

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 200/2007.....

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SECTION OFFICER (Judl.)

Khalil
05/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

OR D E R S S H E E T

1. Original Application No. 200/67

2. Mise Petition No. 1

3. Contempt Petition No. 1

4. Review Application No. 1

Applicant(s) S. N. Pandey

-vs- Union of India & Ors

Advocate for the Applicants: M. K. Majumdar, S. D. A.

Mrs. B. Devi

Advocate for the Respondents: Railway advocate

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide I.P.C/B.D No.6.4.E.30.8062, 308467-308468 308466 and 308067</p> <p>Dated 10.5.07</p> <p><i>[Signature]</i></p> <p>E. Registrar</p> <p><i>[Signature]</i></p> <p>Petitioner's C.M's for 1880 notices one received with envelope, short no Synopsis.</p> <p><i>[Signature]</i></p>	3.8.2007	<p>The Applicant had earlier approached this Tribunal in O.A.92/2006 against non-absorption in original category and this Tribunal vide order dated 28.4.2006 directed the Respondents to dispose of the representation to be filed by the Applicant. Accordingly, Respondents vide order dated 13.04.2007 (Annexure-X) disposed of the representation/appeal filed by the Applicant rejecting the same on the following grounds:-</p> <p>"6. As per Master Circular 25 (Appendices) para 17.1.4 (photocopy enclosed)</p> <p>"In the event of his being declared unfit an employee may appeal to the Chief Medical Officer against the Divisional Medical Officer's decision within a period of 7 days from the date of adverse report by Divisional Medical Officer."</p>
		<p>But you had preferred appeal after 3(Three) years and also after becoming part and parcel of another category (i.e. Clerk in Electrical deptt.) in which you got</p>

Contd...

04.2007/07

-2-

Contd.
3.8.2007

one promotion also. So, as per above quoted rule, the time limit for appeal has been lapsed and you also became a part of another cadre. In this circumstances, you cannot be sent for medical examination as per the rules meant for your original cadre (i.e. Running category job)."

Mr. M.K. Mazumdar, learned counsel for the Applicant submitted that the Respondents had rejected the claim of the Applicant only on the ground of limitation which is not the case of the Applicant. Hence this O.A.

5.8.2007

Mr. S. Nath, learned counsel represented the learned counsel for the Railways:

Issue notice to the Respondents. Post the case on 5.9.2007.

Vice-Chairman

/bb/

Let the case be listed on 4.10.07.

Vice-Chairman

lm

Mrs. B. Devi learned counsel appearing for the Respondent seeks more time to file written statement. Prayer is allowed.

Call this matter on 30.11.07 for

awaiting reply from the Respondents.

(Khushiram)
Member(A)

Monoranjan Mahanty
Vice-Chairman

Service report
awarded.

9/9/07

11.9.07

Notice duly served Ws not filed.
R-1,2 29/11/07

30.11.2007

Mr.M.K.Mazumdar, learned Standing counsel for the Applicant is present. Mrs.B.Devi, learned Railway Counsel is not present. Dr.J.L.Sarkar, learned Standing counsel for the Railways, prays for, on behalf of Mrs.B.Devi, some more time to file written statement in this case.

On his request, last opportunity is given to the Respondents to file written statement in this case.

Call this matter on 07.01.2008 awaiting written statement in this case.

Send a copy of this order by post to the Respondent No.2 in the address given in this Original Application so that he can take note of the order and file written statement and also ensure proper representation of the Railway in the case.

30.11.07.
Pl. send a copy of this order
by post to 2-2

Khushiram
20.11.07
(Khushiram)
Member (A)

order dt. 30/11/07 sent
to D/Section, for issuing
to respondent no- 2 by
post. D/No- 1709

/bb/

07.01.2008

No written statement has yet been filed in this case despite last opportunity given to the Respondents.

Subject to legal pleas to be examined at the final hearing, this case is admitted. On the prayer of Mrs.B.Devi, learned counsel for the Railways, one more opportunity is given to the Respondents to file written statement by 11th January, 2008.

Call this matter on 11.01.2008.

JK
(Khushiram)
Member (A)

M.R.Mohanty
(M.R.Mohanty)
Vice-Chairman

WLS not filed.

/bb/

JK
10.1.08

11.01.2008

Written statement has been filed in Court, after serving a copy thereof on Mr. M. K. Mazumdar, learned counsel appearing for the Applicant. Mr. Mazumdar, learned counsel for the applicant seeks time to file rejoinder. Prayer is allowed.

15.1.08

WS filed by the
Respondents. Copy
served.

Q/H

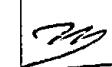
lm

Call this matter on 15.2.2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

Rejoinder not
filed.

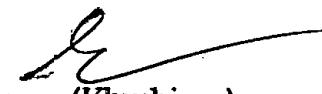

14.2.08

13.3.08
No rejoinder filed.

15.02.2008

Rejoinder has not yet been filed in this case.

Call this matter on 14.03.2008 awaiting
rejoinder from the Applicant.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

14.03.2008
14.03.2008

Mr. M.R. Mazumdar learned,
Mr. M.K. Mazumdar learned

Counsel appearing for the Applicant
Counsel appearing for the Applicant

for the above mentioned time to file

- 5 -

O.A.200/07

14.03.2008 Mr M.K. Majumdar, learned Counsel appearing for the Applicant prays for three weeks time to file rejoinder. Prayer allowed.

Call this matter on 08.04.2008.

Rejoinder not
billed.

7.4.08

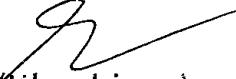
nkm

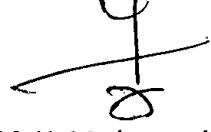

(M.R. Mohanty)
Vice-Chairman

08.04.2008

In this case reply has already been filed. No rejoinder as yet been filed by the Applicant ; despite opportunities.

Call this matter on 29th May, 2008. Rejoinder, if any, may be filed in the meantime.


(Khushiram)
Member(A)

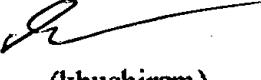

(M.R. Mohanty)
Vice-Chairman

lm

29.05.2008

None for the parties. Call this matter on 8th July, 2008.

Lm


(khushiram)
Member(A)

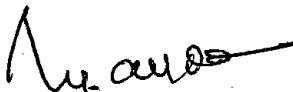
Rejoinder not
billed.

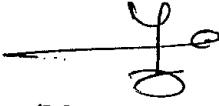
My
20.08.2008

08.07.08

None appears for the Applicant nor the Applicant is present. Mrs B. Devi, learned counsel for the Respondents is on accommodation.

Call this matter on 21.08.2008.


(R.C. Panda)
Member(A)


(M.R. Mohanty)
Vice-Chairman

O.A. 200 of 07

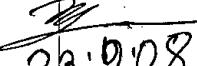
21.08.2008

On the prayer of learned counsel appearing for both the parties, call this matter on 24.09.2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm


23.9.08

24.09.2008

Mr.M.K.Mazumdar, learned counsel appearing for the Applicant, is present. On behalf of Mrs.B.Devi, learned counsel for the Railways, a prayer has been made seeking adjournment of the matter.

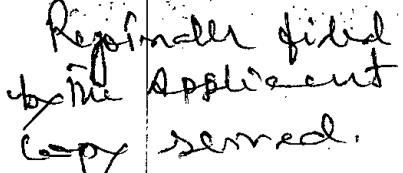
Call this matter on 25th November, 2008 for hearing.


(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

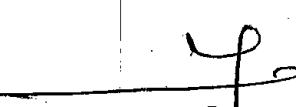
/bb/

11-2-09


Rejoinder filed
to the Applicant
copy served.

25.11.2008

Call this matter on 21.01.2009 for hearing.


(M.R. Mohanty)
Vice-Chairman

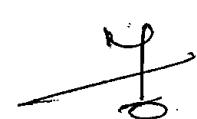
Pg

21.1.09

Bench is not available
list on 26.2.09

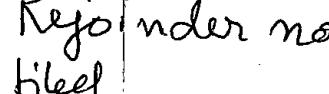

C.O.

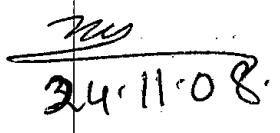
Call this matter on 24.03.2009 for hearing.

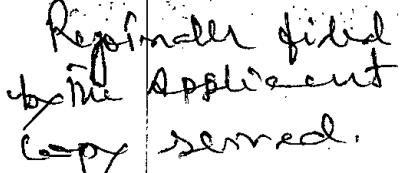

(M.R. Mohanty)
Vice-Chairman

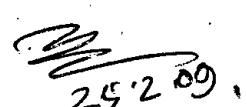
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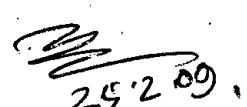
No rejoinder not
filed.


Rejoinder not
filed.


34.11.08.


Rejoinder filed
to the Applicant
copy served.

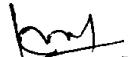

The case is ready
for hearing.


25.2.09.

26.02.2009

24.03.2009 Court work suspended due to sad demise of Hon'ble Justice Guman Mal Lodha (former Chief Justice of Gauhati High Court) and, accordingly, call this matter on 26.03.2009 for hearing.

By Order


Court Officer

/pb/

26.03.2009 Mr. M.K.Mazumdar, learned counsel for the applicant and Miss J.R.John holding brief for Ms B. Devi, learned counsel for the respondents are present. It is seen that synopsis has not been filed. We accordingly direct the learned counsel for the applicant to file a detail synopsis within one week.

Put up this case on 18.05.2009 for hearing.


(Khushiram)
Member (A)


(A.K. Gaur)
Judicial Member

pg


15.5.09.

18.05.2009

For the reasons recorded

separately, this case stands disposed
of.

(N.D. Dayal)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/pb/

12-6-09

order dated 18.5.09
in O.A 200/07 send notice
D/s for issuing to the Respondents
and also to the Appellant
D/No 3134 to 3178
dtd 12/6/09

12/6/09

RECORDED - 2009 - 5 - 18 - 100A - 100000

H/T/441 - 100000

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 200 of 2007

DATE OF DECISION : 18.05.2009

Sri Satya Narayan Pandey

.....Applicant/s

Mr. M.K. Mazumdar

.....Advocate for the

Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Smt. B. Devi, Counsel for Railways.

**.....Advocate for the
Respondents**

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

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

Member

Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 200 of 2007

Date of Order : This, the 18th of May, 2009

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

HON'BLE MR. N.D. DAYAL, MEMBER (ADMINISTRATIVE)

Sri Satya Narayan Pandey
S/o Late Devi Ram Pandey
Senior Clerk (G)
Under SSE/Elect/MXN N.F. Railway

..... Applicant

(By Advocate : M.K. Mazumdar)

-Versus-

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

(By Advocate : Smt. B. Devi, Railway Counsel)

O.A. No. 200 of 2007

ORAL ORDER

18.05.2009

MR. M.R. MOHANTY, VICE-CHAIRMAN

MR. N.D. DAYAL, MEMBER (A)

1. Applicant, while serving as the 1st Fireman in the Railways, met with an accident, While the post of 1st Fireman was required to be in A-1 Medical Category, he was declared to be in Medical C-1 Category; after

the said accident. In the said premises, he was given an alternative employment as a Junior Clerk in the Electrical Division of Railways.

2. While, continuing as a Clerk, he received promotion and is, presently, working as a Sr. Clerk. During his continuation in service as a clerk; the Applicant was again medically examined and it was found that he is in A-1 Category. in the said premises, the Applicant represented to the authorities to restore him back as 1st Fireman with old seniority and grant him necessary promotion in that category. The Applicant approached this Tribunal in the earlier O.A. No. 92 of 2006 ; which was disposed of on 24.08.2006; with direction to the Respondents to consider the grievances of the Applicant by a reasoned order. An order was passed by the Respondents on 13th April, 2007 rejecting the claim of the Applicant. The present O.A. No. 200 of 2007, filed under Section 19 of the Administrative Tribunals Act, 1985, is directed against the said order dated 13th April, 2007 of the Railways.

3. By way of filing a written statement, the Respondents/Railways have taken the stand as in the impugned order dated 13th April, 2007. They have stated that the Applicant having accepted the alternative job with full knowledge, he is estopped now from seeking to go back to his earlier cadre in the Safety category.

4. By way of filing a rejoinder, the Applicant has reiterated his stand taken in the O.A. and stated that he, having got back his old medical fitness status, should be restored back to his Safety category post.

5. Heard Mr. M.K. Mazumdar, learned counsel appearing for the Applicant, and Mrs.B. Devi, learned counsel appearing for the Respondents/Railways, and perused the materials placed on record.

6. It is seen from the impugned order dated 13th April, 2007 that the fact 'that the Applicant was again assessed as A-1 Medical Category' has not been taken in to consideration while passing the impugned order dated 13th April, 2007. Non consideration of the said material fact, at the time of passing the impugned order dated 13th April, 2007, has resulted in miscarriage of justice in the decision making process. The impugned order dated 13th April 2007 is, therefore, set aside.

7. In the aforesaid premises, while setting aside the impugned order dated 13th April, 2007, we remit this matter back to the Respondents to reconsider the grievances of the Applicant by taking in to consideration the fact that the Applicant was found to have got back his medical/physical status in A-1 category and has raised a grievance to give back his Safety category post.

8. The Respondents are directed to give reconsideration to the matter by issue of a reasoned order within a period of 90 (ninety)days from the date of receipt of a copy of this order. While reconsidering the matter, the Respondents will remain free to send the Applicant for a fresh medical examination in accordance with ~~the~~ rules.

9. This case is, accordingly, allowed to the above extent. No costs.

MR. N.D. DAYAL
MEMBER (A)

/pb/

MR. M.R. MOHANTY
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No 200 /2007

Sri Satya Narayan Pandey

..... Applicant

- Versus -

The Union of India & Others.

