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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 210/2007
R.A/C.P No.
E.P/M.A No. 70/2008

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SECTION OFFICER (Judl.)

08/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
O R D E R S S H E E T

Original Application No. 210/07

Misc Petition No.

Contempt Petition No.

Review Application No.

Applicant(s) Dipendra Talukdar -VS- Union of India & Ors

Advocate for the Applicants:- Adil Ahmed, U.S. Bhattacharyya

Advocate for the Respondents:- K. K. Bhowmik
Railway advocate

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form of 3.8.2007 is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>246/654294</u> Dated <u>12.6.07</u></p> <p>Registrar <i>[Signature]</i></p>		<p>The claim of the Applicant is that after passing the preliminary written examination, final written examination and Physical fitness test he was called for medical examination on 20.04.2006. Accordingly, he reported for medical examination on the scheduled date but no medical examination was held. In the body of the Annexure-I letter it is stated that "Medical examination was not done as per instruction of GM(P)/MLG vide L.No.E/227/Rect/Group-D P.III dt. 17/4/06." Applicant submitted representations requesting the Respondents for calling him for medical examination but no reply, whatsoever, was given by the Respondents to his representation.</p> <p>Considering the issue involved, I direct that emergent notice shall be issued</p>

Contd..

Contd.
3.8.2007

Notice & order sent
to D/Section for
issuing to R-1.

to the Respondents directing them to
explain why such medical examination
was not held on the scheduled date.

Post the case on 5.9.2007.

Vice-Chairman

Received A for
Res-NO 23, 4 with
order dtd-3-8-07

/bb/

Counsel for the respondents

wanted to have further four weeks time
to file written statement.

Let the case be posted on
12.10.07.

Vice-Chairman

Despite notices, no Written Statement has been
filed as yet. Call this matter on 21.11.2007 awaiting
reply from the Respondents.

Send copies of this order to the Respondents in the
address given in the Original Application.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

① Notice duly served on
R. no. 2, 3 & 4.

② No W.S. filed.

③ No Appearance filed.

Dt. 12.10.07.

Please send order copies
to both the parties.
order dt. 12/10/07 D/No-1236 to 1241
issuing to respondents 14/11/07

21.11.2007

No written statement has been filed as yet.

Call this matter on 20.12.2007 awaiting written statement from the Respondents.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

20.12.2007

Written statement has already been filed in this case. Subject to legal pleas to be examined at the final hearing, this case is admitted.

Call this matter on 25.02.2008. Rejoinder, if any, is undertaken to be filed by end of January, 2008.

(M.R.Mohanty)
Vice-Chairman

/bb/

25.02.2008

Call this matter on 04.04.2008 before the Division Bench.

(Khushiram)
Member(A)

None appears for the Respondents. Mr.A.Ahmed, learned counsel appearing for the Applicant seeks an adjournment. Call this matter on 28.05.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

04.04.2008

pg

25.2.08
Rejoinder filed
by the Applicant
copy served.

The case is ready
for hearing.

3.4.08

The case is ready
for hearing.

27.5.08.

14.12.07
W/s submitted
by the Respondents,
copy served.

21.12.07

W/s filed.

19.12.07.

Rejoinder not
filed.

22.2.08.

28.05.2008

Mr.N.Ahmed, learned counsel appearing for the Applicant and Mr.K.K.Biswas learned counsel appearing for the Railways are present. Counsel for the Respondents wants to file additional written statement and he seeks four weeks time.

Call this matter on 30.06.2008 awaiting additional written statement from the Respondents.

(Khushiram)
Member(A)

lm

30.06.2008

Call this matter on 07.07.2008 for hearing before the Division Bench.

(M.R. Mohanty)
Vice-Chairman

nkm

07.07.08

Heard Mrs S.D.Choudhury, representing Mr A.Ahmed for the Applicant and Mr-K.K.Biswas, learned counsel for the Respondents/Railways and perused the materials placed on record.

Hearing concluded. For the reasons recorded separately this case stands dismissed. No costs.

(R.C.Panda)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

8.8.08

Copy of the order sent to the office for issue the same to the parties.
and Judat issued vide D/Nos. 3452 to 3461 on 12.8.08 via 14/8/08

Received by
N. Ahmed
24/07/08
Advocate

Recd copy of
Judgment
NKM
05/08/08
RA, CAP.

27-6-08
No Addl. Ws. A.W.

4.7-08
Additional Ws.
filed by the
Respondents. Ws.
not served.

13

X.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 210 of 2007

DATE OF DECISION: 07.07.2008

Dipendra Talukdar

.....Applicant/s

Mrs.S.D.Choudhury

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Others

.....Respondent/s

Mr.K.K.Biswas, Railway Advocate

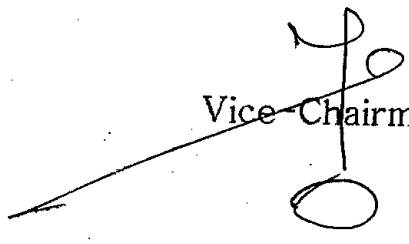
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE DR.R.C.PANDA, ADMINISTRATIVE MEMBER

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


Vice Chairman/Member (A)

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 210 of 2007

Date of Order: This, the 7th Day of July, 2008

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

HON'BLE DR.RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER

Dipendra Talukdar
Son of Late Phukan Talukdar
Resident of Village: Borchapari
P.O: & P.S: Hajo
District: Kamrup, Assam
PIN: 781 102.

..... Applicant

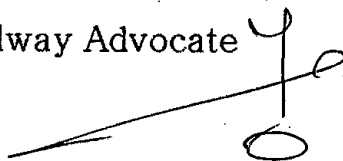
By Advocates Mr. Adil Ahmed & Mrs.S.D.Choudhury

- Versus -

1. The Northeast Frontier Railway
Represented by the General Manager
N.F.Railway, Maligaon
Guwahati-11.
2. The Chief Personnel Officer (Rect.)
N.F.Railway, Maligaon
Guwahati-11.
3. The Divisional Railway Manager (P)
N.F.Railway, P.O: Tinsukia
Dist: Tinsukia
4. The APO-I Tinsukia Division
N.F.Railway, Tinsukia.

...Respondents

By Mr.K.K.Biswas, Railway Advocate



O R D E R (ORAL)
07.07.2008

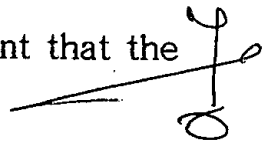
MANORANJAN MOHANTY, VICE-CHAIRMAN :

Applicant, a candidate belonging to Scheduled Caste Community, faced recruitment for the post of Trackman in Tinsukia Division of Northeast Frontier Railways. He was finally called to be examined medically; after qualifying in the "Written Test" and "Physical Fitness Test". But, however, his medical test was not taken on the specified date/20.04.2006. Without disclosing any reason, he was intimated, on 15.05.2007, to the following effect:-

"Medical Examination was not done as per instruction of G.M.(P)/MLG vide L.No.E/227/Rect/Group-D Pt. III dt. 17/4/06.

He carried a representation to the Respondents on 24.07.2006 and finally approached this Tribunal with the present Original Application filed on 02.08.2007 under Section 19 of the Administrative Tribunals Act, 1985 with the prayer to direct the Respondents to conduct the Medical Test of the Applicant for his appointment to the post Trackman under them.

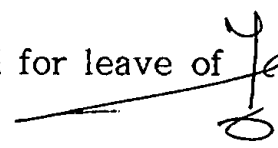
2. The Respondents, who filed a written statement on 14.12.2007, did not come out transparently to say the reason as to why the Applicant was, though called, not examined medically on the date fixed etc. However, it was admitted in the written statement that the



Applicant was declared passed in the 'written examination' and also declared qualified in the 'Physical Efficiency Test'. It was disclosed by the Respondents in the written statement that, a list of 140 numbers of candidates was issued from the General Manager (P)/ N.F.Railway / Maligaon's Office for appointment as Trackman; that although the Applicant was found fit in the Physically Efficiency Test, his name could not be enlisted in the main list of select candidates; that the main list was published as per requirement of the Division of Tinsukia; that the recruitments are done on the basis of the Indent (i.e. the actual number of vacancies in the Divisional Offices and placed at Headquarter's disposal); that the vacancy in question for Tinsukia Division was only 140 numbers and, accordingly, the Panel was made on merit basis and that thereafter only the selected candidates were sent for medical and other tests for their appointment. It has been admitted in the written statement of the Respondents that the Applicant was called for medical examination due to non-joining of one empanelled candidate.

3. In absence of transparent written statement, the Applicant filed a Rejoinder and raised a point that since he (Applicant) was called to face the medical examination, he is presumed to be a finally selected candidate.

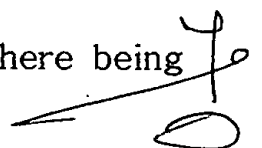
4. The Respondents, who filed the above said non-transparent written statement on 14.12.2007 and prayed for leave of



this Tribunal to file additional written statement, filed an additional written statement on 30.06.2008 disclosing therein as follows:-

“Final Lists of 140 nos.(57 SC and 83 ST) of candidates were issued from the General Manager (P), N.F.Railway, Maligaon for appointment as Trackman in the Tinsukia Division as per requirement of the division decided by the Respondents Railway Administration. Although the Applicant was found fit in the physical Efficiency test under Sl. No.66 of 67 candidates, he was not enlisted in the select-list of 57 SC candidates which was prepared based on merit. . . . The Applicant could not come within the decided zone of consideration for holding the selection and appointments of the candidates for the post of Trackman and, hence, could not be appointed.”

5. On the basis of the said Additional Written statement and the document filed therewith, Mr.K.K.Biswas, the learned counsel for the Respondents/Railways, disclosed at the hearing today that the Applicant Sri Dipendra Talukdar with Roll No.11707401 secured 57.33 marks in the written test and, according to said merit, he was named/placed at Sl.No.66 of the merit list (that was drawn on the basis of the marks secured in written test that was taken on 21.11.2004) as against the requirement of 57 SC candidates and apprehending absence/disqualification of some of the selected 57 candidates (in the process of medical examination) some additional candidates (named just below the merit list of 57 candidates) were also called to be examined medically; that they were just like wait-listed candidates and that Applicant was just one of such extra candidate called to face medical test as an abundant caution and that, however, there being



enough selected candidates (those who were placed above the Applicant in the merit list) his medical test was not taken.

6. We have heard Mrs. S. D. Choudhury, Advocate (appearing on behalf of Mr. Adil Ahmed, learned counsel for the Applicant) and Mr.K.K.Biswas, learned counsel for the Respondents/Railways and perused the materials placed on record.

7. It is seen, from the materials placed on record by the Respondents, that out of 140 finally approved selected candidates for the post of Trackman (selected under Employment Notification No.NFR-2/2001) for Tinsukia Division of N.F.Railway; 57 finally approved candidates belong to SC category and rest 83 belong to ST category. It is further seen, from the materials placed on record by the Respondents, that out of the merit list of 68 SC candidates, 2 - candidates (at Sl. Nos. 10 & 42) remained 'absent' and 5 candidates (at Sl. Nos. 26, 28, 35, 56 and 68) were 'disqualified'. Thus, out of top 57 SC candidates, six were found either absent or disqualified; for which six candidates placed below Sl.No.57 were accommodated in the final list. Applicant was placed at Sl.No.66. But 8 candidates (more meritorious than the Applicant) were still above him in the merit list; therefore, the Applicant could not be accommodated within the six (6) additional candidates taken into final select list of 57 candidates.

