. That the applicants state that the statements made in paragraph 6 of the written statement as regards the irregularities in the answer scripts are not correct and the applicants categorically deny the same. The applicants state that they were duly selected in the examination and were sent

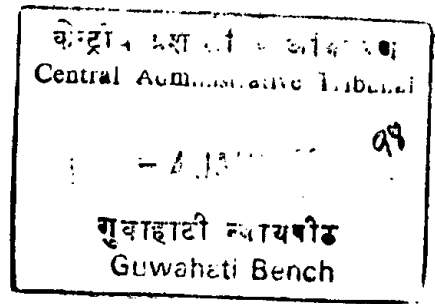
Tapan Kumar Dey



for training and there had been no irregularities and infirmities in the matter.

9. That as regards the statements made in paragraph 7 of the written statement, the answering applicants state that the applicants prayed for a personal hearing in the matter before the respondent No. 2 which would have been fair and reasonable and would have removed all doubts so as to bring clarity in the matter of the permissibility of the impugned action of cancellation of the entire selection which was however, denied by the respondent No. 2 for no good reasons. The applicants state that the total number of candidates in the panel being only 19, there could have been no difficulty on the part of the authorities to give individual hearing to the candidates in justification of their impugned action, which was however, avoided in a deliberate and dubious manner.
10. That the statements made in paragraph 10 of the written statement are denied by the applicants and the applicants state that the statements made in paragraph 19 of the Original application are matters of record and the applicants reiterate the same.
11. That the applicants deny the statements made in paragraph 9 of the written statement and reiterate and reaffirm the statements made in paragraphs 20 and 21 of the Original Application.
12. That the statements made in paragraphs 10, 12 and 13 of the written statement are denied by the applicants and it is stated that the applicants have made out a good case, calling for the interference of this Hon'ble Tribunal in the matter of cancellation of their selection by the authorities and are entitled for appropriate relief from this Hon'ble Tribunal.

*Tapen Kumar Dey*



### VERIFICATION

I, Sri Tapan Kumar Dey, son of Late Har Kumar Dey, aged about 48 years, presently serving as Senior Train Clerk, Lumding in the district of Nagaon, Assam, do, hereby state that I am one of the applicants in the present Original Application and I am well conversed with the facts of the case and the other applicants have duly authorized me to sign this verification on their behalf also and I verify that the statements made in paragraphs Nos 1, 2, 3, 4, 5, 6 7, 8, 9, 10, 11 and 12 are true to my personal knowledge and the statements made in paragraphs Nos.....and .....are believed to be true on legal advice and that I have not suppressed any material facts.

And I sign this verification on this 4<sup>th</sup> day of January, 2008

*Tapan Kumar Dey*

Date:- 4.1.2008

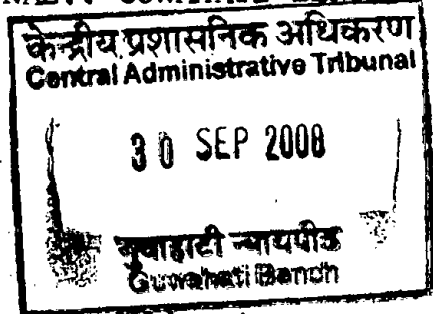
Place:- Guwahati

SIGNATURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH::

GUWAHATI

O.A. NO: 191 of 2007



Sri Tapan Kumar Dey & Others ..... Applicants.

-VS-

Union of India & Ors. ....

Respondents.

IN THE MATTER OF:

WRITTEN ARGUMENT BY THE RESPONDENTS

*Received 1 copy of written Argument on behalf of B. Chakrabarty P.C. Dey 1-10-08*

**I N D E X**

S.N.	ANNEXURE	PARTICULARS	PAGE
1.	-	Written Argument	1 to 5
2.	-	Verification	6
3.	A - Series	Applicants' representation on ORDER of O.A.No: 311/06	7 to 21
4.	B	General Manager/N.F.Rly's Order ag: representation	22 - 23
5.	C- Series	Notification for holding 2nd time selection of Goods Guard in scale Rs 4500-7000/- against 60% D.P. Quota	24-36
6.	D	CAT's ORDER of O.A. No: 311/06	37 to 41
7.	E	IREM's provision for selection process.	42 to 45
8.	-	Acknowledgement Copy of the Applicants' Counsel	46.

Place: Guwahati

Date : 30-09-08

Filed by:  
*[Signature]*  
( K.K.BISWAS ) 30/09/08

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:

GUWAHATI.

गुवाहाटी न्यायपीठ  
Guwahati Bench

O.A. NO. 191 of 2007

Sri Tapan Kumar Dey & ors. .... Applicants

-VRS-

The Union of India and others ..... Respondents

**IN THE MATTER OF:**

**WRITTEN ARGUMENT ON BEHALF  
OF THE RESPONDENTS.**

Most respectfully sheweth:

That the salient points of the Argument for contesting the case by the Respondents are as follows:

1. That the brief history of the case is that a selection of goods guard at Lumding Division in scale Rs. 4500-7000/- against 60% Departmental Quota by holding written examination was held on 05-08-06 with continuity selection test on 12/08/06.
- 1.1 On receipt of the several complaints a <sup>on</sup> thorough enquiry was carried out into the conduct of the said selection by the Vigilance Department of N.F. Railway and it was clearly established that there were major irregularities in the evaluation of answer scripts. Out of the 77 candidate appeared, though called 94 candidate, 20 were evaluated to have passed in the written test & were also empanelled.
- 1.2 Of the 20 candidates empanelled, it was found 17 answer scripts had been irregularly evaluated and only 3 actually qualified. Of the 17, 10 made passed with irregularities and 7 failed but made passed.
- 1.3 The IRREGULARITIES were of:
  - (i) Overwriting of marks without signature,
  - (ii) Giving grace mark to some candidates discriminating the others for the same wrong answers against the categorical codal provision of IREM,
  - (iii) Tampering of answer scripts in case of some candidates with the intention to

Contd.... P/2 (make them)

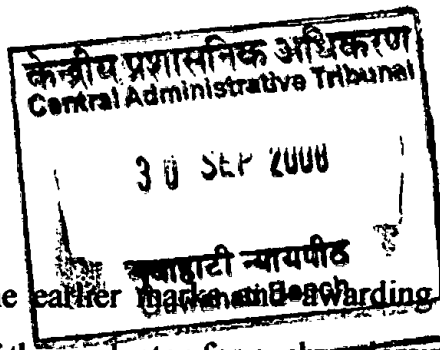
*Ashutosh Chakrabarty*

एक कायक अधिकार.  
१० सी० रेलवे, लायडिंग  
Divisional Personnel Officer  
G. P. Railway, Lumding

*Advocate*  
30/9/08

Filed by:  
*N. D. Dey*  
30/9/08  
*Advocate*

11/211



make them passed by crossing out the earlier marks and awarding fresh marks without putting any signature of the evaluator for such endorsing the correction of marks,

- (iv) Examining the answer scripts in a most callous & casual way and without applying the careful mind so as to mark the incorrect answers as correct.

1.4 On receipt of the Vigilance Report from the SDGM/CVO i.e. Chief Vigilance Officer, N.F. Railway, the DRM, i.e. Divisional Railway Manager, N.F. Railway, Lumding advised the DPO/IC, i.e. Divisional Personnel Officer, N.F. railway, Lumding to examine the case afresh & put up his remarks to DRM. The DPO after examining, as advised, confirmed the irregularities occurred and suggested cancellation of the Panel and conducting written test afresh, and DRM, being the competent authority in the matter ordered accordingly.

The Respondents respectfully submit the answer scripts with the linked File No. E/39-9/1/Pt VIII (9) Docket Vigilance for kind perusal and examining the records by the Hon'ble Tribunal.

2. That as regards allegation taken in the Rejoinder by the Applicants, more particularly under paras 6, 7, 8 & 9, this is submitted that the allegations are not true and admissible and hence, not tenable in the eyes of both facts & Law.

Vigilance have neither taken the process of evaluation of the answer scripts nor decision for cancellation of the selection of the Applicants as alleged. Vigilance only pointed out the irregularities. Evaluating Officer was an appointed Member of the Selection Committee, irregularities were examined afresh by the Divisional Personnel Officer-in-charge and found to be true as indicated by the Vigilance and decision for cancellation of the selection and holding a fresh selection was of the DRM, being the competent Administrative authority in this regard. There was "Fair and responsible manner" in every step of the selection proceeding by the Respondents. Grievances of the Applicants were individual, but no individual representation was made. The relevant observations of the General Manager, N.F. Railway, Maligaon communicated vide letter No. E/39-9/1/ Pt VIII (T)/Loose dated 01/05/07 impugned & placed at Annexure - XI at page - 55 of the O.A. are reproduced ad verbatim:

"Under the facts and circumstances above, I fully concur with the order of cancellation of the panel dated 15/11/2006 and thus I uphold the same.

Contd.....P/3 (The Applicants)

101  
Ashutosh Chatterjee  
वकास अधिकारी  
पू. सी. रेलवे, लामडिंग  
Divisional Personnel Officer  
N. F. Railway, Lumding

Advocate  
29/9/08

Verdine  
- 38709/08  
Advocate

copies of Applicants' representations <sup>to it</sup> - A Series 2 General Manager,  
N.F. type order communication <sup>is it</sup> an response - B.