..... Respondents

SYNOPSIS

Sl.No.	Particulars	Date	Page
01	Applicant joined as Loco Forman	21.07.1978	
02	Applicant was promoted to 1 st Fireman	03.10.1990	
03	Applicant got injury (hurt on duty)	21.09.1996	
04	Applicant remained in sick list from 22.9.96 to 15.12.97		
05	Applicant became fit for duty	16.12.97	
06	Applicant again remained sick from 11.8.98 to 19.3.99		
07	Applicant was referred to CMS/Dibrugarh. After treatment he was declared fit vide Medical Certificate No.221 dated	19.3.1999	
08	After six months Applicant was declared unfit on review dated	22.9.1999	
09	Applicant was observed in alternative job as Junior Clerk	11.2.2000	
10	Applicant was re-examined and declared fit for the original duty as 1 st Fireman	5.2.2003	
11	Applicant made application for his absorption in original category but not considered. Hence approached this Tribunal by filing O.A. No.92/2006		
12	This Tribunal considered the matter and disposed of the same with direction to the Applicant to submit fresh representation to the Respondent No.4 with a further direction to the Respondent No.4 to consider and dispose of the same within three months	28.4.2006	
13	Applicant submitted representation	9.5.2006	
14	Applicant submitted reminder	28.12.2006	
15	Respondent rejected the prayer of the Applicant vide order dated	13.4.2007	
16	Hence this O.A. for redressal of his grievance		

Filed by

Mrinal Kanti Majumder

Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DISTRICT : TINSUKIA

9 JUL 2007

गुवाहाटी न्दायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH : GUWAHATI.

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

O.A. No. 200 of 2007.

Sri Satya Narayan Pandey

.... Applicant.

- Versus -

The Union of India & Others.

.... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application	.... 1 to 11.
2.	Verification	.... 12.
3.	Annexure- I	.... 13.
4.	Annexure- II	.... 14-15.
5.	Annexure- III	.... 16.
6.	Annexure- IV	.... 17.
7.	Annexure- V	.... 18.
8.	Annexure- VI	.... 19-23.
9.	Annexure- VII	.... 24-26.
10.	Annexure- VIII	.... 27-29.
11.	Annexure- IX	.... 30-31.
12.	Annexure- X	.... 32.

Filed by -

Manu Kanti Majumdar
Advocate.

Satya Narayan Pandey.

DISTRICT : TINSUKIA.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH : GUWAHATI.

filed the application
Satya Narayan Pandey
JULY 07

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

O.A. No. 200 of 2007.

Sri Satya Narayan Pandey
son of Late Devi Ram Pandey
Senior Clerk (G)
under SSE/Elect/MXN N.F. Railway.

.... Applicant.

- Versus -

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

contd.... p/2.

Satya Narayan Pandey.

5. The Chief Medical Superintendent,
N.F. Railway, Dibrugarh.

.... Respondents.

DETAILS OF APPLICATION :

Particulars of order appealed against :

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

2. Jurisdiction of the Tribunal :

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

3. Limitation :

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

4. Facts of the Case :

1. That the Applicant joined in the establishment of Loco Foreman/Mariani as Cleaner w.e.f. 21-07-78 in scale Rs.196-232/-.. During the course of time he was promoted to the post of 1st Fireman in scale Rs.950/- - 1500/- w.e.f. 3-10-90.

contd.... p/3.

Salya Narayan Pandey.

2. That the Applicant while working as Fireman/MXN got an injury at about 21/40 Hrs. on 21-09-96 while performing evening duty from 14 Hrs. to 22 Hrs. as steam man. During that time he slipped on foot plate of the engine and got injury on his right leg and buttock.

3. That the Applicant state that, he remained under sick list of DMO/MXN from 22-09-96 to 15-12-97. During that period he undergone treatment and on recovery he was given fit by DMO/MXN vide fit certificate No. 444 dt. 16-12-1997.

4. That the Applicant states that on being found medically fit he remmed duty of 1st Fireman on 16-12-97 and in this regard the senior Section Engineer (Loco)/MXN issued a letter No. LE/9 dated 23-12-97.

5. That the Applicant states that he again reported sick from 11-08-98 and resumed duty on 20-03-99. During this time he was given treatment and thereafter referred to CMS/Dibrugarh for consideration of his fitness in duty. On examination after treatment, he was declared fit in his original category as Fireman and in that regard fit certificate was issued vide certificate No. 221 dated 19-03-99. It was also mentioned in the certificate that the case will be reviewed again after six month.

contd.... p/4

Sabyanarayana Panday.

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

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

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

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

A copy of appeal dated 13-11-02 and
A copy of the letter dated 23-12-02 is
annexed as Annexure-II and Annexure-III
respectively.

9. That the Applicant states that he appeared before Chief Medical Superintendent, Dibrugarh for

special Medical examination on 05-02-03 and on examination he was found fit for original category and in that regard a certificate was issued on 5-2-03.

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

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

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

11. That the Applicant states that the ultimate internal communication from the Divisional Personal Officer Tinsukia to the Chief Medical Superintendent seeking further clarification against absorption of the Applicant in Running Category vide letter dated 16-08-04 was duly replied by Chief Medical Superintendent vide letter dated 18-9-04 wherein it is specifically mentioned that nothing has been written in IR MM that a decategorised employee can not be absorbed in his original category if found fit in subsequent medical examination. But unfortunately the Respondent

contd.... p/6

Saby Narayan Sardary,

did not consider the case. Finding no other alternative the Applicant preferred ~~an~~ an application before this Hon'ble Tribunal vide O.A. No. 92/06 with a prayer for issuing direction to the Respondent to absorb the Applicant in his original category of DAD 1st Fireman with all consequential benefits and due salary as admissible under the extent rule.

12. That the Applicant states that the Hon'ble Tribunal on hearing the parties considering the merit of the case vide order dated 28-4-06 directed the Applicant to file a comprehensive representation before the respondent and accordingly on 9-5-06 filed a fresh representation alongwith a copy of the order dated 28-4-06 passed by this Hon'ble Tribunal which was duly received by the Office of the Divisional Railway Manager (P).

A copy of the order dated 28-4-06 passed in O.A. No. 92/06 and a copy of the representation dated 9-5-06 are annexed herewith as Annexure- VII and VIII respectively.

13. That the Applicant states that while entertaining the O.A. and considering the pros and cons of the case this Hon'ble Tribunal was of the view that the Respondent No. 4 department would not leave the matter unscrutinised and due service benefit will be awarded to the Applicant if the direction is given to the Respondent to dispose representation.

Salya Narayanan Panday

contd.... p/7

But unfortunately the authority did not pay any heed on the direction till the 2nd representation is filed on 28-12-06. Only on 29-12-06 the Respondent No. 4 informed the Applicant that a reply dated 24-7-06 to the representation has already been communicated to the Applicant. But the Applicant was not served with any copy of the reply and ultimately vide communication dtd. 13-4-07 the Respondent No. 4 have disposed the claim of the Applicant on some ill founded ground.

A copy of the 2nd representation dated 28-12-06 and a copy of the Order dated 13-4-07 are annexed as Annexure-IX and X respectively.

14. That the Applicant states that the respondent No. 4 have communicated the decision of GM (P)/MLG vide order dated 13-4-07 from plain reading of the para 6 of the communication dated 13-4-07 it is clear that the Respondent No. 4 have not cleared the original portion of the case before the GM (P)/MLG. For, the ultimate communication simply dealt with provisions relating to dissatisfaction with any a every medical report which is not the case of the Applicant.

Hence this sort communication which is prepared simply to turn down legitimate claim of the Applicant can not be termed as a reasoned order which, on the other hand, can easily understood as process for

Salya Narayan Pandey,

contd.... p/8

defying Court's order illegally by such senior executive/Administrator in the department.

As such the Applicant is constraint to approach this Hon'ble Tribunal for early redressal of his grievance.

5. FOUND FOR RELIEF :

- i) For that the applicant having been found medically fit, under the provisions of the extant rules he is entitled to get him absorbed in the original category with due seniority in that category and the respondents denying the same have acted, arbitrarily, illegally and without authority of law.
- ii) For that the Applicant being found medically fit for the original job/Running category, the act of the Respondents denying the applicant to resume his duty in the original job is illegal.
- iii) For that the provision contained in Master Circular deals only with provision of Appeal in case of dissatisfaction of Medical report which is not a case of the Applicant and as such the quoting of this provision in disposing the appeal is very much irrelevant.
- iv) For that the respondent ought to have understood the cause of the Applicant before quoting any

Saiya Narayan Pandey.

contd.... p/9

such provision of Appeal. Now his claim is only against administration and not against Medical Board.

v) For that the Medical Manual not having restricted the applicant to get absorbed in the original category, the act of the Respondents not allowing the applicant to get absorbed in the said category is in violation of the provisions of the medical manual.

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

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

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

6. Details of the remedies exhausted :

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

Salya Narayan Pandey

contd.... p/10

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

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

8. Reliefs sought for :-

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

ii) That the Hon'ble Tribunal may be pleased to pass any other relief or reliefs as it deem fit and proper.

9. Interim relief :

No interim relief is prayed for at this stage.

10. This application is made through Advocate.

11. Particulars of the Postal Order :

I.P.O. No. 64E, 308468, 64E, 308467, 64E, 308466,
Date - 64E, 308465, 64E, 308067 dated 15.6.07
Issued by - G.P.O
Payable at Guwahati G.P.O.

Salya Narayan Panigrahi

contd.... p/11

VERIFICATION

I, Sri Satya Narayan Pandey, son of Late Devi Ram Pandey, aged about 49 years, presently serving as Senior Clerk (G), under SSE/Elect./MXN N.F. Railway, Maligaon, Guwahati. That the statements made in paragraphs of the accompanying application are true to my knowledge, and belief and that I have not suppressed any material facts.

And I set my hand on this Verification today the 51/5 day of July, 2007 at Guwahati.

Place :

Satya Narayan Pandey

Signature of the Applicant.

Date :

13-
83

ANNEXURE-I

No. H/219/1

CMS/DBRT
N.F. Rly Dibrugarh.

To

Dated - 22.9.99

Sr. SE/Loco/MXN

Sub :- Unfit Certificate of Sri Satya
Narayan Pandey, 1st F/men/MXN.

Ref :- Your Letter No. L/IM 19-9-99,
dated 19-9-99.

The above named employee reported this Hospital
for re-examination. On examination he was found unfit
in A/one 1st F/men but fit in C/one in sedentary job or
desk duty without glass. The unfit Certificate No. 155
dated 22.9.99 is sent herewith for your necessary action
please.

Enclo :- One Fit Certificate
No. 155 dt. 22.9.99

Sd/-
CMS/DBRT

Copy to - (1) DRM (P)/TSK for information and
necessary action please.
(2) DMO/MXN for information.

CMS/DBRT

*Certified
to be true
S. S. Sengupta*

(Capital, Monetary, Extravagance.)

155

16

सेवाबधि में पुनर्परीक्षण होने के समय इस्तेमाल किये जाने के प्रमाण-पत्र का फार्म भरना चाहिए।

Form of Certificate to be used when an employee is re-employed during Service

(প্রমাণ-পত্র/Certificate) ()

40.100-0.9/H.1.0.MT/2.8

Q-0.9 81 QH/λ-MDL-34

Health/Hospital/Dispensary

10.00/100/N R. Railway

I do hereby certify that I have examined (Name) S. S. Salya Narayan Purohit,
(age) 31 - 1 - 58 an employee serving as (designation) SI/IT/1345 in the class 1/1,
In the AIY N. Branch/Department, at (Place where employed) AIY N.,
who presented himself before me for

Re-examination prior to promotion to class _____, _____ to (Designation). _____

Final Interview/Special re-examination.

*Final version (1998) of a paper presented at the seminar/Re-examination for reconsideration of previous a theory, 1998.

શ્રી કૃત્તું પાદ્મા વિપાચાનુભૂતિ કા વિષાણ મિત્રો વાચાનિષત્તિ મિત્રી વિષાણ મિત્રી

and whose signature and thumb impression has been appended below to my statement.

11. A copy of the original application for a patent has been appended hereto.

(ii)

William A. R. A. and the Pampas

1928-1930

11/12/1993

certified
to be true
John
Dissocate

Signature of Employer

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

To:
The Divisional Railway Manager(P)
N.E Railway Tinsukia

(Through Proper Channel):

Sub:- Appeal for Re-Medical Examination.

Sir,

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

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

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

Date: The 13th Nov 2002
Place :Mariani

Yours Faithfully,

Sri. Satya Narayan Pandey

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

13/11/02
S.S.E. (LOCO)
Second Clerk (Elec)
N.E. Railway Tinsukia

Certified
to be true
Advocate

N. F. Railway.

No. 702/762.

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

To,

CMS/DBRT,
N. F. Railway.

Sub: Re-Medical Examination.

Shri Satya Narayan Bandy, Ist. Fireman/MXN got injury at about 21/40 hrs. on 21.00.98 while performing evening duty from 14 hrs. to 22 hrs. as Stove man. During that time he slipped on foot plate of the engine and got injury his right leg and Buttock.

He remain under sick list of DDO/MXN from 22.00.98 to 16.12.97 and given fit by DDO/MXN vide fit certificate No. 444 dt. 16.12.97. He had resumed duty as Ist. Fireman on 16.12.97 vide Sr. S. F. (Loco)/MXN's letter No. L7/0 dt. 23.12.97. He again reported sick from 11.03.98 and resumed duty on 20.03.98. Again he was declared fit in his original category as Ist. Fireman for a period of 06 months vide fit certificate No. 221 dt. 19.03.99 issued by you.

Shri Bandy was again directed at yours for re-medical examination on 19.09.99. In this medical examination he was declared unfit in his own Ist. Fireman but fit in Cyclo-ops in stationary job or desk duty without glass vide your unfit certificate No. 155 dt. 22.09.99. Accordingly he was absorbed as Jr. Clerk(G) in Electrical Dep'tt. in scale Rs. 3050-4500/- and then he was promoted as Sr. Clerk(G).

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

Enclos: One application.

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

*Certified
to be true
for record
Ans. 2002*
Copy to: Satya Narayan Bandy, Sr. Clerk(G)/MXN.
Thro. SE (Elect.)/MXN.

Signature
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

40-110-00/N. R. M. 6/23

અનુભૂતિ અનુભૂતિ/A-MDL 34

प्र.प्रा. वा. वा. १/८-१८८

सेवावधि में पुनर्परीक्षण होने के समय इस्टोमाल फिरे जाने के प्रमाण-पत्र का रूपांक

Form of Certificate to be used when an employee is re-examined during Service.