8. In the above factual premises, the Applicant, who was called to be examined medically, apparently as an wait-listed

candidate, can have no more grievances; as none below him (in the merit list that has been placed at pages 8 & 9 of the additional written statement of the Respondents) has been given employment as Trackman in Tinsukia Division of N.F.Railway as against the vacancies notified under Employment Notification No.NFR-2/2001.

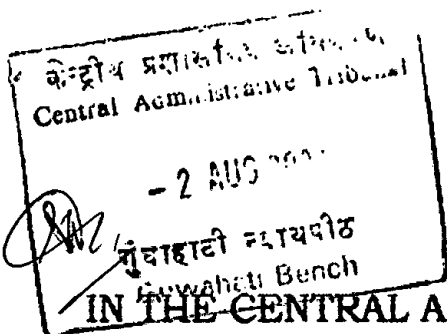
9. Mrs.S.D.Choudhury, Advocate, appearing for the Applicant, still then argued that since the name of the Applicant is just below the last candidate appointed as Trackman under Employment Notification No.NFR-2/2001 and since he was called to be examined medically, the Respondents should offer an employment as against any Trackman vacancy in N.F.Railway. The law is well settled that a vacancy which has not been notified (and a post, for which the Applicant did not offer his candidature); can not be filled up from out of the candidates of another recruitment. That apart, law is also well settled that merely because somebody was selected in the recruitment process or called to final round for being examined medically, he cannot have any actionable claim/right to get the ultimate employment; unless persons below him in the final select list are appointed.

10. Finally, this case is dismissed, No costs.


(RAMESH CHANDRA PANDA)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/



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

O. A. NO. 210 / 2007.

Sri Dipendra Talukdar

...Applicant

- Versus -

The N.F. Railways & Others

...Respondents

SYNOPSIS:

The Applicant belongs to Scheduled Caste Community and he passed his HSLC Examination from Board of Secondary Education, Assam in the year 1999. He appeared in the Preliminary Written Examination for the post of Trackman under N.F. Railway. The said posts were advertised to fill up the backlog vacancies of Scheduled Castes and Scheduled Tribes Candidates. The Applicant appeared in the said Examination on 12/09/2004 and a Railway Pass was also issued to him to enable him to go to Tinsukia Centre. He passed his Preliminary Examination. Thereafter he appeared in the Final Written Examination on 21/11/2004. He came out successfully in the said Examination. He appeared in the Physical Fitness Test in the office of the Respondent No. 3. He passed his Physical test. He was called alone for Medical Examination at the Office of the Respondent No. 3 on 20/04/2006 at 9 hours, while the other successful candidates were earlier called and Medically Examined. The Applicant reported for Medical Examination before the Respondent No. 3 on 20/04/2006. However no Medical Examination was held and the Applicant was informed that he will be called later on. The Applicant filed representations before the Respondent Nos. 2 and 4 on 24/07/2006, requesting them to call him for Medical examination. However, most of the successful candidates were appointed by the Respondents after Medical Examination. The Respondent No. 4 vide his written dated 15/05/2007 informed the Applicant that his Medical examination was not done as per instruction of the Respondent No. 1.

Hence this Original Application seeking justice in this matter.

- 2 AUG 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

20

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

(An Application Under Section 19 of The Administrative
Tribunal Act 1985)

ORIGINAL APPLICATION NO. 210 OF 2007.

Sri Dipendra Takukdar

...Applicant

- Versus -

The **N.F. Railway & Others**

...Respondents

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Date:

Filed By:

Advocate

- 1 -

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.**

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 210 OF 2007.

BETWEEN

Sri Dipendra Talukdar
Son of Late Phukan Talukdar
Resident of Village:- Borchapari
P.O: & P.S:- Hajo
District-Kamrup, Assam.
PIN: 781102.

...APPLICANT

- AND -

1. The Northeast Frontier Railway
Represented by the General Manager,
N.F. Railway
Maligaon, Guwahati- 11.
2. The Chief Personal Officer (Rect.)
N.F. Railway
Maligaon, Guwahati-11.
3. The Divisional Railway Manager (P)
N.F. Railway
Post Office-Tinsukia,
District- Tinsukia
4. The APO-I Tinsukia Division.
N.F. Railway, Tinsukia.

...RESPONDENTS

DETAILS OF THE APPLICATION

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

The Application is made against the impugned order dated 15-05-2007 issued by the Respondent No. 4 by which the Respondents have denied to conduct Medical Test of the Applicant for his appointment to the post of Trackman in N.F. Railway.

[Signature]

FILED BY

Sri Dipendra Talukdar
... Applicant
Tinsukia - Smita Bhattacharyee
(Advocate)
2

2. JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act 1985.

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

- 4.1) That your Applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time. He is a permanent resident of Village- Bharcapari, Mouza- Hajo, Police Station- Hajo, in the District of Kamrup, Assam. He is aged about 34 years. He belongs to Scheduled Caste Mali Community.

Photocopy of the Permanent Residential Certificate of the Applicant issued by the Office of the District Commissioner, Kamrup, is annexed hereunto and marked as **ANNEXURE-A.**

Photocopy of the Cast Certificate issued by the Asom Anusuchit Jati Parishad, Lamb Road, Ambari, Guwahati-781001 is annexed hereunto and marked as **ANNEXURE-B.**

- 4.2) That your Applicant begs to state that had passed his High School Leaving Certificate (HSLC) Examination in the year 1991. His



name has been registered with the Employment Exchange Government of Assam, Guwahati under Registration No. 13024/05.

Photocopy of the Passed Certificate of the HSLC Examination of the Applicant is annexed hereunto and marked as **ANNEXURE-C.**

Photocopy of Identity Card issued by the Government of Assam, Department of Labour Employment Exchange, is annexed hereunto and marked as **ANNEXURE-D.**

- 4.3) That your Applicant begs to state that in pursuance of a advertisement published in the primer daily newspaper of Assam he applied for the post of Trackman in N.F. Railway under Tinsukia Division. The aforesaid posts were advertised to fill up the backlogs vacancies of Scheduled Caste/ Scheduled Tribe in the N. F. Railway. The pay scale of the said posts was Rs. 2610-3540/-. Accordingly, on 12/09/2004 a Preliminary Written Examination was held and the Applicant appeared in the said examination. A Railway Pass was issued to the Applicant in order to enable him to go to Tinsukia to appear in the said examination. His Roll No. was 1100359. On 16th October 2004 a Local Newspaper has published the Roll Nos. of the successful candidates of the said Examination, wherein the Applicant's Roll No. also appeared. After that a Final Written Examination of the successful candidates was conducted on 21.11.2004. Accordingly, the Applicant appeared in the said Final Examination. A Local Newspaper published the Roll Nos. of the successful Candidates and the Applicant's Roll No. being 11707401 had also appeared in it. In the aforesaid result-sheet it has been stated that the successful candidates from Tinsukia, Lumbding, Alipurduar and Katihar have to appear in a medical test to be conducted on 19/01/2005.

Handwritten signature

Photocopy of the admit card/Railway Pass of the Applicant for appearing in the Preliminary Written Examination is annexed hereunto and marked as **ANNEXURE-E.**

Photocopy of the list of successful candidates of the Preliminary Written Examination published in the Local Newspaper is annexed hereunto and marked as **ANNEXURE- F.**

Photocopy of the list of successful candidates of the Final Written Examination published in the Local Newspaper is annexed hereunto and marked as **ANNEXURE- G.**

- 4.4) That your Applicant begs to state that he was directed by the Respondents to appear for Physical fitness Test at Divisional Railway Manager (P) Office Tinsukia. Accordingly he appeared and he passed. Thereafter, the Respondent No. 4 i.e. the APO-1, Tinsukia issued a letter No. E/222/RECT/SCT/05 to the Applicant to report to the Office of the Respondent No. 3 i.e. the Divisional Railway Manager (P) Office Tinsukia on 20/04/2006 at 9 hours for Medical Examination in the prescribed Medical Category and a Railway Pass was issued under 052081 dated 30/03/2006. It is pertinent to mention here that the Applicant was called alone by the Respondents for Medical Examination and other persons who were also successful candidates along with the Applicant were Medically Examined earlier by the Respondents. The Applicant went to the Office of the Respondent No. 3 on 20/04/2006 at 9 hours and reported for Medical Examination. However the Office of the Respondent No. 3 informed the

[Handwritten signature]

Applicant that the Medical Examination will not be held and he will be informed later on for Medical Examination.

Photocopy of Railway Pass issued by the N.F. Railway to the Applicant is annexed hereunto and marked as **ANNEXURE- H.**

Photocopy of the letter No.- E/225/RECT/SCT/05 dated 30/03/2006 issued by the Office of the APO/I/TSK for Divisional Railway Manager (P) N.F. Railway, Tinsukia is annexed hereunto and marked as **ANNEXURE-I.**

- 4.5) That your Applicant begs to state that he has approached several times before the Respondent No. 3 and 4 requesting them to conduct Medical Examination. He had also filed representations before the Respondent No. 2 and 4 respectively on 24/07/2006 requesting them to issue call letter for Medical Examination. In the meantime some of the successful candidates who appeared in the Medical Examination were appointed as Trackman/Khalasi under the N.F. Railway.

Photocopy of the representations dated 24/07/2006 filed by the Applicant before the Respondent Nos. 2 and 4 are annexed hereunto and marked as **ANNEXURE-I and J.**

- 4.6 That your Applicant begs to state that the Respondent No. 4 i.e. the APO (I) N.F. Railway, Tinsukia Division vide his written communication dated 15/05/2007 in the body of the Call Letter for Medical Examination dated 30/03/2006 (i.e. ANNEXURE- I) has quoted that "Medical Examination was not done as per instruction of the General Manager (P)/Maligaon vide letter No. E/227/Rect/Group-D Pt. III dated 17/04/2006". Hence finding

no other alternative the Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

- 4.7) That your Applicant submits that the Applicant has passed all the Examinations conducted by the Respondents and also fulfilled all the criteria for the appointment to the post of Trackman as required by the Respondents. Moreover, the Applicant was not selected through any back door policy. The inaction on the part of the Respondents for not conducting Medical Test of the Applicant for his appointment as a Trackman is in violation of administrative fair play.
- 4.8) That your Applicant submits that similarly situated persons who were selected along with the Applicant have already been appointed to the post of Trackman but the Respondents are discriminating the Applicant by not conducting the Medical Test for his appointment in the post of Trackman, which amounts to violation of the Fundamental Rights guaranteed under the Constitution of India.
- 4.9) That your Applicant submits that he is suffering from frustration and mental depression, due to non-appointment to the post of Trackman under the Respondents and he is running from pillar to post for seeking redressal of his grievances.
- 4.10) That your Applicant submits that the action of the Respondents is illegal, arbitrary, whimsical, mala-fide and colourable exercise of power, and thus is not sustainable in the eyes of law.
- 4.11) That your Applicant demanded justice and the same has been denied to him.
- 4.12) That this application is made bonafide and for the cause of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- 5.1) For that due to the above reasons narrated in details the action of the Respondents is prima-facie, illegal, mala-fide, arbitrary and

Handwritten signature/initials.

without jurisdiction. Hence, the impugned communication dated 15-05-2007 issued by the Respondent No. 4 is liable to be set aside and quashed.