- Contd.....P/4 (the instant)**

be processed. But overall decision is of the Executive what had happened to in

consideration that the cancellation of panel for the irregularities detected by them  
Accordingly in the instant case the Vigilance Department suggested for  
practices in the selection and suggest the Executive for remedial measures.  
Department to investigate any irregularities reported and for check mal-  
of evaluation of answer scripts as alleged. It is within the ambit of Vigilance  
The it is reiterated that the Vigilance Department did not undertake the process

8. The sending for training does not give any guarantee for appointment /  
promotion

decided by the various Courts and Tribunals.

does not give a right to be appointed. There are so many cases on this issue  
set aside the selection of all. Mere inclusion of name of a person in a select-list  
procedure of selection suffers from glaring illegality. The Hon'ble Supreme Court  
7. That selection does not confer as indefeasible rights to be appointed. Where

with the Hon'ble Tribunal's order in O.A. No. 111 of 2006 dated 20.12.2006.  
Moreover the prayer for personal hearing by the Applicants is not conformity

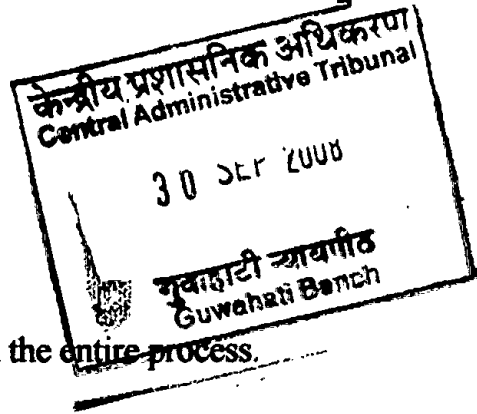
Admission submitted  
Evaluating Officer in the said selection were taken by the competent  
2. That the appropriate steps for causing gross irregularities committed by the

O.A.  
made any representation prior to coming to the Hon'ble Tribunal for the above  
4. That the Applicant in the present O.A. did not appear in the first selection, nor

appeared and only appeared and only appeared and only appeared and only appeared  
were cancelled, and at the 2nd time ... Candidates called for  
five of the 94 candidates called for 77 appeared and only 3 passed through 20  
3. That the standard of the 1st round was not up to the desired mark. In the first  
no need to give personal hearing to the Applicants.

the facts of the case are known and there is no dispute about them, there is  
guard. Therefore, the representation is disposed of in a single order. Since  
ventilated a common grievance against cancellation of the panel of goods  
The Applicants have jointly submitted the representation and have

//4//



the instant case. There was nothing wrong in the entire process.

10. That in this connection it is further submitted that before approaching the Hon'ble Tribunal the Applicant has made no representation to any of the Respondents and as such, the instant O.A. is not tenable as per section 20 of the Administrative Tribunal Act, 1985.
11. That apart from the above submission, re-iterating the earlier submission of the Respondents made in their Written Statement and Objection Petition, the Respondents rely on the following References of the Railways' Codal provision and case-laws: -

Rly's Codal provision: -

Sub Paras (d), (f), (g), (h), (k), & (l) of para - 219 of IREM vol. - I, 1989 revised edition.  
(Annexure - E)

Case Laws:

1. (1991) 3 SCC 47 Shankarshan Dash - Vs- UOI
2. (1994) 4 SCC 165 - Krishan Yadav - Vs - State of Haryana
3. 1995 (1) SLJ 9 (SC) - U. P. Bhumi Sudhar Nigam Ltd. -Vs- Shiv Narain Gupta.
4. (1995) 6 SLR 461 (Raj) Radhey Shyam -Vs- State of Rajasthan.
5. (1997) 1 SLR 260 (GUJ) - Purshotam Das Libachia -Vs- Gujarat State Road Transport Corporation.
6. (1997) 1 SLR 751 (SC) UOI - Vs - N.R. Banerjee.
7. (2002) 3 SCC Vol III 146 - UOI & Ors -Vs- O. Chakradhar
8. (2006) 6 SCC 474 para 20 State of U.P.- Vs - Om Prakash
9. (2006) 2 SCC 315 Para - 20 - Sd Mohd Sartaj & another - Vs - State of U.P.& ors.
10. (2006) 3 SCC Para 14 & 15 - State of U.P.& ors - Vs - Raj Kumar Sharma & ors.
11. (2006) 11 SCC 356 Para- 41 Inderpreet Singh Kahlon & others - Vs - State of Punjab & ors.
12. (2007) 3 SCC 720 - para - 43 - Sanjoy Singh & another -VS- U. P. Public Service Commission, Allahabad & Another.
13. (2008) 8 SCC 192 (para-12) UOI - Vs - Bikash Kumar

Contd.....P/5 (That the)

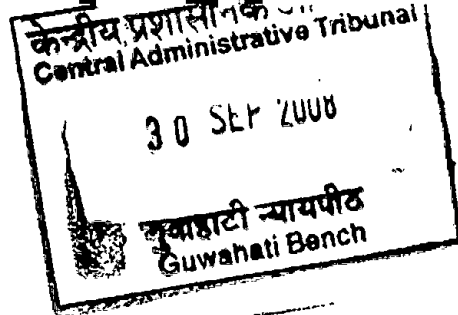
Ashutosh Chakrabarty

103

आशुतोष चक्रवर्ती  
ए. टी. रोड, काशी  
Divisional Personnel Office  
C. P. Railway, Lucknow

वेबसाइट  
- 30/9/08  
Advocate

11511



12. That the case suffers from Res Judicata, Estoppel, mis-joinder of the parties and the like infirmities and therefore does not deserve any consideration and the Respondents respectfully submit that the present application has no merit at all and is, therefore, liable to be dismissed.

13. **PRAYER:** -

In the premises above, it is respectfully submitted that all actions taken in the case by the Respondents 1 to 4 are quite legal, valid and proper and have been taken by the competent authority with proper jurisdiction and justification after due application of mind and no unfair play of action and miscarriage of justice was caused to the Applicants and their application is based on wrong premises and suffers from misconception and misrepresentation of facts, rules and laws on the subject and may, therefore, be granted the correct discernment of the case by this Hon'ble Tribunal with costs and thereby much obliged.

Ashutosh Chakraborty  
104

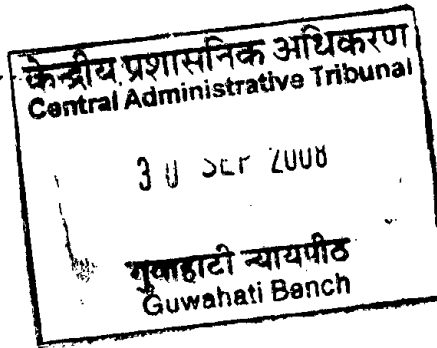
एक कोषक अधिकारी  
ए. सी. रेड्डी, कामधेनी  
Personnel Office  
C. P. Reddy, Imphal

Advocate  
30/9/08

**VERIFICATION**

I Ashutosh Chakrabarty s/o Late Horomohan Chakrabarty at present working as DPO/Lumding do hereby solemnly affirm and state that the statements made in the paragraphs ....1..... to ....6..... are derived from the records and true to my knowledge and belief and the rest all are my humble and respectful submission and I have not suppressed any material facts.

And I sign this Verification on this 28.09.2008 Day of September, 2008, at Lumding



Ashutosh Chakrabarty  
Signature of the Deponent.

Place: Lumding  
Date: 28.09.2008

बल्ल कामक आधिकार  
५० सी० रेलवे, लामडिंग  
Divisional Personnel Officer  
E. P. Railway, Lumding



The Divisional Railway Manager .  
N.F. Railway, Lumding

**Sub : Forwarding of Representation**

Ref : Order dated 20.12.06 passed by the Hon'ble  
Central Administrative Tribunal, Guwahati  
Bench in O. A. No. 311 of 2006

Sir,

We, respectfully, beg to state that we were selected for the post of Goods Guard in scale of Rs. 4500-7000/- in Group- C category. Being aggrieved, by the action of the authorities in cancelling our selection for no apparent reason by order dated 15.11.06 and issuance of notification dated 7.12.06 initiating fresh process for selection to the post of Goods Guard for which we were already selected, we filed an Original Application before the Hon'ble Central Administrative Tribunal, Guwahati Bench and the same was numbered as O.A. 311 of 2006. On 20.12.06, the Hon'ble Tribunal disposed of the Original Application allowing us to make a representation before the General Manager, NF Railway and further directed him to consider the representation within a time frame of 3 (three) months. Accordingly, we request Your Goodself to forward the representation being submitted today to the General Manager, NF Railway, Maligaon.

We, shall be obliged if personal hearing is given, while disposing of the representation. An advance copy of the representation has already been submitted before the General Manager, NF Railway, Maligaon.

Yours faithfully

1. Lakshmi Ch. Dey
2. Swajit Raza.
3. Bijoy K. Ghose

other b

**केन्द्रीय प्रशासनिक अधिकरण**  
**Central Administrative Tribunal**

30 SEP 2008

**গুৱাহাটী ন্যায়পীঠ**  
**Guwahati Bench**



*[Handwritten signature]*



8

107-

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
30 SEP 2008  
गुवाहाटी न्यायपीठ  
Guwahati Bench

**গুৱাহাটী ন্যায়পীঠ**  
**Guwahati Bench**

-AND-

-AND-

Notification dated 7.12.06 initiating a fresh process to fill up the posts of Goods Guard for which the applicants were selected and sent for training.

Conid...

*Attested*

*[Signature]*

*[Stamp: Notary Public, State of New York]*

*[Stamp: Notary Seal]*

*[Stamp: Notary Office]*

*[Stamp: Notary Address]*

108  
9  
-2-

-AND-

IN THE MATTER OF

1. Sri Pranab Chanda

S/o Late Promod Ch. Chanda

Senior Trains Clerk

Lumding

2. Sri Tapan Kumar Dey

S/o Late Har Kumar Dey

Senior Train Clerk

Lumding

Dist.- Nowgaon.

3. Sri Debojit Dey

S/o- Paresh Ch. Dey

Senior Train Clerk

Lumding

Dist.- Nowgaon.

4. Sri Surajit Raha

S/o Late Aswani Raha

Point Man

Lumding

Dist.- Nowgaon.

5. Sri Ranjit Kumar Dutta

S/o M. L. Dutta

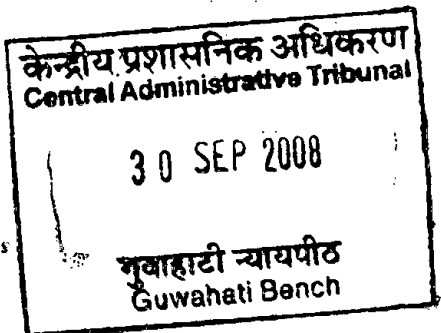
Cabin Man- II

Badarpur

Dist.- Karimganj.

6. Sri Natu Kumar Mali

S/o Late Nagendra Ch. Mali



Attested  
28/9/08  
Joint Secretary  
General Office  
A.E. Ry. Lumding

Contd....

-3-

Cabin Man- II

Panchagram

Dist.- Karimganj

7. Sri Bijoy Kumar Ghose

S/o Late Baroda Kanta Ghose

Reliver Point Man (A)

Lumding

Dist.- Nowgaon.

8. Sri Nripen Sonwal

S/o Late Jogen Sonwal

Reliver Point Man (A)

Lumding.

Dist.- Nowgaon.