(ଆମ୍ଭାବୀ-ରୁକ୍ଷ/Certificate)

Medical/Hospital D B R T
Health/Dispensary

QO 41107693/N R. Railways

॥ ५०८॥ १. प्रभान्य वर्ता ॥ २. भी
मे शाश्व/वाम मे (काम करने का स्थान)
कटेयासे एक लांचाल, विकासन ॥ (प्रदान) ॥ १८. वाम
निमन्तिलिख के लिए उपलिख इला, उसकी जीव लिया ॥ १—
॥ १९. वाम मे (काम करने का स्थान)
भी भोर मेरे सामने

I do hereby certify that I have examined (Name) Srinivasa Rao, Intensity Engineer, Pammalay (age) 31 - 1-6-88 an employee serving us (designation) 1st E/7000 class A/1 in the Mech Branch/Department, at (Place where employed) MDA who presented himself before me for Periodical re-examination.

Re-examination prior to promotion to class _____ Date _____

10. **Designation:** _____
11. **Reason for re-examination:** _____

“I think we’re bound to get some in this country before we’re through.”

को अपना अवधार रखा शक्ति वा विद्याल में से उपर्युक्त एवं विविध

and whose signature and thumb impression bear.

A copy of the original and thumb impression has been appended below.

consider him fit for service in a civil or military capacity.

111-61460 44182 111-61460 44182 111-61460 44182

Signature of Railway Medical Examiner

‘गृहीत विवाह विवाह विवाह’

⑧ One Cut mark 1" on the right eye.

2. 11. 1942

592/03

Editorial and Writing Department

100

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

certified
to be true
John Advocate

Sri Satya Narayan Pandey

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ANNEXURE - V

No. H/219/1

CMS/DBRT's Office
N.F. Rly Dibrugarh.
Dated 05-2-2003.

To

DRM (P)/TSK

Sub :- Spl. Medical Exam. Certificate in
favour of Sri Satya Narayan Pandey,
1st F/men/MXN under SE/Elect./MXN.

Ref :- Your letter No. ES/752 dt. 24-1-2003.

The above named staff reported to this office for
Spl. Medical Exam. on 05-2-2003. On Exam. he was found
fit in original category of A/1 without glass at present.
Again he is advised to attend CMS/DBRT for re-examination
after 6 (six) months.

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

Enclo :- One Certificate (Original)

Sd/-
CMS/ie/DBRT

Copy to :- SE/Elect./MXN for information and
necessary action.

CMS/ie/DBRT

*Certified
to be true
Associate*

19/162-92
ANNEXURE VI (02)

Sanit.

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To

The DRM(P)TSK
Through Proper Channel

Sub :- Absorption in Running Category

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

Sir,

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

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

Your kind reply is early solicited for my consent please.

Thanking you

Yours faithfully

Sri Satya Narayan Panday

(SATYA NARATAN PANDAY)

Senior Clerk

Under SE/E/MNN

Date: 10/04/2003

Ques
10/162-92
Sectt. of State (P.M.)
Elect. Engineer (Elect.)
P. & M. Dept., Afrap
I. F. Railways, Marian.

Certified
to be true
for
Project

From

Sri Satya Narayan Panday

Date : 15-05-2003

Sr. Clerk (G) MXN

Under - SE/Elect/MXN

To,

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

Through Proper Channel

Sub : Absorption in Running Category

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

Respected Sir,

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

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

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

Yours faithfully

Sri Satya Narayan Panday

(SATYA NARAYAN PANDAY)

Sr. Clerk/Elect/MXN

*Certified
to be true
Da
Panday*

Date: 18/09/2003

To,

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

Ref - 1. Your L.No ES/752/ dt.d.01/05/03
 2. SE/E/MXN L/No E/1/ESSU/MXN-166 dt.d.15/05/03

Sub :- Reminder thereon.

Respected Sir,

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

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

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

Yours faithfully

Sarjan Narayan Pandey

(S.N.PANDEY)

SR.CLERK (G) (ELEC.) MXN

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22
19-01
ANNEXURE VI (b)

Series

34

To,

The Divisional Personal Officer
Tinsukia Division, N.E. Railway

(Through proper channel)

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

Respected Sir,

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

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

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

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

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

Yours faithfully

Dated Mariani the
8th January 2004

(Satya Narayan Panday)

Sr. clerk/G/MXN

Under SE (E) MXN N.E. Rly.

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

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

Yours faithfully,

Satya Narayan Panday

(Satya Narayan Panday)

Sr. clerk/G/MXN

Under SE (E) MXN N.E. Rly.

Received
1/1/04
R. N. Panday
S. N. Panday
J. M. (P.)
S. N. Panday, 10
S. N. Panday, 10
S. N. Panday, 10

23

ANNEXURE - VI (S)

35

To,

Date: 06.06.2004

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

(Through proper channel.)

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

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

Sir,

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

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

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

Hoping your early treatment.

Forwarded for your kind
disposal please.

Yours faithfully,

Sri Satya Narayan Panday.

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

Received on
26.09.2003 by
DRM (P)
26.01.2004
Sri Satya Narayan
Panday
N.E. Rly. / Tinsukia

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No. 92 of 2006

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

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

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

Applicant

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

Versus-



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

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

ORDER (ORAL)

K.V.SACHIDANANDAN, V.C.:

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

✓

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

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



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

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

sd/ VICE CHAIRMAN



Date of Application : 1.8.2007

Date on which copy is ready : 1.8.2007

Date on which copy is delivered : 1.8.2007

Certified to be true copy

Verbal 1.8.07
Section Officer (Judl)

C. A. T. Guwahati Bench
Guwahati-5.

18/8/07

3-5-06

To,

The Divisional Railway Manager, (Personal),
N.F. Railway, Tinsukia.

Sub :- An appeal for Absorption ~~as~~ in original
Category of DAD Running staff.

Ref :- Order dated 28-4-06 passed by
in Original Application No.92/06.

Sir,

I have the honour to prefer this appeal in
compliance with the order passed in the O.A. No.92/06
for favour of your kind perusal and favourable consideration.

That Sir, I joined in the Establishment of
Locoforeman/Moriani as cleaner w.e.f. 21-07-78 and during
the course of time I was promoted to the post of the
1st Fireman w.e.f. 3-10-90.

That Sir, I met with an accident at about
21/40 Hrs. on 21-9-96 while performing evening duty as
steam man and as a result thereof got injuries on right
leg and buttock.

That Sir, I remained under sick list
from 22-9-96 to 15-12-97 and after treatment became fit
and DMO/MKN issued certificate No.444 dt. 16-12-97.

That Sir, on subsequent occasion when I
reported sick my case was referred to CMS/DBRT and I was
given proper treatment and an examination after I was
declared fit in my original category as Fireman and in
that regard fit certificate was issued vide certificate

contd... 2

*Certified
to be true
for record*

मित्र	विजय मिश्र
Received on	10/10/2006
W.D. (FIRMAN)	
D.P. (FIRMAN)	
W.O. (FIRMAN)	
N.F. Rly. / Tinsukia	

- 2 -

No.221 dated 19-3-99 and on completion of six months my case was reviewed by the CMS/DBRT and ~~and~~ declared unfit in Aye One as 1st Fireman and thereafter I was absorbed in alternative employment in terms of letter dated 23-12-99.

That Sir, in consideration of my representation/ appeal dated 13-11-02 to go back to previous job as DAD my matter was ~~referred~~ referred to the CMS, Dibrugarh seeking decision for medical reexamination, my case was thereafter considered and on reexamination on 05-02-03 I was declared fit for original category.

That Sir, on being declared fit I made application for my absorption in the running ~~g~~ category as per extent rules, but my said applications dated 10-4-03, 15-5-03, 18-9-03, 8-1-04, 6-6-04 were never considered and no proper reply as per extent Rule given to any of my representations which clearly amounts to denial of my legitimate claim to join in my original category.

That as your benign authority is aware of the ultimate internal communication to the Chief Medical Superintendent dated 16-8-04 seeking further clarification against my absorption in Running Category was replied vide letter dated 18-9-04 wherein it is specifically mentioned that nothing has been written in IRMM that a decategorised employee cannot be absorbed in his original ~~maxim~~ category if found fit in subsequent medical examination. Unfortunately my case for absorption in the Running Category in the present form of not being considered irrespective

of the fact that I have already undergone the Diesel Conversion Course training and at the time of a regular DAD running staff I have also performed duty as DAD, and hence I had to approach the Hon'ble Central Administrative Tribunal for vindication of my grievance by filing the Original Application No.92 of 2006 and the Hon'ble Tribunal decided the matter on 28-4-06. On hearing the matter and on perusal materials on records have came to the conclusion that a fresh comprehensive representation may be submitted before your honour within 2 weeks and by the same order dated 28-4-06, the Hon'ble Tribunal was pleased to direct your honour to dispose of the matter and hence I file this before your honour to consider the matter in accordance with extant rules and to allow my prayer for absorption.

Enclo :- Copy of the Judgement/
Order dated 28-4-06
passed in O.A.No.92/06.

Yours sincerely,
Satya Narayan Pandey
(Satya Narayan Pandey)
Sr. Clerk (G)
under SSF/E/MKN N.F. Railway.

From: SATYA NARAYAN PANDAY
 SR. CLEARK (G)
 UNDER SSE/ E/MXN, N.F. RAILWAY, MARIANI.

Date : 28.12.2006

TO,

The Divisional Railway Manager,(Personal),
 N.F. Railway, Tinsukia.

Hon'ble Sir,

Ref: Absorbtion in DAD running staff.

Ref: Order dated 28.04.06 passed by Central Administrative
 Tribunal, Guwahati in O.A.NO.92 of 2006.

While awaiting a reply from your end with regard to my representation dated 09.05.2006. I have to write to inform you again for the same reason for favour of an early reply relating to the aforesaid matter.

I have already stated in detail as regard to the facts and circumstances of my case and I think it is not at all necessary to repeat the same time and again

However, in brief, I would like to inform you that despite a clear direction issued by the learned Central Administrative Tribunal, Guwahati in O.A.NO.92/2006 (a copy of which was already furnished to you along with my representation dated 09.05.2006), you appear to have defied the said order and not cared to have acted upon. It is a matter of grave concern that people like us have always been treated like garbages and little importance given to their grievances.

I would like to remind you that unless the aforesaid order of the Hon'ble CAT, Guwahati is complied with within 7(Seven) days from the date of receipt of my letter, I shall be constrained to go in for appropriate legal action against you to substantiate my claim at all costs.

I therefore, fervently request you to look into my grievances most judiciously and sympathetically and I belief that justice would ultimately prevail.

Yours faithfully,

Saty Narayan Panday.

(SATYA NARAYAN PANDAY)

SR, CLEARK (G)

UNDER SSE / E /MXN, N.F.RAILWAY, MARIANI

*Authentic
to be given
to Dr.
Advocate*

N.F.Railway

MS. A. 7. E. 752

Office of the
Divisional Railway Manager (P)
Tinsukia, Dated - 29/12/2006

To,

Sri S.N. Pandey, Sr. Clerk (G)

Through: - SSE (Electric)/MXN

Sub: - Absorption as DAD.

Ref: - Your appeal, dated 28/12/2006.

In reference to your appeal cited above it is to inform you that reply of your appeal dated 09/05/06 had already been sent to you vide this letter of even No. dated 24/07/06. However a Xerox copy of the same letter is sent here with for your information please.

DA: - As above.

Legit 29/11/2016 (Apo 11/2016)
✓ Divisional Railway Manager (P)
N.F.Railway /Tinsukia

Copy to: - SSE (Electric)/MXN. He is requested to handover the letter with enclosure duly acknowledged by Sri Pandey & the same should be returned to this office for record please.

Divisional Railway Manager (P) N.F.Railway /Tinsukia

Received from
SSET/ANX
on 30-12-06
S. P. Pandey
S. Clerk
M.A.N.
Certified
to be true
S. P. Pandey
Advocate

N.F. RAILWAY

Office of the
Divisional Railway Manager (P)
Tinsukia, the 13 April 2007

NO. ES/752

To
Sri S.N. Pandey, Sr.Clerk/G under SSE/Elect./MXN
Through: SSE/Elect./ MXN.

Sub : Your appeal dated 9.5.06 and 28.12.06 regarding absorption in the original category (Running category).

Ref : This office letter No.ES/752 dt. 24.07.2006 and 29.12.2006.

Your appeal dt. 09.05.2006 & 28.12.2006 in connection with O.A No. 92/06 has been gone through by the competent authority (DPO/TSK) who has passed the following orders on receipt of decision from GM(P)/MLG vide his L/No. E/170/LC/NS/725/06 Dated 27.03.07 :-

1. You are presently working as Sr. Clerk (G) under SSE/Elect(P)/MXN, N. F. Railway.
2. You had been appointed as Cleaner under Estt. of Loco Foreman/Marlan on 21.07.78 and you were promoted to the post of Ist Fireman on 31.10.90.
3. You had met an accident while performing duty on 21.09.1996 and remained in sick list from 22.09.1996 to 15.12.1997 and declared fit to join duty.
4. In subsequent occasion you remained in sick list and your case had been referred to CMS/DBRT by Divisional Medical Authority and with proper treatment you were declared fit in your original category as Ist Fireman for a period of six months w.e.f. 19.03.1999.
5. After six month you were again sent to CMS/DBRT for re-examination and you were found unfit for A/one but fit in C/ one medical category. Subsequently the post of Jr. Clerk/G was offered to you and on your acceptance you had been absorbed as Jr. Clerk under SSE/Elect/ MXN on 23.12.1999 and promoted as Sr. Clerk/G w.e.f. 19.4.2002.
6. As per Master Circular 25 (Appendices) para 17.1.4 (photocopy enclosed)

"In the event of his being declared unfit an employee may appeal to the Chief Medical Officer against the Divisional Medical Officer's decision within a period of 7 days from the date of adverse report by Divisional Medical Officer."

But you had preferred appeal after 3 (Three) years and also after becoming part and parcel of another category (i.e. Clerk in Electrical deptt.) in which you got one promotion also. So as per above quoted rule, the time limit for appeal has been lapsed and you also became a part of another cadre. In this circumstances you cannot be sent for medical examination as per the rules meant for your original cadre (i.e. Running category job)."