- 5.2) For that the Applicant has passed all the written examinations conducted by the Respondents and thus fulfills all the required criteria for the Medical Examination for his appointment in the post of Trackman under the Respondents Hence, the impugned communication dated 15-05-2007 issued by the Respondent No. 4 is liable to be set aside and quashed.
- 5.3) For that the Applicant was not selected through any back door policy. Hence, the impugned communication dated 15-05-2007 issued by the Respondent No. 4 is liable to be set aside and quashed.
- 5.4) For that similarly situated persons, who were selected along with the Applicant has already been appointed to the post of Trackman. But the Respondents have taken a discriminatory attitude towards the Applicant by not conducting his Medical Examination. Hence, the impugned communication dated 15-05-2007 issued by the Respondent No. 4 is liable to be set aside and quashed.
- 5.5) For that the action of the Respondents is prima facie, whimsical, mala-fide, illegal and with a motive behind and also is violation of the principles of natural justice.
- 5.6) For that the action of the Respondents is violative of the fundamental rights guaranteed under the Article 14, 16 and 21 of the Constitution of India.
- 5.7) For that it is not just and fair to deprive the Applicant from getting Medically Examined as required for appointment to the post of Trackman under the Respondents.
- 5.8) For that the Respondents being a model employee cannot be allowed to adopt a differentiate approach towards the Applicant by

not conducting the Medical Test for his appointment to the post of Trackman under them.

5.9) For that the action of the Respondents is not maintainable under the eyes of law as well as fact.

5.10) For that in any view of the matter, the action of the Respondents is not sustainable in the eye of law.

The Applicant crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant Application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

That the Applicant further declare that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above, the Applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief (s).

[Handwritten signature]

8.1 That the Hon'ble Tribunal may be pleased to direct the Respondents to conduct the Medical Test of the Applicant for his appointment to the post of Trackman under them.

8.2 To pass any other appropriate relief or relives to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the costs of the application.

9. INTERIM ORDER PRAYED FOR:

Pending the final disposal of the Original Application the Applicant humbly prays before Your Lordship's for issuance of an interim order by directing the Respondents to conduct Medical Test of the Applicant.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 34G 654294
Date of Issue :- 12 - 06 - 2007
Issued from :- Guwahati GPO
Payable at :- Guwahati.

12. LIST OF ENCLOSURES:

As stated in Index.

... Verification

V E R I F I C A T I O N

I, Sri Dipendra Talukdar, Son of Late Phukan Talukdar, Resident of Village:- Borchapari, P.O: & P.S:- Hajo District-Kamrup, Assam, Pin: 781102 do hereby solemnly verify that the statements made in paragraph nos. 4.7 to 4.12 ————— are true to my knowledge, those made in paragraph nos. 4.1 to 4.6 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 2nd day of August 2007 at Guwahati.

Sri Dipendra Talukdar.

5/12



GOVERNMENT OF ASSAM

OFFICE OF THE COMMISSIONER, KAMRUP

(ADMINISTRATION BRANCH)
উপায়ুক্তৰ কাৰ্যালয়ঃ কামৰূপ
(শাসনশীল শাখা)

No 083785

Date: 26.7.87

Certified that Sri/Smt.

প্ৰমান পত্ৰ দিয়া হয় যে

Son/daughter of Bachan Jalebha of Village/Town

Bachan Mouza Maya

P.S. Maya is the permanent resident of

কামৰূপ জিলাৰ স্থায়ী বাসিন্দা হয়।

Kamrup District

Deputy Commissioner, Kamrup
উপায়ুক্ত, কামৰূপ।

ATTESTED

Bhette
ADVOCATE

13272

37

ASOM ANUSUCHIT JATI PARISHAD

AD, AMBARI GUWAHATI: 78100

Regd. No: 1045 of 1981-82

This is to Certify that Shri/Smt./Am. Dependable 27/11/1976
son/daughter/wife of late Mr. Jagan Mohan Choudhary Village/Town Barabagar
in the District Kamrup of the State of Assam belongs to Mali
castes which is recognised as a scheduled caste under the Constitution (Scheduled Castes
1950) as amended by the Scheduled Castes and Scheduled Tribes Pacts (Modification Order) 1976
Shri/Smt./Am. Dependable 27/11/1976
resides in Village/Town Barabagar and/or his/her family ordinarily
resides in Barabagar District Kamrup of the State of Assam.

1. Name of the person: **GUWAHATI**
 2. Designation: **Signature**
 3. Date: **23/2/85**
 4. Seal: **Seal**

SOMANUSUCHITJATIPARISHAD ASSAM

ATTESTED

Bhatte
ADVOCATE

OFFICE OF THE HAJO F. M. HIGH SCHOOL.

P.O. - Hajo, Dist. - Kamrup (Assam)
LEAVING/TRANSFER CERTIFICATE

No - 66

Date 27/6/91

Certified that Dipendra Talukdar
son/daughter of Late Phukan Talukdar an inhabitant of
village Bar Chapati P.O. Hajo P.S. Hajo in the District
of Kamrup left the school on 31-12-1988 His/Her date of birth
according to the admission register is 5-3-72. He/She was reading in
class X (13) and had/had not passed the Annual/H.S.L.C. Examination in
1991 as a regular/private/Compartmental candidate under Roll A-177
No 267 and was placed in the 2 Division.

All sums due by him/her have been paid up to 31-12-88 (date)

His/Her character and conduct were good.

REASONS FOR LEAVING

- Unavoidable change of residence.
- Ill health.
- Abolition or closure of the School.
- Completion of School course.
- Minor or private reason.

Headmaster

Hajo F. M. High School
Hajo.

ATTESTED

Bhette
ADVOCATE

Assam Schedule LXIII, Form No. II

V.P.O.B.

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE
IDENTITY CARD

(Not an Introduction card for interview with employers)

1. Name of Applicant *[Signature]*
2. Date of Registration *3/8/05*
3. Registration No. *13024/05*
4. N.C.O. Code *2: 23* *X(2) 10*

INSTRUCTION TO APPLICANT

- (a) Bring this card with you whenever you come to the Exchange.
- (b) Quote your Registration Number and N.C.O. Number whenever you write to the Exchange.
- (c) Renew your Registration every three months.
- If you do not renew by the due date your registration will be cancelled.
- (d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

For holder's use only

8/2008
[Signature]
5/8

[Signature]
11/9/06

ATTESTED

[Signature]
ADVOCATE

A.G.P. (D. C. K.) 470, 86-5, 600-11, 7-11

S. Shatto
ADVOCATE

ANNEXURE- F

-Relevant portion typed-

(Translated from Assamese to English)

NORTH EAST FRONTIER RAILWAY, MALIGAON

The result of the successful candidate for the vacant post of SC/ST Backlog of Trackman / Khalasi for the North East Frontier Railway whose preliminary written test was held on 12th September 2004 has been declared. The Final written test will be held on 21st November 2004 at Guwahati, New Jalpaiguri and Siliguri. The Admit Card has been sent.

1100018	1100048	1100061	1100074	1100291
1100303	1100304	<u>1100359</u>	1100360	1100490

ATTESTED
A. Shatta
ADVOCATE

ANNEXURE-6

-Relevant portion typed-

(Translated from Assamese to English)

**NORTH EAST FRONTIER RAILWAY, MALIGAON
Pin-781011**

Result of the written test held on 21.11.04 for SC/ST Backlog vacancy of 595 posts.

The following candidate for the post of Trackman / Khalasi has been temporarily declared successful for which the written test was held on 21.11.04. The Physical test will be held on 19.01.05 at Tinsukia, Lunding, Katihar. The proof of documents will be done between 17.01.05 to till 21.01.05 in the Divisional Working Officer. The candidate will have to give proof certificate of their date of birth, caste and educational candidate etc. The Admit card has been sent.

Tinsukia Scheduled Caste and Scheduled Tribes

11710176	11709943	11707758	11710018	11709966	11710278
---	---	---	<u>11707401</u>		

ATTESTED

A. Bhatte
ADVOCATE

অসমীয়া প্ৰতিদিন □ বুধবাৰ, ১৫ ডিচেম্বৰ, ২০০৪/২৯ আষাঢ়, ১৯২৬ শক

নিৰ্বাচন
বিভাগ

পাণ্ডু যাদৱৰ কাৰ্য-কলাপক লৈ উচ্চতম ন্যায়ালয়ৰ উদ্বেগ

নতুন দিল্লী, ১৪ ডিচেম্বৰ: পাণ্ডু যাদৱৰ জে ডি এম নিৰ্বাচন বন্দৰ কাৰাগাৰৰ ভিতৰৰ পৰা বৈশ্বকীয় কাৰ্যকলাপ হস্ত চলাব নোৱাৰে বুলি নিষিদ্ধ কৰিবলৈ তেওঁক পটনাৰ বেণ্ড কঢ়িয়াবলৈ পৰা ৰাজনৈতিক ব্যক্তিৰ বাহিৰৰ অন্য কোনো কাৰাগাৰলৈ স্থানান্তৰ কৰিব পাৰি নেকি সেই বিষয়ে তিনি জনাবাৰ ভিতৰত চমকলৈ উচ্চতম ন্যায়ালয়ে নিৰ্দেশ দিছে।

ন্যায়ালয়ে এন-সন্তোৰ হেগডে আৰু ন্যায়ালয়ে বি সি শিখাক লৈ গঠিত উচ্চতম ন্যায়ালয়ৰ এক ৰণ আদালতে কাৰাগাৰৰ ভিতৰৰ পৰা পাণ্ডু যাদৱে চলোৱা কাৰ্যকলাপত উদ্বেগ প্ৰকাশ কৰে আৰু তেওঁৰ কাৰ্যকলাপ সম্পৰ্কীয় পটনা উচ্চ ন্যায়ালয়ে বিচাৰাধীন হৈ থকা গোচৰ উচ্চতম ন্যায়ালয়লৈ স্থানান্তৰ কৰিবলৈ নিৰ্দেশ দিয়ে। পটনা উচ্চ ন্যায়ালয়ে মাইলৈ ফোনৰ কোম্পানীলৈ নিষিদ্ধ

জাননীত উচ্চতম ন্যায়ালয়ৰ জাননীকো লক্ষ্য কৰিবলৈকো নিষিদ্ধ কৰা হয়। চি বি আয়ে উচ্চতম ন্যায়ালয়ত দাখিল কৰা এক প্ৰতিবেদনত কোৱা হয়— বিহাৰৰ কাৰাগাৰ মাপৰিদৰ্শকে বেণ্ড কঢ়িয়াবলৈ আকস্মিক পৰিদৰ্শনৰ সময়ত কেইবাজনো অকৃতজ্ঞাল লোকে যাদৱক সজাং কৰা দেখা পায়। আনকি অকৃতজ্ঞালভাৱে বন্দক লগ ধৰা কেইজনমান লোকে কাৰাগাৰ মাপৰিদৰ্শকক

