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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 248/9007

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1.....to. 3.....

2. Judgment/Order dtd. 11.02.2009Pg. 1.....to. 13.02.2009 Common Judgment
248/9007

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

4. O.A. 248/9007Pg. 1.....to. 60.....

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

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

✓ 7. W.S.Pg. 1.....to. 41.....

8. Rejoinder.....Pg.to.

9. Reply.....Pg.to.

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.)

Kali
09/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O R D E R S S H E E T

1. Original Application No. 248/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Jiten Ramchandra -VS- Union of India & Ors

Advocate for the Applicants:- Jay Das

Advocate for the Respondents:- Railways advocate, J.L. Sarkar

Notes of the Registry	Date	Order of the Tribunal
	13.9.2007	Applicant was initially appointed as
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BB No. <u>11.6.4034.00</u> Dated <u>26.7.07</u></p> <p><u> </u> Registrar</p> <p><u> </u></p> <p><u> </u></p> <p><u> </u></p>		<p>Constable in Group D category in Security Department and he served there till his inter department transfer to the Accounts Department on his own option in the year 1998 and absorbed as Peon in Group D employment. But before the said transfer the Constable's pay, scale, grade, capacity was elevated to the status of Group-C employment as per 4th Pay Commission recommendations. But the said benefit was not given to the Applicant. After filing of the O.A. No.110/2007, Respondents gave him the promotion vide order dated 11.6.2007 w.e.f. 06.06.2007. According to the Applicant, he should have been promoted from the date of absorption in the Accounts Department. Hence this O.A.</p> <p>Heard Mr.J.Das, learned counsel for the Applicant. Dr.J.L.Sarkar, learned Standing counsel for the Railways submitted that notice may be issued to the Respondents.</p>

Contd...

CA. 248/07.

Notice & order sent
to D/Section for issuing
to resp. nos. 1 to 4 by
regd. A/D post.

Contd.
13.9.2007

Considering the issue involved the
O.A. is admitted. Issue notice to the
Respondents, returnable by four weeks.

Post on 05.11.2007.

D/No-1057 to 1060

DI = 17/10/07.

Vice-Chairman

2-11-07

NO W/S filed.

Service report available.

/bb/

05.11.2007

None appears for the Applicant.

Dr. J.L. Sarkar, learned Railway Standing
counsel undertakes to file reply
statement within next six weeks time.

Call this matter on 18.12.2007.

Member (A)

Notice duly served
on R-4.

/bb/

Notice duly served
on R-2.

18.12.07

No written statement has yet been
filed in this case.

Call this matter on 31.01.2008
awaiting written statement from the
respondents.

(M. R. Mohanty)
Vice-Chairman

24.1.08

W/s submitted
by Respondents. Copy
maintaining given
for service.

pg

29.01.2008

On being mentioned by the learned Counsel for the parties, this matter, which is otherwise ready for hearing, is also taken up for hearing.

Heard Mr P.K. Roy Choudhury, assisted by Mr Joy Das, appearing for the Applicant and Dr J.L. Sarkar, learned Standing Counsel for the Railways/appearing for the Respondents, and perused the materials placed on record.

Hearing concluded. Orders reserved.


(Khushiram)
Member (A)



(M. R. Mohanty)
Vice-Chairman


nkm

11.02.2008

Judgment pronounced in open court.

For the reasons recorded separately, this O.A. is dismissed. No costs.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

29.2.08

Copy sent to the
Office for info
the time to the
Respondents
alongwith copy to
the d/Adv. for the
parties.

all

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.108 of 2007

Original Application No.109 of 2007

Original Application No.111 of 2007

Original Application No.248 of 2007

Date of Order: This the 11th day of February 2008

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khushiram, Administrative Member

O.A.No.108/2007

Shri Netai Sankar Bhattacharjee,
S/o Late Sukrite Sankar Bhattacharjee,
Railway Quarter No.D8/67(H), Rest Camp,
Guwahati-12.

.....Applicant

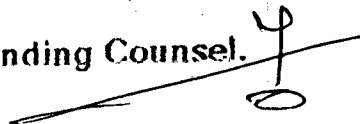
By Advocates Mr P.K. Roy Choudhury
and Mr Joy Das.

-versus-

1. Union of India, represented by the
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.
2. Financial Adviser & Chief Accounts Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
3. Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
4. Chief Security Commissioner,
N.F. Railway,
Maligaon, Guwahati-781011.

.....Respondents

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.



O.A.No.109/2007

Shri Akram Ali Ahmed,
S/o Late Mohim Ali Ahmed,
Railway Quarter No.2-B, West Maligaon,
Guwahati-4.

.....Applicant

By Advocates Mr P.K. Roy Choudhury
and Mr Joy Das.

-versus-

1. Union of India, represented by the
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.
2. Financial Adviser & Chief Accounts Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
3. Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
4. Chief Security Commissioner,
N.F. Railway,
Maligaon, Guwahati-781011.

.....Respondents

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

O.A.No.111/2007

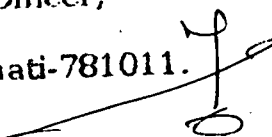
Shri Akash Basumatary,
S/o Shri Shib Charan Basumatary,
Railway Quarter No.146-B, East Maligaon,
Guwahati-12.

.....Applicant

By Advocates Mr P.K. Roy Choudhury
and Mr Joy Das.

-versus-

1. Union of India, represented by the
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.
2. Financial Adviser & Chief Accounts Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
3. Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati-781011.



4. Chief Security Commissioner,
N.F. Railway,
Maligaon, Guwahati-781011.

.....Respondents

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

O.A.No.248/2007

Shri Jiten Ramchiary,
S/o Late Ahin Ramchiary,
Maligaon, Guwahati-781011.

.....Applicant

By Advocates Mr P.K. Roy Choudhury
and Mr Joy Das.

-versus-

1. Union of India, represented by the
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.
2. Financial Adviser & Chief Accounts Officer,
N.F. Railway,
Maligaon, Guwahati-781011.
3. Chief Personnel Officer,
N.F. Railway,
Maligaon, Guwahati-781011.

4. Chief Security Commissioner,
N.F. Railway,
Maligaon, Guwahati-781011.

.....Respondents

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

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ORDER

M.R. MOHANTY, VICE-CHAIRMAN

Applicant (Netai Sankar Bhattacharjee) in O.A.No.108 of 2007 was appointed as a Constable of Railway Protection Force (in short 'RPF') of N.F. Railway Security Department (under Chief Security Commissioner) and continued to serve as such with effect from 28.02.1993. On his prayer to be appointed as a Peon (Group

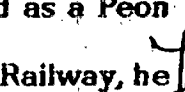
[Signature]

6
(D/Class IV post) in FA&CAO Department of N.F. Railway, he was issued with the appointment order dated 14.05.1998. He, having been relieved from RPF on 28.05.1998, joined as a Peon in the Establishment of FA & CAO/N.F. Railway on 29.05.1998 in the pay scale of Rs.2550-3200/-.

(2) Applicant (Akram Ali Ahmed) in O.A.No.109 of 2007 was appointed as a Constable of RPF of N.F. Railway Security Department (under Chief Security Commissioner) and continued to serve as such with effect from 01.10.1991. On his prayer dated 02.05.1996 to be appointed as a Peon (Group 'D'/Class IV post) in FA & CAO Department of N.F. Railway, he was issued with the appointment order and, having been relieved from RPF, joined as a Peon in the Establishment of FA & CAO/N.F. Railway on 08.06.1998 in the scale of Rs.2550-3200/-.

(3) Applicant (Akash Basumatary) in O.A.No.111 of 2007 was appointed as a Constable of RPF of N.F. Railway Security Department (under Chief Security Commissioner) and continued to serve as such with effect from 26.03.1996. On his prayer to be appointed as a Peon (Group 'D'/Class IV post) in FA & CAO Department of N.F. Railway, he was issued with the appointment order and he, having been relieved from RPF, joined as a Peon in the Establishment of FA & CAO/N.F. Railway on 15.05.2000 in the pay scale of Rs.2550-3200/-.

(4) Applicant (Jiten Ramchiary) in O.A.No.248 of 2007 was appointed as a Constable of RPF of N.F. Railway Security Department (under Chief Security Commissioner) and continued to serve as such with effect from 05.05.1993. On his prayer to be appointed as a Peon (Group 'D'/Class IV post) in FA & CAO Department of N.F. Railway, he



was issued with the appointment order and he, having been relieved from RPF, joined as a Peon in the Establishment of FA & CAO/N.F. Railway on 08.06.1996 in the pay scale of Rs.2550-3200/-. Later, he was empanelled in Group 'C' (Accounts Clerk) in pay scale of Rs.3050-4590/- on 20.04.2006 (as against 33^{1/3}% quota set apart for Matriculate Peons of Accounts Department) and has been promoted as Accounts Clerk with effect from 06.06.2007 by an order dated 11.06.2007.

(5) After joining as a Peon in FA&CAO Establishment, as it appears, the Applicants represented for being absorbed as Clerks (Group 'C' category/Class III category of staff) of said FA & CAO Establishment; which prayer was turned down, on 26.11.1999, in respect of Applicants in O.A.No.108/2007 and O.A.No.248/2007. Relevant portion of the said order dated 26.11.1999, by which the prayer of the said Applicants (and few others) were rejected, reads as under:

"Appeals for absorption in Class III category submitted by the staff who were posted in Class IV category in Accounts Department against interdepartmental transfer from Security Department are scrutinized with their original interdepartmental transfer applications. As per their clear option-they have been posted in Class-IV category in the grade of Rs.2550-3200/- as Office Peon. Hence their appeal for absorption in Class-III category as Accounts Clerk at this stage cannot be considered."

(6) They, again and again, submitted representations seeking to be absorbed as Group 'C' staff in FA&CAO Establishment of N.F. Railway. Finally they submitted representations, individually, during 2005 wherein they prayed for the same relief on the ground that similarly placed two others were given such benefits (of being taken to Group 'C' Establishment) on the strength of an Award dated

14.03.2005 of the Industrial Tribunal. The Applicant, Netai Sankar Bhattacharjee of O.A.No.108/2007 submitted a representation on 14.08.2006 (for the same relief, which was turned down on 26.11.1999); wherein he stated as under:

"..... the junior of this humble Applicant while in his parent department were given the benefit of Group C status and posted in other departments in the capacity of Junior Clerk and also given the necessary benefits whereas this Applicant inspite of his being quite senior to them has been forced to suffer to his lot by the Administration. Had it be known to this Applicant before his seeking in the inter-department-transfer, definitely in no circumstances he should have applied for and agreed to accept the catastrophics of his lot which was not known to him during the material time of his transfer, but quite known to the Administration and never disclosed the impact of such transfer in the event of its taken effect into."

(7) Applicants of other cases also went on representing to the authorities in the same way as that of the Applicant in O.A.No.108/2007.

(8) On 07.05.2007, Original Applications No.108/2007, 109/2007 and 111/2007, under Section 19 of the Administrative Tribunals Act, 1985, were filed with the following prayers:-

"8.2 To promote the applicant in Group 'C' employment from the date of his absorption in the Accounts department on being transferred from his former department i.e. the Security department where he was in Group-'C' employment but not given the fruitful benefits in Group 'C' cadre in the capacity of Constable in spite of the Pay Commission's recommendation followed by Railway Board's mandatory direction for doing so.

8.3 To treat the Applicant at par with those staff of the Security department absorbed in other department mentioned in the application under paras 4.14, 4.15,

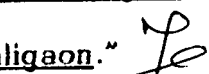
4.16 to give full back wage of pay, allowances etc. from the date of effecting the pay scale of the Constable in the Security department upgradation in Group 'C' cadre.

8.4 COST OF APPLICATION

8.5 Any other relief (s) to which the Applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

9. On 12.09.2007, O.A.No.248/2007 was filed under Section 19 of the Administrative Tribunals Act, 1985 also with the same prayers as above. The said Applicant of O.A.No.248/2007 also filed O.A.No.110/2007; which was withdrawn, on 22.06.2007, with liberty to file another O.A.

10. By filing separate written statements, in each of these cases, the Respondents have disclosed that the Applicants were drawing salary in the pay scale of Rs.825-1200/- as a Constable of RPF; when they applied for the post of Peon. The Respondents also disclosed that "Shri Netai Sankar Bhattacharjee, Peon/CPB of Accounts Department of N.F. Railway, was appointed in the Security Department in the capacity of constable/RPF in the executive department of RPF on 28.02.1993 and that he applied for inter-departmental transfer to Accounts Department, at his own accord, in the capacity of Peon vide his application dated 07.03.1997. He wanted to be absorbed in Group-D category of Accounts Department as his mother had undergone a major brain operation at AIIMS/New Delhi two years back and she required regular check up and treatment at Central Hospital/Maligaon."



So far Applicant in O.A.No.109/2007, the Respondents stated that he was appointed as a Constable/RPF on 01.10.1991 in the pay scale of Rs.825-1200/- and applied for the post of Peon in Accounts Department on his own accord, on 02.05.1996, wherein he stated that, although a Matriculate, he accepted the job of the Constable of RPF to earn his livelihood in the hard day so unemployment and, finding no future prospect in RPF, he opted to go to Accounts Department even as a Peon, so that he may get opportunity to become a Clerk (on a future date) with aid of 33^{1/3} vacancies of Clerk reserved for Matriculate Peons.

It has been stated that same was the reason for the Applicant in O.A.No.248/2007 to opt to join as a Peon in Accounts Department.

The Respondents disclosed that the Vth Central Pay Commission's reports was widely circulated by the Central Government of India/the Railways through various medias, and, as such, the question of ignorance about the IVth or Vth Pay Commission's award by any employee of any department does not arise and that such alleged ignorance is of no help.

It has also been disclosed by the Respondents, in the written statement, that implementation of Vth Pay Commission's awards to all employees of all departments of N.F. Railway, after announcement of the award, required a lot of time; for which lump-sum arrear amount was paid, to all employees of all departments of N.F. Railway, at a time, and that the Applicants while working in the capacity of Constable/RPF in the Security Department, received the same; that they were well aware of the award given by the Vth

Central Pay Commission pertaining to the RPF constables (while they were serving in the executive wing of RPF) and that, therefore, their plea of ignorance (about the awards of Vth Central Pay Commission, for RPF Constables) is only intended to mislead this Tribunal.

Applicants finally appealed for being absorbed in the post of Accounts Clerk (in pay scale Rs.3050-4590/-) because one Sri Tapan Baishya (Peon/EGA) and another Md. Abul Naser (Peon/ENGA) were absorbed in the post of Accounts Clerk. In the written statement, the Respondents explained the matter by stating that on the basis of an Award of Hon'ble Central Govt. Industrial Tribunal-cum-Labour Court at Guwahati dated 13.07.05. Those two ex-Constables of RPF/Fire Wing were absorbed as Clerks. They have explained that these 2 (two) staff were initially appointed as Fireman/RPF (Fire Wing) of N.F. Railway and they joined in Accounts Department in the capacity of Peon; because they were going to be rendered 'surplus' in the said Fire Wing of RPF; but the Applicants were not declared 'surplus' in Fire Executive Wing of RPF nor they had any apprehension of being declared surplus or facing retrenchment from the post of Constable/RPF nor were they equally circumstanced like said Shri Baishya and Md. Naser and that, hence their appeal for being absorbed in the post of Accounts Clerk in Accounts Department was rightly rejected. Elaborating the matter, the Respondents (in O.A.No.108/2007) explained further as under:

"Sri Tapan Baishya, Peon and Md. Abul Naser, Peon were working in the Fire Wing of RPF (Security Department). They were rendered 'surplus' in Fire Wing of Security Department. They had applied to Accounts Department for absorption in Group-D category at their own accord. They were absorbed as Peon in Scale Rs.2550-3200/- in Accounts Department. Those 2(two) staff filed a Case No.4(C)/03 (9/04 New) in the CGIT-cum-

Labour Court, Guwahati. In the verdict, Hon'ble Presiding Officer, CGIT-cum-Labour Court, Guwahati opined "I find there was question of abolition of RPF Fire Wing and to be surplusd. Being afraid to b surplusd due to abolition of RPF Fire Wing the workmen joined in the category - D of the Accounts Department. Hence, the ground forwarded by the workmen about compelled circumstances has got force because no workman will select to be defuncted at the stage while they are earning their monthly salaries." As such, the Hon'ble Presiding Officer, CGIT-cum-Labour Court, Guwahati directed the management to arrange for their promotion to Category-C. The management promoted the above 2(two) staff to Accounts Clerk in scale Rs.3050-4590/- with effect from 13.07.2005 (Date of verdict)."

