

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

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SECTION OFFICER (Judl.)

Salita
05/10/17

CENTRAL ADMINISTRATIVE
Tribunal Guwahati Branch
ORDER SHEET

1. Original Application No. 191/07
2. Mise Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Tapan Kr. Debnath vs. Union of India & Ors

Advocate for the Applicant(s) Ms. K. Bhattacharya, B. Chakrabarty
Bikram Chaudhury

Advocate for the Respondent(s) K. A. Primo as
Railway advocate

Notes of the Registry Date Order of the Tribunal

This application is in form
is filed/C. F. for Rs. 50/-
deposited vide IPO/BG
No. 249 654924

Dated 10.7.07

• Registrar

DR

Petitioners apply
for issues of notices
are denied.

DR

There are 12 applicants. The applicants are serving in different Group C posts under Lumding 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 for regd-A/D post.

(as of 107. D/No - 784 to 307. D/No - 787)

On 11/8/07, I have heard Mr. B. Chakraborty, learned counsel adloring for the applicants and Dr.J.L.Sarkar learned counsel for the Respondents.

Notice duly served

on 8-2-3-4, I have the view that application has to be admitted. Application is admitted. Issue notice of hearing on the respondents.

W/S not b/leaf. Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 26.9.07.

Vice-Chairman

W/S not b/leaf.

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

26.9.2007

Notice duly served
on R-1.

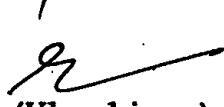
27/9/07

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.

W/S not filed.

3/11
12.11.07.

Call this matter on 13.11.2007.


(Khushiram)
Member (A)
(M. R. Mohanty)
Vice-Chairman

/bb/

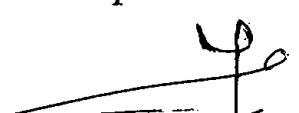
13.11.2007. This matter has came from the Hon'ble High Court of Gauhati, Shillong Bench (Writ Petition (C) 32(SH) of 03, asking this Tribunal to re-examine the rival contentions and to give a clear findings as to whether the Applicants' claim is covered by 1989 Scheme and if so, as to whether, they are 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.

W/S not filed.

3/12
13.12.07.Call this matter on 14.12.2007
awaiting reply from the Respondents.
(M. R. Mohanty)
Vice-Chairman

Lm

- 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.

17.12.07

W.S. submitted
by the Respondents.
copy not served.

Call this matter on 04.01.2008 awaiting rejoinder from the Applicant.

BB

✓

(G. Ray)
Member(A)

✓
(M. R. Mohanty)
Vice-Chairman

pg

Rejoinder not filed.

✓
3.1.08

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.

16.1.08

Rejoinder filed
by Applicant.
copy
served.

BB

✓
(Khushiram)
Member(A)

✓
(M.R. Mohanty)
Vice-Chairman

W.S. and rejoinder
filed by the parties.

✓
1.2.08

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.

/bb/

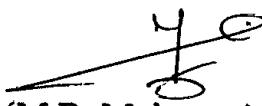
✓
(Khushiram)
Member (A)

✓
(M.R. Mohanty)
Vice-Chairman

5
O.A.191/07

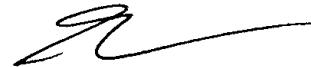
14.03.2008 Mr K.K. Biswas, learned
Counsel appearing for the
Respondents/Railways has brought
the answer scripts in sealed cover.

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

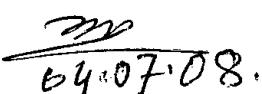

(M.R. Mohanty)
Vice-Chairman

nkm

05.05.2008 This matter stands adjourned to
29.05.2008 for hearing.


(Khushiram)
Member (A)

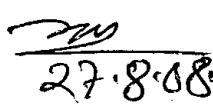
/bb/

*The case is ready
for hearing.*

29.05.2008 None for the Applicant. Mr. K.K. Biswas,
learned counsel appearing for the Railways
are present.

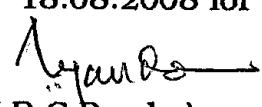
Call this matter on 07.07.2008.

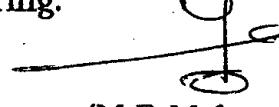

(Khushiram)
Member(A)

Lm

*The case is ready
for hearing.*

27.8.08

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

pg

27.09.07

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

nkm

(Krushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

WTS filed by
the Respondents.
Undertaking given
for Service copy.

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.

1.12.08

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.

3
1.12.08

(S.N. Shukla)
Member (A)

(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing. nkm

2.2.09. Bench is not available.
List on 20.3.09.

3
19.3.09.

b
CJ

7
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.

~~17/03/09~~
The case is ready for hearing.


(A.K.Gaur)
Member (J)

BB
/bb/

01.05.09

04.05.2009

Call this matter on 18.06.2009 for hearing.


(M.R.Mohanty)
Vice-Chairman

/bb/

BB
The case is ready for hearing.

18.06.2009 Call this matter for hearing on
18th August 2009.

BB
17.8.09

/lm/

17.8.09

~~Add. Rejoinder /
Reply has been
filed by the Applicant,
through his/her Adv.
with under taking
to serve a copy
to the Rly. Advocate.~~

~~17/8/09~~

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/

BB
The case is ready for hearing.

BB
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/

BB
9.11.09.

24-11-2009/2007

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:

[Signature] [Signature]
[Madan Kumar Chaturvedi] [Mukesh Kumar Gupta]
Member (A) Member (J)

nkmm

Received in office dated 10.11.09

Chit. Project 28

Recd. one C.P. of the Judgment of the
order dt. 19-11-09
Recd. on 24-11-09
Advocate

10
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....
O.A. Nos. 191 of 2007

DATE OF DECISION: 19-11-2009.

Sri Tapan Kumar DeyApplicant/s

Mr. B. ChakrabortyAdvocates 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

Chaturvedi
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 Dharendra 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 Majumdar
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.

ORDER

MR 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 devided 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 form 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 tempered with by evaluator with the obvious intention of favouring candidates who could not attain qualifying marks initially. Such tempering 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 Superme Court rendered in the case of Union of India & Ors. vs.O.Chakradhar, (2002) 3 SCC 146.

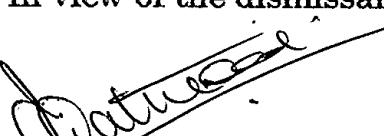
10. We have heard the rival submissions and perused the materials placed before us in the light of of the precedents relied upon.

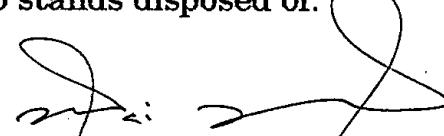


It transpired from the perusal of records that selection process was riddled with many irregularities. On examination of the answer scripts we find that the irregularities pointed out in the aforesaid paras were quite palpable. It is abundantly clear that vigilance recommended the cancellation of the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

केन्द्रीय प्रशासनिक अधिदरण
Central Administrative Tribunal

13 JUL 2007

गुवाहाटी न्दायपीठ
Guwahati Bench

2

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

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Filed by:

Bikram Choudhury

Advocate

(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

L I S T O F D A T E S

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

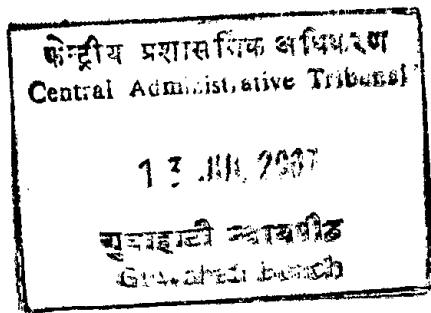
Contd....

(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 Kundu Sikia
Filed by the applicants
through Bikram Choudhury
Adv. 13.7.07

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....

- 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/I 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....

Office

(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....



- (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....

Chowdhury

-6-

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, 12, 13, 15, 16, 17, 18, 19, and 20, 11 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.

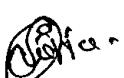
13. That the applicants were greatly shocked and surprised when their selection was cancelled, in as much as they were duly selected with strict adherence to the rules and there were no illegalities and infirmities in their selection for the posts of Goods Guards.

