

5A/TA/24/2007
E.P/M.A No.....

1. Orders Sheet.....OA Pg.....1.....to 7.....

2. Judgment/Order dtd..12.12.2008 Pg.1.....to 6.....Admissed

3. Judgment & Order dtd.....Received from H.C/Supreme Court

4. O.A.....OA 24/12/2007 Pg.1.....to 7.3.....

5. E.P/M.P.....Pg.....to.....

6. R.A/C.P.....Pg.....to.....

✓ 7. W.S.....Pg.1.....to 10.....

✓ 8. Rejoinder.....Pg.1.....to 6.....

9. Reply.....to the Rejoinder.....Pg.1.....to 6.....

10. Any other Papers.....Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

Salita
21/9/2007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 24/2007
2. Mise Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) M. Saikia vs Union of India & Ors

Advocate for the Applicant(s) MR C. Barnah
By H. Barnah

Advocate for the Respondent(s) Railway Counsel: J.L. Sircar

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.P. for O.A. dated 28.9.2006 289-991961	6.2.07	Post the mater on 9.2.07.
Dated 31.1.07	Im	Vice-Chairman
<i>[Signature]</i> Dy. Registrar	9.2.2007	Pursuant to the Employment Notice No.1/2004 for filling up, amongs others, the post of Appr. Junior Engineer Gr. II (Bridge), the Applicant, being a ex-serviceman, applied for the same. He passed in the written examination, but was not selected. Being aggrieved Applicant filed O.A. No.289/2005 before this Tribunal and this Tribunal on 22.9.2006 has passed the following order

Copy of application
has been fixed for
Respondents No. 1-4

[Signature]
12.07

2
Contd.
9.2.2007

"We, therefore, direct the respondents to re-consider the candidature of the applicant who had applied against the vacancy reserved for Ex-Serviceman in the Employment Notice No.01/2004 (enclosed with the Original Application) as per the norms prescribed for the same and pass appropriate order within a period of two months from the date of communication of this order. Till an order is passed, the respondents shall not fill up the vacancy ear-marked for the Ex-Serviceman in the Employment Notice No.01/2004 (supra) and in case it is already filled up, the same shall be subject to the order be passed as indicated above. In this case, respondents shall issue corrigendum duly incorporating the same."

In furtherance of that order the competent authority vide order dated 31.12.2006 re-considered the case of the Applicant rejecting his claim against which this O.A. has been filed.

Heard Mr. C. Baruah, learned counsel for the Applicant. Mr. Baruah submits that while rejecting the claim of the Applicant neither any new point nor cogent reason has been shown. Dr.J.L.Sarkar, learned Railway Standing

O.A.24/2007

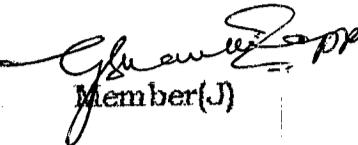
3

Notes of the Registry	Date	Order of the Tribunal
Notice & order - Sent to D/Section for issuing to resp. nos. 1, 2 and 4 by regd. A&D post and another R-3 by sent to received by hand. Case No. 239, 240 dt= 28/2/07.	Contd. 9.2.2007	counsel, on the other hand, submits that the Respondents cannot get over the rule and the impugned order has been passed with due application of mind. Considering the larger issue involved in this case i.e. whether there can be reservation amongst the reservation category, I am of the view that this O.A. has to be admitted. Hence the O.A. is admitted.
Notice duly served on R-4, 3. (6/3/07)		Issue notice to the Respondents. Six weeks time is granted to the Respondents to file reply statement.
No W.Ls has been filed.		Vice-Chairman
<u>My</u> 23.3.07.	/bb/ 26.3.2007	post on 26.4.2007 granting time to the respondents to file reply statement.
Notice duly served on R-1, 2.	bb	Vice-Chairman
No W.Ls has been filed.		
<u>My</u> 25.4.07		

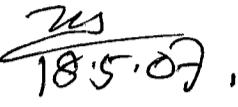
—4— 0.A.24/07

26.4.07 Dr. J. L. Sarkar learned counsel for the respondents has sought some more time to file written statement. Three weeks time is granted to file written statement. Post the matter on 21.5.07


Member(A)


Member(J)

No WIS has been filed.


Lm

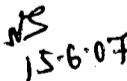
21.5.2007 Dr. J. L. Sarkar, learned Railway Standing was represented and submitted that he is not keeping well. It appears from the proceedings that four chances were granted to the Respondents to file reply statement but the same is not forthcoming. Therefore, another three weeks' time is granted to them as a matter of last chance. It is made clear that no further opportunity will be granted for the same.

Post the case on 12.06.2007 for hearing.


Vice-Chairman

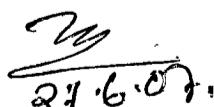
/bb/

Written statement has been filed on behalf of respondents

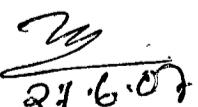

15.6.07

12.6.07. Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 28.6.07.


Vice-Chairman


Lm

No rejoinder filed.


27.6.07

Notes of the Registry	Date	Order of the Tribunal
<u>2.7.07</u> Rejoinder filed by the Applicant. page 1 to 5, so undertaking given for copy serve. <i>(Signature)</i>	28.06.2007	<p>Learned counsel for the Applicant submitted that rejoinder has been filed. Let it be brought on record if it is otherwise in order. Let the case be posted on 23.07.2007.</p> <p>In the meantime Respondents are at liberty to take instruction or file reply, if any to the rejoinder. No further time shall be granted thereafter</p> <p><i>(Signature)</i></p>
<u>W.H. and rejoinder filed by the parties.</u> <u>26.7.07</u>	/bb/	Vice-Chairman
<u>The case is ready for hearing.</u> <u>20.8.07</u>	23.7.07	<p>Counsel for the applicant has submitted that he has filed the rejoinder. Let it be brought on record. Counsel for the applicant is directed to furnish the copy of the rejoinder to the counsel for the respondents. Post the matter on 8.8.07. before Division Bench.</p> <p><i>(Signature)</i></p>
<u>1.10.07</u> Reply to the Rejoinder filed by the Respondents. <i>(Signature)</i>	21.8.2007	<p>Dr.J.L.Sarkar, learned Railway Standing counsel submitted that he may be permitted to file reply to the rejoinder, if necessary. However, he submitted that matter may be posted for hearing.</p> <p>Post the matter before the next Division Bench for hearing. In the meantime Dr.Sarkar is at liberty to file reply to the rejoinder, if any.</p> <p><i>(Signature)</i></p>
<u>The Case is ready for hearing.</u> <u>12.12.07</u>	/bb/	Vice-Chairman

13.12.2007

Mr C. Baruah, learned Counsel for the Applicant and Dr J.L. Sarkar, learned Counsel for the Respondents/Railways are present.

Dr J.L. Sarkar is to produce the list of military persons ^(who took the test) for the category, those and who have secured more than 25 marks in the written test in question) by the next date.

W/S and reponder
biled by the parties.

4/2.08.

nkm

GR
(G. Ray)
Member (A)

MRM
(M. R. Mohanty)
Vice-Chairman

05.02.2008

Call this matter on 12th February,

2008.

Khushiram
(M.R. Mohanty)
Member(A)

Vice-Chairman

lm

05.02.2008

Call this matter on 12th February, 2008.

Khushiram
Member(A)

M.R. Mohanty
Vice-Chairman

11-2-08

lm

Read in hearing

for -

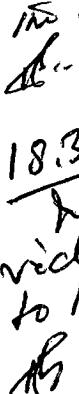
12.02.2008 Heard Mr C.Baruah, learned counsel appearing for the Applicant and Dr J.L.Sarkar, learned Railway standing counsel for the Respondents/Railways and also perused the materials placed on record. In course of arguments Dr Sarkar, with instruction from the Railways, intimated that the Applicant was the sole ex serviceman candidate who appeared in the written test and secured only 25.33% of marks; whereas the qualifying marks for General/unreserved candidate was 40% and that the Applicant was neither an SC, ST nor an OBC candidate and therefore, he was only available to be considered as an unreserved candidate. Hearing concluded.

The case stands dismissed for the reasons recorded separately.


(Khushiram)
Member(A)


(M.R.Mohanty)
Vice-Chairman

pg

18.3.08
Order issued
vide D/ Nos 1197
to 1200 dt 28.2.08


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 24/2007

DATE OF DECISION : 12-02-2008

Sri Manabendra Saikia

.....Applicant/s

Mr C. Baruah

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Dr. J.L. Sarkar, Railway Standing counsel

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, 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.


Vice-Chairman/Member(A)

10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 24/2007.

Date of Order : This the 12th Day of February, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Manabendra Saikia
S/o Balen Ch. Saikia,
Vill. Raidangia, P.O. Aibheti
P.S. Jajori, Dist. Nagaon, Assam.

..... Applicant

By Advocate Mr C. Baruah

• Versus –

1. N.F.Railway represented by
General Manager,
Maligaon, Guwahati.
2. The General Manager,
N.F.Railway,
Maligaon, Guwahati.
3. The Chairman,
Railway Recruitment Board,
Station Road, Guwahati-1.
4. The Chief Personnel Officer,
N.F.Railway,
Maligaon, Guwahati. Respondents

By Dr J.L.Sarkar, Railway Standing counsel.

ORDER

KHUSHIRAM (MEMBER-A)

Railway Recruitment Board at Guwahati (Respondent No.3) issued an advertisement (Employment Notice No.01 of 2004) for filling up various posts; including the 15 posts of Appr. Junior Engineer Gr. II (Bridge) out of which one was kept reserved for Ex-serviceman.



Under para 5 of the said advertisement it was stated as under for the Ex-serviceman:

5.1: This employment notice contains vacancies reserved for ex-serviceman irrespective of their community. However ex-serviceman may also apply against other vacancies for which they will be granted age relaxation and fees exemption as indicated in paras 4 and 7."

2. The Applicant, being an Ex-serviceman, applied for the said post and got admit card for written examination and took the written examination. He was called for documents verification. During verification of the documents, the Applicant was told that he was not eligible to be recruited under Ex-serviceman quota.

3. Since his candidature was not considered any further by the Respondent No.3, the Applicant approached this Tribunal with the earlier O.A.289/2005 and this Tribunal (vide order dated 22.9.2006) disposed of the said matter with direction to the Respondents to "consider the candidature of the Applicant, who had applied against the vacancy reserved for Ex-serviceman in the employment Notice No.01/2004 (enclosed with the Original Application) as per the norms prescribed for the same and pass appropriate order within a period of two months" from the date of communication of the said order.

4. The Applicant, thereafter, filed a representation to Respondent No.3, (the Chairman of Railway Recruitment Board, Guwahati) who disposed of the same stating that the Applicant "cannot be empanelled since he failed to secure the minimum qualifying marks in the Written Examination as specified for Ex-Serviceman (UR) candidates."



5. Aggrieved by the above said decision of the Respondent No.3 the Applicant has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 with the prayers to set aside and quash the impugned orders dated 31.10.2006 passed by the Chairman, Railway Recruitment Board and to issue clear direction to the Respondents, (particularly to the said Respondent No.3) to select the Applicant to be appointed as Apprentice Junior Engineer Gr.II (Bridge) in terms of Employment Notice 01/2004.

6. The Respondents have filed written statement, wherein they have stated that they followed the rules (in this regard) meticulously and minimum qualifying marks for the written examination for different categories are as under in terms of the Railway Board letter No.99/E(RRB)/26/3 dated 29.10.2003.

i)	Unreserved	40%
ii)	Scheduled Caste and OBC	30%
iii)	Scheduled Tribe	25%

Since the Applicant is neither SC, OBC nor an ST candidate and since he could not obtain the minimum qualifying marks (of 40%) meant for unreserved candidates in the Written examination, he had to go out of this fray. Respondents also pointed out the fact that the Applicant was called for verification of his documents to assess his status and to find out as to whether he belongs to Scheduled Tribe (ST) as because the surname 'Saikia' is generally used by that community. That apart, the minimum marks in the written test (for ST) has been fixed at 25%. Under confusion, the Applicant was called for verification of his testimonials. On verification, he was not found to be a candidate belonging to ST category and his case could not be considered any



further as he failed to secure the minimum marks (of 40%) prescribed for unreserved category as 40%.

7. We have heard Mr C.Baruah, learned counsel appearing for the Applicant and Dr. J.L.Sarkar, learned Railway Standing counsel for the Respondents. We also perused the materials placed on record. The learned counsel for the Applicant stressed the condition prescribed in the Employment Notice No.01 of 2004 and argued that applicant deserves to be considered against the lone vacancy reserved for the Ex-serviceman irrespective of the fact whether he belongs to ST category or unreserved category; because the advertisement did not give a clear picture. The learned counsel appearing for the Respondents argued that the reservation for Ex-serviceman and physically handicapped person are horizontal reservation, whereas those meant for STs, SCs and OBCs as vertical reservation under Article 16 of the Constitution and recruitment of persons as against "horizontal reservation" are governed by DOPT/GOI Circular Instruction No. 36012/58/92-Estt.(SCT) dated 01.12.1994 (based on the verdict of the Hon'ble Apex Court of India – rendered in the case of Indira Sawhney) Dr Sarkar, appearing for the Railways pointed out that, in absence of any contrary Law, those executive instructions of GOI/DOPT dated 01.12.1994 are statutory in character under Article 73 of the Constitution of India and not only Railway but all concerned are bound to follow them at any recruitment stage. He invited our attention to Annexure-D (filed by the Railways with the reply to the rejoinder) which is the letter from DOPT bearing No.36012/58/92-Estt.(SCT) dated 01.12.1994, Para 2 and 3 of which reads as under :



"The Court has held that reservation for SC/ST/OBCs made under article 16(4) of the Constitution may be called vertical reservation and the reservation made under Article 16(1) of the Constitution like the reservation for physically handicapped persons as horizontal reservation. Horizontal reservations cut across vertical reservation (in what is called inter-locking reservation) and the person selected against these reservations has to be placed in the appropriate category, that is to say, if he belongs to SC category he will be placed in that quota by making necessary adjustment and similarly if he belongs to open competition (OC) category he will be placed in that category by making necessary adjustment. Even after providing for these horizontal reservations, the percentage of reservation in favour of backward class of citizens should remain the same.

In the light of the above said observations of the Supreme Court, it has been decided that the percentage of reservation for ex-servicemen selected under the reservation provided for them should be placed in the appropriate category viz. SC/ST/OBC/General category depending upon the category to which he belongs. For example, an ex-serviceman who is a SC will be counted against the SC reservation point, an ex-serviceman who is ST or OBC will be counted against ST/OBC reservation point and the ex-servicemen who belongs to General category will be slotted in the General category vacancy point in the respective reservation roster."

8. During course of hearing Dr. Sarkar, appearing for the Respondents, disclosed, with instructions from the Respondents that the Applicant (who is not a SC, ST or OBC candidate) secured only 25.33% marks in the written test; he could not be taken in any of the category, as he was required to obtain minimum 40% marks as he is an unreserved category candidate; although he was the sole ex-service man candidate.

9. Now it is clear that (although the sole ex-serviceman, who took the written test) the Applicant did not do well in the written test (that was taken in course of the recruitment process) and secured only



25.33% of mark; for which he could not be selected. Had he been selected, he would have been placed among the General category of candidates; for the reason of GOI/DOPT circular dated 01.12.1994 (supra) and, therefore, he was required to secure minimum of 40% of mark in the written test; which he did not secure. Had he been a SC or OBC candidate, the Applicant would also not have been selected; as for SC & OBC candidates minimum mark required to qualify was fixed at 30%. Of course, had he been a ST candidate, he would have been selected/treated to have been qualified; as he secured 25.33% mark and the qualifying mark for ST candidate was 25%. Thus, since he is not a ST candidate and since he could not secure 40% marks in the written test (which was the minimum qualifying mark for un-reserved category of candidates) the Applicant rightly could not be selected in the recruitment in question.

10. In view of the clear position of fact and the law (prescribed for ex-serviceman) this case of the Applicant is devoid of any merit and, therefore, the same is hereby dismissed. No costs.


 (KHUSHIRAM)
 ADMINISTRATIVE MEMBER

//pg//


 (MANORANJAN MOHANTY)
 VICE CHAIRMAN
 12/02/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

BENCH AT GUWAHATI

(An application Under Section 19 of the Administrative Tribunal Ct., 1985)

O. A No. 24 of 2007

Shri Manabendra Saikia Applicant.

--Vrs.—

N.F. Railway and others Respondents.

SYNOPSIS

FACT OF THE CASE:-

The applicant is an Ex-serviceman retired from Indian Air Force.

The Respondent No.3, the Chairman, Railway Recruitment Board, Guwahati had published an advertisement vide Employment Notice No. 01 of 2004 for filling up various posts including the post of Appr. Junior Engineer Gr. II (Bridge), for total 15 vacancies out of which one is kept reserved for Ex-serviceman. And accordingly the applicant had applied for the said post as an Ex-serviceman and got admit card for appearing in the written examination. Thereafter he was called for documents verification vide letter No. 8805 by the Chairman RRB, Guwahati.

During document verification the Chairman has told the applicant that the applicant is not eligible under Ex-serviceman quota as he does not belong to ST, SC or OBC, though the applicant had qualified as Ex-serviceman being the General Caste he is not eligible for the post and if the applicant would have been ST, SC he would have been eligible for appointment as Ex-serviceman for the reserved post of Ex-serviceman.

It is submitted that there is no sub-categorization of ex-serviceman and there is no question of caste, community etc. in case of ex-serviceman which is specially mentioned in column No. 5.1 of the advertisement notice.

The applicant earlier filed application being O.A. No. 289/05 before this Tribunal and Railway had filed their WS and after hearing the parities, perusing the records, this Hon'ble Tribunal had delivered the judgment and order dtd. on 22/9/06 with a direction to the Respondents to re-consider the candidature of the applicant who had applied against the vacancy reserved for ex-serviceman in the Employment Notice 01/04 (enclosed with the

original application) as per the norms prescribed for the same and pass appropriate order within a period of two months from the date of communication of this order. Till and order is passed, the Respondents shall not fill up the vacancy earmarked for the ex-serviceman in the Employment Notice No. 01/04 (Supra) and in case it is already filled up, the same shall be subject to the order to be passed as indicated above. In this case, Respondents shall issue corrigendum duly incorporating the same.

The applicant had submitted the aforesaid judgment and order alongwith representation dtd. 22/9/06 before the Chairman, RRB for consideration of his appointment in terms of judgment and order of this Hon'ble Court.

But the Chairman, RRB had again declined to consider his appointment and dispose of the representation dtd. 22/9/06 of the applicant as follows:-

“In honoring the Cat/Ghy's order dtd. 22/9/06 and the appeal preferred by Shri Manabendra Saikia, I have gone through his appeal : the undersigned considers that Shri Manabendra Saikia cannot be empanelled since he failed to secure the minimum qualifying marks in the written examination as specified for ex-serviceman (UR) candidates.”

Hence being helpless again the applicant has been preferring this application seeking justice from this Hon'ble Tribunal.

PRAYER:-

- (i) To set aside and quash the impugned letter No. E/RRB/G/OA/289/05 (MS) dtd. 31st Oct, 2006 issued by the Chairman, RRB.
- (ii) To issue clear direction to the Respondents more particularly Respondent NO. 3, Chairman RRB to appoint the applicant for the post Appr. Junior Enginer Grade-II (Bridge) ear-marked for Ex-serviceman in terms of Employment Notice 01/04.

INTERIM PRAYER:-

During pendency of this application Respondent are to be directed not to fill up the vacancy ear-marked for ex-serviceman in the Employment Notice 01/04 for the post of Appr. Junior Engineer Grade -II (Bridge).

8

LIST OF DATES AND ANNEXURES:

Annexure No.	Annexure dtd.	About Annexure
Annx-1& 2	-----	A copy of discharge book and Ex-serviceman Identity card issued by Zila Sainik Welfare Office
Annx-3	12-18 th June, 04	Copy of Employment Notice No. 1 of 2004 i.e. Advtg. for various post by RRB.
Annx-4	-----	The copy of counterfoil in Admit card.
Annx-5	-----	Copy of result sheet of written examination.
Annx-6	08/08/05	A copy of call letter
Annx-7	31/08/05	Letter submitted by the applicant to the Director, Sainik Welfare.
Annx-8	31/08/05	Letter sent by Director, SWA to Chairman of RRB
Annx-9 & 9A	07/10/05	A Copy of postal receipt and envelope
Annx-10	----	A copy of OA 289/05
Annx-11	----	Copy of written statement
Annx-12	---	Copy of re-joinder
Annx-13	22/9/06	Judgment and order in OA 289/05
Annx-14	22/9/06	Copy of representation
Annx-15	31/10/06	Impugned letter of Chairman, RRB

Filed by

Chhaya Ray

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH, GUWAHATI.

(An application under sec. 19 of the tribunal act, 1985)

O.A. No. 24 /2007

File No. 9
for the application
John Bawne -
Date

Sri Manabendra Saikia

C/o Balen Ch. Saikia

Vill: Raidangia, P.O: Aibheti

P.S: Jajori, Dist: Nagaon, Assam Applicant

-VTS-

- 1) NF Railway, represented by General Manager,
Maligaon, Assam
- 2) The General Manager
NF Railway, Maligaon
- 3) The Chairman, Railway Recruitment Board,
Guwahati, Station Road, Guwahati-1.
- 4) The Chief Personal Officer, NF Railway, Maligaon,
Guwahati.

..... Respondents.

DETAILS OF APPLICATION

PARTICULARS OF THE ORDER AGAINST WHICH THIS
APPLICATION HAS BEEN MADE.

- 1) (a) That this application has been filed for setting aside and quashing the order dtd. 31/10/06 issued by Chairman RRB, Guwahati by which the application of the applicant is regard of judgment and order dtd. 22/9/06 passed in OA 285/05 has been disposed of denying the entitlement of the applicant for consideration of this appointment in the post of APPR Junior Engineer Grade -II (Bridge) in terms of Employment Notice No. 01/04
(b) Issue clear direction to consider the appointment of the applicant as he is duly selected as ex-serviceman for the post earmarked for ex-serviceman the post of Appr. Junior Engineer Grade-II (Bridge) in Employment Notice 01/04.

26
Manabendra Saikia

2) JURISDICTION

The applicants herein declare that this Hon'ble Tribulan has got the jurisdiction to adjudicate the mater in regards to which the application is made.

3) LIMITATION

The applicants further declare that this application is well within the period of limitation prescribed Under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE

4.1.) That, the applicant is an ex-servicemen retired from Indian Air Force on 31-01-05 after completion of initial engagement.

A copy of discharge book and Ex-servicemen identity card issued by Zila Sainik Welfare office are annexed as Annexure NO. 1 & 2.

4.2.) That the Railway Recruitment Board, Guwahati had published an advertisement vide employment notice no. 01 of 2004 published in the employment news dated 12 – 16 June, 2004, 2004 for filling of various posts in the North East Frontier Railway and separate applications were invited for total number of category 1 to 55. And in the aforesaid advertisement it is clearly mentioned that the envelope containing the application should be clearly super – scribed in RED INK “Application for the post of

..... Category No. Community, i.e. SC/ST/OBC/UR/ESM.” . And out of the aforesaid 55 category of posts mentioned in advertisement, category 29 is for the post of Appr. Junior Enginer Gr. II (Bridge) , and total number of vacancies were shown 15, and aforesaid 15 posts were/are to be appointed among various community as mentioned below :-

SC (Schedule Caste) 3
ST (Schedule Tribe) 1
OBC (Other Backward Classes) 3
ESM (Ex - Servicemen) 1
<u>UR (Un Reserved)</u> 7
Total 15

A copy of Employment Notice no. 1 of 2004 i.e. advertisement for various posts by RRB, Guwahati is annexed as

Annexure No. 3.

4.3) That the applicant being the eligible candidate in regard of qualification as well as other terms and condition as an Ex-Servicemen under advertisement had applied for the post of category no. 29 i.e., the appr. Junior Engineer GR. II (Bridge) under the community of ex-servicemen, as the applicant is eligible for ex-servicemen quota. And while submitting the application, the envelop containing the application was clearly super scribed in RED INK " application for the post of Appr. Junior Engineer Gr. II (bridge), category no. 29 and community was shown as ESM i.e. Ex-Servicemen .

4.4.) The railway recruitment board had duly received the application of the petitioner and after due scrutiny and verification of the application it was found correct and accordingly they have issued an admit card bearing roll no. 52900006 of the applicant and date of examination was 20-03-05.

And accordingly the petitioner had appeared in written examination. The examination procedure was computerized procedure and on the back side of the counterfoil of the admit card had clearly instructed showing sample method of marking for Roll No. , question booklet series, question booklet no. , reservation code and category no. wherein reservation code can be marked only one block and accordingly the applicant has marked as ESM.

2/1
Jnanakendra Seikha

The copy of counterfoil in admit card is annexed as Annexure No.4.

4.5.) That the Railway Recruitment Board Guwahati had published the result of written examination for various categories of employment notice no. 1/2004 in employment news in its issue dated 20-26 august, 2005, wherein it is mentioned that on the basis of their performance in the written examination, candidates bearing roll numbers as mentioned below, are provisionally found eligible to be called for verification of documents and/or viva-voice.

In aforesaid result sheet category No. 29 of Employment Notice No.1/2004 was published and in said result sheet the applicant bearing Roll No. 52900006 found eligible to be called for verification of Documents and date of Document verification was fixed on 26-8-2005 (Friday).

A copy of result sheet of written examination for various categories including category No. 29 of Employment Notice NO. 1/2004 is annexed as Annexure NO. 5.

4.6.) That, thereafter the Secretary for Chairman RRB, Guwahati had sent a letter NO. RRB/G/41/10 dtd. 28/8/2005 to the Applicant to attend the office of Railway Recruitment Board Guwahati on 26/8/2005 at 9.30 Hrs. for verification of original certificates, Testimonials etc.