It has also been stated by the Respondents that "the Applicant had no scope of transfer as Accounts Clerk from Security Department"; as "the cadre of Accounts Clerk is separate and distinct with scope of direct recruitment and promotion from Group-D staff of Accounts Department" and, as such, there were "no scope of transfer of the Applicant as Accounts Clerk from RPF; as that "would cause irregularity and mass complaint from the staff of Accounts Department" and that "his case for promotion shall be considered in usual turn". In O.A.No.248/2007, the Respondents have disclosed that the Applicant has already been promoted as a Clerk from the post of Peon in Accounts Department (in due course) in 33^{1/3} % vacancy of Clerks earmarked for educated Peons.

(11) By filing Rejoinders, the Applicants have made an attempt to substantiate their case, as made out in the Original Applications.

(12) We have heard Mr P.K. Roy Choudhury, learned Counsel appearing for the Applicants and Dr J.L. Sarkar, learned Standing Counsel appearing for the Respondents in all these cases and perused the materials placed on record.



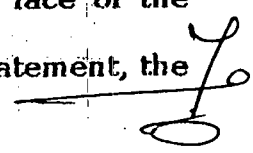
(13) The Applicants, while continuing as RPF/Constables in the pay scale of Rs.825-1200/- opted to join as a Group 'D' Peons in the Establishment of FA & CAO of N.R. Railway. At that time the pay scale of Peons in FA & CAO Establishment was Rs.750-940/- i.e. lower than the pay scale of the Constables/RPF. Being conscious of the fact that they have to be in a lower pay scale (that too at the bottom of the seniority of the Peons of the new establishment), the Applicants opted to join as Peons of the FA & CAO Establishment. In the meantime, the pay scale of Rs.825-1200/- had been revised as Rs.3050-4590 and the pay scale of Rs.750-940/- had been revised to that of Rs.2550-3200/-. Being conscious of all that, the Applicants left the job of Constables and joined the posts of Peon in the revised scale of Rs.2550-3200/-. After joining as Peons in FA & CAO Establishment, the Applicants submitted representations to be absorbed as a Group 'C'/Class III category of staff in FA & CAO Establishment of N.F. Railway and the said prayer was turned down on 26.11.1999. By the time the Applicants opted for the post of Peon in FA & CAO Establishment, they were in the pay scale of Rs.825-1200/- and at that point of time the pay scale of Clerks/Group 'C'/Class III staff of FA & CAO Establishment was at a higher rate i.e. Rs.950-1500/- and under, the Recruitment Rules in force, they could not have been, straight-way, taken to Group 'C'/Class III Establishment of FA & CAO. Thus, the rejection of the claim (on 26.11.1999) was just.

14. Despite such rejection in the year 1999, the Applicants went on representing to the authorities time and again. Law is well settled that successive Representations cannot save the delay and laches and, therefore, the present prayer (made in 2007) to absorb

16
them as Clerks (from the time they were absorbed as Peons) is also grossly bad for the reason of delay and laches.

(15) That apart, the Applicants, only after joining the post of Peon, represented to go over to Clerk post. They applied for the post of Peon. They were free not to join as Peon and, before joining at Peon,, they were free to repent and revise their stand to pray to go over to the post of Clerk (instead of going over the post of Peon); but once joined as Peon, they were estopped to make their revised prayer; just like the case of "resignation once accepted, is not available to be withdrawn". Thus rejection of their prayer to be absorbed as a Clerk in Accounts Department was just.

(16) By taking a new plea (that some others from RPF/Constable Establishment were taken as Clerks of other Departments of N.F. Railway) the Applicants filed representations (during 2006) to get the same relief; which was turned down on 26.11.1999. By giving a reply on 03.04.2007, the Respondents explained that some Constables of RPF/Fire-fighting wing (before being declared surplus/retrenched) opted to join as Group 'D' staff in other Departments of N.F. Railway and, when approached the Industrial Tribunal, the said Tribunal held that "on being found surplus they were entitled to be absorbed in Group 'C' Establishment and that, therefore, they should be absorbed in any Group 'C' post; notwithstanding the fact that they (in search of security of continuous employment) joined as Group 'D'/Peons" and that since the Applicants were not apprehending any retrenchment they are not to get the same benefit, being of different class. On the face of the explanation given by the Respondents in their written statement, the

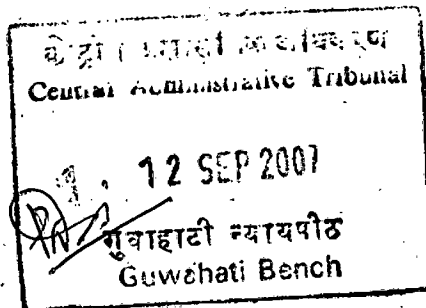


Applicants are not to get the benefit of being taken to Group 'C' Establishment straightway. As stated by the Respondents, they shall get chance to be considered to be promoted as Group 'C' staff in due course. In fact, the Applicant of O.A.No.248/2007 has got promotion (from the post of Peon) to the post of Accounts Clerk in due course.

17. In the representations and in the O.A.s (and also in the Rejoinders) the Applicants have repeatedly said about their ignorance of law/Rules and that, taking advantage of the same, the Respondents placed them in difficult situation. During course of hearing, we repeatedly asked the Advocate for the Applicants as to which law/Rule was extending them the benefit but was not extended to them. He failed to point out the same at the hearing. In any event, ignorance of law/Rule shall not enure to their benefit in any manner. We have also not found any infirmity in the actions of the Respondents (in the cases) pertaining to the Applicants.

(18) Thus, judging from any angle, all the Original Applications of the Applicants are devoid of any merit and also suffer from delay and laches. Hence the Original Applications are dismissed. No costs.

Sd/-
Manoranjan Mohanty
Vice Chairman
Sd/-
Khushiram
Member (A)



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

OA No. 248 of 2007.

Sri Jiten Ramchiary Applicant

-VS-

Union of India & Others Respondents

SYNOPSIS

1953 Initially appointed as Constable in Group-D Category in the Security Deptt. of the N. F. Railway, Maligaon and served for quite a good number of years in the said capacity till his inter department transfer on own option to the Accounts Department in the year 1998 and absorbed as Peon in the Group-D employment. But before the said transfer the Constable's pay, scale, grade, capacity was elevated to the status of Group - C employment at par with Jr. Clerks in the Railways following the 4th Pay Commission's recommendation and Railway Board's categorical directives to the all Zonal Railways and Production Units. But the Respondents' N. F. Railway Security Department neither implemented the said change of upgradation of cadre nor communicated the matter to its employees and as a result of which the Applicant like his other fellow-mates remained quite in the dark. Had it been known to them prior to giving option, the question of seeking for transfer with bottom seniority and option for Peon in Group-D category should never had arisen. The Applicant had been enduring his lot ; but it came to his knowledge that the Respondents have absorbed many of the Constables of the Security Department in Group-C status as Jr. Clerks in other Departments in spite of

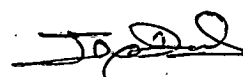
Contd..p/2.. their seeking

their seeking own transfer on own option, the references of which have been enclosed in this application. Series of representations have been given to the Respondents, but in vain. For redressal of these grievances OA No. 110 of 2007 was filed in this Hon'ble Tribunal, but immediately after filing the said OA, the Respondent No. 2 gave promotion to this Applicant as Accounts Clerk with its effect from 6.6.2007 having without any basis at all. The Applicant then have to withdraw the said OA for filing a fresh OA. At the same point of time the Respondents made most arbitrarily and in most unfair play arbitrarily and in most unfair play of action by promoting and absorbing one Sri Munindra Kumar Das, Constable of the Security Department, as Accounts Clerk in scale Rs. 3050 - 4590/- in the Accounts Department by the straight transfer from Security Department to Accounts Department vide office order No. G/024(07-08) dated 5.7.2007 (impugned) without asking for any option and/or observing other Rules and formalities, duly discarding the rightful claim of this Applicant and similar other transferees from Security Department to Accounts Department. Hence, this Application to this Hon'ble Tribunal for justice.

Place:

Filed by

Date :



(J. Das)
Advocate

**IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

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

OA No. 248 of 2007.

Sri Jiten Ramchiary Applicant

-VS-

Union of India & Others Respondent

INDEX

Sl.No	Annexure	Particulars	Pages
1	-	Application	1 to 18
2	-	Verification	19
3	Annexure - A	Promotion order of Applicant effect given from 6.6.07 though transferred on 22.5.1998.	20
4	Annexure - B	Joining report of the Applicant as Accounts Clerk.	21
5	Annexure - C	Promotion order and panel of the Accounts Clerk made in April / 06 wherein the Applicant was shown promoted as Accounts Clerk along with 8 others.	22
6	Annexure - D, D/1, D/2, D/3	Respondents directly absorbed one Constable as Accounts Clerk in Accounts Department by transfer from Security Deptt.w.e.f. 5.7.2007.	23
7	Annexure - E	Order for promotion of two Peons as Jr. Clerk who came on transfer on own option.	24
8	Annexure - F	FA & CAO's letter dt. 03-04-2007 refusing Applicant's representation	25
9	Annexure - G	Appointment letter	26
10 - 13	Annexure - H,I,J,K	Rly. Bd's Circulars	27 to 31
14	Annexure - L	Transfer order	32
15	Annexure - M	Posting order	33
16	Annexure - N	Representation	34
17	Annexure - O	FA&CAO's letter dt. 26-11-1999 not accepting representation	35

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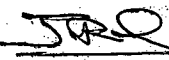
-2-

18 to 20	Annexure P, Q, R, S,	Representations.	36 to 39
21	Annexure T	Award given by Industrial Tribunal to promote two Peons in Gr. C category following Pay Commission's Recommendation and Rly. Bd's directives.	40
23 & 24	Annexure U & V	Copies of Office Order promoting Gr. D staff as Jr. Clerks	41 & 42
25	Annexure W	Comprehensive representation dated 14.8.2006.	43
26	Annexure X	CAT/GHY's order dated 22.6.2007.	44
27	-	Vakalatnama	45
28	-	Acknowledgement Receipt of Service Copy.	46

Date :

Filed by

Place :


(J. Das)
Advocate

22

**IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

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

OA No. 248.....of 2007.

Sri Jiten Ramchiary Applicant

-VS-

Union of India & Others Respondent

LIST OF DATES& CHRONOLOGICAL EVENTS OF THE CASE.

Sl No	Date	Particulars	Annexure	Page
1	5.3.1993	5.3.1993Appointed as Constable in Gr. D category in the N. F. Railway, Security Department	G	26
2	30.10.1987, 10.5.1999, 26.1.2000, 30.3.2000	Rly. Bd's directives regarding 4 th Pay Commission's Recommendations for implementation regarding elevating the Constablestatus that of Jr. Clerks in Gr. C Category by up-gradation of Constable's Pay & Scale & AIRPF's representation.	H, I, J, K	27 to 30
3	22.5.1998	Opted for inter departmental transfer to the Accounts department when the Security Department did neither implement the Board's directives nor inform the Applicant regarding his elevation in Gr. C category by way of up-gradation of the cadre of Constable.		
4	26.3.1999, 13.7.1999	Transferred by the Security Department and absorbed in the Accounts department as Peon vide FA&CAO/N.F.Rly/MLG's office order No.	L & M	32 - 33
5	1999	After absorption in the Accounts Department it came to knowledge that the Constables pay, scale and capacity were already up-graded in Gr. C category while the applicant was in the Security Department and also other constables who came on transfer to other departments with their own options got promotional benefits of Gr. C employment with their pay, scale of constable and posted as Jr. Clerks.	U & V	41- 42

Contd. p/2

6	17.3.2000, 4.8.2000, 15.2.2001, 5.5.2005	Submitted series of representations to the FA & CAO/ N. F. Railway/Maligaon, the Respondent No. 2, for elevation of his status to the cadre in Gr. C capacity in scale Rs. 3050 - 4590/- and absorb/promote him as Jr. Clerk at par with others similarly situated Constables came on transfer with option.	P,Q,R,S	36 - 39
7	28.7.2006	2 Constables filed Court Case in Industrial Tribunal, got "Award" in their favour and promoted as Jr. Clerk by the Respondent No. 2	E 2 T	24 2 40
8	14.8.2006	Applicant submitted a comprehensive Representation to the Respondent No. 2 stating that before opting for inter departmental transfer from Security department to Accounts department it was not known to him nor disclosed by the Respondent that he was already ther in Gr. C category following the up-gradation of constable's pay - scale in in 1987 by the 4 th pay Commission's recommendation and Rly. Bd's repeated directives for implementation, upon which the other Constables transferred on their own option to other departments got the pay, scale and capacity of Gr. C category as jr. Clerks.	W	43
9	3.4.2007	FA & CAO/N. F. Railway/Maligaon , the Respondent No. 2, vide his letter No. PNO/AD/80/496/Pt. I (Loose) dated 3.4.2007 refused to consider the prayer of the Applicant for elevation of his status by absorption / promotion as Jr. Clerk like other employees in similarly placed circumstances and at par with the Applicant in all respects.	F	35
10	.04.2007	Filed OA No. 110 of 2007 for justice.	- .	-
11	6.6.2007	Promoted the Applicant as Jr. Clerk in Accounts department: but effect given from 06.06.2007.	A	20

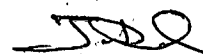
-3-

12	22.6.2007	In view of above promotion CAT's order OA 110/07 withdrawn on 22.06.2007.	X	44
13	5.7.2007	Respondents Absorbed one Constable of Security department directly in the Accounts department as Accounts Clerk in scale Rs. 3050 – 4590/- vide FA&CAO/N.F.Railway/Maligaon's office order No. G/024 (07-08) dated 05.07.2007 most arbitrarily and discriminately.	D	23
14	9.07	Filed the present OA No. of 2007 for justice.		

Place :

Filed by :

Date :


(J. Das)
Advocate

Filed by the
applicant through
Jitendra
Advocate
25
12/12/07

**IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

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

OA No. 248 of 2007.

Sri Jiten Ramchiary
S/o late Ahin Ramchiary..... Applicant
Maligaon, Guwahati - 781011
-VS-

1. Union of India, represented by General Manager,
N. F. Railway, Maligaon, Guwahati - 781011
2. Financial Adviser & Chief Accounts Officer, N. F. Railway,
Maligaon, Guwahati - 781011
3. Chief Personnel Officer, N. F. Railway,
Maligaon, Guwahati - 781011
4. Chief Security Commissioner, N. F. Railway,
Maligaon, Guwahati - 781011

..... Respondents.

1. Details of application against which the application is made.

1.1. FA & CAO/N.F.Railway, Maligaon vide his O.O. No. G/18 (2007-08) dt. 11.6.07

circulated under No. PNO/AD/80/496 Pt.-XI dt. 06.06.07 promoted the Applicant

as Accounts Clerk in scale Rs. 3050-4590/-, but the date effect given from

06.06.07 without any basis or rationality. ^(Annexure - A) This is a whimsical and unfair play of

action of the Respondents. And against which this Application is submitted for

justice alongwith three other following orders impugned.

1.2. FA&CAO/N. F. Railway, Maligaon's letter No. PNO/AD/80/496/Pt. XI (Loose)

dated 03.04.2007 (signed by Dy. CAO/G/N. F. Railway/Maligaon (Annexure-F)

1.3. FA & CAO / N. F. Railway, Maligaon's office order No. G/024 (06-07)

Contd. p/2.. communicated under

Jiten Ramchiary

communicated under PNO / AD / 80 / 496 / Pt. XI (Loose) dated 28.7.2006 for promotion to the post of Gr. 'C' Accounts Clerk in scale Rs. 3050 - 4590/- for promoting to Sri Tapan Baishya, Peon and Md. Abul Naser, Peon both opted from their former cadre of Constable under Chief Security Commissioner, N. F. Railway, Maligaon while they were in Gr. D category like this applicant.

(Annexure - E).

- 1.4. FA & CAO / N. F. Railway / Maligaon absorbed one Sri Munindra Kumar Das, Constable of the Security Department, directly as Accounts Clerk in scale Rs. 3050 - 4590/- in the Accounts Department vide FA & CAO / N.F. Railway, Maligaon's office order No. G / 024 (07-08) communicated under No. PNO/AD/66/275/Pt. IX dated 5.7.2007. (Annexure - D)

2. Jurisdiction :

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

3. Limitation :

The Applicant submits that the Application has been filed according to the Limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts :

4.1.. That the Applicant being a citizen of India is entitled to get all his legal, fundamental and statutory rights.

4.2.. That the Applicant have been serving the N. F. Railway Administration w. e. f. 5.3.1993 with the entire satisfaction of his superiors and with due

Contd..p/3. diligence and sincerity

28
Jiten Ramcharan

diligence and sincerity and culminating sterling services to the cause of this Railway and is therefore a bonafide and deserving employee to be considered for getting his rightful "just dues" at par with others.

4.3.. That this Applicant was appointed in the Railway Protection Force as Constable under the Chief Security Commissioner, N. F. Railway, Maligaon in Group-D employment on 5.3.1993 and discharged duties in the Security Department till 22.5.1998.