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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-pervaise 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

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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/I P. 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

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the promotional post of Goods Guard. Surprisingly 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 Vigilance Department of the Railways into the complaint, (iii) that in the enquiry it was clearly established that there were major irregularities in the evaluation 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 process, (v) that there was no substance 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.

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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.

Contd....



- (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

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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....

Attn:

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

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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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S. S. S.

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 654524.
- (ii) Date of issue : 10.7.07.
- (iii) Issued by : G.P.O.

11. LIST OF ENCLOSURES:

As stated in the Index.

Office

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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 : Guwahati

Sri Chandra Kanta Saikia.

Signature of the applicant.

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/ILMG on or before 30.4.06 positively.

Br. 1/1/06
(N. Mukherjee)
APO/ILMG
for Divl.Railway Manager(P)
N.F.Railway,Lumding

*Attested by
Bhandary
Adv.*

Conld...P/No.2.

Divl. Secy/NFREU/LMG

p/No.2

Lumding, dated 05-04-2006.

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

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(Commr) at office.
7. RAC/BPB.
8. All SMs/ASMs of LMG Division.
9. TULMG, TVE/LMG, TI/WLMG, 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,NFRMULMG.
12. Divl.Secy.,SC/ST Association/LMG.
13. CPIs/LMG, BPB & GHY for wide publication amongst the eligible staff.

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

E/Type Sec/Traffic/Selection/Selection

M - 03-90-34313

Prakash Chandhury

N.F.Railway

Notification

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

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 consists 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 readiness 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 Bhattacherjee	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.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 Bhutan 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	Prafulla Ch.Nath	P/man/A/GHY	
28	Tej Narayan Jha	P/man/A/NGC	
29	Hari Nath Deka	P/man/A/NGC	
30	P.Kam Raju	P/man/A/NGC	SC

Attested by
Ranu Choudhury
Adv.

-2-

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/ CME 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	Nirnal 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	Bhurmidhar 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	Swapan 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 awarness
- 4 General Train working Emphassis 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/I/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/I/Lumding
 for Civil.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/I/Lumding.
for Divil.Rly.Manager (P)
N.F.Railway. Lumding.

8/16/06

Div/Secy/NFREU/Lang

(5)

N.F.Railway

Office of the
Divl.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, PDMV, HBN, AGT, ARCL, PDJ, HJO, KXJ, DSR
CNE, LKA, DJA, BXP, SQF, BRGM, PNGM, DML, JMI, SCL, KHK, KWM,
DHR, 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"

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

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

Time	Venue
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 Bhattacherjee	Sr.TNC/(CNL)/BPB	
9	Md. Mainul Haque Ali	Jr.TNC/NGC	
10	shri Monmatha Kr.Nath	Sr.CC/KNBR	

Attested by:
Biswabhussey

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	Swapan 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	Swapan 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	
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(R)'s Office
Lumding.

SN	Name	Design. & Stn.	Whether SC/ST
1	Bijoy Kr.Ghosh	R.P.man-A/LMG	
2	Abhijit 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	Putul Ch.Das	RG.P/man/A/JMI	SC
7	Pranoy Mohan Dey	LR.Pm.man/A/DMR	
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	Pradip Das	P/man/A/NGC	SC
17	Monoranjan Biswas	P/man/A/BPB	SC
18	Ranjit Nath	LR.C/m.an-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	
24	Sajdeo Mahato	Rg.P.man/A/LMG	SC
25	Debdashish Dey	P.man/A/AGT	
26	Nripen Balshya	P.man/A/NGC	
27	Sitil Kr.Das	P.man/A/BPB	SC
28	Chandra Kanta Saikai	R.P.man/A/LMG	
29	Dilip Roy Chowdhury	P.man/A/LMG	
30	Shyamal Ch.Mali	P.man/A/BPB	
31	Bubal Ch.Seal	P.man/A/NGC	SC
32	Subal Mohan Sarkar	R/C/man-II/BPB	
33	Ajoy Kr.Majumader	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
	(Mujibur)		
41	Maajur Rahaman	P.man/A/NGC	
42	Dilip Roy Chowdhury	P.man/A/NGC	
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
(Narayan Mukherjee)
APO/I/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 Divl.Secy. NFREWL/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
(Narayan Mukherjee)
APO/I/Lumding.
for Divil.Rly.Manager (P)
N.F.Railway, Lumding.

OFFICE ORDER.

Office of the
DRM(P)/LMG.

Ref. No: 41416

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

In terms of this Office letter No. E/3999/1Pt. 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) ~~xxx~~ Sr. CC/KNBR, (KNBR)
- 5) Prem Chand Tappo, (ST), Sr. TNC 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)/LMG 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) Rakshesh 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, JM, DHRY, 2) BCI/IC/KNBR, 3) RAC (Optg) & Commr. at Office & RAC/BPB, 4) Sr. DCM/LMG, 5) Sr. DOM/LMG, 6) DOM/PL/IM
- 7) Divil. Secy./NFREU/LMG, & Convenor/NFRMU/LMG, 8) Secy. SC/ST Association/LMG, 9) Staff concerned through Proper Channel, 10) S/Copies for R/Case, 11) E/III/Gr.II & III, EIV/Gr.I.

for Divisional Railway Manager (P),
N. F. Railway, Lundia.

Attested by
B. S. Choudhury
Add.

409606

ANNEXURE-V

(TYPED COPY)

N F R L Y

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

Office of the
DRM /P/LMG
dated 07.9.06

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) " Pranjal 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
R. S. Dharwadkar
Adv.

58

Specimen R

~~27~~ FRI

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

Office of the
Dhm[pl] LMG
Dated 07-9-06

To AM/BPB

BCYC/XNBR.

KNBR.
Sub: Medical Examination in A2 prior
to promotion to the post of Goods Guard
in scale Rs 1500/- Food.

in scale 63-7500-
Ref: This Office-Office order No E/379/1 P VIII (1)
dated 04-9-06

dated 04-9-06
Please refer to this office order quoted
above, and direct the following staff to
appear before MSLIC/13/PB 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
Medical Examination in A/2 (two) in order to
booked them for Guardship promotional Training
course at RTI APDJ.

order at ZRTI APDS.

1) Sree Monman R-CC/BT(B)
2) Panjal Bordoloi(ST) 180/180

2) Newbold Knive (st) 11/18/18

3), Norbert Kujive (ST) 11/18
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 -

(15/2) To: MS/IC/3/P3 - for information and info please ^{for D.R.M./L.M.}

For Dr. R. S. B. (2) 1916
H. H. Munger
M. H. B. Asst. Geologist

Print/See/INF/REF/1/M6

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.

S/N. Name. Design. & Stn.

- 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/KNCR,
- 5) " Prem Chand Tappo, (ST), Sr.CC/LMG,
- 6) " Norbert Kujur, (ST) R.P.BP
- 7) " Phani Bhushan 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), R.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 at 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 20% TA/DA.
- III) They will have to carry their own beddings etc.
- IV) They should wear uniform and badges when attending the Classes/Examination.
- V) They will have to maintain strict discipline in the School and also outside the class.

Attested by
Bhoudhury
JW

Cont... p/2

(Page No. 2)

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

65

lumding/26/1976
(N. Mukherjee)
APO/I/Lumding,
for Divisional Railway Manager(P),
N.F. Railway, Lumding.

No. E/39-9/1/Pt.VIII(T)Loose, dtd. 26.10.2006.

Copy forwarded for information and necessary action to :-

1) SS's-LMG, BPB, HJO, PNGM, JMI & DHRV, 2) SC/IC/KNBR, 3) AM/BPB,
4) COS/OPTG & COS/Comnl (445) SAG (Optg.) at Office & RAC (Comnl.)
at Office, 6) Sr.DDM/LMG, & Sr.DDM/LMG, 7) Civil. Secy./NFRMU/LMG,
8) & Convenor/NFRMU/LMG, 8) Secy. MISTREA/LMG, 9) CHC/LMG - He will please
relay the above message through : Control Phone.