মাৰমৰ কৰে আৰু তেওঁক এটা কোঠাত কিছুসময় বন্দী কৰি থয়। যাদৱৰ অধিবক্তা আৰু কে জেনে ভবিষ্যতে যাদৱৰ আচৰ্য সম্পৰ্কে কোনো অভিযোগ নাপৰা বুলি নিয়মিতভাৱে ৰণ আদালতক জনোবাত আদালতে কয়— আমি তেওঁক কাৰাগাৰত ৰাখিছো, পক্ষতৰ্ফা হোটেলত নহয়। ৰণ আদালতে বিহাৰগোৰ পৰৱৰ্তী সন্ধানৰ দিন চাৰি জনাবাৰী নিৰ্দিষ্ট কৰি দিয়ে। পিটিউই

১৫৫ অনুষ্ঠিত জাতি/জনজাতি ঘটি নিয়োগৰ বাবে ২১.১১.০৪ ত অনুষ্ঠিত লিখিত পৰীক্ষাৰ ফলাফল
নিয়োগ প্ৰাৰ্থীসকল ক্ৰমেদে, খালী পদৰ বাবে ২১.১১.০৪ ত অনুষ্ঠিত চূড়ান্ত লিখিত পৰীক্ষাত সন্মতিকৰমে উত্তীৰ্ণ হৈছে। ১৯.১.০৫ ত তিনিজনীয়া, নামভি, আলিপুৰদুৱাৰ আৰু অ.উ.হৰত তেওঁলোকৰ শৰীৰিক সন্তোষজনক পৰীক্ষা অনুষ্ঠিত হ'ব। ১৯.১.০৫ ৰ পৰা ২১.১.০৫ পৰ্যন্ত মাত্ৰলৈক ভাৰত বিদ্যায় কৰ্মচাৰীৰ প্ৰশিক্ষণৰ পৰীক্ষা কৰা হ'ব। প্ৰাৰ্থীসকলে জন্মৰ তাৰিখ, সম্পদ আৰু শৈক্ষিক অৰ্হতা আদিৰ প্ৰকৃত প্ৰমাণপত্ৰ আগবঢ়াব লাগিব। প্ৰাৰ্থীসকলৰ পৰীক্ষাৰ আধান পত্ৰ প্ৰেৰণ কৰি থকা হৈছে। প্ৰাৰ্থীসকলক সহায়ক প্ৰশ্নাৱৰ্তী তথ্য নং ০৩৬১-২২৭২০৯১ যোগে সকলো ধৰণৰ নথ্য-সহায়ক প্ৰদান কৰা হ'ব।

উত্তৰ পূব সীমান্ত ৰেল, মালিগাঁও										
১৯৫ অনুষ্ঠিত জাতি/জনজাতি ঘটি নিয়োগৰ বাবে ২১.১১.০৪ ত অনুষ্ঠিত লিখিত পৰীক্ষাৰ ফলাফল										
নিয়োগ প্ৰাৰ্থীসকল ক্ৰমেদে, খালী পদৰ বাবে ২১.১১.০৪ ত অনুষ্ঠিত চূড়ান্ত লিখিত পৰীক্ষাত সন্মতিকৰমে উত্তীৰ্ণ হৈছে। ১৯.১.০৫ ত তিনিজনীয়া, নামভি, আলিপুৰদুৱাৰ আৰু অ.উ.হৰত তেওঁলোকৰ শৰীৰিক সন্তোষজনক পৰীক্ষা অনুষ্ঠিত হ'ব। ১৯.১.০৫ ৰ পৰা ২১.১.০৫ পৰ্যন্ত মাত্ৰলৈক ভাৰত বিদ্যায় কৰ্মচাৰীৰ প্ৰশিক্ষণৰ পৰীক্ষা কৰা হ'ব। প্ৰাৰ্থীসকলে জন্মৰ তাৰিখ, সম্পদ আৰু শৈক্ষিক অৰ্হতা আদিৰ প্ৰকৃত প্ৰমাণপত্ৰ আগবঢ়াব লাগিব। প্ৰাৰ্থীসকলৰ পৰীক্ষাৰ আধান পত্ৰ প্ৰেৰণ কৰি থকা হৈছে। প্ৰাৰ্থীসকলক সহায়ক প্ৰশ্নাৱৰ্তী তথ্য নং ০৩৬১-২২৭২০৯১ যোগে সকলো ধৰণৰ নথ্য-সহায়ক প্ৰদান কৰা হ'ব।										
তিনিজনীয়া-অনুষ্ঠিত জাতি										
11710178	11709943	11707758	11710018	11709966	11710100	11709965	11710278	11710350	11710240	11709931
11707573	11710101	11707589	11707663	11707137	11710028	11710241	11707616	11710277	11710214	11710051
11710329	11709892	11709891	11707686	11709910	11710231	11710311	11710313	11710011	11710109	11710115
11707123	11710165	11710019	11709909	11709293	11710236	11710274	11707525	11710061	11709913	11707583
11710181	11707494	11707057	11709881	11710138	11709954	11710243	11710025	11710261	11710305	11709330
11707615	11710142	11710134	11710020	11707018	11709932	11710257	11710009	11710173	11707357	11707401
11707033	11707229									
অনুষ্ঠিত জনজাতি										
11707297	11707469	11707592	11707313	11707156	11710723	11707685	11707212	11707341	11707921	11707535
11707216	11707395	11707176	11709999	11707338	11707406	11707613	11707747	11707466	11707509	11707741
11707120	11707122	11707120	11707120	11707120	11707120	11707627	11707187	11707267	11707145	11707157
11707123	11707123	11707123	11707123	11707123	11707123	11707689	11707661	11707661	11707661	11707661
11707123	11707123	11707123	11707123	11707123	11707123	11707661	11707355	11707355	11707355	11707355
11707123	11707123	11707123	11707123	11707123	11707123	11707123	11707123	11707123	11707123	11707123

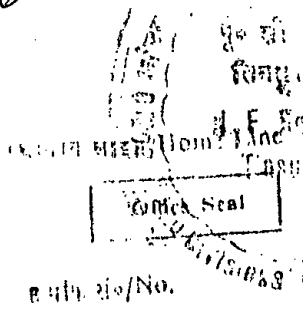
ATTESTED
Shette
 ADVOCATE

-18-

ANNEXURE H

20

052081



यात्रा विवरण/Details of Journey
प्रमाणित/Authenticated
by

बाह्ययात्रा/Outward Journey
वापसी यात्रा/Return Journey

Form E. J. P. 8 (Rev.)/N.F.-G-20

पूर्वोत्तर सीमा रेलवे/NORTHEAST FRONTIER RAILWAY
प्रत्येक बच्चे के लिए 50 कि० ग्रा० सामान तथा प्रत्येक बच्चे के लिए उसका
1/2 सामान निःशुल्क/With 50 Kilograms luggage free including bedding for each
child and half that quantity for each child.

निःशुल्क पास/FREE PASS
दूसरे दर्जे/Second Class
म/Dept. PR स्टेशन/Station TNU दिनांक/Date 30/3/06
पास Sw. Dependence Tahurder only
म/Designation Malgaon तक/To Malgaon
दवापसी होकर/and return Via N.F.
र/Over N.F. रेलों पर यात्रा करने की अनुमति दे/Railways
से फर्क तक चाहिए/available upto 31.03.2006
बाह्ययात्रा/Outward journey
वापसी यात्रा/Return journey
किया लिए दिया गया/Why granted Med. Exemption
किसी भी सवारी डाक गाड़ी से
any Passenger
train/Mail train जारी करने वाले अधिकारी के माहुर मोहर सहित/Signature & Designation of the Issuing Officer with seal
पू.वा. कार्यालय, तिरुकी
P.W. Office, Tirukia

यात्रा विवरण/Break Journey available
स्टेशन का नाम/Name of the Station जाते हुए outward वापसी inward

- (क) पहुंचने की तारीख
(a) Date of arrival
(ख) रवानगी की तारीख
(b) date of departure
- (क) पहुंचने की तारीख
(a) date of arrival
(ख) रवानगी की तारीख
(b) date of departure
- (क) पहुंचने की तारीख
(a) date of arrival
(ख) रवानगी की तारीख
(b) date of departure
- (क) पहुंचने की तारीख
(a) date of arrival
(ख) रवानगी की तारीख
(b) date of departure
- (क) पहुंचने की तारीख
(a) date of arrival
(ख) रवानगी की तारीख
(b) date of departure

...ay manager (P)
N.F. Railway, Tirukia.

DA:- 1/2 (Half) set second class homeline pass no. 052081 dt. 30.03.06 Ex. MLG to NTSK to cover the aforesaid journey.

ATTSTED
Advocate

For Divisional Railway Manager (P)
N.F. Railway, Tirukia.

ANNEXURE-I

Office of the
Divisional Railway Manager (P)
Tinsukia, Dt. 30.03.2006.

Ng:-E/225/RECT/SCT/05.

To,
Shri Dipendra Talukder. (SC)
C/O Shri Malati Talukder.
Village:- Borchapori.
P.O. Hajo. Dist. Kamrup. Assam.
781102.

Sub:- Recruitment of Trackman in scale Rs. 2610-3540/- in TSK Division.
Ref:- 1. Employment notification no. NFR-2/2001 for the post of Trackman
(SC/ST).
2. DRM(P)/TSK's letter no. E/227/Rect/Con/PET dt. 29.01.2005.

You are hereby advised to report to DRM(P)/TSK on 20-04-06 at 9.00 hrs.
for medical examination in the prescribed medical category.

Please note that if you are found fit in all respect, you will be offered
appointment for the post of Trackman in TSK division.

1. Please bring 6 copies of passport size photograph duly attested by Gazetted officer.
2. Character certificate duly filled and attested by Gazetted officer.
3. Attestation form duly filled and attested by Gazetted officer.
4. Please bring original caste certificate duly signed by DC/SDO along with attested copy.

[Signature]
(R.L. Bhagat)
APO/I/TSK.

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

DA:- $\frac{1}{2}$ (Half) set second class homeline pass no. 052081 dt. 30.03.06 Ex. MLG to NTSK to
cover the aforesaid journey.

Medical examination
was not done as per
instruction of GM(C)/MLG
vide L.O. E/227/Rect/Group-D
Pt. II dt. 17/4/06.

[Signature]
15/5/07
APO II..

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

ATTESTED
[Signature]
ADVOCATE

To

The Chief Personal Officer (Rect)
N.F Railway, Maligaon, Ghy-11

Sub: Prayer for appointment as Gr 'D' category in FSK division.

Ref: DRM (P)/FSK's letter No F/229/Rect/Con/PET. Date- 29/01/2005

Sir,

With due respect I would like to inform you that you had sent a letter to me calling for medical examination on last 20/04/06. I went on that day and after arriving the office campus came to know that the examination is postponed. The authority personal told me that the medical examination will be held later and will inform me about the date and time of examination by sending a letter. But till today I have not received any letter from you regarding the said examination. So, please send a call letter for the same so, that I can attend the examination.

Therefore I request you kindly to approve my purpose. Thanking You.

Your's Faithfully

Sanjit Kumar Debbarma

Date: 29/07/2006

Place: *Maligaon, (B. N. Railway)*

ATTESTED

Advocate
ADVOCATE

To

The APO, TSK Division
N.F Railway, Tinsukia

Sub: Prayer for appointment as Gr 'D' category in TSK division.

Ref: DRM (P)/TSK's letter No E/229/Rect/Con/PET. Date- 29/01/2005

Sir,

With due respect I would like to inform you that you had sent a letter to me calling for medical examination on last 20/04/06. I went on that day and after arriving the office campus came to know that the examination is postponed. The authority personal told me that the medical examination will be held later and will inform me about the date and time of examination by sending a letter. But till today I have not received any letter from you regarding the said examination. So, please send a call letter for the same so, that I can attend the examination.