A photocopy of Appointment letter of the applicant is enclosed as Annexure-G

4.4.. That after rendering 5 years service the applicant found that in spite of having his requisite qualification for being employed in the minimum capacity of any Gr. C employment in the Railway's establishment, the said Security Department had not taken any initiative for promoting in any Suitable post for the elevation of the progression of the service carrier of the Applicant though in a welfare state like ours it is the cardinal duty of every employer to find scope and opportunities for employing his employees in suitable promotional grades if found fit in all respects and thereby take all necessary steps to ensure his promotional prospects.

4.5. That it is humbly submitted in this connection that following the recommendations of the 4th Pay Commission the payscale and capacity of the Constable in Railway Security Department were elevated to

contd. p/ 4.. the cadre of Gr. 'C'

27
Jiten Ranchharya

-4-

the cadre of Group-C establishment prevailing then in the pay scale of Rs. 825 -1200/-, now Rs. 3050-4590/-, which was communicated vide Railway Board's circular No. PC-IV/86/TMP/46 dated 30.10.1987 for its Immediate implementation in all Zonal Railways.

A photocopy of the above circular with AIRPF's representation is enclosed as Annexure -H, I, J,K.

4.6. That the recommendation of the 4th Pay Commission mentioned in the foregoing para was not implemented in the Security department of this Railway in the case of the Applicant nor he was, as a matter of fact should have been, informed in the elevation of his status to the cadre in Group-C capacity in the pay scale then Rs. 825-1200/- now Rs. 3050-4590/-, which the Applicant feels was of imperative necessity and bounden duty of the Administration to communicate this humble applicant and grant his necessary pay, scale and status in the capacity of Group-C establishment in his parent department.

4.7. That it is submitted that being remained in the darkness of the radical changes of the payscale and rank in the Group - C establishment in minimum of a Jr. Clerk's payscale though a Constable the applicant was then, it was found that it would be efficacious for the Applicant at least if he could interchange his cadre and department with that of the Accounts Department wherefrom at least he could try his destiny. Being compelled by the circumstances, the Applicant sought for his transfer from the

contd..p/5.. Security Department

Jiten Ranjiv

-5-

Security Department in the Accounts Department accepting the bottom seniority in the capacity of a Peon under the Accounts department.

- 4.8.. That it is humbly submitted that the authorities of the Security department knowing fully well that during the material period of his seeking transfer to the Accounts department the pay, scale, capacity of the Applicant was that of a Group-C cadre and without communicating anything on this aspect the Security Department transferred and spared the Applicant as a Group-D employee to the Accounts Department only because of the option tendered by the Applicant and his faith was sealed then and there in the Security department without thinking of his progression of service by his Former employer even on the face of the recommendations of the 4th Pay Commission and direction for implementation by the Railway Board, the reference of which have been mentioned in the foregoing para 4.5.

A photocopy of the transfer order issued by the Security department vide No. P/106/Pt-VI/EB dated 22.5.1998 is enclosed as ANNEXURE - L

- 4.9. That on being spared by the Security Department the Applicant was absorbed by the Accounts Department and given the formal posting order vide FA&CAO, N. F. Railway, Maligaon's No. G / 478 dated 8.6.98.

A photocopy of the above office order is enclosed as Annexure M

- 4.10. That it is submitted that right since the induction of the applicant in the Accounts Department he has been representing to the Respondents -

Contd. p/6. Railway Administration,

Jiten Ranchhary

Railway Administration, more particularly the Respondent No. 2, praying for allowing him to get the Pay Commission's recommendation followed by Railway Board's direction and arrange elevation of his pay, scale and status in the minimum capacity of a Jr. Clerk i.e. Accounts Clerk in the Accounts department in scale Rs. 3050-4590/- in Group-C cadre to which he was in the Security Department: prior to his transfer, although that Group-C status was deliberately concealed by the Respondent No.4.

Photocopy of above representation is enclosed as Annexure - N.

- 4.11 That it is submitted that the Respondents Railway Administration, more particularly the Respondent No.2, without giving proper application of mind to the said representations of the Applicant and without following the Statutory Rules did not consider to give the "just dues" of the Applicant and gave a negative reply.

A photocopy of the above is enclosed as Annexure - O

- 4.12. That although the Respondents observed mute silence since their above reply, the Applicant has been constantly pursuing his case with the Administration to yield the fruitful result by approaching both oral written submissions.

Photocopies of some of his representations are annexed as

Annexure {Q,R,S,

- 4.13. That it is submitted in this connection that the brethren sufferers like this Applicant, namely Sri Tapan Baishya and Md. Abul Naser, being

Contd.p/7.. disappointed by the

30
Jiten Ramcharya

-7-

disappointed by the Respondents' blatant attitude and arbitrary action approached the Court of Law in the Central Government Industrial Tribunal-Cum-Labour Court, Guwahati and a case was registered under No. 4(C)/03(9/04-New) in the said Tribunal and the Hon'ble-Tribunal was very much pleased to give correct discernment and Judicious order in favour of those two litigants mentioned above and considering all aspects and carefully examining the records produced by the Respondents in the Tribunal, the said learned Tribunal gave an award in the said case in favour of the two employees, initially deprived by the Security department and thereon arbitrarily prevented by the Respondent No. 2.

A photocopy of the above award is enclosed as Annexure - 7

4. 14. That it is submitted that the Respondents, more particularly Respondent No. 2, afterwards giving the all careful consideration in the matter implemented the said order of the above named two persons in the capacity of Accounts Clerk in the scale Rs. 3050-4590/- vide order No. PNO/AD/80-496/Pt.XI dated 28.7.2006, the reference of which has been cited under para-1 and a copy annexed under Annexure-E, to take retrospectively from the date of issue of Court's orders and also to get payment all back wages of pay and allowances from the date of the Tribunal's order.

4. 15.. That incidentally the Applicant further submits that not only the above

contd. p/ 8.. two transfers of the

Jiten Ramchary

two transfers of the Security department, but also another named Smt. Kanika saha, Constable in scale Rs. 3050-4590/- was also transferred and posted as Jr. Typist in the same pay, scale and capacity identical with that of the Constable in the Security department, on being transferred by her own request and accepting the bottom seniority in the Personnel department under the Chief Personnel Officer, N.F.Railway, Maligaon, i.e. the Respondent No. 3 and posted under Divisional Railway Manager (P), N. F. Railway, Lumding vide office order No. E/254/2/Pt.III dated 24.3.99 even while she was in Group-D cadre like the Applicant.

Photocopy of the above office order is enclosed as Annexure-V.

4.16. That it is also pertinent to mention here that there are instances of such transfer of some other staff junior to this Applicant and served the same Security department in the capacity of Constable but absorbed by the Respondents, more particularly the Respondent No. 3 & 4, in the capacity of Jr. Clerks and absorbed them in the Mechanical department under Divisional Railway Manager, N. F. Railway, Lumding vide office order No. E/283/1/LM dated 19.8.99.

A photocopy of the office order is enclosed as Annexure -V.

4.17. That it is submitted that this humble Applicant who is one of the similar kind of 4 (four) employees, deserved to be considered by the Respondents for giving the equal pay, scale and status to keep conformity and also keep parity in employment without making any discrimination of whatsoever

contd. p/9.. nature.

32

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nature.

4.18. That in this connection it is submitted that had it been known to the Applicant before seeking his Inter department transfer that there was the pay, scale and status of the Applicant in his former department with that of a Group-C status, definitely in no circumstances he should have applied for and agreed to accept his transfer in Accounts Department for the Group - D posts for which the sufferings now he has been put to. The Respondents administration did never disclose the impact of such transfer in the event of its taken effect into prior to release him from his former department here he was in fact, in Group-C cadre during the material time.

4.19.. That it is submitted that albeit the Applicant sought for Inter department transfer to Accounts department by giving option in the Group-D employment capacity, but it was not known to him during the material time of giving his such option that he was in Group-C employment, which was not disclosed to him by the Administration i.e. any of the above Respondents, and hence, this cannot be a deciding factor to deprive a sincere and diligent employee of his rightful dues and also put to the strictest adversaries of his life and lot only on the technical spirit of the said letter of option to the consequence of which he was made fully unknown.

4.20.. That incidentally this Applicant further submit that there are glaring examples of many others, more particularly, Sri Manoj Kumar Thakur, RPF / Firemen, Alipurduar Junction, Sri Tapan Kumar Acharjee, RPF/

Contd.p/10.. Fireman, Alipurduar

Jiten Ramcharan

-10-

Fireman, Alipurduar Junction, were absorbed as Clerk in scale Rs. 3050-4590/- under Divisional Railway Manager(P)/Alipurduar Junction, the executive control of which is under the Respondents No. 3 i.e. Chief Personnel Officer, N.F. Railway, Maligaon, vide office order No. E/41/AP/S&T dated 24.12.98 and 23.3.99.

- 4.21. That it is humbly submitted that apprehending the outcome of the above Court case and also the Administration might take a lenient view to consider the case of this Applicant for causing disparity in employment by transferring the employees with their same pay, scale and capacity to other departments upon their own request and formal option mentioned in the aforementioned paragraphs i.e. paras 4.13, 4.14, 4.15, 4.16, 4.20 this Applicant has been waiting so long. But the moment it is known that the Respondents have implemented the above Tribunal's Award vide order mentioned under para 1 and annexed as Annexure-E, the Applicant submitted a comprehensive representation dated 14.8.2006 to the Respondent No. 2 to consider his case on the same footing of those employees who have also been inducted in the Accounts department on being transferred from the Security department upon their own request and option.

A photocopy of the above representation is enclosed as Annexure - W

- 4.22. That it is submitted that after submitting the above representation a considerable span of time has been elapsed. The Respondent No.2 has since given a reply to the above representation vide its letter No.PNO/AD/80/496/

Contd.p/11.. Pt. XI(Loose)

Jiten Ranchariya

Pt. XI(Loose) dated 03.04.2007 which is fully a matter of DISCRIMINATION and DISPARITY in respect of employment and thus hits the Constitutional safeguards for the employees, specially the Articles 14&16(i) of the Fundamental Rights. A photocopy of the above is annexed as Annexure - F. And finding no other alternative this humble Applicant has approached this Hon'ble Tribunal for redressal of his long standing grievances by filing OA No. 110 of 2007.

4.23 That it is submitted for the redressal of the grievances stated above the Applicant filed an Application under No. O.A. 110 of 2007 in this Hon'ble Tribunal for adjudication and justice.

4.24. That it is submitted that perhaps to shield the injustices and unfair play caused by the Respondents, the Respondent No. 2 gave him the promotion of Accounts Clerk in scale Rs. 3050-4590/- vide his office order No. 18(07-08) communicated under No. PNO/AD/80/496/Pt.XI dated 11.6.2007 to take effect from 06.06.2007. The words intentioned in the said office order (4th line of the 1st para) "subject to the outcome of the pending Police case, if any, in future" – are most objectionable and injurious to the reputation of the Applicant. Moreover, if this promotion is the product of the panel made in the office order No. G/003 (06-07) dated 20.04.2006, then why the case of the Applicant was not tagged together with 8 (eight) others who got the promotional benefit more than a year back and why the Applicant was victimized for no fault of his own

Contd..p/12.. A photocopy of the

35
Jiten Ranching

A photocopy of the above orders are annexed as Annexure – A & B.

4.25. That, however, being a law - abiding citizen and devoted employee the Applicant has carried out the orders of the above promotion, belatedly realized and made by the Respondents, and joined on 11.6.2007, i.e. the same day of the issuance of the said office order.

A photocopy of the joining report is enclosed as Annexure – B.

4.26..That after issuance of the above promotional order for the post of Accounts Clerk in scale Rs. 3050-4590/- in Gr. C cadre which the Respondents should have given to the Applicant much earlier in accordance with the 4th Pay Commissions' Recommendations and Railway Board's mandatory orders mentioned in the foregoing paras (paras 4.5, 4.6) at Annexures H,I,J,K have made an astonishing act of inter-departmental from Security department to Accounts Department in the case of one Sri Munindra Kumar Das, a Constable in the Security Department in scale Rs. 3050-4590/- like the present Applicant & absorbed him as Accounts Clerk in the same scale, pay and capacity of Group-C cadre vide the Respondent No. 2's office order No.G/024 (07-08) dated 5.7.2007 communicated under No.PNO/AD/66/275 Pt. IX dated 5.7.2007.

A photocopy of the above order is annexed as Annexure - D

4.27. That it is respectfully stated that this Applicant has no grievance and/or malice against the Constables of the Security department who got transferred & posted in other departments in Group-C status, but there should be some limit

contd. p/13.. against the Constables

26

Jiten Ramchary

and bindings for the Respondents to cause discrimination, malafide, unfair play, wanton attitude and arbitrary action to others, like this Applicant, who all are placed in similarly situated circumstances and, hence, should be treated equally.

In fact, by transferring and giving Group-C status to those Constables who were according to the Respondents in Group - D cadre even after Pay Commission's Recommendations & Railway Board's mandatory directives the Respondents made no wrong, but why the same Respondents because of its discriminatory policy and arbitrary action victimized the Applicant and like similar employees whose devotion, diligence and dutifulness and credibility are no less than any other. That is the question to be decided and answer made by the Respondents. Our constitution under Articles 14&16 (i) are clear under enough in enunciating the magnificent principle- "Equality before Law and equal treatment amongst the equals"- for the protection and safeguard of "we the people of India". There is no gap and/ or any loophole in it. Then why repeatedly and deliberately causing the infringement of the said sacro-sanct constitution at the cost of this Applicant and similar others!!!

4. 28.. That in this connection it is humbly submitted that in the celebrated judgment given by their Lordships of the Divisional Bench of this Hon'ble Tribunal in the case of Sri Durlabh Chandra Medhi reported in AISLJ Volume-53 Pt. III page 447, 1994, pronounced that according to the State Labour Welfare Policy which is consistently with the Welfare Policy and Public interest, technical

Contd. p/14.. ground to deprive

34
Jiten Ramchary

-14-

ground to deprive the rightful claim of employees of employment should not be over emphasized and the case be solved on its true perspectives. The circumstances under which this Applicant was compelled to give option has already been explained in the foregoing paras.

6.29.. That in this connection further humbly submitted that the principle of equal protection of Laws under Articles 14 shall have to be given and the state action cannot be irrational or discriminatory, specially in the Administrative action.

6.30. That it is submitted that vide A. K. KRAIPOK's case, reported in AIR 1970 S.C.150 the Hon'ble Supreme Court Opined that the Rules of Natural Justice applicable to all administrative decision if they adversely effected the rights of a new or of a corporate or other body, preserve "Miscarriage of Justice" even "the rules operate in the areas not covered by any Law validly made No, other wards they do not supplant the Law, but Supplement it."

4.31. That the Applicant most humbly and with suave submission begs to state that in spite of the aforementioned actions of the Respondents for absorbing and promoting the Constables who according to Respondents belong to Group-D employees who came on their option in the way of departmental transfer, eventually absorbed in different departments under the Respondents, it is utter surprise in spite of submitting series of representations (enclosed as Annexures -Q,R,S,T) and lapse of about decade's time the Respondents did not feel it to be expedient that this humble Applicant who has got all eligibility and norms

contd.p/15.. of having promotion

Jiten Ranchharya

-15-

of having the promotion of Group-C employment with others has been made to suffer of the whims, caprices and unfair play of the Respondents for all these years till publication of the impugned order at Annexure-A.

4.32. That it is submitted that the Respondents have clearly proved their unfair play and have not shown any equitable justice to this Applicant for his culminating the sterling services rendered to the Administration.

4.33. That the Applicant most respectfully crave leave of this Hon'ble Tribunal, for filing additional within Statement/Rejoinder, if necessary, for the ends of justice and which will offer further grounds at the time of hearing of this important application.

5. **GROUND FOR RELIEF WITH LEGAL PROVISION :**

Being aggrieved and dissatisfied with the decision by the Respondents categorically mentioned in the para -1 and inaction on the part of the Respondents, the Applicant begs to move this application, inter alia, on the following :

GROUNDS

- 5.1.. For that the Respondents have acted malafide, arbitrary and without jurisdiction and caused DISPARITY and DISCRIMINATION in respect of employment to this Applicant and not-giving him promotion till June'2007, in spite of having in the select list at par with 8 others who got promotion about a year back of the same panel.
- 5.2. For that the Respondents have violated the provisions of Articles 14, 16 (i) and 21 of the Constitution of India.

