

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 200/2007

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Kalita
05/10/17

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

O R D E R S S H E E T

1. Original Application No. 200/67

2. Miscellaneous Petition No.

3. Contempt Petition No.

4. Review Application No.

Applicant(s) S. N. Pandey -VS- Union of India & Ors

Advocate for the Applicants:- M. K. Mazumdar, S. Das

Advocate for the Respondents:- Mrs. B. Devi
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 IPC/BD No. <u>64 E 30 8067, 308467, 308168</u> Dated <u>10.5.67</u></p> <p><u>Registrar</u></p> <p><i>Petitioner's Gm's for 188x0 notices are not received with envelopes about no synopsis.</i></p> <p><u>Pri.</u></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...

04.200/07

-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.

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

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
awaited.

steps for notice
issue received
on 3/9/07.

3/9/07

3.8.07

Issue Notice to Respon-
dents. 12.9.07

Notice & order sent

to D/Section for
issuing to R-1 to 5

by regd A to post
cas D/No-876 to 879

4/9/07 dt-10/9/07

Service report
awaited.

4/9/07
Notice duly served Wks not filed.
R-1,2 29/11/07.

OA. 2007/07

- 3 -

3

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.

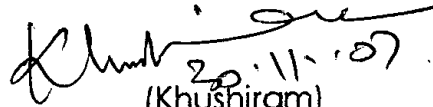
On his request, last opportunity is given to the Respondents to file written statement in this case.

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 R-2


(Khushiram)
Member (A)

order dt- 30/11/07 Sent /bb/
to D/Section, for issuing 07.01.2008
to respondent no-2 by
post. D/No-1709
5/12/07 dt= 5/12/07

Wks not billed.

220
4.1.08

Wks not billed.

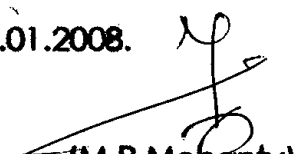
220
10.1.08

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.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

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.

Call this matter on 15.2.2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

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.

from the above written time of the

15.1.08

W/s filed by the
Respondents. Copy
served.

(M.R.)

Rejoinder not
filed.

14.2.08

13.3.08

No rejoinder filed.

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.

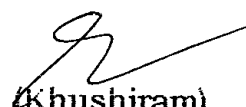

(M. R. Mohanty)
Vice-Chairman

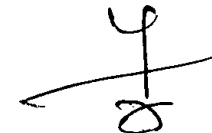
nkm

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.

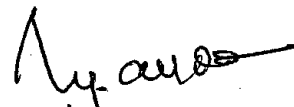

(khushiram)
Member(A)

Lm

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

pg

Rejoinder not
filed.


7.4.08.

Rejoinder not
filed.


20.08.2008

-6-

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.

No rejoinder not filed.

ms
23.9.08

lm

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

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.

Rejoinder not filed

ms
24.11.08

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 by the Applicant copy served.

ms

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.
by c.o.

The case is ready for hearing.

ms
25.2.09

26.02.2009

Call this matter on 24.03.2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

/bb/

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

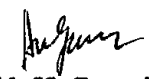
/pb/

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

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH


→ P.B.

7.5.2009

List of dates
filed by Mr. M.K.
Mazumdar, Advocate
at Flag - 'A'



The case is ready
for hearing.


15.5.09.

9

Received (copy)
To K. S. G. J. J. J. J. J.
Advocate
21.5.09

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 for the
Df for issuing to the Respondents
and also to the Applicant
D/Nb 3174 to 3178
dtd 12/6/09

12/6/09

DEPARTMENT OF JUDICIAL ADMINISTRATION

GOVERNMENT OF INDIA

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

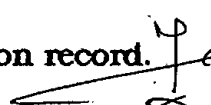
the said accident. In the said premises, he was given an alternative employment as a Junior Clerk in the Electrical Division of Railways.

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/


18/05/09

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

Muzina Kanti Majumdar
Advocate

DISTRICT : TINSUKIA.

9 JUL 2007

गुवाहाटी न्यायपीठ

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 -

Mrinal Kanti Majumdar
Advocate.

Satya Narayan Pandey

DISTRICT : TINSUKIA.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH : GUWAHATI.

Filed by the applicant
Through M.K. Majumdar
Advocate
Dh. 24.07

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 absorbtion 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 absorbtion 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.

Satyajit 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 resumed duty of 1st Fireman on 16-12-97 and in this regard the senior Section Engineer (Loco)/MXN issued a letter No. LE/9 dated 23-12-97.
5. That the Applicant 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

Sahjanarayan Pandey.

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

contd.... p/5

Salga Waraym PomeDug.

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

Sabya Narayan Pandey.

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 Narayan Pandey

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

Salva Narayana Pundarik.

contd.... p/8

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

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

5. FROUND 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 absorved 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

contd.... p/9

Satyajit Narayan Pandey,

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

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

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

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

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 remedie 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

25

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.

Satyajit Narayan Pandey

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 31st day of July, 2007 at Guwahati.

Place :

Date :

Satya Narayan Pandey
Signature of the Applicant.

13.-

N.F. Rly Dibrugarh.

To

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

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.

Sd/-

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

CMS/DBRT

Certified
to be true
J. A. Advocate

(Capital, Material Organization)

File No. 155

40. 010-0.4/14. P. M. T. / 2. A.

Q-Q.4 et Q-Q/Å-MIDL-34

सेवावधि में पुनर्परीक्षण होने के समय इस्तेमाल किये जाने के प्रमाण-पत्र का फार्म

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

(प्रमाण-पत्र/Certificate)

Amman/Hospital DIR

1416.11/10 Dispensary

१० एम० एल०/न. रेलवे)

ମି. ସତ୍ୟଜିତ ମହାପାତ୍ର କହୁଛନ୍ତି : (ଇ. ୩୩) ...

“(४१५ ४१६ ४१ ४५१५)

୩. (କାମ କାରି କାରି ସାମାଜିକ)
 କାମକାରି ସମାଜ, (କାମକାରି ସମାଜ) (କାମକାରି) ୨୧ କାମ
 (କାମ)

निदेशानुसारि ३. निम्न न विहित हवा, समस्त नगर निगम ॥

I do hereby certify that I have examined (Name) Salya Narayan Binod
(Age) 31-1-58 an employee working as that

(NAME) JOHN J. HARRIS an employee serving as (designation) ASSISTANT ATTORNEY GENERAL

In the _____ Branch/Department, at _____ Place where employed) _____

who presented himself before me for.....

* 'ਸ਼ਾਸਤਰਿਕ' ਪ੍ਰਤੀਖਿਨ/ Periodical re-examination

.....(.....).....