Therefore I request you kindly to approve my purpose. Thanking You.

Your's Faithfully

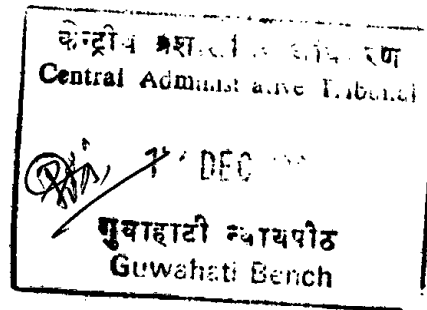
Date:- 24.07.2006

Sd/- Dipendra Khatiwada

Place:- Hajo, (Assam)

ATTESTED

Sd/- Shatle
ADVOCATE



Filed by 4/1/07
Nikhil
14-12-07
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

O.A.No. 210/2007.

Sri Dipendra Talukdar.Applicant.

-Vrs-

UOI & Ors..... Respondents.

IN THE MATTER OF :

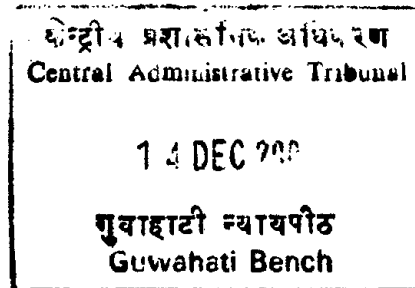
WRITTEN STATEMENT BY THE ANSWERING
RESPONDENTS.

वर्ग 3 का प्रमुख अधिकारी
Sr. L.V. Personnel Officer
प.सो. रेलवे, तिनसुकिया
N.F. Rly. TINSUKIA

The Answering Respondents most respectfully sheweth :

1. That the answering Respondents have gone through the copy of the applicant filed by the above named applicant and understood the contents thereof. Save and except the statements which have been specifically admitted herein below or those which are borne on records all other averments/allegations made in the application are hereby emphatically denied and the application has put to the strictest proof thereof.
2. That for the sake of brevity meticulous denial of each and every allegation/statement/averment made in the application has been avoided. However, the answering Respondents confined their replies to those points/allegations/averments of the application which are found relevant for enabling a proper decision on the matter.
3. That the Respondents beg to state that for want of the valid cause of action for the applicant the application merits dismissal as the application suffers from wrong representation and lack of understanding of the basic principles followed in the matter as will be clear and candid from the statements made herein.
4. That in respect of the Para-4.1 & 4.2 the Respondents submit that these are

Contd.....P/2....all...



//2//

45
वरिष्ठ कार्यालय अधिकारी
N.F. Railway, Tinsukia
N.F. RJY. TINSUKIA

all matters of records and the acceptance of these are subject to their admissibility as per official procedures and records.

5. That with regard to the statements made under Para-4.3 of the O.A. the Respondents have no comments as these are as admissible only to the extent of availability of the official records.

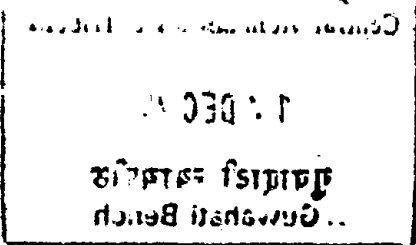
6. That with regard to the statement made under Para 4.4. of the O.A. it is admitted that the Applicant was declared passed in the examination and also declared qualified in the Physically Efficiency Test. The list of 140 numbers of candidates was issued from the General Manager (P), N.F.Railway, Maligaon's Office for appointment as Trackman. Although the Applicant was found fit in the Physically Efficiency Test, his name could not be enlisted in the main list of select candidates. The main list was published as per requirement of the Division of Tinsukia.

Then why?

7. That with regard to the statements made under Paras 4.5 and 4.6 the Respondents admit the submission of the Applicant to the extent of their admissibility to their official records.

8. That with regard to the statement made under Paras 4.7, 4.8, 4.9, 4.10, 4.11 of the O.A it is stated that the recruitment is done on the basis of the Indent (i.e. the actual number of vacancies in the Divisional Offices and placed at the Headquarters' disposal). The requirement for the subject post for the Tinsukia Division was only 140 numbers and accordingly the Panel was made on merit basis and thereafter the select candidates were sent for medical and other Tests for their appointments. Therefore, there were no violation of any Rule, as alleged by the Applicant, and there were no discrimination or any malafide or colorable exercises of powers were caused by the Respondents. It is admitted that the Applicant was called for Medical examination due to non-joining of one empanelled candidate, and therefore the Applicant's case for appointment is not valid as there were so many candidates waiting even after being qualified in the Written Test and also Physically Efficiency Test as well like the Applicant. The

Contd.....P/3...recruitment....



11211

All matters of records and the acceptance of these are subject to their admissibility as per official procedures and records.

2. That with regard to the statements made under Part 4.3 of the O.A. the Respondents have no comments as these are as admissible only to the extent of availability of the official records.

6. That with regard to the statement made under Part 4.4 of the O.A. it is admitted that the Applicant was declared passed in the examination and also declared qualified in the Physically Efficiency Test. The list of 140 numbers of candidates was issued from the General Manager (P), N.F. Railway, Maligaon, Office for appointment as Trackman. Although the Applicant was found fit in the Physically Efficiency Test, his name could not be enlisted in the main list of select candidates. The main list was published as per requirement of the Division of Tinsukia.

7. That with regard to the statements made under Parts 4.2 and 4.6 the Respondents admit the submission of the Applicant to the extent of their admissibility to their official records.

8. That with regard to the statement made under Part 4.7, 4.8, 4.9, 4.10, 4.11 of the O.A. it is stated that the recruitment is done on the basis of the indent (i.e. the actual number of vacancies in the Divisional Offices and placed at the Headquarters disposal). The requirement for the subject post for the Tinsukia Division was only 140 numbers and accordingly the Panel was made on merit basis and thereafter the select candidates were sent for medical and other Tests for their appointments. Therefore, there were no violation of any Rule as alleged by the Applicant and there were no discrimination or any malafide or colorable exercises of powers were caused by the Respondents. It is admitted that the Applicant was called for Medical examination due to non-joining of one empanelled candidates and therefore the Applicant's case for appointment is not valid as there were so many candidates waiting even after being qualified in the Written Test and also Physically Efficiency Test as well like the Applicant. The Contd.....P.3...recruitment

//3//

recruitment and appointment in any category depends on many other factors. Merely by getting through the selection process or passing the Physically Efficiency Test or Aptitude Test or Medical Examination or even after receiving a formal appointment letter are not sufficient for the guarantee in ^{respect of} ~~specific~~ of considering the employment for any candidate. The Respondents being the model employer can not think of any discriminatory or other policy, as alleged by the Applicant.

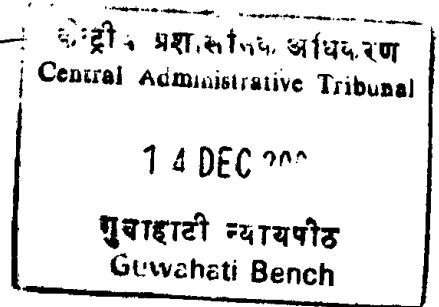
9. That the Respondents submit that the instant ^A case suffers from non-joinder to the party and therefore, is liable to be dismissed.

10. That the Respondents crave leave of this Hon'ble Tribunal to file the Addl. Written Statement/Reply, if necessary, for the ends of justice.

11. That the Answering Respondents respectfully submit that the present Application has no merit at all and is therefore, liable to be dismissed with cost.

12. That with regard to statements mentioned in the various Paragraphs under Para-5---GROUNDS, the Respondents respectfully submit that the GROUNDS are not well-founded, genuine, lawful to yield the coveted result and, therefore, it is prayed that the O.A. may be dismissed in limine.

Contd... P/4.. Verification...



VERIFICATION

I, Sri A. Narayanan, son of Sr. Algot Samy
aged about 39 Years, working in the capacity of
Sr. Divisional Personnel Officer, N.F. Railway, I do hereby
solemnly affirm and verify that the contents of paragraphs 1 to 8 are
derived from the records and I believe them to be true to my knowledge &
information and that I have not suppressed any material facts and the
paragraphs 9 to 12 are my humble and respectful submission before this
Hon'ble Tribunal.

And I sign this VERIFICATION on this 14 day of December 2007.

Place: Guwahati.

Date: 14-12-07

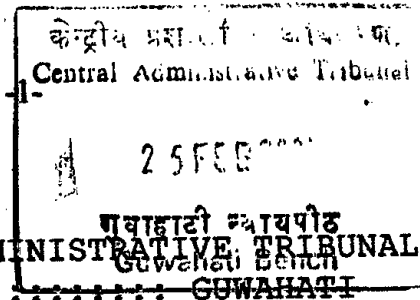
✓
SIGNATURE OF THE DEPONENT

परिष्ठापन अधिकारी
Personnel Officer

पू. लो. रेड्डी, तिनसुकिया
N.F. Ry. TINSUKIA

To

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



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

Filed by
Shri Dipendra Talukdar
Applicant
Through
CAK AHMED
Advocate



IN THE MATTER OF :

O.A. No.210/2007

Sri Dipendra Talukdar

. . . . Applicant

- Versus -

The N.F. Railway & Others

. . . Respondents

- AND -

IN THE MATTER OF :

Rejoinder submitted by the
applicant to the written
statement filed by the
Respondents.

The humble applicant submits
this Rejoinder as follows:

1. That I am the applicant of the Original Application No.210 of 2006. The Respondents have filed a written statement in the aforesaid Original Application. A copy of the same has been served upon me through my Counsel. I have gone through the written statement filed by the Respondents and understood the contents thereof and I emphatically deny^{each} and every averment made therein except those which are specifically admitted herein.

2. That with regard to the statement made in paragraph 1 & 2 of the written statement the applicant has no comment to offer.

Sri Dipendra Talukdar.

3. That with regard to the statements made in paragraph no.3 of the written statement the Applicant begs to state that the same are not correct and hence denied by the Applicant. This Original Application of the Applicant does not suffer from any sort of wrong representation.

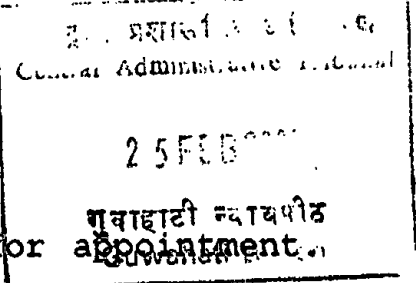
4. That the statements made in paragraph nos.4 & 5 of the written statement the applicant has no comment to offer regarding it.

5. That with regard to the statements made in paragraph no.6 of the written statements the Respondents have categorically admitted that those who were selected in the panel of merit basis were sent for medical examination for their appointment. In the instant case the applicant was selected in the penal of selected candidates and send for medical examination. Accordingly, he was called for medical examination before the Respondent No.3 on 20-04-2006. However, no medical examination was done on the applicant, which amount to discriminatory. All other candidates who were selected along with the applicant were appointed immediately after conducting medical test by the Authority. This amount to total violation of principles of natural justice.

6. That with regard to the statements made in paragraph no.7 of the written statements the applicant has no comment to offer.