Contd. p/16.. For that in any view

Jiten Ramcharya

-16-

- 5.3. For that in any view of the matter, the action of the Respondents are not sustainable in the eye of Law as well as of facts of the case.
- 5.4. For that your humble Applicant submits that he has no other adequate, efficacious, alternative and speedy legal remedy and relieves prayed for, and, if granted, would afford complete relief to this aggrieved person.
- 5.5. For that the action / inaction of the Respondents violation caused the Fundamental rights guaranteed to the Applicant under Articles 14, 16 (i), 19, 21, 38, 39 (d) and 309 of the Constitution of India.
- 5.6. For that this Application has been made bonafide and for the cause of justice also made with abundant caution in the aforesaid circumstances of the case.
- 5.7. For that the Respondents violated the Pay Commission's Recommendations followed by Railway Board's directives for implementation of the Constables' grade and status in Group - C cadre in the Security department and for which reasons victimized the Applicant.
- 5.8. For that the Respondents have been adopting whims & caprices by promoting, transferring & absorbing this Constable or that from the Security Department in Group - C post who according to them are in Group - D because of non-implementation of the Pay Commission's recommendations and mandatory directives of the Railway Board.

6. DETAILS OF REMEDIES EXHAUSTED :

- That the Applicant declares that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy available to him

contd. p/17. except invoking

Jiten Ramcharan

except invoking the jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal, 1985.

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

That the Applicant further declares that after withdrawing his previous OA No. 110 of 2007, with the leave of this Hon'ble Tribunal, he has filed this Application for justice and he has not filed any other Application, Writ Petition or suit in respect of the subject neither of the instant application before any other Court, authority, authority, nor any such application, Writ Petition or Suit is pending before any of these.

8. RELIEF PRAYED FOR :

8.1. In the premises aforesaid, it is most respectfully prayed that your Lordships may be pleased to call for the records of the case, issue notices to the Respondents as to why the relief (s) sought for by the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following, inter-alia, relieves;

8.2. To promote the Applicant in Group-C employment from the date of his absorption in the Accounts department on being transferred from his former department i.e. the Security department where he was in Group-C employment but not given the fruitful benefits of Gr.C cadre in the capacity of Constable in spite of the Pay Commission's recommendation followed by Railway Board's mandatory direction for doing so.

Contd..p/18.. To treat the

41
Jiten Ranching

8.3. To treat the Applicant at par with those staff of the Security department absorbed in other departments mentioned in the application under paras – 4.14, 4.15, 4.16 and 4.26 to give full back wages of pay, allowances etc. from the date of effecting the pay scale of the Constable in the Security department up-graded in Group-C cadre.

8.4. COST OF APPLICATION :

Any other relief (s) to which the Applicant is entitled as the Hon'ble Tribunal Tribunal may deem fit and proper.

9. INTERIM ORDER PRAYED FOR

During pendency of the application, the Applicant prays for the following interim relief(s).

9.1. That the Hon'ble Tribunal may be pleased to direct the Respondents that during the pendency of this application there shall not be a bar for the Respondents for consideration of the case of the Applicant for providing relief as prayed for.

10. The Application is filed through Advocate.

11. PARTICULARS OF IPO :

1. IPO : No. 11G403400.
2. Date of issue : 26.7.2007
3. Issued from : Maligaon Hd. Qrs.- P.O., Guwahati-11.
4. Payable at : H. P. O. Guwahati-781001.

15. List of enclosures – As given in the Index

Contd. p/19. Verification.

42
Jiten Ranichary

VERIFICATION

I, Sri Jiten Ramchiary, son of late Ahin Ramchiary aged about 33 years working as Accounts Clerk under FA&CAO, N. F. Railway, Maligaon and residing at Rly. Qr. No. 323-B, 5 No. F.G. Colony, Pandu, Guwahati – 781012, do hereby solemnly affirm and verify that the contents of the statements mentioned under paras 4.1 to 4.26 are true to the best of my knowledge, information and belief and the statements under paras 4.27 to 4.33 are my respectful and humble submission and I have not suppressed any material facts.

AND I sign this Verification on this 12th day of September / 2007.

Place : Guwahati

Date : 12. 09. 2007

Jiten Ramchiary
Signature of the Applicant

To

The Registrar,
Central Administrative Tribunal,
GUWAHATI

20

ANNEXURE - A

Office of the
FA & Chief Accounts
Officer
N.F. Railway/Maligaon.

Office Order No.G/ 18 (07-08)

Dated 11.06.2007.

Shri Jiten Ramchary(ST), Peon/TA/Goods who was empanelled for promotion to the post of Accounts Clerk in scale Rs.3050-4590/- vide Office Order No.G/003(06-07) dt. 20.04.06 is promoted to the post of Accounts Clerk in scale Rs.3050-4590/- subject to outcome of the pending Police Case, if any, in future and posted at the same section where he is working at present with effect from 06.06.2007.

He is allowed to give option for fixation of his pay on promotion within 1(one) month from the date of promotion in terms of Rly. Board's letter No.E(P&A)/11/81/PP/4 dt. 13.11.1961, i.e., as per Rule FR-22(C)-T-II. Option once exercised shall be final.

This has the approval of FA & CAO/F&B dt. 06.06.07 in Case No.PNO/AD/80/496 Pt.XI.

(S.Bose)
Sr.AFA/AD

For FA & Chief Accounts Officer/AD
N.F. Railway/Maligaon.

No.PNO/AD/80/496 Pt.XI

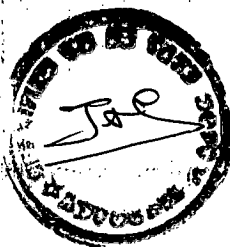
Dated 11.06.2007.

Copy forwarded for information & necessary action to :-

1. Sr.AFA/T-II
2. AFA/TA/Goods
3. AFA/ENGA
4. AFA/PF & PN
5. AFA/CPB
- ✓ 6. Staff concerned.

(S.Bose)
Sr.AFA/AD

For FA & Chief Accounts Officer/AD
N.F. Railway/Maligaon.



N.F. RAILWAY

21

ANNEXURE - B

To
AFA/TA/Goods,
N.F.Railway, Maligaon
Guwahati - 781 011

Sub:- Assumption of Higher responsibility as Accounts Clerk.

Sir,

In terms of FA & CAO's Officer Order No- G/18 (2007-08) dated 11.6.07 circulated order No. PNO/AD/80/496 Pt- XI, dated 06.6.07.I have assumed higher responsibility as Accounts Clerk on 06.6.07.

This is for your kind information and necessary action please.

Yours faithfully,

Place: Maligaon
Dated 11th June 2007

Jiten Ramchiary
(JITEN RAMCHIARY)

Copy to for information.

1. Sr. AFA/ADMN
- ✓ 2. AFA/CPB
3. Sr. AFA/PF & PN
4. Sr.AFA/ENGA
5. Sr.SO/Goods/Co-Ord.
6. Staff Concerned.

*Permitted to resume
duty wef 6/6/07.*

fm
11/6/07

সহ. হিসাব নিকাশী / মা.ও. (মাল)
Asstt. Accounts Officer / TA (Goods)
সি. রেলওয়ে, মালিগাঁও গুয়াহাটী
N.F. Railway Maligaon GHY



Office of the
FA & Chief Accounts Officer
Maligaon

Office Order NO: G/003 (06-07)

Dated: 20-04-2006

The following Gr. "D" staff are empanelled in Gr. "C" (Accounts Clerk) in scale Rs.3050/- Rs.4590/- consequent upon selection for promotion against 8-1/3% quota for matriculation/Class-X Board Examination of Accounts Department, from Gr. "D" to Gr. "C" against notification issued vide FA & CAO's letter NO; PNO/AD/ 69/ 334 Pt.III dated. 17-06-2005.

Sl. No.	Name & Designation with office.
1.	Sri Gopal Chakraborty, (UR) Jd, Peon/TA/CG
2.	" Tarun Deka, (UR) Jd, Peon/CSA
3.	Smt. Jamila A. Shimray (ST) Khalashi/CON/MLG
4.	Sr. Bhupesh Kalita, (UR) Jd, Peon/SI
5.	" Mihir Ranjan Dey (UR) Jd, Peon/CON/NJP
6.	Md. Ramizuddin Ahmed (UR) Jd, Peon/CC
7.	" Pradip Kr. Dasgupta (UR) Jd, Peon/CON/NJP
8.	" Ajit Mazumder (SC) Peon/CON/MLG
9.	" Jiten Ramchiary (ST) Peon/TA/CG

This has the approval of FA & CAO/NFR/Maligaon

(S.Bose)

Sr.AFA/AD

For FA & CAO/NFR/MLG

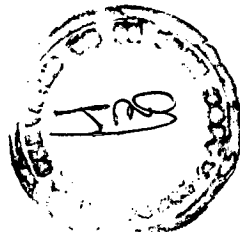
Forwarded for information and necessary action to: -

- 1) FA & CAO/Con/Maligaon /
- 2) Dy.CAO/G, Dy.CAO/T, Dy.FA/H, Dy.FA/III, Sr.EDPM, Dy.CAO/C&P
- 3) All Branch Officer at HQ
- 4) Sr DFM/KIR, DFM/APDJ, RNY, IMG, TSK.
- 5) SR.AFA/NJP, BLST
- 6) WAO/DBRT, NBQ.
- 7) Notice Board.

(S.Bose)

Sr.AFA/AD

For FA & CAO/NFR/MLG



Office of the
FA & Chief Accounts Officer
N.F. Railway/Maligaon

Office Order No.G/024 (07 - 08)

Dated: 05.07.2007

In terms of CSC/MLG's letter No.P/106/SEC/PI.VIII/EB dt. 11.06.07 as per acceptance of FA & CAO/MLG and approval by GM/NF Railway/MLG for change of category from RPF Dep'tt. to Group-C category of Accounts Dep'tt. as released and directed by Divisional Security Commissioner/RPF/N F Railway/RNY vide No.P/222/PFR/RNY/SEC/107/490 dt. 22.06.2007, Shri Munindra Kumar Das, Constable, ER-Coy/MLG in scale Rs. 3050-4590/- is absorbed in Accounts Dep'tt. of NF Railway as Accounts Clerk in scale Rs. 3050-4590/- with effect from 03.07.2007(FN) and posted in Admn. Section temporarily under Sr.AFA/AD/MLG.

His pay as Accounts Clerk in scale Rs.3050-4590/- may be fixed as per extant rule of inter-departmental transfer and change of category.

He is put to working post for one month to require the back ground of the Railway working thereafter he will be imparted training for a period of two months in terms of Rly. Board's letter no F/55 YR/61/3 dt. 15.06.66. In terms of Rly. Board's letter No. 73 AC III/20/2 dated 29.01.79, the following shall be the syllabus for training of the newly recruited Clerk in Accounts Department.

1. Railway Organisation and function of each department
2. Office Procedure and drafting
3. Elements of book-keeping
4. Structure of Railway Accounts
5. Study of any two branches in Accounts Office in which the employee is liable to be posted in immediate future.

On completion of the training he will be examined and his service will be retained only on his passing the Trainee Test examination successfully.

In terms of Rly. Board's letter No.E(NG)11/9/KC-I dated 20.05.94 he will be required to pass Typing proficiency of 30 w.p.m. in English or 25 w.p.m. in Hindi with period of 2(two) years from the date of his absorption. His absorption will be provisional subject to acquiring the prescribed typing qualification within stipulated period.

(S.Bose)

Sr.AFA/AD

For FA & Chief Accounts Officer
N.F.Railway/Maligaon.

No.PNO/AD/66/275 P.IX

Dated: 05.07.2007

Copy forwarded for information and necessary action to :-

1. CSC/MLG. This is in reference to his letter No. P/106/Sec/PI.VIII/EB dated 11.06.07
2. DSC/RPF/RNY/NF Railway- This is in reference to his letter No.P/222/TFR/RNY/SEC/107/400 dated 22.06.2007. He is requested to send his P/Case & Service Book to FA & CAO/CPB, NF Railway, Maligaon early.
3. Sr.AFA/AD/Cadre
4. AFA/ENGA
5. AFA/PF & PN
6. AFA/CPB - 5(live) documents.
7. Staff concerned.

(S.Bose)

Sr.AFA/AD

For FA & Chief Accounts Officer
N.F.Railway/Maligaon

23/1-24-
E2
R
23/1/2007
Annexure - D/1
292
18

OFFICE ORDER

In terms of CSC/MLG's L-No. - P/106/SEC/Pt-VIII/EB, dated -11-08-07 as per acceptance of FA & CO /Maligaon and approval by GM/N.F. Railway /Maligaon for change of category from RPF Department to Group 'C' category of accounts Department, Sri Munindra Kr. Das Constable ER-Coy/MLG is hereby released for joining in accounts department with immediate effect.

This has the approval of competent authority.

Divl. Security Commissioner/RPF
N.F. Railway: Rangiya.

Date: 22/06/2007.

No. P/222/TFR/RNY/SEC/07/490

Copy forwarded for information and necessary action to:

1. GM/MLG
2. CSC/MLG
3. GM (P)/MLG
4. FA & CAO/MLG
5. DFM/RNY
6. DPO/RNY
7. RPF ER-Coy /MLG
8. Staff concerned.
9. E/Bill at Office.
10. O.O. Book.
11. S/Copy for record.

Divl. Security Commissioner/RPF
N.F. Railway: Rangiya

FA/TAB
for n.a. Pls discuss

2/3
02/07/07

Sr. SD/AD
4/7/07



No. ER/PNO/E-2/OF
Dated: 02/7/07

N.F. Rly.

Annexure - D/2

Office of
CC/ER-CO
N.F.

To

23/2 - 25

Sri Munindra K. Das
Designation: Const. RPF/ER-CO/MG.

Division: Rny Division.

Basic Pay: Rs. 3725/-

Scale of Pay: Rs. 3050/- 4500/-

P.F. No. = 03163010.

C/L Due = 15 days CL Due.

Pass Due = Full set Due.

Rny Qrs = NO Rny Qr is under his occupation.

Subj. Released for joining in Accounts Department
Maligaon HQ.

Ref: CSC/MG's LNO P/106/Sec Pt-VIII/EB. Dated
11/6/07, communicated vide OSC/Rny's
P/222/TFR/Rny/Sec/OF/490-500 Dated
22/6/07 and 26/6/07.

In terms of CSC/MG and OSC/Rny's letter no. cited above
you are hereby released from this Coy as well as from this
Department w.e.f. (FM) of 02/7/07 and directed to report to Accounts
Department Maligaon HQ on (FM) of 02/7/07 without fail.

Since, after releasing from this Department you can
no longer be an enrolled member of Railway Protection Force
(RPF), hence before reporting to your new Department, you
must deposit your items (uniform/accoutrements
issued to you by this Department along with the kit book.
Identity Card and medical card etc.

Copy to: ① CSC/MG
② OSC/Rny



Signature of
CC/ER-CO/MG
पु न, डी, आर, मालीगो/मालीगो
P/ER-CO/Maligaon
पु: डी: रेलवे/N. F. Rly.

~~23/3~~ -28- Annexure - D/3

TO
TACAO
N.F.R.M. Maligawon

~~2013~~
50

SUB: Joining Report
Ref: DSC/RNY'S L/NO: P/222/TFR/RNY/SEC/
03/490, dtd. 22/06/07

SIR,

In terms of DSC/RNY'S letter, dtd. 22/06/07,
as referred above reg. change of category from
RPF/Security Deptt. to Group 'C' category of
accounts deptt. I would like to join on my
duty in accounts department on to day.

Hence, you are requested kindly to grant
necessary permission for the same.

cc/AD

- ① Permitted to join
 - ② Temporarily keep in home leave
 - ③ Process for final order.
- By
7/7/07

Yours faithfully
Munindra Pr. Son
02/07/07

As for my educational Qualification
I declare that I have passed B.A. &
from Gauhati University in 1978

Munindra Pr.
4/07/07



~~19~~ ~~24~~ ~~24~~ - ANNEXURE - E

Office of the
FA & Chief Accounts Officer
N.F.Railway/Maligaon.

Office Order No.G/024 (06-07)

Dated. 28/07/2006.

In compliance to the order of Hon'ble Central Govt. Industrial Tribunal-cum-Labour Court (dt. 13.07.05 in Case No.4(C)/03(9/04 New) forwarded by GM (P)MLG vide No P/701 C/819/2000 dt. 2/6-9-2005, the following 2(two) Group-D staff (Peon) in scale Rs.2550-3200/- is promoted to Group-C Accounts Clerk in scale Rs.3050-4590/- w.e.f. 13.07.05 (Date of verdict) and posted where they are working at present.

1. Shri Tapan Baishya, Peon.FGA
2. Shri Abul Naser, Peon EN Suspense.

This issues with the approval of FA & CAO

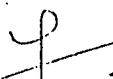
(S.Bose)
Sr.AFA/AD
For FA & Chief Accounts Officer
N.F.Railway/Maligaon

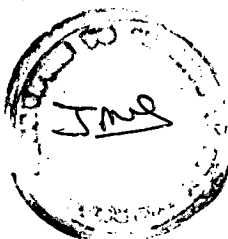
No.PNO/AD/80496/PL-XI

Dated. 28/07/2006.

Copy forwarded for information & necessary action to:-

1. GM(P)MLG
2. Sr.AFA/EGA & ENGA (2 copies)
3. Sr.AFA/AD/Cadre
- ✓ 4. AFA/CPB (2 copies)
5. AFA/PE & PN
6. Staff concerned through Branch Officer.