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

* 1st/2nd/3rd/Special re-examination.

১৩. 'Previous adverse finding' বা পূর্বসূরী ঋণের গুরুত্বপূর্ণ/Re-examination for reconsideration of previous adverse report.

जी. जिसका उद्देश्य था अपा-अपठे का विशाल मंत्री समिति में लाने दिया गया है।

and whose signature and thumb impression has been appended below in my presence.

॥ अथ श्रीगणेशाय नमः ॥

consider him fit for service in class first in the one as live now and fit in

12151020) Signature of Railway Medical Examiner Oeyone In Soderstrom

WFO/Date 22/9/99

*[a] 611 4 81 10 112 21 *Strike out where applicable

(1)

U. S. of Employees

1955

Can't find
to be true
S.D. Advocate

Signature of Employee

()

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

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

(Through Proper Channel).

Sub:- Appeal for Re-Medical Examination.

Sir,

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

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

That sir, through 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,

Yours Faithfully,
Sree Sathya Narayan Pandey.

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

Forwarded for
consideration
into pl.

⑫ 13 Jul 02
Agent Smith (P) (P)
Section 6 (P) (P)
To Mr. T. Smith
N. Smith (P) (P)

Certified
to be true
~~Son~~
Attorney

165 ANNEXURE - III = 13
N. F. Railway.

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

No. 72/752.

To,

CMS/DDRT,
N. F. Railway.

Sub: Re-Medical Examination.

Shri Satya Narayan Bandy, Ist. Fireman/MAN
got injury at about 21/49 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 his
right leg and Buttock.

He remain under sick list of DEO/MAN from
22.09.96 to 15.12.97 and given fit by DEO/MAN 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)/MAN's letter No.L7/0 dt.23.12.97.
He again reported sick from 11.03.98 and resumed duty on 20.03.99.
Again he was declared fit in his original category as Ist. Fireman
for a period of 06 months vide fit certificate No.221 dt.19.03.99
issued by you.

Shri Bandy was again directed at yours for
re-medical examination on 19.09.99. In this medical examination
he was declared unfit in Ayo one as Ist. Fireman but fit in Cyo-one
in stationary job or dock duty without glass vide your unfit
certificate No.155 dt. 22.09.99. Accordingly he was absorbed as
Jr. Clerk(G) in Electrical Deptt. in scale Rs.3050-4500/- 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.

Encls: One application.

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

Copy to: Satya Narayan Bandy, Sr. Clerk(G)/MAN.
Thro. SE (Elect.)/MAN.

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

*certified
to be true
by
DDRT
Tinsukia*

Ward/Room: 10327

1416.40/1) *ibidem*

20 110 162/N B. Railway

॥ ५०५५॥ प्रमाणस्य साक्षात्कारे

..... (कम कने का एम।म)

क्रमांक एच. बी.बी.सी., जिला का'मना) प्रमाणित (प्रमाणित) गर काम

निम्नलिखित के लिए उपस्थित हूँ, उसकी जाँच किया है। — (आप) (पदनाम) पर काम (पदनाम) पर काम

I do hereby certify that I have examined (Name) Sri. Sanyal Manoj in Panday
 - 58 - an employee serving as (designation) 1st F/Inm class Al
mark

(Date) 31-1-58 I have examined (Name) Mr. J. C. Marry on an employee serving as (designation) 1st F/Inm class A/1 in the M. L. N. Branch/Department, at (Place where employed) M. L. N. who presented himself before me for

* २५५५५ १-५५५५५ / Periodical re-examination.

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

1994 1-7-94/Special re-examination.

*पुनर्विचार के लिए पुनर्परीक्षा / Re-examination for reconsideration of previous advisors report.

and whose signature and thumb impression has been appended below in my presence.

consider him fit for employment

consider him fit for service in class 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th 101st 102nd 103rd 104th 105th 106th 107th 108th 109th 110th 111th 112th 113th 114th 115th 116th 117th 118th 119th 120th 121st 122nd 123rd 124th 125th 126th 127th 128th 129th 130th 131st 132nd 133rd 134th 135th 136th 137th 138th 139th 140th 141st 142nd 143rd 144th 145th 146th 147th 148th 149th 150th 151st 152nd 153rd 154th 155th 156th 157th 158th 159th 160th 161st 162nd 163rd 164th 165th 166th 167th 168th 169th 170th 171st 172nd 173rd 174th 175th 176th 177th 178th 179th 180th 181st 182nd 183rd 184th 185th 186th 187th 188th 189th 190th 191st 192nd 193rd 194th 195th 196th 197th 198th 199th 200th 201st 202nd 203rd 204th 205th 206th 207th 208th 209th 210th 211st 212nd 213rd 214th 215th 216th 217th 218th 219th 220th 221st 222nd 223rd 224th 225th 226th 227th 228th 229th 230th 231st 232nd 233rd 234th 235th 236th 237th 238th 239th 240th 241st 242nd 243rd 244th 245th 246th 247th 248th 249th 250th 251st 252nd 253rd 254th 255th 256th 257th 258th 259th 260th 261st 262nd 263rd 264th 265th 266th 267th 268th 269th 270th 271st 272nd 273rd 274th 275th 276th 277th 278th 279th 280th 281st 282nd 283rd 284th 285th 286th 287th 288th 289th 290th 291st 292nd 293rd 294th 295th 296th 297th 298th 299th 300th 301st 302nd 303rd 304th 305th 306th 307th 308th 309th 310th 311st 312nd 313rd 314th 315th 316th 317th 318th 319th 320th 321st 322nd 323rd 324th 325th 326th 327th 328th 329th 330th 331st 332nd 333rd 334th 335th 336th 337th 338th 339th 340th 341st 342nd 343rd 344th 345th 346th 347th 348th 349th 350th 351st 352nd 353rd 354th 355th 356th 357th 358th 359th 360th 361st 362nd 363rd 364th 365th 366th 367th 368th 369th 370th 371st 372nd 373rd 374th 375th 376th 377th 378th 379th 380th 381st 382nd 383rd 384th 385th 386th 387th 388th 389th 390th 391st 392nd 393rd 394th 395th 396th 397th 398th 399th 400th 401st 402nd 403rd 404th 405th 406th 407th 408th 409th 410th 411st 412nd 413rd 414th 415th 416th 417th 418th 419th 42

UIN/Date... 5-2-2003

*¹ Strike out where inapplicable.