9. Sri Putul Chandra Das

S/o Late Dharmeswar Das

Rest Giver Point Man (A),

Jamguri.

Dist.- Sibsagar.

10. Sri Pranab Chandra Dey.

S/o Dhirendra Ch. Dey

Point Man (A)

Dhalpukhuri.

Dist.- Nowgaon.

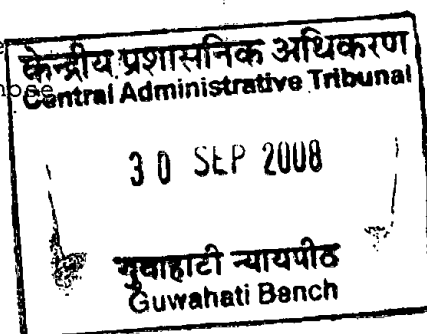
11. Sri Chandra Kanta Saikia

S/o- Somnath Saikia

Reliver Point Man (A)

Lumding,

Dist.- Nowgaon.



Attested  
Sd/-  
Joint Secretary  
Dist. Forest Office  
S.S. Div. Lumding.

Contd....

-4-

12. Sri Dilip Roy Choudhury  
S/o Santosh Roy Choudhury  
Reliver Point Man (A),  
Lumding  
Dist.- Nowgaon.

13. Sri Ajoy Kumar Majumdar  
S/o Late Sudhangshu Kumar  
Mazumdar  
Point Man (A),  
Lumding  
Dist.- Nowgaon.

14. Sri Rakesh Chandra Dey  
S/o Late Rakhal Ch. Dey  
Point Man (A),  
Lumding  
Dist.- Nowgaon.

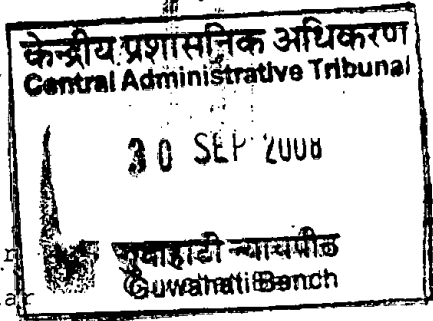
..... Applicants.

The applicants above named :

MOST RESPECTFULLY BEGS TO STATE :

1. That the applicants are aggrieved by the action of the authorities in setting aside there selection for being promoted to the post of Goods Guard which they agitated before the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A No. 311 of 2006. The Hon'ble Tribunal disposed of the application by order dated 20.12.06 with a direction to file a representation before Your Goodself, which should be considered by Your Goodself within a time frame of 3 (three) months

Contd....



Accepted  
27/8/08  
2. B. K. R. Lumding

and in the mean time the order dated 7.12.06 initiating fresh process of selection to fill up the vacancies to be kept in abeyance till disposal of the representation.

A copy of the order dated 20.12.06 is annexed herewith and marked as ANNEXURE- I.

- 2 That the applicants are all serving in different Group C post under Lumding Division of N.F. Railway. The present post in which the applicants are serving and their respective place of posting are mentioned above.
3. That the post of Goods Guard is also a Group C posts which are filled up as 60% from the departmental promotion quota and 40% by direct recruitment. The scale of pay of Goods Guard is Rs. 4500/- 7000/-.
4. That the feeder posts to 60% departmental quota to the post of Goods Guard are as follows.
  - (a) Senior Trains Clerk,
  - (b) Trains Clerk,
  - (c) Senior Commercial Clerk,
  - (d) Commercial Clerk,
  - (e) Cabin Man- I,
  - (f) Cabin Man-II and
  - (g) Point Man -A.
5. That the Divisional Railway Manager(P), Lumding issued notification under memo No. E/39-9/P VIII (T) dated 5.4.06 to hold a selection for filling up 20 vacancies of Goods Guard of departmental

Contd....

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

Altered  
28/9/07  
Asst. Personnel Officer  
A. K. B. Lumding.



published the schedule for the written test. The candidates were divided into two groups mainly Group-A and Group -B for the purpose of written test and it was provided that for Group-A the test would be held on 5.8.06 and Group-B the test would be held on 12.8.06 at the respective schedule and venue mentioned in the letter. The name of the applicants were there in the list.

Copy of the letter dated 20.7.06 is annexed herewith and marked as ANNEXURE- III.

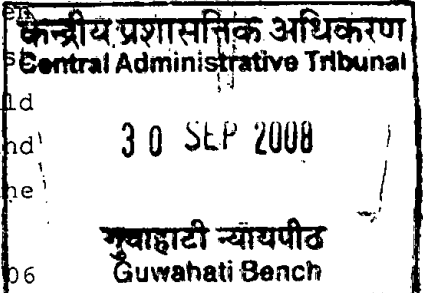
8. That thereafter the written test was duly held on the scheduled dated and the applicants performed fairly to their expectations and were expecting selection for the post. After completion of the selection test the Divisional Railway Manager(P), Lumding issued office order dated 4.4.06 whereby a select list for the post of Goods Guard was published after being duly approved by the ADRM, Lumding on 21.8.06. In the list the name of the applicants No. 1 to 14 figured at serial nos. 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20

Copy of the order dated 4.9.06 notifying the select list is annexed herewith and marked as ANNEXURE- IV.

9. That after the selection for the post of Goods Guard the selected candidates including the applicants were required to have the medical examination for the purpose of undergoing Guardship

Contd....

Attested  
28/9/07  
Personnel Officer  
2. C. Div. Lumding.



15

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
30 SEP 2008  
गुवाहाटी न्यायपीठ  
Guwahati Bench

11. That accordingly the applicants were spared from their respective offices to attend the training at Alipurduar and all of them joined the training centre and were duly undergoing training from 6.11.06.

6.11.06.  
A/289/07  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*



12. That while undergoing training, to the utter shock and surprise to the applicants the Divisional Railway Manager(P), Lumding issued order No. E/ 39-9/1 Pt. VIII (T) dated 15.11.06 whereby the select list/panel of the applicants dated 4.9.06 (Annexure- IV) was treated as cancelled. The Principal of the Zonal Railway Training Institute was also directed to send back the applicants and other selected candidates.

A copy of the order dated 15.11.06 is annexed herewith and marked as ANNEXURE- VII.

13. That the applicants were greatly shocked and surprised when their selection was cancelled, in as much as they were duly selected with strict adherence to the rules and there were no illegalities and infirmities in their selection for the posts of Goods Guards.

14. That the applicants have made an enquiry as to the possible cause for taking such drastic action and to their great shock they came to know that two candidates appearing in the selection process namely Sri Manoranjan Biswas and Bhanu Ghosh figuring at serial No. 17 and 44 of Group-B candidate in the list dated 20.7.06 (Annexure- III), having failed to qualify in the selection test, made complain before the authorities and without making any proper enquiry and without having any reasonable cause, Divisional Railway Manager(P), Lumding has cancelled the entire select

Contd....

Attested  
28/9  
Personnel Officer  
D. V. D. Lumding.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

list with utmost non-application of mind. The applicants state that the selection has been cancelled only at the interest of some vested interest including candidates who failed to succeed and exercise was based on extraneous consideration. The applicant states that there was no illegalities or irregularities in the process of selection so widespread and all-pervasive so as to cancel the entire selection. The applicants state that the action of the authorities was malice laden which has caused undue prejudice to the applicants.

15. That after passing the impugned order of cancellation of the panel, the Divisional Railway Manager(P), Lumding has issued notification under memo No. E/9-9/P/VIII (T)/Loose dated 7.12.06 initiating a fresh process to fill up the 22 posts of Goods Guards including those for which the earlier panel containing the name of the applicants were prepared and cancelled. The application are asked to be submitted by 30.12.06.

A copy of the notification dated 7.12.06 is annexed herewith and marked as ANNEXURE- VIII.

16. That the applicants state that the action of the authorities in cancelling their valid selection is highly unreasonable and therefore illegal and arbitrary and the same are not sustainable on the following grounds -

Contd....

Attested  
10/28/07  
Personnel Officer  
Mr. Lumding.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

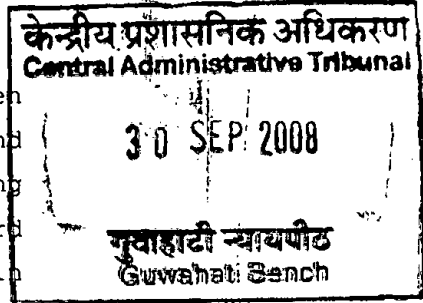
G R O U N D S

(i) That the applicants submit that they had been duly selected for the posts of Goods Guard and they are entitled to complete the entire training for being appointed to the posts of Goods Guard and as such the action of the authorities in cancelling the selection on extraneous consideration is wholly unreasonable and as such the impugned order dated 15.11.06 (Annexure- VII) and the notification dated 7.12.06 (Annexure- VIII) are bad in law and liable to be quashed and set aside.

(ii) That the applicants submit that the action of the authorities in cancelling the entire selection process without assigning any plausible reason is illegal and arbitrary and as such the impugned action and orders are bad in law and liable to be quashed and set aside.

(iii) That after being duly selected for the posts, the applicants got a vested right for consideration for being appointed, moreso, when the authorities are going to fill up the posts and as such before setting aside the selection the authorities were duty bound to give a hearing to the applicants which has not being done in the present case. The applicants submits that after being empanelled cancellation entails serious consequence and even if there is no stipulation for giving a notice in the rules/regulation, the rules of principle of natural justice demands that the applicants were entitled for a prior notice of the action of the

Contd....



Appointed  
28/9

अधीक्षक  
आयुक्त, हावड़ा  
Regional Officer  
Hawra.

30 SEP 2008

**गुवाहाटी न्यायपीठ**  
**Guwahati Bench**

- (iv) That the process undergone by the applicants for the selection was strictly in accordance with law and there were no such infirmities or illegalities in the process which would have vitiated the entire proceedings and the authorities have cancelled the entire select list arbitrary, whimsically and on extraneous consideration.
- (v) That the applicants submit that after they had been selected for promotion in due adherence to the procedure laid down under the rules, they have a legitimate expectation for being promoted to the post of Goods Guard. The ratio laid down by the Supreme Court in the cases referred by the Hon'ble Tribunal in order dated 20.12.06, makes it obligatory on the part of the authorities that the action in setting aside the select list must be non-arbitrary and bonafide. It has been further laid down by the Apex Court that the authorities should scrutinize the nature and extent of the illegalities and irregularities in each case to decide on the future course of action, unless the mischief committed is widespread and all pervasive, for which reason it is difficult to pick out the individual cases and which calls for cancellation of entire selection. The applicants submit that the authorities have deviated the course aforesaid while cancelling

*Contd...*

[illegible]

the select list and as such the action is not maintainable in law.