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

11) Staff concerned FWD: FWD: Channel.

12) O&I/2T/P III.

13) Principal/Z RTNADT

lumding/26/1976
for DRM(PD)/Lumding,
N.F. Railway.

*Re
26/10/06*

Divl Secy/NFREU/LP

(8)

N.F. RAILWAY

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

Office of the
DRM(P) LMG
Date : 15.11.2006

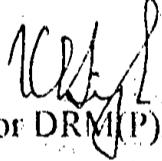
The panel (of 20) for promotion to the posts of Goods Guard in the scale 4500 - 7000 against 60 % D.P. quota which was published vide this office order No. E/39-9/I Pt. VIII(T) dated 04.09.2006 is hereby treated as CANCELLED.

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, Convenor 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

Attested by
Boudhikay
Adv.

13 day of May 2006

De M.

N.F.Railway.

Notification.

Office of the
Divil.Rly.Manager (P)
Lunding. 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	3200-4900/-	
C/Man-I	4000-6000/-	26% = 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 30/12/06 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

Attested by
Boudhury
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/I/LMG on or before 29/12/06 positively.

Handwritten 7/12/06
(Narayan Mukherjee)
APO/I/Lumding.
for Civil.Rly.Manager (P)
N.F.Railway, Lumding

No- E/39-9/PVIII(P) /Loose Lumding.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(Commr.) at Office. (7)RAC/BPB
- 8) AllSM/ASMs of LMG Divin, *All RACs 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~~ from the willing eligible candidates working at their sections and send the same to this office with in 29/12/06.
- 10) Civil.Secretary,NFREU/LMG
- 11) Convenor NFRMU/LMG
- 12) Civil.Secy. SC/ST Association Lumding
- 13) CPIs/LMG, BPB and GHY for wide publication amongst the eligible staff.

Handwritten 7/12/06
for Civil.Rly.Manager (P)
N.F.Railway, Lumding.

27/12/06

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

ORIGINAL APPLICATION No.311 of 2006.

Date of Order: This the 20th Day of December 2006.

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

1. Sri Pronab 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.-Nugaon
3. Sri Debojit Dey
S/O Pares Ch. Dey
Senior Train Clerk
Lumding
Dist. Nowdong
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.-Nugaon
8. Sri Nripen Sonowal
S/O Late Jogen Sonowal
Reliver Point Man(A)
Lumding
Dist.-Nowgaon
9. Sri Putul Chandra Das
S/O Late Dharmeswar Das
Reliver Point Man(A) Jumuguri
Dist-Sibsagar
10. Sri Pronab Chandra Dey
S/O Dhirendra Dey
Point Man(A)
Dhalpukhuri
Dist.-Nowgaon



Attested by
Boudhiney
Adv.

- 2
11. Sri Chandram 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. Nowgaon
14. Sri Rakesh Chandra Dey
S/O Late Rakhal Ch. Dey
Point Man(A)
Lumding
Dist. Nowgaon

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 (ORAL)

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. Sarker 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 193 SCC 2002 Vol-III 146 Union of India and others Vs. Q. 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."

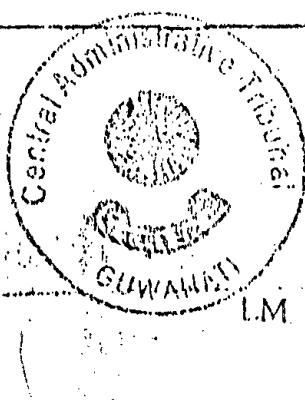
The counsel has also relied on 1993(1) SCC 154, Union Territory of Chandigarh Vs. Dilbagh Singh and others, that ^{is submitted that} decision/action must be non-arbitrary and bonafide. From this



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.



SERVICE CHAIRMAN

TRUE COPY

MS/MS/

26-12-06

RECORDED & INDEXED

SERIALIZED & FILED

Central Administrative Tribunal

RECORDED & INDEXED

SERIALIZED & FILED

MS/MS/ 26-12-06

MS/MS/ 26-12-06

MS/MS/ 26-12-06

MS/MS/ 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, NF 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....

-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...

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...

-6-

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....

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...

-9-

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....

-10-

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-pervaise 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 there valid selection is highly unreasonable and therefore illegal and arbitrary and the same are not sustainable on the following grounds -

Contd....

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...

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

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

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

To Sri Surajit Rakha, Point Main (A) 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
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 malafide 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.m. 1

Attested by:
Chowdhury
Adv.

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.

N.F.Railway.

Notification

Office of the
Divil.Rly.Manager (P)
Lumding. Dated: 26/7/07.

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. 3050-4530/- 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.

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.

Unseen 26/7/07
(Narayan Mukherjee)
APO/I, Lumding.
for Divil.Railway Manager (P)
N.F.Railway, Lumding.

Contd to Page - 2

Affested by-
Divil.Railway
Manager
Lumding

-2-

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

Lumding, Dtd. 26/7/07

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 selection and
send the same to this office within 6.07.07
(10) Convenor NFRMU/LMG
(11) Civil Secy: NFREU/LMG
(12) Civil Secy: SC/ST Association/LMG
(3) S & WI/LMG, BPB and GHY.

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

W.W.W@ selection-2007 @ ITCI.MCI.com

14 DEC 2007

File in Court on.....

14-12-07

Court Officer.

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

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

सेंट्रल प्रशासनिक अधिकरण
१० फ्लॉर, वर्षा बाजार डॉक्टर बाजार
Divisional Personnel Office
N.D. Rd., Lajpat

Filed by :
Mr. Dinesh
Advocate
17/11/07

1 DEC 2007

गुरुवारी बायपी
Court of Single 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 Manager 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 1st Respondent. The Respondents are filing a separate Misc Petition with the prayer for deletion of the name of the 1st 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.

14 DEC 2007

ગુજરાતી નાયપીઠ
Gujarati Bench

(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.

90
Baran Das
Nirode
Divisional Personnel Office
N. B. Ray, Leading

14 DEC 2008

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

केन्द्रीय प्रशासनिक अधिदर्श
Central Administrative Tribunal
विवरण बाबू दा
Divisional Personnel Office
Dr. P. J. V. Lunding

केन्द्रीय प्रशासन न्यायालय
Central Administrative Tribunal

14 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

VERIFICATION

I, Sri Nitrode 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 4th day of Dec, 2007.

Place: Guwahati.

Date. 14/12/07

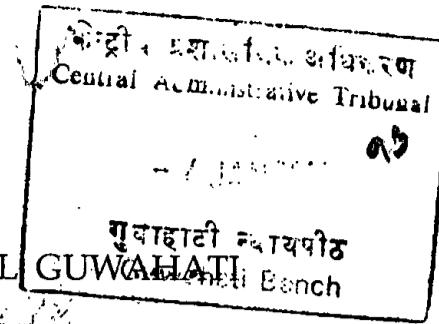
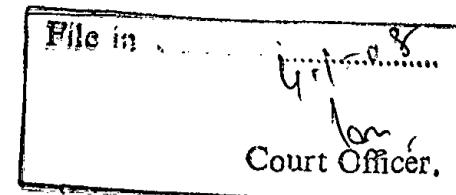
Nitrode Baran Das
SIGNATURE OF THE DEPONENT

पर्याय कामपक्ष वायपकार
पर्याय कामपक्ष
Divisional Personnel Officer
N. B. Roy, Lumding

To

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

Nitrode Baran Das



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
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

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2	Verification	5

Filed by

Bijan Chakraborty
(Bijan Chakraborty)

Advocate
4.1.08

केंद्रीय प्रशासनीय अधिकार नियम

દાદી નાના નાના નાના
Central Administrative Tribunal

- 4 JAN 2008

গুৱাহাটী নথায়পৌঁঠ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL Bench

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION No. 191/07

Filed by:
Tapan Kumar Dey, Legal
Officer, Admitted, 4/1/08

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.

W R I T T E N S T A T E M E N T

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.