① One cut mark 1" on the right eye

1. T. L. of Employee

Signature of Employee

Dr. Satya Narayan Pandey.

certified
to be true
~~Dr.~~
Advocate

18

32

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

*Certificate
to be sent
to the
Associate*

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/man and Engg. Cleaner as DAD on utilization basis and transfer to APDI 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

Satya Narayan Pandey

(SATYA NARATAN PANDAY)

Senior Clerk

Under SE/E/MXN

Date: 10/04/2003

Recd
15/4/03

Section Engineer (Elect)
P. M. Railway, Mariani.

Best friend
to be true
S. Narayan

From

Sri Satya Narayan Panday

Sr. Clerk (G) MXN

Under - SE/Elect/MXN

Date : 15-05-2003

To,

The Divisional Railway Manager(P)

N.F.Railway, Tinsukia

Through Proper Channel

Sub : Absorption in Running Category

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

Respected Sir,

With 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 (SP. 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

Sd/- Satya Narayan Panday

(SATYA NARAYAN PANDAY)

Sr. Clerk/Elect/MXN

2
15/5/03
Certified
to be true
Da
Sd/-

21.5
ANNEXURE - VI(3)

Carries

18
23
36

To,

Date: 18/09/2003

The Divisional Railway Manager(P)

N.E.Railway, Tinsukia

Through proper channel

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

2. SE/E/MXN I/No E/I/ESSII/MXN-466 dtd.15/05/03

Sub :- Reminder thereof.

Respected Sir,

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

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

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

Yours faithfully

Saty. Narayan Pandey

(S.N.PANDEY)

SR. CLERK (G) (ELEC.) MXN

DA/2-10-03

Forwarded to
his prmt pl.

19/9
From Mr. Pandey (22/03)
to Mr. Pandey (22/03)
to Mr. Pandey (22/03)
to Mr. Pandey (22/03)

ANNEXURE - VI (A)

Series

34

To,

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

(Through proper channel)

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

Respected Sir,

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

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

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

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

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

Yours faithfully

Dated Mariani the
8th January 2004

(Satya Narayan Panday)

Sr. clerk/G/MXN

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

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

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

Yours faithfully,

Satya Narayan Panday

(Satya Narayan Panday)

Sr. clerk/G/MXN

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

*marked for
disposal please*

12/1/04
Tinsukia Division
Personnel Section
Tinsukia, N.F. Railway

दिनांक.....	क्रमांक.....
Received on	
श्री प्र. काशियर	
DRM (P)	
श्री श्री रेड, 10	
SE Rly. / Tinsukia	

Received

17/1/04

23

ANNEXURE - VI (S)

26

35

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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
06.06.2004
DRM (P) Office
N.E. Rly. / Tinsukia

- 24 -

SL.No. 138

Annexure - VI

31

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



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 extant 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.

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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

[Signature]
Section Officer (Judl) 1.8.07
C. A. T. Guwahati Bench
Guwahati-5.

[Signature] 1.8.07

3-5-06

To,

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

Sub :- An appeal for Absorption ~~in~~ 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

पिनोड दो प्रमाण पत्र

Received on

०२.१२.१९९७

०२.१२.१९९७

१०००२६, पिनोड

N.F. Rly. / Tinsukia

Certified
to be true
for
signature

No.221 dated 19-3-99 and on completion of six months my case was reviewed by the CMS/DBRT and ~~was~~ 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 beningn 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 ~~xxxxxxx~~ original 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

contd... 3

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 come 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.

Encl :- 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,

Satya Narayan Panday

(SATYA NARAYAN PANDAY)
SR,CLEARK (G)

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

28.12.06
Antified
to be done
Advocate

31
N.F.Railway

ES/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.

[Signature]
29/12/06
(400/11/25K)
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
SSE/Electric
on-30-12-06
S.N. Pandey
Sr. Clerk, Elect
MXN.

Certified
to be true
Don
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/Marlani 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 dept.) 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.

Encl. 1 (one)

*certified
to be true
by
[Signature]
[Signature]*

[Signature]
13/4/07
For Divl. Railway Manager (P)
N.F. Railway Tinsukia

DIST. - KAMRUP

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

O.A. No. 200 of 2007

Sri Satya Narayan Pandey
.....Applicant

-Vs-
Union of India & others
..... Respondents.

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Filed by,

Munish Kumar Boro
Advocate, Guwahati

DIST. – KAMRUP.

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

O.A. NO. 200 / 2007

**SRI SATYA NARAYAN PANDEY
.....APPLICANT.**

-Vs-

**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

Filed by the Respondent
through
Shri Kuna Boro
Sr. Divisional Personnel Officer
7/12/08
पू.सो. रेलवे, तिनसुकिया
N.E. RLY. TINSUKIA

A. Narayan Pandey

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 Alipurduar 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 Alipurduar 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 Alipurduar 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*.

पु.सो. रेलवे, विनमुकिया
N.F. Rly. T.L. 1000
Sr. Divisional Personnel Office
A. Narayan

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. Parayanay

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. Narayan

VERIFICATION

I, Shri. A. Narayanan Aged about
38 years resident of New Tinsukia
 at present working as the Sr. Divisional
Personnel Officer, Tinsukia Divn., 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

वरिष्ठ कार्मिक अधिकारी
 Sr. Divisional Personnel Officer
 पु.सो. रेलवे, तिनसुकिया
 N.F. Rly. 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)/MLO'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 incontinuation to order of the 1st and 2nd batch
issued vide this office order NO.E/210/1/(M)/ trans. dated 14-06-98
& 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/ LMDO.	
2.	Sukumar Paul.	-do- -do-
3.	Md. Safiq.	-do- -do-
4.	P. C. Gohain,	-do- TSK.
5.	Rahat Hussain.	-do- BEN.
6.	De S. Bora, II.	-do- MXN.
7.	Atul Gogoi.	-do- MXN.
8.	Unesh ch. Bhukan,	-do- MXN.
9.	Malay K. Das,	-do- MXN.
10.	Dilip K. Choudhary.	-do- LLO.
11.	Issad Khan.	-do- LLO.
12.	Ranjit K. Dey,	-do- TSK.
13.	P. C. Deka,	-do- BEN.
14.	Nila Kanta Das,	-do- LLO.
15.	Jugal Kanti Acharjee,	-do- TSK.
16.	Unesh ch. Gohain,	-do- TSK.
17.	Purna Kanta Bora,	-do- MXN.
18.	Dahlot Ram Gogoi,	-do- MXN.
19.	Golap ch. Saikia,	-do- TSK.
20.	Suren Gohain,	-do- MXN.
21.	N. Rahman,	-do- MXN.
22.	P. N. Borah,	-do- MXN.
23.	Manisuddin Ahmed.	-do- MXN.
24.	Sahaluddin Ahmed.	-do- MXN.
25.	Atul ch. Saikia,	-do- TSK.
26.	Prafulla Saikia,	-do- TSK.
27.	Pramode Saikia,	-do- MXN.
28.	Sulaimal Sarkar,	-do- LLO.
29.	S. N. Pandey,	-do- MXN.
30.	Jiban ch. Ray,	-do- DBRT.
31.	Dulal ch. Das, I.	-do- MXN.
32.	Nandeeswar Das,	-do- TSK.