7. You have represented as per directives of the Hon'ble/CAT/GHY. The matter has been examined as mentioned above in details and it is observed that your appeal for your absorption in Running categories (in original post) can not be considered in light of the circular and the reasons as mentioned above.

Enc. 1 (one)

*certified
to be true
for record*

For Divl. Railway Manager(P)
N.F.Railway Tinsukia

13/4/07

File in Court on 11/11/08

Court Officer

DIST. - KAMRUPIN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH AT GUWAHATIO.A. No. 200 of 2007Sri Satya Narayan Pandey
.....Applicant

-Vs-

Union of India & others
..... Respondents.INDEX

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Filed by,

Minal Kumar Baruah
Advocate, Guwahati

DIST. - KAMRUP.

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

O.A. NO. 200 / 2007

SRI SATYA NARAYAN PANDEY

.....**APPLICANT.**

-V5-

THE UNION OF INDIA & OTHERS

..... *RESPONDENTS.*

WRITTEN STATEMENTS ON BEHALF OF THE RESPONDENTS.

The Written statements of the Respondents are as follows :-

1. That a copy of the Original Application No. 200/2007(herein after referred to as the "application") has been served upon the respondents. The respondents have gone through the same and understood the contents thereof.
2. That save and except the statements which are specifically admitted by the respondents, the rest of the statements made in the application may be treated as denied.
3. That the statements made in paragraph 4.1 to the application the answering respondent has nothing to comment and the answering respondent further begs to submit that as per office records of Shri Satya Narayan Pandey it is seen that he was initially appointed in the Railway services as a cleaner on 21.10.1978 in the scale of pay of Rs. 196 - 232/- under Locoforeman/Mariani in Tinsukia(TSK) Division. He was promoted to the post of 1st Fireman on 23.08.1990 in the pay scale of Rs. 950 - 1500/-.
4. That as regards the statements made in paragraph 4.2, 4.3 & 4.4 to the application the deponent has no comment at all unless contrary to the records.
5. That the statements made in paragraph 4.5 & 4.6 to the application are not true and the same are not admitted by the answering respondent. The

1. Filed by the respondent
through
Divisional Personnel Officer
Divisional Office, TINSUKIA
Date: 10/08/2018
Signature of the respondent
Mr. Surajit Bhattacharjee

A. Neurophysiology

answering respondent begs to state the applicant has intentionally and cunningly suppressed many material facts. The fact of the case is that in the year 1997-98 due to the closure of steam Loco-Shed / Mariani, all the 1st Fireman and 2nd Fireman were declared surplus including the applicant. As a result the applicant along with other 1st Fireman and 2nd Fireman were ordered for transfer to Alipurdwar Division to work there on utilization basis vide office order No. E/210/1(M)/Trans , dated 05.08.98. But instead of carrying out the transfer order the applicant again reported sick for the second time on 11.08.98 and remained on sick upto 19.03.99 (i.e., 221 days). On 19.03.99 the applicant was declared fit by the Railway medical authority in the same medical category i.e. A-1 to work as fireman subject to the condition for review of the same after six (6) months. As the standard of the job mainly confined to safety category, which requires special Medical examination after regular interval of aforementioned specified period during the service tenure of a staff in view of the fact that men holding this post run trains carrying passengers. The employees holding these categories of post, who are mainly concerned with life and safety of the people traveling by train, cannot be allowed to perform if they are found unfit in the medical Category A-1.

The applicant resumed his duty on 20.03.99 and after resumption of duty the applicant was again directed to carry out the transfer order in Alipurdwar Division vide office L/No.ES/752, dated 08.04.99. Lastly the applicant was speared on 30.05.99 by his Sr. subordinate to carry out his transfer order. There after the applicant was returned back by the Alipurdwar Division for his final medical examination due in the month of September, 1999. The applicant was directed to attend Chief Medical Superintendent / Dibrugarh for his medical re-examination vide Loco Forman/Mariani's L / No.LE /9 dated 19.09.99. As a consequence of medical re-examination the applicant was declared unfit in the medical category A-1 and found fit in the medical category C-1 vide Medical Certificate No. 155 dated 22.9.99

A copy of the office order of DRM(P)/TSK dated 05.08.98 & 08.04.99 are enclosed herewith and marked as *Annexure- A* & *Annexure- B*.

6. That in regard to the statements made in paragraph 4.7 to the application the answering respondent has no comment unless contrary to the record. After medically de-categorised from the post of F/Man which is a safety category post the applicant was offered for redeployment in a non safety category post of Jr. Clerk/G in Electrical Department and on his acceptance the applicant was absorbed and encadred as Jr. Clerk under SSE/Elect/MXN dated 23.12.1999 on his existing pay & scale and promoted to the post of Sr. Clerk/G. w.e.f. 19.4.2002.

7. That in regard to the statements made in paragraph 4.8 & 4.9 to the application the deponent begs to state that the applicant after about 3 years of his service as Sr. Clerk preferred appeal to the concerned authority for re medical check up wherein he was found fit in original category of A/1 and further he was advised to attend CMS/DBRT for re-examination after interval of six (6)months

8. That in reply to the allegation that averred in paragraph 4.10 to the application the answering respondent begs to submit that in terms of Para - 17.1.4 of master circular no.25 (Annexure-D), " In the event of a staff being declared unfit , he may submit appeal to the Chief Medical Officer against the Divisional Medical Officer's decision within a period of seven days from the date of adverse report by the Divisional Medical Officer". But the applicant had appealed after lapse of three years and also after becoming part & parcel of another seniority unit/group i.e., after absorption/redeployment in the category of clerk in same grade (i.e. in equal pay scale) in Electrical department in which the applicant got one promotion also. Previously he was working in the category of Fireman in Mechanical Department. So as per the above quoted rule the time limit for appeal had been elapsed as per Rly. Medical Rule. Hence the applicant's claim for his parent's post of F/ Man is not sustainable at all.

9. That the statements of allegation made in paragraphs 4.11 , 4.12 & 4.13 are not totally acceptable . Several correspondences and communications have been made with the higher authority ie 'General

A. Devarayanan

Manager (P) for clarification & final decision on the subject matter vide the office letter No. ES/752 dated 6/9-12-04, ES/752 dated 21.7.05, ES/752 dated 02.12.05, ES/752 dated 03.01.07 & ES/752 dated 13.02.07 respectively upon the representations filed by the applicant before and after the filing of O.A. No. 92 of 2006.

Copies of the letters dated 6/9-12-04, 21.7.05, 02.12.05, 03.01.07 & 13.2.07 are enclosed herewith and marked as *Annexure- C, D, E, F, & G* respectively.

10. That it is specifically stated that as per directives of the Hon'ble Tribunal/GHY vide order dated 28.04.06 passed in O.A. No. 92/06, the applicant represented for his absorption in the category of 1st Fire Man to the Rly administration and he was clearly replied by the administration that he can not be absorbed in his original cadre of 1st Fire Man after considerably long gap of about 3 (three) years where he was promoted to the post of Sr. Clerk after redeployment in Electric Department which is against extant prescribed rules vide letter dated 24.7.06, 29.12.06 and 13.4.07 respectively.

Copies of aforesaid letters dated 24.7.06, 29.12.06 & 13.4.07 are enclosed herewith and marked as *Annexure- H, I & J* respectively.

11. That the statements made in paragraph 4.14 are not admitted and the same are denied by the answering respondent. The applicant was clearly informed highlighting the grounds of non-admissibility of his claim of absorption in his previous cadre of 1st Fireman vide office letter No.ES/752 dated 13.4.07. Hence the allegation setforth in the application (6) that the Rly administration has not cleared the original portion of the case before GM(P)/MLG.

12. That the applicant had not submitted appeal for re medical examination within the stipulated period of time. He was declared unfit in the medical category of A/1 w.e.f.22.9.99 vide CMS/Dibrugarh Medical Certificate No. 155 dated 22.9.99, but he submitted appeal for his remedical examination on 13.11.02 which was not within seven days of

his medical de categorization. Hence the *claim* of the applicant at belated stage has no force of law.

13. That the submissions made in the ground portions are baseless and not admitted by the respondent and the same are not sustainable in law. The applicant is not entitled to any relief as claimed by him. The application is not maintainable at all and liable to be dismissed.

14. That the respondent has not committed any infirmity, illegality and irregularity in passing the order dated 13.4.07 and as such the interference of the Hon'ble Tribunal is unwarranted for the ends of justice.

15. That the application filed by the applicant is baseless and devoid of merit and as such not tenable in the eye of law and liable to be dismissed.

16. That the answering respondent begs to submit that the applicant was communicated at various times that he is not entitled to get his previous/parent job owing to his medical de categorization. He has not been working in his previous job of 1st Fireman, he is presently working in the cadre of clerical job wherein he has got seniority and also got promotion in higher pay scale.

17. That the respondent craves the leave of the Hon'ble Tribunal to produce some relevant documents at the time of hearing of the case.

18. That in any view of the matter raised in the application and the reasons set forth thereon, there cannot be any cause of action against the respondents at all and the application is liable to be dismissed with cost.

In the premises aforesaid, it is, therefore, prayed that Your Lordships would be pleased to peruse the records and after hearing the parties be pleased to dismiss the application with cost. And pass such other orders/orders as to the Hon'ble Court may deem fit and proper considering the facts and circumstances of the case and for the ends of justice.

And for this the humble respondent as in duty bond shall ever pray.

A. Narayanan

VERIFICATION

I, Shri. A. Narayanan aged about
 38 years resident of New Tinsukia
 at present working as the Sr. Divisional
 Personnel Officer, Tinsukia Dist., Guwahati being
 competent and duly authorized to sign this verification do hereby
 solemnly affirm and state that the statements made in paragraph
 1 to 12 are true to my knowledge and belief, and the rests are my
 humble submission before this Hon'ble Tribunal. I have not
 suppressed any material fact.

And I sign this verification on this 07th day of
 JAN 2007 at Guwahati.

A. Narayanan

DEPONENT

इतिह कार्यक अधिकारी
 Sr. Divisional Personnel Officer
 श. सो. रेलवे, विनसुकिया
 N.F. Ry. TINSUKIA

N. F. RAILWAY

OFFICE ORDER

OFFICE OF THE
DIVISIONAL RAILWAY MANAGER (F),
N. F. RAILWAY/TINSUKIA.
Date: 05-08-1998

In partial modification of this office O. O. NO. E/210/1/(M)/Trans dt. 01-04-1998 & GM(P)/MLG's Letter NO.E/228/57(M) Pt.II dt. 21.07.1998, the following junior most surplus diesel train-ed Ist Fireman are hereby transferred to APDJ division on the same terms and conditions as laid down in the earlier office order NO. E/210/1/(M)/ trans dated 01-04-1998.

This is in continuation to order of the 1st and 2nd batch issued vide this office order NO.E/210/1/(M)/ trans. dated 24-06-98 & 24-07-98 respectively.

Names of the staff are arranged in order of seniority.

SL. NO.	Name	Desig. & station.
1.	Sri Mridul Kamli das gupta, Ist Fireman/ LABO.	-do- -do-
2.	" Sukumar Paul.	-do- -do-
3.	" Md. Safiq.	-do- -do-
4.	P. C. Gohain.	-do- TSK. 4
5.	Rahat Hussain.	-do- MRN. 4
6.	De. S. Bora, II.	-do- MRN. 4
7.	" Atul Gogoi.	-do- MXN. 4
8.	Umesh ch. Phukan.	-do- MXN. 4
9.	Malay KR Das.	-do- MXN. 4
10.	Dilip Kerkhose.	-do- LLO. 4
11.	Issad Khan.	-do- LLO. 4
12.	Ranjit KR. Dey.	-do- TSK. 4
13.	P. C. Deukar.	-do- MRN. 4
14.	Nila Kanta Das.	-do- LLO. 4
15.	Jugal Kanti Acharjee.	-do- TSK. 4
16.	Umesh ch. Gohain.	-do- TSK. 4
17.	Purna Kanta Bora.	-do- MXN. 4
18.	Dadlet Ram Goyai.	-do- MXN. 4
19.	Golap ch. Saikia.	-do- TSK. 4
20.	Suren Gohain.	-do- MXN. 4
21.	N. Rahaman.	-do- MXN. 4
22.	P. N. Borah.	-do- MXN. 4
23.	Manisuddin Ahmed.	-do- MXN. 4
24.	Sahalouddin Ahmed.	-do- MXN. 4
25.	Atul ch. Saikia.	-do- TSK.
26.	Prafulla Saikia.	-do- TSK.
27.	Pranode Saikia.	-do- MXN. 4
28.	Sulaiman Sarkar.	-do- LLO.
29.	S. N. Pandey.	-do- MXN. 4
30.	Jiban ch. Ray.	-do- DBRT.
31.	Bulal ch. Das. J.	-do- MXN. 4
32.	Mcadeswar Das.	-do- TSK.

Substid

10/4/98

प्रधायक लाइक अधिकारी
पूर्ण सेवा रेलवे गिरिमुख 441
Asst. Personnel Officer-II
N.F. Railway, Tinsukia

CONT'D. PAGE NO. 2 OF

N. F. Rly. W. Subsid

50

PAGE NO: 2

THIS ISSUE WITH THE APPROVAL OF COMPETENT AUTHORITY

Divisional Railway Manager(P).
N. F. RAILWAY/Tinsukia.

NO. E/210/1/(M)/Trans dt. 05-06-1998 (U.S.O. 14/12/98)

Copy forwarded for information & necessary action, among others.

1. GM(P)/MLG 2. APO(N)/MLG 3. DR(P)/APDJ. 4. Sr. DME(P)/APDJ.
5. Sr. DAO/APDJ. 6. DAO/TSK. 7. DME(P)/TSK. 8. AME/TSK.
9. Qrs. Sec. DRM(M)/TSK. 10. Sr. B2(LOCO/TSK, MXN, & LIO).
11. Sr. S.E.(C & W)/DBRT. They are advised to spare the above named staff immediately. & all the staff as mentioned above, should be advised to report to AME/NBQ with in 15 days certain. They should confirm their action to this.
12. Pass section at office for issuing duty pass (All 2nd class) Ex. their Hd.Qrs. to NBQ 13. Staff concerned (through shed incharges) 14. CPRC/TSK. 15. Convenor/N.F.R.M.U./ADON & at TSK division. 16. Divisional Secy. N.F.R.E.U. At TSK 17. CONVENOR N. F. R. E. U. at TSK division. 17. AME/NBQ

Divisional Railway Manager(P).
N. F. RAILWAY/Tinsukia.