(S.Bose)
Sr.AFA/AD
For FA & Chief Accounts Officer
N.F.Railway/Maligaon



25-28

ANNEXURE - F

Office of the
FA & Chief Accounts Officer
N.F.Railway/Maligaon.

No. PNO/AD/80/496/Pt-XI (Loose)

Dated. 03/04/2007.

To

1. Shri Chandan Kumar, J/Peon TA/Cg.
2. Shri Jiten Ramchary, Peon, TA/Gds.
3. „ Sushil Kalita, J/Peon, PF Section
4. „ Chandan Gosh, J/Peon /ADMN.
5. „ Nitai Sankar Bhattacharjee, Peon/CPB Section.
6. Akram Ali Ahmed, Peon DATA Centre.
7. Shri Akash Basumatary, J/Peon TA/M
8. „ Santosh Chakraborty, Peon/XP Section.

Sub: - Your Appeal Dt. 14-08-2006 and 17-08-2006

Your appeal cited above has been examined by Administration carefully and to state the following: -

1. That, at the time of your application for inter departmental transfer from Security Department to Accounts Department you were working in RPF Executive wing in the capacity of Constable and you had applied for transfer individually on your individual capacity duly accepting the pay scale and grade of Group 'D'.
2. That you were not working in the fire wing of Security Department which was abolished. Therefore, your appeal for treating your case, at par with the case of Shri Tapan Baishya and Md. Abul Naser who were working as fire Man in the Fire Wing in the Security Department and who have now been given the benefit of absorption in Group 'C' Category as Accounts Clerk at the instance of the order of CGIT- Cum- Labour Court, is not reasonable and acceptable.
3. That you have also cited the case of Smt. Kanika Saha, who has been absorbed as clerk cum typist in GM (P)/M.L.G, without mentioning whether she had applied for inter departmental transfer and absorption in Group 'C' or Group 'D' Category. It is stated that the above lady constable has specifically applied for absorption in category 'C' and was accordingly given the status whereas you have specifically applied for absorption in Accounts Department in Group 'D' Category.

In view of the above, your appeal cannot be considered as prayed for.

This has the approval of FA & CAO/F&B.



(A.S.Hopingson)
Dy.CAO/G
N.F.Railway/Maligaon.

ANNEXURE - G

Office of the
Chief Security Commissioner
Maligaon: Guwahati-11.

No. P/254/RECT/Pt. I/EB.

Date 15-3-1993

To

Shri Jiten Ramcharyy Go. Akin Ramcharyy

Village G/O. Ubarhi Boro, P.O. Maligaon, T.A. Maligaon

Post Office Maligaon

District Guwahati-11

Sub: Appointment as Constable/RPF.

On the basis of Selection held on 15/2/83 at Katihar/
Alipurduar Jn./Maligaon, you have been provisionally selected for
appointment as Constable/RPF subject to medical fitness, favourable,
police verification report and your certificates being found in
order. You are hereby advised to report to this office on 27/3/93
for medical examination and for completing other formalities. You
must bring the following certificates in original with you.

- (1) Proof of age.
- (2) Proof of educational qualification.
- (3) Proof of community/caste SC/ST etc.
- (4) Four copies of recent photograph of passport size.

You may have to stay for some days at Guwahati for medical
examination and completion of other formalities at your own cost.

In case of SC/ST candidates only :-

Railway Pass No. X is enclosed to cover your
journey from X to Guwahati and back.

EA TO CHIEF SECURITY COMMISSIONER
N.F.R. RAILWAY MALIGAON



III. Evaluation of Answer Books. Rs. 2.75 uniformly for objective and mixed type.

IV. Stenography & Typing Test.

Dictation in Stenography.

Rs. 25/- first dictation and Rs. 15/- for subsequent dictations subject to a maximum of Rs. 75/- per day.

A. Evaluation of Transcription of Stenographer's Test and Typescript for Typing Test.

(a) Stenography Script

Rs. 2/- per script for stenography test and

(b) Typing Script

Rs. 1.50 per script for typing test.

The above rates will apply for all examinations conducted by the Railway Recruitment Boards viz. main categories, technical and others.

The above has the sanction of the President and this issues with the concurrence of the Finance Directorate of the Ministry of Railways.

R.B.E. No. 268/87

Subject: Classification of Services—Change in the classification consequent on the introduction of the Railway Services (Revised Pay) Rules, 1986.

No. PCIV/86/Imp/46, dated 30.10.1.87

Reference this Ministry's letter No. PCIII/75 PS-1/CS dated 21.5.1976.

Consequent upon the revision in the scales of pay on the basis of the recommendations of the Fourth Central Pay Commission, the President is pleased to decide that with effect from 30.6.1987, all the posts under the Indian Railways shall, subject to such exceptions as Railway Ministry may, by any general or special order make from time to time be classified as follows:

Classification of posts

Description of Posts

1

2

Group A

All posts in scale Rs. 2200-4000 and above

Group B

Posts in scale Rs. 2375-3500 applicable to Accounts Officers only and other posts of Officers in scale Rs. 2000-3500, (all Depots.)

Group C

All posts in scales Rs. 825-1200 and above including posts of Post-graduate Teachers (Selection Grade)/Head-masters-Middle School (Selection Grade) in scale Rs. 2000-3500, Supervisors

Group D

In scale Rs. 2375-3500 and excluding those mentioned for Groups 'A' and 'B'.
All posts in scale Rs. 750-940, Rs. 775-1025 and Rs. 800-1150.

Notes: For the purpose of this order:

- (i) 'Pay' has the same meaning assigned to it in Rule 2003 (a) (viii) [FRY (21) (i)] R. II.
- (ii) The pay or scale of pay of a post means the pay or scale of pay prescribed under the Railway Services (Revised Pay) Rules, 1986 as amended from time to time.

R.D.E. No. 269/87

Subject: Mode of filling up the post of First Fireman/Diesel Asst./Elec. Asst. and Steam Shunter.

No. E(NG) 184-PM7-36, dated 3.11.1987

As the Railways are aware, the mode of filling up the vacancies in the categories of Fireman 'A'/Diesel Asst./Asst. Driver (Elec.) has been laid down in Board's letter No. E(NG) 111-73/RCI/69 dated 19.8.1981 read with their letters No. E(NG) 11-80/RCI/144 dated 30.4.1982 and 17.9.1982. In terms of these orders these vacancies are to be filled as under:

- (a) 50% by the usual selection procedure from erstwhile Fireman 'B' who have studied upto 8th Class and are below 45 years of age.
- (b) 50% by departmental examination from erstwhile Fireman 'B' and 'C' who are Matriculates and have 3 years Railway service.
- (c) If the departmental examination referred to in (b) above fails to provide enough Matriculates for the 50% quota in the case of Fireman 'A' and the usual selection and the departmental examination referred to in (a) and (b) above fail to provide enough candidates for the respective quota in the case of Diesel Assistant and Assistant Electric Drivers, direct recruitment to the extent of shortfall should be made through Railway Recruitment Boards.
- (d) In the case of Assistant Electric Drivers, wherever the existing AVC provided for a modicum of vacancies being filled from among artisans 20% of the vacancies may be filled by selection from amongst artisans who are at least VIIIth Class pass and below 45 years of age, the mode at (a) and (b) above applying to the remaining 80% of the vacancies.

2. In the scales of pay notified on the recommendations of the 4th Pay Commission, the grades of Fireman 'B' and 'A' have been merged and placed into a single scale of Rs. 950-1500 and the posts in the merged scale of Rs. 950-1500 have been redesignated as First Fireman. The posts in the grade of erstwhile Fireman 'C' (Scales Rs. 210-270 and 260-350) have been allotted the single revised scale of Rs. 825-1200 redesignated as Second Fireman. The

29/3/2000
Annexure-31
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

14
32
NO. 99/ C(E)/PA-2/10. New Delhi, dated 30.3.2000.

CHY
The Chief Security Commissioner/RPF,
All Indian Railways.

The Chief Security Commissioner/RPF,
Railway Board.

Sub: Fixation of pay of RPF/RPSE staff in
revised pay scales.

General Secretary, All India RPF Association vide
his letter dated 20.1.2000 (Copy enclosed) has drawn
attention towards anomalies in fixation of pay as
two increments in the revised pay scales w.e.f. 1.1.00
have not been given to Constables. He has mentioned
that bunching benefit has also not been given.

Director General/RPF desires that corrective
measures may be taken, if any wrong fixation has
been done. A copy of the Railway Board's Pay
Commission Directorate's letter dated 10.5.1999
is also enclosed. Any change, however, may be
done in consultation with EA's (CAO) and the
concerned department of the Railway.

Kindly acknowledge the receipt of the letter.

DA: AS ABOVE.

(CC GARDHI)
BY: DIRECTOR/SECURITY (E)
RAILWAY BOARD.



30-23
Annexure
15

GOVERNMENT OF INDIA (MRT RECEIVED)
MINISTRY OF RAILWAYS (MRT RECEIVED)
(RAILWAY BOARD)

S.No. PC-V/177
No. PC-V/97/C/4

R.W.E. No. 91/99
(New Delhi, dated 10.5.99)

The GMs/CAO(R)/OSDs
All Indian Railways &
Production Units etc.
(As per mailing list)

Sub: Fixation of pay of RPF/RPSF staff in revised pay scales.

Ref: (i) Board's letter of even number dated 07.10.98.

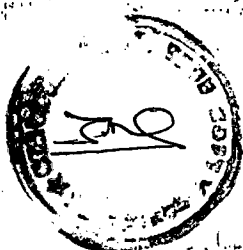
(ii) Board's letter No. F(1)B/97/FR-1/1 dated 12.12.91.

In suppression of the Board's letter dated 07.10.98 referred to above, it is clarified that the pay fixation of RPF/RPSF staff would be done in accordance with R-23 (1317-IREC-Vol. II (1987 Edition)) and FR-22 (Para 1) (Amended Rule-1313 (I)(a)(ii) circulated as ACS No. 14 to IREC Vol. II, 1987 Edition vide Board's letter No. F(1)B/97/FR-1/1 dated 12.12.91) read with Audit Instructions (I) below R-22.

In other words, the pay of the incumbent would be fixed at the same of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis. Provided further that in case where pay is fixed at the same stage, the next increment will be drawn on the date of increment in the revised V CPC scale and in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is entitled in the revised time scale. When pay is drawn at the maximum of the old scale and there is an equal stage in the revised scale Audit Instructions (I) below FR-22 will have to be taken care of while determining next increment in the revised scale.

3. Hindi version is enclosed.

(Kushy Thomas)
Dy. Director, Pay Commission
Railway Board.



ALL INDIA RPF ASSOCIATION

(REGD. & RECOGNISED)

At DG/RPF
Railway Board, New Delhi.

74-B-1, Molia Bagh, Rly. Colony
Delhi-54 Tel. 3972588

Reg:- Anomalies in the fixation of scales of pay of enrolled members of the Force.
Ref:- Memorandum of AIRPFA dated 06.12.1999 to MOSR(D) & Minutes of
Meeting of DG/RPF with RPF Association Officials on 22.12.99.

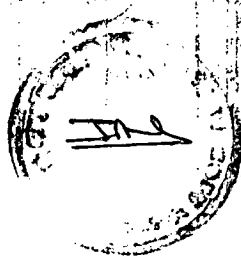
Respected sir,

Vide Rly. Board's letter No. PC-V/97/1/RS (RP/1) dated 16.10.1997, the following scales of pay were recommended by the Vth Central Pay Commission for the ranks from Constable to Inspector Gr-I of RPF/RPSF.

RANK	PRE-REVISED PAY	REVISED PAY
Constable	825 - 1200 + 2 adv. Increments	2750 - 4000 + 2 adv. Increments
Naik	950 - 1500	3050 - 4590
Hd. Constable	975 - 1660	3200 - 4900
ASI	1320 - 2040	4000 - 6000
SI	1400 - 2300	5000 - 8000
RPF Gr-II	1640 - 2900	5500 - 9000
RPF Gr-I	2060 - 3200	6500 - 10500

Accordingly the RPF department fixed the scales of pay mentioned against each rank and allowed the members of the Force to draw the arrears w.e.f. 01.01.1996.

Consequent upon the rationalization of the Rank structure and pay scales of the non-Gazetted cadres of the CPOs by the Ministry of Home Affairs vide their letter No. 27012/1/97-PC-Cel/PF. I dated 10.10.97, Ministry of Railways also revised the existing scales of pay of members of the Force vide their letter No. PC-V/97/G/4(RBE No. 171/97) dated 04.12.1997 on par with the CPOs as under :-



PRE-REVISED PAY

REVISED PAY

REPLACED PAY

825 - 1200 +
(2 adv. increments)
950 - 1500
Const. 975 - 1660
1320 - 2040
1400 - 234
Gr-II 1640 - 2900
Gr-I 2000 - 3200

2750 - 4000 +
(2 adv increments)
3050 - 4590
3200 - 4900
4000 - 6000
5000 - 8000
5500 - 9000
6500 - 10500

3050 - 4590
3200 - 4900 (Nk. designated as HC)
3200 - 4900 + Rs.50 Spl.pay.
4000 - 6000
5500 - 9000
6500 - 10500
6500 - 10500 + Rs.200 Spl.pay

From the above mentioned, replaced scales of pay which have been fixed w.e.f. 04.12.1997 without giving bunching benefits of maximum five ensured increments, it is very clear that 90% of the Constables could not be benefited on rationalization of their scales of pay. Scales of pay of 11 Constable and ASI have not been increased at all. Similarly, the scales of pay of IPF Gr.I have not increased. Since the post of Gr.I Inspectors has been abolished, the special pay of Rs. will go away with incumbent itself.

Para III of letter No. PC - V/97/G/4 dated 04.12.97 provides "The pay scales contained serial No. 12 of annexure.B of the Rly.Board's letter No. PC - V/97/1/RS (RP)/1 dated 16.10.97 for RPF staff will get modified to this extent." This means that all other core instructions of aforesaid letter of the Rly.Board except serial No. 12 thereof shall apply in toto to RPF/RPSF if they apply to other Rly. Employees while fixing their scales of pay.

As such the scales of pay of RPF/RPSF staff should be fixed w.e.f. 01.01.96 as per the instructions / guide lines / proforma contained in annexure-C of the afore said letter dated 16.10.97. Railway Board like that of the C.P.S.

Para.II of the Rly.Board's letter dated 04.12.97 can not have precedence over the core instructions / provisions of para-III. So para-II can only be interpreted to fix the replaced scales of pay of the members of the Force w.e.f.01.01.1996 giving the monetary benefits from 04.12.97, otherwise a lot of complications would arise in that every member of the Force could loose 2 to 3 increments, weightage of length of service in the form of ensured increments / bunching benefits etc.

The scales of pay of Artisan staff of the Railways were further revised in the November 1998 and given effect from 01.01.1996. We, therefore, request you to arrange to issue an order to pay the replaced scales of pay to the RPF/RPSF staff w.e.f. 01.01.96 as per the proforma contained in annexure.C of the Rly.Board's letter dated, 16.10.1997. We also request you to kindly see that the scales of pay of HC, ASI and Inspector Gr-I are hiked and justice done to them.

Your's truly

(U.S.Jha) 26/1/2002
General Secretary/AIRPFA

22-36-

ANNEXURE- L

60

OFFICE OF THE CSC/RPF
N.F. RAILWAY: MALIGAON:

No. P/106/Pt. VI/EB.

Dated:- 12-5-98.

CSC/RPF/LMG
N.F. Railway.

Sub:- Inter Departmental transfer.

Ref:- FA & CAO/MLG's letter No. G/461
Dt. 14-5-98.

The following staff have been selected for Inter Departmental transfer from Security Deptt. to FA & CAO/MLG vide his letter no. referred above. CSC has passed order to release the staff observing all formalities directing them to report FA & CAO/MLG.

1. Sri Jitesh Ranshary, Const/RPF/LMG (B)
2. " Chandan Kumar, Const/RPF/MG (P) Coy
3. " Om Prakash Yadav, Const/RPF/MLG (B) Post.

/CHIEF SECURITY COMMISSIONER.

No. P/106/Pt. VI/EB.

Dt. 12-5-98.

Copy forwarded for information and necessary action to:-

1. FA & CAO/MLG in reference to his office order No. G/461 dt. 14-5-98.
2. Staff concerned through respective IPR.

/CHIEF SECURITY COMMISSIONER.



22 37 ANNEXURE-N

Office Order No. 478

Dated 05.06.98

On being asked by Inspector-in-Charge, P. Railway, Ballari vide his letter No. 117/03/98, dated 7.5.98 in terms of this office order No. 457/98 dated 14-5-98, Shri Siten Manchappa, Criminals reported this office on 2.6.98 (M), as seen in memo No. 2552-3200/- and is placed under SIO/1.

This issue with the approval of the Competent Authority.