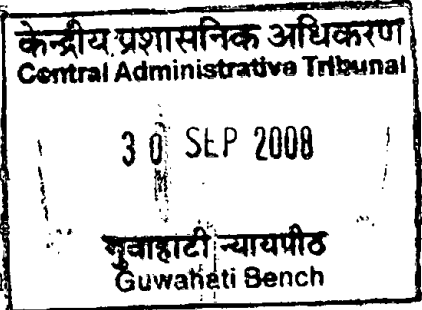
(vi) That the applicants submit that the action of the authorities in cancelling the entire select list and initiating steps for fresh proceedings is affected by extraneous consideration and the same is malafide, illegal and arbitrary and is without authority of law and as such the impugned order and notification are not maintainable in law and the same are liable to be set aside and the applicants are liable for due relief.

(vii) That in any view of the matter the impugned orders and action are bad in law and is liable to be quashed and set aside.

In the premises aforesaid, it is, therefore prayed that Your Goodself, may be pleased to set aside the impugned order dated 15.11.06 (Annexure- VII) and dated 7.12.06 (Annexure- VIII) and be pleased to uphold/ maintain the select list dated

Contd.....

Attested  
to the Hon. Justice  
Smt. Personnel Officer  
2. 22. 11. 2006.



21

-13A-

4.9.06 (Annexure- IV) for  
appointment of the posts of  
Goods Guard and allow them  
to complete the training.

And for this act of kindness the applicants  
as in duty bound shall ever pray.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2008

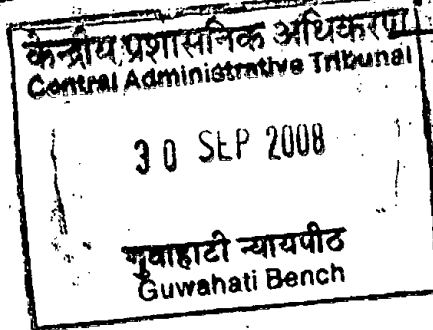
गुवाहाटी न्यायपीठ  
Guwahati Bench

1. Dilip Roy Choudhury
2. Bijoy Kr. Ghose
3. Ajay Kumar Majumdar
4. Tapan Kr. Dey
5. Pritul Ch. Das
6. Susmit Raha
7. Promod Chandra
8. Rakesh Ch. Dey
9. Sri Pranam Chandra Dey
10. Debajit Dey
11. Sri Nandu Kumar Mali
12. Ranjit Kumar Dutta
13. Sri Nripen Sonowal
14. Sri Chandra Kanta Saikia

Attested

Asst. Personnel Officer  
S.E. B.R. Kamdar

ANNEXURE - B



22

BY REGD. POST.

NORTHEAST FRONTIER RAILWAY

Office of the  
Divl. Railway Manager(P)  
N.F. Railway, Lumding.  
Dated 01.05.2007.

No.E/39-9/1 PVIII(T))/Loosc.

To: Srujanit Raha, Points Man (A)/Lumding  
Co Station Manager/Lumding  
Dist: Nagaon Assam

Sub:- Compliance with the Hon'ble CAT/Guwahati's order dated 20.12.06 passed in O.A. 311 of 2006 (Pranab Chanda & 13 others - VS - Union of India & others).

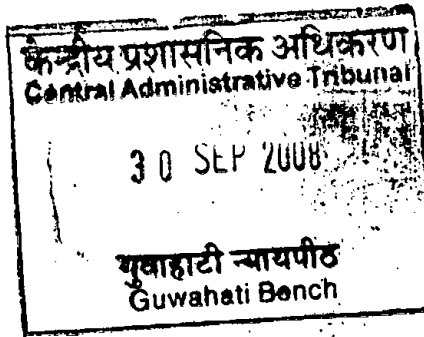
Ref:- Your representation dated NIL received by this office on 05.01.07.

In compliance with the Hon'ble CAT/Guwahati's order dated 20.12.06 passed in OA-311 of 2006, General Manager, N.F.Railway, Maligaon has considered your representation mentioned above and passed the order as follows :-

"I find after the completion of written examination, based on several complaints, a thorough enquiry was carried out into the conduct of the same by the Vigilance department of N.F.Railway and it has been clearly established that there were major irregularities in the evaluation of answer scripts. These irregularities are such that it is not possible to rectify the panel simply by deleting or adding one or two names. Accordingly, I am fully satisfied that the conditions specified in the Hon'ble Supreme Court's decision in 3 SCC 2002 Vol.III 146, Union of India and others Vs O.Chakradhar, quoted in the CAT's Judgment viz "If the mischief played is so widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited on-wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show-cause notices to each selectee. The only way out would be to cancel the whole selection" are fully met with. Therefore, decision of the competent authority to cancel the panel is valid. There is no substance in the allegation made by the applicants that the cancellation of the panel was done to serve some vested interests or benefit any candidate(s) or with mala fide intentions.

Under the facts and circumstances above, I fully concur with the order of cancellation of the panel dated 15.11.2006 and thus I uphold the same.

Contd. to P/No.2.



23

P/No.2.

The applicants have jointly submitted the representation and have ventilated a common grievance against cancellation of the panel of goods guard. Therefore, the representation is disposed of in a single order. Since the facts of the case are known and there is no dispute about them, there is no need to give any personal hearing to the applicants. The decision should be communicated to the applicants.

*K.P. Singh*  
(K.P. Singh)  
DPO/IC/LMG  
For Divl. Railway Manager(P)  
N.F. Railway, Lumding.

Copy to:-

- 1) CPI/LMG. He will depute respective PI for handing over the above mentioned letter to the staff concerned obtaining signature of the staff as mentioned above and the same should be sent to this office for record.
- 2) PI/BPB. He will hand over the above mentioned letter to the staff concerned obtaining signature of the staff as mentioned above and the same should be sent to this office for record.

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

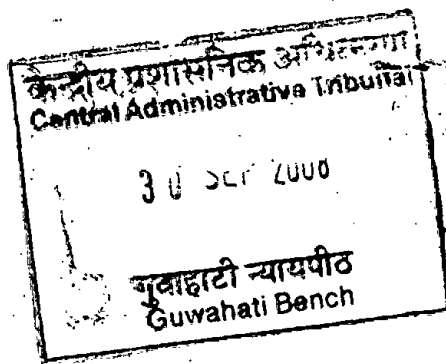
D/legal/letter.

*Accepted*  
28/9/08  
For Divl. Railway Manager(P)  
N.F. Railway, Lumding.

*ge*

*P. Singh*  
21/5/08





ANNEXURE - C-Series

24

501/51-123

N.F. Railway.

Notification.

Office of the  
Divl. Rly. Manager (P)  
Landing. Dated: 07.12.00

Sub:- Selection for promotion to the post of Goods Guard in scale Rs. 4500-7000/- against 60% D.P. quota.

It has been decided with the approval of competent authority to hold a selection to fill up 22 vacancies (UR-17, SC-3 and ST-2) of Goods Guard in scale Rs. 4500-7000/- against 60% D.P. quota by option from the following prescribed categories as per percentage shown against each.

Sr.TNC	4000-6000/-	}	28% = 10
TNC	3050-4590/-		
Sr.CC	4000-6000/-	}	4% = 02
CC	3200-4900/-		
C/Man-I	4000-6000/-	}	23% = 10
C/Man-II	3050-4590/-		
P/man-A	3050-4590/-		

Options are invited from the eligible candidates of the above mentioned categories only who desire to volunteer for the post of Goods Guard in Scale Rs.4500-7000/- and send their applications in a bunch as per proforma given below so as to reach this office on or before 29/12/06 positively. Application received after the target date i.e., after 29/12/06 will not be entertained. TNC, Commercial Clerk, C.man-I and P.man-A who have put in a minimum of 03 years (three) of service in the above mentioned grades will be eligible for promotion to the post of Goods Guard in Scale Rs. 4500-7000/-

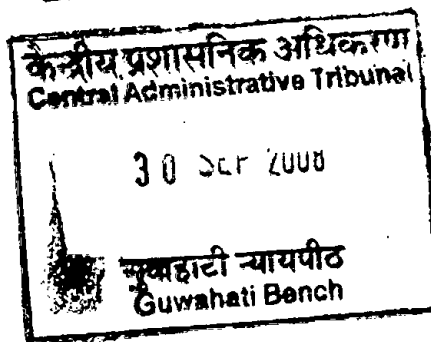
Proforma

- 1) Name :-
- 2) Designation and Station:-
- 3) Date of birth:-
- 4) Date of appointment:-
- 5) Present Pay and Scale :-
- 6) Date of promotion to the grade:-
- 7) Whether SC/ST :-
- 8) Educational qualification:-

Contd... 2

Received  
28/9/07  
2007

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50/50

-2-

Subordinate in-charges should give wide publication of this notification amongst the eligible staff working under them and send the applications obtained from the willing eligible candidate in a separate cover superscribing "APPLICATION FOR GOODS GUARD" addressed to APO/I/LMG on or before 29/12/06 positively.

*Narayan Mukherjee* 7/12/06  
(Narayan Mukherjee)  
APO/I/Lunding.  
for Divil.Rly.Manager (P)  
N.F.Railway. Lunding.

No- E/39-9/FVHCT/Lunge Lunding.Dtd: 27/12.06

Copy forwarded for information and necessary action to:-

- 1) Sr.DOM/LMG (2) DOM/PL/LMG. (3) CAM/GHY (4) AM/BPB
- 5) CYM/NGC \* & LMG (6) RAC(O) & RAC(Comm.) at Office. (7) RAC/BPB
- 8) All SM/ASMs of LMG Divin, All R/Cs of LMG Divn.
- 9) TI/LMG, TI/E/LMG, TI/W/LMG and TI/HM/LMG, TI/WR/LMG, TI/BPB & GHY

They will also collect the applications from the willing eligible candidates working at their sections and send the same to this office with in 30/12/06.