A copy of call letter dtd. 8-8-2005 to the applicant for Document verification for the post of Appr. Junior Engineer Gr.-II (Bridge) is annexed as Annexure No. 6.

4.7) That in pursuance of aforesaid call letter dtd. 8-8-2005 the applicant appeared before the Chairman RRB Guwahati on 26-8-2005 for Document verification and submitted all the necessary educational Testimonials as well as document in support of Ex-Serviceman.

Jawaleendra Saikia

But during document verification the Chairman RRB Guwahati had intimated the applicant that though he is selected as Ex-Serviceman for the post reserved for Ex-serviceman .And he had shown a whimsy reason that the job could have been assured if the applicant being ex-serviceman belongs to lower caste/community i.e. SC, ST, OBC for which qualifying mark is 25%. But in the case of general caste candidate qualifying marks is 35%. So the applicant being the general is not entitled for the job though he is an ex-serviceman as he has obtained marks less than 35%.

But the applicant had clearly expressed his view before the Chairman RRB Guwahati as he had applied in the community of ex-serviceman there is no question of applicant's caste i.e. ST, SC, OBC or general and once he was found eligible in written test and called for document verification made ex-serviceman quota now chairman cannot deny the applicant from empancement in final select list. But the Chairman RRB Guwahati declined to accept the view of the applicant.

4.8) That it is stated herein that after verification of documents the chairman RRB is supposed to published final results of all the candidates who are called for document verification and in final result it is to be clearly mentioned if any candidate is found ineligible showing proper reasons and final result to be published in employment news but in present case no final results are published so far. But the petitioner has come to know from the reliable sources that the Chairman RRB Guwahati had already approved panel without approving the name of the applicant under ex-serviceman and so far no name is empanelled for ex-serviceman quota and moreover only the applicant become qualified as ex-serviceman for the single post.

4.9) That when the name of the applicant is not empanelled in final result as ex-serviceman, the applicant being ex-serviceman had written a letter to the Director Of Sainik Welfare Assam on 31-8-2005 in forming his grievances that once he is been selected as ex-serviceman there is no question where he belongs to ST, SC, OBC or General, etc. and after

Sameenudeen Saikia

Plaintiff's Letter

receiving the letter of the applicant the Director Of Sainik Welfare Assam had written a letter no. DSW/22/23, dated 31st Aug. 2005, to the chairman informing him that as the applicant had applied and provisionally selected under ex-serviceman quota so his case may be considered as ex-serviceman.

And in reply to the letter dated 31-8-2005 of the Director of Sainik Welfare Assam the Chairman had informed the Director, Sainik Welfare though the petitioner called for the verification of document but he is below merit as such he is not recommended for empanelment. And the same was informed to the applicant verbally by the director.

A copy of letter dated 31-8-2005 submitted by the applicant to the director Sainik Welfare Assam is annexed as Annexure No.7

A copy of letter dated 31-8-2005 sent by the director SWA to the chairman RRB is annexed as Annexure No. 8.

4.10) That when the applicant's case is not considered by the Chairman RRB, Guwahati the applicant had again sent a representation dated 6-10-2005 to the Chairman RRB Guwahati vide Redg. Post requesting him to empanel his name under ex-serviceman quota as he was duly selected. But the Chairman refused to accept the registered letter of the applicant and as such same was returned to the applicant by the postal department. The reason of refusing to accept the Regd. letter of the applicant is best known to the chairman only.

A copy of postal receipt dated 7-10-2005 and envelope refusing to accept are annexed as Annexure No. 9 & 9A.

4.11) That it is submitted respectfully that once the applicant applied as ex-serviceman for the reserved quota of ex-serviceman and also qualified and provisionally found eligible in written test and was called for verification of documents now the Chairman RRB Guwahati cannot say

that the applicant is not entitled for empanelment under ex-serviceman quota, as he does not belong to ST, SC, OBC for which qualifying mark is 25% but in case of general caste candidate the qualifying marks is 35% and the petitioner has got less mark than general candidate i.e. 35% . the said view of the chairman is totally wrong and taken in malafide and his vested interest is not fulfilled.

4.12) That the term "ex-serviceman candidates" specifically described in column no. 5 of employment notice as 1/2004 as follows:

EX-SERVICEMAN CANDIDATES:

- (i) That Employment Notice contains vacancies reserved for ex-serviceman irrespective of their community. However ex-serviceman may also apply against other vacancies for which they will be granted age relaxation and fees exemption as indicated in paras 4 and 7.
- (ii) The term ex-serviceman means a person, who has served in any rank (whether as a combatant or non-combatant) in the regular army, Navy or Air Force of the Indian Union but does not include a person who has served in the Defence Security Corps, the General Reserve Engineering Force, the Lok Sanayak Sena and the Para Military Forces, and
 - (a) Who has retired from such service after earning his/her pension or
 - (b) Who has been released from such service on medical grounds attributable to military service or circumstances beyond his and awarded medical or other disability person or
 - (c) Who has been released otherwise than on his own request as a result of reduction in such establishment or
 - (d) Who has been released from such service after completing the specific period of engagement otherwise than on his own request or by way of dismissal or discharge on account of misconduct or inefficiency and has been given

Parakeetra Seikha

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Manabendra Sarker

a gratuity and includes persons of the Territorial Army of the following categories:

- (i) Pension holders for continuous embodies service
- (ii) Pensions with disabilities attributable to military service and
- (iii) Gallantry award winners.

EXPLANATION: The persons serving in the Armed Forces of the Union, who on retirement from service would come under the category of Ex-serviceman, may be permitted to apply for re-employment one year before the completion of the specific terms of engagement and avail themselves of all concessions available to ex-serviceman but shall not be permitted to leave the unit until they complete the specific terms of engagement in the Armed Forces of the Union. Service personal who are to be discharged from military service on or before 12/7/2004 are eligible to apply against this advertisement.

e) Ex-servicemen who have already secured employment under Central Government in Group "C/D" will be permitted the benefit of age relaxation as prescribed for ex-serviceman for securing another employment in a higher grade of cadre in Group "C/D" under Central Government. However, such candidates will be eligible for the benefit of Ex-Servicemen in the Central Govt. jobs.

4.13) That, being aggrieved the applicant had preferred an application Under section 19 of the Administrative Tribunal Act, 1985 before this Hon'ble Tribunal vide OA NO. 289/05.

A copy of OA NO. 289/05 is annexed as
Annexure NO.10.

And thereafter Respondents appeared and Chairman RRB had filed written statement (WS) on behalf of all the Respondents wherein he has stated that as per Railway Board's letter dtd. 29/10/03 the applicant is unable to obtain qualifying marks and as per his statement, the minimum

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Manohendra Sekhar

qualifying marks in the written examination conducted by Railway Boards for various categories of posts are as follows:-

1. Unreserved-	40%
2. Scheduled caste and OBC-	30%
3. Scheduled Tribes-	25%

A copy of written statement filed by Chairman, RRB, is annexed as

Annexure No. 11.

4.14) That after receiving WS the applicant had also filed his rejoinder.

A copy of rejoinder filed by applicant is annexed as **Annexure NO. 12.**

4.15) That, thereafter the case was finally heard by Division Bench of this Hon'ble Tribunal and after perusing application, written statement, rejoinder and records this Hon'ble Tribunal was pleased to dispose of this petition vide its judgment and order dtd. 22/9/06. In aforesaid judgment contention of the parties were fully discussed. This Hon'ble Tribunal had directed the Respondents to reconsider the candidature of the applicant who had applied against the vacancy reserved for ex-serviceman in the employment notice 01/04 as per the norms prescribed for the same and pass appropriate order within a period of 2 months from the date of communication of this order till and order is passed the Respondents shall not fill up the vacancy ear-marked for the ex-serviceman in the employment notice no. 01/04 and in case it is already filled up, the same shall be subject to the order to be passed as indicated above. In this case Respondent shall issue corrigendum duly incorporating the same.

A copy of judgment and order dtd. 22/9/06 passed in OA 289/05 is annexed as **Annexure No. 13.**

Manabendra Saikia

4.16) That, thereafter the applicant had submitted an application along aforesaid judgment and order before the Chairman, RRB for compliance of the order of the Hon'ble CAT which was duly received by them.

A copy of application dated 26/9/06 is annexed as Annexure No. 14.

4.17) That, after receiving aforesaid representation dtd. 26/9/06 the Chairman has disposed of the same as follows:-

RAILWAY RECRUITMENT BOARD::GUWAHATI

Station Road, Panbazar, Guwahati-781001

No. E/RRB/G/OA/289/05(MS)

Dated: 31st Oct, 2006.

To,

Shri Manabendra Saikia
 C/o Balen Ch. Saikia
 Vill: Raidangia,
 P.O: Aibheti
 P.S: Jajori, Dist: Nagaon
 Assam

Sub:- Disposal of your representation dtd. 26/9/06 in the light of Hon'ble CAT's order dtd. 22/09/06 in OA No. 285/06

The competent authority i.e. Chairman, Railway Recruitment Board, Guwahati has gone through the Judgment/order dtd. 22/09/06 in OA No. 289/06 and after reconsidering the candidature of applicant passed the following order in compliance of Hon'ble Tribunals order :-

"Notwithstanding what is contained in the Cat's order dtd. 22/9/06 in pursuance to OA No. 289 of 2005, my speaking orders are as follows:-

(1) Shri Manabendra Saikia, S/o Shri Balen Chandra Saikia, Vill: Raidangia, P.O. Aibheti, P.S. Jajari, Dist: Nagaon had applied for the post of JE/II/Bridge against ESM quota

Manabendra Saikia

(2) The selection for empanelment against any post/category notified by RRB are always being done on the basis of performance in the written examination (purely on merit all India basis) subject to fulfillment of all the eligibility conditions as per notifications. However, in case of any discrepancy/mis-statement given by the candidate, his/her candidature may be rejected at the time of verification of original documents even after appointment or at any stage

(3) In terms of Rly. Board's letter No. 99/E(RRB)/26/3 dtd. 29/10/03 the qualifying marks in the written Test are as under

UR- 40%

SC- 30%

OBC- 30%

ST- 25%

Since Shri Manabendra Saikia on verification of documents it was ascertained that he belonged to Unreserved Community against Ex-servicemen quota. As such, minimum-qualifying marks to an unreserved candidate is 40% and we cannot go lower down of the 40% qualifying marks as laid down by Rly. Board's above mentioned circular.

(4) Vide para 2 of this office call letter for document verification No. RRB/G/41/10 dtd. 8/8/05 it is stated that since Shri Manabendra Saikia could only secure 25.33% out of 100 (hundred) marks in the written examination for the post of JE/II/Bridge does not himself qualify as Ex-servicemen (UR) candidate. As such, he has got no right to claim for empanelment as Ex-servicemen (UR) candidate for which he had applied for in response to Category No. 29 for the post of JE/II/Bridge of Empanelment Notice No. 1 of 2004

(5) The reason for calling in the verification of original documents had already been indicated vide para 5 (facts of the case) in our PWC letter dtd. 9/01/2006. However, on verification of documents it is found that Shri Manabendra Saikia belonged to Ex-servicemen UR Community. As such, he could not be empanelment to a final candidate

in the written examination whatever he/she belongs to any community including Ex-service Man.

In honouring the Cat/GHY's order dtd. 22/9/06 and the appeal preferred by Shri Manabendra Saikia. I have gone through his appeal : the undersigned considers that Shri Manabendra Saikia cannot be empanelled since he failed to secure the minimum qualifying marks in the Written Examination as specified for Ex-service man (UR) candidate "

This is for your information please.

A copy of impugned letter dtd. 31/10/06 is annexed as Annexure No. 15.

4.18) That, it is submitted respectfully that the Chairman, RRB has failed to comply the order of the Hon'ble Tribunal rather he has wrongly interpreted the judgment. Hence this application is being preferred for setting aside and quashing the impugned letter dtd. 31/10/06 and to pass necessary order on the following grounds:-

5. GROUNDS FOR RELIEF:-

(i) For that Chairman RRB has totally failed to understand that once the original application 289/05 was disposed of by the Hon'ble Tribunal perusing application of the applicant, grounds taken in WS filed by the Chairman RRB, rejoinder filed by the applicant, perusing records and submission advanced by the parties. Now the Chairman RB who is directed to comply the judgment and order of the Tribunal cannot reject/disobey the judgment and order of the Tribunal at his suit will taking same grounds which are taken in W.S. as because the Hon'ble Tribunal had passed its judgment clearly discussing about the minimum qualifying marks required for ex-serviceman. Thereby the Chairman has committed irregularity and illegality in passing the impugned order dtd. 31/10/06, which diseases to be set aside and quashed by this Hon'ble Tribunal.

Manabendra Saikia
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Maneendra Saikia

(ii) For that, the Chairman RRB Guwahati failed to understand that the Railway Board's letter dtd. 29/10/03 does not discuss about the minimum qualifying marks in written examination for ex-serviceman. In said letter it is clearly mentioned as follows:-

unreserved – 40%

SC and OBC – 30%

ST- 25%

And nothing has been mentioned about ex-serviceman but the Chairman intentionally showing this letter only to mislead this Hon'ble Tribunal.

- (iii) For that, the Chairman RRB Guwahati failed to understand that when an ex-serviceman applies against vacancy reserved for ex-serviceman, he has to be selected first under the reservation provided for the same and thereafter only placed in appropriate caste i.e. ST, SC, OBC/General Category if required.
- (iv) For that, Chairman RRB has failed to understand that once post is reserved for ex-serviceman it means for all eligible ex-serviceman and there cannot be further caste like OBC, ST, SC etc. In the reserved quota for ex-serviceman.
- (v) For that, the Chairman has intentionally and deliberately violated the order interpreting the judgment like appellate court which cannot be allowed. Thereby the impugned letter 31/10/06 is liable to be set aside and quashed.

5. DETAILS OF REMEDIES EXHAUSTED

The applicant begs to state that he had exhausted all the remedies and there is no other alternative remedy other than to approach this Hon'ble Tribunal by way of filing this application.

7. THIS MATTER IS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant begs to state that the applicant has neither preferred and filed any application in this regard before this Hon'ble Tribunal for pending similar mater any other court.

8. RELIEF SOUGHT FOR:

Under the above fact and circumstances the applicant prays that this application may kindly be admitted, records may be called for and after hearing the parties, perusing records, show cause if any the following relief may kindly be granted to the applicant.

8.1. To set aside and quash the impugned letter No. E/RB/G/OA/289/05(MS) dtd. 31st Oct, 2006 issued by the Chairman RRB Guwahati whereby he stated that "in honouring the Cat/Ghy's order dtd. 22/9/06 and the appeal preferred by Shri Manabendra Saikia, I have gone through his appeal : the undersigned considers that Shri Manabendra Saikia cannot be empanelled since he failed to secure the minimum qualifying marks in the written examination as specified for ex-serviceman (UR) candidate."

8.2. To issue clear direction to the Chairman RRB to appoint the petitioner in the post of Appr. Junior Engineer Grade-II (Bridge) applied against the vacancy reserved for ex-serviceman in the Employment Notice of 01/04.

8.3. Any other relief/relieves to which the applicant is entitled to under the above facts and circumstances of the case and deem fit and proper by this Hon'ble Court.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application your lordship may be pleased to direct the Respondents more particularly Respondent NO. 3, Chairman RB not to

Manabendra Saikia

fill up the vacancy earmarked for the ex-serviceman in the Employment notice NO. 01/04 and in case it is filed, it is to be subject to the result of this application.

10. PARTICULARS:

I. I.P.O. no. 28G 991961
II. Date Issue 31 Jan '07
III. Issued from GPO, Guwahati
IV. Payable at CAT, Guwahati

VERIFICATION

I, Shri Manabendra Saikia, S/o Shri Balen Ch. Saikia, aged about 41 years, resident of village- Raidongia, P.O: Aibheti, PS: Jajori, Dist:- Nagaon, Assam do hereby state and verify as follows:-

I sign this verification on this 21st day of
January, 2007 at Guwahati.

Manabendra Saikia

Signature

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Letter No. Assn-07/OC 2900 Ld. 25/7/05 (u.m.)

Zilla Sanik Welfare Officer
Zilla Sanik Welfare Officer
Nagaon (Assam)

Joint Photograph
of Airman

Particulars of Ex-airman. 6.95.511-N-Sergeant	
..... Manabendra Saikia	
Name of Wife..... Mrs. Nabanita	W/o
..... Saikia	
Cor.....	
50 Assam - (rig) NCC	
Guwahati-14	

50/10/05



Certified to be true copy
Babulal Saikia

APPROVED CONTENTS OF DISCHARGE BOOK — 13 —

SI. No.	Suggested Contents	Remarks
1	2	3
Part I - General Instructions		
<p>1. (a) The term family include Wife/husband, unmarried children including step/adopted children upto <u>25 years</u> of age who are dependent on the pensioner.</p> <p>(b) Non pensioner are not entitled to medical attendance treatment from service sources.</p> <p>(c) The finder of this certificate has no right to retain it. He should either deposit this with the nearest Police Station or post this to "AOC, Air Force Record Office, Subroto Park, New Delhi-110010."</p>		

1	2	3
<p>(d) This discharge Book is not transferable. Amendments, alterations, erasures of entries or any attempt at tampering constitutes a grave offence and will render the persons concerned liable to prosecution. Amendment if necessary to be effected only under the seal of Issuing authority / AFRO.</p>		
Part II		
<p>2. Incorporate the following instructions regarding:-</p> <p>(a) Registration, Employment and other Assistance.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		

1	2	3
Part III - Personal Particulars		
<p>(a) Name in full (in Capital Letters).....</p> <p>.....MANABENDRA SALKIA.....</p> <p>Service No. 625511-N.....Rank.....Sergeant</p> <p>(b) Father's name in full.....Balen Ch. Saikia.....</p> <p>(c) Religion.....Hindu.....</p> <p>(d) Whether Scheduled Caste/Scheduled Tribe/SC/ST/.....No.....</p> <p>(e) Caste (if any).....Kalita (gen).....</p> <p>(f) Date of Birth.....01.01.1965.....</p>		

1	2	3
<p>(g) Colour of eyes.....</p> <p>.....Black.....</p> <p>(h) Height.....</p> <p>.....174 cms.....</p> <p>(i) Identification Marks.....</p> <p>.....Black mole on right clavicle</p> <p>.....Bone</p> <p>(k) Marital Status.....</p> <p>.....Married.....</p> <p>(l) Full name of wife or Next of Kin. Mrs. Nabanita Saikia</p> <p>(m) Permanent Home Address :-</p> <p>.....</p> <p>(i) House No. Name of Street/Road/Mohalla.....</p> <p>.....Ch. Balen Ch. Saikia.....</p> <p>(ii) Village/Town.....</p> <p>.....Raidengia.....</p>		

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(iii) Post Office.....	Aibheli	
(iv) Telegraph Office.....	Nagaon - 782001	
(v) Tehsil.....	Nalichong	
(vi) Nearest Railway Station.....	Guwahati	
(vii) District.....	Nagaon	
(viii) State.....	Assam	
(ix) RSB and ZSB serving the area.....	Nagaon	
(x) Pin Code.....	782002	

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Part IV - Service Particulars

3. Enrolled in Indian Air Force as.....	Airman	
On.....	16 Jan 1985	
4. Date of Attestation.....	22 Jun 1990	
(Date of Oath of Allegiance taken)		
5. Total Service.....	20	Years..... Months..... 15 days
6. Released / Retired / Discharged / Dismissed from Service with/ without pension <input checked="" type="checkbox"/> as an Ex-servicemen with / without Medical / Canteen facilities on 31 Jan 2005 by the order of <input checked="" type="checkbox"/> R.D./2504/21/RW/DIS dated - 17 Dec 03 List No - 262 SLN - 481		

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1	2	3	
7. Reasons for Release / discharge / Dismissal on fulfilling the condition of engagement, A.F. Rule - 1969, Chap. III Rule - 15 (2)(b)			
8. (a) Reserve Liability, if any.....	50	years	
(b) Terms of Engagement.....	20 years		
9. Trade in which served.....	Aircraftman fit		
10. Details of Sea/Air Service.....	20	years..... months..... 15 days	
11. War Service Showing Theatre of Operation.....	NIL		
12. Service abroad :-			
(a) Country.....	NIL	(b) Appointment.....	NIL
(c) From.....	NIL	to.....	NIL

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1	2	3
13. Monthly Rate of Pay and Allowances.....		
14. Medal/Decorations/Commendations/Mention in Despatches		
- 09 years long service medal		
- Long term service and good conduct medal		
15. Character assessed at the time of retirement.....	Exemplary	
Part V - Qualifications & Courses		
16. Civil Educational qualifications :-		
(a) At the time of joining service.....	Intermediate	
(b) Acquired while in service.....	DME, BA, LL MA	

17. Service Test & Examination passed
Cpl Education test
89th promotion Gramalikha (G.E.B)

18. Specialist/Service Courses undergone QAS, QTIC, NCE
JAGUAR, CANBERRA, MICROLITE, ZEN

19. Foreign Language Courses passed..... N.I.L.

20. Proficiency in professional trade..... Exceptional

21. Resettlement/Vocational Courses Undergone..... N.I.L.

Part VI - Medical Record

22. Details of battle wounds, disability with percentage.....

Part VII - Family Particulars

23. Details of Family Members

Sl. No.	Name	Relationship	Date of birth of Dependents
1	Mrs. Nabanita Saikia	wife	01-03-70
2	Miss. Megha Saikia	Daughter	01-03-2001
3	Mr. Balen Ch. Saikia	Father	65 years (Opp)
4	Ms. Pranabala Saikia	Mother	60 years (-do-)

Part VIII - Sports and Extra Curricular Activities

24. Interservices, National and International level..... N.I.L.

25. Extra Curricular Activities (in case this information is available)..... N.I.L.

Part IX - Miscellaneous

26. Occupational Record prior to joining service..... N.I.L.

27. Details of T.A. Service :

(a) Date of embodiment..... N.I.L.

(b) Date of dis-embodiment..... N.I.L.

28. Priority for re-employment as per Govt. of India letter No.

29. Equation of Service educational qualification with civil educational qualifications with authority of Govt. of India letter No. 01 DMR-AI.CTE Letter No. A.I.C.T.E./UG/1641
dt. 10 May 03
(i) Graduation - DM - NO. 15012/8/22 S/Sec (D) 12 Feb '86

1	2	3
30. Equation of Army/Navy/Air Force Trades with that of Civil trades quoting authority of Govt. of India letter, Details of code No. Army/ Naval/ Air Force trade NCO code No. Civil Trade and authority be included	Education Civil Certificate Equivalent	Army Special Matric
	IA - I	VIII
	IA - II	VI
	IA - III	IV
(for State Govt. equivalents please refer to State Govt. orders.)		
Navy Education Certificate	Civil Equivalent	
Higher Education Test	Matriculation @	
Boys Training Establishment	Higher	Secondary

1	2	3
@ Min. of Home, Govt. of India OM No. 546/45 Estt of Jan 1946 Govt. of India, Cabinet Sectt. Deptt. of Personnel and Administrative reforms letter No. 6/2/73 Estt (3) dated 07 Nov 74.		
Air Force Education Certificate		Civil Equivalent
IAF education test for promotion to the rank of Corporal		Higher Secondary
Auth. Govt. of India, Cabinet Sectt Deptt of personnel No. 6/1/72 Estt(D) dated 18 Nov 1972.		
31. Vocation/Trade/Business for which considered fit Group 'C' post of Subordinate post in Technical and Non-Technical jobs		

1	2	3		
32. Proficiency in MT driving. Whether civil driving licence or badge held. Also which type of civilian vehicle has been driven				
(a) Heavy vehicle	Nil			
(b) Light vehicle	yes			
(c) Motor cycle	yes			
33. Financial Assistance :-				
Date of payment	Nature of Assistance	From	Amount	Sig. of Pay. auth.
Rs. P.				
.....
.....
.....

1	2	3
34. Registration for Re-employment :-		
(a) RSB/ZSB Registration :-		
(i) Registration Number.....		
(ii) Date.....		
(iii) RSB/ZSB (Mention Place).....		
(b) Civil Employment Exchange Registration :-		
(i) Registration Number.....		
(ii) Date.....		
(iii) Place.....		

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35. Emoluments last Drawn Basic pay 5500 + other allowances
 (Does not include free rations, accommodation, clothing, LTC, Medical facilities).

36. Pension Entitlement

Part X Certificate

37. Identity certificate for the families of serving pensioner. It should include the following:

(a) Joint photograph of pensioner and wife

(b) No. Rank & Name 95511-N. Surgeon

Manohendra Saikia

Comm
SAC

Guwahati-14

(c) Unit/Ship/Establishment in which last served

Ar. Flying N.C.C., Guwahati - 781014 Assam

SD Assam

Ar. Flying N.C.C., Guwahati - 781014 Assam

38. Details of the dependents at the time of leaving service who are entitled to receive medical/dental treatment admissible under the existing rules of the service:

Serial No. Name Age/Date of birth Relationship

(a) Mrs. Nakulé Saikia 01-03-70 wife

(b) Mrs. Meghla Saikia 01-03-2001 Daughter

(c) Balen Ch. Saikia 65 years (Spouse) Father

(d) Mrs. Anwala Saikia 61 years (Spouse) Mother

(e)

1

2

Signature of the holder of this certificate.....



Unit Stamp



Date :

9 Jan 2005

S Bagga

Wg Cdr.

Commanding Officer

SD Assam Air (FIS) N.C.C.

CO with stamp

Guwahati-14

भूतपूर्व रीनिकों का पहचान पत्र
EX-SERVICEMEN IDENTITY CARD
पा० पज स० / I. Card No.