For SA & Chief A/Secy. Officer/10.
P. Railway, Ballari.

Encl.

Dated 05.06.98

Copy forwarded for information or necessary action to:-

1. SIO/1, P. R. 17/03/98.
2. SIO/1/10.
3. SIO/012.
4. SIO/1/10.
5. SIO/10 & P. R.
6. SIO/10/Charg.
7. SIO/1.
8. Staff concerned.

For SA & Chief A/Secy. Officer/10.
P. Railway, Ballari.



24-38 ANNEXURE - N

To
The Financial Adviser & Chief Accounts Officer
N.F. Railway, Maligaon.

Through proper channel.

Sir,

Sub :- Appeal for absorption in the Group - 'C' Category.

Ref :- Your office order No.- G/478 dt- 08-06-1998.

Following your letter No.-G-461 dt.-14-05-1998.

With reference to your letter quoted above I beg to lay the following for favour of your kind attention and sympathetic consideration please.

1. That on being spared by the CSC/N.F. Rly/MLG, I have been posted in the Accounts Department wef. 08-06-1998.
2. That it is admittedly true that I have come to the Accounts Department by way of inter department transfer from the Security Department with my own option. But sir, if you be pleased to hear the background of lending my such option I do verily believe your good heart would be melted with softness. Sympathy and susceptibility.
3. That it was unfortune that before seeking for such transfer from my former Department of Security Department I was completely Kept in the dark by my employer there about elevation of my pay, scale & capacity as that of Group-'C' Cadre. Railway Board's directions following the pay commission's recommendation for the restructuring of constable cadres in the Security Department since 1987 were neither implemented nor communicated to us.
4. That I have got the requisite qualification & credibility of about 5 years service to become Group-'C' Accounts Clerk.

I would, therefore, hope and pray that you would be kind enough to look into my appeal and accord your orders for promoting me as Accounts clerk. Considering the circumstances I have been put to because of the Administrative lapses.

With regards

Dated :- 14-09-1999

Yours faithfully

(Jiten Ramchary)

Peon under FA&CAO/MLG

T./goods section

N.F. Railway.

W. S. Chak
14/9/99



35 SAZ/PA PA 39
ANNEXURE-10
Office of the
PA & Chief A/cs. Officer,
N. E. Railway, Maligaon.

Dated 25.11.99

No. PRO/AD/GR/214 Pt. XIX

To
DAC/ADP...
SAC/PA & PN...
AAC/EGA...
AAC/Fin(S)...
AAC/TA/CG...
AAC/TA/COGS...

Sub:- Appeal for absorption in the Group 'C' category.

Appeals for absorption in Class III category submitted by the staff who were posted in Class IV category in Accounts Department against interdepartmental transfer from Security Department are scrutinised with their original interdepartmental transfer applications. As per their clear option they have been posted in Class-IV category in the grade of Rs. 2550-3200/- as Office Peon. Hence their appeal for absorption in Class-III category as Accounts Clerk at this stage cannot be considered.

The name of the applicants with section/office of their posting are given below:-

1. Shri Prigdal Da Ishya, Peon under Fin(S)
2. " Uttam Barzadar, Peon SAC/Admn.
3. " Sukrata Panerjee, Peon, DAC/ADP.
4. " Mohindra Nath Boro, AAC/TA/CG.
5. " Tapan Dasgupta, Peon/AAC/EGA.
6. " Chandan Kumar, Peon/TA/CG.
7. Md. Akul Naser, Peon/SAO/Admn.
8. Shri Nitai Shankar Bhattacharjee, Peon/SAO/P & PN.
9. " Jison Banerjee, Peon/TA/COGS

Please intimate the above staff accordingly.

for PA & Chief A/cs. Officer/AD,
N. E. Railway, Maligaon.

26. // 60 ANNEXURE-P

64

The Financial Adviser & Chief Accounts Officer
N.F. Railway, Malignon

Through : Proper Channel

Sir,

Sub - Appeal for absorption in the Group - 'C' Category.
Ref - Your letter No. PNO/AID/68/274 Pt. XIX dated 26.11.99.

With reference to your letter quoted above I beg to lay the following for
favour of your kind attention and sympathetic consideration please :

1. That it is admittedly true that I have come to the Accounts Department by way of inter department transfer from the Security Department with my own option. But Sir, if you be pleased to hear the background of lending my such option, I do verily believe your good heart would be melted with softness, sympathy and susceptibility.
2. That it was unfortunate that before seeking for such transfer from my former Department of Security Department I was completely kept in the dark by my employer about elevation of my pay, scale & capacity as that of Group - 'C' cadre. Railway Board's directions following the pay commission's recommendation for the restructuring of Constable Cadres in the Security Department were neither implemented nor communicated to us.
3. That finding my fortune completely blocked in the Security Department, though, in fact, I was in the Group - 'C' Cadre of Constable capacity, I have no other efficacious way but for the option of the Accounts Department in Group - 'D' cadre.
4. That I do fervently hope that your good self would not take the technicality of my option so hardly which may be harsh and hassle for my service life.
5. That I have got the requisite qualification & credibility of 8 years service to become Group - 'C' Accounts Clerk.
6. That Sir, I assure you, I will discharge my Zenith Capability in the event of my being absorbed/promoted in the cadre of Group - 'C' Accounts Clerk under your kind control.

I would, therefore, hope and pray that you would be kind enough to look into my appeal and accord your orders for promoting me as Accounts Clerk.

With regards

Yours faithfully

J. Laxman Chinnay
(21/12/99)

Peon under FA&CAO/MLG 17.1.2000
Section, N.F. Railway

12/1/00

IMP

27-91
ANNEXURE-Q

65

To
The Financial Adviser & Chief Accounts Officer
N. F. Railway, Maligaon

Through proper Channel

Sir,

Sub: Appeal for absorption in the Group Category

Ref: My letter dated 17.1.2000

In inviting your kind attention, I beg to state that the reply to my letter under reference is still awaited. I am passing my days with extreme mental and economical hardships. I would be obliged if you would kindly look into the matter personally and accord your administrative orders after going through the whole papers and records, the references of which I have cited in my above appeal. I have every reason to believe and hope upon the action of your goodself, Sir.

With regards,

Yours faithfully,

Jiten Ramcharya
T.A. / goods

Peon under FA&CAO
N. F. Rly, Maligaon

4-8-2000

W.B.O.V.
4.8.00



38-42

ANNEXURE-R

66

To

The Financial Adviser & Chief Accounts Officer
N. E. Railway, Maligaon

Through: Proper Channel

Sir,

Sub - Appeal for absorption in the Group: 'C' Category.

Ref - My letter dated 17.1.2000, 4-8-2000

In inviting your kind attention I beg to state that the reply to my letter under reference is still awaited. I am passing my days with extreme mental and economical hardships. I would be obliged if you would kindly look into the matter personally and accord your administrative orders after going through the whole papers and records, the references of which I have cited in my above appeal. I have every reason to believe and hope upon the action of your goodself, Sir.

With regards,

Yours faithfully,
Jiten Ramchary
T A / goods

Peon under FA&CAO
N. E. Rly, Maligaon 15-2-2000

(W) to DVI
15.2.00



39-43

ANNEXURE-S

To

Financial Adviser & Chief Accounts Officer,
N. F. Railway, Maligaon

Sir,

Sub - Appeal for absorption in Group - 'C'
category in the Accounts Department.

Ref - My letter dated 17.11.99, No. PNO/AD/68/274 Pt. XIX
& 5-5-2005

I beg to state that it is really unfortunate for this poor and humble employee that neither I have been favoured with the absorption / promotion of Group - 'C' employment, i.e. Accounts Clerk under your kind control, nor a reply in response to my series of representations under references was given so long.

That Sir, it is pertinent to mention here that the Hon'ble Tribunal have given a favourable award vide its order dated 17.11.99 in favour of the two of our sufferers transferred from the Security Department by giving option like this humble Applicant. By the said verdict it has been proved that no one gives option for his demotional post and that too from Group - 'C' to Group - 'D' category. Such exceptional cases arise only in exceptional circumstances. Survival of one's existence in the final say of any living being. This humble employee also had done the same thing when he was compelled by the Administration in rendering him in the darkness about the future of his service carrier, which was deliberately stumbled by my former employer i.e. the Security Department by not implementing the Pay Commissions recommendations followed by Railway Board's mandatory directives for elevation of the pay scale, capacity & status of a constable in the Security Department.

Sir, I am already in stagnant position in my present capacity of a Peon and you would realize that it is how difficult for a poor employee like me to maintain a family in these days of severe economic hardships.

I would, therefore, fervently pray that you would be kind enough to review your decision communicated vide your No. PNO/AD/68/274 Pt. XIX dated 26.11.99 and accord a favourable order for promoting me as Accounts Clerk at the earliest.

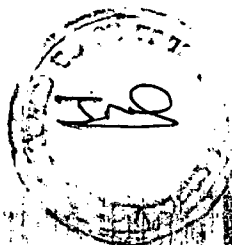
With regards,

Yours faithfully

Jiten Ramchandra
PNO/g.0005

5-5-2005

W.B.P.V.
5.5.05



40-99

Answer - T

68

GOVT. OF INDIA.
MINISTRY OF LABOUR,
THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL - CUM-
labour court, Guwahati.

REFERENCE NO. 9 of 2004.

Present :- Shri H.A. Hazarika, LL.B.
Presiding Officer,
CGIT-Cum-Labour Court,
Guwahati.

In the matter of an Industrial Dispute between:

The General Manager (P),
N.F. Railway, Guwahati.

- vs -

The Workman, represented
by the General Secretary,
Rail Mazdur Union,
N.F. Railway, 27/B, Rest Camp,
Pandu.

Date of Award :- 14.03.05.

- A W A R D -

1. The Govt. of India, Ministry of Labour, New Delhi vide its Notification No.L-41011/27/2002-IR(B-1) dated 10.12.02 referred this Industrial dispute arose between the Management of N.F. Railway and the workman Sri T.K. Balahya and Abul Naser for adjudication and to pass order by exercising power conferred under Clause-D of Sub-Sec.(1) and Sub-Sec.(2 A) of Section 10 of the I.D. Act, 1947 on the basis of the following Schedule.

SCHEDULE.

Whereas the action of the management of N.F. Railway in not granting the Group-C post/category to

contd.....p/2.

40/12-45

-2-

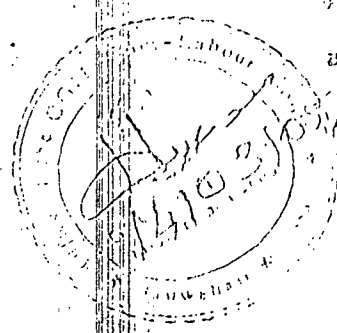
Shri Tapan Kr. Balshya and Abul Naser at the time of absorption to another Deptt. as surplus staff w.e.f. February 1998 is justified? If not, what relief Shri Tapan Kr. Balshya and Abul Naser are entitled to?

2. On receipt of referred matter the State Industrial Tribunal, Guwahati issued notice to both the Parties. Having receipt the Notices both the parties appeared before the State Tribunal.

3. It is pertinent to note here that after establishment of CGIT-Cum-Labour Court for North East Region at Guwahati, record of proceeding is received by the CGIT-Cum-Labour Court at Guwahati.

4. Meanwhile both the parties have submitted their written statements, etc.

5. The case of the Workmen briefly from their Written Statement is that they were appointed in Group-D category post in N.F. Railway's Security Department of Fire Service Wing in the year 1998 with all the benefits till their transfer in the Accounts Department, on being rendered surplus due to freezing of the Fire Services Wing and at this stage their actual status was of Group-C Category. According to Board's revised policy and list of Group-C staff surplus was not available to them because of the non publishing of list by Management. As per Railway Board's policy relating to redeployment importance should be given to senior staff for absorption in the same pay and Scale comprising to their junior staff. But in case of the workmen the Management has done whimsically



contd...p/3.

40/2-46-

violating the Railway Board's categorical instruction. They were Group-C employees enjoying the Scale of 4th as well as 5th Pay Commission but they were absorbed in Group-D category though their status was upgraded to Group-C and Scales with effect from 1.1.96. Both the workmen were working in the Fire Service Wing at Pandu and Guwahati respectively and those bases were closed in the year 1995. When an establishment is closed there ought to have been modality of redeployment. The Management has not complied of modality as a result of that they had to apply for their redeployment in the Accounts Department in Group-D Post.

6. That for closure or freezing of particular Section of service the permanent employees are not responsible but Management is responsible.

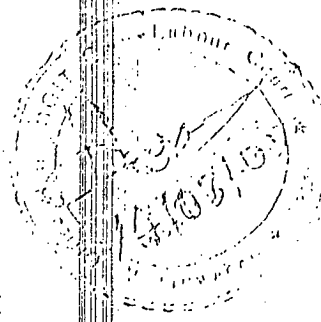
7. That the Management did not try to settle all the claims of the workmen. Even before the Labour Commissioner the Management did not try to settle it.

8. That the Action of the Railway Management has violated the principle of Natural Justice.

9. Hence, the workmen prayed to pass award to give them benefit of status of Group-C category with full protection of seniority and pay and Allowances.

10. The case of the Management in brief is that the

contd.....p/4.



40/3 CP7

the claim of the workmen is not maintainable in law.

11. That this Tribunal has got no jurisdiction to adjudicate the referred matter as it ought to have been before the Hon'ble Central Administrative Tribunal u/s 14 (A) of the CAT's Act 1985.

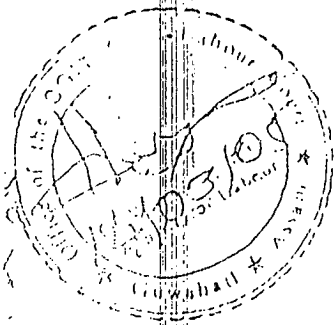
12. That the workmen namely Sri Tapan Kr. Dasgupta and Abdul Hanor applied to absorb them respectively in Group-D category Post and Junior Clerk in the Accounts Department in Maligaon.

13. That the applications of the workmen were accepted by the Competent authority for absorption in Scale of Rs. 2550-3200/- for the Post of Peon vide office order No. G/454 dated 13.5.1999 and G/459 dated 13/14.05.98 with certain terms and conditions such as:-

- i) That there seniority will be assigned
- ii) They can not seek retransfer to their parent.....
- iii) Their lien will be maintained in their Parent....
- iv) Their option to seek transfer as Peon in scale...
- v) No. T.A, D.A, Transfer grant
- vi) Their pay will be fixed as per extant Rules..
- vii) They can not seek transfer within one and

14. That the above terms and conditions are accepted by the workmen and there is no scope to reopen the matter as such Management prayed to dismiss the claim of the workmen.

contd....p/5.



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82

15. The workman Abul Naser appeared as W.W.1 and Tapan Kr. Balshya appeared as W.W.2. Both of them are cross examined by the learned Advocate Mr. S.N.Choudhury, for the Management.

16. Both the workman deposed that at the time of their transfer to Accounts Section they were working in Group-C category having scale of 4th and 5th Pay Commission.

17. That they were told by the Management that Fire Wing will be abolished and to apply elsewhere as on abolition they will be surplus. Finding no other alternative they were compelled to apply in Group-D category. No surplus list was shown by the Management.

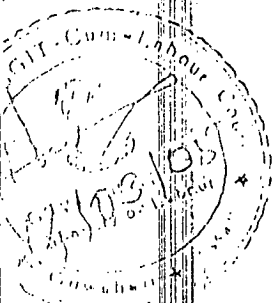
18. That their names are apparent in the seniority list.

In cross-examination W.W.1 deposed that he has not received any letter about abolition of Fire Wing of RPF. That in his application he has not mentioned that for being surplus in Fire Wing RPF, he had to apply for the post of Junior Clerk.

So also in cross-examination W.W.2 deposed as regards the surplus, he was getting information from his office, but he has not received any written notices. He knows 6 workers junior to him were absorbed in Category-C which he objected. They denied in their deposition that Management has not committed any injustice to them by giving them Group-D post.

19. Heard the argument submitted by learned Advocate

contd....p/6.



40/5 49

Mr. K.K. Bhowas for the workman and Mr. S.H. Choudhury for the Management. Perused the evidence recorded by me and all other documents in the record.

23

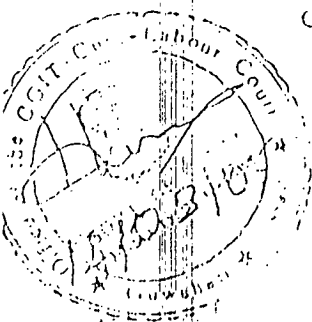
20. The workmen claimed that they were enjoying the benefits of scale etc. of Group-C of 4th and 5th Pay Commission prior to their absorption in Category-D in Accounts Department. Allying the abolition of RPF Fire Wing and to be ^{referred to} ~~absorbed~~ they complied the direction of the Management and under compelled circumstances they applied to get absorption in Accounts Department. Accordingly under compelled circumstances they joined.