- 1 JAN 2009 95

गुरुवाहाटी न्यायालय
Guru Nanak Bench

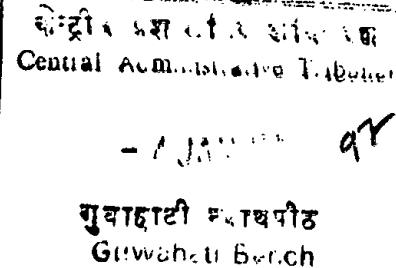
4. That the applicants deny the statements made in paragraph 4 of the written statement and state that there is no irregularity and/or infirmity in the impleadment of the Respondent No. 1 in the Original Application and the same is in order.
5. That as regards the statements made in paragraph 5 of the 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.

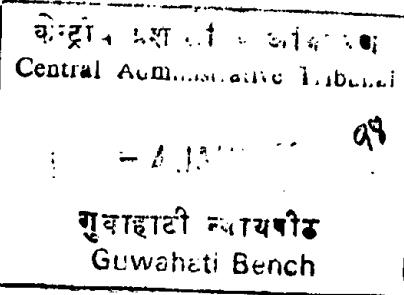
7. That the applicants state in this regard that they had been selected for the promotion after observing the requirements of law and they were under going training when their selections were cancelled without any notice or hearing and the impugned exercise of cancellation of their promotion was violative 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 ~~at~~ 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



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.....andare believed to be true on legal advice and that I have not suppressed any material facts.

And I sign this verification on this 4th day of January, 2008

Tapan Kumar Dey

Date:- 4.1.2008

Place:- *Guwahati*

SIGNATURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

GUWAHATI

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 SEP 2008

O.A. NO: 191 OF 2007

गुवाहाटी न्यायालय
Guwahati Bench

Sri Tapan Kumar Dey & Others Applicants.

-vs-

Union of India & Ors. Respondents.

Received 1 copy
of written Argument on
Behalf of B. Chakraborty
by P.C. Dey
1. 9. 08

IN THE MATTER OF:

WRITTEN ARGUMENT BY THE RESPONDENTS

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Place: Guwahati
Date : 30-09-08

File by:
K.K.BISWAS
(K.K.BISWAS) 30/09/08

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:

GUWAHATI

**গুৱাহাটী ন্যায়পীঠ
Guwahati Bench**

Q.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 ⁰⁹ though 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)

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.

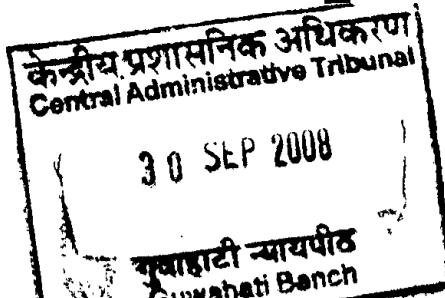
Vigilance have neither taken the process of evaluation of the answer scripts nor decision for cancellation of the selection of the Applicants as alleged. Vigilance only pointed out the irregularities. Evaluating Officer was an appointed Member of the Selection Committee, irregularities were examined 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.

10
Ashutosh Choubary

एम. कामल शेषकर
दू. सी. रेलवे, लामटिंग
Divisional Personnel Office
N.F. Railway, Lumding

Mr. J. S. Roy
Advocate
30/9/08



1/3/

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 personal hearing to the Applicants".

6. That the standard of the Examinees were not up to the desired mark. In the first time, of the 94 candidates called for, 77 appeared and only 3 passed though 20 were empanelled, and at the 2nd time 85 Candidates called for, appeared 72 and only 5 passed & 5 empanelled. *(Annexure - C shows at Page 28 to 31)*
3. That the Applicant in the present O.A. did not appear in the fresh selection, nor made any representation prior to coming to the Hon'ble Tribunal for the above O.A. *(Annexure - C shows at Page 28 to 31)*
4. That the appropriate steps for causing gross irregularities committed by the Evaluating Officer in the said selection were taken by the competent Administrative authority.
5. Moreover, the prayer for personal hearing by the Applicants is not conformity with the Hon'ble Tribunal's order in O.A. No. 311 of 2006 dated 20/12/2006. *(Annexure - D)*
6. That selection does not confer as indefeasible rights to be appointed. Where procedure of selection suffers from glaring illegality, the Hon'ble Supreme Court set aside the selection of all. Mere inclusion of name of a person in a select-list does not give a right to be appointed. There are so many cases on this issue decided by the various Courts, and Tribunals.
7. That sending for training does not give any guarantee for appointment / promotion.
8. That it is re-iterated that the Vigilance Department did not undertake the process of evaluation of answer scripts as alleged. It is within the ambit of Vigilance Department to investigate any irregularities reported and / or for check mal-practices in the selection and suggest the Executive for remedial measures. Accordingly in the instant case the Vigilance Department suggested for consideration that the cancellation of panel for the irregularities detected by them be processed. But overall decision is of the Executive what had happened to in

Therefore, the relationship is observed in a single order. Since the effect of the case of the phone and there is no dispute about them, there is definiteness in the evidence relating to the case of the phone.

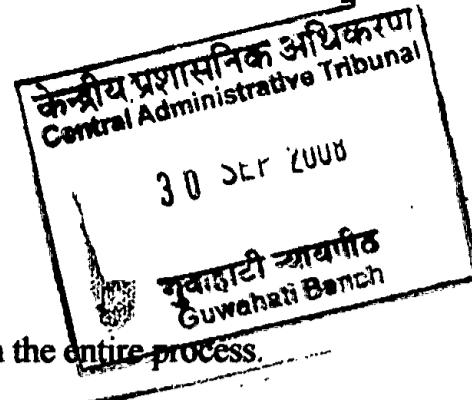
At the same time, the Bank of Canada has been able to maintain a relatively stable exchange rate, despite the significant appreciation of the Canadian dollar in recent years. This has been achieved through a combination of monetary policy, fiscal policy, and international cooperation.

Want to know more? Visit <http://tinyurl.com/2901310>.
Want to play? Visit <http://tinyurl.com/2901311>.
Want to help? Visit <http://tinyurl.com/2901312>.

does not give a right to be appoinuted. It's the right to make a case on the issue set aside the selection of the State nomination of name of a person in a court-list before a selection suffices to bring illegality into the House, the Substantive Court may selection does not result in illegality of the appointment. While

Top 500 companies in India are facing a significant challenge in terms of talent retention and development. The Indian market is highly competitive, and companies are constantly looking for ways to stay ahead of the curve. One way to do this is by investing in employee development programs that help them stay competitive in the job market. This can be achieved through various means, such as training, mentorship, and career development programs. By investing in employee development, companies can not only retain their top talent but also help them grow and develop their skills, leading to better performance and productivity.

Concerning the MA (the mission) be possessed. But overall decision is of the Executive what has happened is in conclusion that the cancellation of ban for the implementation decision by the Executive in the interest of the digital Delegation should be taken. Accordingly in the instant case the Digital Delegation submitted a proposal to the Executive for the selection and approval the Executive Delegation for the implementation of measures for the digital Delegation and the Executive Delegation of the digital Delegation will be selected to the selection and approval the Executive Delegation for the implementation of measures for the digital Delegation. It is within the scope of the executive function of the digital Delegation to be selected to the digital Delegation. The digital Delegation will be selected to the digital Delegation.



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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)

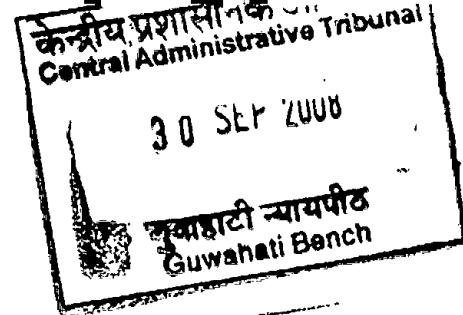
Case Laws:

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)

103
 अधिकारपाल बाबका
 श्री रमेश शर्मा
 National Personnel Office
 e. p. Railways, London

30/12/08
 30/12/08
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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.