ASIN-07/002906

रा०/No. 695311-N

रै०/Rank Sjt

नाम / Name Srikish Manaheng

रेजिमेंट/कोर

Regiment/Corps 1AF

जन्मतिथि Date of birth 01-3-1965

पिता का नाम

Father's Name Sri Balen Ch. Srikish

पास/Address Vill- Raudengiri, P.C. Aibekle

Khasi Nagawan (Assam) Tehsil / P.S. Tajore

पिण्डित की तारीख (मृत्यु) मृत्युन ५०

Date of discharge 31 Jan 2005, Penison No. 2463

महात्मा निन्ह

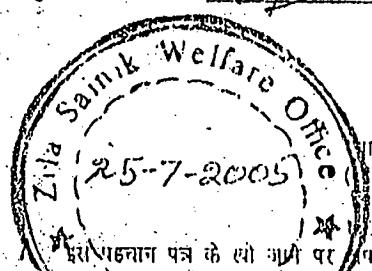
Identification Mark A P.M. on right clavicle bone.

वाए अंगूठे का निशान

Left Thumb Impression

धारक के हस्ताक्षर

Signature of Holder



Zila Salin Welfare Office

Nagaon (Assam)

Stamp and Signature of Issuing Officer

25-7-2005

NOTE

1. भूतपूर्व पत्र के द्वारा प्राप्ति पर उन्हें जिला रीनिक थोर्ड को तुरन्त सूचित करें।
Report loss 19-7-2005 to Zila Salin Board Immediately.

2. ये प्राप्ति पत्र जीवन के लिए उपयोग किया जाना चाहिए। इसे पुनर्वारा महानिदेशालय, पश्चिमी छण्ड-४, राजस्थान पुराम, जैन दिल्ली-११००६६ को वापरा कर दे।
Finder should return this card to the Directorate General
Resettlement, West Block IV, R.K. Puram, New Delhi - 110066

Certified to be true copy

Anil Chandra

Please tear off along this line and retain for your record

RAILWAY RECRUITMENT BOARD, GUWAHATI - 781 001

Name of the Candidate & Address	Calig No. & E.N. No.	Expt. No.	Date of Examination
MANABENDRA SAIKIA VIL RAIDONGIA PO AIBHETI DIST NAGAON ASSAM PIN - 782002	29 of 1/2004	52900006	20 - 03 - 2005
परीक्षा केंद्र / Examination Centre			
Gauhati Commerce College Guwahati - 781021			

Please read and follow the "Instruction" Overleaf.

NOTE : CANDIDATES WHO TICK MARK ANSWERS ON
THE QUESTION BOOKLET WILL BE DISQUALIFIED.

Evening Session

सहायक परिवेश / Asst. Secy.

FREE RAILWAY PASS

FOR SC/ST CANDIDATES ONLY : On production of this letter you are entitled to free travel by railway in second class only

From GUWAHATI Ssn. to Not Applicable Ssn. and back

This pass is available upto

Not Applicable

(Authority : Railway Board's letter No. E (NG) II-04 / RSC / 122 dtd. 23-11-04)

HARRY MITT / Asst. Secy.

Correct Marking -> (A) (B) (C) (D)

Wrong Marking -> (A) (B) (C) (D)

16. Sample method of marking for Roll No., Question Booklet Series Question Block No., Reservation Code and Category No. is explained below.

ROLL NO.	QUESTION BOOKLET NO.	QUESTION BOOKLET SERIES	CATEGORY NO.	RESERVATION CODE
3 0 3 5 6 7 8 1	3 0 3 5 6	B	3 0	UR
0 0 0 0 0 0 0 0	0 0 0 0 0 1	A	0 1	SC
1 1 1 1 1 1 1 1	1 1 1 1 1 1	B	1 2	ST
2 2 2 2 2 2 2 2	2 2 2 2 2 2	C	2 3	OBC
3 3 3 3 3 3 3 3	3 3 3 3 3 3	D	3 4	ESM
4 4 4 4 4 4 4 4	4 4 4 4 4 4	E	4 5	PH
5 5 5 5 5 5 5 5	5 5 5 5 5 5		5 6	
6 6 6 6 6 6 6 6	6 6 6 6 6 6		6 7	
7 7 7 7 7 7 7 7	7 7 7 7 7 7		7 8	
8 8 8 8 8 8 8 8	8 8 8 8 8 8		8 9	
9 9 9 9 9 9 9 9	9 9 9 9 9 9			

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AdvocateADMITTED
AS A COPY
ON THE DATE



RAILWAY RECRUITMENT BOARD : GUWAHATI

STATION ROAD, GUWAHATI-781001

Employment Notice No.: 01 of 2004

ANNEXURE

DATE OF PUBLICATION : 12-06-2004
DATE OF CLOSING : 12-07-2004

Applications are invited in the prescribed format enclosed (to be neatly typed on good quality A-4 / foolscap size paper using one side only) from eligible Indian Nationals for the following Posts, in the North East Frontier Railway. Applications complete in all respects along with required enclosures should be sent to the ASSISTANT SECRETARY, RAILWAY RECRUITMENT BOARD, STATION ROAD, GUWAHATI-781001, ASSAM, by ordinary post only, so as to reach the Board's office on or before 12.07.2004. The applications can also be dropped in the Application Box kept in the RRB office up to 16.00 hours of 12.07.2004.

IMPORTANT: (1) The envelope containing the application should be clearly super-scribed in RED INK "Application for the Post of _____ Category No. _____ & Community, i.e., SC/ST/OBC/UR/ESM".
 (2) Each candidate should send only one application for a Post. If a candidate submits more than one application for the same post, his/her candidature will be cancelled.
 (3) Candidates must fill in the application form in their own handwriting and must sign themselves. Otherwise their candidature will be cancelled if detected at any stage.
 (4) Applications sent by registered post/courier or speed post will not be acknowledged.
 (5) Last date of submission of application for candidates residing in Andaman, Nicobar and Lakshwadeep Islands will be 27.07.2004.

Cat. No.	Name of Post	Scale of Pay (RSRP)	Age as on 01.07.04	Medical Standard	No. of Vacancies					Exam. Fees (Rs.)	Minimum Educational/Technical Qualification	
					SC	ST	OBC	ESM	UR			
SEPARATE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 1 TO 29												
1	Law Assistant	6500 - 10500	18 - 37	C/1	2	1	2	0	2	7	60	A University Degree in Law with 3 years standing as a pleader at Bar. Serving employee who are law graduates are also eligible to apply provided they have served for at least 5 years in any Branch of the Railway Administration. Magistrate full filling the above-prescribed qualification may also apply.
2	Health & Malaria Inspector Gr. III	5500 - 9000	18 - 33	C/1	0	1	0	0	4	5	60	B. Sc. with Chemistry with 1 year Diploma in Health/Sanitary Inspector from a recognized Institute.
3	Extension Educator	5500 - 9000	22 - 35	C/1	0	0	0	0	1	1	60	Post Graduate in Sociology/ Social work/ Community Education or allied subject with similar course contents or Graduation in the above discipline with 2 years Diploma in Health Education from a recognized University.
4	Laboratory Superintendent Gr. III	5000 - 8000	18 - 33	B/1	0	0	0	0	1	1	60	B. Sc. with Bio-Chemistry/ Micro-Biology/ Life-Science or equivalent + Diploma in Medical Laboratory Technology (DMLT) two years course or equivalent or B.Sc. in Medical Technology (Laboratory) from a recognized Institute.
5	Radiographer Gr. III	4500 - 7000	18 - 33	B/1	0	0	0	0	1	1	60	10 + 2 with Physics and Chemistry and Diploma in Radiography X-Ray Technician/ Radio diagnosis Technology (2 years course) from a recognized Institute or B.Sc. with diploma in Radiography X-Ray Technician/ Radio diagnosis Technology (2 years course).
6	Warden Female	4500 - 7000	18 - 33	C/1	0	0	0	0	1	1	60	H.S.L.C. passed. A Nurse preferably with preparation in Home/ Social Science and/or experience in an administrative post in a Hospital or Training Institute OR a person with a Diploma or Certificate in Home or Social Science or Catering preferably with some experience in Hostel or Hotel Management.
7	Primary Teacher (Bengali Medium)	4500 - 7000	20 - 40	C/2	0	2	5	0	15	22	60	(1) Higher Secondary with 2 years JBT or its equivalent or Intermediate with 1 year JBT or its equivalent or Senior Secondary (plus 2) examination with 1 year JBT or its equivalent. (2) Competence to teach through Bengali medium fluently.
8	Primary Teacher (Hindi Medium)	4500 - 7000	20 - 40	C/2	0	0	0	0	2	2	60	(1) Higher Secondary with 2 years JBT or its equivalent or Intermediate with 1 year JBT or its equivalent or Senior Secondary (plus 2) examination with 1 year JBT or its equivalent. (2) Competence to teach through Hindi medium fluently.
9	Primary Teacher (Telugu Medium)	4500 - 7000	20 - 40	C/2	0	0	0	0	1	1	60	(1) Higher Secondary with 2 years JBT or its equivalent or Intermediate with 1 year JBT or its equivalent or Senior Secondary (plus 2) examination with 1 year JBT or its equivalent. (2) Competence to teach through Telugu medium fluently.
10	Primary Teacher (English Medium)	4500 - 7000	20 - 40	C/2	1	2	2	0	0	5	60	(1) Higher Secondary with 2 years JBT or its equivalent or Intermediate with 1 year JBT or its equivalent or Senior Secondary (plus 2) examination with 1 year JBT or its equivalent. (2) Competence to teach through English medium fluently.
11	Primary Teacher (Assamese Medium)	4500 - 7000	20 - 40	C/2	1	1	0	0	6	8	60	(1) Higher Secondary with 2 years JBT or its equivalent or Intermediate with 1 year JBT or its equivalent or Senior Secondary (plus 2) examination with 1 year JBT or its equivalent. (2) Competence to teach through Assamese medium fluently.
12	PGT (Education)	6500 - 10500	20 - 40	C/2	0	0	0	0	1	1	60	(1) 2 nd Class Master Degree in Education. (2) University Degree/ Diploma in Education/ Teaching or 2 years Integrated Post Graduate Course of Regional College of Education of NCERT (3) Competence to teach through English medium.
13	TGT (Bio Science - English Medium)	5500 - 9000	20 - 40	C/2	0	0	0	0	1	1	60	(1) 2 nd Class Bachelor's Degree in Science (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) with Botany, Zoology and one subject out of Physics/ Chemistry. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through English medium.
14	TGT (Pure Science - English Medium)	5500 - 9000	20 - 40	C/2	0	0	0	0	1	1	60	(1) 2 nd Class Bachelor's Degree in Science (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) with Physics, Chemistry and Mathematics. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through English medium.
15	TGT (Pure Science - Assamese Medium)	5500 - 9000	20 - 40	C/2	1	0	0	0	2	3	60	(1) 2 nd Class Bachelor's Degree in Science (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) with Physics, Chemistry and Mathematics. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through Assamese medium.
16	TGT (Pure Science - Bengali Medium)	5500 - 9000	20 - 40	C/2	1	3	0	0	0	4	60	(1) 2 nd Class Bachelor's Degree in Science (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) with Physics, Chemistry and Mathematics. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through Assamese medium.
17	TGT (Hindi - Bengali Medium)	5500 - 9000	20 - 40	C/2	0	1	0	0	1	2	60	(1) 2 nd Class Bachelor's Degree (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) in Hindi literature. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through Bengali medium.

Continued

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Advocate

		Scale	Age	U	ST	GEN	SC	STW	Total	Per	
18	TGT (MIL - Bengali Medium)	5500 - 8000	20 - 40	C/2	0	0	1	0	1	2	(1) 2 nd Class Bachelor's Degree (or 45% of marks can be considered equivalent to 2 nd Class where there is no demarcation of class in Bachelor's Degree) in Bengali literature. (2) University Degree/ Diploma in Education/ Teaching or 4 years Integrated Degree Course of Regional College of Education of NCERT (3) Competence to teach through Bengali medium.
19	Trainee Assistant Station Master	291/S 4500 - 7000	18 - 33	A/2	11	17	25	8	31	93	60
20	Enquiry Cum Reservation Clerk	4500 - 7000	18 - 33	C/1	1	2	1	1	2	7	60
21	Appr. Diesel Assistant Driver	3050 - 4500	18 - 33	A/1	25	13	45	17	67	107	40
											Matriculation pass plus (1) ITI in specified trades/Act Apprenticeship in the trade:
											(I) Filter (II) Electrician (III) Instrument Mechanic (IV) Mill Wright/Maintenance Mechanic (V) Mechanic (Radio and TV) (VI) Electronics Mechanic (VII) Mechanic Motor Vehicle (VIII) Wireman (IX) Tractor Mechanic (X) Armature and Coil winder (XI) Mechanic Diesel (XII) Heat Engine
											OR (2) Diploma in Mechanical/ Electrical/ Electronics Engineering recognized by AICTE in lieu of ITI.
22	Electrical Signal Maintainer Gr. II	4000 - 6000	18 - 33	B/1	1	1	1	1	1	5	60
23	Chemical & Metallurgical Asst. Gr. I	5500 - 9000	22 - 35	B/1	1	1	2	0	3	7	60
24	Appr. Draftsman (Mechanical)	5000 - 8000	18 - 33	C/1	1	0	2	0	0	3	60
25	Appr. Supervisor (P. Way)	4500 - 7000	18 - 33	A/3	2	1	4	2	7	16	60
	Appr. Junior Engineer Gr. II (TM)	5000 - 8000	18 - 33	A/3	1	0	1	1	2	5	60
27	Appr. Section Engineer (Electrical)	6500 - 10500	20 - 35	B/2	1	0	1	0	1	3	60
28	Appr. Junior Engineer Gr. II (Electrical)	8000 - 8000	18 - 33	B/1	1	1	2	1	4	9	60
29	Appr. Junior Engineer Gr. II (Bridge)	5000 - 8000	18 - 33	A/3	3	1	3	1	7	15	60
											Diploma in Civil / Mechanical Engineering recognized by AICTE 10 posts for Civil Engineering & 5 posts for Mechanical Engineering.
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 30 TO 33										
30	Appr. Section Engineer (Bridge)	6500 - 10500	20-35	A/3	0	0	1	0	2	3	60
31	Appr. Section Engineer (Drawing)	6500 - 10500	20-35	C/1	2	1	3	1	4	11	60
32	Appr. Section Engineer (Works)	6500 - 10500	20-35	A/3	2	1	4	1	5	13	60
33	Appr. Section Engineer (P. Way)	6500 - 10500	20-35	A/3	3	1	4	2	6	16	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 34 TO 36										
34	Appr. Junior Engineer Gr. II (Works)	5000 - 8000	18-33	A/3	4	2	8	3	11	28	60
35	Appr. Junior Engineer Gr. II (Drawing)	5000 - 8000	18-33	C/1	5	3	9	3	14	34	60
36	Appr. Junior Engineer Gr. II (P. Way)	5000 - 8000	18-33	C/1	3	1	4	2	6	16	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 37 TO 39										
37	Appr. Section Engineer (Diesel/Electrical)	6500 - 10500	20 - 35	B/1	0	0	1	0	1	2	60
38	Appr. Section Engineer (Diesel/ Mechanical)	6500 - 10500	20 - 35	B/1	0	1	0	0	0	1	60
39	Appr. Sr. Section Engineer (Workshop)	6500 - 10500	20 - 35	B/1	0	1	2	0	4	7	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 40 TO 43										
40	Appr. Jr. Engineer-Gr. II (C & W)	5000 - 8000	18 - 33	B/1	7	4	13	4	27	55	60
41	Appr. Mechanic (Diesel/Mechanical)	5000 - 8000	18 - 33	B/1	2	0	3	2	4	11	60
42	Appr. Mechanic (Diesel/Electrical)	5000 - 8000	18 - 33	B/1	2	0	4	2	3	11	60
43	Appr. Jr. Engineer Gr. II (Workshop)	5000 - 8000	18 - 33	B/1	3	0	0	0	7	10	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 44 TO 45										
44	Appr. Section Engineer (Signal)	6500 - 10500	20 - 35	A/3	1	1	4	1	5	12	60
45	Appr. Section Engineer (Telecom)	6500 - 10500	20 - 35	A/3	2	0	1	1	3	7	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 46 TO 47										
46	Appr. Junior Engineer Gr. II (Telecom)	5000 - 8000	18 - 33	A/3	1	2	2	1	1	7	60
47	Appr. Junior Engineer Gr. II (Signal)	5000 - 8000	18 - 33	A/3	1	0	2	1	4	8	60
	SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 48 TO 49										
48	Electric Signal Maintainer Gr. III	3050 - 4500	18 - 33	B/1	6	4	10	5	25	50	40
49	Appr. Telecommunication Maintainer Gr. III	3050 - 4500	18 - 33	B/1	8	0	11	5	12	34	40

(a) Matriculation (10th class pass) and ITI certificate in Electrical/ Electrical Filter/ Wireman Trade and 1 year experience as casual ESM in S & T Department OR (b) Must be a Casual ESM/Electrical Filter for 3 years in S & T Department OR (c) Pass in + 2 Stage in Higher Secondary with Physics & Mathematics or its equivalent.

(a) Pass in + 2 stage in Higher Secondary with Mathematics and Physics or equivalent OR (b) Matriculation and (i) ITI certificate in Electrical/ Radio/ Wireless/ Telecommunication/ TV Trade and 1 year experience as casual TCM/VM in S & T Department OR (c) Must be a casual TCM/VM for 3 years in S & T Department.

Continued

SINGLE APPLICATIONS TO BE SUBMITTED FOR CATE. CRY No: 56 TO 61													
50	Traffic Apprentice	8/5	5500 - 9000	18 - 33	A/2	3	4	8	4	18	36	60	A University Degree or its equivalent from a recognized University. Diploma in Rail Transport and Management from the Institute of Rail Transport will be an additional desirable qualification.
51	Commercial Apprentice		5500 - 9000	18 - 33	C/1	1	3	6	2	9	21	60	Degree from a recognized University or its equivalent. Diploma in Rail Transport and Management from the Institute of Rail Transport will be an additional desirable qualification.

SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 62 TO 63													
62	TGT (Drawing - Bengali Medium)		5500 - 9000	20 - 40	C/2	0	0	0	0	1	1	60	(1) MA Degree in Drawing and Painting/ Fine Arts from a recognized University or BA (Hons.) in Art and Art Education or 2 nd Class Bachelor's Degree with Drawing and Painting/ Fine Arts with minimum 2 years full time Diploma from a recognized Institute or Higher Secondary/ Intermediate with minimum 4 years full time Diploma in Painting/ Fine Arts or part time Diploma of not less than 5 years duration. (2) Competence to teach through Bengali medium. (3) Desirable at least 2 years teaching experience in a recognized Institute or 2 years teaching experience in a recognized Institute.
53	TGT (Drawing - English Medium)		5500 - 9000	20 - 40	C/2	0	0	0	0	1	1	60	(1) MA Degree in Drawing and Painting/ Fine Arts from a recognized University or BA (Hons.) in Art and Art Education or 2 nd Class Bachelor's Degree with Drawing and Painting/ Fine Arts with minimum 2 years full time Diploma from a recognized Institute or Higher Secondary/ Intermediate with minimum 4 years full time Diploma in Painting/ Fine Arts or part time Diploma of not less than 5 years duration. (2) Competence to teach through English medium. (3) Desirable at least 2 years teaching experience in a recognized Institute or 2 years teaching experience in a recognized Institute.

SINGLE APPLICATIONS TO BE SUBMITTED FOR CATEGORY No. 64 TO 65													
54	PTI (English Medium)		5500 - 9000	20 - 40	C/2	0	0	0	0	1	1	60	(1) Graduate from a recognized University with Diploma in Physical Training from a recognized Institute or B.P.Ed. from a recognized University and Higher Secondary. (2) Competence to teach through English medium.
55	PTI (Bengali Medium)		5500 - 9000	20 - 40	C/2	0	0	0	0	2	2	60	(1) Graduate from a recognized University with Diploma in Physical Training from a recognized Institute or B.P.Ed. from a recognized University and Higher Secondary. (2) Competence to teach through Bengali medium.

1. GENERAL INSTRUCTIONS:

1.1 ABBREVIATIONS USED: SC = Scheduled Caste ST = Scheduled Tribe OBC = Other Backward Classes ESM = Ex Servicemen UR = Un Reserved PH = Physically Handicapped Appr. = Apprentice IPO = Indian Postal Order RRB = Railway Recruitment Board RSRP = Railway Services Revised Pay

1.2 The posts are temporary and likely to be made permanent.

1.3 The monthly emoluments on successful completion of training, wherever applicable, will be on the minimum of the scale of pay plus DA as admissible from time to time. In addition employee will get House Rent Allowance and City Compensatory Allowance depending on the place of posting. New Pension System introduced from 01.04.2004 will be applicable, envisaging compulsory contribution @10% of Basic Pay & DA by Railway employees and matching contribution by Government would be deposited in a non-withdrawable pension account. During training period only stipend will be paid as applicable. The selected candidates are liable to be posted anywhere on Northeast Frontier Railway. Candidates will have to give security deposit and execute Indemnity Bond wherever necessary.

1.4 There is no reservation for persons with disabilities in this Employment Notice. General Manager (P), Northeast Frontier Railway, will fill in the quota reserved for persons with disabilities separately.

1.5 The vacancies shown above are provisional and liable to vary. In case the vacancy position, for any category is reduced or even made nil, RRB is not liable to compensate the applicant for any consequential damage/loss.

1.6 Vacancies of Ex-Serviceman given in the table are not separate but included in the total number of vacancies.

1.7 Apart from signing on photograph, the candidate is required to sign below photograph at the place in Application Form. The signatures on Application Form, Answer Sheet, Question Booklet and other places should be identical. Signatures at the time of application, written examination, interview or document verification in different style may result in cancellation of candidature.

1.8 Before applying for the post the candidates should ensure that he/she fulfils the eligibility norms. The candidate should have the requisite Educational/Technical qualifications from recognized University/Institute as on the date of submission of the application and should enclose with their application attested copies by gazetted officer, certificates, mark sheets in support of having the requisite qualification. The candidate must enclose the proof of qualification. Those awaiting results of the final examinations need not apply.

1.9 Separate applications are to be filled for Cat. No. 1 to 20 (one application for each category). A single application is to be filled for categories 30 to 33, 34 to 36, 37 to 39, 40 to 43, 44 to 45, 46 to 47, 48 to 49, 50 to 51, 52 to 53 and 54 to 55.

1.10 Serving Defence Personnel likely to be released within one year of the closing date can also apply against ESM Quota.

1.11 The candidates who have been debarred from all RRB examinations or the period of debarring such candidate is not completed, need not apply. Their applications will be rejected, whenever detected.

1.12 Any subsequent changes in the terms and conditions of this Employment Notice as per extant rules will stand good.

1.13 While all candidates irrespective of community/group will be considered against UR vacancies, against community/group quota vacancies only candidates belonging to that community/group will be considered. For this purpose, SC/ST/OBC candidates should furnish Caste Certificate from competent authorities. In case of OBC, the certificate should specially indicate that the candidate does not belong to the Persons/Sections (creamy layer) mentioned in Col. 3 of the Schedule of the Government of India, Department of Personnel and Training O.M. no. 36033/3/2004-Estt. (Res) dated 09.03.2004 and the certificate should be in the prescribed form circulated by Ministry of Personnel and Training, Public Grievances and Pensions, Department of Personnel and Training, Government of India. The candidates belonging to SC/ST/OBC should clearly indicate the same in the application (even when applying for UR vacancy) and should attach proof of the same in the specified format failing which they will be treated as unreserved and subsequent representations for change of community status will not be entertained.

1.14 Selection/Recommendation by RRB does not confer upon candidates any right of appointment in Railway.

1.15 The entrance in examination is provisional as applications are checked thoroughly later on. If a candidate does not fulfill any condition given in this Employment Notice, his/her candidature will be cancelled at any stage whenever the discrepancy is noticed.

1.16 Thumb impression must be clear and complete in Application Form (specially middle portion). Ridges must be seen clearly.

1.17 Selected male candidates who are finally appointed are liable for active service in Railway Engineer's Unit of Territorial Army.

1.18 Date of examination and result of examination are published in Employment News, local dailies and website <http://www.railwayrecruitment.org>. Call letters for written examination are sent to applicants post (under certificate of posting). RRB will not be responsible for postal delay or wrong delivery. RRB does not send reply to candidates who are not selected in written examination.

1.19 Free second class Railway Pass as and when admissible will be issued to the candidates belonging to SC/ST communities when they are called for written examination or interview provided they submit valid caste certificate. All other candidates are required to appear in the examinations at their own cost.

1.20 Selected candidates will have to undergo training wherever required for their category.

1.21 Ladies are also eligible. However it may be noted that most of the vacancies involves duties which are arduous in nature and called for working in shifts at odd hours and at road side stations also, away from head quarter.

1.22 Candidate should fill application form in his/her own handwriting. If it is found that somebody else has filled the same, the candidature will be cancelled.

1.23 CAUTION:

1.23.1 Any material suppression of facts or submitting forged certificate/caste certificate by a candidate for securing eligibility and/or obtaining privileges including free travel for appearing in the examination shall be liable to not only for rejection of his/her candidature for the particular recruitment for which he/she has applied, but he/she will also be debarred from all examinations conducted by all RRBs all over the country for a period of 2 years and legal action wherever warranted.

1.23.2 Any candidate found using unfair means in the examination or deputing some one else in his/her place will be debarred from all the RRBs for lifetime. Such candidate will also be prosecuted by lodging FIR.

1.23.3 Candidates submitting duplicate applications for the same category will not be considered. Even if such a candidate gets selected inadvertently, he/she will not be offered appointment later on and is even liable to be debarred from all RRB examinations for a period of two years.

1.23.4 CANDIDATES TRYING TO USE INFLUENCE OR UNFAIR MEANS WOULD BE DISQUALIFIED FROM SELECTION.

Continued

2. RECRUITMENT PROCESS:

2.1 The selection will be made strictly as per merit, on the basis of written examination. In addition, Aptitude/skill test/interview will also be conducted wherever applicable.

2.2 The Railway Recruitment Board at its discretion may hold additional written test(s)/skill test(s) and/or interview if considered necessary, for all or a limited number of candidates including absentees as may be deemed fit by Railway Recruitment Board.