21. The Management denied the ground agitated by the workmen that due to abolishment and being surplus they were absorbed in the Accounts Department.

22. On perusal of evidence of solitary Management witness I find the MW is evasive about the abolition of Railway Fire Wing and about surplus. The MW is also evasive about the exact status of workman at the stage of absorption from RPF Security to accounts department. Categorically the MW could not say that there was no question of abolishment, surplus and that they were not the workmen under Group-C category.

23. What I find both the workmen were enjoying the benefits of Pay and Status of the Category-C at the time of their absorption in Accounts department. Admittedly they were absorbed in Category-D in Accounts Department.

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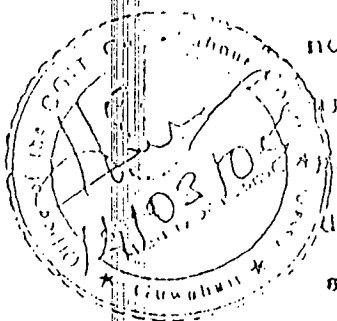
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24

Fire Wing and to be surplused. Being afraid to be surplused due to abolition of JRF Fire Wing the Workmen joined in the Category D of the Accounts Department. Hence, the ground forwarded by the workmen about compelled circumstances has got force because no workman will select to be defuncted at the stage while they are earning their monthly salaries. On the other hand it is to be seen that no workman who is enjoying benefit of pay of 4th and 5th Pay Commission will choose to come to join in Category of law salary. So the ground of compelled circumstances is quite natural. During these sky high price rising days no workman will prefer to join in law salary leaving the high salary.

25. There ought to have been modelity for abolition of a Wing for redeployment, I find no such procedure is followed by the Management. So also there is no list of surplus. The workmen claimed that 6 persons junior to them were promoted to Group-C. The answer of the MW in this connection is also evasive. So what I find the claim of the workmen has got legal force that they are deprived from legitimate entitlement. As per the MW there is presently no existence of vacancy in Group-C. What I find workmen are in continuous service in the N.F. Railway Management, Maligaon. For ends of Natural Justice, the Management can not deny the legitimate claim of the workmen in present circumstances of the case. It is the responsibility of the Management to give proper justice for the welfare of the workmen by way of promotion. I find both the workmen are

contd...p/8.

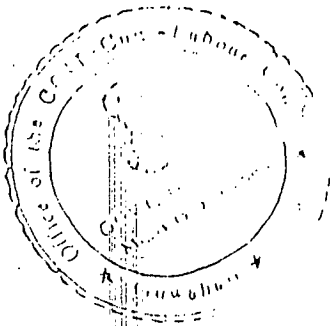



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25

-8-

entitled to get the promotion to Category-C. The Management is to arrange for their promotion. Accordingly this Schedule (Issue) is decided in favour of the workmen. Prepare the Award and transmit it to the Government urgently as per procedure.




14/03/05
Presiding Officer,
CCIT-cum-Labour Court, Guwahati.

41-52-
Annexure - U

ORDER OF THE
CHIEF OF POLICE

Date: 24.3.99

IN ORDER OF CHIEF OF POLICE NO. 4088/20 (M)
Dated 24.3.99, Mr. Ramesh Babu, Constable/STN
has been appointed as a Police Officer (Constable) and posted at TE. 12000
on acceptance of Police Constable against the vacant
post of TE. 12000 at TE.

This Annexure with the approval of competent
authority.

Sd/- Dy. Commissioner (P)
D. R. Rly. Bundlaga.

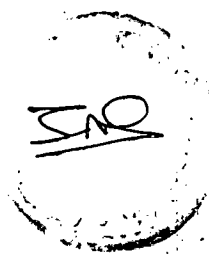
NO. 4/254/1/1001TH

Date: 24.3.99

Copy forwarded for information and necessary action

- 1) Sd/- Dy. Commissioner (P), This is in ref. to his letter no. 4088/20 (M)
dated 24.3.99.
- 2) Sd/- Dy. Commissioner (P) is requested to issue Mr. Ramesh Babu,
Constable/STN/12000 accordingly.
- 3) CHIEF OF POLICE.
- 4) STATION MASTER.
- 5) Sd/- Dy. Commissioner (P).
- 6) Sd/- Dy. Commissioner (P).
- 7) Staff concerned at office.
- 8) Proper copy for P.O.
- 9) Duly at office.

For Sd/- Dy. Commissioner (P)
D. R. Rly. Bundlaga.



42-53
ANNEXURE V
N.E. RAILWAY

OFFICE ORDER

The following RPF personnel who were declared surplus and holding the supernumerary posts applied for their induction in the Mechanical Department on acceptance of bottom seniority are hereby posted against the post mentioned against each. Their seniority etc. will be decided as per rule.

<u>S/No.</u>	<u>Name & Design.</u>	<u>Father's Name</u>	<u>Inducted as</u>
1.	Sri Ajit Kr. Baishya, Fireman/PNO	Sri Prasad Ram Baishya	Clerk
2.	Sri Khushi Lal Oraon, (ST), Fireman/IMG	Sri Parasadi Oraon,	Clerk
3.	Sri Pradip Kr. Deka, Fireman/MLG	Late Bhaia Deka,	Clerk
4.	Sri Dwijen Sarma, F/MAN/MLG	" Sambhu Nath Sarma,	Clerk
5.	Md. Majit Ali, Fireman/PNO	" Ajiruddin Ahmed,	Clerk
6.	Sri Ganesh Ch. Baishya, Fireman/CHY	Late Santa Ram Baishya,	Clerk

for General Manager(P)/MLG

No.E/283/(M)/POH

Maligaon, Dt. - 7-99.

Copy forwarded for information and necessary action to:

- 1) ASC/Fire/MLG. He is requested to spare and direct them to report of Sr. DME(C&W)/MLG for further posting/duty.
- 2) FA&CAO/MLG
- 3) DIM(P)/MLG
- 4) DAO/MLG
- 5) CWE/MLG
- 6) Sr. DME(C&W)/MLG

for General Manager(P)/MLG

43

-59-

To

The F.A. & C.A.O.,
N.F.Railway, Maligaon,

Through proper channel.

Sir,

Sub: Representation for giving promotion in Group-C employment in the capacity of Junior Clerk i.e. Accounts Section in the Accounts Department vis-à-vis the orders issued by the Administration in the cases of Md. Abul Naser and Sri Tej Bahshya, Peon in the Accounts Department vide FA & CAO, N.F.Rly/Maligaon's Office Order No. PND/AD/30-196/PK-21 dt. 28.07.2006.

With due respect and humble submission I beg to lay the following lines for favour of your kind perusal, sympathetic consideration and equitable justice please.

1. That this humble memorialist was appointed in the capacity of RPF - Constable under the Chief Security Commissioner, N.F.Railway, Maligaon in Group-D employment and discharged my duties to the entire satisfaction of all of my superiors.

2. That after rendering sterling services in the Security Department I found that inspite of having my requisite qualification for being employed in the minimum capacity of any Group-C employment in the Railways establishment I was mentally perplexed and as a result of which I had to pass the days in severe economic hardships with the members of my family.

3. That it is submitted in this connection that following the recommendations of the IV th Pay Commission the Pay Scale and capacity of the Constable in the Railway Security Department were elevated to the Cadre of Group-C establishment prevailing in the Pay Scale of Rs. 825-1200/- now Rs 3050-4590/- which was communicated vide Railway Board's Circular No. PE 14/86/Comp/16 Dated 30.10.1987

4. That the recommendations of the Pay Commission mentioned in the foregoing para was not implemented in the Security Department in my case neither I was informed of the elevation of my status to the cadre in Group-C capacity in the Pay Scale of Rs. 825-1200/-, now Rs 3050-4590/-, which I feel was a bounden duty of the Administration to communicate me and grant me the necessary Pay Scale and the status of capacity in Group-C establishment in my parent department.

5. That having remained in the quite darkness of the radical changes of the Pay Scale and the capacity following the recommendations of the IV th & V th Pay Commissions

Contd.....P/2...by...

by which my position was elevated in the rank of the Group-C establishment minimum of a Junior Clerk's Pay Scale, which I was neither given nor proposed to be effected to while I was in the Security Department and resultantly I had to be succumbed to the inevitable lot my destiny.

6. That finding no other alternative I found that it would be efficacious at least if I interchange my cadre and department with that of the Accounts department whereupon at least I can combat with my destiny. Consequently I had applied for transferring me from the Security department to the Accounts department accepting the bottom seniority in the capacity of a Peon under the Accounts department.

7. That it is pertinent to mention here that the authorities in the Security Department knowing fully well that during the material period my Pay-Scale-capacity was that of a Group-C cadre and even then spared me as a Group-D employee to the Accounts department on the basis of my application. The future consequences for such transfer were completely unknown to me then nor my Controlling Officer of my parent department cared for disclosing it to me at least as an well-wisher of his under staff.

A photo copy of the Transfer order issued by the Security Department vide... No. P-106/P.A. & I.E.B. Dated 25-5-98 is enclosed as ANNEXURE-I.

8. That on being spared by the Security Department I was absorbed by the Accounts Department and given the formal posting order vide FA & CAO's, Maligaon, No. 62/478 dated 08-06-98

A photo copy of the above office order is enclosed as ANNEXURE-II.

9. That right since my induction in the Accounts Department I have been representing to this Administration for considering my case for allowing me to get the Pay Commission's recommendation and arrange elevation of my Pay-Scale and status in the minimum capacity of a Junior Clerk i.e. *Accounts clerk* in the Accounts Department in Scale 3050-4570/-

The photo copy of my above representation is annexed as ANNEXURE-III for your kind perusal.

10. That it is a matter of peculiar grief and grave concern that without giving proper application of mind to my aforementioned representation my prayer was turned down

Contd.....P/3... by..

4312-56
// 3 //

by the Administration, more particularly the then Dy. FA & CAO, NE.Railway, Maligaon, with his high hand brazen decision and blatant attitude and my case was not considered and I had to suffer a lot till date.

11. That incidentally it is humbly submitted that 2 of our sufferers, namely Md. Abul Naser and Sri ~~Shri~~ Baishya having lost their hopes and aspirations for any susceptible response from the Administration, approached the Court of Law and the Hon'ble Court was very much pleased to their cases and gave correct discernment and judicious orders considering all aspects and gave the Award in Ref. Case No.9 of 2004 in the CGIT-cum-Labour Court in favour of the Workman, above named.

12. That the Administration, however, afterwards giving all careful considerations in the matter implemented the said Court's order and gave promotion to the above named two persons in the capacity of ~~Account clerk~~ in the Scale Rs. 3050-4590/- vide order PNO/A-D/80-196/PL-21 dt: 28.07.2006 No. Dated..... to take effect retrospectively from the date of issuance of Court's order and also to get payment of all backwages of Pay and Allowances from the date of the Court's order.

13. That this humble memorialist, who is also one of the similar kind of sufferer like these two employees, and therefore deserve to be considered by the Administration for getting the justice from the Administration's end in fulfilling that conception of "equal Pay for equal Work" to honour mandatory provisions of Articles 14 and 16(1) guaranteed by the Constitution of India. Incidentally it is submitted that this humble memorialist, though by designation Peon i.e. the Group-D employee, under your control, but, infact, has been discharging the duties of a Group-C employee right since his induction in your establishment.

14. That in this connection it is also submitted that the Junior of this humble Applicant while in his parent department were given the benefit of Group-C status and posted in other departments in the capacity of Junior Clerk and also given the necessary benefits whereas this Applicant inspite of his being quite senior to them has been forced to suffer to his lot by the Administration. Had it be known to this Applicant before his seeking in the inter-department-transfer, definitely in no circumstances he should have applied for and agreed to accept the catastrophes of his lot which was not known to him during the material time of his transfer, but quite known to the Administration and never disclosed the impact of such transfer in the event of its taken effect into.

Contd.....P/4.....That...

15. That it is also humbly submitted that the application submitted by this employee for transfer to the Accounts department for his absorption by accepting the Group-D employment-capacity, although during the material time he was in the Group-C employment which was not disclosed to him by the administration, can not be taken so much technical spirit to deprive him of his rightful claim and to be succumbed to all his adversaries of life and lot.

16. That incidentally this Applicant may be permitted to mention that in my representation dated.....to you it was mentioned that Sri Monoj Kumar Thakur, RPF/Fireman/APDJ, Sri Tapan Kumar Acharjee, RPF/Fireman/APDJ were absorbed as Clerk in scale Rs.3050-4590/- under DRM(P)/APDJ vide Office Order No.E/41/AP/S & T dt. 24.12.98 and 23.3.99 & Smti. Kanika Saha, Constable/RPF/MLG(HQ) was absorbed under GM(P)/MLG as Clerk-cum-Typist in scale Rs.3050-4590/- vide GM(P)/MLG/468E/18(W) Pt.V dt.23.3.99 respectively in Group-C establishment on being spared by the Security Deptt. on acceptance of bottom seniority which postulates to be of their volition for inter-department transfer. Under such pretext of having glaring precedence of sparing and absorbing of the security personnel, of Group-C status in other department on their same pay, scale and capacity even on their own declaration of such transfer like those two of the subject mentioned cases, why the prayer of this Applicant was not considered by the Administration as yet and made to suffer in countless sufferings. This is but a sheer DISCRIMINATION and deserves to be eliminated by no further loss of time.

17. That in this connection it is also humbly submitted that in the Celebrated Judgment given by their Lordships of the Division Bench of Central Administrative Tribunal, Guwahati in Sri Durlav Ch. Medhi's Case, Reported in AISLJ, Vol-53 Pt.3 page 447, 1994 that according to State's Labour Welfare Policy and in the public Interest, technical ground to deprive the rightful claim of employment to another employee should not be over emphasized and the case be solved on its true perspective.

18. That in this connection it is also humbly submitted that the principle of Equal protection of law under Article-14 between one person and another shall have to be given under equal circumstances and the action must not be arbitrary but must be based on some valid principles which itself must not be irrational or discriminatory specially on the administrative action mentioned in the above case.

Contd.....P/5....That....

19. That it is hoped that non-arbitrariness and fairness in the administrative action amongst its employees will be taken by your good office and magnanimity. In furtherance of my submission I beg to state that every government servant has a right to be considered for promotion and elevation of his service-career and this should not be jeopardized simply by a technical ground or caused because of the ignorance of the employee. In this connection this humble Applicant respectfully submit the crux of the celebrated judgment given by their Lordships in the Hon'ble Supreme Court of India in Shew Dayal sinha's Case, reported in 1982 (1) SCC 378 which is reproduced ad verbatim

" Every management must provide realistic opportunities for promoting employee to move upward. The organization that fails to develop a satisfactory procedure for promotion is bound to pay the service penalty in terms of administrative cost, mis- allocation of personnel low morale and insufficient performance, among employees and their Supervisors."

In the premises above, it is, therefore, humbly prayed that you would be gracious enough to examine the case on its proper perspective and assess correct discernment after careful consideration of all aspects and also from the cardinal principle of "equal pay for equal work" for "equal protection of laws" to arrest discrimination and miscarriage of justice amongst employees and thereby safeguard the infringement of Constitutional provisions guaranteed under Articles 14 and 16(1) and also the cardinal principle of Natural Justice for the ends of justice to deal the representation of this humble employee so as to redress his long standing grievances.

And for this act of your kindness I shall pray and remain ever grateful and be obliged.

With all regards.

D.A : As above.

Date:- 14-8-06

Yours faithfully,

Jiten Ramcharya
peon/ra/goods

44-39 ANNEXURE-X
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 110 of 2007.

Date of Order: This, the 22nd day of June, 2007.

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

Shri Jiten Ramchiary
Son of Late Ahin Ramchiary
Rly. Quarter No. 323-B
5 No FG Colony
Pandu, Guwahati-12.

... Applicant.

By Advocate Shri J. Das

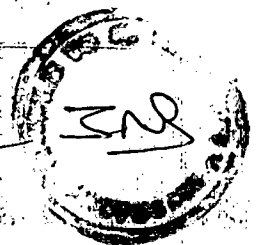
Versus -

The Union of India represented by the
General Manager, N.E. Railway,
Maligaon, Guwahati-781011.

2. Financial Adviser & Chief Accounts Officer
N.F. Railway
Maligaon, Guwahati-781011.
3. Chief Personnel Officer
N.F. Railway
Maligaon, Guwahati-781011.
4. Chief Security Commissioner
N.F. Railway
Maligaon, Guwahati-781011.

... Respondents.

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



ORDER (ORAL)SACHIDANANDAN, K.V., (V.C.):

Heard Mr. J. Das, learned counsel for the Applicant and Dr. H.L. Sarkar, learned Standing counsel for the Respondents.