Attested

21/8

उपसहायक कार्यालय
पू.सी. रेलवे तिनसुकिया
Asstt. Personnel Officer-II
N.F. Railway, Tinsukia

CONTROL PAGE NO. 2

N. F. Rly. Tinsukia.

PAGE NO: 2

This is issued with the approval of competent authority.

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

NO.E/210/1/(M)/Trans dt. 05-08-1958

Copy forwarded for information & necessary action, please.

1. GM(P)/MLG 2. APO(N)/MLG 3. DRM(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. DE(LOCO/TSK, MGN. & ILO.

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. 11. Pass section at office for issuing duty pass(All 2nd class) Ex. their Hd.Qrs. to NBQ 12. Ex-BILL at office. 13. Staff concerned. (Through shed incharge) 14. CPCR/TSK. 15. Convenor/N.F.R.E.U./MGN & 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.

Attache
9/11/58
पू.सी. रेलवे
Asstt. Personnel Officer-II
N.F. Railway, Tinsukia

H. P. Railway.

Office of the
Genl. Railway Manager (P),
Kharakda, dated 2.6.52.

No. 11/102.

To,
Mr. A. R. (Genl. M.A.).

Sub: Transfer to SWS Division of Mr. Satya Narayan
Bandy, Ist. Division/M.A.

Ref: This Office Order No. 4/110/1 (M/Trans)
dated 21.02.52.

Please refer to this Office Order cited above
and spare and direct Mr. A. R. Bandy, Ist. Division of your
staff to report to Mr. P. V. A. to work as MB at an early date.
Further it is to be mentioned in the spare letter that he is fit to
be Ist. Division for a period of 6 (six) months and there after
the staff may be directed to competent railway medical authority
for review of medical recommendations beyond a period of 6 months
for judging his further fitness.

For Genl. Railway Manager (P),
H. P. Railway, Kharakda.

Copy to: Mr. 100/102 For information. This is in reference to his
letter No. 4/110/1 dt. 21.02.52.

• Mr. P. V. A. For his information and necessary action in
light of above. Copy of the Mr. 100/102's letter No.
4/110/1 dt. 21.02.52 is enclosed for his ready reference
with the request to direct the staff to the appropriate
Medical authority after 6 months for judging further fitness
of the staff person.

DA: Gen for Mr. P. V. A.

For Genl. Railway Manager (P),
H. P. Railway, Kharakda.

Dr. 0000.

Attested

9/11/52

वहायक कार्यालय, भुवनेश्वर ॥
पू.सी. रेलवे विभाग-५४
Asstt. Personl. Officer-II
N.E. Railway, Bhubaneswar

- 10 -

N. F. Railway.

Annex - (C) 58

No. ES/752.

Office of the
Divl. Railway Manager (F),
Tinsukia, Dated 6.12.2001.

To,

General Manager (F),
Maligaon.

(For personal attention of Shri R. Alva, Dy. CPO/HQ/MIG).

Sub: Absorption in running category.

Shri Satya Narayan Pandey, Bk. Ist. F/Man/MXN was sustained injury on 10.5.80 & medically declared unfit in 4/1-80 QMS/DBRT's unfit certificate No. 155 dt. 29.9.80 and accordingly he was absorbed in Elect. Deptt. as Jr. Clerk 'G' on his existing pay and scale & later on he is promoted as Sr. Clerk 'G'. On appeal of Shri Pandey, re-medical was done, he is found fit in Medical category 4/1 vide QMS/DBRT's fit certificate No. 55 dt. 21.7.83.

Now Shri Pandey has applied for return back to his former category i.e. as F/Man/DAD in running side. As there is no instruction clear cut guide line regarding return back of absorbed medical & categorised staff in RSM or REC on from the Railway Board it is therefore requested to issue clarification that whether Shri Satya Narayan Pandey, Bk. Ist. F/Man under SSS (Lco)/MXN now Sr. Clerk 'G' under SS (Elect.)/MXN can be re-designated as F/Man/DAD in running side. Although his name has been struck off from his original seniority of F/Man due to absorption/re-employment in alternative category, but now his seniority is assigned in the Ministerial grade of Elect. Deptt. In this regard clarification was also asked from QMS/DBRT from Medical point of view. Accordingly QMS/DBRT has given his medical views vide his letter No. H/219/1 dt. 18.9.04 (copy enclosed).

[Signature]
09/12

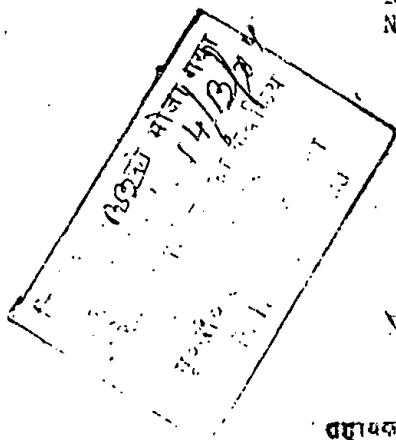
(A. A. Chhapelia)
Divisional Personnel Officer,
N. F. Railway, Tinsukia.

[Signature]
27/12

[Signature]
07/1

[Signature]
9/1/08

वर्गायक कार्यालय अधिकारी-II
पू.सी. अ. अ. विनयुक्ति
Asstt. Personnel Officer-II
N.F. Railway, Tinsukia



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

9/11/08
Asstt. Personnel Officer-III
N.F. Railway, Tinsukia

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

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

S/C



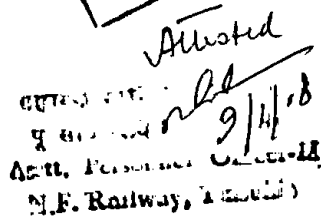
Office of the
Divl. Railway Manager (P),
Insularia.
Dated: 22.2.2005.

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

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

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.

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



- 14 -

NORTHEAST FRONTIER RAILWAY.

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

No.ES.752

Date: 03.01.2007.

GMI(T)MLG
N.F.Riv.