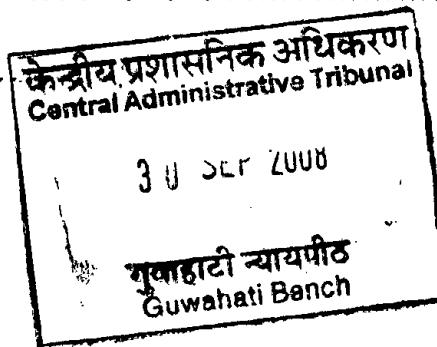
Contd P/6

105
New
20/09/08
Ashutosh ChakrabartyVERIFICATION

I Ashutosh Chakrabarty S/o Late Horomohan
 Chakrabarty at present working as DPO/Lumding do hereby
 solemnly affirm and state that the statement 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

राष्ट्र कामक आधिकार
पू. सी० रेलवे, लामहिंग,
Divisional Personnel Office
I. P. Railway, Lumding



To

The Divisional Railway Manager
NF Railway, Lumding

9/25

2/25

DSV

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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,

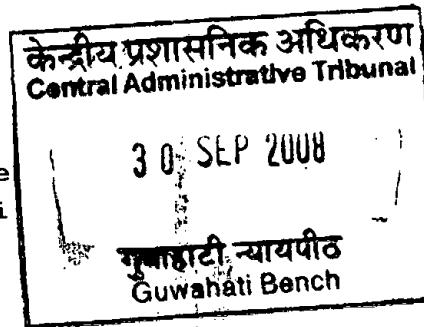
We, respectfully, beg to state that we were selected for the post of Goods Guard in scale of Rs. 4500-7000/- in Group- C category. Being aggrieved, by the action of the authorities in cancelling our selection for no apparent reason by order dated 15.11.06 and issuance of notification dated 7.12.06 initiating 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. Ranjith Ch. Srey
2. Suajit Raha.
3. Bijoy Kr. Ghose

Others



RECORDED
DRM
SAC-ADM at 07/01/07
SAC-ORIGS
NF Railway, Lumding
DPO/10 10/11/07
DPO

For Cashier/Officer
Recd
10/11/07
COS/OS CL-A
10/11/07

BEFORE THE GENERAL MANAGER, NF RAILWAY, MALIGAON
GUWAHATI

(Through Proper Channel)

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

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....

Accepted
10/12/08
By
Post Office
Guwahati
Assam
India

-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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 SEP 2008

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Guwahati Bench

Attested
J. S. G. 10/28/02

Count

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.- Nowrangpur.

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 their 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

Could...

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

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Contd...

Referred
28/9/07
Asst. Financial Officer
D.R. B.R. Lumding

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).

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

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Guwahati Bench

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...

Altered
10/8/06
Central Office
D.R. Lumding

- 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 date 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

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examination

-8-

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.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

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....

Alipurduar
Zonal Railway Training Institute
Guwahati Bench
Divisional Manager
Lumding

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
S. V. Deka, M.A.
Asst. Personnel Officer
S. V. D. Lumding.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

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गुवाहाटी न्यायालय
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 there valid selection is highly unreasonable and therefore illegal and arbitrary and the same are not sustainable on the following grounds -

Contd....

Attested
P. S. A.
Date: 28/12/2006
Name: *[Signature]*
Post: *[Signature]*
Personnel Officer
R.D. Lumding

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 been 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

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

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Alleged
29/1 78(a)
S. M. SARKAR
General Officer
Commanding

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

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Rejected
27/9/08
Station
Control Office
Guwahati

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

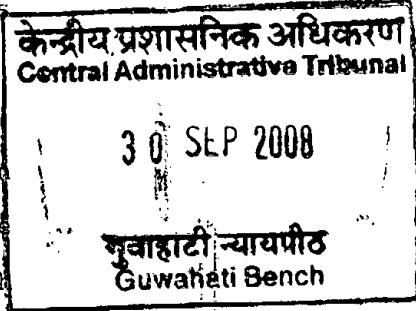
(vi) That the applicants submit that the action of the authorities in cancelling the entire select list and initiating steps for fresh proceedings is affected by extraneous consideration and the same is malafide, illegal and arbitrary and is without authority of law and as such the impugned order and 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
B. S. M.
Asst. Secy. (Personnel)
Personnel Office
B. E. M. T. Jorhat



- 13 A

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190

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 applicant
as in duty bound shall ever pray.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal

30 SEP 2008

গুৱাহাটী ন্যায়পীঠ Guwahati Bench

1. Shrip Roy Choudhury
 2. Bijoy Kr. Ghose
 3. Ajay Kumar Majumdar
 4. Tapan Kr. Dey
 5. Pintul Ch. Das
 6. Susajit Raha.
 7. Pronab Chander
 8. Radhesh Ch. Dey
 9. Sri Pronab Chander Dey
 10. Debojit Dey
 11. Sri Nand Kumar Mallick
 12. Ranjit Kumar Dutta
 13. Sri Nripen Sonowal
 14. Sri Charukranta Kanta Sutka

Attested
13

W-28
2000-00000000
SAC, Personnel Office
S.E. Bldg. Building

ANNEXURE - B

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

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 : Sri. Swajit Raha, Points Man (A) / 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).

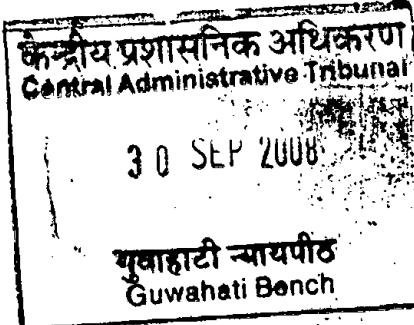
Ref:- Your representation dated NIL received by this office
on 05.01.07.

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 malafide 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.



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:-

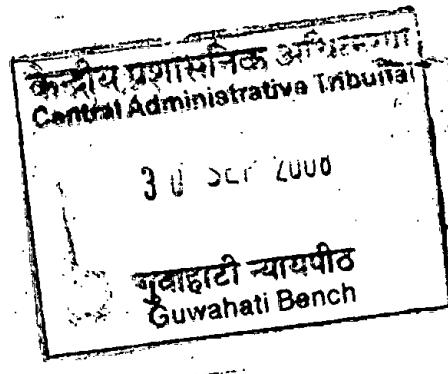
- 1) CPI/LMG. He will depute respective PI for handing over the above mentioned letter to the staff concerned obtaining signature of the staff as mentioned above and the same should be sent to this office for record.
- 2) PI/BPB. He will hand over the above mentioned letter to the staff concerned obtaining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

Alleged
Alleged
Date: 30/09/2008
Place: Lumding
Railway Office
N.F.Railway, Lumding

je
20/10/2008
20/10/2008
20/10/2008



24

50/51

123

N.F.Railway.

Notification.

Office of the
Divl.Rly.Manager (P)
Lumding. 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	3200-4900/-	
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-II 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

Retained
28/12/06

6/12/06

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 Dec 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

25

SN/50
124

-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.

Mukherjee 7/12/06
(Narayan Mukherjee)
APO/I/Lumding.
for Civil.Rly.Manager (P)
N.F.Railway. Lumding.

No- E/39-9/PVII/CT/Loose Lumding.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(Commr.) at Office. (7) RAC/BPB
- 8) All SM/ASMs of LMG Divin, All RCICs 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~~ from the willing eligible candidates working at their sections and send the same to this office with in ~~30~~ /12/06.

- 10) Civil.Secretary.NFREU/LMG
- 11) Convenor NFRMU/LMG
- 12) Civil.Secy. SC/ST Association Lumding
- 13) CPIs/LMG, BPB and GHY for wide publication amongst the eligible staff.

Mukherjee 7/12/06
for Civil.Rly.Manager (P)
N.F.Railway. Lumding.

7/12/06

*ofc
10
R.D. may
11/12/06*

*Filed
18/12/06*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3. U.P. SET. YUH

गुवाहाटी न्यायपीठ
Guwahati Bench

26

Su/128

125

Office of the
Divl. Rly. Manager (P)
Lumding. Dated: 26/7/07.

Notification

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 till 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. 3050-4530/- 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.

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.