P. S. R.

Attested

9/1/98

प्राधानिक कार्यालय
पू.सी. रेलवे । १८१३६४४।
Asst. Personnel Officer-II
N.F. Railway, Tinsukia

Office of the
Chief Railway Manager (2)
Estimating and Scales

Rev. Mr. W. H. C.

25.0.2 (300) VHS

See: Transfer to 5100 division of the City Engineer
Building, 1st, Division/MS.

Ref: Date written: 06/07/2013/1 (H/V Bank
Branch: 01, 02, 03)

Please refer to this Office Order cited above and spare and direct Capt. E. A. Bentley, Acting Physician of your station to report to R.M. (P) AMT to work as D.M. at an early date. Further it is to be mentioned in the same letter that he is fit at our Ist. Phoenix for a period of 6 (six) months and three after the staff may be directed to competent railway medical authority for review of medical recommendations beyond a period of 6 months for extending his further fitness.

Star Bldg., Railway Manager (E),
S. P. Railway, Bangalore.

Copy to: Dr. Wm/103 Our Information. This is in reference to his letter No. 8/2/52 to Dr. Wm. G. Moore.

- Dr. Wm/103. For his information and necessary action in light of above, copy of the Dr. Wm/103's letter No. 8/2/52 to Dr. G. Moore to be forwarded for his ready information with the request to forward the same to the appropriate Medical authority after 6 months for adjudging further action of the staff person.

Das Gesetz des Weltverfalls

Mr. W. A. Baddeley, Manager (P),
R. R. Railway, Franklin.

200 JAGG

Attested

~9/11.8

प्राद्युम्न कामिक अधिकारा ।।
पू.सी. रेलवे इन्स्पेक्टर।।
Asstt. Personnel Officer-।।
N.F. Railways ।।

-10-
N. F. Railway.

Annex - (C)

Re. ES/752.

Office of the
Divl. Railway Manager (P),
Tinsukia, Date 6.12.2001.

To,

General Manager (P),
Malgasen.

(For personal attention of Shri R. M. Avu, Di. CFO/HQ/MLG).

Sub: Absorption in running category.

Shri Satya Narayan Lanoy, Ex.Ist. F/men/MK was sustained injury on HWD & medically declared unfit in A/1 v/s 20 CMS/DBRT's unfit certificate No.155 dt. 28.3.99 and accordingly he was absorbed in Block. Doptt. as Jr. Clerk G¹ on his existing pay and scale & later on he is promoted as Sr. Clerk G¹. On appeal of Shri Lanoy, medical was done & he is found fit in his/her category A/1 v/s 24S/DBRT's fit certificate No.55 dt. 21.7.02.

Now Shri Lanoy has applied for return back to his former category i.e. as F/Men/DAD in running side. As there is no instruction clear cut guide line regarding return back of absorbed medical category wise staff in RENM or RCG or from N.F. Railway Bazaar it is therefore requested to issue clarification that whether Shri Satya Narayan Lanoy, Ex.Ist. F/men under SSS (Loco)/MK or Sr. Clerk G¹ under SS (Loco)/MK can be redesignated as F/Men/DAD in running side. Although his name has been struck off from his original seniority of F/men due to absorption/re-deployment in alternative category/post now his seniority is assigned in the Ministerial grade of Block. Doptt. In this regard clarification was also asked from G.S./DBRT from Medical point of view. Accordingly G.S./DBRT has given his medical views v/s his letter No. H/219/1 dt. 18.9.04 (copy enclosed).

*2000
2000
09/12*
(A. & Chhapella)
Divisional Personnel Officer,
N. F. Railway, Tinsukia.

*2000
09/12*

*Attested
9/11/08*
Dakshin Lal Singh
P. S. O. L. M. Tinsukia
Asstt. Personnel Officer-II
N.F. Railway, Tinsukia

Annex - (D) 9

- 11 -

N.F.Railway

Office of the
Divl.Railway Manager (P)
Tinsukia Dt.21.7.05

No:-ES/752

To.

General Manager (P)
Maligaon N.F.Railway

(For Personal attention of Shri N. Mishra, SPO/Mech/MLG)

Sub:- Absorption in the original category (Running category) of Shri S.N.Pandey ex DAD/Loco/ MXN now redeployed as clerk in Electrical deptt. due to medical decategorization.

Ref:- Your letter No .E/283/MISC/M/2004 dt 28.04.05

As desired vide your letter cited above the following documents are enclosed here with for your further disposal please.

- (i) Copy of the finding of Medical Board held on 22.9.99 (Annexure-A & A/I)
- (ii) Copies of appeals of Shri Pandey (Annexure-B/I, II, III)
- (iii) Copy of the memo for sending the case for special medical examination to Medical authority. (Annexure-C)
- (iv) Photo copy of the medical examination Certificate issued from the office of CMS/DBRT. (Annexure-D/I, II, III)

Encl.:9(nine)pages.

Attested:

✓ 9/11/05

संग्रहीत
दू.सी.सी. नं. १००
अम. प्र०. उ०. १००
N.F. Railway, Tinsukia


21.7.05
(R.L.Bhagat)
APO/I/TSK

For Divl.Railway Manager (P)
N.F.Railway Tinsukia

9/c



N.E. RAILWAY.

894

Office of the
Divi. Railway Manager (P),
Tinsukia.
Dated: 03.12.2005.

No. ES 752.

To,
General Manager (P),
N.E. Railway, Maligaon.

Sub. Absorption original category (Running category) of Sri S.N.Pandey,
Ex. DAD/Loco/MXN now redeployed as clerk in Electrical dept. due
to medical deategorisation

Ref: This office letter No.ES-752 dt. 21.7.05.

As desired vide your letter No.ES-752 M/S/C M 2004 dt. 28.04.05 all the documents were sent to your end vide reference as above but no reply has yet been received by this office till date.

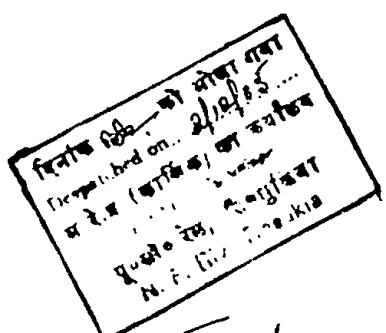
Again you are requested kindly communicate decision regarding absorption in the
original category (Running category) of Shri S.N.Pandey. Ex. DAD/MXN now redeployed as
clerk in Electrical dept. This is also a PNM item with NFRMU TSK.

R.L.Bhagat
(R.L.Bhagat),

APO.I.TSK.

For Divi. Railway Manager (P),
N.E. Railway, Tinsukia.

894/12



Attested
Date: 03.12.2005
By: *9/4/05*
Asst. Personnel Officer-II
N.E. Railway, Tinsukia

426

NORTHEAST FRONTIER RAILWAY.

Office of the
Div. Rly. Manager (P),
Tinsukia.

No.ES.752

Date: 03.01.2007.

GM(T)MLG
N.F.RIV.

(For kind attention of Sri J.Rabidas, SPO, Mech., MLG).

Sub:- Absorption in the original category (Running category) of Shri S.N.Pandey, Ex.D.A.D.Loc.Officer redeployed as Clerk in Electrical department due to medically deategorization.

Ref:- This office letter No. ES/752 dt. 06.12.04, 21.07.05, 02.12.05 & 24.07.06.

Please refer to this office letter cited above and arrange to communicate your decision at the earliest please. This is an agenda item of N.F.Rly. Mazdoor Union at divisional level TSK.

(R.L.BILAGAT)
APO-I/TSK.

For Div. Ry. Manager (P),
N. F. Ry. Tinsukia.

Copy to:- Convenor, N.F.Rly, Mazdoor Union Tinsukia division at NTSK for information please.

For Div. Ry. Manager (P),
N. F. Ry. Tinsukia.

De 9/11/02 10:01:07

Attested
9/11/88
महाराष्ट्र रेल
पुस्तकालय
Ass'tt. Personnel Officer-II
N.F. Railway, Tinsukia.

ANNEXURE - G

N. F. Railway

Office of the
Divl. Rly. Manager(P)
Tinsukia.
Date : 13.02.2007

No.ES/752

To
GM(P)/MLG
NF Railway.

(for personal attention of Sri B. Sharma, APO/Legal Cell/MLG)

Sub :- Absorption in the original category (Running category) Sri SN Pandey, Ex-
DAD/Loco/MXN redeployed as Clerk in Electrical department due to medically
decategorisation.

A legal notice of Sri Indrajeet Das, Advocate/GHY in connection of Judgment dt.28.04.06 passed in OA No.92/2006 by the CAT/GHY has been received in this office on 09.02.07.

One Sri Satya Narayan Pandey (Ex-1st Fireman) now Sr.Clerk(G) under SSE/Elect/MXN after decategorised due to medical unfit, declared by the Medical Board, had prefered the OA No.92/06 at CAT/GHY. Direction was given to the applicant to submitte a comprehensive representation in the JD dt.28.04.06. (copy enclosed)

Representation was submitted by the applicant as per direction of the CAT/GHY and the reply was also intimated to the applicant vide this office letter No.ES/752 dt.24.07.06 through SSE/Elect/MXN within a specific period of 03(three) months. In the same connection it was again confirmed to him vide office letter No.ES/752 dt.29.12.06 through SSE/Elect/MXN.

In this regard copy also issued to SPO/Mech/MLG for his information and further disposal/instruction etc. but no reply has been received by this office till date. (copy enclosed)

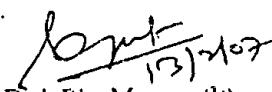
In view of the above, it is requested to send your decision/instruction in the above case at the earliest.

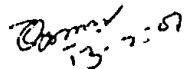
Encl. :- (1) A photo-copy of Advocate Letter dt.01.02.07.
(2) A photo-copy of JD copy dt.28.04.06 of OA No.92/06.
(3) Comprehensive representation dt.09.05.06
(4) This Office L/No.ES/752 dt.24.07.06 & 29.12.06 to the applicant.
(5) This office L/No.ES/752 dt.21.07.05. & 24.07.06 to N. Mishra, SPO/Mech/MLG.


(R. L. Bhagat)

for Divl. Rly. Manager(P)
NF Railway, Tinsukia.

Copy to : SPO/Mech/MLG - for kind information and n/action please.


for Divl. Rly. Manager(P)
NF Railway, Tinsukia.


Date : 13.02.07

Amritpal
Date : 13.02.07
Divl. Rly. Manager(P)
NF Railway, Tinsukia.



N. F. RAILWAY

No.ES/752

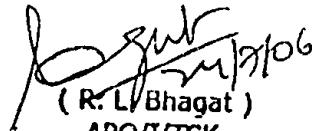
Office of the
Divl. Railway Manager (P),
Tinsukia, Dated: 24.07.06.

To,
Shri Satya Narayan Pandey,
(Ex. IsL Fireman),
Now Sr. Clerk (G)/MXN,
Through, S.E. (Elect.)/MXN.

Sub : An appeal for absorption in original category of DAD Running staff.
Ref : Your application dated Nil.

Since you have been medically de-categorised from the post of F/Man which is a safety category post and re-deployed in a non safety category and thereafter once again declared medically fit to the original category i.e. F/Man but since there is no specific rule regarding return back to the original post such re-deployed staff the matter has been referred to GM(P)/MLG for clarification vide this office letter of even No. dt. 06.12.04, 21.07.05, 2.12.05. Its decision is still awaiting from HQ.

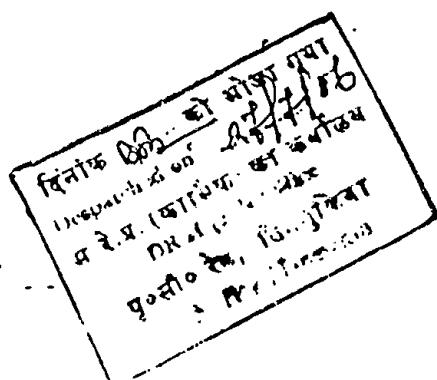
In view of the above this is indisposal of the order on OA No.92 of 2006 of Hon'ble CAT Guwahati.


(R. L. Bhagat)
APO/I/TSK.

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

Copy to :

1) SPO/Mech/MLG for information. This is in reference to this office letter No.ES/752 dt. 06.12.04 followed by reminder dt. 02.12.05. In this regard GM(P)/MLG's letter No.E/283/Misc/M/2004 dt. 28.04.05 may please be connected.



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

N.F.Railway

ANNEXURE - 1

64

No: - ES/752

-17-

Office of the
Divisional Railway Manager (P)
Tinsukia, Dated - 29/12/2006

To,

Sri S.N. Pandey, Sr. Clerk (G)

Through: - SSE (Electric)/MXN

Sub: - Absorption as DAD.

Ref: - Your appeal, dated 28/12/2006.

In reference to your appeal cited above it is to inform you that reply of your appeal dated 09/05/06 had already been sent to you vide this letter of even No. dated 24/07/06. However a Xerox copy of the same letter is sent here with for your information please.

DA: - As above.

*Byut 29/12/06
Apo/1/CSY*
Divisional Railway Manager (P)
N.F.Railway /Tinsukia

Copy to: - SSE (Electric)/MXN He is requested to handover the letter with enclosure duly acknowledged by Sri Pandey & the same should be returned to this office for record please.

*Byut 29/12/06
Apo/1/CSY*
Divisional Railway Manager (P)
N.F.Railway /Tinsukia
*MR
29/12/06
O/C*

Ram Krishna Debnath,

29/12/06

Attested

*201
9/1/08*

महानगर नियन्त्रण विभाग
दूसरा लेवल अधिकारी
Asst. Inspector Officer-II
N.F. Railway, Tinsukia

450

N.F. RAILWAY

NO. ES/752

Office of the
Divisional Railway Manager (P)
Tinsukia, the 13 April 2007

To

Sri S.N. Pandey, Sr.Clerk/G under SSE/Elect./MXN
Through: SSE/Elect./ MXN.