- 10) Divil.Secretary.NFREU/LMG
- 11) Convepor NFRMU/LMG
- 12) Divil.Secy. SC/ST Association Lunding
- 13) CPis/LMG, BPB and GHY for wide publication amongst the eligible staff.

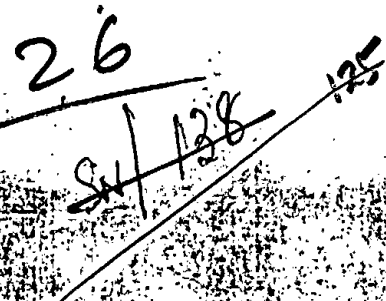
*Narayan Mukherjee* 7/12/06  
for Divil.Rly.Manager (P)  
N.F.Railway. Lunding.

5/12/06

*o/e*

*ms* 11/12/06

*Attache*  
28/11/08



Office of the  
Divil. Rly. Manager (P)  
Lumding. Dated: 26/8/07.

Ref:- This Office Notification of even No. Dtd: 7.12.2006

2) Accordingly options are hereby invited from Sr.TNC, Sr.CC and C/man-I in scale Rs. 4000-6000/- TNC, C/man-II and P man/A in scale Rs. 3050-4530/- and CC in Scale Rs. 3200-4900/- TNC, Commercial Clerk, C/man and P man/A who have put in a minimum of 03 ( three) years service in respective grades are eligible to apply for the post of Goods Guard in scale Rs. 4500-7000/- Options so invited, should be submitted as per proforma given below so as to reach this office on or before 16-7-07 positively. Options received after the target date i.e., after 16-7-07 will not be entertained.

- 1) Name
- 2) Designation & Station
- 3) Date of birth
- 4) Date of appointment
- 5) Present pay and scale
- 6) Date of promotion to the grade
- 7) Whether SC/ST
- 8) Educational qualification:

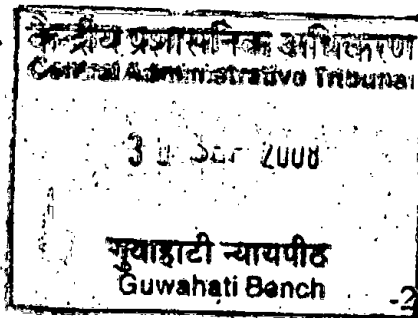
It may be noted that those who have earlier submitted options within the target date i.e. 29.12.06 in response to this office notification of even No. dtd: 7.12.06 need not apply again.

This issues with the approval of competent authority.

(Narayan Mukherjee)  
APO// Lumding.  
Divl. Railway Manager (P)  
N.F. Railway, Lumding.

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

~~Back to page 2~~



137

27

No- E/39-S/1 Pt.VIII(T) Loose

Lumding, Dtd: 26/6/07

Copy forwarded for information and necessary action to:-

- (1) Sr.DOM/LMG
- (2) DOM/PL/LMG
- (3) CAM/GHY
- (4) AM/BPB
- (5) CYM/NGC
- (6) RAC(O)/Comml./LMG
- (8) All SM/ASMs & BCIC of LMG Divin.
- (9) TI-LMG, BPB & GHY TI/Hill/LMG, TI/W/LMG, TI/East/KNG- They will collect the application from the willing eligible candidates working at their section and send the same to this office within 6.07.07.
- (10) Convenor NFRMU/LMG
- (11) Divil.Secy. NFREU/LMG
- (12) Divil.Secy. SC/ST Association/LMG
- (3) S & WI/LMG, BPB and GHY.

for Divil.Railway Manager (P)  
N.F.Railway, Lumding

WWW@ selection-2007 @Tfc#LMG.com

Attested  
28/6/07

28/6/07

N.F. Railway.

Office of the  
Divl. Rly. Manager (P)  
Lumding Dated: 20.11.07.

Notification

Sub: Selection for the post of Goods Guards in scale Rs. 4500-7000/-

Ref:- This office Notification No. E/39-9/1-Pt-VIII(T)(Loose) Dtd: 7.12.06 & 26.6.07

It has been decided to hold a selection for the post of Goods guard in scale Rs. 4500-7000/- to form a panel of 22 persons (UR-17, SC-03 and ST-02) against 60% D.P. quota vide this Notification under reference.

The selection will consist of written test only to assess professional ability of the candidates.

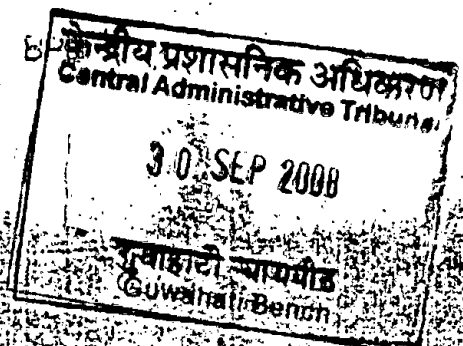
The candidates may answer the question in English or Hindi as they like. No absentee selection will be held under any circumstances as the posts are to be filled up by calling options.

The following candidates who have opted and are eligible to appear in the above mentioned selection are hereby advised to keep themselves in readiness to appear in the above selection which be held at a short notice.

The names of the eligible optees are arranged below in order of their seniority.

SL No.	Name	Commun	Designation and Station.
(Sr.TNC/TNC)			
1	Shri Tapan Kanta Roy	UR	Sr.TNC LMG
2	Shri Bandan Kr. Sarma	UR	Sr.TNC LMG
3	Shri Tarunmoy Bose	UR	Sr.TNC LMG
4	Shri Prafulla Ch. Deka	UR	Sr.TNC DMR
5	Shri Tapan Chakraborty	UR	Sr.TNC BPB
6	Shri Babul Ch. Bhowmick	UR	Sr.TNC LMG
7	Shri Debabrata Bhattacharjee	UR	Sr.TNC CNL/BPBT
8	Md. Mainul Haque Ali	UR	Jr.TNC NGC
(Sr.CC/CC)			
9	Shri Kabul Das	SC	Sr.CC/G LMG
10	Shri Samir Uddin	UR	Sr.CC/G DMR
11	Shri Prem Chand Tappo	ST	Sr.CC/G(BG)-TPT LMG
12	Shri Monmath Kr. Nath	UR	Rg.Sr.CC/C KNBR
13	Shri Dilip Kr. Sutradhar	SC	Rg.Sr.CC(T)(BG-TPT) LMG
14	Shri Debasish Chakraborty	UR	LR DMR LMG
15	Shri Ashish Chakraborty	UR	LR.Sr.CC(T)(BG-TPT) LMG
16	Shri Norbert Kujur	ST	R-CC BPB
17	Shri Kumar Ch. Sekachar	ST	R-CC BPB
	Tripura		
18	Md. Abdul Mazid	UR	R-CC

Contd.. 2



Accepted  
20/11/07  
Divl. Rly. Manager (P)  
Lumding

SL No	Name	Community	Designation and Station
(P-man-A/C/man)			
19	Shri Manik Chakraborty	UR	Rg/C/man-II LMG
20	Shri Pratap Ch. Bordoloi	ST	C/man-II MTGE (mGE)
21	Shri Patanga Rongmai	ST	P/man-A SCL
22	Shri Dulal Biswas	UR	R/C/Man-II LMG at NLN
23	Shri Gouri Sankar Bhadra	UR	R-C/man-II LMG
24	Shri P.M. Das	UR	P/man-A DMR
25	Shri K.C. Bania	SC	R/Pman-A LMG at TKC
26	Shri P.C. Nath	UR	P/man-A GHY
27	Shri Narayan Chowhan	UR	C/man-II LMG
28	Shri P.C. Changmaji	ST	P/man-A HJ
29	Shri P. Kamraju	SC	P/man-A LM
30	Shri H.P. Sinha	UR	P/man-A MBG
31	Shri K.C. Phukan	UR	C/man-II PDJ
32	Shri Sankar Debnath	UR	C/man-II KXJ
33	Shri Sreban Singh	UR	P/man-A KVM
34	Shri T. Pataiya	SC	P/man-A DSR
35	Shri Swapan Kr. Roy	UR	R/C/man-II LMG
36	Shri Nikhil Sen	UR	P/man-A KHKT
37	Shri Ajit Kr. Dey	UR	P/man-A LMG
38	Shri Ghan Bahadur Chetry	UR	R/Pman-A LMG
39	Shri Pabitra Ghose	UR	P/man-A LMG
40	Shri Swapan Ch. Das	UR	R/Pman-A SQF
41	Shri Nirmal Ch. Das	UR	Rg/Pman-A KHKT
42	Shri Arjun Teron	ST	R-P/man-A LMG at TKC
43	Shri Gopal Majumder	UR	P/man-A KXJ
44	Shri Mandar Singh Tisso	ST	P/man-A KHKT
45	Shri Khetekeswar Kochari	ST	P/man-A CSR
46	Shri Subhas Ch. Nath	UR	P/man-A BRGM
47	Shri Amut Rn. Barman	ST	P/man-A LFG
48	Shri Sushil Rn. Suklabaidhya	SC	P/man-A SCL
49	Shri Manoranjan Biswas	SC	P/man-A EPB
50	Shri Ranjit Nath	UR	LR-C/man-II SCL
51	Shri Samir Ch. Roy	UR	R/C/man-II LMG
52	Shri Nihang Timung	ST	LR-C/man-II SCL
53	Shri Sishu Ram Hira	SC	P/man-A HMX
54	Shri Sajdeo Mahato	UR	Rg/P/man-A LMG
55	Shri Saroj Jasowara	SC	P/man-A BPB
56	Shri Jyotish Ch. Dey	UR	P/man-A HKO
57	Shri D. Eranna Rao	UR	P/man-A NGC
58	Shri Nripen Baishya	UR	P/man-A NGC
59	Shri Subal Mohan Sarkar	UR	R/C/man-II BPB
60	Shri Swapan Kr. Dutta	UR	P/man-A BPB
61	Shri Shyamal Mali	SC	P/man-A EPB
62	Shri Pradip Mali	SC	P/man-A BPB
63	Shri Rabindra Sarkar	UR	P/man-A PNO at NGC

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी आयोग  
Guwahati Bench

Attested  
Joint Personnel Officer  
P. N. Bis. L. M. D. S.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
30 SEP 2008  
at Kharwaahati न्यायपीठ  
at BHUWahati Bench

Altered  
 10/28/84  
 Bureau  
 Criminal  
 Council Office  
 Mr. Lunding

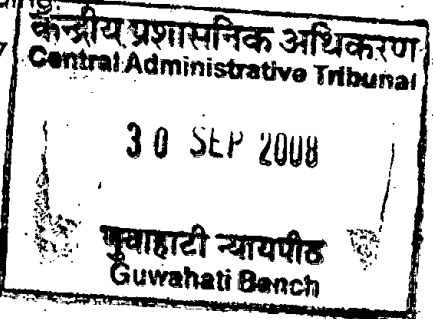
CS to Sr.DOM/LMG and CS to Sr.DCM/Lumding are also advised to send the last 03 years ACRs of the staff appearing at serial Nos 1 to 16 for the year 2005, 2006 and 2007 to CS to Sr.Dpo/Lumding immediately.