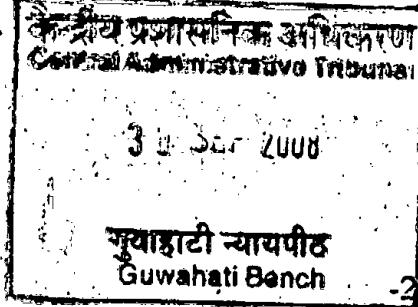
This issues with the approval of competent authority.

26/7/07
(Narayan Mukherjee)
APO/I, Lumding
for Divl. Railway Manager (P)
N.F.Railway, Lumding.

Alone
28/9/07
Treasurer
Station
General Office
Lumding

Re

270/14/1 To Page 2



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/BPS
- (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 selection and send the same to this office within 07.07.07.
- (10) Convenor NFRMU/LMG
- (11) Civil.Secy. NFREU/LMG
- (12) Civil.Secy. SC/ST Association/LMG
- (3) S & WI/LMG, BPB and GHY.

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

WWW@selection-2007 @1fc#1.MG.com

Attested
18/6/07

28/6/07

Office of the
Divil.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-Pl-V/II(T)(Loose) Dtd: 7.12 .06 & 25.6.07

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 consists of written test only to assess professional ability of the candidates.

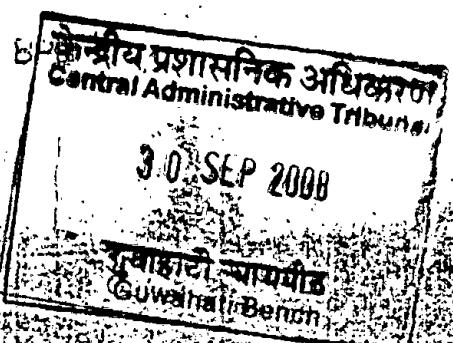
The candidates may answer the question in English or Hindi as they like. No absentee selection will be held under any circumstances as the posts are to be filled up by calling options.

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 (Sr.TNC/TNC)	Commun	Designation and Station.
1	Shri Tapan Kanta Roy	UR	Sr.TNC
2	Shri Bandan Kr.Sarma	UR	Sr.TNC
3	Shri Tarunmoy Bose	UR	Sr.TNC
4	Shri Prafulla Ch.Deka	UR	Gr.TNC
5	Shri Tapan Chakraborty	UR	Sr.TNC
6	Shri Babul Ch.Bhowmick	UR	Sr.TNC
7	Shri Debabrata Bhattacherjee	UR	Sr.TNC
8	Md. Mainul Haque Ali	UR	Jr.TNC
 (Sr.CC/CC)			
9	Shri Kabul Das	SC	Gr.CC/G
10	Shri Saimir Uddin	UR	Sr.CC/G
11	Shri Prem Chand Tappo	ST	Sr.CC/G/(BG-TPT)
12	Shri Monmath Kr.Nath	UR	Rg.Sr.CC/C
13	Shri Dilip Kr.Sutradhar	SC	Rg.Sr.CC(T)(BG-TPT)
14	Shri Debasish Chakraborty	UR	LR
15	Shri Ashish Chakraborty	UR	LR.Sr.CC(T)(BG-TPT)
16	Shri Norbert Kujur	ST	R-CC
17	Shri Kumar Ch.Sekhathap Tripura	ST	R-CC
18	Md. Abdul Mazid	UR	R-CC

Contd., 2



Notified
Dated: 20.11.07
Divil.Rly.Manager (P)
Lumding

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

LMG
NTGE (MGE)

SCL

LMG at NLN

LMG

DMR

LMG at TKC

GHY

LMG

HJ
संघीय प्रशासनिक अधिकारी
LMG Central Administrative Tribunals

MSG

FDJ

30 SEP 2008

KUJ

KIV

DSR

LMG

KHKT

LMG

LMG

SQF

KHKT

LMG at TKC

KXJ

KHKT

CSR

SRGM

LFG

SCL

SPB

SCL

LMG

SQL

HDX

LMG

BPS

HKO

NOC

NGC

BPS

BPS

BPS

PNQ at NGC

No	Name	Community	Designation and Station
64	Shri Hemanta Konwar	ST	P/man-A PNO at NGC
65	Shri Koltimthai Chorai	ST	P/man-A MGX
66	Shri Pradip Dewri	ST	P/man-A PNO at NGC
67	Shri Dilip Ch.Barman	ST	P/man-A LMG at HJI
68	Shri Upendra Prasad	UR	P/man-A LMG
69	Shri Niranjan Debnath	UR	Rg/P/man-A BRLF at DLDE
70	Shri Parimal Ch.Deb	UR	P/man-A LMG
71	Shri Mujibur Rahman	UR	P/man-A NGC
72	Shri Ranjit Kr.Nath	UR	P/man-A NLBR
73	Shri Debasish Dutta	UR	P/man-A LMG at NNGE
74	Shri Dilip Roy Chowdhury	UR	P/man-A NGC
75	Shri Sanjoy Paul	UR	P/man-A DMR
76	Shri Bhanu Ghose	UR	P/man-A BPB
77	Shri T.B.Deb Barman	ST	P/man-A KXJ
78	Shri Abdul Fattah	UR	R/P/man-A BPB
79	Shri Dipak Chakraborty	UR	R/P/man-A BPB at KTX
80	Shri Chakreswar Sonowal	ST	R/P/man-A LMG at BHG Liuwahatti Bench
81	Shri Ilungbe Jeme	ST	P/man-A LJO
82	Shri Swapna Kr.Dhar	SC	R/P/man-A LMG at RXR
83	Shri Vangir Chorai	ST	P/man-A SCL
84	Shri Punaran Soh	ST	P/man-A JMI
85	Shri S.Kunika Rao (S.Kunika Rao)	UR	P/man-A LMG

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Trib.

30 SEP 2008

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

- 1) General English
- 2) General Knowledge
- 3) Safety awareness
- 4) General Train. Working Emphasis in Guard's Job.

Subordinate incharges are advised to spare and direct the staff belonging SC/ST community appearing at Serial Nos. 9,11,13,20,25,28,29,34,42,44,45,47,53,65,67,60,61 & 84 to report to TI/East/LMG, serial Nos 16,17,21,48,49,52,55,61,62,77 & 83 to report to Shri B.K.Deka, TI/BPB and serial Nos 64 and 66 to report to Shri K.C.Deka, TI/GHY for undergoing Pre-selection coaching for a period of 7 (seven) days w.e.f. 10.12.2007 positively even without relief.

If any body does not attend the pre-selection coaching, it will be presumed that he is not interested to take this advantage and a written unwillingness to attend pre-selection coaching to be obtained from the concerned staff and to be sent to this office for record.

Subordinate incharges are also advised to send the last 03 years working report for the year 05,06 and 07 of the staff working under them appearing at Serial No. 19 to 85 in separate sealed cover addressed to APO//Lumding. Subscribing on the Top of the Cover "Working Report for Goods Guard" immediately.

100%
Approved
12/12/2007
Sub. Officer
H.I.T. Lumding

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.

Unnithan (20) #/07
(Narayan Mukherjee)

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

Lumding, Dtd: 20.11.07

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

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

Copy forwarded for information and necessary action to:-

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

- 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
LJØ RXR, JMI, BHN, NN GE + 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 w.e.f. 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.

E/III/Gr-II & II/III/E/IV/Gr-I

(E/III/3)

Unnithan (20) #/07
(Narayan Mukherjee)
APO/I/Lumding.
for Divil.Rly.Manager (P)
N.F.Railway. Lumding.

O/C

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

Office: Lumb

Divl. Manager (P)

Lumb: Dated: 19.02.08.