Sub : Your appeal dated 9.5.06 and 28.12.06 regarding absorption in the original category (Running category).

Ref : This office letter No.ES/752 dt. 24.07.2006 and 29.12.2006.

Your appeal dt. 09.05.2006 & 28.12.2006 in connection with O.A No. 92/06 has been gone through by the competent authority (DPO/TSK) who has passed the following orders on receipt of decision from GM(P)/MLG vide his L/No. E/170/LC/NS/725/06 Dated 27.03.07 :-

1. You are presently working as Sr. Clerk (G) under SSE/Elect(P)/MXN, N. F. Railway.
2. You had been appointed as Cleaner under Estt. of Loco Foreman/Mariani on 21.07.78 and you were promoted to the post of 1st Fireman on 31.10.90.
3. You had met an accident while performing duty on 21.09.1996 and remained in sick list from 22.09.1996 to 15.12.1997 and declared fit to join duty.
4. In subsequent occasion you remained in sick list and your case had been referred to CMS/DBRT by Divisional Medical Authority and with proper treatment you were declared fit in your original category as 1st Fireman for a period of six months w.e.f. 19.03.1999.
5. After six month you were again sent to CMS/DBRT for re-examination and you were found unfit for A/one but fit in C/ one medical category. Subsequently the post of Jr. Clerk/G was offered to you and on your acceptance you had been absorbed as Jr. Clerk under SSE/Elect/ MXN on 23.12.1999 and promoted as Sr. Clerk/G .w.e.f. 19.4.2002.
6. As per Master Circular 25 (Appendices) para 17.1.4 (photocopy enclosed)

"In the event of his being declared unfit an employee may appeal to the Chief Medical Officer against the Divisional Medical Officer's decision within a period of 7 days from the date of adverse report by Divisional Medical Officer."

But you had preferred appeal after 3 (Three) years and also after becoming part and parcel of another category (i.e. Clerk in Electrical deptt.) in which you got one promotion also. So as per above quoted rule, the time limit for appeal has been lapsed and you also became a part of another cadre. In this circumstances you cannot be sent for medical examination as per the rules meant for your original cadre (i.e. Running category job).

7. You have represented as per directives of the Hon'ble/CA1/GHY. The matter has been examined as mentioned above in details and it is observed that your appeal for your absorption in Running categories (in original post) can not be considered in light of the circular and the reasons as mentioned above.

End. -1 (one)

Signature
For Divil. Railway Manager (P)
N.F.Railway, Tinsukia

Attested
R.D.
11/1/08
Divisional Railway Manager
Asst. Loco. Foreman Officer-II
N.F. Railway, Tinsukia

Rejoinder (in 2 copies) filed today by Advocate
Sh. K. Dey. Copy served on the other side. To
be posted on _____ 60

(Received)
30/10/09

In the Central Administrative Tribunal

Guwahati Bench

16.11.2009

O.A. No. 200/07

Guwahati Bench

Sri Satya Narayan Pandey

.....Applicant

-vs-

Union of India & ors.

.....Respondents

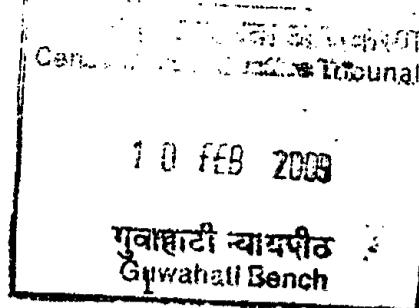
I N D E X.

<u>Sl. No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page No</u>
1.	Rejoinder	-	1-9
2.	Verification	-	10
3.	Related Documents	R ₁ to R ₁₇	11-27

Copy Received
Minal K. Dey
for Mr. B. Dey
20/10/09

Filed by-
M. K. Mazumdar
Advocate

M. K. Mazumdar
Advocate
29/10/09



Filed for Advocate
through Advocate
20/1/09

Saty Narayan Pandey

**In the Central Administrative Tribunal
Guwahati Bench : Guwahati**

In the matter of :

O.A. No.200/2007

Shri Satya Narayan Pandey

.....Applicant

Versus

Union of India & ors.

.....Respondents

-And-

In the matter of :

Rejoinder filed by the Applicant.

The Applicant above-named MOST RESPECTFULLY begs to state as follows:-

1. That the applicant states that against the Original Application No.200/07, the respondent No.1, 2, 3, 4 and 5 have submitted joint written statement wherein it appears that while replying the averments and statements made in the application, respondents have raised some imaginary fiction not based on any fact not to speak of any record nor even supported by any extent rule and hence reiterate the facts and grounds stated in the original application to substantiate his claim.

10 FEB 2009

2

ગુજરાતી શાસ્ત્રીય
Gujarati Script

2. That the applicant states that the respondents although replied all paragraphs they have not projected the actual position of extent rule and as such the applicant submits proper and actual facts supported by extent rules to substantiate the claims.

3. That with regard to the statements made in paragraph⁴ of their written statement which is made against paragraphs 4.2, 4.3 and 4.4 of the Original Application, it appears that the written statement is filed without verifying any records available in the office for, the respondents expresses that they have no comment at all against paragraphs 4.2, 4.3 and 4.4 of the Original Application unless contrary to the records.

4. That the applicant categorically denies the allegation leveled and the respondent in paragraph 5 of written statement and reiterate that while he was released by doctor to resume duty of the post he held, he was allowed to perform light duty as per doctor's advise for six month vide letter dated 11.12.1997 addressed to Sr. DMO from M.S. DBRT. In the said letter it is mentioned that he is to repeat after six month for necessary check up.

That the applicant states that there is no suppression of fact, the applicant was allowed to perform

Case No. 6
Sohyan Narayan Patel vs. State of Gujarat 29/1/09
Thru: Mehtab, Associate

1. 2003

3

only light duty since 16.12.1997 and not allowed to do any job relating to 1st Fire man which require to serve on engine in running side.

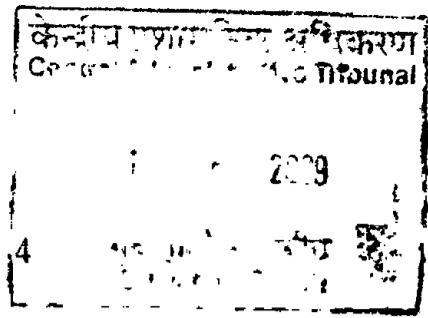
After completion of six month when the time for review by medical was due, the applicant informed the Section Engineer and accordingly on 11.08.1998 he was directed to report the Railway medical Authority. And as such there is no cunning attitude nor any suppression of fact and not to speak of defying any order of the authority.

It is mentioned here that on release, the Medical Authority, vide discharge certificate dated 31.08.1998 intended to know the nature of job he performed for he was to be declared medically fit/unfit for the job.

Thereafter, on 01.02.1999 the respondent No.4 in reply to letter dated 28.11.1998, asked the Sr. Divisional Medical Officer Moriani to furnish final medical recommendation to accommodate the applicant in desk job or alternative sedentary job.

But the applicant could not be provided any desk job or other light job irrespective of his health condition resulting from a trauma due to fall from engine for, Sri Pandey was not medically decategorised till 01.02.1999 and subsequently he was declared medically fit in original category for six month vide letter dated 19.03.1999 by the Sr. Divisional Medical Officer and thereafter on 30.05.1999 he was spared to report

Sohag Moriani Pandey, 69
Thrujan Mukhopadhyay, Advocate, 29/1/09



Alipurduar Division Amidst of his deteriorate health condition. It is to mention here that vide letter 01.02.1999 the Divisional Railway Manager (P) expressed his inability to provide any sedentary job until and unless he is de-categorized. As such there was no malafide intention of the applicant in not carrying out transfer order.

However on 04.06.1999 the S.n. Divisional Mechanical Engineer, Alipurduar Division returned back the applicant to Moriani as he was not fit for running job. In the said letter it is also mentioned that after review examination if he is declared fit he may be re-deputed to the Division.

Copy of the letter dated 11.12.1997, discharge certificate dated 31.08.1998, letter to the Sr. DMO/MXN dated 01.02.1999, fit certificate dated 19.03.1999, transfer order dated 30.05.1999 and letter of returned back dated 04.06.1999 are annexed as Annexures-R₁ R₂, R₃, R₄, R₅ and R₆ respectively.

5. With regard to paragraph 6 of reply the applicant discloses that during this period applicant was

10 FEB 2009

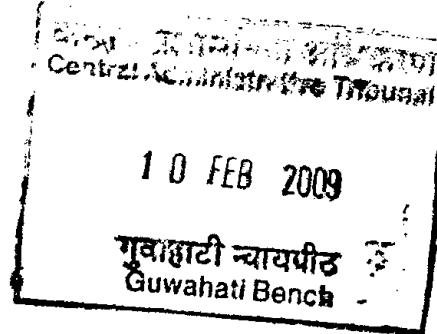
गुवाहाटी न्यायपीठ Guwahati Bench

taken back and absorbed in alternative job as Jr. Clerk (G) in Electrical Department in Scale Rs.3050-4590/- vide order dated 07.03.2000. His pay in alternative job as Jr. Clerk (G) in Scale Rs.3050-4590 is fixed on Rs.4590/- + 1377/- P.P. w.e.f. 11.02.2000 in reference to his pay 4590/- plus 30% MA. The personnel pay of Rs.1377/- was to be absorbed in future increments of pay.

It is worth mentioning that fixation of pay in alternative job is vetted by DAO/TSK.

That it is mentioned in paragraph 6 of the written statement in reply to paragraph 4.7 of the Original Application the applicant was promoted to the post of Senior Clerk (G) in the scale of Rs.4500-7000/- vide order dated 19.04.2002 and the applicant's pay was fixed at Rs.6125/- ranking him as senior most. In the said list Sri Srimanta Das was ranked 2nd, i.e., junior to the applicant. But in the next promotion to the post of Head Clerk the applicant was superseded by Sri Srimanta Das and in that regard the applicant submitted representation for promoting to the post Head Clerk on 17.03.2004 followed by another representation dated 22.04.2004 which was duly received by the respondent, but could not yield any result.

Copy of the office order dated
07.03.2000, office order dated



19.04.2002, seniority list and the representation dated 22.04.2004 are annexed as Annexures-R₇, R₈, R₉ and R₁₀ respectively.

6. That with regard to the statements made in paragraph 7 of the written statement in reply to paragraphs 4.8 and 4.9, it is stated that since the applicant's injury and remaining on sick list of DMO/MXN from 22.09.1996 till 22.09.1999 being the date of declaring unfit in Aye one as 1st Fireman but fit in C-one in sedentary job or desk duty the applicant was under treatment and as stated above was often declared fit on review medical examination. From the internal communication dated 14.02.1999 addressed to CMS/DBRT from Sr. DMO/MXN as informed to the applicant, it appears that till 14.02.1999 he was not medically de-categorized.

However, since the de-categorization and his absorption in alternative job with pay protection + 30% M.A., on 21.06.2000, the applicant made an application to the DRM(P)/TSK for grant of compensation under workmen compensation Act 1923. Thereafter, on 11.07.2000 he was spared to attend CMS/DBRT for check-up and issue of loss of earning capacity and the same procedure continued by exchange of letters dated 30.08.2000, 09.10.2000, 14.12.2000, 08.02.2001 and ultimately on 12.06.2002 the DRM (P) informed the

72
Salyon Narongam Panday
Tulga Mukundan, Adhoc 20/1/09

10 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

applicant that his claim of compensation is not admissible since on being declared medically fit for the same category and resume accordingly.

Copy of application for grant of compensation dated 21.06.2000, letter to CMS/DBRT for sparing of the ^{letter dated 30.08.2000,} applicant dated 11.07.2000, letter to CMS/DBRT dated 09.10.2000, letter to S.E. (Elect.)/MXN dated 14.12.2000, letter to CMS/DBRT dated 08.02.2001 and letter to the applicant dated 12.06.2002 are annexed as Annexures- R₁₁, R₁₂, R₁₃, R₁₄, R₁₅, R₁₆ and R₁₇ respectively.

7. That the applicant states that by this sort of whimsical activity of the respondent, the applicant became puzzled with unforeseen pleasure of going back to his parent department which resulted to file a fresh application for medical re-examination and as such the statement made in paragraphs 8 to 12 in the written statement are ill bounded and baseless.

The submission of appeal for re-medical examination annexure 11 of the Original Application dated 13.12.2002 cannot be said to be delayed.

93

Soliga Narayanan Panday
Mukundan, dated 27/1/09
Tanya

10 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

The applicant states that the communication dated 13.04.2007 simply deals with provisions of dissatisfaction with any or every medical report which is not the case of the applicant.

8. That with regard to the statements made in paragraphs 13 to 18 the applicant denied and states that these are not sustainable in law. From the very date of accident till cancellation of the claim of compensation the applicant's demand for provide him suitable job, in the course of medical examination/treatment the activity of the respondent have undoubtedly distorted the clear provisions of the right of de-categorized employee his absorption in alternative job fixation of seniority in the alternative department were never followed.

Further more, from the internal communications, it will be clear before this Hon'ble Tribunal, if the relevant documents and papers are produced at the time of hearing as submitted in paragraph 17 of the written statement. That the respondents were reluctant to give proper relief rather they are not conversant with their own rules how to protect the benefit of the subordinate employees

Under the facts and circumstances stated above, the relief sought for to absorb him in original category of

A4
Saranya Narayanan (Handwritten)
S. M. Bhagwander, Advocate 20/1/09
through

10 Feb 2006

संस्कृत विद्यालय
Guru Nanak Dev Sanskriti Bhawan

8

The following letter is to the communication
of the application of the 2002 P.R. E. being
submitted with only a very brief reply which is not
the case of this application.

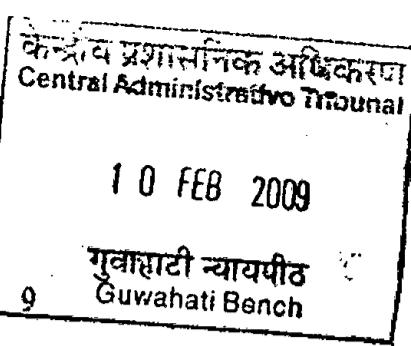
It is the pleasure of the government to
inform that the application has been received
on 18 Feb 2006. It is acknowledged
that the application was submitted on the date of
2002 P.R. E. The communication of the
application has been issued on 2002 P.R. E.
and the same is enclosed. It is
recommended that the application
be forwarded to the concerned
authorities for consideration
and the same is to be submitted
in accordance with the
guidelines of the concerned
authorities.