2.3 The syllabus for the written examination will be generally in conformity with the educational standards and/or technical qualifications prescribed for the posts. The questions will be of objective nature on General Knowledge, General English, General Arithmetic, analytical and quantitative skills and knowledge in the subjects covered as part of minimum educational/technical qualification for the posts, subject to minor variations. The written examination shall consist of one sitting of about 90 minutes duration.

2.4 The questions for the Aptitude Test (only for Trainee ASM and Apprentice DAD) will be mainly to test perception, analytical and reasoning power of the candidates relevant to the safety categories.

2.5 The Answer Sheets (OMR) will be in duplicate using carbonless paper and evaluation is computerized. The Question Booklet and the Answer Sheets are to be returned back in the examination hall without fail by the candidates for evaluation. There shall be negative marks deducted for each wrong answer @ 1/3 of the allotted marks for each question.

2.6 The date and venue of the written examination and Aptitude/skill test/interview will be fixed by the RRB and will be intimated to the eligible candidates in due course. Request for postponement of the examination/interview and change of center/venue will not be entertained.

2.7 Final selection will be based on the total marks obtained in the written examination and interview, wherever provided, plus clearing Aptitude/skill test/interview etc. as required.

2.8 The appointment of selected candidate is subject to his passing requisite Medical Fitness Test conducted by the Railway Administration.

3. MEDICAL FITNESS TEST:

The candidate recommended for appointment will have to pass requisite medical fitness test(s) conducted by the Railway Administration to ensure that the candidates are medically fit to carry out the duties connected with the post. Visual Acuity Standard is one of the important criteria of medical fitness of railway staff. Candidates are not eligible for any alternative appointment if they fail in the final medical examination conducted by the Railways before appointment, for any reason. The medical standards for different categories are outlined below:

A - 1: Physically fit in all respects. Visual Standards – Distance Vision: 6/6, 6/6 without glasses. Near Vision: Sn: 0.6, 0.6 without glasses (must clear Fogging Test). Colour Vision, Binocular Vision, Field of Vision & Night Vision must be present.

A - 2: Physically fit in all respects. Visual Standards – Distance Vision: 6/9, 6/9 without glasses. Near Vision: Sn: 0.6, 0.6 without glasses. Colour Vision, Binocular Vision, Field of Vision & Night Vision must be present.

A - 3: Physically fit in all respects. Visual Standards – Distance Vision: 6/9, 6/9 with or without glasses. Near Vision: Sn: 0.6, 0.6 with or without glasses. Colour Vision, Binocular Vision, Field of Vision & Night Vision must be present.

B - 1: Physically fit in all respects. Visual Standards – Distance Vision: 6/9, 6/12 with or without glasses (power not to exceed +/- 4D). Near Vision: Sn: 0.6, 0.6 with or without glasses when reading or close work is required. Colour Vision, Binocular Vision and Night Vision must be present.

B - 2: – Similar as above –

C - 1: Physically fit in all respects. Visual Standards – Distance Vision: 6/12, 6/18 with or without glasses. Near Vision: Sn: 0.6, 0.6 with or without glasses when reading or close work is required.

C - 2: Physically fit in all respects. Visual Standards – Distance Vision: 6/12, Nil with or without glasses. Near Vision: Sn: 0.6 combined with or without glasses when reading or close work is required.

Note: (a) The above medical standards (criteria) are indicative and not exhaustive and apply to candidates in general.
 (b) For Ex-Servicemen, different standards apply.
 (c) Candidates applying for the post of Trainee ASM and Apprentice DAD should enclose medical certificate from a Registered Eye Specialist as per prescribed format (Annexure – 3).

4. AGE LIMIT:

The lower and upper age limit indicated will be reckoned as on 01/07/2004. The upper age limit is relaxable as under subject to submission of requisite certificate.

a) By 5 years for SC/ST candidates.
 b) By 3 years for OBC candidates.
 c) By 5 years for Bonafide displaced Goldsmiths.
 d) By 10 years for physically handicapped.
 e) By 5 years for persons who ordinarily domiciled the Kashmir Division of the state of Jammu and Kashmir from 01/01/1980 to 31/12/1989.
 f) For Ex-Servicemen up to the extent of service rendered in defense plus 3 years provided they have put in more than 6 months service after attestation and up to the age of 40 years for reservists not employed in government service.
 g) Up to the extent of service rendered by Group 'C' and Group 'D' Railway Staff and casual labours/substitutes, provided that they have put in minimum of 3 years of service (continuous or broken) subject to upper age limit of 40 years for General candidates, 45 years for SC/ST candidates and 43 years for OBC candidates. For working in Quasi-administrative offices of the Railway organization such as Railway Canteens, Co-operative Societies and Institutes up to 5 years service rendered in such organizations subject to upper age limit of 35 years.
 h) Upper age limit in case of widows, divorced women and women judicially separated from their husband but not remarried shall be relaxed up to 35 years for General and 40 years for SC/ST candidates.

5. EX-SERVICEMEN CANDIDATES:

5.1 This employment notice contains vacancies reserved for ex-servicemen irrespective of their community. However ex-serviceman may also apply against other vacancies for which they will be granted age relaxation and fees exemption as indicated in paras 4 and 7.

5.2 The term Ex-serviceman means a person, who has served in any rank (whether as a combatant or non-combatant) in the regular army, Navy or Air Force of the Indian Union but does not include a person who has served in the Defence Security Corps, the General Reserve Engineering Force, the Lok Sahayak Sena and the Para Military Forces; and

a) Who has retired from such service after earning his/her pension or
 b) Who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension or
 c) Who has been released otherwise than on his own request as a result of reduction in such establishment or
 d) Who has been released from such service after completing the specific period of engagement otherwise than on his own request or by way of dismissal or discharge on account of misconduct or inefficiency and has been given a gratuity and includes persons of the Territorial Army of the following categories:

i) Pension holders for continuous embodied service
 ii) Pensions with disabilities attributable to military service and
 iii) Gallantry award winners

EXPLANATION: The persons serving in the Armed Forces of the Union, who on retirement from service would come under the category of Ex-Servicemen, may be permitted to apply for re-employment one year before the completion of the specific terms of engagement and avail themselves of all concessions available to Ex-Servicemen but shall not be permitted to leave the Uniform until they complete the specified terms of engagement in the Armed Forces of the Union.

Service personnel who are to be discharged from military service on or before 12/07/2004 are eligible to apply against this advertisement.

e) Ex-Servicemen who have already secured employment under Central Government in Group 'C/D' will be permitted the benefit of age relaxation as prescribed for Ex-Servicemen for securing another employment in a higher grade or cadre in Group 'C/D' under Central Government. However, such candidates will not be eligible for the benefit of Ex-Servicemen in the Central Govt. jobs.

6. SERVING EMPLOYEES:

Candidates serving in any Government, department or Public Sector Undertaking including Railway should apply through proper channel or should apply directly to RRB, Guwahati with NO. COPIE/CERTIFICATE from the employer to avoid delay. The last date of receipt of applications in this office will not be extended on account of any delay in transmitting the application by the concerned office. No advance copy of the application will be entertained. Applications received after closing date/heur will not be accepted.

7. EXAMINATION FEES:

7.1 For SC/ST/ESM: No examination fees.

7.2 For General/OBC candidates: Examination fees have been indicated against each post.

7.3 The examination fees/Postal charges are non-refundable. It should be paid in the form of a crossed Demand Draft of any Nationalized Bank or Crossed Indian Post Office (made on or after the date of publication of this notification but before the closing date of receipt of application) drawn in favour of 'RAILWAY RECRUITMENT BOARD, GUWAHATI'. The Bank Draft should be payable at 'GUWAHATI' and IPO should be payable at 'GPO, GUWAHATI'. IPO/DD obtained earlier to the date of publication of the Employment Notice or after the closing date will not be accepted.

Continued

For Single Application, fee for only one Post should be enclosed.

7.5 The candidates should write the Employment Notice No. Name of the post applied for, Category Number of the post and Name and postal address of the candidate on the reverse side of Bank Draft/Space provided in the Indian Postal Order.

7.6 Remittance of examination fees in any other form except Bank Draft/IPO will not be accepted.

7.7 The particulars of Bank Draft/IPO should be indicated in the space provided in the prescribed application format.

7.8 An application not accompanied with Bank Draft/IPO of requisite amount towards examination fee/postal charges will be summarily rejected.

8. HOW TO APPLY:-

8.1 The form should be filled up in candidates' own handwriting.

8.2 Application(s) should be made on good quality white A-4 / foolscap size plain paper and should be in conformity with the format given in the Employment Notice. Candidates are advised to ensure that the application is legible, preferably typed in English or Hindi.

8.3 Candidates purchasing printed application form from the market should ensure that it conforms to the format prescribed in the Employment Notice.

8.4 The application should be filled up by the candidate in his/her own handwriting, with ink/ball point pen (not in pencil) dated and signed. Only international numerals (i.e. 1,2,3 etc.) should be used. The application form should be filled up in English or Hindi only, strictly observing the instructions given in this Employment Notice. The candidate should affix his/her normal signature in the application form (English/Hindi). Applications signed in capital letters / spaced out letters will be treated as invalid.

8.5 The Candidate's Address with Pin Code, Father's name and Nearest Railway Station should be written legibly in ENGLISH in bold capital letters, even if a Candidate fills-in the application form in Hindi.

8.6 Photographs: One recent (not earlier than one month from the date of application) passport size photograph with clear front view of the candidate in normal black & white attire without cap and sunglasses should be pasted on the application form in the space provided and signed on the photograph as well as in the space provided in the box below the photograph. TWO IDENTICAL extra copies (duly signed on the front) of the photograph should be enclosed with the application indicating candidate's name and category number on the reverse of each photograph. Candidates may note that the RRB may reject at any stage for pasting old/unclear photograph on the application and for any significant variations between photograph pasted in the application and the actual physical appearance of the candidate.

8.7 In para-2 of the application form, candidate should indicate any two visible marks of identification like a mole or a scar etc. Normally this should be same marks entered in the official identification documents such as School Leaving Certificate etc.

8.8 The candidate should write the declaration at para-6 of the application form in English/Hindi in their own running (not in capital/spaced out letters) handwriting, failing which their applications will be rejected.

8.9 Proof of age, proof of qualifications/experience and proof of community should be enclosed with the application. Attested Xerox copies of the bonafide certificates issued by the competent authorities only should be enclosed with application form and not the originals. The certificates if not in English/Hindi should be accompanied by attested translated English/Hindi copies.

8.10 Candidates are required to send clear attested copies of all relevant mark sheets and of the final/provisional certificates in proof of their educational/technical qualifications.

8.11 It should be understood clearly that the enclosure form part of the application. Therefore, all enclosures should be sent along with the application and if any enclosures are sent separately, the application will not be connected and will stand rejected.

8.12 Each candidate should send only one application complete in all respect for one category of post (Except wherever single application is invited for more than one category of Posts). Candidate submitting more than one application for a category will be disqualified. If any such candidate gets selected inadvertently, he/she will not be offered appointment later on and is even liable to be debarred from all RRBs examination for a period of 2 years.

8.13 A candidate's single application only should be contained in one cover. Covers with more than one application will be summarily rejected.

8.14 Candidate who is to apply for more than one category should send separate application, separate IPO/DD for the prescribed value as well as a separate set of enclosures as required for each category in separate covers.

8.15 Applications which are illegible, incomplete, unsigned, signed in capital letters, not on prescribed format, without photo of candidate, not having Xerox copy of certificates, not having IPO/DD or having IPO/DD purchased before date of notification and after closing date of Employment Notice are liable to be rejected. If the post and category number is not indicated on the top of the envelope containing application, the same will not be entertained.

8.16 The envelope containing the application should be clearly super-scripted in RED INK "Application for the Post of _____ Category No. _____ & Community, i.e., SC/ST/OBC/UR/ESM", without which the application will be rejected.

9. ENCLOSURES:-

The following enclosures should be firmly stitched along with the application in the given order:

- A valid Indian Postal Order or the Bank Draft for the amount as prescribed in Para 7 of the application should be firmly tied/annexed on the top of the application form.
- Two copies of identical passport sized photographs duly signed on the front, firmly stitched to the application (apart from one copy pasted on the form).
- Application form in the prescribed format.
- Attested/Photostat copy of Matriculation or equivalent certificate regarding the proof of age.
- Attested/Photostat copy of the Academic/Technical qualification and marks list as applicable.
- Attested/Photostat copy of Caste certificate from competent authorities not below the rank of Tahsildar in the case of SC/ST candidates.
- Attested/Photostat copy of community certificate in the prescribed format as per Annexure 1 issued by the competent authority in case of OBC candidates.
- Ex-servicemen applying for the post shall submit Attested/Photostat copy of appropriate certificate issued by the services to claim educational standards.
- No objection certificate from the employer, if already employed.
- In case previous experience is essential, documentary proof should be enclosed indicating period of service.
- Attested/Photostat copy of requisite certificate in case of claiming age relaxation.

NOTE:-

- ALL ENCLOSURES SHOULD BE EITHER IN ENGLISH OR IN HINDI ONLY. WHERE CERTIFICATES ARE NOT IN ENGLISH/HINDI, ATTESTED TRANSLATED VERSION (TO HINDI/ENGLISH) SHOULD BE ENCLOSED. THE APPLICATIONS WITHOUT THE REQUISITE ENCLOSURES WILL BE REJECTED.
- IF ANY OF THE ABOVE ENCLOSURES ARE SENT SEPARATELY OR SUBSEQUENT TO THE RECEIPT OF APPLICATION, OR THE ENCLOSURES NOT FIRMLY STITCHED TO APPLICATION, THE APPLICATION WILL BE REJECTED.

10. INVALID APPLICATIONS:-

The applications, which suffer from any of the following deficiencies/irregularities, will be summarily rejected:

- Incomplete/illegible applications or applications made on advertisements cuttings appearing in Newspaper.
- Unsigned and undated applications or writing name in capitals under signature column or on the photograph.
- Applications with IPO/Bank Draft of lesser value than prescribed or IPOs purchased prior to the date of publication of employment notice.
- Applications without complete/proper enclosures or enclosures other than in Hindi/English or illegible enclosures.
- Without the photograph pasted on the application and signed on the front.
- Applications not in conformity with the format.
- Without proper caste certificate in respect of SC/ST/OBC candidates.
- Applications of under/over aged candidates.
- Applications of candidates who do not fulfill the eligibility criteria.
- Applications received after the closing date and time.
- Applications without the candidates' thumb impression in the prescribed place.
- Applications without declaration in the candidates' running hand writing in the prescribed place.
- The envelope containing the application should be clearly super-scripted in RED INK "Application for the Post of _____ Category No. _____ & Community, i.e., SC/ST/OBC/UR/ESM", without which the application will be rejected.
- If the envelope contains more than one application, all the applications will be rejected.

11. RRB may hold written examination anywhere in the country. The Centers allotted by RRB will be final and binding.

12. The decision of RRB in all cases relating to eligibility, acceptance or rejection of the applications, issue of free Rail Passes, penalty for false information, mode of selection, conduct of written examination and interview, skill/Ability test, allotment of examination center, selection, allotment of posts to selected candidates etc. will be final and binding on the candidates and no enquiry or correspondence will be entertained by the Railway Recruitment Board in this regard.

13. The Railway Recruitment Board is not responsible for any inadvertent error.

14. Any legal issues arising out of this Employment Notice shall fall within the legal jurisdiction of Central Administrative Tribunal / Courts in Guwahati only.

15. WARNING:-

Dear Candidates,

Beware of touts/cheats falsely promising to get you some favour. We would like to assure that such a thing is impossible. The recruitment will be strictly on merit alone. If you listen to promises of touts/cheats or associate with them, you are bound to lose your precious candidature. Candidates who obtain services of impersonator in RRB Examination will be debarred for life from appearing in all RRB Examinations and prosecution proceeding will be initiated against them.

CHAIRMAN
RAILWAY RECRUITMENT BOARD
GUWAHATI-781 001 *Continued*



Railway Recruitment Board :: Guwahati

Station Road, Guwahati - 781 001

Phone : 0361 - 2540815

ANNEXURE

Result of Written Examination for various Categories of Employment Notice No. 1/2004

On the basis of their performance in the Written Examination, candidates bearing Roll Number as mentioned below, are provisionally found eligible to be called for Verification of Documents and/or Viva-Voce, as indicated. It may be noted that this result is provisional, subject to fulfilling of all eligibility conditions laid down in the Employment Notice No. 1/2004.

Roll Numbers are arranged in ascending order (Last Seven Digits) and NOT in order of Merit

Date of Written Examination : 30/01/2005

1. Cat. No. : 01 of Employment Notice No. 1/2004 Name of Post : Law Assistant
 40100010 2010014 3010085 30100134 20100270 10100380 20100511 40100534 40100615 40100650 20100786 10100888 40100914 20100954
 40101125 40101213 40101222 TOTAL = 17

Date of Viva-Voce : 06/09/2005 (MONDAY)

2. Cat. No. : 27 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Electrical)
 42700011 22700038 22700078 22700164 22700176 TOTAL = 5

Date of Document Verification : 26/08/2005 (FRIDAY)

3. Cat. No. : 30, 31, 32 & 33 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Bridge, Drawing, Works, P.Way)
 13000005 13000042 23000074 13000084 23000109 13000123 43000164 23000249 43000318 43000327 43000365 43000371 43000447
 43000496 43000540 43000616 43000659 43000672 13000673 43000723 43000729 43000731 13000915 33100003 13100050 33100054 23100079
 13100088 13200056 23200133 23200178 43200195 23200213 13200221 43200273 33200279 23200298 23200299 43200395 23200421 23200454
 23300128 TOTAL = 43

Date of Document Verification : 30/08/2005 (TUESDAY)

4. Cat. No. : 37, 38 & 39 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Diesel/Elect, Diesel/Mech, Workshop)
 43700077 43700088 13700107 33800047 13800001 43900005 13900059 13900120 43900182 33900245 TOTAL = 10

Date of Document Verification : 26/08/2005 (FRIDAY)

5. Cat. No. : 44 & 45 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Signal, Telecom)
 14400022 14400027 14400175 14400247 14400291 44004046 14400416 24400504 14400508 24400514 44400541 34400682 14400699 64400704
 14400705 44400820 44400983 24500262 44500271 TOTAL = 19

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 20/03/2005

1. Cat. No. : 25 of Employment Notice No. 1/2004 Name of Post : Appr. Supervisor (P. Way)
 42500168 42500196 42500559 22500584 42500626 32500782 42500891 42501023 22501075 42501099 42501355 12501492 42501803 12501850
 42502339 22502439 TOTAL = 16

Date of Document Verification : 26/08/2005 (FRIDAY)

2. Cat. No. : 26 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr.-II (TM)
 42600310 22600333 42600605 TOTAL = 3

Date of Document Verification : 26/08/2005 (FRIDAY)

3. Cat. No. : 28 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr.-II (Electrical)
 32800028 12800130 32800131 22800181 12800235 32800304 42800418 42800462 22800510 42800541 42800595 42800618 12800632 22800656
 42800664 12800674 42800736 22800751 12800767 42800780 22800795 12800797 42800837 12800843 32800884 22800908 TOTAL = 26

Date of Document Verification : 26/08/2005 (FRIDAY)

4. Cat. No. : 29 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr.-II (Bridge)
 52900006 22900025 42900035 22900154 42900280 42900370 22900410 12900636 22900806 42900874 TOTAL = 10

Date of Document Verification : 26/08/2005 (FRIDAY)

5. Cat. No. : 34, 35 & 36 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr.-II (Works, Drawing, P.Way)
 43400004 13400047 43400074 13400207 43400226 43400258 13400279 13400283 13400294 33400364 13400367 43400518 13400538 13400565
 13400572 13400623 13400636 33400657 13400727 13400797 43400832 43400942 43401044 23401091 23401114 43401117 43401142
 43401251 43401253 43401300 43401305 43401311 43401356 43401386 33401391 43401401 13401648 13401644 23401647 13401674 13401738
 13401870 43401884 43401888 43401922 13401934 23401937 43401974 23401980 13402056 43402082 43402154 43402174 43402263 33402259
 23402280 13402322 43402326 43402309 43402395 23402410 23402426 23402601 43402537 23402543 43402646 13402682 13402615 43402633
 43402646 13402678 13402695 43402726 43402811 43402881 13402894 43402904 23402983 43402990 43403052 23403134 43403175
 23403224 43403245 43403306 43403404 43403431 23403432 43403478 43403533 13403626 43403640 43403646 43403659 23403835 23403923
 43403982 13404025 23404035 43404063 43404138 43404139 33404280 43404285 33500506 33500514 13600155 33600258 23500320 13500406
 13500666 43500684 43500707 33500746 23500814 43500847 33500876 43500943 43600125 TOTAL = 121

Date of Document Verification : 27/08/2005 (SATURDAY)

6. Cat. No. : 40, 41, 42 & 43 of Employment Notice No. 1/2004 Name of Post : Appr. JE-II (C&W), Appr. Mechanic (Diesel/Mech & Diesel/Elect), Appr. JE-II (Workshop)
 44000302 14000345 44000426 44000432 14000509 14000553 34000748 24000786 44000855 34000960 34000980 44001008
 34001016 14001076 44001091 14001259 44001374 44001379 24001402 24001541 44001588 14001728 44001916 44002000 44002122 34002153
 24002162 14002340 14002348 14002441 44002444 44002455 14002673 24002678 44002682 24002764 44002768 14002875 14002934 44002962
 44002999 14003020 44003087 14003260 44003433 14003493 24003509 14003775 24003796 24004021 44004166 44004487 14004538 44004614
 14004621 44004633 14004740 44004757 14004804 24005012 44005041 44005266 14005278 24005327 44005418 14005468 44005520 44005558
 44005560 14005677 24005624 44005657 44005658 14005694 14005760 14005781 44005788 24005836 44005858 24005859 44005979 44006088 24006191
 44006294 44006250 44006581 14006614 14006707 24006924 14007057 14007145 44007252 44007268 14007401 44007452 24007479 44007480
 44007576 14007626 14007650 24007688 34007717 14007812 24007892 24007909 44100120 24300259 14300285 TOTAL = 109

Date of Document Verification : 29/08/2005 (MONDAY)

7. Cat. No. : 46 & 47 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr.-II (Telecom, Signal)
 24600420 51600400 44600492 44600591 44600673 14600690 44600742 44600805 44600927 34600959 34601098 54601130 24601134 44700258
 14700394 TOTAL = 15

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 27/03/2005

1. Cat. No. : 48 & 49 of Employment Notice No. 1/2004 Name of Post : ESM Gr.-III, TCM Gr.-III
 14800183 14800702 14800953 34800964 34801059 24801738 14002367 14802997 34803508 14803513 24803615 44804187 44804281 14804675
 44804491 44804772 44805017 44805232 44805458 24805789 44805879 44806092 34806256 24806359 44806603 44806866 44806913

Date of Document Verification : 31/08/2005 (WEDNESDAY)

2. Cat. No. : 07 of Employment Notice No. 1/2004 Name of Post : Primary Teacher (Bengali Medium)
 10700055 10700092 10700113 40700119 30700241 20700265 30700268 30700270 10700271 40700272 40700312 10700322 20700334 40700390

Date of Viva-Voce : 07/09/2005 and 08/09/2005 (WEDNESDAY and THURSDAY)

3. Cat. No. : 08 of Employment Notice No. 1/2004 Name of Post : Primary Teacher (Hindi Medium)
 10800116 10800362 10800513 10800536 10800667 TOTAL = 5

Date of Viva-Voce : 08/09/2005 (FRIDAY)

4. Cat. No. : 09 of Employment Notice No. 1/2004 Name of Post : Primary Teacher (Telugu Medium)
 10900040 10900049 TOTAL = 2

Date of Viva-Voce : 09/09/2005 (FRIDAY)

5. Cat. No. : 10 of Employment Notice No. 1/2004 Name of Post : Primary Teacher (English Medium)
 21000007 41000044 41000074 31000087 31000087 31000164 41000165 41000211 31000409 31000436 21000474 31000709 41000754 TOTAL = 12

Date of Viva-Voce : 09/09/2005 (FRIDAY)

5. Cat. No. : 11 of Employment Notice No. 1/2004 Name of Post : Primary Teacher (Assamese Medium)
 11100265 41100373 11100397 21100502 11100558 11100880 11100961 11101002 11101073 21101081 21101082 11101108 31101652 21101742

Date of Viva-Voce : 11/09/2005 (MONDAY)

Date of Viva-Voce : 12/09/2005 (MONDAY)

Continued

certified to be true copy
 Awaranath

-28- 30-

Continued from page 58

6 Cat. No. : 13 of Employment Notice No. 1/2004
 11300078 41300100 11300134 TOTAL = 3
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

7 Cat. No. : 14 of Employment Notice No. 1/2004
 -NIL-

8 Cat. No. : 15 of Employment Notice No. 1/2004
 11500001 21500039 21500099 11500136
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

9 Cat. No. : 16 of Employment Notice No. 1/2004
 21600004 21600010 TOTAL = 2
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

10 Cat. No. : 17 of Employment Notice No. 1/2004
 -NIL-

11 Cat. No. : 18 of Employment Notice No. 1/2004
 41800032 41800071 11800083 21800094
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

12 Cat. No. : 22 of Employment Notice No. 1/2004
 32200079 32200140 12200737 42200742
 Date of Document Verification : 26/08/2005 (FRIDAY)

13 Cat. No. : 52 of Employment Notice No. 1/2004
 25200004 15200005 TOTAL = 2
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

14 Cat. No. : 53 of Employment Notice No. 1/2004
 -NIL-

15 Cat. No. : 54 of Employment Notice No. 1/2004
 -NIL-

16 Cat. No. : 55 of Employment Notice No. 1/2004
 15500032 TOTAL = 1
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

Date of Written Examination : 10/04/2005

1 Cat. No. : 03 of Employment Notice No. 1/2004
 10300124 TOTAL = 1
 Date of Document Verification : 26/08/2005 (FRIDAY)

2 Cat. No. : 05 of Employment Notice No. 1/2004
 10500029 10500076 TOTAL = 2
 Date of Document Verification : 26/08/2005 (FRIDAY)

3 Cat. No. : 12 of Employment Notice No. 1/2004
 41200018 11200054 TOTAL = 2
 Date of Viva-Voce : 13/09/2005 (TUESDAY)

4 Cat. No. : 23 of Employment Notice No. 1/2004
 12300044 22300106 12300143 42300242
 12300243 32300244 42300309 TOTAL = 7
 Date of Document Verification : 26/08/2005 (FRIDAY)

5 Cat. No. : 24 of Employment Notice No. 1/2004
 42400152 22400160 42400247 TOTAL = 3
 Date of Document Verification : 26/08/2005 (FRIDAY)

Call letters are being dispatched by Registered Post to all the above candidates individually for appearing in the Document Verification / Viva-Voce, to be held at Office of the Railway Recruitment Board, Station Road, Guwahati - 781 001, Assam, indicating the date, place and reporting time. However, if any candidate does not receive Call Letter, he/she may report in person to RRB, Guwahati as per the date(s) indicated, along with counterfoil of the call letter of Written Examination and all testimonials. RRB, Guwahati will not be responsible for any Postal delay or wrong delivery.