7. That with regard to the statements made in paragraph no.8 of the written statements the applicant submits that the Respondents have admitted that as per requirement of Tinsukia Division the panel was made on merit basis and thereafter the select candidates were

Sri Dipendra Lal Sharma.



sent for Medical Test and Other Test for appointment. The instant applicant was also in the aforesaid panel which was made on merit basis and accordingly his name was sent for Medical Test.

The statements made by the Respondents in their written statement that passing of Physical Efficiency test or Aptitude test or medical examination or even after receiving a formal appointment letter are not sufficient for the employment of any candidate are not understandable by the applicant as the Respondents have not stated about the criteria for basic requirement of appointment in the aforesaid post. If there is any hidden or confidential Rule or Policy about the recruitment then the Respondents should produce it before this Hon'ble Tribunal to clarify the doubts. Moreover, the Respondents should produce all the relevant documents about the selected and appointed candidates as Track-man in N. F. Railway.

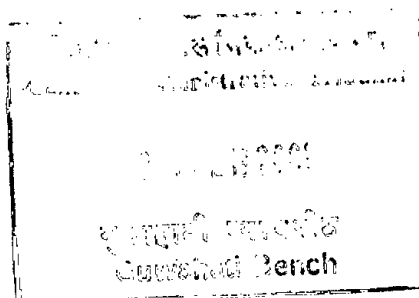
8. That with regard to the statement made in paragraph no.9 to the written statement the applicant submits that same are false and also misleading to this Hon'ble Tribunal.

9. That with regard to the statements made in paragraph no.10 of the statements the applicant has no comment to offer.

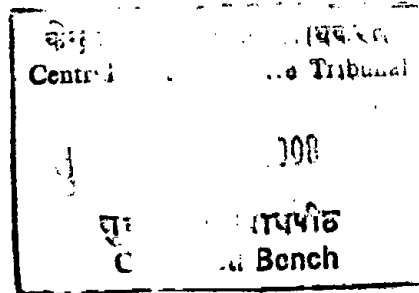
10. That with regard to the statements made in paragraph no.11, 12 & 13 of the written statements the applicant submits that those are false and not maintainable in the eye of law.

Sri Dipendra Kumar.

Therefore, the written statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.



Sri Dipendra Kumar.



VERIFICATION

I, Shri Dipendra Talukdar, aged about 34 years, Son of Late Phukan Talukdar, Resident of Village-Borchapari, Post Office and Police Station-Hajo, District-Kamrup (Rural), Assam do hereby solemnly verify that the statements made in above Rejoinder are true to my knowledge 1, 2, 3 to 9 and those made in paragraph Nos. X are being matters of records are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

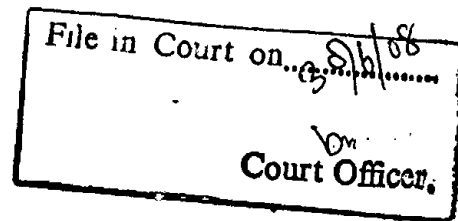
And I sign this Verification on this the 25th day of February 2008 at Guwahati.

Swi Dipendra Talukdar
DECLARANT

IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI

BENCH AT GUWAHATI

O.A.no: 210 of 2007



Sri Dipendra Talukdar

Applicant

-VS-

Union of India & Others

Respondents.

IN THE MATTER OF
ADDITIONAL WRITTEN STATEMENT
BY THE RESPONDENTS.

I N D E X

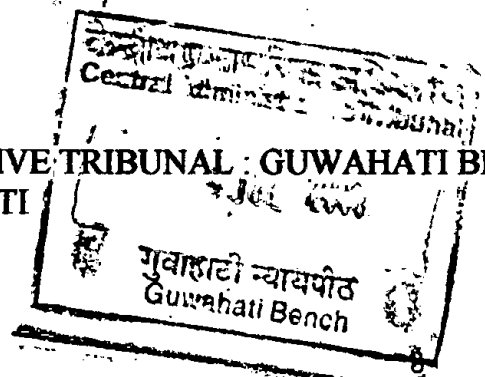
S.N.	ANNEXURES	PARTICULARS	PAGE
1.	-	Addl. Written Statement	1 to 4
2.	-	Verification	4
3.	A- series	Result of the Group-D Recruit- ment of Trackmen for SC & ST Candidates of Tinsukia Division Panel for SC vacancies List of Candidates Qualified/ Disqualified/Absent (SC) List of ST Candidates Qualified/ Disqualified/Absent Panel for ST Vacancies	5 6 & 7 8 & 9 10 & 11 12 & 13
4.	B- Series	Confidential letter written to Civil Authorities for security arrangement Statement showing the distribu- tion of 140 Candidates for holding Tests in different Rly Stations of Tinsukia, Dibrugarh, Sibsagarh, Jorhat & Golaghat Districts.	14 15

Date : 30-06-08

Place: Guwahati

Filed by
(Signature)
(K.K.BISWAS) 30/6/08
Advocate

IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI



O.A. NO. 210/2007

Sri Dipendra Talukdar Applicant

-VS-

UOI & OTHERS Respondents.

IN THE MATTER OF

ADDITIONAL WRITTEN STATEMENT
BY THE RESPONDENTS.

MOST RESPECTFULLY SHEWETH:

1. That the answering Respondents have gone through the copy of the Rejoinder filed by the above named Applicant's learned Counsel on the last date of Hearing on 25.02.2008 for and on behalf of the Applicant and understood the contents thereof. Save and except the statements of the Rejoinder which have been admitted herein below or those which are borne on records, all other averments /allegations/submissions made in the Rejoinder by the Applicant, are hereby emphatically denied and the Applicant is put to the strictest proof thereof.
2. That with regard to the statements made in the Para No. 1 & 2 of the Rejoinder, the Respondents offer no comments.
3. That with regard to the statement made in Para No. 3 of the Rejoinder it is submitted that these are admissible only to the extent of availability of the official records.
4. That with regard to the Para 4 of the Rejoinder the Respondents offer no comments.
5. That with regard to the statements made in the Para 5 of the Rejoinder the Respondents in re-iterating their earlier submission in the Written Statement submit that it was true that the Applicant was declared passed in the examination and also declared qualified in the Physically Efficiency Test.

Contd..... P/2..... Final.....

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পরিচালক, জনসংযোগ ও
সংস্কৃতি, তিনসুকিয়া
পূ.সং. রেজি. তিনসুকিয়া
১৪.৭.০৮
দায়িত্ব
১৪/৭/০৮
১৪/৭/০৮

(A) [Final Lists of 140 nos. (57 SC & 83 ST) of candidates were issued from the General Manager (P), N.F. Railway, Maligaon for appointment as Trackman in the Tinsukia Division as per requirement of the division decided by the Respondents Railway Administration.] [Although the Applicant was found fit in the physical Efficiency test under Sl. No. 66 of 67 candidates, he was not enlisted in the select-list of 57 SC candidates which was prepared based on merit.] The select-list was published as per requirement of the Division. It is further to mention here that as many as 100 ST candidates passed in the Physically Efficiency Test but the final list was published for 83 ST candidates only as per requirement and according to the merit of the candidates, and, there was no discrimination and injustice was caused to any one. There was no violation of administrative fair policy, as alleged, and, hence, the Applicants' allegations in the Rejoinder, are denied. [The Applicant could not come within the decided zone of consideration for holding the selection and appointments of the candidates for the post of Trackman and, hence, could not be appointed.] (C)

Photocopies of the above select-list are annexed as ANNEXURE A-series.

6. That with regard to the statement made in the Para No. 6 of the Rejoinder, the Respondents offer no comments.
7. That in furtherance of the Respondents' submission in the foregoing Para - 5 [it is stated that the marks obtained in the written examination held on 21/11/04 with a view to preparing the panel for Group-D post of Trackman, according to the policy as per prevailing system and Railways' own set of rules, is that if more than one candidates have secured the same marks, the date of birth is the criteria for determining and preparing the panel by placing the elder above the younger candidates. And, hence, though the Applicant passed the physical efficiency test but could not be considered for placement in the final select-list and was thus not eligible for the appointment of the post he had applied for and qualified the test mentioned above.]
8. That with regard to the statements made under Paras- 7 & 8 of the Rejoinder the Respondents submit that the last candidate was Sri Lalan Manjhi at Sl. No. 64 of the select-list. As one candidate did not report to Tinsukia Division, one more paper was required to be supplied. It can be seen from the select-list that Sri Upendra Kumar Paswan figures at Sl. No. 63 of the select-list was the next

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person in the select-list after Lalan Manjhi securing the same marks with Sri Manjhi and could not be appointed earlier. Sri Upendra Kumar Paswan secured 57.67 marks under Roll No. 11710009 as his date of birth as per record was on 11/05/82 whereas Sri Lalan Manjhi though secured the same marks of 57.67 under Roll No. 11710178 but because of his date of birth as per record being 10/05/75 became senior to Sri Upendra Kumar Paswan and got the appointment prior to Sri Paswan. But the Applicant in this O.A. Sri Dipendra Talukder under Roll No. 11707401 as per official record secured 57.33 marks. Hence as per Railway Rules Sri Dipendra Talukder being junior to both Sri Lalan Manjhi and Sri Upendra Kumar Paswan could not be considered for coming to the zone of consideration for the posts of 57 candidates to be appointed for the reasons mentioned above. There was no ill – motive of the Respondents regarding the Applicant, as alleged.

9. That in this regard it is further submitted that for facilitating and finalizing the entire requirement for the process of selection for 140 nos. of candidates for the post of Trackman – Group – D post for the Tinsukia Division by the positive act of selection, the civil authorities i.e. the Deputy Commissioners and Superintendents of Police were requested vide Divisional Railway Manager, Tinsukia's confidential letter no. E/227/V/SC-ST/Drive/TSK dated 28/02/2005 for arranging sufficient security arrangements for the safe mobilization of the candidates for the said purpose to be held in the nominated Railway stations of Tinsukia, Dibrugarh, Sibsagar, Jorhat, Golaghat districts.

Copies of the said letter is annexed as Annexure – B series.

10. That with regard to the statement made in the Para No. – 9 of the Rejoinder, the Respondents offer no comments.
11. That with regard to the statement made in the Para No. – 10 of the Rejoinder, the Respondents re-iterate their earlier submissions made in the Written Statement and still stick to the same. The Respondents had nowhere committed any wrong to cause any injury to the Applicant and / or to any of the candidates applied and appeared for the posts mentioned above and that was why could not be responsible for not getting the appointment by the candidates who could not qualify as per norms of the selection detailed above.

3576/08
delivered

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12. That the answering Respondents state that they will submit all the relevant papers of the instant selection proceedings at the time of Hearing or as and when called for.

13. That the Respondents respectfully pray that in the premises above the present Original Application being devoid of merit is liable to be dismissed.

14. **PRAYER**

That re-iterating all submissions made in the premises above, the Respondents, therefore respectfully submit that the present Rejoinder has no merit and therefore the Hon'ble Tribunal may be kind enough to examine the case on its true perspective and decide and pass orders for dismissal of the instant Original Application and pass such order or orders as deem fit and proper for the ends of justice.