Further note, that the communication
is to be sent to Hon. P.R. E. on the date of
receipt of the application.

It is the pleasure of the government to
inform that the application has been received
on 18 Feb 2006. It is acknowledged
that the application was submitted on the date of
2002 P.R. E. The communication of the
application has been issued on 2002 P.R. E.
and the same is enclosed. It is
recommended that the application
be forwarded to the concerned
authorities for consideration
and the same is to be submitted
in accordance with the
guidelines of the concerned
authorities.

Under the facts being circumstances stated above,

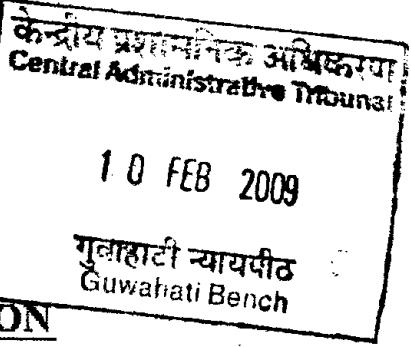
the following is the reply to the concerned
authorities.



DAD 1st Fire man with all consequential benefits and/or due seniority in the electrical department on being absorbed in identical grade on medical de-categorization entertaining the claim of compensation to be allowed with cost.

Verification - Page No. 10

Done by
Sudip Nahar
Advocate
through
Mukhopadhyay
20/11/09



10

VERIFICATION

I Sri Satya narayan Pandey,
..... the applicant of the original application
do hereby verify that the statements made in paragraphs
1, 2, 3, 7 and 8 are true to my knowledge and
those made in paragraphs are my humble
submissions and statements made in paragraphs 4, 5 and 6
are derived from records and I have not suppressed any
material facts.

And I sign this verification on this 19th day of
January 2009 at Guwahati, Assam.

Satya Narayan Pandey.
Signature

10 FEB 2009

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গুৱাহাটী ন্যায়বিধি
Guwahati Bench

N.F. Railway

No. H/178/1

To,

MS/IC/Office
Dibrugarh
Dt. 11-12-97

Sr. DMO/MXN

Sub :- Sr. S.N. Panday F/MAN/LOCO/MXN

Ref :- Your L/No. NIL, Dt. 8-12-97.

Reference above necessary fit certificate may
please be issued from your end, with the remarks that
he is fit for light duty for 6(six) months only. After comple-
tion of the period he may please be directed for necessary
check-up etc.

Sd/- Illegible,

Medical Superintendent
N.F. Railway, Dibrugarh.

Certify to be true
M. M. G. M. S. L. L.
Addl. M. S. L. L.
Addl. M. S. L. L.

125 दिल्ली न्यायालय
Delhi High Court
10 FEB 2009
गृहाटी न्यायालय
Gorakhpur Bench
N.F.

Anemone - R₂

R. B. Med. C-2.

HOSPITAL DISCHARGE CERTIFICATE

Hospital C. Hospital,
N.F. Rly.

S. No. Indoor No.213/98 Dated 19

Sick Certificate No.40 M. Date -

Name - Satya Narayan Pandey, Designation F man/LOCO/MXN

Department - Station - District/Divn.

Admitted - 12-8-98 Discharged - 31-8-98.

He is (a) Fit for duty.

(b) Recommended leave on medical grounds from ...to...

(c) He should attend at . . . Dispensary for further treatment.

(d) He should report at Dispensary on
before return to work.

(e) Unfit for further service on medical grounds.

(f) Old case, Laminectomy disc excision - 2 yrs. back.

Diagnosis-At present he walks with slight limp & weakness

I gastospleas (R) (grade 4/5)

To MS MXN

Office Seal - Kindly let us know from his commanding
officer vividly about his nature of job to decide
upon his fate i.e. whether he will be able to
perform his previous job.

Moreover the categories are made as per
Medical Manual according to visual function only.

Sd/- Illegible,
D.R.M.

31-8-98

Dr. D.K. Ghose, MS Orth
Sr.DMO C Hosp. MLN.

- 13 -

N. E. Railway.

No. EG/752.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

10 FEB 2009

गुवाहाटी न्यायपाल
Guwahati BenchOffice of the
Divl. Railway Manager (P),
Tinsukia, Dated 1.2.09.To,
Sr. DMO/MRN.

Sub: Shri S. N. Pandey, Ist. Fireman/MRN.

Ref: Your letter No. H/2 dt. 28.11.08.

Shri S. N. Pandey, Ist. Fireman/MRN may be accommodated in desk-job or alternative sedentary-job vide your letter cited above, as per extant rule a Railway servant cannot be provide light job unless and untill he is medically de-categorised from his present fitment.

As such you are hereby requested to submit final medical recommendation as deem fit for the staff based on which action as provided in the establishment rules will be applied for his deployment based on medical fitness.

for Divl. Railway Manager (P),
N. E. Railway, Tinsukia.

Copy to: OHS/DEPT for information and necessary action.

S. N. Pandey, Ist. F/Mn/MRN.
(Thro. SSS (L)/MRN.)

for Divl. Railway Manager (P),
N. E. Railway, Tinsukia.

ps.1299.

10/25/09
CT

Advance leave on medical ground

Certified to be true
N. E. Railway
Tinsukia

प्रमाणित दस्तावेज़ F.M. 1 & 3

संख्या-१२/रेलवे/१२/R. B.-Med/C: 12

१२ रेलवे/N. P. Railway

चिकित्सा विभाग/Medical Department

"हस्ताना" प्रमाण पत्र/"FIT" CERTIFICATE

क्रमांक/Serial No.

आवेदक का हस्ताना पत्र द्वाये हाथ के बगठे का निर्माण
Signature or I.T.I. of Applicant (Amrit)

अस्पताल/Hospital

दवाखाना/Dispensary

मैं एक दाता प्रमाणित शरता हूँ कि मैंने निम्नलिखित व्यक्ति
को दावानी द्वारा जांच की है/I do hereby certify
that I have carefully examined

नाम/Name श्री S. N. Pandey

पदनाम/Designation डॉ.

शाखा या विभाग Branch or Department लखनऊ

संसाधी की जगह/Station where employed लखनऊ

दिनांक हस्ताक्षर डबर है श्रीमद्वारा दारीखे के

तारीख तक हस्ताज में रहे डॉक्टर
की सलाह पर दारीखे केतारीख तक छुट्टी रहे रहे/Whose signature is given
above and who was sick and under treatment from

दिनांक 11/1/98 to date 19/3/99 and

leave on medical recommendation from (date)

..... to date दारीखे के

कार्यालय की स्थान

Office Seal

.....

तारीख/Date 19/3/99

पदनाम/Designation डॉ.

असाधारण लक्षणों को ~~मार्क~~ Strike out if inapplicable.

टेक्स्ट/Text/.....

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No. LE/4 on 30-5-99

To

From :- Sr. SE(L) MNL

AME/NEG

Sub :- Transfer of Sri Satya Narayan Pandey,
1st F/ManRef :- D&M (C) Tsk L.No.E/210/1(M)/Trans, Dt.5-8-93
& ES/752 Dt. 3-4-99.

With reference to the above Sri Satya Narayan Pandey 1st F/man is hereby stated to directed to report at yours on transfer for promotion as DAO please.

Necessary service particulars are given below.

1. Name - Sri Satya Narayan Pandey, (2) Design. 1st F/man
- (3) Present, pay - Rs.4590/- (4) Date of Birth 31-1-58
- (5) Date of app. 21-7-78, (6) Passed as on 20-1-98 A/1 without vide cons/Ibris & PMC No.954 dt. 20-1-98, (7) Next pay due on 20-1-2002, (8) P.& AC No.156663, (9) CL due - 12 days (twelve) (10) P/Pass not availed during this year. (11) & Rly. Qr. No.L/46 A Type-II, Scat: of American colony men is lenden his possession, (12) No Rly. maxk materials is lying with him. (13) PC No.P availed.
14. Attendance - 1-5-99 to 27-5-99 = All present.

Direction by Sr.DME/
for W/order pl.
Sd/-Illegible.

28-5-99 - one day CL.
29-5-99 to 30-5-99 = All present.

His S/Bill for the month of June/99 may please be prepared from your end serving
S/Bill for the maxxxg month of May/99 has been prepared from this end.

Further, Sri Satya Narayan Pandey may please be spared to attend CMS/DBRT on 14th Sept/99 for review of his medical recommendation as he is declared fit for 6 months from the date of 19-3-99 vide Sr. DRM's L. No.Cited above

Copy to DRM(P)
TSK

In connection with one xerox copy of DRM (P) Tsk's L. for information No.ES/752 Dt.8-4-99 is enclosed herewith for your n/action please.

Sd/- Illegible.

SSF(L) Man

Sd/-Illegible
SSF(L) Man.

Annexure - R₆

- 16 -

केन्द्रीय रेलवे अधिकारी
Central Administerative Authority
Guwahati Bench

10 FEB 2009

No.E/083/3/DAD/Tsk F/Lane Dt- 4-6-99
From - EEM(F)/A/13 SSE(L) MXN

Sub :- Transfer of Shri S.N. Pandey left/man/MXN

Ref :- MXNix your letter No.13/O dt.

Shri S.N. Pandey 1st F/man/MXN is returned back to report to you as he is not fit for Rly. job due to back bobs operation.

After his medically examination on 14-9-99 by DERT if he declared fit for Railway job he may be re-directed to this Division.

Thus is as per order of Sr. DME/A/DJ.

Sd/- Illegible,
For Sr. Railway Manager/p
N.F. Railway Alipurduar Jn.

Copy to AME/NPG for

to his letter No.M/GL/Rly.99 dt. 01-6-99.

Sd/- Illegible,
For Sr. Railway Manager/R
N.F. Railway Alipurduar Jn.

Letter for State Lines
Manager for State

Annexe - R7

সর্বাধিক অধিকার
Central Administration Board
Q3

10 FEB 2009

গুৱাহাটী ন্যায়বীছ
Guwahati Bench

Office of the
Sivi. Railway Manager (P),
Biswanath, Dated. 7.3.2009.

OFFICE COPY

Shri Satya Narayan Danday, Ist. Fireman/MR
in scale Rs.5000-4590/- the Medically de-mobilized and absorption
in alternative job as Jr. Clerk(G) in Electric Department in
scale Rs.5050-4590/-

Accordingly his pay in alternative job as Jr. Clerk(G)
in scale Rs.5050-4590/- is fixed on 4590/- + 1577/- P.P.v.o.f.
11.02.2009 in reference to his pay 4590/- plus 50% DA. The personnel
pay of 1577/- will be absorbed in future increments in pay.

Fixation of pay in alternative job is vetted by BMO/TSK.

for Sivi. Railway Manager (P),
S. P. Railway, Biswanath.

No. SS/752 dt. 7.3.2009.

Copy to:
• SS (Elect.)/M.R.
• GS(P)/Electric at office.
• P/Bill at office.
• Staff concerned (through SS (Elect.)/M.R.)
• BMO/TSK.

Dr. Sivi. Railway Manager (P),
S. P. Railway, Biswanath.

Certified to be true
M. D. G. under
My signature

10 FEB 2002

गुवाहाटी रेलवे बैच
Guwahati Bench

Office of the
Divl. Railway Manager(P)
N.F.Railway, Tinsukia

OFFICE ORDER.

19-04-2002.

GROUP 'A'

The following Jr. clerk(G) in scale Rs. 3050 - 4590/- who have been declared suitable for promotion to Sr. clerk(G) in scale Rs. 4500 - 7000/- are hereby promoted as such and posted as shown against each to take immediate effect.

Sl. No.	Name, Design & Stn.	Place of posting on promotion	Pay fixed on promotion as Sr. clerk(G) in scale Rs. 4500 - 7000/-
1.	Shri. S.N. Pandey, Jr. clerk(G) MOI under SE(E)/P/MRN.	MOI ✓	Rs. 6125/-
2.	Shri. Simanta Das(SC) Jr. clerk(G) TSK under COS(G) DEE's office.	TSK ✓	Rs. 4500/-
3.	Shri. Thanu Baruah, Jr. clerk(G), DEE/TSK's office - His promotion will be given on completion of 2 years service in existing grade.	DEE/TSK's office	

GROUP 'B'

Shri. Tushar Chakraborty, Trainee clerk(G) working in DEE/TSK's office is hereby posted at his existing place being passed in the written suitability test for absorption in regular service ✓

This has the approval of DEE/TSK.

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

No. E/254/I/V(Elect)Pt.II

Copy forwarded for information to :-

1. DEE/TSK, 2. DAC/TSK, 3. SE(P)/MRN, 4. Staff concerned.

They may exercise option for fix their pay from incremental date in substantive grade within one month from the date of promotion.

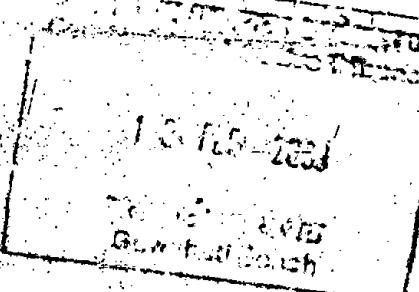
for Divl. Railway Manager(P)
N.F.Railway, Tinsukia.

5/2
R
G. J.