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

Sub:- Absorption in the original category (Running category) of Shri S.N.Pandey, Ex.DAD Loco ADN redeployed as Clerk in Electrical department due to medically decategorization.

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.Rlv. Mazdoor Union at divisional level TSK.

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

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

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

For Div. Pky. Manager (P),
N. F. Riv. Tinsukia.

Me 3/1/07 3-01-07

9/11/8
 Asstt. Personnel Officer-II
 N.F. Railway, Tinsukia.

दिनांक 1-07-1947
म. र. म. 1-07-1947
पुनः 1-07-1947
म. र. म. 1-07-1947

N. F. RAILWAY

No.ES/752

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

To,
Shri Satya Narayan Pandey,
(Ex. Ist. 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.

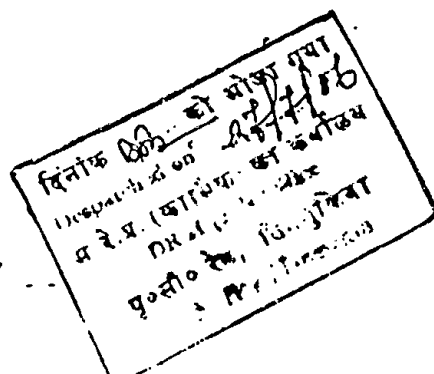
In view of the above this is indisposal of the order on OA No.92 of 2006 of Hon'ble CAT Guwahati.

[Signature]
(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.



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

आ. व. वि. वि. वि.
ग. व. वि. वि. वि.
आ. व. वि. वि. वि. Officer-II
N.F. Railway, Tinsukia

No: - ES/752

N.F.Railway

-17-

ANNEXURE - I 64

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.

[Signature]
29/12/06
SSE (E)/MXN
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.

[Signature]
29/12/06
SSE (E)/MXN
Divisional Railway Manager (P)
N.F.Railway /Tinsukia.

Ram Krishna Debnath,
29/12/06

[Signature]
29/12/06
SSE (E)/MXN

Attested

[Signature]
29/12/06
Asstt. Personnel Officer-II
N.F. Railway, Tinsukia

450

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/Mariani 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/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]
13/4/07
For Divl. Railway Manager (P)
N.F.Railway, Tinsukia

Attested
[Signature]
9/11/08
Asstt. Divisional 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 _____.

30/1/09

In the Central Administrative Tribunal

Guwahati Bench

O.A. No. 200/07

Sri Satya Narayan Pandey

.....Applicant

-vs-

Union of India & ors.

.....Respondents

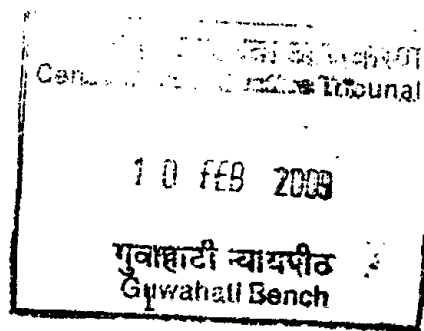
I N D E X .

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

*Copy Received
Mural Kr. Bar
for Mr. B. Bar
RPA
30/1/09*

Filed by-
M.K. Mazumdar
Advocate

*M. Mazumdar
Advocate
29/1/09*



**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.

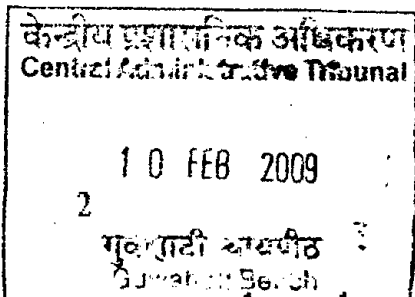
The Applicant above-named MOST RESPECTFULLY begs to state as follows:-

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.

67

Filed by the Applicant
Through Mr. M. K. G. G. G.
29/1/09

Satya Narayan Pandey



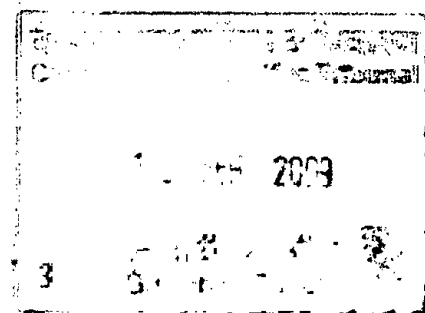
2. That the applicant states that the respondents although replied all paragraphs they have not projected the actual position of extent rule and as such the applicant submits proper and actual facts supported by extent rules to substantiate the claims.

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

Satya Narayan Pandey
Thruph M. K. Pandey, Associate 29/1/09



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.

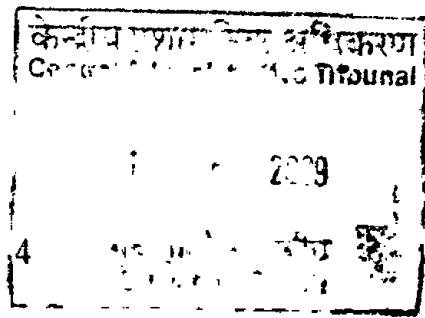
After completion of six month when the time for review by medical was due, the applicant informed the Section Engineer and accordingly on 11.08.1998 he was directed to report the Railway medical Authority. And as such there is no cunning attitude nor any suppression of fact and not to speak of defying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

Satija Narayan Pandey. 69
Through Mr. M. K. Singh, Advocate, 29/1/09



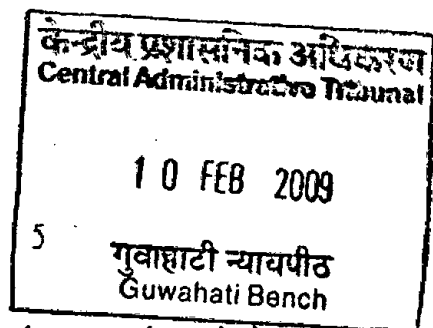
Alipurduar Division Amidst of his deteriorate health condition. It is to mention here that vide letter 01.02.1999 the Divisional Railway Manager (P) expressed his inability to provide any secondary job until and unless he is de-categorized. As such there was no malafide intention of the applicant in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

However on 04.06.1999 the Sn. 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 Annexuures-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