(Narayan Mukherjee)  
APO//Lumding.

for Divil.Rly.Manager (P)

N.F.Railway. Lumding.

Lumding, Dtd. 20.11.07



No-E/39-9/1 Pt- VIII(Loose)

Copy forwarded for information and necessary action to:-

- 1) Sr.AM/GHY
- 2) Sr.DOM/LMG
- 3) Sr.DPO/LMG
- 4) DOM/P/LMG, Sr.SM/GHY
- 5) AM/BPB
- 6) AOM/GHY
- 7) SSs/Dy.SS/SMs-

- 8) BC/IC/KNBR
- 9) CYM/LMG, BPB & NGC
- 10) RAC/(O) & RAC(C) at Office.
- 11) TI/East/LMG
- TI/BPB and GHY

(Shri B.R.Deka, TI/BPB)

(Shri K.C.Deka, TI/GHY)

LMG, DMR, BPB, TGE, SCL, GHY, HJI, MBG, PDJ, KXJ, KWM, DSR, KHKT, SQF, BRGM, LFG, HKD, MGX, PNO, BRLF, DLDE, NLBR, KTX, LJD, RXR, JMI, BNGN, NNGE & TKC

They have been nominated to impart the pre-selection coaching to the staff belonging to SC/ST Community as mentioned above for 07 days wef.

10.12.07 to 16.12.07

They should submit the competency certificate as regards to pre-selection coaching immediately on completion of the pre-selection coaching so that written test can be held without delay.

- 12) OS/Optg, LMG, BPB & GHY
- 13) Ch.OS/ET/Cadre at Office.
- 14) CS to Sr.DOM/LMG, CS to Sr.DCM/LMG & CS to Sr.DPO/LMG
- 15) Staff concerned thro:- Proper channel
- 16) E/III/Gr-II & E/IV/Gr-I

(E/III/3)

(Narayan Mukherjee)  
APO//Lumding.  
for Divil.Rly.Manager (P)  
N.F.Railway. Lumding.

20/11/07



No. E/39-9/1 Pt-VIII(T)(Loose)

Office of the

Divisional Manager (P)

Lumding. Dated: 19-02-08.

To

1) SSS/SM LMG, DMR, BPB, MGE, SCL, NLN, GHY, HJL, MP, PDJ, KXJ, KWM, DSR, JMI, KHKT, SQF, TKC, LFG, PNO, BRGM, HKD, MG, DLDE, NLBR, NNGE, BHGN, HAK, RXR & LJO. **CPK**

2) Sr. SM/GHY, 3) AM/BPB (4) CYM/NGC

6) CHC- LMG &amp; BPB

(5) RAJ (Optg) &amp; Commi./LMG

(7) BCIC/ KNBR

Sub: Written test for Selection to the post of Goods Guard in scale Rs. 4500-7000/-

Ref: This office Notification No. E/39-9/1-Pt-VIII(Loose) Dtd: 20-11-07

In reference to the above, the written test of selection for the post of Goods Guard in scale Rs. 4500-7000/- has been fixed to be held as per following schedule:-

Date of examination	Time	Venue
08/03/08 for the staff enlisted at Group-A	10.00 hrs	DRM(P)'s Office Lumding
15/03/08 for the staff enlisted at Group-B	10.00 hrs	RM(P)'s Office Lumding

Please spare and direct the staff mentioned below at Group-A and "B" to appear in the written test for selection to the post of Goods Guard in scale Rs. 4500-7000/- fixed to be held on 8.3.08 for Group-A and 15.3.08 for group-B positively even without relief.

No absentee written test will be held under any circumstances as the posts are to be filled up by calling options.

Subordinate incharges <sup>are</sup> also advised to send the last 3 yrs. working report for the year 2005, 2006 and 2007 of the staff working under them appearing at Serial No. 11 to 42 of Group-A and serial No. 9 to 42 appearing at Group-B, in separate sealed cover addressed to APO/ILMG under subsonbing on the top of the cover "Working report for Goods Guard." immediately.

**Group-A**

Written test fixed to be held on 08.03.08 from 10.00 hrs. in DRM(P)/LMG's Office.

SL No	Name	Community	Designation and Station
1	Shri Tapan Kanta Roy	UR	Sr. TNC LMG
2	Shri Bandan Kr. Sarma	UR	Sr. TNC (CWL) LMG
3	Shri Prafulla Ch. Deka	UR	Sr. TNC DMR
4	Shri Tapan Chakraborty	UR	Sr. TNC BPB
5	Shri Kabul Das	SC	Sr. CC/G/ LMG
6	Shri Prem Chand Tappo	ST	Sr. CC/G/(BG)-TPT LMG
7	Shri Monmath Kr. Nath	UR	Rg. Sr. CC/C KNBR
8	Shri Dilip Kr. Sutradhar	SC	Rg. Sr. CC/T(BG-TPT) LMG
9	Shri Norbert Kujur	ST	R-CC BPB
10	Shri Kumar Sakacheo Tripura	ST	R-CC BPB
11	Shri Manik Chakraborty	UR	Rg/C/m-II LMG
12	Shri Pratap Ch. Bordoloi	ST	C/man- LMG (MGE)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

0/e

Attested  
By: [Signature]  
Asst. Personnel Officer  
R.F. Lumding.



34

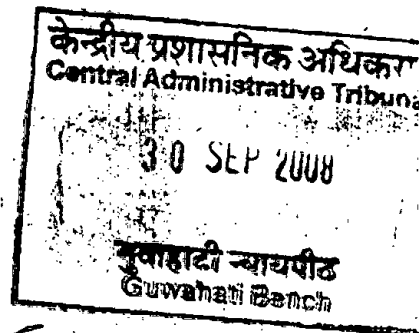
133

Sl. No.	Name	Community	Designation and Station
15	Shri Ranjit Nath	UR	LR/Man-II SOL
16	Shri Samir Ch. Roy	UR	R/C/Man-II LMG
17	Shri Nihang Timung	ST	LR/Man-II SOL
18	Shri Sishu Ram Hira	SC	P/Man-A HWX
19	Shri Sajdeo Mahato	UR	Rg./Man-A LMG
20	Shri Jyotish Ch. Dey	UR	P/Man-A HKD
21	Shri Pradip Mali	SC	P/Man-A BPB
22	Shri Kolfimthai Choral	ST	P/Man-A MGX
23	Shri Pradip Dewri	ST	P/Man-A PNO at NGO
24	Shri Dilip Ch. Barman	ST	P/Man-A LMG at HJL
25	Shri Upendra Prasad	UR	P/Man-A LMG
26	Shri Niranjana Debnath	UR	Rg./P/Man-A BRLF at DLDE
27	Shri Parimal Ch. Deb	UR	P/Man-A LMG
28	Shri Mujibur Rahman	UR	P/Man-A NGC
29	Shri Ranjit Kr. Nath	UR	P/Man-A NLBR
30	Shri Debasis Dutta	UR	P/Man-A LMG at NNCE
31	Shri Dilip Roy Chowdhury	UR	P/Man-A NGC
32	Shri Sanjoy Paul	UR	P/Man-A DMR
33	Shri Bhanu Ghose	UR	P/Man-A BPB
34	Shri T.B. Deb Barman	ST	P/Man-A KXJ
35	Shri Abdul Fatta	UR	R/P/Man-A BPB
36	Shri Dibak Chakraborty	UR	R/P/Man-A BPB at KTX
37	Shri Chakreswar Sonowal	ST	R/P/Man-A LMG at BIGN
38	Shri Ilungbe Jeme	ST	P/Man-A LJO
39	Shri Swapan Kr. Dhar	SC	R/P/Man-A LMG at RXR
40	Shri Vangir Choral	ST	P/Man-A SOL
41	Shri Punaran Soh	ST	P/Man-A JMI
42	Shri S. Koma Rao	UR	P/Man-A LMG

176

19/02/08

Narayan Mukherjee  
 APO/Lumding  
 for Divl. Ry. Manager (P)  
 N.F. Railway, Lumding.



Copy forwarded for information and necessary action to:-

- 1) Sr. DOM/LMG, Sr. DOM/LMG
- 2) DOM/P/LMG & Sr. Secy. NFFEU & Comptroller/NFRMU/LMG.
- 3) T/East, West and Hill/LMG
- 4) T/LMG, BPB and GHY
- 5) CS to Sr. DOM/LMG, CS to Sr. DOM/LMG They are advised to send the last 3 yrs. ACRs of the staff appearing at SL No. 1 to 10 of Group-A and Sl No. 1 to 9 of Group-B to CS to Sr. DPO/LMG immediately
- 6) CS to Sr. DPO/LMG
- 12) Staff concerned thro:- Proper channel.

19/02/08

Narayan Mukherjee  
 APO/Lumding  
 for Divl. Ry. Manager (P)  
 N.F. Railway, Lumding.

WWW.TKMLMG.COM

APR 28 2008  
 20/2/08  
 20/2/08

20/2

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20/2/08

20/2/08

N.F.Railway.

Office of the  
Divl.Rly.Manager(P)  
Lumding, Dtd: 8.4.08.

**Memorandum**

Sub:- Result of selection to the post of Goods Guard in scale  
Rs. 4500-7000/- against 60% D.P. quota.

As a result of selection held on 8.3.08 & 15.3.08 for promotion to the post of Goods Guard in scale Rs. 4500-7000/- against 60% D.P. quota of Traffic department. Vide this office letter No. E/39-9/I Pt-VIII (T)(Loose) Dated: 19.2.08, the following candidates who have been come out successful as per positive act of selection are provisionally empanelled for promotion to the said post.