PF No	EMPNAME	SN	STN	COM	DOB	DOA	DOP
Department: Electrical							
Cadre : Ministerial		PER +		TEM +		WC	= TOTAL
Classified list of Ch. Office Supdt		1 +		NIL		NIL	= 1
Scale : 7450-11500/-							
04194445 SRI CHANU ROY		1 TSK		SC	13-Aug-57	07-Aug-89	01-Nov-06
Department: Electrical							
Cadre : Ministerial		PER +		TEM +		WC	= TOTAL
Classified list of Office Supdt		2 +		NIL		NIL	= 2
Scale : 6500-10500/-							
04182080 BIREN KR BARUAH		1 TSK		ST	01-Jan-58	05-May-88	24-Oct-05
04039968 BIJOY KUMAR SAHA		2 TSK		UR	01-Sep-50	28-Aug-72	01-Nov-03
Department: Electrical							
Cadre : Ministerial		PER +		TEM +		WC	= TOTAL
Classified list of Office Supdt		4 +		NIL		NIL	= 4
Scale : 5500-9000/-							
04182091 PHULESWARI SONOWAL		1	DART	ST	01-Sep-61	29-Apr-88	01-Nov-03
04168630 TRAILUKYA SAIKIA		2	TSK	UR	30-Nov-67	04-Apr-86	01-Nov-03
04182042 SRI KHORSHED ALI		3	SLGR	UR	01-Jan-61	30-Nov-87	01-Nov-03
06005901 GOPI NATH SONOWAL		4	LLO	ST	01-Nov-68	07-May-91	03-Aug-00
Department: Electrical							
Cadre : Ministerial		PER +		TEM +		WC	= TOTAL
Classified list of Head Clerk		7 +		NIL		NIL	= 7
Scale : 5000-8000/-							
06001579 TARUN DUTTA		1	TSK	UR	01-Jan-68	24-Apr-91	16-Mar-02
06002134 ANIMESH NATH		2	TSK	UR	19-Feb-68	06-Nov-91	14-Oct-03
04182103 SHRI PADMA SONOWAL		3	TSK	ST	31-Dec-69	19-Jul-88	14-Oct-03
06010301 RANA HAZARIKA		4	TSK	ST	30-Jun-72	19-Sep-95	01-Nov-03
06010313 ANIL GOGOI		5	MXN	UR	01-Nov-66	05-Oct-95	01-Nov-03
06006188 TAPAN SARKAR		6	TSK	SC	20-Jun-60	03-Jan-91	01-Nov-03
06017368 SRI SIMANTA DAS		7	TSK	SC	05-Jan-81	17-Dec-99	14-Apr-04
Department: Electrical							
Cadre : Ministerial		PER +		TEM +		WC	= TOTAL
Classified list of Sr. Clerk		5 +		NIL		NIL	= 5
Scale : 4500-7000/-							
01566635 SATYA NARAYAN PANDE		1	MXN	UR	31-Jan-58	21-Oct-78	19-Apr-02
06018476 THANU BARUAH		2	TSK	OBC	31-Jan-76	07-Jul-00	01-Aug-02
06018488 KAPIL DUTTA		3	NTSK	UR	11-Oct-81	12-Jul-00	14-Oct-03

SN: Seniority No, STN: Station, COM:Community, DOB: Dt of Birth, DOA: Dt of Appit, DOP: Dt of Promotion.

Collected 16th
Molungon
Parbat



To,

The Divisional Railway Manager (P)
N. F. Railway :: T I N S U K I A.

Date :- 22 - 04 - 2004.

Through : Proper Channel.

Sub : Reminder of my application sent on 17-03-04
regarding disput of Seniority.

Respected Sir,

I have the honour to inform you that, previously one application regarding anomaly of Seniority has been sent to you for re-correction of the following staff under Electric Department. It is to let you know that, Sri Srimanta Das Sr. Clerk under Sr. DEE/TSK is actually junior to me as per record of Jr. clerk. But his name in the seniority list is shown as senior to me, which is anomaly is found and resentment arised in this respect vide your Seniority list No. E/255/I/V/Elect dtd. 22-08-2003.

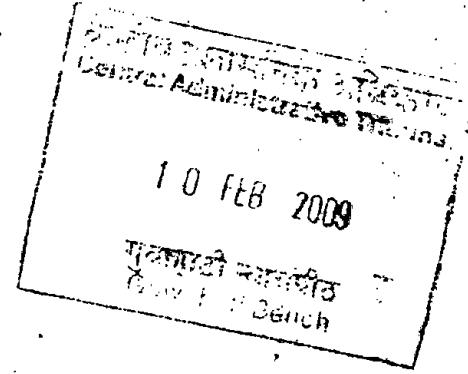
Therefore, your honour requested to verify your record and arrange to have me the correct seniority list at an early please. So that I may not be refused in the time of restructuring, as prayed for, and obliged thereby.

NAME OF STAFF :-

1. Sri Animesh Nath	Sr. Clerk	Yours faithfully
2. Sri Padma Sonowal	"	
3. Sri Rana Hazarika	"	
4. Sri Anil Gogoi	"	
5. Sri Tapan Sarkar	"	
* 6. Sri Srimanta Das		
* 7. Sri S. N. Panday		
8. Sri Thanu Baruah	Sr. Clerk	

Satya Narayan Panday
(SATYANARAYAN PANDAY)
Sr. Clerk (G) Elect/MXN.

Disput, Sr. Clerk.



Forwarded for disposal
& info please.

Arvind Ray
Section Engineer (Elect.)
S. N. Railway, Baruah
S. N. Railway, Baruah

Arvind Ray
S. N. Railway, Baruah

केंद्रीय प्रशासनिक अधिकारण Central Administrative Tribunal

10 FEB 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Dated: 21-6-2000.

To

DRM(P) / TSK.
N.F. Railway

Through: SE(Elect) MXN

Sub:- Compensation under Workmen's Compensation Act. 1923.

Ref:- DRM(P)/APDJ's No. E/283/3/DAD (TSK-APDJ) loose
w.e.f. 4.6.99 and your connective letter No.
ES/752 dt. 15.06.99.

Respected Sir,

With profound respects, I beg to invite your kind attention to the matter subjected above and in this connection I beg to lay a few lines as under for your kind and sympathetic orders.

That Sir, I became sick and undergone treatment w.e.f.
22.9.96 as a result of hurt on duty at 21/45 hrs. of 21.9.96
while working in Engine No. 2075 YP at MXN Loco Shed.

That Sir, due to that hurt on duty my service in Running Category totally scattered. And my earning also been decreased. It was tried to absorb me in Rg. job, so that it can be given a shape of natural decategorisation. But Sir, after getting operation as a result of hurt on duty till date I could not recover to work in Rg. side. In this connection please refer to DRM(M)/TSK's letter No. G/11-M(loose) dt. 29.10.98, wherein duties of a DAD inscribed very cleanly. None of items mentioned in that letter can be performed by me.

Now, I have been absorbed as Clerk and posted under SE(Elect)MXN, as there were no alternatives. However you are requested kindly to look into the matter and arrangements may please be made for payment of Compensation under W.C.A. 1923 and oblige thereby.

Yours, faithfully,

Smt. B. Shyam Narayan Pandey

(Satya Narayan Pandey)

Jr. XX. Clerk.

Under SE (Elect) MXN.

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S. No. 274/ESHT/MXN/3

कार्यालय अधिकारी
Central Administrative Officer

N.T. RLY

10 FEB 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

12

88

Office of the
Section Engineer (Elect.)
N.T. Rly. Maran
D1-11-07-2000

10

Cms/DBRT

N.T. Railway

Sub: Sparing of Sr. S. N. Dassgaya
Tr. Clerk (G) / MXNRef: DRM(G)/TSK/4/No. ES/752 -
dt. 30-08-2000In terms of DRM(G)/TSK's letter no. order
referred. The above named Staff is hereby spared
on 13-09-2000 (A/N) and directed to report at yourN
गुवाहाटी न्यायपीठ (मिठाल)
Section Engineer (Elect.)
N.T. Rly. Maran

Copy to 1) D. DRM(G)/TSK - for information please

2) Staff concern - They are advised to attend cms/DBRT
for assessment of loss earning capacityN
गुवाहाटी न्यायपीठ (मिठाल)
Section Engineer (Elect.)
N.T. Rly. MaranArifuzzaman
Mallikarjun
Karmakar

-23-

N.F. Rly.

To,

S.E. (Elect)/MXN

No.ES/752

DRM(P) Office
TSK. 30-08-2000.

To,

CMS/DBRT.

Sub :- Loss of earning capacity of Satya Narayan Pandey,
1st Fioeman/MXN.

Ref :- This Office letter of even No.Dt. 13-11-1988
15-07-2000.

In terms of this office letter under reference, Sr. DMO/
MXN vide his letter No.ES/111/MXN/2000 Dt. 29-07-2000
copy to you stated that the above named staff was under
sick list and referred to CMS/DBRT for treatment and advice.

He was under treatment of indoor DBRT Hospital and Central
Hospital/MLG. He was absorbed in alternative job as Jr. Clerk
(G) in scale Rs.3050-4590/- under S.E. (Elect)/MXN. He was
resume as Jr. Clerk on 14-02-2000.

Hence you are requested to look into the matter and
arrange to issue the loss of earning capacity of Sri Pandey at
an early date.

Sd/- Illegible.
30-8-00.

Copy to :- SE(elect)/MXN. He will
direct Sri Pandey to CMS/DBRT Divl.Rly.Manager(P)
for assessment of loss of N.F.Rly.Tinsukia.
earning capacity.

Sr. Clerk

Arrange to spare him
& direct him to report
CMS/DBRT.

Sd/- Illegible,
7-9-00.

*Rekta Subodh
M.D. 2000*

N.F. Rly.

No. ES/752

DRM(P). Office
TSK dt. 09-10-2000.

To,

CMS/DBRT

Sub :- Loss of earning capacity of Shri Satya Narayan
Pandey, 1st Fireman/MAN.

Ref :- This office letter even No. dated 13-11-98,
20-07-00 & 30-08-2000.

Please refer to this office letter under reference
where you were requested to certify loss of earning capacity
of the above named but till date no loss of earning capacity
of the above-named has been received from your end.

So you are requested to look into the matter and
among to issue loss of earning capacity of the Pandey and
send this office at an early date.

Copy to :-

D.M.M. (P)
N.F.R. Tinsukia

Copy to :- SE(Elect)/MAN ~~Mr~~ He will direct,

Shri Pandey, Kr. Clerk to CMS/DBRT

for ~~issue~~ assessment of loss of earning
capacity.

Sr.Clerk

Arrange to direct
him to CMS/DBRT.

Sd/- Illegible,
Divnl. Rly, Manager, (P)
N.F. Rly, Tinsukia.

Exe/for/ST/2000
M/S/DBRT
M/S/Divnl. Rly
N.F. Rly, Tinsukia

- 25 -

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N.F. Rly.

No. ES/752

DRN (P) Office
TSK. Dt. 14-12-2K.

To,

S.E(Elect)/MXN.

Sub :- Sparing of Shri S.N. Pandey,
Jr. Clerk (G)/MXN.

Ref :- This Office letter of even No.
Dt. 13-11-98, 15-07-2K, 30-08-2K & 9-10-2K.

In reference to this office letter cited above you are advised to direct Sri S.N. Pandey, Jr. Clerk to CMS/DBRT for assessment of loss of earning capacity but till date no information has been given from your end.

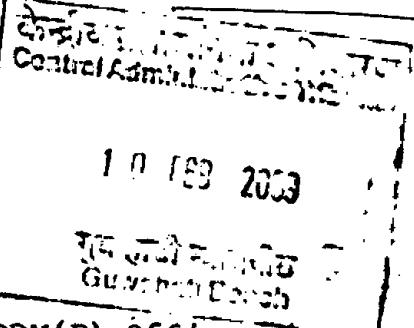
So you are again advised to spare Shri S.N. Pandey to CMS/DBRT immediately on receipt of this letter.

Sd/- Illegible,
4-12-2K.
Divl. Rly. Manager (P)
N.F. Rly. Tinsukia.

Copy to :- CMS/DBRT for information & necessary action to.

Sd/- Illegible,
DRM (P) Tsk.

*Acting Superintendent
Nodal Manager
Private*



10/09/2003

Guru Nanak Dev
Government of IndiaDRM(P) Office
TSK. Dt. 8-2-2001.N.F. Rly.

No.ES/752

To,

CMS/DBRT.

Sub :- Assessment for loss of earning capacity
of Shri Satya Narayan Pandey, Jr. Clerk, MXN.

Ref :- Your letter No.H/8 (Accident) dt. 8-1-01.

In reference to your letter cited above, the accident report of MDL-10 form in duplicate alongwith his application for loss of ~~his~~ earning capacity and service Particulars of the above named are sent herewith for your further ~~your~~ action please.

1. Name :- Shri Satya Narayan Pandey
2. Father's name :- Shri Devimal Pandey
3. Date of Birth:- 31-01-58
4. Date of appolt:- 21-10-78
5. Appointment As :- Cleaner in scale Rs.196-232/-
6. Promoted to 2nd F/Man :- 24-11-82 in scale Rs.210-270/-
7. Promoted to 1st F/man :- 23-08-90 in scale Rs.950-1500/-
8. Sick (injury) ~~from~~ from 22-09-96 to 15-12-99 vide DMO/MXN's Fit-certificate No.444 Dt. 16-12-97.
9. Find it in AYE/One as Fireman but fit in CYE/One in Sedentary job ~~and~~ or desk duty without glass vide CMS/DBRT's Certificate No.155 Dt. 22-09-99.
10. Absorbed for the post of Jr. Clerk (G) in Electric department in scale Rs.3080-4590/- vide O.O. No.E/A-1/ Medically unfit staff/W.B Dt. 23-12-99.

D.A:- 03(three).

E/11/Estt/MXN.

Sd/- Illegible,
Divl. Rly. Manager (P)
N.F. RLY. Tinsukia.

Copy to :- S.E(Elect.)/MXN for information and n/action.
O/C Tsk.

Sd/- Illegible,
16-2

Sd/- Illegible,
Divl. Rly. Manager (P)
N.F. Rly. Tinsukia.

10 FEB 2003

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N. F. Railway.

No. SS/752.

গুৱাহাটী রেলওয়ে
Guwahati Bench

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 12.06.2002.

To,
Shri. Satya Narayan Pandey,
Ex. Ist. Fireman/MXN.
Now Jr. Clerk (Elect.)/MXN.

Thro. SE (Elect.)/MXN.

As per injury report sustained injury in your right leg buttock which was occurred on 21.09.98 and since you being declared medically fit for the same category and resume accordingly, the claim of compensation is not admissible as per workmen's compensation Act in such situation.

This is for your information please.

S. S. S. S.
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

Certified to be true
M. D. G. S. S.
M. D. G. S. S.