While every care has been taken in preparing the above results, the Railway Recruitment Board, Guwahati, will not be responsible for any typographical error and reserves the right to rectify the errors and omissions, if any.

Beware of unscrupulous persons who may misguide candidates with false promises of getting them selected for the job, on illegal consideration. Such persons deserve to be handed over to the police. RRB, Guwahati assures that evaluation/selection is fully computerized and is based only on merit of the candidate.

28
 Certified to be true copy
 Advocate
 18



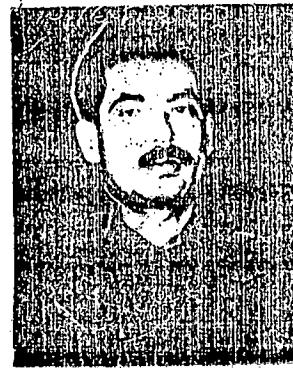
RAILWAY RECRUITMENT BOARD – GUWAHATI
STATION ROAD; GUWAHATI-781 001

CALL LETTER for DOCUMENT VERIFICATION

No. RRB/G/41/10.

Date: 08/08/2005

To,
MANABENDRA SAIKIA
 VIL RAIDONGIA
 PO AIBHETI
 DIST NAGAON
 ASSAM Pin - 782002.



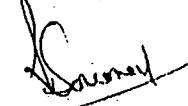
Roll No.: **52900006**

Sub.: Document Verification for the post of APPR, JUNIOR ENGINEER GR.II

under Category No. 29 of Employment Notice No. 1/2004.

With reference to your application for the post mentioned above, in response to the Employment Notice cited, you are hereby advised to attend the office of Railway Recruitment Board, Station Road, Guwahati-781001, Assam on 26/08/2005 at 09:30 hours for verification of original certificates, testimonials etc.

1. This Call Letter does not in itself entitle you for selection.
2. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
3. You are also directed to bring the Attested Photostat copies of all original certificates and marks-sheets and other certificates along with the originals.
4. You may be subjected to re-examination during the process of verification of documents etc. and you should come prepared for the same.
5. Your attendance may be required for more than one day (i.e. date as mentioned above) and you should come prepared for that.
6. Request for postponement of the date / venue mentioned above will not be considered and no further chance will be given.
7. If you are in service please bring "No Objection Certificate" from your employer, failing which you will not be considered for the post.
8. Approaching Chairman, RRB and/or his Secretary directly or indirectly by a candidate or anybody on his/her behalf requesting undue consideration for the recruitment will render a candidate liable for disqualification.
9. **(For SC/ST candidates only)**
 On production of this letter you are entitled to travel free by the Railway in Second Class from GUWAHATI Station to NOT APPLICABLE Station and back. This pass will be valid up to NOT APPLICABLE.
 (Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84).


ASSISTANT SECRETARY
For CHAIRMAN, RRB – GUWAHATI

Certified to be true copy

Advocate

To

The Director, Sainik Welfare, Assam.

Date 31 August, 05.

Sub :- Recruitment in Railway, Through Railway Recruitment Board, Guwahati, Guwahati-1.

Tele: 0361-2540815.

Sir,

I have the honour to state that I have appeared in Recruitment Written Examination held on 20-3-05 under the RRB as quoted above, Roll No. 52900006 Cat No. 29 of 1/2004 Post Apprentice Junior Engineer Gr.II (Bridge) in the vacancy of Ex-Serviceman Reserved Quota. Thereafter I was called for Documents verification on 26 Aug'05 by Call letter after the result of qualifying the written examination. I have understood that I could obtain atleast minimum margin of marks required to be eligible. I have been intimated by the RRB-Guwahati that I have not been able to be qualified as I do not fulfill the criteria under general cast/community as un-reserved class.

As I have applied in Ex-Serviceman Reserved Quota only so I may please be considered in my respective reserved-ESM quota.

As I have applied in Ex-Serviceman Reserved Quota only so I may please be considered in my respective reserved-ESM quota.

Address :

Manabendra Saikia
C/o Balen Ch. Saikia
Vill. Raidongia
P.O. Aibheti
Dist. Nagaon, Assam.
Pin 782002.

yours faithfully,

Sd/- Illegible

(Manabendra Saikia
Ex-Sergeant
ASM-07/002906.

Certified to be true copy
Advocate

TELE/FAX : 254229
TELEGRAMME RAJ YABOARD.

GOVERNMENT OF ASSAM
DIRECTORATE OF SAINIKA WELFARE
SAINIK BHAWAN, HOUSE NO. 74
LACHIT NAGAR, GUWAHATI

No. DSW.110\$22\$23

31 August, 2005

From :- Col. D.K. Chakraborty (Retd.)
Director.

To

The Chairman
Railway Recruitment Board
Station Road, Guwahati.-1-

Sub :- RECRUITMENT IN RAILWAYS THROUGH RAILWAY
RECRUITMENT BOARD, GUWAHATI, GUWAHATI.

Sir,

Refer your advertisement for the post of Junior
Engineer in Railway Employment Notice No. 1/2004.

- 2) An application has been received from an Ex-Serviceman stating that he has not been considered for the post of Junior Engineer, because he does not fulfill the criteria of general category. He has requested as the individual has applied for the post under Ex-Serviceman quota. So, he may be considered as such.
- 3) A copy of the application of the Ex-Serviceman is enclosed herewith for your information.

Yours faithfully,

Sd/- Illegible

Director, Sainik Welfare
Assam, Guwahati.

Memo No. DSW.110/22/23-A dated Guwahati the 31 Aug. 2005.
Copy to :

1. The Joint Secretary to the Govt. of Assam,
General Administration (A) Department,
Dispur, Guwahati-6.
2. Shri Manabendra Saikia
Villi. Rangkini, P.O. Aibhneti
Dist. Nagaon (Assam), Pin 782002.

Sd/- Illegible

Certified to be true copy
Advocate

~~- 32 -~~

To

The Chairman, Railway Recruitment Board, Guwahati.
Guwahati-781001

Date 06 Oct.05.

Sub :- Recruitment, Date, 29 of 2 1/2004
Post. Appr. Jr. Engineer Gr.II (Bridge).

Ref.:- Roll No. 52900006

Name : Manabendra Saikia
Reservation Code Ex.Serviceman.

Sir,

I have the honour to state that I was ~~xx~~ called for document verification on 26-8-05 after declaration of result of Written Examination held on 20-3-05) and later on by the call letter.

During the document verification I was verbally intimated that my candidature cannot be forwarded for empanelment as I could not fulfil the criteria as like un-reserved-general cast/community which I belongs to, although I am an Ex-Serviceman. The final list is also not published yet.

I will not be able to avail any more chance for a job as I have attained age of 40 years plus (Date of Birth 01-3-65)

So, I implore that my candidature may please be re-considered sympathetically, which will be a great succor to me and my family and dependents.

In case kind concern authority find it not feasible to place me in Ex-Serviceman quota/vacancy for which I have applied, I request your honour to furnish with a satisfying answer authentically.

Thanking you.

Copy to:

Director of Sainik Welfare,
Govt. of Assam, Sainik Bhawan,
Lachit Nagar, House No. 74, Ghy-7.

Yours faithfully,
Sd/-
Manabendra Saikia
Vill. Raidongia, P.O. Aibhed
Dist. Nagaon, Assam.
pin 782002.
Phone 986406576.

Certified to be true copy
Advocate

वीक्षण गति NOT INSURED

सम्पत्ति पर्याप्त आम गिरफ्तारी का प्रमाण

Account of Stamps affixed Rs. 2/-

एवं रजिस्टर्ड

Received a Registered

फारमाले जा नाम

Addressed to R. P. B...

10657

राष्ट्रीय भौतिक

Date received

वारियारी अधिकारी के छागला

Signature of Receiving Officer

Regd. P.O.

TO

The Chairman
Railway Servicemen Board
Swarup Road

Gauhati - 78100

Manabendra Sarkar
VIL - Radongia
P.O - Rishabh
Dist - Nagpur
Assam
P.M. - 782002Certified to be true copy
AdvocateReceived
G.A

14-10-05



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

AT GUWAHATI

(An application Under Section 19 of the Administrative
Tribunal Act, 1985).

O.A. NO. 289 OF 2005

1. Sri Manabendra Saikia
S/o Sri Balen Ch. Saikia
Vill. Raidangia
P.O. Aibheti
P.S. Jajori
Dist. Nagaon (Assam)

.... Applicant

-Versus-

1. N.F. Railway, represented by
General Manager, Maligaon, Assam.
2. The General Manager,
N.F. Railway, Maligaon.
3. The Chairman,
Railway Recruitment Board, Guwahati,
Station Road, Guwahati-1.
4. The Chief Personal Officer,
N.F. Railway,
Maligaon, Guwahati.

.... Respondents.

contd....2

Certified to be true copy

Advocate

DETAILS OF APPLICATIONPARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION HAS BEEN MADE :

1. That this application has not been directed against any particular specific order but it is filed against the illegal action of the Chairman of the Recruitment Board, Guwahati not considering for appointment of the applicant inspite of duly selected as per selection list published in Ex-Serviceman quota as the applicant is an ex-serviceman.

2.

JURISDICTION :

The applicants herein declare that this Hon'ble Tribunal has got the jurisdiction to adjudicate the matter in regards to which the application is made.

LIMITATION :

The applicants further declare that this application is well within the period of limitation prescribed Under Section 21 of the Administrative Tribunal Act, 1985.

4.

THE FACTS OF THE CASE :

4.1. That the applicant is an Ex-Serviceman retired from Indian Air Force on 31-01-05 after completion of initial engagement.

contd...3

-3-

A copy of discharge book and Ex-Serviceman identity card issued by Zila Sainik Welfare Office are annexed as Annexure No. 1 and 2.

4.2. That the Railway Recruitment Board, Guwahati had published an advertisement vide employment notice No.01 of 2004 published in the Employment News dated 12 - 16 June, 2004, 2004 for filling of various posts in the North East Frontier Railway and separate applications were invited for total number of category 1 to 55. And in the aforesaid advertisement it is clearly mentioned that the envelope containing the application should be clearly super-scribed in RED INK "Application for the post of

Category No. 29000 Community, i.e. SC/ST/OBC/UR/ESM." And out of the aforesaid 55

category of posts mentioned in advertisement, category 29 is for the post of Appr. Junior Engineer Gr.II (Bridge), and total number of vacancies were shown 15, and aforesaid 15 posts were/are to be appointed among various community as mentioned below :-

SC (Schedule Caste) ... 3

ST (Schedule Tribe) ... 1.

OBC (Other Backward Class) ... 3

ESM (Ex-Serviceman) ... 1

UR (Un Reserved) ... 7

Total ... 15

contd... 4

A copy of Employment Notice No. 1 of 2004 i.e. advertisement for various posts by RRB, Guwahati is annexed as Annexure No. 3.

4.3. That the applicant being the eligible candidate in regard of qualification as well as other terms and condition as an Ex-Serviceman under advertisement had applied for the post of Category No. 29 i.e., the Appr. Junior Engineer Gr.II (Bridge) under the community of Ex-Serviceman, as the applicant is eligible for Ex-Serviceman quota. And while submitting the application, the envelope containing the application was clearly superscribed in RED INK "Application for the post of Appr. Junior Engineer Gr.II (Bridge), category No. 29 and community was shown as ESM i.e. Ex-Serviceman."

4.4. The Railway Recruitment Board had duly received the application of the petitioner and after due scrutiny and verification of the application it was found correct and accordingly they have issued an admit card bearing Roll No. 52900006 of the applicant and date of examination was 20-03-05.

And accordingly the petitioner had appeared in written examination. The examination procedure was computerised procedure and on the back side of the

70
13

counterfoil of the admit card had clearly instructed showing sample method of marking for Roll No., Question Booklet Series, Question Booklet No., Reservation Code and Category No. Wherein reservation Code can be marked only one block and accordingly the applicant has marked as ESM.

The copy of counterfoil in admit card annexed in the Annexure No.4.

4.5. That the Railway Recruitment Board Guwahati had published the result of Written examination for various categories of Employment Notice No. 1/2004 in Employment News in its issue dated 20-26 August, 2005, wherein it is mentioned that on the basis of their performance in the Written Examination, candidates bearing Roll Numbers as mentioned below, are provisionally found eligible to be called for verification of Documents and/or Viva-Voce.

In aforesaid Result sheet category No.29 of Employment Notice No. 1/2004 was published and in said result sheet the applicant bearing Roll No. 52900006 found eligible to be called for verification of Documents and date of Document verification was fixed on 26-8-2005 (Friday).

A copy of Result Sheet of Written Examination for various categories including category No.29 of Employment Notice No. 1/2004 is annexed as Annexure No.5.

4.6. That thereafter the Assistant Secretary for Chairman RRB, Guwahati had sent a letter No. RRB/G/41/10 dated 28-8-2005 to the Applicant to attend the office of Railway Recruitment Board Guwahati on 26-8-2005 at 9-30 Hrs. for verification of original certificates, Testimonials etc.

A copy of call letter dated 8-8-2005 to the applicant for Document verification for the post of Appr. Junior Engineer Gr.II (Bridge) is annexed as Annexure No.6.

4.7. That in pursuance of aforesaid call letter dated 8-8-2005 the applicant appeared before the Chairman RRB Guwahati on 26-8-2005 for Document verification and submitted all the necessary educational Testimonials as well as document in support of Ex-Serviceman.

But during document verification the Chairman RRB Guwahati had intimated the applicant that though he is selected as Ex-Serviceman for the post reserved for Ex-Serviceman but the applicant cannot be recruited to the reserve quota of Ex-Serviceman. And he had shown ~~any~~ a ^{firm} reason that the job could have been assured if the applicant being Ex-Serviceman belongs to lower caste/community i.e. SC, ST, OBC for which qualifying mark is 25%. But in case of General Caste candidate

contd....

qualifying marks is 35% so the applicant being the General Caste is not entitled for the job though he is an Ex-serviceman as he has obtained marks less than 35%.

But the applicant had clearly expressed his view before the Chairman RRB Guwahati as he had applied in the community of Ex-Serviceman there is no question of applicant's caste i.e. ST, SC, OBC or General and once he was found eligible in Written Test and called for document verification made Ex-Serviceman quota now Chairman cannot deny the applicant from empanelment in final select list. But the Chairman RRB Guwahati declined to accept the view of the applicant.

4.8. That it is stated herein that after verification of documents the Chairman RRB is supposed to publish final results of the all the candidates who are called for document verification and in final result it is to be clearly mentioned if any candidate is found ineligible showing proper reasons and final result to be published in Employment News but in present case no final result are published so far. But the petitioner has come to know from the reliable sources that the Chairman RRB Guwahati had already approved panel without approving the name of the applicant under Ex-Serviceman quota and so far no name is empaneled for Ex-serviceman quota and moreover,

-8-

only the applicant become qualified as Ex-Serviceman for the single post.

4.9. That when the name of the applicant is not empaneled in final result as Ex-Serviceman, the applicant being Ex-Serviceman had written a letter to the Director of Sainik Welfare Assam on 31-08-2005 informing his grievances that once he is been selected as Ex-Serviceman there is no question whether he belongs to ST, SC, OBC or General etc. And after receiving the letter of the applicant the Director of Sainik Welfare Assam had written a letter No. DSW.110/22/23 dated 31 August 2005 to the Chairman informing him that as the applicant had applied and provisionally selected under Ex-Serviceman quota so his case may be considered as Ex-Serviceman.

And in reply to the letter dated 31-08-2005 of Director of Sainik Welfare the Chairman had informed the Director, Sainik Welfare though the petitioner was called for the verification of documents but he is below merit as such he is not recommended for empanelment.

And the same was informed to the applicant verbally by the Director.

A copy of letter dated 31-08-2005 submitted by the applicant to the Director Sainik Welfare Assam is annexed as Annexure No.7.

A copy of letter dated 31-08-2005
sent by Director SWA to Chairman
RRB is annexed as Annexure No.8.

4.10. That when the applicant's case is not considered by the Chairman RRB, Guwahati the applicant had again sent a representation dated 6-10-2005 to the Chairman RRB Guwahati vide registered post requesting him to empanel his name under Ex-Serviceman quota as he was duly elected. But the Chairman had refused to accept the registered letter of the applicant and as such same was returned to the applicant by the Postal Department. The reason of refusing to accept the registered letter of the applicant is best known to the Chairman only.

A copy of Postal receipt dated 7-10-2005.
and envelope refusing to accept are
annexed as Annexure No.9 and 9A.

4.11. That it is submitted ~~keeping~~ respectfully that once the applicant had applied as Ex-Serviceman for the reserved quota of Ex-Serviceman and also qualified and provisionally found eligible in written test and was called for verification of documents now the Chairman RRB Guwahati cannot say that the applicant is not entitled for empanelment under Ex-Serviceman quota, as he does not belong

to ST, SC, OBC for which qualifying mark is 25% but in case of General Caste candidate the qualifying marks is 35% and the petitioner has got less mark than Geneal candidate i.e. 35.. The said view of the Chairman is totally wrong and taken in malafide and as his vested interest is not fulfilled.

4.12. That the term "Ex-Ex-Serviceman candidates" specifically described in column No.5 of Employment Notice as 1/2004 as follows :

(5) EX-SERVICEMEN CANDIDATES :

(5.1) This employment notice contains vacancies reserved for ex-servicemen irrespective of their community. However ex-servicemen may also apply against other vacancies for which they will be granted age relaxation and fees exemption as indicated in paras 4 and 7.

(5.2) The term Ex-servicemen means a person, who has served in any rank (whether as a combatant or non-combatant) in the regular army, Navy or Air force of the Indian Union but does not include a person who has served in the Defence Security Corps, the General Reserve Engineering Force, the Lok Sanayak Sena and the Para Military Forces, and

- a) who has retired from such service after earning his/her pension or
- b) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension or
- c) who has been released otherwise than on his own request as a result of reduction in such establishment or
- d) who has been released from such service after completing the specific period of engagement otherwise than on his own request or by way of dismissal or discharge on account of misconduct or inefficiency and has been given a gratuity and includes persons of the Territorial Army of the following categories :

contd...

- i) Pension holders for continuous embodied service
- ii) Pensions with disabilities attributable to military service and
- iii) Gallantry award winners.

EXPLANATION :- The persons serving in the Armed Forces of the Union, who on retirement from service would come under the category of Ex-serviceman, may be permitted to apply for re-employment one year before the completion of the specific terms of engagement and avail themselves of all concessions available to Ex-Serviceman but shall not be permitted to leave the uniform until they complete the ~~xxxxxx~~ specific terms of engagement in the Armed Forces of the Union. Service personal who are to be discharged from military service on or before 12-07-2004 are eligible to apply against this advertisement.

- e) Ex-Service men who have already secured employment under Central Government in Group "C/D" will be permitted the benefit of age relaxation as prescribed for Ex-Servicemen for securing another employment in a higher grade or cadre in Group 'C/D' under Central Government. However, such candidates will not be eligible for the benefit of Ex-Servicemen in the Central Govt. jobs.

5. GROUND FOR RELIEF :

5.1. For that, the Chairman RRB Guwahati has totally failed to undersigned that once the applicant had applied as Ex-Serviceman for the reserved quota of Ex-Serviceman and qualified in written Test and called for document verification and during document verification the Chairman is to verify the documents only. And after publishing of result of Written Test and qualified in Written test later on the Chairman cannot disqualify the applicant on grounds that the applicant had got less mark as required.

contd...

5.2. For that the Chairman RRB Guwahati has failed to understand that once posts are reserved for Ex-Servicemen it means for all the eligible Ex-Serviceman and there is no further caste like OBC, ST, SC etc in reserved quota of Ex-Serviceman, it means there is no question of cast etc.

5.3. For that the Chairman has committed malafide and intentionally debarred the applicant from empanelment in final select list due to his vested interest.

5.4. For that, the Chairman has committed gross irregularity and malafide by not publishing the final select list as well as not giving proper reason of cancellation of candidature of the applicant.

5.5. For that the Chairman, RRB Guwanati has intentionally refused to accept the registered letter of the applicant.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant begs to state that he exhausted all the remedies and there is no other alternative remedy other than approaching this Hon'ble Tribunal by way of filing this application.

7. THIS MATTER IS NOT PREVIOUSLY FILED OR PENDING

BEFORE ANY OTHER COURT :

The applicant begs to state that the applicant has neither preferred and filed any application in this regard before this Hon'ble Tribunal for pending similar matter any other court.

contd...

8. RELIEF SOUGHT FOR :

Under the above fact and circumstances the applicant prays that this application may kindly be admitted, records may be called for and after hearing the parties, perusing records, show cause if any the following relief may kindly be granted to the applicant :-

- 8.1. To enpanel the name of the applicant for the post of Appr. Junior Engineer Gr.II (Bridge) under category No. 29 of Employment Notice No. 1/2004 published by the Railway Recruitment Board Guwahati under the reserved quota of Ex-Serviceman in final select list.
- 8.2. To appoint the applicant as Appr. Junior Engineer Gr.II (Bridge) under the reserved quota of Ex-Serviceman.
- 8.3. Any other relief/reliefs to which the applicant is entitled to under the above fact and circumstances of the case and deem fit proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of this application Your Lordship shall be pleased to direct the Respondents ~~more~~ specifically Respondents ~~more~~ Respondent No. 3 not to fill up posts of Appr. Junior Engineer Gr.II (Bridge) under category No. 29 of Employment Notice No. 1/2004 specially reserved for ex-Servicemen and/or to keep one post vacant till disposal of this application.

contd...

10. Particulars

1. I.P.O. No.
2. Date of issue 27/11/05
3. Issued from GPO, Guwahati
4. Payable at CAT, Guwahati

VERIFICATION

I, Shri Manabendra Saikia, son of Shri Balen Ch. Saikia, aged about 41 years, resident of village- Raidongia, P.O. Alibheti, P.S. Jajori, Dist. Nagaon, Assam do hereby state and verify as follows :-

- 1) That I am the applicant and fully aware about the aware about the facts and circumstances of this case as such I am fully competent to sign this Verification.
- 2) That the statements made in para 1.2, 3, 4.3, 4.7, 4.8 & 6 are true to my knowledge and those made in para 4.1, 4.2, 4.4, 4.5, 4.6, 4.9, 4.10, 4.12 & 7 are true to information as derived from records and rests are humble submission.

I sign this Verification on this 27 day of November, 2005 at Guwahati.

Signature.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

105 m/o to
Tribunal on
18/11/06.

Service copy
with Mr. Dinesh
- Spoke to Smt. Biswa

IN THE MATTER OF O.A.289/2005

Shri Manabendra Saikia Applicant

Versus

Union of India & others.

Respondents

AND

IN THE MATTER OF

Written statement of behalf of Respondents.

The answering respondents respectfully SHEWETH :

1. That the answering respondent has gone through the copy of the application filed and has understood the contents thereof. Save and except the statements which have been specifically admitted herein below or those which have borne on records all other averments /allegations as made in the application are hereby emphatically denied and the applicant is put to the strictest proof thereof.
2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondent has confined replies to those points/averments of the applicant which are found relevant for a proper decision on the matter.
3. That the application suffers from want of a valid cause of action, as will be clear from submissions made below.
4. That the application suffers from wrong representation and lack of understanding of the basic rules about recruitment of staff, which have been meticulously followed at every stage in respect of the applicant's case

5. FACTS OF THE CASE

The minimum qualifying marks in the written examinations conducted by Railway Recruitments Boards for various categories of post are as follows: -

1. Unreserved - 40 percent
2. Scheduled Caste and OBC – 30 percent
3. Scheduled Tribes - 25 percent.

The authority in this regard is contained in Railway Board's Letter No.99/E (RRB)/26/3 dated 29.10.03.

A copy of Railway Board's letter dated 29/10/2003 is annexed and marked as ANNEXURE-A.

Certified to be true copy

Advocate

Shri Manabendra Saikia, the applicant, who appeared as Ex-Serviceman for the post of Apprentice Junior Engineer Gr. II Bridge obtained 25.33 percent of marks in the Written Examination. As his surname is 'SAIKIA', it was surmised that he belonged to the Scheduled Tribe community as some persons with that surname claimed to belong to that category. The applicant was accordingly called for verification of documents on 26.08.05.

Selection of candidates for verification of documents is provisional. This is clearly indicated in the notice for publication of result for the written examination. The result was declared on 03/08/05 specifically directing that "It may be noted that this result is provisional, subject to fulfilling all the eligibility conditions laid down in the Employment Notice No.1/2004." Copy of the result annexed as Annexure "B".

At the time of verification it was seen that applicant was not a scheduled tribe candidate but belonged to unreserved community for whom the minimum qualifying mark in the Written Examination is 40 percent. In view of this, the applicant could not be accommodated although he applied as ex-serviceman. The position would have been otherwise if he were an ex-serviceman of the Scheduled Tribe community, for whom the minimum qualifying mark in the written examination is on 25 percent.