**TNC Group**

- 1) Shri Babul Ch.Bhowmick, (UR), Sr.TNC/LMG

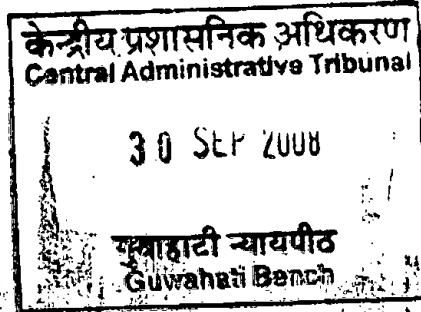
**CC Group**

- 1) Shri Norbert Kujur, (ST), RCC/BPB

**C/man & P/man/A Group**

- 1) Shri Sankar Debnath (UR) C.man/II/ KXJ  
2) Shri Ajit Kr.Dey, (UR) P.man/A/LMG  
3) Shri Swpan Kr.Dhar, (SC), RP.man/A/LMG.

The panel has been approved by ADRM provisionally on 4.4.08 subject to the decision in O.A. No. 191/07 as per orders dtd: 13.7.07 of Hon'ble CAT/GHY.



(A.C.Konwar)  
APO/III/Lumding.  
for Divl.Rly.Manager (P)  
N.F.Railway. Lumding.

No- E/39-9/I P-VIII (T)(Loose) Lumding, Dtd: 8.4.08.

Copy forwarded for information and necessary action to:-

- 1) Sr.DOM/LMG Sr.DCM/LMG  
2) SS/LMG & KXJ  
3) AM/BPB.  
4) RAC/Optg/Comml. /LMG.  
5) Divisional Secy. NFREU/LMG and Convenor NFRMU/LMG  
6) Staff concerned thro: Proper channel.

for Divl.Rly.Manager (P)  
N.F.Railway. Lumding.

8-4-08  
Office  
8-4-08

Office Order.

Office of the Divl.  
Rly. Manager (P),  
Lumding. Dtd 2/07/2008.

The following candidates who have been empanelled for promotion to the post of Goods Guard vide this office Memorandum No. E/39-9/I Pt.VIII(Loose), dtd. 08.04.08 and Medically fit in A/2 are hereby directed for undergoing Guardship Promotional Training Course at ZRTI/APDJ commencing from 11.08.2008 for a period of 43 working days.

Sl. No.	Name	Designation & Station
1-	Shri Babul Ch. Bhowmick (UR)	Sr.TNC/LMG
2	„ Norbert Kujur (ST)	RCC/BPB
3	„ Sankar Debnath (UR)	C/Man-II/KXJ
4	„ Ajit Kr. Dey (UR)	P/Man(A)/LMG
5	„ Swapan Kr. Dhar (SC)	R.P.Man(A)/LMG

Subordinate in-charge are advised to spare and direct the above mentioned candidates to report to Principal/ZRTI/APDJ by 10.08.2008 positively for undergoing Guardship Training commencing from 11.08.2008 even without relief.

The staff concerned should also be advised the following instruction :-

- Accommodation at ZRTI/APDJ Hostel will be provided as per availability of Bed/Room.
- The departmental trainees are entitled for free food during the training in lieu of TA/DA in addition they will get 20% TA/DA.
- They will have to carry their own beddings etc.
- They should wear uniforms and badges when attending the class/examination.
- They will have to maintain strict discipline in the school and also outside the class.
- Before leaving for APDJ they should leave pay authority with their co-worker.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 JUL 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

( N. Mukherjee )  
APO/I/LMG.

For Divl. Rly. Manager (P),  
Lumding.

dated 02/07/2008.

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

Copy forwarded for information and necessary action to :-

- (1) SS's LMG & KXJ
- (2) AM/BPB
- (3) ChOS/Optg./Comml/LMG
- (4) RAC/Optg. & RAC/Comml at office
- (5) Sr.DOM/LMG
- (6) Sr.DCM/LMG
- (7) Divil. Secy./NFRÉU/LMG
- (8) Convenor/NFRMU/LMG
- (9) Principal ZRTI/APDJ
- (10) CHC/LMG – He will please relay the above message through control phone
- (11) E/IV/Gr.I & E/III/Gr. 2 & 3
- (12) Staff concerned through proper channel
- (13) OS/ET/Bill.

For Divl. Rly. Manager (P), 7/08  
Lumding.

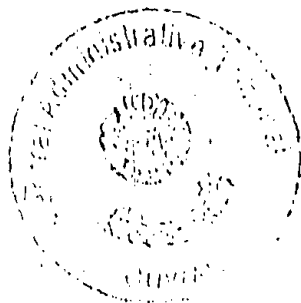
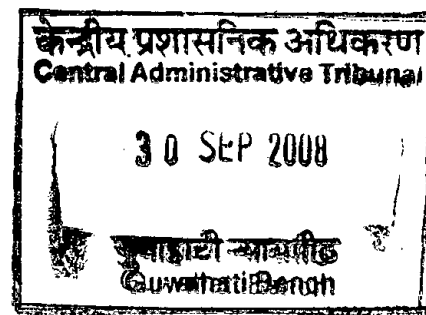
## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

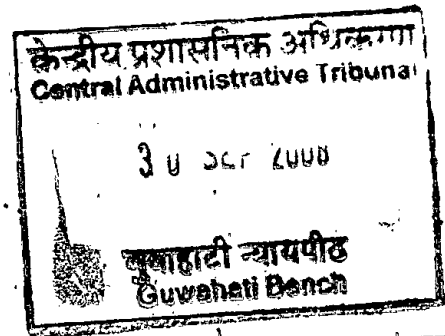
ORIGINAL APPLICATION No. 111 of 2006.

Date of Order: This the 20<sup>th</sup> Day of December 2006.

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

1. Sri Pranab Chanda  
S/O Late Promod Ch. Chanda  
Senior Train Clerk  
Lumding
2. Sri Tapan Kumar Dey  
S/O Late Har Kumar Dey  
Senior Train Clerk  
Lumding  
Dist.-Nowgaon
3. Sri Debojit Dey  
S/O Parash Ch. Dey  
Senior Train Clerk  
Lumding  
Dist.-Nowgaon
4. Sri Surajit Raha  
S/O Late Aswani Raha  
Point Man  
Lumding  
Dist.-Nowgaon
5. Sri Ranjit Kumar Dutta  
S/O M. L. Dutta  
Cabin Man-II  
Badarpur  
Dist.-Karimganj
6. Sri Nitu Kumar Makli  
S/O Late Nagendra Ch. Mali  
Cabin Man-II  
Punchagram  
Dist.-Karimganj
7. Sri Bijoy Kumar Ghose  
S/O Late Baroda Kanta Ghose  
Reliver Point Man(A)  
Lumding  
Dist.-Nowgaon
8. Sri Nripen Sonowal  
S/O Late Jogen Sonowal  
Reliver Point Man(A)  
Lumding  
Dist.-Nowgaon
9. Sri Patul Chandra Das  
S/O Late Dharmeswar Das  
Rest Givee-Point Man(A) Janguri  
Dist.-Sibsagar
10. Sri Pranab Chandra Dey  
S/O Dharendra Dh Dey  
Point Man(A)  
Dhalpukhuri  
Dist.-Nowgaon



37  
15-

11. Sri Chandra Kanta Saikia  
S/O- Somnath Saikia  
Reliver Point Man(A)  
Lundling  
Dist. Nowgaon
12. Sri Dilip Roy Choudhury  
S/O Santosh Roy Choudhury  
Reliver Point Man(A)  
Lundling  
Dist. Nowgaon
13. Sri Ajoy Kumar Majumdar  
S/O Late Sudhangshu Kumar Mazumdar  
Point Man(A)  
Lundling  
Dist. Nowgaon
14. Sri Rakesh Chandra Dey  
S/O Late Rakhil Ch. Dey  
Point Man(A)  
Lundling  
Dist. Nagaon

Applicants

By Advocate Mrs. K. Bhattacharyya, Mr. B. Chakraborty  
Mr. P. Sarma, Mr. B. Choudhury, Mr. D. Goswami,  
Mrs. D. Chakraborty, Ms. B. Das

-Versus-

1. Union of India  
Represented by the Secretary to the  
Government of India, Ministry of Railway,  
New Delhi
2. General Manager,  
N.F. Railway, Maligaon  
Guwahati-11
3. Divisional Railway Manager  
N.F. Railway, Lundling  
Nagaon
4. Divisional Railway Manager(P)  
N.F. Railway, Lundling.

Respondents

By Advocate Dr. J. L. Sarkar

ORDER (GRAT)K. V. SACHIDANANDAN, V.C.

There are 14 applicants, serving in different Group C post under Lundling Division of N.F. Railway. According to the applicants they are eligible for promotion to the post of Goods Guard which is also a Group-C post having a higher pay scale. Notification was issued for filling up 20 vacancies of Goods Guard by 60% departmental

promotion quota. Options were called from eligible candidates. Notification publishing the list of incumbents alongwith the applicants, found eligible to appear in the selection process of Goods Guard. After completion of the written test a select list was published, wherein the names of the applicants were also included in the select list. After selection, the medical examinations were held by the respondents for the purpose of undergoing Guard ship promotional training course. The applicants were found medically fit and they were directed to undergo Guard ship Training Course for 43 days, commencing from 6.11.06. In the select list (Annexure IV) dated 4.9.2006 the result of selection for the post of Goods Guard the applicants were selected. The Respondents issued an order (Annexure VII) dated 15.11.06 and a panel (of 20) for promotion to the posts of Goods Guard against 60% D.P. quota was published. The office order dated 04.09.2006 was treated as cancelled without giving any reason. The respondent issued Notification (Annexure VIII) dated 7.12.06 for initiating fresh selection process for Goods Guard post for which the applicants were earlier selected. Being aggrieved the applicants have filed this O.A. seeking for the following reliefs :

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

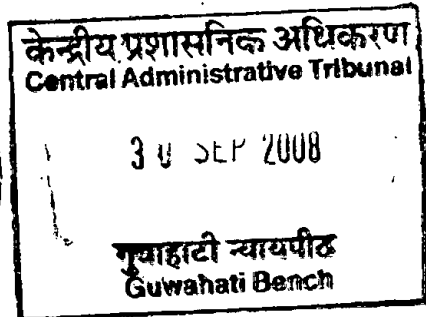
It is, therefore prayed that Your Lordships" may be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why the impugned order dated 15.11.2006(Annexure VII) shall not be quashed and set aside and as to why a direction shall not be issued to the Respondents to maintain the select list dated 4.9.2006 for appointment of the applicants as Goods Guards after due completion of the training that they were undergoing and after perusing the causes shown, if any and hearing the parties quashed and set aside the impugned order dated 15.11.06(Annexure VII) and Notification dated 7.12.06(Annexure VIII) and direct the Respondents to maintain the select list dated 4.9.06 and appoint the applicants as Goods Guards after due completion of the





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training and/or pass any other order or orders as Your Lordships may deem fit and proper."