Satya Narayan Jindal
Through Mr. K. K. Gupta, Advocate 27/1/09



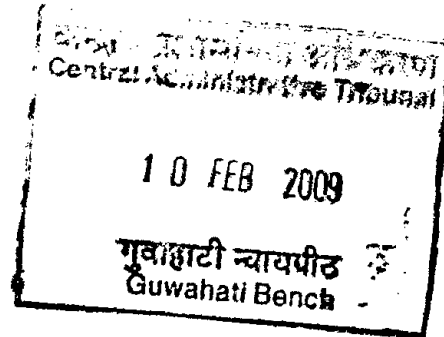
taken back and absorbed in alternative job as Jr. Clerk (G) in Electrical Department in Scale Rs.3050-4590/- vide order dated 07.03.2000. His pay in alternative job as Jr. Clerk (G) in Scale Rs.3050-4590 is fixed on Rs.4590/- + 1377/- P.P. w.e.f. 11.02.2000 in reference to his pay 4590/- plus 30% MA.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

Sd/- Nriyaym Pandey
Through Mr. M. K. Das, Advocate 29/1/09 71

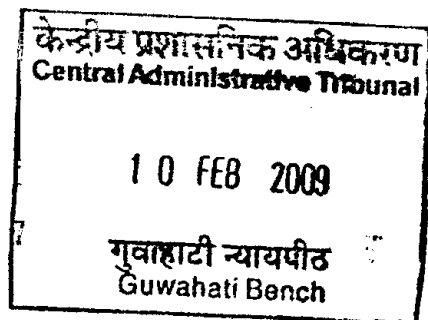


19.04.2002, seniority list and the representation dated 22.04.2004 are annexed as Annexures-R₇, R₈, R₉ and R₁₀ respectively.

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
Sahar Narayan Pandey
Thangha M. K. Pandey, Advocate 29/1/09



१३

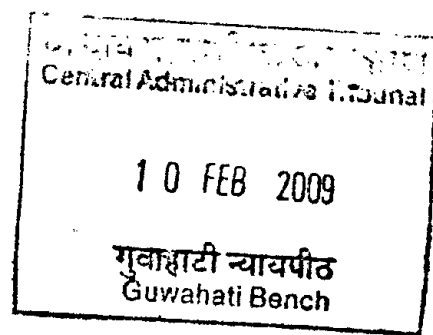
applicant that his claim of compensation is not admissible since on being declared medically fit for the same category and resume accordingly.

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.

Sd/- Narayana Pandey
Through Mr. Meddya and Mr. Barua, 27/1/09



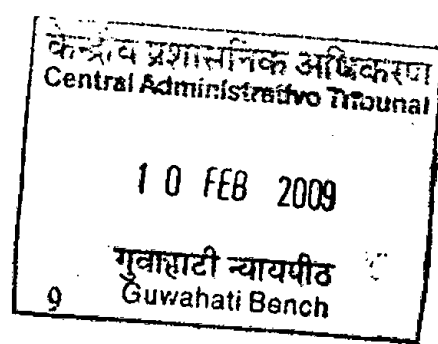
The applicant states that the communication dated 13.04.2007 simply deals with provisions of dissatisfaction with any or every medical report which is not the case of the applicant.

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

74
Sahaja Narayan Mondal
Through Mr. K. G. Mondal, Advocate 29/1/09

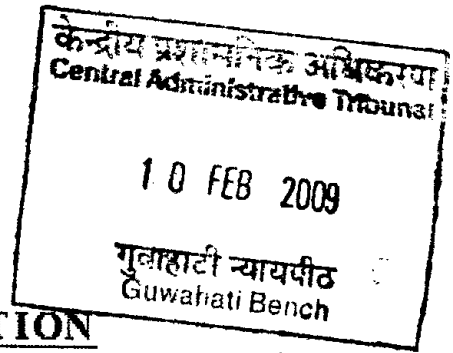


95

Satya Narayan, Dm
Through Mr. Meghraj, Advocate 29/1/09

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



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, Tinsukia.

Satya Narayan Pandey.
 Signature

- 11 -

Annexure - R₁

27

10 FEB 2003

গুৱাহাটী ন্যাযসীঠ
Guwahati Bench

N.F. Railway

No. H/178/1

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

To,

Sr. DMO/MXN

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

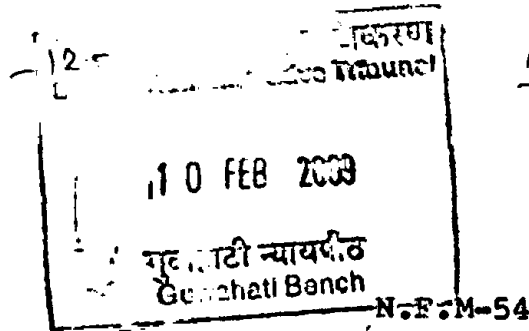
Ref :- Your L/No. NIL, Dt. 8-12-97.

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 completion of the period he may please be directed for necessary check-up etc.

Sd/- Illegible,

Medical Superintendent
N.F. Railway, Dibrugarh.

Cerlety to be the
M. Majumdar
S. S. S. S.



Annexure - R2

78

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 gastrospleas (R) (grade 4/5)

To MS MXN

Office Seal - Kindly let us know from his committing

officer vividly about his nature of job to decide

upon his fate i.e. whether he will be able to

Dated perform his previous job.

Moreover the categories are made as per

Medical Manual according to visual function only.

Sd/- Illegible,
D.R.M.

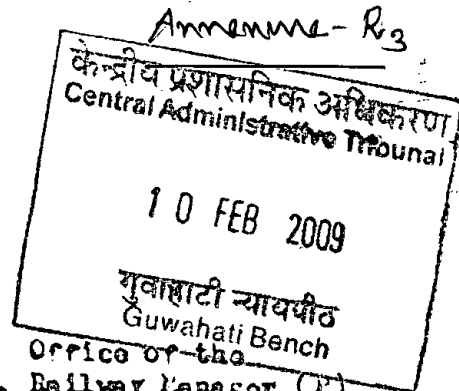
31-8-98

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

Certificate
Illegible
in words

-13-

N. F. Railway.



No. ES/752.

To,
Sr. DMO/MXN.

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

Ref: Your letter No. 4/2 dt. 28.11.88.

Shri S. N. Pandey, Ist. Fireman/MXN 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. F. Railway, Tinsukia.

Copy to: CMS/DEPT for information and necessary action.
✓ S. N. Pandey, Ist. F/MAN/MXN.
✓ (Thro. SS3 (L)/MXN.

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

Ps.1299.

Advance leave on Medical ground

Copy to be
sent to
the
Director
of
Medical
Services

MD
2/2/89

फॉर्म नं. 12/R. B.-Med/C. 12

पू. सी. रेल्वे/N. F. Railway

चिकित्सा विभाग/Medical Department
"स्वस्थता" प्रमाण पत्र/"FIT" CERTIFICATE

क्रमांक/Serial No.