PARAWISE COMMENTS

- 6.1 That as regards paragraphs 4.1 to 4.6 the respondent has no remarks to offer except to state that the statements made therein are part of the records and the applicant is put to a strict proof of the same.
- 6.2 That as regards para 4.7 the respondent submits that the applicant was not able to appreciate what the Chairman, Railway Recruitment Board, Guwahati explained at the time verification of documents. The Chairman took pains to explain that the applicant was called for verification of documents on the premise that he belong to the Scheduled Tribe community as some persons with the Surname SAIKIA belonged to that community, for whom the minimum qualifying mark in the Written examination was lower at 25 percent. As the marks obtained by the applicant in the written examination was lower than the minimum qualifying mark required for the General candidates, he could not be accommodated although he applied as an ex-serviceman. The averment; that the applicant's case was not considered of flimsy grounds is therefore not acceptable.
- 6.3 That as regards para 4.8 and 4.9 the respondent submits that the question of empanelment of the applicant did not arise in view of what has been explained at paragraph 6.2 above. In this connection a copy of letter No.RRB/G/O.A. 289/05/MS dated 20/12/2005 sent to the Director, Sainik Welfare, Govt. of Assam is annexed herewith and marked as Annexure C.

6.4 That as regards to the para 4.10 respondents deny allegation that the applicant's registered letter was not accepted by the Railway Recruitment Board's. The records of the Board's office shows that no such letter was produced for acceptance by the postal authorities,

6.5 That as regards para 4.11 and 4.12 that respondent states that the position of the applicant's status has been adequately explained in the forgoing paragraphs of this written statement.

In the circumstances explained in the foregoing paras the respondent begs to state that the application, based as it is on a misunderstanding of the merit of the case, may be dismissed with the costs.

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

VERIFICATION

I, Shri Jibon Jyoti Borah, son of Late Bidhan Chandra Borah, aged about 48 years and at present working as Chairman, Railway Recruitment Board, Guwahati do hereby verify and solemnly affirm that the statements made in the paragraphs 1 to 6 are true to the best of my knowledge and information derived from records which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal.

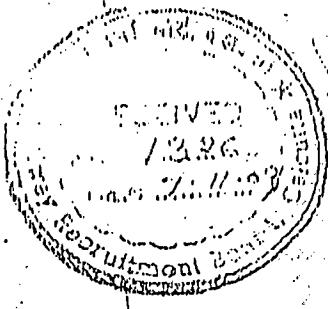
And I signed this verification on this the 9th Day of January 2006.

Jibon Jyoti Borah
Signature

Designation

Chairman
RRC
Guwahati

RECRUITMENT BOARD, RAILWAY BOARD,
NEW DELHI, DATED 29.10.2003
RECRUITMENT BOARD, NEW DELHI



RRCB No. 1472003

No.99/E(RRB)/2003

New Delhi, dated 29.10.2003

The Chairman,
All Railway Recruitment Boards.

Sub: Fixing of minimum qualifying marks for recruitment of various categories.

Re: Board's letter of even number dated 4.6.2001 (RRCB NO.37/2001)

While partly accepting Railway Safety Review Committee Recommendation by raising the minimum pass marks in all RRB examinations to 35% for general and 25% for reserved categories candidates in against the recommended 50% and 45% respectively, Board had also observed that in case of there being no major problem in getting adequate candidates, the position can be reviewed after a year of implementation of the revised minimum marks, and the same could be enhanced.

2. Board have now reviewed the provision of minimum pass marks in the written examinations conducted by RRBs and have decided that in partial modification of instructions contained in their letter quoted above, the minimum pass marks should be enhanced by 5%, except for the category of ST. The minimum pass marks percentage will now be applicable as under:

UR	40%
SC & OBC	30%
ST	25%

3. The revised minimum pass percentage of marks shall be applicable prospectively w.e.f. the Employment Notices issued from 1.11.2003 onwards. All existing selections where Employment Notices have already been issued, would be finalized as per the revised percentage of qualifying marks.

4. Kindly acknowledge receipt of the letter.

(V. K. Modgil)
M.Y. Director, RRB (RRB)
Railway Board.

~~Self
referred~~



~~SLP~~
Railway Recruitment Board :: Guwahati
Station Road, Guwahati - 781 001

Annexure - B

Result of Written Examination for various Categories of Employment Notice No. 1/2004

On the basis of their performance in the Written Examination, candidates bearing Roll Number as mentioned below, are provisionally found eligible to be called for Verification of Documents and/or Viva-Voce, as indicated. It may be noted that this result is provisional, subject to fulfilling of all eligibility conditions laid down in the Employment Notice No. 1/2004.

Roll Numbers are arranged in ascending order (Last Seven Digits) and NOT in order of Merit

Date of Written Examination : 30/01/2005

1 Cat. No. : 01 of Employment Notice No. 1/2004 Name of Post : Law Assistant
40100010 20100014 30100035 30100134 20100270 10100380 20100511 40100534 40100615 40100650 20100786 10100888 40100914 20100954
40101125 40101213 40101222 TOTAL = 17

Date of Viva-Voce : 06/09/2005 (MONDAY)

2 Cat. No. : 27 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Electrical)
42700011 22700038 22700078 22700154 22700176 TOTAL = 5

Date of Document Verification : 25/08/2005 (FRIDAY)

3 Cat. No. : 30, 31, 32 & 33 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Bridge, Drawing, Works, P.Way)
13000035 13000042 23000074 13000054 23000109 43000115 13000123 43000164 23000249 43000318 43000327 43000355 43000371 43000447
43000456 43000540 43000516 43000665 43000672 13000573 43000723 43000729 43000731 13000915 33100003 13100050 33100054 23100079
13100032 13200056 23200133 23200178 43200195 23200213 13200221 43200273 33200275 23200298 23200299 43200355 23200421 23200454
23300128 TOTAL = 43

Date of Document Verification : 30/08/2005 (TUESDAY)

4 Cat. No. : 37, 38 & 39 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Diesel/Elect, Diesel/Mech, Workshop)
43700077 43700088 13700157 33800047 13900001 43900005 13900059 13900120 43900182 33900245 TOTAL = 10

Date of Document Verification : 25/08/2005 (FRIDAY)

5 Cat. No. : 44 & 45 of Employment Notice No. 1/2004 Name of Post : Appr. Section Engineer (Signal, Telecom)
14400022 14400027 14400175 14400247 14400291 44400405 14400416 2440504 14400508 2440514 44400541 34400552 14400699 54406704
14400375 44400280 44400933 24500262 44500271 TOTAL = 19

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 20/03/2005

1 Cat. No. : 25 of Employment Notice No. 1/2004 Name of Post : Appr. Supervisor (P. Way)
42500153 42500156 42500555 22500584 42500625 32500792 42500891 42501023 22501075 42501099 42501355 12501452 42501803 12501850
42502239 22502439 TOTAL = 16

Date of Document Verification : 25/08/2005 (FRIDAY)

2 Cat. No. : 26 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr-II (TM)
42503310 22600333 42600625 TOTAL = 3

Date of Document Verification : 25/08/2005 (FRIDAY)

3 Cat. No. : 28 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr-II (Electrical)
32800028 12800130 32800131 22800181 12800235 32800304 42800418 42800462 22800510 42800541 42800595 42800618 12800532 22800656
42800654 12800574 42800735 22800751 12800767 42800780 22800795 12800797 42800837 12800843 32800884 22800958 TOTAL = 26

Date of Document Verification : 25/08/2005 (FRIDAY)

4 Cat. No. : 29 of Employment Notice No. 1/2004 Name of Post : Appr. Junior Engineer Gr-II (Bridge)
52900005 22900025 42900035 22900154 42900280 42900370 22900410 22900636 22900606 42900874 TOTAL = 10

Date of Document Verification : 25/08/2005 (FRIDAY)

Benz
Certified to be true copy

Advocate

[Page No. 1]

5	Cal No : 34, 35 & 36 of Employment Notice No. 1/2004	Name of Post : Appx. Junior Engineer Gr.-II (Works, Drawing, F.Way)
	4340004 13400047 43400074 13400207 4340023 43400253 13400273 13400283 3400294 373400364 13400367 43400518 13400535 13400565	
	43400572 13400623 13400635 33400657 13400727 13400757 43400832 43400942 3401034 43401044 23401091 23401114 13401117 43401142	
	4341251 43401253 43401300 43401305 43401311 43401356 43401365 33401391 43401401 13401548 13401644 23401647 13401674 13401738	
	13401870 43401884 43401888 43401922 13401934 23401937 43401974 23401980 13402055 43402082 43402154 43402174 43402253 33402259	
	2342220 13402222 43402238 43402369 43402395 23402440 23402452 23402501 43402537 23402543 43402546 13402582 13402615 43402633	
	4342246 13402578 13402595 43402726 43402811 43402831 13402854 43402904 43402966 23402983 43402990 43403052 23403134 43403175	
	2342245 43402745 43403305 43403404 43403431 23403432 43403478 43403533 13403625 43403640 43403648 43403659 23403835 23403923	
	4342242 13404025 23404035 13404063 43404138 4344139 33404280 43404285 33500056 33500146 13500155 33500258 23500320 13500496	
	13500666 43404034 43500707 33500746 23500814 43500847 33500875 43500943 43600125 TOTAL = 121	

Date of Document Verification : 27/08/2005 (SATURDAY)

6	Cal No : 40, 41, 42 & 43 of Employment Notice No. 1/2004	Name of Post : Appx. JE-III (C&W), Appx. Mechanic (Diesel/Mech & Diesel/Elect), Appx. JE-II (Workshop)
	44000302 14000345 44000426 44000432 14000509 14000553 44000733 34000748 24000785 44000855 24000856 34000960 34000990 44001008	
	34001016 14001076 44001091 14001259 44001374 44001379 24001402 24001541 44001588 14001728 44001916 44002000 44002122 34002153	
	24002152 14002340 14002348 14002441 44002444 44002455 14002573 24002678 44002682 24002764 44002768 14002875 14002934 44002962	
	44002969 24003020 44003087 14003260 44003433 14003453 24003509 14003775 24003796 24004021 44004186 44004487 14004538 44004614	
	14004521 44004633 14004740 44004757 14004834 24005012 44005041 44005266 14005278 24005327 44005418 14005468 44005520 44005558	
	22005560 14005577 24005624 44005657 44005658 14005654 14005760 14005781 44005788 24005836 24005858 44005979 44006085 24006191	
	14006204 44006250 44006531 14006614 14005787 24006224 14007057 14007145 44007252 44007268 14007401 44007452 24007479 44007480	
	44007576 14007526 14007550 24007688 34007717 14007812 24007822 24007909 44100120 24300259 14300285 TOTAL = 108	

Date of Document Verification : 29/08/2005 (MONDAY)

7	Cal No : 45 & 47 of Employment Notice No. 1/2004	Name of Post : Appx. Junior Engineer Gr.-II (Telecom, Sigal)
	24500420 54500450 44600591 44600573 14500590 44600805 44600927 34500959 34501098 54601130 24601134 44700258	
	14700254 TOTAL = 15	

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 27/03/2005

1	Cal No : 48 & 49 of Employment Notice No. 1/2004	Name of Post : ESM Gr.-II, TCM Gr.-II
	14800123 14800253 34800964 34801059 24801733 14802357 14802997 34803508 14803513 24803615 44804187 44804281 14804675	
	44804691 44804772 44805075 44805232 44805455 24805729 44805879 44806092 34806256 24806359 44806503 14806705 44806866 44806913	
	24807054 24807217 44807317 44807339 44807544 14807655 24808052 24808273 44808279 44808352 44808371 24808443 14808499 24808778	
	44808847 14809055 24809198 44809198 14809402 24809555 44809729 44809886 44809890 44809965 44810096 14810147 44810207 44810295	
	14810372 14810387 14810405 44810485 44810543 44810720 24811151 44811052 44811133 44811181 14811240 14811461 54811817 14811924	
	14811559 44811561 14812335 44812363 44812702 14812855 34812971 44812905 14812930 44812938 34812954 14813009 14813216 14813353	
	44813419 24813434 24813453 44813492 14813525 44813625 44813685 44813701 14813708 44813794 44814070 14814090 14814171 24814262	
	14814256 44814356 14814435 44814540 24814718 34814823 44815027 14815174 24900517 14900939 44902349 14902390 24902978 44902994	
	24903476 44903576 24903816 44903951 14904090 44904112 44904406 44904407 TOTAL = 121	

Date of Document Verification : 31/08/2005 (WEDNESDAY)

Date of Written Examination : 03/04/2005

1	Cal No : 07 of Employment Notice No. 1/2004	Name of Post : Primary Teacher (Bengali Medium)
	10700055 10700052 10700113 40700119 30700241 20700255 30700258 30700270 10700271 40700272 40700312 10700322 20700334 40700390	
	10700254 10700400 40700408 10700434 10700505 10700508 10700521 20700530 20700593 10700595 10700622 10700721 20700780	
	10700781 40700854 40700851 10700898 10700954 40700950 10701017 10701020 40701041 10701052 10701115 10701147 30701161 20701198	
	10701256 40701252 30701255 10701354 10701350 10701403 10701455 20701517 40701544 10701559 40701586 40701529 10701643 40701710	
	TOTAL = 56	

Date of Viva-Voce : 07/09/2005 and 08/09/2005 (WEDNESDAY and THURSDAY)

2	Cal No : 08 of Employment Notice No. 1/2004	Name of Post : Primary Teacher (Hindi Medium)
	10800115 10800382 10800513 10800535 10800657 TOTAL = 5	

Date of Viva-Voce : 09/09/2005 (FRIDAY)

3	Cal No : 09 of Employment Notice No. 1/2004	Name of Post : Primary Teacher (Telugu Medium)
	10900040 10900049 TOTAL = 2	

Date of Viva-Voce : 09/09/2005 (FRIDAY)

4	Cal No : 10 of Employment Notice No. 1/2004	Name of Post : Primary Teacher (English Medium)
	21000067 41000044 41000374 31000087 31000164 41000165 41002211 31000409 31000436 21000474 31000709 41000754 TOTAL = 12	

Date of Viva-Voce : 09/09/2005 (FRIDAY)

31/09/05

83

5	Cat. No. : 11 of Employment Notice No. 1/2004 11100255 41100373 11100397 21106502 11101766 11101825 11101870 31102166	Name of Post : Primary Teacher (Assamese Medium) 11100555 11100580 11100961 11101002 11101081 11102189 11102501 TOTAL = 20	21101082 11101109 31101552 2110142
6	Date of Viva-Voce : 12/09/2005 (MONDAY)	Name of Post : TGT (Bio Science - English Medium)	
7	Cat. No. : 13 of Employment Notice No. 1/2004 11300078 41300106 11300134 TOTAL = 3	Name of Post : TGT (Pure Science - English Medium)	
8	Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT (Pure Science - Assamese Medium)	
9	Cat. No. : 14 of Employment Notice No. 1/2004 - NIL -	TOTAL = 4	
10	Cat. No. : 15 of Employment Notice No. 1/2004 11500001 21500039 21500099 11500135	Name of Post : TGT (Pure Science - Bengali Medium)	
11	Date of Viva-Voce : 13/09/2005 (TUESDAY)		
12	Cat. No. : 16 of Employment Notice No. 1/2004 21500004 21500010 TOTAL = 2	Name of Post : TGT (Hindi - Bengali Medium)	
13	Date of Viva-Voce : 13/09/2005 (TUESDAY)		
14	Cat. No. : 17 of Employment Notice No. 1/2004 - NIL -	Name of Post : TGT (MIL - Bengali Medium)	
15	Cat. No. : 18 of Employment Notice No. 1/2004 41800032 41800071 11800083 21800094	41800112 TOTAL = 5	
16	Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : Electrical Signal Maintainer Gr. II 42200052 42200053 42201019 22201168 12201222 TOTAL = 10	
17	Cat. No. : 22 of Employment Notice No. 1/2004 32200079 32200140 12200737 42200742		
18	Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : TGT - Drawing (Bengali Medium)	
19	Cat. No. : 52 of Employment Notice No. 1/2004 25200004 15200006 TOTAL = 2		
20	Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT - Drawing (English Medium)	
21	Cat. No. : 53 of Employment Notice No. 1/2004 - NIL -		
22	Cat. No. : 54 of Employment Notice No. 1/2004 - NIL -	Name of Post : PTI (English Medium)	
23	Cat. No. : 55 of Employment Notice No. 1/2004 15500032 TOTAL = 1		
24	Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : PTI (Bengali Medium)	
25	<u>Date of Written Examination : 10/04/2005</u>		
26	Cat. No. : 03 of Employment Notice No. 1/2004 10300124 TOTAL = 1	Name of Post : Extension Educator	
27	Date of Document Verification : 26/08/2005 (FRIDAY)		
28	Cat. No. : 05 of Employment Notice No. 1/2004 10500029 10500076 TOTAL = 2	Name of Post : Radiographer Gr. III	
29	Date of Document Verification : 26/08/2005 (FRIDAY)		
30	Cat. No. : 12 of Employment Notice No. 1/2004 41200018 11200054 TOTAL = 2	Name of Post : PGT (Education)	
31	Date of Viva-Voce : 13/09/2005 (TUESDAY)		
32	Cat. No. : 23 of Employment Notice No. 1/2004 12300044 22300106 12300143 42300242 12300243 32300244 42300309 TOTAL = 7	Name of Post : Chemical & Metallurgical Assistant Gr. IV	
33	Date of Document Verification : 26/08/2005 (FRIDAY)		
34	Cat. No. : 24 of Employment Notice No. 1/2004 42400152 22400160 42400247 TOTAL = 3	Name of Post : Appr. Draftsman (Mechanical)	
35	Date of Document Verification : 26/08/2005 (FRIDAY)		

Call letters are being dispatched by Registered Post to all the above candidates individually for appearing in the Document Verification / Viva-Voce, to be held at Office of the Railway Recruitment Board, Station Road, Guwahati - 781 001, Assam, indicating the date, place and reporting time. However, if any candidate does not receive Call Letter, he/she may report in person to RRB, Guwahati as per the date(s) indicated, along with counterfoil of the call letter of Written Examination and all testimonials. RRB, Guwahati will not be responsible for any Postal delay or wrong delivery.

While every care has been taken in preparing the above results, the Railway Recruitment Board, Guwahati, will not be responsible for any typographical error and reserves the right to rectify the errors and omissions, if any.

Beware of unscrupulous persons who may misguide candidates with false promises of getting them selected for the job, on illegal consideration. Such persons deserve to be handed over to the police. RRB, Guwahati assures that evaluation/selection is fully computerized and is based only on merit of the candidate.

(J. J. Barah)

Chairman, RRB, Guwahati.

cc: 03/08/2005.

Attn:
Smti
9/1/06

0A/110-282/05. 822 58
SRI P. S. NIKIN
U. D. S. G. R. S. ANNEXURE B

RAILWAY RECRUITMENT BOARD::GUWAHATI
STATION ROAD, GUWAHATI-781001

L. NO. RRB/G/OA/289/05/NS

Date-20/12/05

To
The Government of Assam
Directorate of Sainika Welfare
Sainik Bhawan, House No. 74
Lachit Nagar, Guwahati.

Sub:- Recruitment in Railways through Railway Recruitment Board, Guwahati.

Ref:- Your Letter No.DSW.110\$22\$23 dated 31/08/2005.

Sir,

In acknowledging your letter under reference that on the basis of the performance of the Written Examination, Shri Manabendra Saikia was called to attend the office of Chairman/RRB/GHY on 26/08/05 for verification of his original documents. He was called for verification of documents on 26.08.2005 as Ex-Servicemen (ESM) category presuming as a reserved community Scheduled Tribes (ST) candidate, being his surname is 'SAIKIA'. It is mentioned that minimum qualifying marks in the written examination is different to the different communities as per Railway Boards guideline.

Total marks secured by the Shri Saikia in the written examination is 25.33 out of 100, as such he was found provisionally eligible to be called for verification of documents as Ex-Serviceman Scheduled Tribes (ST) candidates.

During verification of the original document, it has been found that he belongs to, Ex-Serviceman and Unreserved (UR) community. But Shri Saikia could not even get minimum qualifying marks as Ex-serviceman/UR i.e. 35 out of 100, Shri Saikia could not be accommodated in the list of empanelment candidates against the post of Junior Engineer-II/Bridge, Category No. 29 of Employment Notice No. 1/2004 earmarked for ESM/UR.

Delay in replying your letter is sincerely regretted.

Thanking you.

Yours Faithfully.

(R.K. Sonowal)
Asst. Secretary
For Chairman, RRB/Guwahati.

Copy to:-

✓ 1. APO/Legal Cell, N.F. Railway Maligaon, for information please.

~~Chairman~~
(R.K. Sonowal) 2d 12
Asst. Secretary

દુર્ગ વિદે પ્રીત
Calway Recreational Base
અસ્સાનગરી

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH AT GUWAHATI

O.A. 289/2005

Shri Manabendra Saikia — Applicant

—vs—

N. F. Railway and ors. — Respondents

IN THE MATTER OF

A Rejoinder filed by applicant in OA 289/05
 against the written statement filed by the
 Respondents.

I, Shri Manabendra Saikia, S/o Shri Bolen Saikia the applicant of OA No. 289/05 pending before this Hon'ble Tribunal which is pending for disposal and in the meantime Respondents had filed written statements, now I am again preferring this Rejoinder in my application in OA No. 289/05 as follows:

- 1) That, the applicant is an Ex-serviceman retired from Indian Air Force and in this regard documents had already been annexed alongwith the application.
- 2) That, the Respondent No. 3, Chairman Railway Recruitment Board, Guwahati had published an advertisement vide Employment Notice No. 01 of 2004 for filling up various posts including the post of Appr. Junior Engineer Gr. II (Bridge) for total 15 vacancies out of which one is kept reserved for Ex-servicemen. And accordingly the applicant had applied for the said post as an Ex-serviceman and got admit card for appearing in the written examination.
- 3) That, the applicant had clearly applied for the said post as an Ex-serviceman, the definition of Ex-serviceman has clearly explained in Employment Notice No. 01 of 2004 as follows:

Certified to be true copy

Advocate

5. EX-SERVICEMAN

5.1. This employment Notice contains vacancies reserved for ex-serviceman irrespective of their community.

It clearly understood that the vacancies for Ex-serviceman reserved without any further reservation of community, it means there can not be any caste like SC, ST, OBC etc. for ex-serviceman. Employment Notice NO. 01 of 2004 has already been annexed as Annexure NO. 3 to the OA No. 289/05.

4) That, the applicant had appeared for written examination for aforesaid post as an ex-serviceman and accordingly result was published wherein the applicant is found eligible.

And it is stated herein that in aforesaid result it is clearly mentioned that "RRB, Guwahati assures that evaluation/selection is fully computerized and is based only on merit of the candidate." the result sheet of the written examination has already been annexed as Annexure NO. 5 to the OA NO. 289/05.

5) That, in written statement the answering respondents has stated that the applicant is not a Schedule Tribe candidate but belongs to unreserved community, as such applicant has not obtained qualifying marks. And the position would have been otherwise if he were an ex-serviceman of the Schedule Tribe community, for whom minimum qualifying marks is on written examination is 25%.

But the applicant has strongly denied the statement of the respondent as the applicant has applied for the reserved post as an ex-serviceman, not as an ex-serviceman of Schedule Tribe or any other community. Moreover in advertisement it is clearly mentioned that vacancies reserved for ex-serviceman irrespective of their any community. Thereby statements of the respondents are very much vague and unjustified.

6) That, in written statement the answering respondent has stated that the result has been declared showing passed the applicant due to his sur name "Saikia" belonged to Schedule Tribe Community.

But in present case it is stated that the entire process of selection/evolution is fully computerized and it based only in the merit of the candidate, as such the respondents mere cannot presume that the applicant is Schedule Tribe, as such the grounds shown by the respondents are not tenable in the eye of law.

7) That it is stated herein that once the result is declared by the respondents showing the applicant as passed, now the same authority cannot deviate the same which is barred by Estoppel.

8) That considering the above fact, statement made in written statement by the answering respondents are totally false, vague, without any material evidence, as such same cannot corroborated in the eye of law.

9) That this Rejoinder has been made for ends of justice.

It is, therefore, prayed that Your Lordship would be graciously pleased to except this Rejoinder and considering the merit of Original Application as well as Rejoinder, the prayer of the applicant may be allowed with cost.

For this act of kindness your applicant shall pray for ever.

..... Verification.

VERIFICATION

I, Shri Manabendra Saikia, S/o Shri Bolen Ch. Saikia, aged about 41 years, resident of village Raidongia, P.O:- Aibheta, P.S:- Jajori, Dist: Nagaon, Assam do hereby state and verify as follows:

- 1) That I am the applicant and fully aware about the facts and circumstances of this case as such I am fully competent to sign this verification.
- 2) That the statement made in paras 7, 8 & 9 are true to my knowledge. And those made in paras 1, 2, 3, 4, 5 & 6 are true to my information as derived from records and rest are humble submission.

I sign this verification on this Day of January, 2006 at Guwahati.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 289 of 2005.

Date of Order: This, the 22nd September, 2006.

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

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Sri Manabendra Saikia,
S/O. Sri Balen Ch. Saikia
Vill. Raidangia
P.O. Alibheti
P.S. Jajori
Dist. Nagaon (Assam) Applicant

By Advocate Mr. C. Baruah, P. B. Dasgupta, Mr. S. U. Ahmed
Mr. N. K. Lahkar.

-Versus-

1. N.F. Railway, represented by General Manager
Maligaon, Assam.
2. The General Manager,
N.F. Railway, Maligaon.
3. The Chairman,
Railway Recruitment Board,
Guwahati-1.
4. The Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati. Respondents.

By Advocate Dr. M. C. Sarma, Railway counsel.

ORDER

G.RAY MEMBER(A):

By this Original Application under Section 19 of the
Administrative Tribunals Act, 1985, the applicant prays for
empanelment of his name for the post of Apprentice Junior Engineer,
G.II (Bridge) and also for appointment as such under the quota
reserved for Ex-Servicemen.