32

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To

- 1) SSS/SM LMG, DMR, BPB, MGE, SOL, NLN, GHY, HJI, MPA, PDJ, KXJ, KWM, DSR, JMI, KHKT, SQF, TKC, LFG, PNC, BRGM, HKD, MG, DLDE, NLBR, NNGE, BHGN ~~HAK~~
RXR & LJO CPK
- 2) Sr. SM/GHY, 3) AM/BPB (4) CYM/NGC, (5) RAJ (Optg) & Commr./LMG
6) CHC- LMG & BPB (7) BC/C/ 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 Lumbding
15/03/08 for the staff enlisted at Group-B	10.00 hrs	RM(P)'s Office Lumbding

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 ^{area} 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/I/LMG under subscribing 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.TN/
2 Shri Bandan Kr. Sarma	UR	Sr.TN/c (C2)
3 Shri Prafulla Ch. Dekha	UR	Sr.TN/
4 Shri Tapan Chakraborty	UR	Sr.TN/
5 Shri Kabul Das	SC	Sr.CC/G/
6 Shri Prem Chand Toppo	ST	Sr.CC/G/(BG)-TPT
7 Shri Monmath Kr. Nath	UR	Rg.Sr.CC/C
8 Shri Dilip Kr. Sutradhar	SC	Rg.Sr.CC/T)(BG-TPT)
9 Shri Norbert Kujur	ST	R-CC
10 Shri Kumar Sakacheb Tripura	ST	R-CC
11 Shri Manik Chakraborty	UR	Rg/C/n. 11-H
12 Shri Pratap Ch. Bordoloi	ST	C/ma...

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

MGE (MGE)

Attest
Dated 19.02.2008
By: Mr. D. D. Deka
Joint Secretary
N.E. Railway

De

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

SL No	Name	Community	Designation and Station
13	Shri P. Tanga Rongmai	ST	P/man-A SCL
14	Shri Dulal Biswas	UR	R/C/man-II LMG at NLN
15	Shri Gouri Sankar Bhadra	UR	R-C/man-II LMG
16	Shri P. M. Das	UR	P/man/A DMR
17	Shri P.C.Nath	UR	P/man-A GHY
18	Shri Narayan Chowhan	UR	C/man-II LMG
19	Shri P.C.Changmaji	ST	P/man-A HJI
20	Shri P.Kamraju	SC	P/man-A LMG
21	Shri H.P.Sinha	UR	P/man-A MBG
22	Shri K.C.Phukan	UR	C/man-II (P.Maula) — PEG
23	Shri Sankar Debnath	UR	C/man-II KXJ
24	Shri Sraban Singh	UR	P/man-A KWM
25	Shri T.Pataiya	SC	P/man-A DSR
26	Shri Swapan Kr.Roy	UR	R/C/man-II LMG
27	Shri Nikhil Sen	UR	P/man-A KHKT
28	Shri Ajit Kr.Dey	UR	P/man-A LMG
29	Shri Ghan Bahadur Chetry	UR	P/man-A LMG
30	Shri Pabitra Ghose	UR	P/man-A LMG
31	Shri Swapan Ch.Das	UR	P/man-A LMG
32	Shri Arjun Teron	ST	P/man-A SOF
33	Shri Sushil Rn.Suklabaidhya	SC	R-P/man-A LMG at TKC
34	Shri Manoranjan Biswas	SC	P/man-A SCL
35	Shri Saroj Jaconwara	SC	P/man-A BPB
36	Shri D.Eranna Rao	UR	P/man-A BPB
37	Shri Nripen Balshiya	UR	P/man-A NGC
38	Shri Subal Mohan Sarker	UR	P/man-A NGC
39	Shri Swapan Kr.Dutta	UR	R/C/man-II BPB
40	Shri Shyamal N.Mali	SC	P/man-A BPB
41	Shri Rabindra Sarker	UR	P/man-A BPB
42	Shri Hemanta Konwar	ST	P/man-A PNO at NGC
			P/man-A PNO at NGC

Group-B

Written test fixed to be held on 15.08.08 from 10:00 hrs. in CRM(P)/LMG's Office.

SL No	Name	Community	Designation and Station
1	Shri Tarunmoy Bose	UR	Sr.TNC LMG
2	Shri Babul Ch.Bhowmik	UR	Sr.TNC LMG
3	Shri Debapata Bhatacherjee	UR	Sr.TNC CNL/BPB
4	Md. Mainul Haque Ali	UR	Jr.TNC NGC
5	Shri Samir Uddin	UR	Sr.CC/G DMR
6	Shri Debasish Chakraborty	UR	do-LR LMG
7	Shri Ashish Chakraborty	UR	LR.Sr.CC(T)(BG-TPT) LMG
8	Md. Abdul Mazid	UR	R-CC BPB
9	Shri Nirmal Ch.Das	UR	Rg/Pman-A KHKT
10	Shri Gopal Majumder	UR	P/man-A KXJ
11	Shri Mandar Singh Tisec	ST	P/man-A KHKT
12	Shri Khetekeswar Kochari	ST	P/man-A DSR
13	Shri Subhas Ch.Nath	UR	P/man-A BRGM
14	Shri Amrit Rn.Barman	ST	P/man-A LFG

Replies
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 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1123. 1124. 1125. 1126. 1127. 1128. 1129. 1110. 1111. 1112. 1113. 1114. 1115. 1116. 1117. 1118. 1119. 1120. 1121. 1122. 1123. 1124. 1125. 1126. 1127. 1128. 1129. 1130. 1131. 1132. 1133. 1134. 1135. 1136. 1137. 1138. 1139. 1130. 1131. 1132. 1133. 1134. 1135. 1136. 1137. 1138. 1139. 1140. 1141. 1142. 1143. 1144. 1145. 1146. 1147. 1148. 1149. 1140. 1141. 1142. 1143. 1144. 1145. 1146. 1147.

| S. No | Name | Community | Designation and Station |
|-------|--------------------------|-----------|-------------------------|
| 15 | Shri Ranjit Nath | UR | UR-C Iman-II |
| 16 | Shri Samir Ch. Roy | UR | R/C Iman-II |
| 17 | Shri Nihang Timung | ST | LR Iman-II |
| 18 | Shri Sisru Ram Hira | SC | P/man-A |
| 19 | Shri Saldeo Mahato | UR | Rg. Piman-A |
| 20 | Shri Jyotish Ch. Dey | UR | P/tan-A |
| 21 | Shri Pradip Malli | SC | Piman-A |
| 22 | Shri Kolfimthai Chhorai | ST | P/man-A |
| 23 | Shri Pradip Dewri | ST | Piman-A |
| 24 | Shri Dilip Ch. Barman | ST | Piman-A |
| 25 | Shri Upendra Prasad | UR | Piman-A |
| 26 | Shri Niranjan Debnath | UR | Rg/Piman-A |
| 27 | Shri Parimal Ch. Deb | UR | Piman-A |
| 28 | Shri Mujibur Rahman | UR | Piman-A |
| 29 | Shri Ranjit Kr. Nath | UR | Piman-A |
| 30 | Shri Debasish Dutta | UR | Piman-A |
| 31 | Shri Dilip Roy Chowdhury | UR | Piman-A |
| 32 | Shri Sanjoy Paul | UR | Piman-A |
| 33 | Shri Bhanu Ghose | UR | Piman-A |
| 34 | Shri T. B. Deb Barman | ST | Piman-A |
| 35 | Shri Abdul Fatta | UR | R/Piman-A |
| 36 | Shri Dibak Chakraborty | UR | R/Piman-A |
| 37 | Shri Chakreswar Senowal | ST | R/Piman-A |
| 38 | Shri Jhunbe Jeme | ST | Piman-A |
| 39 | Shri Swapan Kr. Dhar | SC | R/Piman-A |
| 40 | Shri Vangir Chorai | ST | Piman-A |
| 41 | Shri Punaren Soh | ST | Piman-A |
| 42 | Shri S. Koma Rao | UR | Piman-A |

केन्द्रीय ग्रामसनिक अधिकारी
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench

Copy forwarded for information and necessary action to:-

- 1) Sr.DOM/LMG, Sr.DCM/LMG
- 2) DOM/P/LMG & Asst. Secy. NFFEU & Convener/NFRMU/LMG.
- 3) TIEast, West and HII/LMG
- 4) TIVLMG, BPB and GHY
- 5) CS to Sr.DOM/LMG, CS to Sr.DCM/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.DPC/LMG
- 7) Staff concerned thru- Proper channel.

19/02/08
Narayan Mukherjee

APC/Lumding
for DVI. Mng. Manager (P)
N.F. Railway, Lumding.