I have heard Mr. B. Chakraborty, learned counsel for the applicants and Dr. J. Sarkar learned counsel for the Railways. When the matter came up for hearing the learned counsel for the applicants has submitted that there was no illegality or irregularity in the process of selection it. The applicants have made an enquiry, but it was found that two unsuccessful candidates has made complain before the authorities without making any proper enquiry and without having any reasonable cause. The entire selection process has been cancelled only at the instance of some vested interest. The counsel for the applicant has submitted the decision of the Hon'ble Supreme Court in 3 SCC 2002 Vol-III 146 Union of India and others Vs O. Chakradhar, relevant portion of which is quoted below:-



(21) In our view the nature and the extent of illegalities and irregularities committed in conducting a selection will have to be scrutinized in each case so as to come to a conclusion about future course of action to be adopted in the matter. If the mischief played is so widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show cause notices to each selectee. The only way out would be to cancel the whole selection. Motive behind the irregularities committed also has its relevance."

The counsel has also relied on (1995) 1 SCC 154, Union Territory of Chandigarh Vs. Dhillon Singh and others, that decision/action must be non-arbitrary and bonafide. From this

ANNEXURE-E

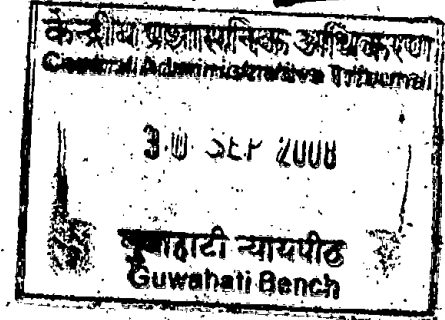
P.R.B. (वी.प्रार.बी.) 275-I

20,000-1989 (D.S.K.) IV

42



समिति लघते  
भारत सरकार



रेल मंत्रालय  
(रेलवे बोर्ड)

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

भारतीय रेल स्थापना मनुअल,

भाग I

(संशोधित संस्करण-1989)

INDIAN RAILWAY ESTABLISHMENT MANUAL  
Volume I

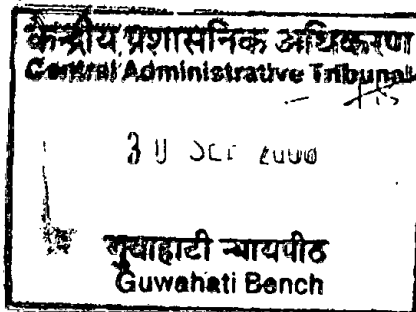
(Revised Edition-1989)

मूल्य/PRICE

भारत में / Inland : Rs. 45.00

विदेश में / Foreign : £ 1.73 or \$ 2.69

अतिरिक्त  
30-9-08  
Advocate



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decision it is very much clear that it is an arbitrary action and the cancellation of the select list is not justified. However, the counsel for the applicant has submitted that he will be satisfied if a Court direction is given to the applicants to make comprehensive representation before the Respondent No.2 within 15 days from to-day. If such comprehensive representation is filed by the applicant within a time frame of 15 days from to-day the Respondent No.2 shall consider the representation within a time frame of three months thereafter. Dr. J.L. Sarkar learned counsel for the Respondents has submitted that he has no objection if such direction is given.

By way of interim order (Annexure-VIII) dated 7.12.2006 calling for option to the post of Goods Guard for which the applicants were earlier selected will be kept in abeyance till such disposal of the representation.

The O.A is accordingly disposed of. There will be no order as to costs.



SD/VICE CHAIRMAN

TRUE COPY

प्रतिप्रति

*[Signature]*  
26.12.06

अनुमानित तिथि

30 DEC 2006

Central Administrative Tribunal

GUWAHATI BENCH

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GUWAHATI

*[Signature]*  
16/12/06

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

(b) When a Selection Board consist of only three Officers, none of the members be directly subordinate to any other.

(c) For selection post in the scale of Rs. 1600-1660 and above, the Selection Boards will consist of Officers of Junior administrative rank, for all other selection posts the Selection Board will consist of Officers not lower in rank than senior scale. In either case the Selection Board may include a Personnel Officer in the next lower rank, shall, nevertheless, be equal member of the Selection Board.

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

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

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

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

**Procedure to be adopted by Selection Board**

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

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

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

11/89

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

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

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

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

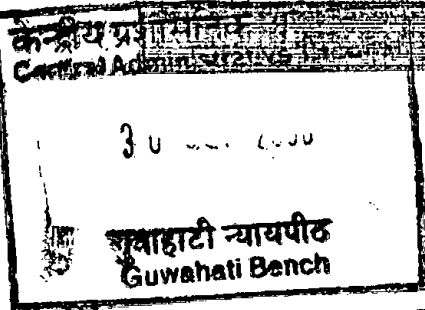
(e) Before the Selection Board assembled to make the selection, the papers connected with the proposed selection, the names of the candidates to be considered, the confidential reports, if any on such candidates and other relevant data concerning them shall be circulated for the information of the members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

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

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

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

*Advocate*  
25/9/88



44

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

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

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

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

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

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

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

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

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

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

- (i) All eligible staff irrespective of the department in which they may be working who satisfy the prescribed conditions of eligibility and volunteer for the post should be subjected to a selection which should consist of both written test and viva-voce test; and
- (ii) The Selection Board should call for viva-voce test all candidates who secure not less than 60% marks in the written test. The final panel should be drawn up on the basis of marks obtained in the written and viva-voce test in accordance with the procedure for filling selection posts.

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

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

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

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

3079/08  
Advocate

30 JUL 1969

45-144

गुवाहाटी न्यायपीठ  
Guwahati Bench

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निवृत्त  
प्रशासन  
कानून  
नहीं होगी।  
पन्ने हूँ  
पदोन्नति  
कनिष्ठ  
कर्मचारी  
रहे वाला  
दार नहीं

(1) After the competent authority has accepted the recommendations of the Selection Board, the names of candidates selected will be notified to the candidates. A panel once approved should normally not be cancelled or amended. If after the formation and announcement of the panel with the approval of the competent authority it is found subsequently that there were procedural irregularities or other defects and it is considered necessary to cancel or amend such a panel, this should be done after obtaining the approval of the authority next higher than the one that approved the panel.

(10) 1/62 E(NG) 1-67 PM 1-47 dt. 5-2-69

युक्तता  
वने रहने  
ग्रीन होगा  
देल कर्मचारी  
अनुमोदन के  
वशिष्ट बने  
पदों  
:-

(m) SELECTION OF PERSONS ON DEPUTATION ABROAD.—The panel should be finalised while waiting for the employees who are on deputation abroad. On return of the employee from abroad, if it is found that any one junior to him has been promoted on the basis of a selection in which he was not called because of his being abroad, he may be considered in the next selection and if selected, his seniority may be adjusted vis-a-vis his juniors. In case such an employee is declared outstanding in the next selection, he should be interpolated in the previous panel in accordance with the seniority and gradation in the subsequent selection.

न ही पदोन्नति  
त हुए  
उसे मध्यस्थ  
माना जाये

E(NG) 1/77/PM 1-269 dt. 3-5-80

मह "ग" पद  
न ही पदोन्नति  
पद न हो  
हों।  
कुछ व्यक्तियों  
समूह "ग"  
"ग" पद के  
नियुक्त किया  
ग्रेड चयन  
में वरिष्ठता  
लिए चयन  
चयनित हो

Currency of panels

(n) Panels drawn by the Selection Board and approved by the competent authority shall be current for two years from the date of approval by the competent authority or till these are exhausted whichever is earlier.

(o) An employee who once officiates against a substitutive vacancy in his turn on the panel against a leave arrangement, deputation or temporary transfer of another employee vacating the post shall not be required to appear again for fresh selection.

अचयन से  
में तभी प्रो  
नियमित कार्य  
के नते,  
तर देय हो

(1) 1/62/PM 1-91 dt. 10-7-64 & 9-3-67

(1) In case an employee lower in the panel has been selected whereas one higher in the panel has not been selected for reasons beyond the latter's controlled such

as sickness non-released by the administration on promotion the latter employee will not be required to appear for fresh selection. If, however, the senior person does not officiate for reasons of his own, this implied that he has refused promotion. In that case, the next junior is the rightful person to be promoted and the employee who is deemed to have refused promotion under this sub-para will not be entitled to protection in such a case.

E(NG) 1/62/PM 1-91 dt. 9-8-65

221. RETENTION OF NAME ON THE PANEL TO BE SUBJECT TO CONTINUED SUITABILITY :—The retention of a railway servant's name on a panel will be subject to his/her continued suitability for the post in question. Notwithstanding anything to the contrary, the removal of a railway servant's name from the panel would require specific approval of the authority next above that which initially approved the panel.

222. Automatic empanelment of staff in higher grade selection and non-selection posts :—

(a) Selection posts.—A railway servant selected for a higher grade selection post without having been selected for the intermediate grade selection post, if in the same avenue of promotion, should be treated as automatically selected for the latter post, provided that the original group 'c' post, the intermediate group 'c' selection post, and his/her present group 'c' post are all in the same avenue of promotion and none of them is a general post for which several categories of staff are eligible. If the Selection Board for the intermediate grade selection post have placed some persons as "outstanding", in that case, an employee selected for a higher grade group 'c' selection post or group 'c' post in the normal channel of promotion may be deemed to have been classified as "outstanding" and given the place in accordance with the seniority amongst those classified by the Selection Board as "outstanding" for the intermediate grade selection post, provided the Selection for that post is held after such an employee has already been selected for the higher grade selection post.

(b) Non-Selection post.—In the event of an intermediate grade being a non-selection post, the employee would get a proforma position in such intermediate grade only if such a position was due in accordance with seniority-suitability being accepted by virtue of fitness for the higher grade by a process of selection.

वेस्ट  
वेस्ट  
30/7/68  
Advocate