आवेदक का हस्ताक्षर या (आपके हाथ के अंगूठे का निशान)
Signature or I. T. I. of Applicant

अस्पताल/Hospital

दवाखाना/Dispensary

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने निम्नलिखित व्यक्ति को सावधानी पूर्वक जांच की है/I do hereby certify that I have carefully examined

नाम/Name

पदनाम/Designation

शाखा या विभाग Branch or Department

संताही की जगह/Station where employed

जिनका हस्ताक्षर ऊपर है और

तारीख से

तारीख तक इलाज में रहे डाक्टर

की सलाह पर

तारीख से

तारीख तक छुट्टी पर रहे/Whose signature is given above and who was sick and under treatment from

date 11/8/98 to date 19/3/99

*leave on medical recommendation from (date)

to date

कार्यालय की मोहर

Office Seal

तारीख/Date

पदनाम/Designation

*अनावश्यक शब्दों को हटा दें/Strike out if inapplicable.

नोट/Note:—यह प्रमाण पत्र केवल निदेशिका के अधिनियम के अंतर्गत ही प्रयोग में लाया जा सकता है।

प्रमाणित किया जाता है कि आवेदक को कोई भी चिकित्सा उपचार नहीं दिया गया है।

प्रमाणित किया जाता है कि आवेदक को कोई भी चिकित्सा उपचार नहीं दिया गया है।

contained in this certificate shall be evidence of a claim to leave payable to the Railway servant under the terms of his contract or of the rules to which he is subject.

19/3/99

19/3/99

19/3/99

19/3/99

Certificate to be true
M. K. Jindal
19/3/99

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 :- DRM (C) Tsk's 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. ~~mark~~ 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 ~~month~~ 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
for information
& n/action please.

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

Sd/- Illegible.

SSF(L) Man

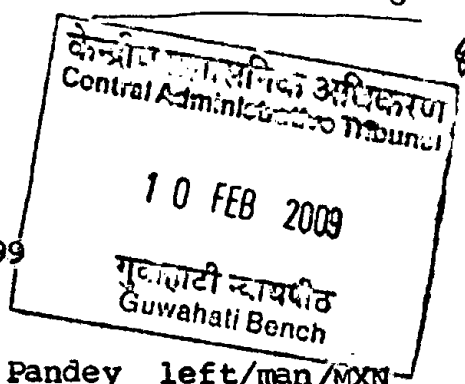
Sd/-Illegible

SSF(L) Man.

*Certificate
Mellapalle
Adarsh*

- 16 -

Annexure - R6



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 :- ~~MXN~~ your letter No.13/0 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 bone 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 Br. 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.

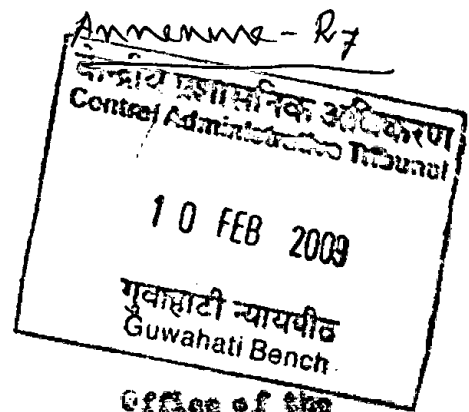
Sd/- Illegible,
For Sr. Railway Manager/R
N.F. Railway Alipurduar Jn.

*Copy to AME/NPG for
Manager
N.F. Railway Alipurduar Jn.*

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M. F. Railway.

OFFICE ORDER



Office of the
Civil. Railway Manager (P),
Tinsukia, dated 7.3.2009.

Shri Satya Narayan Pandey, Ist. Fireman/MIN
in scale Rs. 3050-4590/- was Medically disqualified and absorption
in alternative job as Jr. Clerk (G) in Electric Department in
scale Rs. 3050-4590/-

Accordingly his pay in alternative job as Jr. Clerk (G)
in scale Rs. 3050-4590/- is fixed on 4590/- + 1577/- PF v.o.f.
14.02.2009 in reference to his pay 4590/- plus 50% MA. The personal
pay of 1577/- will be absorbed in future increments in pay.

Fixation of pay in alternative job is votted by SMO/TSK.

for Civil. Railway Manager (P),
M. F. Railway, Tinsukia.

No. RS/752 dt. 7.3.2009.

Copy to: SS (Elect.)/MIN.

: GS (P)/Electric at office.

: W/Sill at office.

✓ Staff concerned (through: SS (Elect.)/Ariant.

: SMO/TSK.

for Civil. Railway Manager (P),
M. F. Railway, Tinsukia.

Certified to be true
M. F. Railway
Tinsukia

R.
27/4/02

-18-

~~XXXXXXXXXXXX~~
N.F. RAILWAY.

Annexure - R 2
10 FEB 2003
গুৱাহাটী ব্যাংক
Guwahati Branch

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 promotion	Pay fixed on promotion as Sr. clerk(G) in scale Rs. 4500 - 7000/-
1.	Shri. S.N. Pandey, Jr. clerk(G) under SE(E)/P/MAN.	MAN ✓	Rs. 6125/-
2.	Shri. Simanta Das(SC) Jr. clerk(G) under COS(G) DEE's office.	TSK ✓	Rs. 4500/-
3.	Shri. Thanu Baruah, Jr. clerk(G), DEE/TS's office.	DEE/TS's office - His promotion will be given on completion of 2 years service in existing grade.	

4. GROUP 'B' ✓

Shri. Tusher 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.

[Signature]
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(E)/MAN, 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.

5. COS/TSK, DEE office.

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

*Calligraphic
Handwritten*

*File
27/4*

Department: Electrical		CADRE STRENGTH:				
Cadre : Ministerial		PER +	TEM	WC	TOTAL	
Classified list of Office Suppl		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		Classified list of Office Sup/II		Scale : 5500-9000/-		PER +		TEM +		WC =		TOTAL	
								4 +		NIL +		NIL =		4	
04182091	PHULESWARI SONOWAL	1	DBRT	ST	01-Sep-61	29-Apr-88	01-Nov-03								
04166530	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
Classified list of Head Clerk
Scale : 5000-2600/-

	PER + 7 +	TEM NIL	+ +	WC NIL	= =	TOTAL 7
06001579 TARUN DUTTA	1	TSK	UR	01-Jan-68	24-Apr-91	16-Mar-02
06002734 ANIMESH NATH.	2	TSK	UR	19-Feb-68	06-Nov-91	14-Oct-03
04182108 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