35
N.F.Railway.

Office of the
Divil.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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 SEP 2008

CC Group

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

गुवाहाटी न्यायपीठ
Guwahati Bench

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 Swapan 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.

Debbaraj Konwar 1/8
(A.C.Konwar)
APO/II/Lumding.
for Divil.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/Commi. /LMG.
- 5) Divisional Secy. NFREU/LMG and Convenor NFRMU/LMG
- 6) Staff concerned thro: Proper channel.

Debbaraj Konwar 1/8
for Divil.Rly. Manager (P)
N.F.Railway, Lumding.

Debbaraj Konwar 1/8
for Divil.Rly. Manager (P)
N.F.Railway, Lumding.

HD 1/8
8-4-08

N. E. Railway.

21/6
36/08
Office of the Divl.
Rly. Manager (P),
Lumding. Dt 02/07/2008.

Office Order.

The following candidates who have been empanelled for promotion to the post of Goods Guard vide this office Memorandum No. E/39-9/1 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 :-

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

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

३० जून २००८

गुवाहाटी न्यायालय
Guwahati Bench

(N. Mukherjee)
APO/I/LMG.

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

dated 02/07/2008.

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

Copy forwarded for information and necessary action to :-

(1) SS's LMG & KXJ (2) AM/BPB (3) ChOS/Optg./Commr/LMG (4) RAC/Optg. & RAC/Commr at office (5) Sr.DOM/LMG (6) Sr.DCM/LMG (7) Civil. Secy./NFREU/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.

Alleged
Signature of the Officer
Date: 02/07/08
India

21/6
36/08
For Divl. Rly. Manager (P),
Lumding.

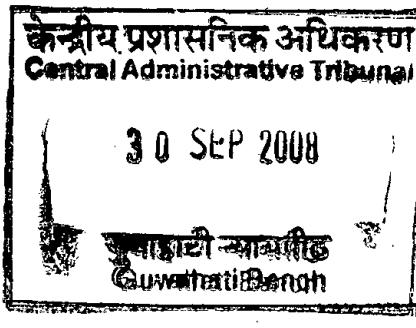
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

ORIGINAL APPLICATION No.331 of 2006.

Date of Order: This the 20th Day of December 2006.

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

1. Sri Pranab Chandy
S/O Late Pramod Ch.Chandy
Senior Train Clerk
Lumding
2. Sri Tapin Kumar Dey
S/O Late Har Kumar Dey
Senior Train Clerk
Lumding
Dist.-Nagaon
3. Sri Debojit Dey
S/O Paresh Ch.Dey
Senior Train Clerk
Lumding
Dist. Nowgong
4. Sri Gurajit Raha
S/O Late Aswani Raha
Point Man
Lumding
Dist.-Nowgong
5. Sri Ranjit Kumar Dutta
S/O M.L.Dutta
Cabin Man-II
Budarpur
Dist.-Karimganj
6. Sri Nutu Kumar Makli
S/O Late Nagendra Ch.Mali
Cabin Man-II
Panchogram
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 Pratul Chandra Das
S/O Late Dharmeswar Das
Reliver Point Man(A) Janguri
Dist.-Sibsagar
10. Sri Pranab Chandy Dey
S/O Dhirendra Dh.Dey
Point Man(A)
Dhulipukhuri
Dist.-Nowgong



केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

30 OCT 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

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 Choudhury
Reliver Point Man(A)
Lumding
Dist. Nowgaon
13. Sri Ajoy Kumar Majumdar
S/O Late Sudhongshu Kumar Mazumdar
Point Man(A)
Lumding
Dist. Nowgaon
14. Sri Rakesh Chandra Dey
S/O Late Rukhul Ch. Dey
Point Man(A)
Lumding
Dist. Nowgaon

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, Morigaon
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 (GRAD)

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 compiled 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 अधिकारण
Central Administrative Tribunal

30 SEP 2008

गुवाहाटी न्यायालय
Guwahati Bench



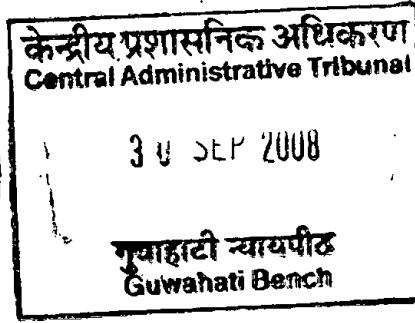
It is, therefore prayed that Your Lordships" may be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why the impugned order dated 15.11.2006(Annexure VII) shall not be quashed and set aside and as to why a direction shall not be issued to the Respondents to maintain the select list dated 4.9.06 for appointment of 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. 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 complaint 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 9 SCC 2002 Vol-III 146 Union of India and others Vs. O. Chakraborty relevant portion of which is quoted below:-



"(u) 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 malice 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/motion must be non-arbitrary and bona fide. (14th Feb 2018)

ANNEXURE - E

P.R.B. (प्र०.प्रा०.वी०) 275-I
20,000-1989 (D.S.K.) IV

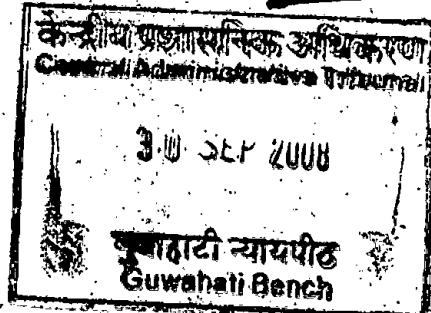
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संघीय सरकार
भारत सरकार

रेल नियंत्रण

(रेलवे बोर्ड)



GOVERNMENT OF INDIA

MINISTRY OF RAILWAYS (RAILWAY BOARD)

भारतीय रेल स्थापना मैनुअल,

भाग I

(संशोधित संस्करण-1989)

INDIAN RAILWAY ESTABLISHMENT MANUAL

Volume I

(Revised Edition-1989)

भूल्य/PRICE : भारत में / Inland : Rs. 45.00
भूल्य/PRICE : विदेश में/Foreign : £ 1.73 or \$ 2.69

Accepted
Advocate
3-9-08
Advocate

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

30 DEC 2006

गुवाहाटी न्यायालय
Guwahati Bench

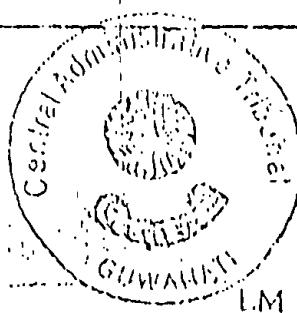
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decision it is very much clear that it is an arbitrary action and the compilation of the select list is not justified. However, the counsel for the applicant has submitted that he will be satisfied if a Court direction is given to the applicants to 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 OA is accordingly disposed of. There will be no order as to costs.



SD/VICE CHAIRMAN

TRUE COPY

MS/MS

N 26.12.06
संग्रहालय

Central Administrative Tribunal
Guwahati Bench
Guwahati - 781 006
Assam, India

14/12/06
MS/MS

[Board's letter No. E(NG) I-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.

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

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

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

(e) If for any reason the competent authority is unable to comply with the provisions of this para, 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 issue a call to the Board to assemble and make recommendations. It shall also nominate the Officer who shall be the Chairman of the Board. The responsibility of selection will be of all members.

(ii) An officer of the concerned Department who is a member of the Selection Board must be authorised to set the question paper for written test. If 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.

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

(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 an 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 Selec-

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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/M 1/65 dt. 5-12-1984

(i) 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 consciousness 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.

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30/12/1984
Advocate

30 DEC 2000

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गुवाहाटी न्यायपीठ
Guwahati Bench

as sickness non-released by the administration on promotion, the junior 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) I/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 higher than the one 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.

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(i) 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 which initially approved the panel.

E(NG) I-67 PM 1-47 dt. 5-2-69

(ii) SELECTION OF PERSONS ON DEPUTATION ABROAD.—The panel should be finalised without 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.

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

Currency of panels

(i) 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.

(ii) An employee who once officiates against a consequential 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 appointment.

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

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

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