VERIFICATION

I, Sri.....A. Narayanan....., Son of.....A. Alagaramy....., aged about39..... Years, working in the capacity ofM.P.O...... N.F. Railway,Tamiraparani....., do hereby solemnly affirm and verify that the contents of paragraphs5..... to12..... are derived from the records and I believe them to be true to my knowledge and information and that I have not suppressed any material facts and the rest all are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this30..... day ofJune....., 2008.

Place:

Date :

✓ A. Narayanan
SIGNATURE OF THE DEPONENT

OFFICE OF THE REGISTRAR
C. Div. Office
Rt. Secy. to Govt.
M.P. Ry. T. & NIA

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

5

1.

A graph of a linear function on a coordinate plane. The line passes through the points (0, -2) and (1, 0). The x-axis and y-axis are shown with grid lines. The line has a positive slope of 2 and a y-intercept of -2.

11707420, 11710198, 11707722 & 11709878

11709943, 11709966, 11710277, 11709909 & 11710134

The panel has been approved by the competent authority.

dt.29.01.2005

2/11/05

o/c

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27/5/08
श्रीमान श्रीमती (ता.)
Asstt. Personnel Officer (Local Co.)
एन. एल. एम्. एस. मॉडर्न, गुवाहाटी - 781006

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42	DAMODAR MALAKAR	11707057	61.67	08.01.71
43	GOPAL DAS	11707494	61.67	01.01.81
44	MANOJ KUMAR	11710243	61	06.04.75
45	PRABHAT KUMAR	11709954	61	01.01.80
46	JITENDRA KUMAR	11710138	61	15.05.80
47	SAGAR CH. MANDAL	11710025	60.67	16.01.81
48	ARVESH KUMAR RAJAK	11710261	60	01.01.70
49	PRAMOD KUMAR	11710305	60	15.11.76
50	AMARNATH GARARI	11709890	59.67	11.01.72
51	BUDDHADEB BISWAS	11710142	59.33	18.12.77
52	BINOD KUMAR PASWAN	11710134✓	59.33	04.04.81
53	GOUTAM BISWAS	11710020	59	03.01.76
54	DIPAK DAS	11707018	58.33	01.12.74
55	ANIL KUMAR RAJAK	11709932	58.33	04.09.77
56	BOAM RAJWAR	11710257	58	03.05.79
57	LALAN MANJHI	11710178	57.67	10.05.75

Candidature of following Roll nos, are provisional

11709909
11709943
11709966
11710134
11710277

(Signature) 27/11

(R. Aaivu)

Dy. Chief Personnel Officer/HQ
& Controller of Recruitment

(Signature)
27/11/86
Dy. Chief Personnel Officer (Legal Cell)
At: B-2, Gandhinagar, Gandhinagar-741001

Annex-I

SN	NAME	CONTROLNO	ROLLNO	TOTAL	DOB	PET	CV
1	MANOJ KUMAR	11014159	11710176	84.67	01.08.80	Qualified	OK
2	RAJESH KUMAR	11014599	11709943	83	15.04.82	Qualified	OK
3	PABITRA KUMAR DAS	11001268	11707758	82.67	01.03.70	Qualified	OK
4	RAM KUMAR PASWAN	11014702	11710018	81.67	16.07.76	Qualified	OK
5	RAKESH KUMAR	11008925	11709966	81	04.03.75	Qualified	OK
6	RAMBABU PASWAN	11001611	11710100	80	03.02.80	Qualified	OK
7	RAMESH KUMAR	11007907	11709965	79.33	01.03.77	Qualified	OK
8	NANDU PRASAD	11014502	11710278	77.33	12.03.65	Qualified	OK
9	VIVEKANAND	11011934	11710350	76.67	02.02.79	Qualified	OK
10	JAL SINGH	11001516	11710240	76.33		Absent X	OK
11	RAJ KUMAR PASWAN	11010101	11709931	76	02.02.77	Qualified	OK
12	PROMOD DAS	11002117	11707573	75.33	29.04.70	Qualified	OK
13	JITENDRA MANJHI	11014695	11710101	74.67	06.03.80	Qualified	OK
14	PULIN DAS	11008476	11707589	74.33	01.01.81	Qualified	OK
15	RANJAN KUMAR DAS	11014358	11707563	74.33	19.12.72	Qualified	OK
16	KARTIK DAS	11008091	11707137	74	03.03.76	Qualified	OK
17	BIJOY KUMAR	11006993	11710028	73.33	02.05.76	Qualified	OK
18	RAMPERVESH RAM	11013225	11710241	73	09.06.72	Qualified	OK
19	RATUL DAS	11009914	11707618	72	01.06.75	Qualified	OK
20	RANJIT KUMAR	11014679	11710277	71	04.04.78	Qualified	OK
21	MAGENDRA KUMAR	11010099	11710214	70.67	10.08.83	Qualified	OK
22	SANTOSH KUMAR	11014518	11710051	70.33	06.01.83	Qualified	OK
23	ASHOK KUMAR	11006987	11710329	70.33	28.11.65	Qualified	OK
24	GULAB GAUTAM	11010172	11709892	70	16.02.79	Qualified	OK
25	MAHESH LAL	11014644	11709891	70	25.01.73	Qualified	OK
26	UTPAL DAS	11009715	11707686	69.67	17.09.65	Disqualified X	OK
27	RAJ KISHORE CHOUDHARY	11014415	11709916	68.67	08.07.73	Qualified	OK
28	ABHAY KUMAR CHOUDHARY	11007985	11710231	68.27	01.01.75	Disqualified X	OK
29	JEETENDRA PASWAN	11014574	11710311	68	15.02.75	Qualified	OK
30	SHIV KUMAR	11010438	11710313	66.67	11.05.82	Qualified	OK
31	RAJENDRA KUMAR	11010432	11710011	66.33	01.01.79	Qualified	OK
32	RABINDRA MANJHI	11013415	11710109	66	12.05.79	Qualified	OK
33	CHANDRABHANU KUMAR PASW	11014566	11710115	66	04.01.78	Qualified	OK
34	HORESH HAZARIKA	11007868	11707123	65.67	31.07.77	Qualified	OK
35	MAHESH PRASAD	11014507	11710165	65.67	12.06.76	Disqualified X	OK
36	RAVI SHANKAR RAM	11014629	11710019	65	07.03.75	Qualified	OK
37	SATISH KUMAR DINKAR	11002198	11709909	65	01.01.72	Qualified	OK
38	SANJEET KUMAR	11014639	11709893	64.67	21.01.75	Qualified	OK
39	MANOJ KUMAR PASWAN	11014447	11710236	64.33	15.04.79	Qualified	OK
40	DEVANAND KUMAR	11010184	11710274	64	01.03.77	Qualified	OK
41	JADU MANI DAS	11000714	11707525	63	01.03.73	Qualified	OK
42	GADOLA SUGUNAKAR	11009565	11710061	63		Absent X	OK
43	KAILASH PASWAN	11014591	11709913	62.33	05.06.79	Qualified	OK
44	DIGANTA KUMAR DAS	11013200	11707583	62	03.03.69	Qualified	OK
45	PINTU KUMAR	11014583	11710181	62	01.03.81	Qualified	OK
46	DAMODAR MALAKAR	11009919	11707057	61.67	08.01.71	Qualified	OK
47	JHANTU GUPTA	11014252	11709881	61.67	10.02.69	Qualified	OK
48	GOPAL DAS	11003233	11707494	61.67	01.01.81	Qualified	OK
49	JITENDRA KUMAR	11007921	11710138	61	15.05.80	Qualified	OK

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Abstract

27/05/08

50	CHINAMANI MANDAL	12009142	11709889	56.67	10.05.78	Qualified	OK
51	CHANDRAJIT LOING	12013959	11707632	56	20.09.77	Qualified	OK
52	RAMESH SONOWAL	12008308	11707855	55.67	28.12.73	Qualified	OK
53	AJEET PRASAD SINGH	12011076	11710198	55.33	15.08.81	Qualified	OK
54	LAL MOHAN RAMCHIARY	12003540	11707408	55.33	21.02.69	Qualified	OK
55	ANIL CHANDRA DEKA	12005700	11707420	55.33	30.09.76	Qualified	OK
56	MAHENDRA KUMAR MANDAL	12006787	11709944	55.33	04.07.78	Qualified	OK
57	VIKASH KUMAR DEO	12008472	11709886	55.33	25.08.82	Qualified	Not OK. Belongs to SC
58	PABITRA BORMUDOI	12005565	11707722	55	03.03.74	Qualified	OK
59	NIPON SONOWAL	12010528	11707448	55	28.10.76	Qualified	OK
60	MADAN SONOWAL	12004474	11707512	54.67	23.03.72	Qualified	OK
61	KABIN HAZARIKA	12000159	11707238	54.33	28.02.78	Qualified	OK
62	DHARMA SONOWAL	12013870	11707008	54.33	28.05.82	Dis qualifier	OK
63	PRAMOD KUMAR MANDAL	12004414	11710248	54.33	20.10.74	Qualified	OK
64	PRADIP NARAYAN SINGH	12006084	11709878	54.33	01.01.69	Qualified	OK
65	ANIL TAYE	12006533	11707045	54	09.10.79	Qualified	OK
66	JAY PRAKASH SINGH	12010816	11710242	54	03.08.75	Qualified	OK
67	BAIGYANIK PAGING	12006924	11707614	54	01.03.72	Qualified	OK
68	BINDESHWARI MANDAL	12004818	11710120	53.67	04.03.76	Qualified	OK
69	SOBIT KUMAR DAS	12000547	11707231	53	21.01.78	Dis qualifier	OK
70	INDRAJIT SONOWAL	12000552	11707640	53	30.06.80	Qualified	OK
71	NABUL SONOWAL	12014287	11707738	53	01.02.80	Qualified	OK
72	DIGANTA PHATOWALI	12014521	11707404	53	04.06.70	Dis qualifier	OK
73	AJAY KUMAR MANDAL	12000252	11710008	53	01.07.78	Qualified	OK
74	GAJADHR MANDAL	12009084	11710144	52.67	05.02.80	Qualified	OK
75	RUPNATH DAIMARY	12003937	11707496	52.67	01.03.70	Qualified	OK
76	RUPAM SONOWAL	12006331	11707234	52.67	12.06.78	Qualified	OK
77	YOGESH PRASAD MANDAL	12012752	11710127	52.33	01.02.80	Qualified	OK
78	MADAN MECH	12011436	11707685	52	31.08.74	Qualified	OK
79	NAYANJYOTI PEGU	12005150	11707258	52	09.01.74	Qualified	OK
80	PURNANANDA SONOWAL	12011762	11707040	51.67	18.01.76	Qualified	OK
81	RANJAN RABHA	12012550	11707677	51.97	02.03.70	Qualified	OK
82	UMESH PRASAD MANDAL	12010320	11710002	51.67	28.04.78	Qualified	OK
83	PANKAJ KUMAR SINGH	12013080	11709960	51.33	11.02.77	Qualified	OK
84	CHITTRANJAN MANDAL	12005649	11709879	50.67	05.01.78	Qualified	OK
85	VIJAY KUMAR SINGH	12007207	11709977	50.67	05.01.82	Qualified	OK
86	OM PRAKASH SINGH	12006163	11710279	50.67		Absent	
87	RANJIT SONOWAL	12013726	11707753	50.67	01.02.67	Qualified	OK
88	DINA SONOWAL	12012768	11707337	50.67	23.08.81	Qualified	OK
89	RAJESH SHYAM	12000965	11707407	50.67	15.02.72	Qualified	OK
90	PULAK SONOWAL	12002610	11707542	50.67	01.01.71	Qualified	OK
91	JATIN KACHARI	12013863	11707092	50.33	30.04.71	Disqualified	OK
92	RJESH MANDAL	12005309	11710006	50.33	15.02.77	Qualified	OK
93	BIRENDRA SAIKIA	12007389	11707318	50	01.07.68	Qualified	OK
94	ANIRUDHA DEORI	12000083	11707922	49.33	05.02.70	Qualified	OK
95	NARAYAN MECH	12005454	11707588	49.33	12.03.76	Qualified	OK
96	TRIDIB SONOWAL	12007449	11707929	49.33	01.07.79	Qualified	OK
97	BISHESWAR BASUMATARY	12011853	11707354	49.33	11.07.80	Qualified	OK
98	DEBEN RABHA	12014559	11707180	49.33	01.01.74	Qualified	OK
99	LAKHMINATH TAYE	12005879	11707098	49	01.12.81	Qualified	OK
100	MOHAN PAYENG	12010724	11707510	48.67	01.11.67	Qualified	OK