Certified to be true copy

Advocate

2. Briefly stated, the facts of the case are, that the applicant is an Ex-Serviceman retired from Indian Air Force. In response to an advertisement published by the Chairman, Railway Recruitment Board, Guwahati, Vide Employment Notice No.01/2004 for filling up various posts including the post of Apprentice Junior Engineer Gr. II(Bridge) and out of total 15 vacancies one kept reserved for Ex-Serviceman, the applicant applied for the said post as an Ex-Serviceman and got admit card and appeared in the written examination. Thereafter, he was called for verification of documents vide letter No.8805 by the Chairman, Railway Recruitment Board, Guwahati. At the time of document verification, the Chairman informed the applicant that he was not eligible under Ex-Serviceman quota as he does not belong to SC, ST or OBC but a General Caste Candidate. Though the applicant, as told by the said Chairman had selected as Ex-Serviceman, being the General Caste Candidate, he is not eligible for the post and if the applicant would have been ST, SC, he would have been eligible for appointment as Ex-Serviceman for the reserved post of Ex-Serviceman. However, according to the applicant, there was no special categorization of Ex-Serviceman and there was no question of caste, community etc. in case of Ex-Serviceman, which is specifically mentioned in Column No.5.1 of the advertisement notice.

3. The respondents have filed their written statement contesting the claim of the applicant. It is submitted by them that the minimum qualifying marks in a written examination conducted by the Railway Recruitment Board for various categories of posts are as follows :

1. Unreserved	40%
2. SC and OBC	30%

3. ST

25%

In this regard, the respondents have annexed a copy of Railway Board's letter No. 99/E(RRB)/26/3 dated 29.10.2003 as Annexure-'A'.

4. According to them, the applicant, who appeared as Ex-Serviceman for the post of Apprentice Junior Engineer Gr.II (Bridge), obtained 25.33% marks in the written examination. As his surname is 'Saikia', it was surmised that he belonged to the ST community as some persons with that surname claimed to belong to that category.

5. It is further submitted by the respondents that selection of candidates for verification of documents is provisional. This is clearly indicated in the notice for publication of result for the written examination. The result was declared on 3.8.2005 specifically directing that "It may be noted that the result is provisional, subject to fulfilling all the eligibility conditions laid down in the Employment Notice No.1/2004." At the time of verification of documents, it was seen that the applicant was not an ST candidate but belonged to unreserved community for whom the minimum qualifying mark in the written examination is 40%. In view of this, the applicant could not be accommodated although he applied as Ex-Serviceman. The position would have been otherwise if he were an Ex-Serviceman of the ST community, for whom the minimum qualifying mark in the written examination is 25%.

6. Heard Mr C.Baruah, learned counsel for the applicant and Dr M.C.Sarma, learned counsel for the respondents at length.

7. The undisputed facts of the case are that the applicant in response to the Employment Notice No.01/2004 (supra) applied for the post of Apprentice Junior Engineer (Bridge) against the vacancy reserved for Ex-Serviceman. In total, 15 vacancies were found

available for the said post out of which one was ear-marked for Ex-Serviceman.

8. It is not in dispute that the applicant belonged to general category and ~~he~~ appeared in the written examination as an Ex-Serviceman against the quota reserved for Ex-Serviceman.

9. The contention of the respondents made in their written statement that the applicant, in the written examination, obtained lower marks than the minimum qualifying marks required for general candidates, has not been refuted by the applicant in his rejoinder. The contention of the applicant is that once he has been declared as passed, the same authority cannot now deviate from the same and declare him as not qualified, which is barred by principle of estoppel.

10. A plain reading of the entire Employment Notice enclosed at pages 21-25 of this Original Application would show that -

- i) Vacancies of Ex-Serviceman (in the table in the said notice) are not separate but included in the total number of vacancies.
There is only one vacancy ear-marked for Ex-Serviceman for the post of Apprentice Junior Engineer 'Gr.II (Bridge)' (for which the applicant applied for) and the said vacancy is reserved for Ex-Servicemen irrespective of their community.
- ii) In terms of Para 5.1, Ex-Servicemen may also apply against other vacancies for which they will be granted age relaxation and fees exemption as indicated in paras 4 and 7.

Therefore, it is obvious that as per the terms and conditions stipulated in the notice, the Ex-Servicemen who applied against the quota

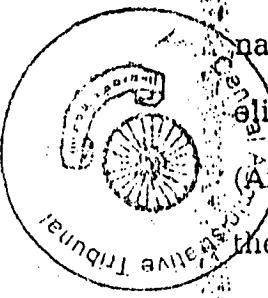
reserved for Ex-Servicemen cannot be treated equally with those who applied against general quota.

11. In terms of Government of India O.M.No.36012/58/92-Estt.(SCT) dated 1.12.94 "Ex-Servicemen selected under the reservation provided for them should be placed in the appropriate category viz, SC/ST/OBC/General Category depending upon the category to which he belongs."

12. Therefore, when an Ex-Serviceman applies against a vacancy reserved for Ex-Servicemen, he has to be selected first under the reservation provided for the same and then to be placed against the appropriate reservation point.

13. In the Employment Notice (supra), we find that there is one vacancy reserved for Ex-Serviceman. According to the respondents, they have inadvertently selected the applicant as an ST candidate and called him for verification of documents and/or viva voce and his name, therefore, figured in the list of candidates who have been found eligible to be called for verification of documents and/or viva voce (Annexure 'B' to the written/statement filed by the respondents). It, therefore, goes without saying that the respondents initially considered the candidature of the applicant as an ST candidate and found him suitable as he obtained 25.33% marks which is more than the minimum qualifying marks for the ST candidate but afterwards when it revealed that he belongs to General Category, they found him not qualified as he could not get the qualifying marks as required for the General Category candidates.

14. It is evident from the letter of the Chairman, Railway Recruitment Board, Guwahati vide No.RRB/G/OA/289/05/NS dated 20.12.2005 addressed to the Government of Assam, Directorate of



Sainika Welfare, Guwahati, enclosed as Annexure-'C' to the written statement filed by the respondents, that the applicant cannot be accommodated in the list of empanelment candidates against the post of Junior Engineer-II/Bridge, Category No.29 of Employment Notice No.1/2004 earmarked for ESM/UR as he could not secure the minimum qualifying marks of 35% as Ex-Serviceman/UR in the written examination. The respondents have enclosed the letter of the Deputy Director, Estt.(RRB), Railway Board dated 29.10.2003 (Annexure 'A') to the written statement which shows that the Railway Board has prescribed the following minimum pass marks against the categories mentioned herein under :

UR	40%
SC & OBC	30%
ST	25%

15. The above prescription is applicable w.e.f. 4.11.2003.

Admittedly, the applicant applied in response to the Employment Notice No.01/2004. The respondents have not enclosed any rule/instruction showing that the 35% is the qualifying marks for the Ex-Servicemen who apply under the Ex-Servicemen quota who otherwise belong to general category. In fact, no rule/instruction prescribes the mode of recruitment of Ex-Serviceman who applies against the Ex-Serviceman quota.

16. As mentioned above, in terms of Government of India O.M. No.36012/58/92-Estt.(SCT) dated 1.12.94, when an Ex-Serviceman applies against the quota reserved for Ex-Servicemen, he has to be selected first under the reservation provided for them and then to be placed in the appropriate category viz. SC/ST/OBC/General Category. Therefore, consideration of a candidate who applies against the Ex-

Servicemen quota in the same manner as in the case of general category candidate is considered, is not only wrong but also frustrates the very purpose of keeping the post reserved under the quota of Ex-Servicemen.

17. We are, therefore, of the view that the respondents have failed to apply their mind in considering the candidature of the applicant who had applied against the quota reserved for Ex-Serviceman.

18. We, therefore, direct the respondents to re-consider the candidature of the applicant who had applied against the vacancy reserved for Ex-Serviceman in the Employment Notice No.01/2004 (enclosed with the Original Application) as per the norms prescribed for the same and pass appropriate order within a period of two months from the date of communication of this order. Till an order is passed, the respondents shall not fill up the vacancy earmarked for the Ex-Serviceman in the Employment Notice No.01/2004 (supra) and in case it is already filled up, the same shall be subject to the order to be passed as indicated above. In this case, respondents shall issue corrigendum duly incorporating the same.

19. The Original Application is disposed of accordingly with no order as to costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

25.9.06
Date of Application : 25.9.06
Date on which copy is ready : 25.9.06
Date by which copy is delivered : 25.9.06
Certified to be true copy

25.9.06
S. N. S.
Section Officer (J. d.)
C. A. T. Guwahati Bench
Guwahati S.

To,

Date: 26/9/06

The Chairman,
Railway Recruitment Board,
Guwahati-1.

Ref:- An order dtd. 22/9/06 passed in OA No. 289/05 by the Central Administrative Tribunal, Guwahati Bench.

Sub:- Compliance of order of Hon'ble CAT, Guwahati Bench.

Sir,

In reference and subject cited above I would like to inform the followings for your kind information as well as urgent necessary action by complying the order of the Hon'ble Tribunal.

That, I, being an ex-serviceman, retired from Indian Air Force, had applied for the post of Appr. Junior Engineer Grade-II (Bridge) in terms of your employment notice No. 01/2004 for the reserved post of ex-serviceman and thereafter I appeared for written test on 20/3/2005, Roll No. 52900006, and result was declared in employment news on 20-26 August 2005 wherein I was declared passed, and I was called for verification of document, and accordingly I furnished all the documents to you on 26/8/2005 and after verification of my documents I was informed that though the post is reserved for ex-serviceman I am not entitled for the said post as I belong to general caste even being ex-serviceman.

Being aggrieved I had approached before Hon'ble Central Administrative Tribunal preferring Original Application No. 289/05 seeking justice. And after hearing the parties, perusing the records and written statement, the Hon'ble Tribunal was pleased to dispose the OA No 289/05 on 22/9/2006 with a direction to the Respondents to

Certified to be true copy

Advocate

-44- 21

89

reconsider my candidature as I had applied against the vacancy reserved for ex-serviceman in the employment notice No. 01/2004, as per the norms prescribe for the same and pass appropriate order within a period of two months from the date of communication of the order. It is further directed that till an order is passed, the Respondents shall not fill up the vacancy earmarked for the ex-serviceman.

It is, therefore, request that your Honour would be graciously pleased to accept this application along with order dtd. 22/9/2006 and to comply the order of this Tribunal by appointing me as Appr, Junior Engineer Grade-II (Bridge) forthwith.

Thanking you.

Yours faithfully,

Shri Manabendra Saikia
S/o Shri Bolen Ch. Saikia
Vill:- Raidongia
P.O:- Alikheti
P.S:- Jajori,
Dist:- Nagaon, Assam.

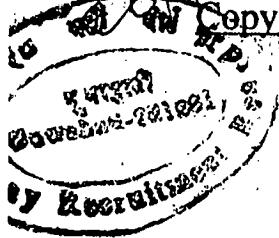
Leave
Enclosure:- A copy of order dtd. 22/9/06 passed in OA No. 289/2005

Copy to:

1. N.F. Railway, represented by General Manager, Maligaon, Assam.

2. The General Manager, N.F. Raiway, Maligaon.

3. The Chief Personal Manager, N. F. Railway, Maligaon, Guwahati.



Legd. with AID

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ANNEXURE - 15

20

RAILWAY RECRUITMENT BOARD: GUWAHATI
STATION ROAD, PANBAZAR, GUWAHATI-781001

No.E/RRB/G/OA/289/05(MS).

Dated, 31st Oct' 2006.

To
Shri Manabendra Saikia
C/O Balen Ch. Saikia.
Vill. Raidangia, PO. Aibheta.
PS. Jajari, Dist. Nagaon,
Assam.

**Sub: Disposal of your representation dt.26/09/06 in the light of Hon'ble
CAT's order dt.22/09/06 in OA No.285/06.**

The competent authority i.e. Chairman, Railway Recruitment Board, Guwahati has gone through the judgement/order dt.22/09/06 in OA No.289/06 and after reconsidering the candidature of applicant passed the following order in compliance of Hon'ble Tribunals order:-

"Notwithstanding what is contained in the Cat's order dated-22/9/06 in pursuance to OA No. 289 of 2005, my speaking orders are as follows:-

- (01) Shri Manabendra Saikia, S/o Shri Baten Chandra Saikia, Vill- Raidangia, PO- Aibheta PS- Jajari, Dist- Nagaon had applied for the post of JE/II/Bridge against ESM quota
- (02) The selection for empanelment against any post/category notified by RRB are always being done on the basis of performance in the written examination (purely on merit all India basis) subject to fulfillment of all the eligibility conditions as per notifications. However, in case of any discrepancy/ mis-statement given by the candidate, his/her candidature may be rejected at the time of verification of original documents even after appointment or at any stage.
- (03) In terms of Rly Board's letter No.99/E(RRB)/26/3 dated 29-10-05 the qualifying marks in the written Test are as under:-

UR- 40%

SC- 30%

OBC-30%

ST- 25%

*Journal
31/10/06*

Certified to be true copy

Advocate

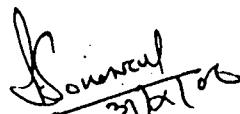
Since Shri Manabendra Saikia on verification of documents it was ascertained that he belonged to Unreserved Community against Ex Serviceman quota. As such, minimum-qualifying marks to an unreserved candidate is 40% and we cannot go lower down of the 40% qualifying marks as laid down by Rly Board's above mentioned circular.

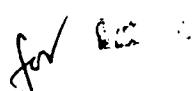
(04) Vide para 2 of this office call letter for document verification No RRB/G/41/10 dated - 08/08/05 it is stated that " 1. This call letter does not itself entitle you for selection " since Shri Manabendra Saikia could only secure 25.33% out of 100 (hundred) marks in the written examination for the post of JE/H/Bridge does not himself qualify as Ex Service Man (UR) candidate. As such, he has got no right to claim for empanelment as Ex Service Man (UR) candidate for which he had applied for in response to Category No- 29 for the post of JE/H/Bridge of Employment Notice No.1 of 2004.

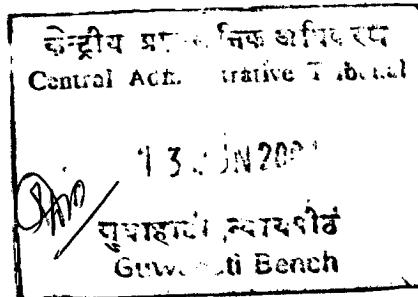
(05) The reason for calling in the verification of original documents had already been indicated vide para 5 (facts of the case) in our PWC letter dated- 09/01/2006. However, on verification of documents it is found that Shri Manabendra Saikia belonged to Ex Serviceman, UR Community. As such, he could not be empanelled and also there is no any provision to reconsider for empanelment to a fail candidate in the written examination whatever he/she belongs to any community including Ex Service Man.

In honouring the Cat/GHY's order Dated- 22/09/06 and the appeal preferred by Shri Manabendra Saikia, I have gone through his appeal; the undersigned considers that Shri Manabendra Saikia cannot be empanelled since he failed to secure the minimum qualifying marks in the Written Examination as specified for Ex Service Man (UR) candidates."

This is for your information please.


(R.K.Sonewane)
Secretary
For Chairman, RRB/GHY.


for R.K. Sonewane



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF OA No. 24 of 2007

Sri Manabendra Saikia Applicant

Versus
Union Of India & Ors. Respondents

AND

IN THE MATTER OF:

Written statement of behalf of Respondents.

The answering respondents respectfully SHEWETH:

1. That the answering respondent has gone through the copy of the application filed and has 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 as made in the application are hereby emphatically denied and the applicant is put to the strictest proof thereof.
2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondent has confined replies to those points/averments of the applicant which are found relevant for a proper decision on the matter.
3. That the application suffers for want of a valid cause of action, as will be clear from submissions made below.
4. That the application suffers from wrong representation and lack of understanding of the basic rules about recruitment of staff, which have been meticulously followed at every stage in respect of the applicant's case.

..Contd.P/2

Filed by the Respondents
through S.N. Tomyul alias. Recruitment B.
Deputy Secretary
S.C. Roy
S.C. Roy

5. **FACTS OF THE CASE:**

The minimum qualifying marks in the written examinations conducted by Railway Recruitment Boards for various categories of post are as follows:-

1. Unreserved - 40 percent.
2. Scheduled Caste and OBC - 30 percent.
3. Schedule Tribes - 25 percent.

The authority in this regard is contained in Railway Board's letter No.99/E(RRB)/26/3 dated 29-10-03.

A copy of Railway Board's letter dated 29-10-2003 is annexed and marked as ANNEXURE-A.

Sri Manabnendra Saikia, the applicant, who appeared as ex-Serviceman for the post of Apprentice Junior Engineer Gr-II Bridge obtained 25.33 percent of marks in the Written Examination. As his surname is 'SAIKIA', it was surmised that he belongs to scheduled Tribe community as some persons with that surname claimed to belong to that category. The applicant was accordingly called for verification of documents on 26-08-05. This was an error/mistake for which the respondents express regret.

Selection of candidates for verification of documents is provisional. This is clearly indicated in the notice for publication of result for the written examination. The result was declared on 03-08-05 specifically directing that "It may be noted that this result is provisional, subject to fulfilling all the eligibility conditions laid down in the Employment Notice No.1/2004. "Copy of the result annexed as "Annexure-B".

At the time of verification it was seen that applicant was not a scheduled tribe candidate but belonged to unreserved community for whom; the minimum qualifying mark in the written examination is 40 percent. In view of this, the applicant could not be

accommodated although he applied as ex-serviceman. The position would have been otherwise if he were an ex-serviceman of the Scheduled Tribe community, for whom the minimum qualifying mark in the written examination is on 25 percent.

PARAWISE COMMENTS:

- 6.1 That as regards paragraphs 4.1 to 4.6 the respondent has no remarks to offer except to state that the statements made therein are part of the records and the applicant is put to a strict proof of the same.
- 6.2 That as regards para 4.7 the respondent submits that the applicant was not able to appreciate what the Chairman, Railway Recruitment Board, Guwahati explained at the time of verification of documents. The Chairman took pains to explain that the applicant was called for verification of documents on the premise that he belonged to the Scheduled Tribe community as some persons with the Surname Saikia belonged to that community, for whom the minimum qualifying mark in the Written examination was lower at 25 percent. As the marks obtained by the applicant in the written examination was lower than the minimum qualifying mark required for the General candidates, he could not be accommodated although he applied as an ex-serviceman. The averment; that the applicant's case was not considered on flimsy ground is therefore not correct.
- 6.3 That as regards para 4.8 and 4.9 the respondent submits that the question of empanelment of the applicant did not arise in view of what has been explained at paragraph 6.2 above. In this connection a copy of letter No.RRB/G/OA.289/05/MS dated 20-12-2006 sent to the Director, Sainik Welfare, Govt. of Assam is annexed herewith and marked as "Annexure-C".
- 6.4 That as regards to the para 4.10 respondents deny allegation that the applicant registered letter was not accepted by the Railway Recruitment Board. The

records of the Board's office shows that no such letter was produced for acceptance by the postal authorities.

6.5 That as regards para 4.11 and 4.12 that respondent states that the position of the applicant's status has been adequately explained in the forgoing paragraphs of this written statement.

6.6 That in regard to allegation in paragraph 4.16 & 4.17 of the OA it is submitted that the representation submitted by the applicant dt. 26-09-06 was reconsidered in the light of Hon'ble Tribunal's order dt. 22-09-06 in OA No.289/06 by the competent authority and speaking order was passed accordingly. He could not be empanelled since he failed to secure the minimum qualifying marks in the written examination as specified for ex-serviceman (UR) candidates.

6.7 That in the circumstances explained in the foregoing paras the respondent begs to state that the application, based as it is on a misunderstanding of the merit of the case, deserves to be dismissed with the costs.

VERIFICATION

I, Jibon Jyoti Basu, son of late B. C. Basu,
aged about 50 Yrs and at present working as Chairman, RRB
Gurukul do hereby verify and solemnly affirm that the statements
made in the paragraphs _____ are true to the best of my knowledge and
information derived from records which I believe to be true and the rest are my
humble submissions before the Hon'ble Tribunal.

And I signed the verification on this the _____.

Jibon Jyoti Basu

Signature

Chairman

मुख्य सचिव

Letter Recruitment Board

गुरुकुल

दिनांक 00/00/0000

FROM : R R B KOLKATA-37

PHONE NO. : 25431780

—5—

Annexure A

ANNEXURE A

Oct. 17 2003 DA: 7-1



No.99/E(RRB)/2003

RRCB No. 14/2003

Dear Sirs, dated 29.10.2003

The Chairman,
All Railway Recruitment Boards.

Sub: Fixing of minimum qualifying marks for recruitment of various categories
Ref: Board's letter of even number, dated 4.6.2001 (RRCB NO.3/2001)

While partly accepting Railways Safety Review Committee Recommendation by raising the minimum pass marks in all RRB examinations to 30% for general and 25% for reserved categories—candidates are required to recommend 50% and 45% respectively. Board had also observed that in case of there being no major problem in getting adequate candidates, the positive can be reviewed after a year of implementation of the revised minimum marks, and the same could be enhanced.

2. Board have now reviewed the provision of minimum pass marks in the written examinations conducted by RRBs and have decided that in partial modification of instructions contained in their letter quoted above, the minimum pass marks should be enhanced by 5%, except for the category of ST. The minimum pass marks percentage will now be applicable as under:

UR	40%
SC & OBC	30%
ST	25%

3. The revised minimum pass percentage of marks shall be applicable prospectively w.e.f. the Employment Notices issued from 1.11.2003 onwards. All existing selections where Employment Notices have already been issued would be finalized as per the revised percentage of qualifying marks.

4. Kindly acknowledge receipt of the letter.

(V. K. Modgil)
My. Director, Issue (Recr.)
Railway Board.

cc/
cc/
cc/
cc/



Railway Recruitment Board :: Guwahati
Station Road, Guwahati - 781 001
 Phone: 0361-2540815

Result of Written Examination for various Categories of Employment Notice No. 1/2004

On the basis of their performance in the Written Examination, candidates bearing Roll Number as mentioned below, are provisionally found eligible to be called for Verification of Documents and/or Viva-Voce, as indicated. It may be noted that this result is provisional, subject to fulfilling of all, eligibility conditions laid down in the Employment Notice No. 1/2004.