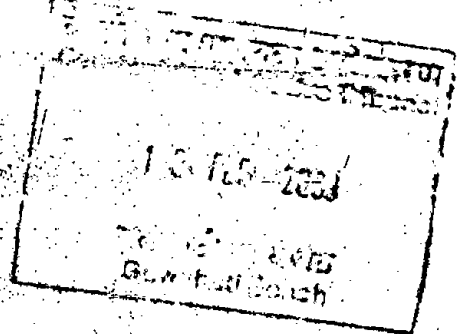
Department: Electrical
 Cadre : Ministerial
 Classified list of Sr. Clerk
 Scale : 4500-7000/-

01560635 SATYA NARAYAN PANDE
 06018476 THANU BARUAH
 06018488 KAPIL DUTTA

PER		TEM		WC		TOTAL	
5	+	NIL	+	NIL	+	NIL	5
1	MXN	UR	31-Jan-58	21-Oct-78	19-Apr-02		
2	TSK	OBC	31-Jan-76	07-Jul-00	01-Aug-02		
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 Appnt, DOP: Dt of Promotion.

Card No 66 fine
M. H. G. in London
Advocate



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 Seneority list No. E/255/I/V/Elect dtd. 22-08-2003.

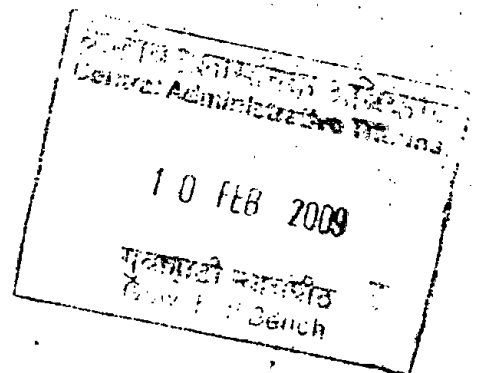
Therefore, your honour requested to verify your record and arrange to have me the correct seniority list at an early please. So that I may not be refused in the time of restructuring, as prayed for, and obliged thereby.

NAME OF STAFF :-

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

Yours faithfully

Sahya Narayan Panday.

(SATYANARAYAN PANDAY)
Sr. Clerk (G) Elect/MXN.

Forwarded for disposal
& n/a please.

Particulars to be
Mentioned in
the Memo

[Signature]
S. S. Railway, Muzaffarpur

215
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
10 FEB 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

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

Dated: 21-6-2000.

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,

Sd/- Satya Narayan Pandey
(Satya Narayan Pandey)
Jr. XX. Clerk.
Under SE (Elect) MXN.

DRM(P)/TSK.
Forwarded for
consideration
and approval
of
22/10/2000
Section Engineer (Stores)
N.F. Railway, Guwahati

2/1/ESH/DMN/3

Central Administrative Tribunal
N.T. Rly
10 FEB 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

12

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

CMS/DBRT
N.F. Railway

Subj: Sparing of Sr. S. N. Pandey
Tr. Clerk (C)/MKN

Ref:- DRM (C)/TSR, H.N. ES/752-
V.H. 34-38-2000

In terms of DRM (C)/TSR's letter no. under
reference. The above named Staff is hereby spared
on 13-07-2000 (A/N) and directed to report at your

गुवाहाटी न्यायपीठ (विषय)
Section Engineer (Elect)
पू. सी. रेलवे, बरियानी

Copy to: D. DRM (C)/TSR - for information please.

2) Staff concern: They are advised to attend CMS/DBRT
for assessment of loss earning capacity.

गुवाहाटी न्यायपीठ (विषय)
Section Engineer (Elect.)
पू. सी. रेलवे, बरियानी
Railway, Maran

Antiquarian
M. K. Guha
Maran

-23-

Annexure - R₁₃

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 Fireman/MXN.

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

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
for assessment of loss of
earning capacity.

Divl.Rly.Manager(P)
N.F.Rly.Tinsukia.

Sr. Clerk

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

Sd/- Illegible,
7-9-00.

*Arisekanta Chandra
Mishra
29/08/00*

- 24 -

N.F. Rly.

No. ES/752

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

To,

CMS/DEBT

Sub :- Loss of earning capacity of Shri Satya Narayan
Pandey, 1st Fireman/MKN.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. TinsukiaCopy to :- SE(Elect)/MKN ~~He~~ He will direct,

Shri Pandey, Kr. Clerk to CMS/DEBT

for ~~issue~~ assessment of loss of earning
capacity.Sr. ClerkArrange to direct
him to CMS/DEBT.

Sd/- Illegible,

Divnl. Rly, Manager, (P)
N.F. Rly, Tinsukia.

*Copy to be sent to
MKN
for
reference.*

-25-

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.

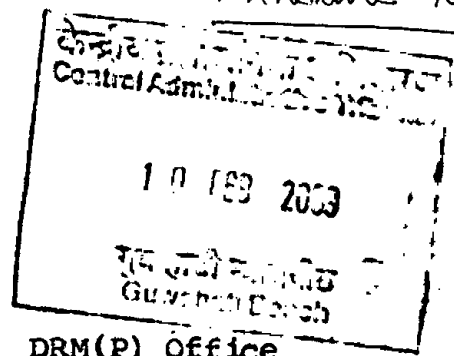
Sd/- Illegible,
DRM (P) Tsk.

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

- 2b -

Annexure - R16

92



N.F. Rly.

No.ES/752

DRM(P) Office
TSK. Dt. 8-2-2001.

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 ~~some~~ earning capacity and service Particulars of the above named are sent herewith for your further ~~in~~ action please.

1. Name :- Shri Satya Narayan Pandey
2. Father's name :- Shri Devihal 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) ~~for~~ 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 ~~or~~ 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.

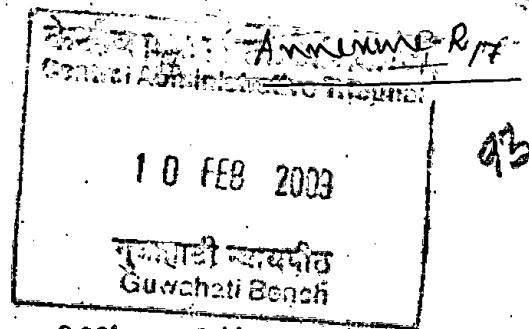
O/C Tsk.

Sd/- Illegible,
16-2

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

*Certified to be true
N.F. Rly. Manager
Advocate*

- 2F -
N. F. Railway.



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

No. ES/752.

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 21.09.96 and since on 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.

12-6-02
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

*Certified to be true
M. K. G. S. S. S.
K. S. S. S.*