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PANEL FOR 3T VACANCIES

Vacancies 83

SN	NAME S/SRI	Roll No	Marks	DOB
1	RITON BORUAH	11707297	84.67	01.07.71
2	TAPAN SONOWAL	11707469	84	01.09.69
3	MUKUT SONOWAL	11707592	82.67	10.11.71
4	NIPEN SONOWAL	11707313	78.33	01.08.77
5	BHUPEN KUMAR SAIKIA	11707723	76.33	26.03.68
6	TILAK CHANDRA BORO	11707156	76.33	09.09.70
7	JIBAN BARUAH	11707695	76	26.04.66
8	BUDDHA SONOWAL	11707212	75.33	01.12.78
9	HITESH BRAHMA	11707341	74.33	10.09.78
10	NAYAN BORO	11707921	73.33	31.12.77
11	RAJESWAR DEORI	11707535	73.33	01.09.78
12	HITESWAR SONOWAL	11707246	72.33	01.01.81
13	GHANIL CHELLENG	11707176	72	01.12.70
14	SURJYA KUMAR SONOWAL	11707395	72	31.12.80
15	HIMANSHU KUMAR MANDAL	11709994	72	10.12.82
16	TARUN CHELLENG	11707338	71	30.07.73
17	SUCHEN PANGGING	11707406	70.33	01.01.70
18	NOMAL BASUMATARI	11707613	69.33	31.12.75
19	NILAMANI DEKA	11707747	68.67	01.05.82
20	KESHO BANANDA CHELLENG	11707436	68.33	30.06.77
21	TILAK CHANDRA RABHA	11707120	66.67	01.01.73
22	PULAK SONOWAL	11707741	66.67	07.07.80
23	SHALIGRAM MANDAL	11710201	65.33	07.08.72
24	MANUJ MOHAN MILI	11707122	66.33	01.01.75
25	HEMANGA SONOWAL	11707736	66.33	27.07.76
26	PRANAB KUMAR BARO	11707466	66.33	04.04.82
27	ANANTA HAZARIKA	11707398	65	31.12.73
28	MONORANJAN DEORI	11707187	65	31.10.78
29	SEUJI SONOWAL	11707627	65	24.03.80
30	GUNAGOBINDA SAIKIA	11707267	64.33	01.01.73
31	PRAKYOT SAIKIA	11707145	64	31.12.71
32	AMRIT SWARGARI	11707132	62	20.12.74
33	PRASANTA HAZARIKA	11707157	62	31.03.76
34	KRISHNA KUMAR SINGH	11710308	62	15.12.81
35	GIRDHARI MANDAL	11709955	61.33	05.01.77
36	RAM PRASAD DARIG	11707623	60.67	01.05.74
37	PRASANTA MECH	11707553	60.67	21.01.77
38	RAVI KUMAR MANDAL	11710158	59.33	01.08.87
39	HEMANTA KUMAR RABHA	11707661	59	31.12.70
40	JAGAT SONOWAL	11707091	59	23.02.76
41	AMIYO KUMAR SONOWAL	11707088	59	31.12.77
42	DINESH KUMAR MANDAL	11710053	59	05.01.78
43	JAYPRAKASH MANDAL	11710129	58.67	03.04.82
44	SUBRAT KUMAR MILI	11707153	58.33	01.08.70

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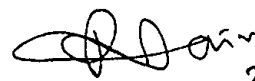
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45	MONTU SONOWAL	11707743	57.33	31.12.79
46	SANJEEV KUMAR	11710152	57.33	15.06.83
47	SURESH MANDAL	11710326	56.67	05.02.78
48	CHIMTAMANI MANDAL	11709889	56.67	10.05.78
49	CHANDRAJIT LOING	11707532	56	20.09.77
50	RAMESH SONOWAL	11707855	55.67	28.12.73
51	LAL MOHAN RAMCHIARY	11707408	55.33	21.02.69
52	ANIL CHANDRA DEKA	11707420	55.33	30.09.76
53	MAHENDRA KUMAR MANDAL	11709944	55.33	04.07.78
54	AJEET PRASAD SINGH	11710198	55.33	15.08.81
55	PABITRA BORMUDOI	11707722	55	03.03.74
56	NIPON SONOWAL	11707448	55	28.10.76
57	MADAN SONOWAL	11707512	54.67	23.03.72
58	PRADIP NARAYAN SINGH	11709878	54.33	01.01.69
59	PRAMOD KUMAR MANDAL	11710248	54.33	20.10.74
60	BAIGYANIK PAGING	11707614	54	01.03.72
61	KABINHAZARIKA	11707238	54.33	28.02.78
62	JAY PRAKASH SINGH	11710242	54	03.08.75
63	ANIL TAYE	11707045	54	09.10.79
64	BINDESHWARI MANDAL	11710120	53.67	04.03.76
65	AJAY KUMAR MANDAL	11710008	53	01.07.78
66	NABUL SONOWAL	11707738	53	01.02.80
67	INDRAJIT SONOWAL	11707640	53	30.06.80
68	RUPNATH DAIMARY	11707496	52.67	01.03.70
69	RUPAM SONOWAL	11707234	52.67	12.06.76
70	GAJADHR MANDAL	11710144	52.67	05.02.80
71	YOGESH PRASAD MANDAL	11710127	52.33	01.02.80
72	NAYANJYOTI PEGU	11707258	52	09.01.74
73	MADAN MECH	11707685	52	31.08.74
74	RANJAN RABHA	11707677	51.67	02.03.70
75	PURNANANDA SONOWAL	11707040	51.67	18.01.76
76	UMESH PRASAD MANDAL	11710003	51.67	28.04.78
77	PANKAJ KUMAR SINGH	11709960	51.33	11.02.77
78	RANJIT SONOWAL	11707753	50.67	01.02.67
79	PULAK SONOWAL	11707542	50.67	01.01.71
80	RAJESH SHYAM	11707407	50.67	15.02.72
81	CHITTRANJAN MANDAL	11709879	50.67	05.01.78
82	DINA SONOWAL	11707337	50.67	23.08.81
83	VIJAY KUMAR SINGH	11709977	50.67	05.01.82

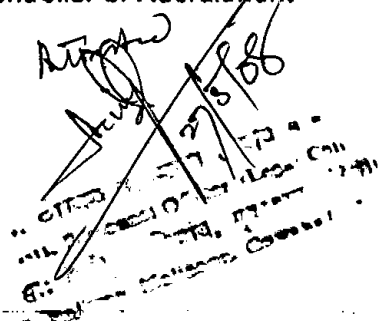
Candidature of following Roll nos, are provisional

11707420 11710198
11707722
11709878


27/11

(R. Aaivu)

Dy. Chief Personnel Officer/HQ
& Controller of Recruitment


27/11/86
Dy. Chief Personnel Officer/HQ
& Controller of Recruitment
Bhadrakali, Chhota Bazar, Cuttack

गोपनीय
CONFIDENTIAL

विद्युत कुमार प्रधान
मंडल रेल प्रबंधक
तिनसुकिया मंडल
पूर्वोत्तर सीमा रेल
तिनसुकिया - 786 125
असम



150 GLORIOUS YEARS



14

ANNEXURE-B-Series

Manager

Northeast Frontier Railway
Tinsukia - 786 125, Assam
Telephone No. : 0374 - 2330032
Fax : 0374 - 2335149

Date : 28.02.2005

No.E/227/V/SC-ST/Drive/TSK

To,

1. Dy. Commissioners/Tinsukia, Dibrugarh, Sibsagar, Jorhat & Golaghat Dist.
2. Supdts. of Police/Tinsukia, Dibrugarh, Sibsagar, Jorhat & Golaghat Dist.

Sub :- Recruitment and appointment of 140 nos. of Trackmen in Railway.

Ref :- This office letter of even No. dtd. 20.08.04 & 10.01.05.

In reference to the above letters, recruitment process is going on to fill up 140 nos. vacancies of Trackman in Railway. For this Physical Efficiency test of all the candidates has already been conducted on 17th, 18th & 19th Jan/2005 with the co-operation of DC & SP/Tinsukia. After conducting the test, a panel of 140 candidates has been formed & issued for filling up of the vacancies of Trackmen at Panitola, Margherita, Simaluguri, Namrup, Mariani and Furkating. The number of candidates assigned to report to Senior Section Engineer(P.Way) Offices of the above places is enclosed vide Annexure - 'A'.

Medical examination of the above candidates batchwise (8 nos. of candidates per batch every day except Sunday) has been started from 21.02.05 in Chief Medical Superintendent's office Dibrugarh/NF Rly. After receipt of the medical examination report of each candidate from CMS/Dibrugarh, appointment letters are being issued in favour of the candidates for posting at the 6 (six) stations as mentioned above. This process will be completed by 18th March/05.

During this process while reporting for appointment in the office of Senior Section Engineer (P.Way)/Panitola's office on 26.02.05, it has been reported by Senior Section Engineer (P.Way)/PNT/NF Rly. that about 50 nos. unknown persons had restricted on 26.02.05 at 10.30 hrs. for appointment/joining of two candidates who belong to outside of Assam. The two candidates were beaten by the mob and FIR is already lodged by Senior Section Engineer/PW/PNT at the police station Panitola (Xerox copy of the FIR is enclosed for DC & SP/Tinsukia).

In view of the above facts, it is felt necessary to provide sufficient security arrangement for safe mobilization of the candidates for medical examination, taking appointment in the respective stations as mentioned above, and to perform peaceful duty by the candidates, particularly those from outside of Assam.

You are requested to provide security arrangement in all the districts in which the stations are located including DRM office building/Tinsukia to maintain law and order.

Thanking you.

DA :- As above.

[Handwritten signature and date 27/2/05]

[Handwritten signature]
(W. K. Pradhan)
Divisional Railway Manager
NF Railway, Tinsukia.

District	Station of Senior Section Engineer (P. Way) Offices	No. of Candidates
Tinsukia	Panitola	20
	Margherita	10
Dibrugarh	Namrup	27
Sibsagarh	Simulguri	48
Jorhat	Mariani	25
Golaghat	Furkating	10
Total		140

Signature
27/5/08
STATION ENGINEER (P.W.)
TINSUKIA, 781001 (Assam)
DISTRICT ENGINEER, JORHAT