Roll Numbers are arranged in ascending order (Last Seven Digits) and NOT in order of Merit

Date of Written Examination : 30/01/2005

1	Cat. No. : 01 of Employment Notice No. 1/2004 40100010 20100014 30100035 30100134	Name of Post : Law Assistant 20100270 10100380 20100511 40100534 40100515 40100650 20100786 10100888 40100914 20100954
	40101125 40101213 40101222	TOTAL = 17

Date of Viva-Voce : 06/02/2005 (MONDAY)

2	Cat. No. : 27 of Employment Notice No. 1/2004 42700011 22700038 22700078 22700154	Name of Post : Appr. Section Engineer (Electrical) 22700175 TOTAL = 5
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Date of Document Verification : 26/08/2005 (FRIDAY)

3	Cat. No. : 30, 31, 32 & 33 of Employment Notice No. 1/2004 13000035 13000042 23000074 13000084 23000109	Name of Post : Appr. Section Engineer (Bridge, Drawing, Works, P.Way) 43000115 13000123 43000164 23000249 43000318 43000327 43000355 43000371 43000447
	43000456 43000540 43000616 43000655 43000672	13000673 43000723 43000729 43000731 13000915 33100003 13100050 33100054 23100079
	13100038 13200056 23200133 23200173 43200195	23200213 13200221 43200273 33200279 23200298 23200299 43200395 23200421 23200454
	23300128	TOTAL = 43

Date of Document Verification : 30/08/2005 (TUESDAY)

4	Cat. No. : 37, 38 & 39 of Employment Notice No. 1/2004 43700077 43700088 13700157 33800047 13900001	Name of Post : Appr. Section Engineer (Diesel/Elect, Diesel/Mech, Workshop) 43900005 13900059 13900120 43900182 33900245 TOTAL = 10
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Date of Document Verification : 26/08/2005 (FRIDAY)

5	Cat. No. : 44 & 45 of Employment Notice No. 1/2004 14400022 14400027 14400175 14400247 14400291	Name of Post : Appr. Section Engineer (Signal, Telecom) 44400405 14400416 14400504 14400508 24400514 44400541 34400682 14400699 54400704
	14400705, 44400820 44400953 24500262 44500271	TOTAL = 19

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 20/03/2005

1	Cat. No. : 25 of Employment Notice No. 1/2004 42500158 42500156 42500555 22500584 42500625	Name of Post : Appr. Supervisor (P. Way) 32500792 42500891 42501023 22501075 42501099 42501355 12501452 42501803 12501850
	42502339 22502439	TOTAL = 16

Date of Document Verification : 26/08/2005 (FRIDAY)

2	Cat. No. : 26 of Employment Notice No. 1/2004 42600310 22600333 42600605	Name of Post : Appr. Junior Engineer Gr-II (TM) TOTAL = 3
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Date of Document Verification : 26/08/2005 (FRIDAY)

3	Cat. No. : 28 of Employment Notice No. 1/2004 32800028 12800130 32800131 22800181 12800235	Name of Post : Appr. Junior Engineer Gr-II (Electrical) 32800304 42800418 42800462 22800510 42800541 42800595 42800618 12800632 22800656
	42800654 12800674 42800736 22800751 12800767	42800780 22800795 12800797 42800837 12800843 32800884 22800908 TOTAL = 26

Date of Document Verification : 26/08/2005 (FRIDAY)

4	Cat. No. : 29 of Employment Notice No. 1/2004 52900006 22900025 42900035 22900154 42900280	Name of Post : Appr. Junior Engineer Gr-II (Bridge) 42900370 22900410 12900636 22900806 42900874 TOTAL = 10
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Date of Document Verification : 26/08/2005 (FRIDAY)

(Attested)
Done on 26/08/2005
By: Secretary
Railway Recruitment Board
[Page No. 1]

(Attested)
Done on 26/08/2005
By: Secretary
Railway Recruitment Board
[Page No. 1]

5 Cat No. : 34, 35 & 36 of Employment Notice No. 1/2004

13400572	13400623	13400536	33400657	13400727	13400797	43400942	43400258	13400279	13400283	33400294	33400364	13400367	43400518	13400536	13400565
13401251	13401253	13401300	43401305	13401311	43401356	43401355	13401391	43401401	13401548	13401544	23401091	23401114	13401117	13401142	
13401270	13401284	13401223	43401922	13401534	23401937	43401974	23401980	13402055	43402082	23402154	23402174	43402253	33402259		
23402230	13402222	43402238	43402369	43402355	23402440	23402482	23402501	43402537	23402543	43402548	13402582	13402615	43402633		
43402546	13402578	13402595	43402726	43402811	43402881	13402854	43402904	43402966	23402983	43402990	43403052	23403134	43403175		
23403224	13403245	13403205	43403404	43403431	23403432	43403475	43403533	13403626	43403640	43403648	43403659	23403835	23403923		
43403582	13404025	23404035	13404063	43404138	43404139	33404280	43404285	33500056	33500146	13500155	33500258	23500320	13500476		
13500566	43500634	43500707	33500746	23500814	43500847	33500878	43500943	43600125	TOTAL = 121						

Date of Document Verification : 27/08/2005 (SATURDAY)

6 Cat No. : 40, 41, 42 & 43 of Employment Notice No. 1/2004

44006302	14000345	44000426	44000432	14000509	14000553	44000733	34000748	24000786	44000855	24000856	34000960	34000990	44001008
34001016	14001976	44001091	14001259	44001374	14001373	24001402	24001541	44001588	14001728	44001916	44002000	44002122	34002153
24002162	14002340	14002348	14002441	44002444	14002455	14002573	24002678	44002682	24002764	44002768	14002875	14002934	44002962
44002559	24003202	44003357	14003260	44003433	14003453	24003509	14003775	24003796	24004021	44004186	44004487	14004538	44004614
14004521	44004533	14004740	44004757	14004804	24005012	44005241	44005266	14005278	24005327	44005418	14005468	44005520	44005558
44005560	14005577	24005624	44005657	44005658	14005654	14005760	14005781	44005788	24005836	44005858	44005979	44006028	24006191
14006204	44006250	44006531	14006614	14006787	24006724	14006757	14007145	44007252	44007268	14007401	44007452	24007479	44007480
14007576	14007825	14007850	24007688	34007717	14007812	24007892	24007909	44100120	24300259	14300285	TOTAL = 109		

Date of Document Verification : 28/08/2005 (MONDAY)

7 Cat No. : 45 & 47 of Employment Notice No. 1/2004

Name of Post : Appr. Junior Engineer Gr.-II (Telecom, Sig-ld)

24500420 54600450 44600492 44600591 44600673 14600690 44600742 44600805 44600927 34600959 34601098 54601130 24601134 44700258

TOTAL = 15

Date of Document Verification : 30/08/2005 (TUESDAY)

Date of Written Examination : 27/03/2005

1 Cat No. : 48 & 49 of Employment Notice No. 1/2004

Name of Post : ESM Gr.-III, TCM Gr.-III

14800133	14800702	14800953	34800964	34801059	24801738	14802367	14802997	34803508	14803513	24803615	44804187	44804281	14804675
44804691	44804772	44805075	44805232	44805458	24805789	44805879	44806092	34806256	24806359	44806603	14806705	44806866	44806913
34807064	24807217	44807317	44807339	44807644	14807655	24808052	24808273	44808279	44808352	24808371	24808443	14808499	24808778
44808847	14809055	24809098	44809198	14809402	24809558	44809729	44809886	44809890	44809965	44810096	14810147	44810207	44810295
44810372	14810437	14810485	44810485	44810543	44810729	24811552	44811052	44811133	44811181	14811240	14811461	54811817	14811924
14811955	44811961	14812335	44812363	44812702	14812855	34812971	44812905	14812930	44812938	34812954	14813009	14813216	14813353
44813419	24813434	24813453	44813492	14813525	44813625	44813685	44813701	14813708	14813794	44814070	14814090	14814171	24814262
14814258	44814356	14814435	44814540	24814718	34814823	44815027	14815174	24900517	14900939	44902349	14902390	24902978	44902994
24803476	44903576	24903738	24903816	44903951	14904090	44904112	44904406	44904407	TOTAL = 121				

Date of Document Verification : 31/08/2005 (WEDNESDAY)

Date of Written Examination : 03/04/2005

1 Cat No. : 07 of Employment Notice No. 1/2004

Name of Post : Primary Teacher (Bengali Medium)

10700055	10700052	10700113	40700119	30700241	20700265	30700285	30700270	10700271	10700272	40700312	10700322	20700334	40700390
10700254	10700400	40700204	40700408	10700434	10700506	10700505	10700521	20700530	20700593	10700595	10700622	10700721	20700780
10700781	40700541	40700581	10700898	10700904	40700950	10701017	10701020	40701041	10701052	10701115	10701147	30701161	20701198
10701256	40701252	30701295	10701354	10701360	10701403	10701455	20701517	40701544	10701559	40701586	40701629	10701643	40701710
TOTAL = 56													

Date of Viva-Voce : 07/09/2005 and 08/09/2005 (WEDNESDAY and THURSDAY)

2 Cat No. : 08 of Employment Notice No. 1/2004

Name of Post : Primary Teacher (Hindi Medium)

10800116 10800352 10800513 10800535 10800657 TOTAL = 5

Date of Viva-Voce : 09/09/2005 (FRIDAY)

3 Cat No. : 09 of Employment Notice No. 1/2004

Name of Post : Primary Teacher (Telugu Medium)

10900040 10900049 TOTAL = 2

Date of Viva-Voce : 09/09/2005 (FRIDAY)

4 Cat No. : 10 of Employment Notice No. 1/2004

Name of Post : Primary Teacher (English Medium)

21000067 41000044 41000074 31000087

Date of Viva-Voce : 09/09/2005 (FRIDAY)

31000164	41000165	41000211	31000409	31000436
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21000474	31000709	41000754	TOTAL = 12
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	Cat. No. : 11 of Employment Notice No. 1/2004 11100265 41100373 1110C397 21100502 11101766 11101825 11101970 31102166 Date of Viva-Voce : 12/09/2005 (MONDAY)	Name of Post : Primary Teacher (Assamese Medium) 11100555 11100280 11100961 11101002 11101073 31101081 21101082 11101109 31101652 21101742 11102189 11102501 TOTAL = 20
6	Cat. No. : 13 of Employment Notice No. 1/2004 11300078 41300100 11300134 TOTAL = 3 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT (Bio Science - English Medium)
7	Cat. No. : 14 of Employment Notice No. 1/2004 - NIL -	Name of Post : TGT (Pure Science - English Medium)
8	Cat. No. : 15 of Employment Notice No. 1/2004 11500001 21500039 21500099 11500136 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT (Pure Science - Assamese Medium) TOTAL = 4
9	Cat. No. : 16 of Employment Notice No. 1/2004 21600004 21600010 TOTAL = 2 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT (Pure Science - Bengali Medium)
10	Cat. No. : 17 of Employment Notice No. 1/2004 - NIL -	Name of Post : TGT (Hindi - Bengali Medium)
11	Cat. No. : 18 of Employment Notice No. 1/2004 41800032 41800071 11800083 21800094 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT (HIL - Bengali Medium) 41800112 TOTAL = 5
12	Cat. No. : 22 of Employment Notice No. 1/2004 32200079 32200140 12200737 42200742 Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : Electrical Signal Maintainer Gr.III 42200852 42200853 42201019 22201168 12201223 42201232 TOTAL = 10
13	Cat. No. : 52 of Employment Notice No. 1/2004 25200004 15200006 TOTAL = 2 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : TGT - Drawing (Bengali Medium)
14	Cat. No. : 53 of Employment Notice No. 1/2004 - NIL -	Name of Post : TGT - Drawing (English Medium)
15	Cat. No. : 54 of Employment Notice No. 1/2004 - NIL -	Name of Post : PTI (English Medium)
16	Cat. No. : 55 of Employment Notice No. 1/2004 15500032 TOTAL = 1 Date of Viva-Voce : 13/09/2005 (TUESDAY) Date of Written Examination : 10/04/2005	Name of Post : PTI (Bengali Medium)
1	Cat. No. : 03 of Employment Notice No. 1/2004 10300124 TOTAL = 1 Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : Extension Educator
2	Cat. No. : 05 of Employment Notice No. 1/2004 10500029 10500076 TOTAL = 2 Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : Radiographer Gr.III
3	Cat. No. : 12 of Employment Notice No. 1/2004 41200018 11200054 TOTAL = 2 Date of Viva-Voce : 13/09/2005 (TUESDAY)	Name of Post : PGT (Education)
4	Cat. No. : 23 of Employment Notice No. 1/2004 12300044 22300106 12300143 42300242 1230C243 32300244 42300309 TOTAL = 7 Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : Chemical & Metallurgical Assistant Gr.I
5	Cat. No. : 24 of Employment Notice No. 1/2004 42400152 22400160 42400247 TOTAL = 3 Date of Document Verification : 26/08/2005 (FRIDAY)	Name of Post : Appr. Draftsman (Mechanical)

Call letters are being dispatched by Registered Post to all the above candidates individually for appearing in the Document Verification / Viva-Voce, to be held at Office of the Railway Recruitment Board, Station Road, Guwahati - 781 001, Assam, indicating the date, place and reporting time. However, if any candidate does not receive Call Letter, he/she may report in person to RRB, Guwahati as per the date(s) indicated, along with counterfoil of the call letter of Written Examination and all testifying documents. RRB, Guwahati will not be responsible for any Postal delay or wrong delivery.

— 9 —

While every care has been taken in preparing the above results, the Railway Recruitment Board, Guwahati, will not be responsible for any typographical error and reserves the right to rectify the errors and omissions, if any.

Beware of unscrupulous persons who may misguide candidates with false promises of getting them selected for the job, on illegal consideration. Such persons deserve to be handed over to the police. RRB, Guwahati assures that evaluation/selection is fully computerized and is based only on merit of the candidate.

Date: 03/08/2005.


(J. J. Barah)
Chairman, RRB, Guwahati.

arnd
(Barah)
7/10/05

**RAILWAY RECRUITMENT BOARD:GUWAHATI
STATION ROAD, GUWAHATI-781001**

L.N.O.RRB/G/OA/289/05/NS

Date-20/12/05

To
The Government of Assam
Directorate of Sainika Welfare
Sainik Bhawan, House No. 74
Lachit Nagar, Guwahati.

Sub:- Recruitment in Railways through Railway Recruitment Board, Guwahati.

Ref:- Your Letter No DSW.110\$22\$23 dated 31/08/2005.

Sir,

In acknowledging your letter under reference that on the basis of the performance of the Written Examination, Shri Manabendra Saikia was called to attend the office of Chairman/RRB/GHY on 26/08/05 for verification of his original documents. He was called for verification of documents on 26.08.2005 as Ex-Servicemen (ESM) category presuming as a reserved community Scheduled Tribes (ST) candidate, being his surname is 'SAIKIA'. It is mentioned that minimum qualifying marks in the written examination is different to the different communities as per Railway Boards guideline.

Total marks secured by the Shri Saikia in the written examination is 25.33 out of 100, as such he was found provisionally eligible to be called for verification of documents as Ex-Serviceman Scheduled Tribes (ST) candidates.

During verification of the original document, it has been found that he belongs to, Ex-Serviceman and Unreserved (UR) community. But Shri Saikia could not even got minimum qualifying marks as Ex-serviceman/UR i.e. 35 out of 100, Shri Saikia could not be accommodated in the list of empanelment candidates against the post of Junior Engineer-II/Bridge, Category No. 29 of Employment Notice No. 1/2004 earmarked for ESM/UR.

Delay in replying your letter is sincerely regretted.

Thanking you.

Yours Faithfully,

(R.K. Sonowal)
Asst. Secretary
For Chairman, RRB/Guwahati.

Copy to:-

c. T. APO/Legal Cell, N.E. Railway Maligaon, for information please.

(R.K. Sonowal)
Asst. Secretary
For Chairman, CRRB/Guwahati.

संस्कृत विद्या
संस्कृत विद्या
संस्कृत विद्या

29/11/2007
२९ नवंबर २००७

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH AT GUWAHATI

O.A. 24/2007

Shri Manabendra Saikia — Applicant

--vrs--

N. F. Railway and ors.---- Respondents

IN THE MATTER OF

A Rejoinder filed by applicant in OA 24/07
against the written statement filed by the
Respondents.

I, Shri Manabendra Saikia, S/o Shri Bolen Saikia the applicant of OA No. 24/07 pending before this Hon'ble Tribunal which is pending for disposal and in the meantime Respondents had filed written statements, now I am again preferring this Rejoinder in my application in OA No. 24/07 as follows:

- 1) That, the applicant is an Ex-serviceman retired from Indian Air Force and in this regard documents had already been annexed alongwith the application.
- 2) That, the Respondent No. 3, Chairman Railway Recruitment Board, Guwahati had published an advertisement vide Employment Notice No. 01 of 2004 for filling up various posts including the post of Appr. Junior Engineer Gr. II (Bridge) for total 15 vacancies out of which one is kept reserved for Ex-servicemen. And accordingly the applicant had applied for the said post as an Ex-serviceman and got admit card for appearing in the written examination.
- 3) That, the applicant had clearly applied for the said post as an Ex-serviceman, the definition of Ex-serviceman has clearly explained in employment Notice No. 01 of 2004 as follows:

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Manabendra Saikia
Case No. 28/2007
(Copy given.)

5. EX-SERVICEMAN

5.1. This employment Notice contains vacancies reserved for ex-serviceman irrespective of their community.

It clearly understood that the vacancies for Ex-serviceman reserved without any further reservation of community, it means there can not be any caste like SC, ST, OBC etc. for ex-serviceman. Employment Notice NO. 01 of 2004 has already been annexed as Annexure NO. 3 to the OA No. 24/07.

4) That, the applicant had appeared for written examination for aforesaid post as an ex-serviceman and accordingly result was published wherein the applicant is found eligible.

And it is stated herein that in aforesaid result it is clearly mentioned that "RRB, Guwahati assures that evaluation/selection is fully computerized and is based only on merit of the candidate." the result sheet of the written examination has already been annexed as Annexure NO. 5 to the OA NO. 24/07.

5) That, in written statement the answering respondents has stated that the applicant is not a Schedule Tribe candidate but belongs to unreserved community, as such applicant has not obtained qualifying marks. And the position would have been otherwise if he were an ex-serviceman of the Schedule Tribe community, for whom minimum qualifying marks is on written examination is 25%.

But the applicant has strongly denied the statement of the respondent as the applicant has applied for the reserved post as an ex-serviceman, not as an ex-serviceman of Schedule Tribe or any other community. Moreover in advertisement it is clearly mentioned that vacancies reserved for ex-serviceman irrespective of their any community. Thereby statements of the respondents are very much vague and unjustified.

Manadevra Sekar

6) That, in written statement the answering respondent has stated that the result has been declared showing passed the applicant due to his surname "Saikia" belonged to Schedule Tribe Community.

But in present case it is stated that the entire process of selection/evolution is fully computerized and it is based only in the merit of the candidate, as such the respondents mere cannot presume that the applicant is Schedule Tribe, as such the grounds shown by the respondents are not tenable in the eye of law.

7) That it is stated herein that once the result is declared by the respondents showing the applicant as passed, now the same authority cannot deviate the same which is barred by Estoppel.

8) That, Shri Jiban Jyoti Borawho is the Chairman of RRB, Guwahati has filed written statements before this Tribunal narrating false and vague statement in his written statement.

9) That, the answering applicant has gone through the copy of written statement and has understood the contents thereof. As such this rejoinder being filed controverting the statement made in written statement.

10) That, save and except those statements made in the written statement which are specially admitted in the written statement, other statements shall be deemed to be repudiated and hereby repudiated and denied by the answering applicant. The answering applicant also do not admit anything which is/are not borne on is/or contrary to records.

11) That, the Respondent NO. 3 has stated that the minimum qualifying marks in the written examination conducted by RRB for various categories of posts are as follows by annexing A to the written statement i.e. Board's letter dtd. 29/10/03 are as follows:-

(1) Unreserved	40%
(2) Scheduled Caste and OBC	30%
(3) Scheduled Tribes	25%

Manasendra Saikia
104

Memorandum Sainik
105

Now, from their own statement and letter dtd. 29/10/03 it can be clearly noticed that no percentage is fixed for Ex-serviceman. Therefore Respondents are taking false plea of that letter.

- 12) That, the contention of the Respondent NO. 3 that the result of the applicant is provisional it is certainly true whole declaring result is it is stated that "result is provisional, subject to fulfilling of all eligibility conditions laid down in the Employment Notice No. 1/2004" and in said Employment Notice 1/2004 nothing is mentioned about the marks of passing the written test as eligibility conditions. The eligibility conditions laid down in Employment Notice 1/2004 are for example the applicant is to prove that he is an Ex-serviceman etc., the applicant is shown declared in written test as he secured required works.
- 13) That, it mentioned that the applicant is not required shown that he belongs to SC/ST/OBC etc. as he applied as Ex-serviceman for reserved quota for Ex-serviceman.
- 14) That, the Respondents had written a letter dtd. 20/12/06 (Annexure "C" to the WS filed by J.J. Bora) to the Director, Sainik Welfare, Govt. of Assam, wherein it is mentioned that the qualifying marks for Ex-serviceman "UR" is 35 out of 100. But Respondents have not mentioned above the basis of 35% required for Ex-serviceman UR, it is being shown only to mislead the esteem of Sainik Welfare Board as well as to the Hon'ble Tribunal.
- 15) That, it is settled position of law that when an Ex-serviceman applies against a vacancy reserved for Ex-serviceman and selected then the same Ex-serviceman selected for appointment should be placed against the category to which he belongs, for example if he belongs to SC should be placed against the post for SC. It means he is to be selected first as an Ex-serviceman then only he will be placed in Roster.
- 16) That the Respondents more specifically the Chairman RRB has illegally deprived the applicant from his legal right inspite of order

of this Hon'ble Tribunal and willfully and intentionally interpreted the judgment dtd. 22/9/06 passed in OA 289/05

And it is well settled position of law that judgment held should be read in it entirely in the light of pleadings of the posts but Respondent No. 3 has intentionally interpreted wrongly to deprive the petitioner.

- 17) That considering the above fact, statement made in written statement by the answering respondents are totally false, vague, without any material evidence, as such same cannot corroborated in the eye of law.
- 18) That this Rejoinder has been made for ends of justice.

It is, therefore, prayed that Your Lordship would be graciously pleased to accept this Rejoinder and considering the merit of Original Application as well as Rejoinder, the prayer of the applicant may be allowed with cost.

For this act of kindness your applicant shall pray forever.

..... Verification.

Manabendra Sarker

VERIFICATION

I, Shri Manabendra Saikia, S/o Shri Bolen Ch. Saikia, aged about 42 years, resident of village :- Raidongia, P.O:- Aibheti, P.S:- Jajori, Dist: Nagaon, Assam do hereby state and verify as follows:

- 1) That I am the applicant and fully aware about the facts and circumstances of this case as such I am fully competent to sign this verification.
- 2) That the statement made in paras 1, 2, 3, 4, 7, 9, 10, 12, are true to my knowledge. And those made in paras 5, 6, 8, 11, 14.... are true to my information as derived from records and rest are humble submission.

I sign this verification on this 28th Day of June, 2007 at Guwahati.

Manabendra Saikia

Signature

F 1 OCT 2007

गुवाहाटी, न्यायपीठ Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

O. A. No. 24/07

Sri M. Saikia

-Vg-

U.O.I & Others

Reply to the rejoinder of the applicant

The respondents most respectfully begs to state as under -

1. That the respondents have gone through the rejoinder filed by the applicant and understood the contents thereof.
2. That the respondents reiterated the statements in the W.S. and state that there is no irregularity or illegality in not selecting the applicant for the appointment. The ex. serviceman shall have to secure qualifying marks according to his status as U.R, S.C, Or S.T. The ex. serviceman selected under the reservation as such is placed in the appropriate category - VIZ SC/ST/ OBC/General Category depending upon the category to which he belongs, and shall be placed in the reservation roster.

Contd.....2/-

1 OCT 2002

गुवाहाटी न्यायपीठ
Guwahati Bench

John Jyoti Baruah
109

CHAIKMAN
Chairman
Court
Record
Guwahati Bench
Date: 01.12.1994
File No. 36012/58/92-ESTT(SCT)

The qualifying marks shall be the marks for the category he belongs to. The applicant belongs to unreserved category and the qualifying mark is 40% which the applicant failed to secure.

A copy of the Office Memo
No. 36012/58/92-ESTT(SCT)
dt. 01.12.1994 is enclosed
as Annexure - 'D'.

3. That under the positions explained above the contention of the applicant in para 3(5.1) is denied.
4. That in reply to statements in para 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 the allegation of the applicant that the statements of the respondents are vague and unjustified is denied. It is reiterated that the evaluation process is fully computerised but while preparing the panel and the merit list, the computerized evaluation sheet is used, and the panel is prepared manually considering the qualifying marks and the reservation roster. There is no 'estoppel' as alleged. The allegation in para 8 of false and vague statement by the respondents is denied. In reply to para 11 the statements made in the preceding paras are reiterated

Contd....3/-

१०८

गुवाहाटी व्यायामीठ
Guwahati Bench

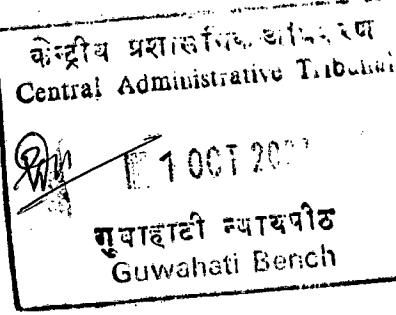
३

5. That the correctness of the statements in paragraph 14 to 16 are denied. It is stated that qualifying marks for unreserved candidate is 40%. As such if an ex. serviceman is not SC/ST/OBC, his qualifying marks is 40%. In the Annex. C to the W/S, letter dt. 20.12.05, the qualifying marks as 35% was written erroneously/inadvertantly. This mistake crept up because under Railway Board's letter dt. 4.6.2001, the qualifying mark was fixed as 35%. Subsequently, the said mark was raised to 40% by Rly. Board's letter dt. 29.10.2003 (Annex. A to the W/S). This qualifying mark is continuing now. The applicant however obtained only 25.33% of marks.

6. That the allegation in para 17 of false and vague statements is denied.

7. That in the circumstances of the case, the O.A. is misconstrued and deserves to be dismissed with costs.

110
Ch. Secy
Guwahati Bench
Central Administrative Tribunal
Guwahati Bench
Railway Board
W/S No. 78100
Date: 27/11/2011



VERIFICATION

I, Shri ... Jibon ... J.M. ... Basu ...
aged about 59 years do hereby verify that
the statements made in paragraphs ... to ... above
are true to my knowledge.

Guwahati,
21.9.2007

Jibon J.M. Basu
Signature

चेयरमैन
CHAIRMAN,
रेल नियमी बोर्ड
Railway Recruitment Board
गुवाहाटी/GUWAHATI-781001

Annexure - D

Ref. Para. 5.1

5/

No. 36012/56/92-Estt. (gen).
Government of India
Ministry of Personnel, P.G. and ~~Ex-Servicemen~~
Department of Personnel & Training

New Delhi, 16th Dec. 1974

OFFICE MEMORANDUM Section D, x, No. 1

Subject: Reservation available for ex-servicemen in Groups D, E & F specified categories of Groups I posts/ vacancies under the Central Government - revised procedure for filling the vacancies.

The Government had been considering the method of effecting the available reservation for ex-servicemen in the light of the judgement of the Supreme Court in Indira Sawhney case.

The Court has held that reservation for SC/ST/OBCs made under Article 16(4) of the Constitution may be called vertical reservation and the reservation made under Article 16(1) of the Constitution like reservation for physically handicapped persons as horizontal reservation. Horizontal reservations cut across vertical reservation (in which is called inter-locking reservation) and the person selected against these reservations has to be placed in the appropriate category, that is to say, if he belongs to SC category he will be placed in that quota by making necessary adjustment and similarly if he belongs to open competition (OC) category he will be placed in that category by making necessary adjustment. Even after providing for these horizontal reservations, the percentage of reservation in favour of backward class of citizens should remain the same.

3. In the light of the above said observations of the Supreme Court, it has been decided that the percentage of reservation for ex-servicemen should remain the same as at present. An ex-serviceman selected under the reservation provided for them should be placed in the appropriate category viz. SC/ST/OBC/General category depending upon the category to which he belongs. For example, an ex-serviceman who is a SC will be counted against the SC reservation point, an ex-serviceman who is ST or OBC will be counted against ST/OBC reservation point and the ex-serviceman who belongs to General category will be slotted in the General category vacancy point in the respective reservation roster.

contd... 2/-

~~Officed~~
~~Amrit~~
~~28/12/74~~
Secretary
Railway Recruitment Board
Guwahati

~~Amrited~~
~~Amrit~~
Advocate

4. All the Ministries/Departments, are requested to bring the above instructions to the notice of all the Heads of the Department and appointing authorities under their control for necessary compliance. Necessary amendment to the Ex-servicemen (Re-employment in Central Civil Services and posts) Rules, 1979 are being issued separately.

Shri Ram
(BHAWANI THIVAGARAJAN)
Director (JCA)

Copy to:

1. All Ministries/Departments of the Govt. of India.
2. Ministry of Finance (Banking Division), New Delhi.
3. Ministry of Finance (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Ministry of Welfare, New Delhi.
6. For File No. 41017/9/90-Estt. (SCT).

*Attested
Bamji
Advocate*