2. When the matter came up today for consideration learned counsel for the Applicant has produced a copy of the order dated 11.06.2007 copy of which is kept on record stating that much against his prayer the Applicant has been promoted as Accounts Clerk from a later date i.e., with effect from 06.06.2007. However, he submits that he is not pressing the O.A. and prays for grant of permission to withdraw the O.A. for filing a fresh O.A. with elaborate pleadings. His submission is recorded.

Accordingly, permission to withdraw the O.A. is granted to file fresh O.A. The O.A. is dismissed on withdrawal.

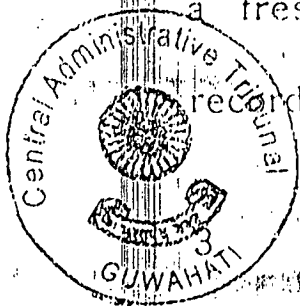
No costs.

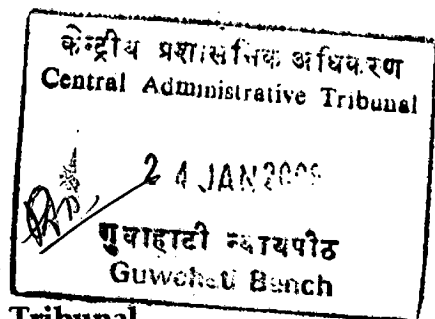
TRUE COPY

SV/ VICE CHAIRMAN

अनुमान विचार (Jail)
Central Administrative Tribunal
गुवाहाटी

11.7.07
10/7





In the Central Administrative Tribunal

Guwahati Bench : Guwahati

O.A.No. 248/2007


Shri Jiten Ramhiary

- Vs-

U.O.I. & Others

- INDEX-

	<u>Page</u>
Written Statements	1 - 7
Verification	8
Annexure R-1	9
Annexure R-2	10
Annexure R-3	11 - 13


Advocate

24 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI.

O. A. No. 248/2007

Sri Jiten Ramshiary

... Applicant

Vs.

U.O.I & Ors.

... Respondents

Written statement filed by the respondents.

The respondents most respectfully begs to state
as under :-

1. That the respondents have received the copy of the
O.A. and understood the contents thereof.

That the O.A. grossly barred by limitation and
deserves to be dismissed on that count alone.

The application also deserves to be dismissed on
the ground of suppression of material facts that he applied
for the post of peon when he was drawing salary in scale
of Rs. 825-1200/- which is a group 'C' post. The O.A. is
also barred by the law of estoppel and waiver.

That the brief facts are as under -

न्याय न्यायाधीश, गुवाहाटी-१
Deputy Chief Accounts Officer (G)
U.F. Rtr. Malimon. Guwahati-1

Contd....2/-

Filed by the Respondents
Through Dr. J.L. Sankar
RW Standing Counsel 24/01/08

I undertake
to serve a copy
of the written
statement in this
O.A. to the
applicant's
advocate.
S.N. Tamuli
(for Dr. J.L. Sankar)

24 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

2

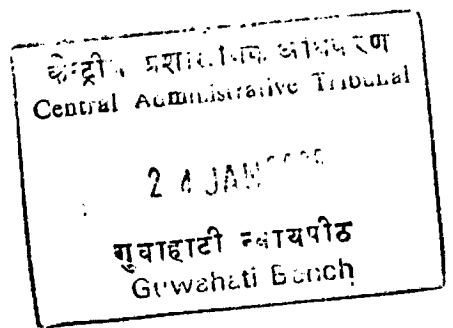
Sri Jiten Ramchiary, Accounts Clerk/TA/Goods of Accounts Department, N. F. Railway, Maligaon was appointed in the Security Department in the capacity of constable/ RPF in the Executive Department of RPF on 05.05.1993. He applied for inter-departmental transfer to Accounts Department at his own accord in the capacity of Peon in scale of Rs. 2550-3200/-. He voluntarily opted to be absorbed in Group 'D' category of Accounts Department. He joined in Accounts Department on 08.06.1998 as Peon in scale 2550-3200/- Shri Ramchiary was empanelled in Group-C (Accounts Clerk) in scale Rs. 3050-4590/- vide Office Order No. G/003 (06-07) dated 20.04.06 against 8-1/3% quota for Matriculation /Class-X Board Examination of Accounts Department and has been promoted to the post of Accounts Clerk vide Office Order No. G/18(07-08) dated 11.06,2007 circulated vide No. PNO/AD/80/496 Pt. XI dated 11.06.2007 w.e.f. 06.06.2007.

Applicant was receiving pay of Constable in scale Rs. 825-1200/- in Security Department before his absorption in Accounts Department. At that time the pay scale of Accounts clerk was Rs.950-1400/- which was higher than that of constable's scale (RPF) for which he was absorbed as peon at his own option.

Copies of circular vide
No. PNO/AD/80/496 Pt.XI dated
11.06.2007 w.e.f. 06.06.2007
as Annexure-R-1.

न्यायिक अधिकारी (न्याय)
ज्योतिर लोभा देलवे, मालीगान, गुवाहाटी-२१
Deputy Chief Accounts Officer (G)
N F Ry Maligaon, Guwahati-71

Contd....3/-



3

4. That in reply to statements in paragraph 4.7 to 4.11 the respondents state that RPF Constables have been awarded the pay scale of Rs. 3050-4590/- w.e.f. 04.12.97 and he joined in Accounts Department on 08.06.1998 vide his application dated 9.2.98. The recommendations of Vth Central Pay Commission have been widely circulated through various medias. So all constables of RPF Department knew that the pay scale of RPF constable was Rs. 3050-4590/- w.e.f. 04.12.97.

Applicant joined to Accounts Department as a Peon in scale Rs. 2550-3200/- at his own accord knowing everything and fully aware of the recommendation of Vth Central Pay Commission as it was widely circulated through various medias.

Applicants pay as Constable in scale Rs. 3050-4590/- has been fixed in Accounts Department before fixing his pay as Peon in scale Rs. 2550-3200/- and his pay has been protected as per extant rule.

Applicant was absorbed in Accounts Department as a Peon in scale Rs. 2550-3200/- w.e.f. 08.06.1998 at his own option, he cannot be awarded the pay scale of Accounts clerk in scale Rs. 3050-4590/- w.e.f. 08.06.1998. His earlier appeals could not be granted as he himself had applied for absorption in Accounts Branch in Group 'D' fully aware of the pay scale and the carrier benefits in the Accounts Department. His application for transfer and the undertaking are enclosed as Annexure-R-3. Applicant has been promoted

न गुरुय एताः जायन्ते गुवाहाटी न्यायपीठ
नौकर सीमा रेल्वे, मालीगान गुवाहाटी
Deputy Chief Accounts Officer (G)
F. P. Malimann. Guwahati
Dtd...4/-

24 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

4

to the post of Accounts Clerk in scale Rs. 3050-4590/-
w.e.f. 06.06.2007 since he was empanelled for promotion
to the post of Accounts Clerk in scale Rs. 3050-4590/- vide
Office Order No. G/003(06-07) dt. 20.04.06 against 8-1/3%
quota for Matriculation/Class-X Board Examination of Accounts
Department.

Copy of the ~~3rd~~ application
and undertaking dated 9/2/98
is enclosed as Annexure R-3

5. That in reply to statements in para 4.13 to 4.18
of the W.S. it is stated that the case of applicant cannot
be treated at par with the case of Shri Tapan Baishya and
Md. Abul Naser because they were serving at Fire Wing of
RPF in the Capacity of Fireman and due to abolition of
Fire Wings of Indian Railways, they were declared 'surplus' but
Shri Jiten Ramchiary was serving in the Executive Wing of
RPF, N.F. Railway. He was not declared 'surplus'. He applied
for absorption in Group-D category of Peon in scale Rs. 2550-
3200/- in the Accounts Department. Since the case of Shri
Jiten Ramchiary can not be treated at par with the case of
Shri Tapan Baishya and Md. Abdul Naser, Shri Jiten Ramchiary
can not be placed to the post of Accounts Clerk from the
date of issue of Court's orders. Inter-departmental transfer
of staff was accepted as per requirement of the department
when ever any staff of other department wishes to join a
particular department to a particular category at his own
option. His prayer is considered as per requirement of the
department. Shri Jiten Ramchiary, Accounts Clerk/TA(Goods)
had applied to this department to join as Peon and this
department had accepted his application as there was a
number of vacancies in the category of peon. His pay scale
at that relevant time was not at par with that of the Accounts
clerks. As such he was absorbed as peon in scale Rs. 2500-3200/-

Contd....5/-

24 JAN 2006

गुवाहाटी न्यायालय
Guwahati Bench

6

or disparity, the reason of which has already been explained. As regards statement in para 4.24 it is stated that Shri Jiten Ramchiary, Accounts Clerk/TA/Goods was arrested and forwarded to the Hon'ble CJM Court(U) on 12.06.05 by OC/Jalukbari/PS in connection with Jalukbari PS Case No. 244/05 U/s 120(B)/121(A)/122/123 IPC R/W Sec. 25(1)(a) Arms Act. R/W Sec. 3/4/5 E.S. Act and R/w Sec. 10/13U.A./P Act for which he could not be promoted with the other 8(eight) staff.

At present the pay scales of Accounts Clerk and Constable/RPF are same i.e. Rs. 3050-4590/- and Shri Munindra Kumar Das applied for inter-departmental transfer as Accounts Clerk but Shri Jiten Ramchiary applied for inter-departmental transfer in the grade of peon as at that time the pay scale of Accounts Clerk was higher than that of a constable.

Shri Jiten Ramchiary whose pay scale was lower than that of an Accounts Clerk applied for inter-departmental transfer in the grade of peon at his own accord. At that time he could not be absorbed as Accounts Clerk as his pay scale was lower than that of an Accounts Clerk. As such, he can not be given the benefits of Accounts Clerk from the date of his joining to Accounts Department.

The applicant had no compelling circumstances as he was not declared surplus. There was no cause for fear of becoming unemployed as he was not in Fire Wing but was in constabulary service.

प्रति
मुख्य न्यायाधीश, आ.प्र. न्यायालय
जुवाहाटी बेंच, गुवाहाटी-781 005
Deputy Chief Accounts Officer (G)
P.O. Mahaman, Guwahati-1
Contd.....7/-

24 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

7

While the applicant applied for inter-departmental transfer to Accounts department, his pay scale was lower than that of an Accounts Clerk for which he applied for the post of peon. Now he can not be placed to the post of Accounts Clerk from the date of his joining to Accounts Department. As such there is no any discrimination against him.

Shri Jiten Ramchiary has been promoted to the post of Accounts Clerk in scale Rs. 3050-4590/- w.e.f. 06.06.2007 after qualifying the LDCE for promotion to the post of Accounts Clerk vide office order No. G/003(06-07) dated 20.04.06 against 8-1/3% quota for matriculation/Class-X Board Examination of Accounts department from Gr.D to Gr. C vide notification issued vide PA & CAO's letter No. PNO/AD/69/334 Pt.III dated 17.06.05.

Since Shri Ramchiary joined in Accounts department as a Peon in scale Rs. 2550-3200/- at his own accord and has been promoted to the post of Accounts Clerk when he earned by way of selection, no injustice has been done against him.

Copy of the information and arrest of the applicant is enclosed as Annexure-R-4.

7. That the O.A. is misconceived and misconstrued and liable to be dismissed with cost.

उप मुख्य लेखा अधिकारी, गुवाहाटी-११
Deputy Chief Accounts Officer (G)
P. R. Mahomen, Guwahati-11

9

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

24 JAN 2008


गुवाहाटी न्यायपीठ
Guwahati

97

VERIFICATION.

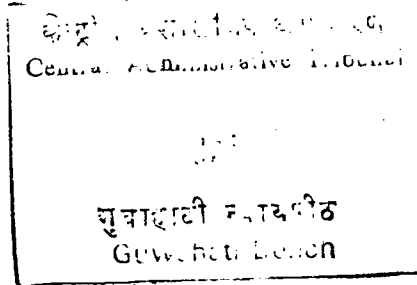
I, A.S. Hopmisen, son of
late A.S. Satalung, aged about 47 yrs
years, working as Dy. CAO/G do hereby
say that I am conversant with the facts of the case,
and have been authorised by respondent No.
to verify and sign this verification. Accordingly I
verify that the statements in paragraphs 1 to
are true to my knowledge and that I have not suppressed
any material facts.

I sign this verification this 23 day of Jan
, 2008 at Guwahati


Signature.

उप मुख्य लेखा अधिकारी (आ.)
पूर्वतन सीमा रेलवे, मालोगाँव, गुवाहाटी-७८१००१
Deputy Chief Accounts Officer (G)
At P.O. Maligaon, Guwahati-1)

9464499



Office of the
FA & Chief Accounts
Officer
N.F.Railway/Maligaon.

Dated 11.06.2007.

Office Order No.G/ 18 (07-08)

Shri Jiten Ramchiary(ST). Peon/TA/Goods who was empanelled for promotion to the post of Accounts Clerk in scale Rs.3050-4590/- vide Office Order No.G/003(06-07) dt. 20.04.06 is promoted to the post of Accounts Clerk in scale Rs.3050-4590/- subject to outcome of the pending Police Case, if any, in future and posted at the same section where he is working at present with effect from 06.06.2007.

He is allowed to give option for fixation of his pay on promotion within 1(one) month from the date of promotion in terms of Rly. Board's letter No.E(P&A)/11/81/PP/4 dt. 13.11.1981, i.e., as per Rule FR-22(C)-T-II. Option once exercised shall be final.

This has the approval of FA & CAO/F&B at N/29 dt. 06.06.07 in Case No.PNO/AD/80/496 Pt.XI.

(S.Bose)
Sr.AFA/AD

For FA & Chief Accounts Officer/AD
N.F.Railway/Maligaon.

No.PNO/AD/80/496 Pt.XI

Dated 11.06.2007.

Copy forwarded for information & necessary action to :-

- ✓ 1. Sr.AFA/T-II
- ✓ 2. AFA/TA/Goods
3. AFA/ENGA
4. AFA/PF & PN
- ✓ 5. AFA/CPB
6. Staff concerned.

Attested

न्यायाधीश, मालीगाँव गुवाहाटी
Deputy Chief Accounts Officer
N.F. Rly. Maligaon. Guwahati-18

(S.Bose)
Sr.AFA/AD

For FA & Chief Accounts Officer/AD
N.F.Railway/Maligaon.

11/6/07

Ameyare R 3.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

24 JAN 1998

गुवाहाटी न्यायपीठ
Guwahati Bench

To,
The FA & Chief Accounts Officer,
N.F. Railway, Maligaon,
Guwahati - 781 011.

(Through Proper Channel)

Sub:- Prayer for transfer from constable
(RPF) to Accounts Deptt. for the
Post of Peon.

...

Respected Sir,

With due respect and humble submission I beg to lay before you the following few lines for favour of your sympathetic consideration and favourable orders.

That Sir, I have been working in the RPF Deptt. as a constable at IMG since 14.8.95 rendering my sincere and satisfactory service.

That Sir, I am permanently residence of Rangla (Kamrup District), Assam and all the duties & responsibilities of our family has vested upon me that I am the only son of my parents in our family.

That Sir, my parents is a suffering from various diseases because of old ailing stage and there are no any other person alongwith them.

Under the above circumstances your kindness is earnestly requested to arrange to me transfer from Security Department to Accounts Deptt. for the above mentioned post and save my trouble torned parents and to continue to treat my old ailing father and mother.

In this connection, I would like also inform you that on my transfer from Railway Protection Force to Accounts Department for the post of Peon, there is no any objection from RPF Department, and a no objection certificate have already been released from RPF and also attached herewith application.

With regards,

Yours faithfully,

Dated, Maligaon
the 24th Feb/1998

(JITEN RAM CHIARY)
Constable, RPF/Landing.

न्याय मन्त्रालय, गुवाहाटी
जूनियर सीमा रेलवे, मालीगांव गुवाहाटी-१।
Deputy Chief Accounts Officer (G)
N.F. Railway, Maligaon, Guwahati-1

24 JAN 2005

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

[PCE]

Date

13 JUN 05

 নগরী রেল, মালিগাঁও, গুৱাহাটী-১১
 N. F. Railway
 Maligaon, Guwahati-11

58 46

 The General Manager
 N.F. Rly., Maligaon, H.Q.
 Guwahati.

 Dtd. Jalukbari Police Station.
 On 12th June/05.

 Ref:- Jalukbari P.S. case No. 244/05
 U/S 120(B)/121/121(A)/122/123 I.C.
 R/W Sec. 25(i)(a) Arms Act.
 R/W Sec. 3/4/5 E.S. Act.
 and R/W Sec. 10/13 U.A(P) Act.

 Sub:- Regarding arrest of
 a/cd. Sri Siten Ramcharay

 Sir,
 With ref. to the subject
 cited above, I have the
 honour to inform you that
 the below named Person/-
 employ who is involved
 in connection with the
 above ref. case and who
 has been arrested and for-
 warded to the Hon'ble C.M.
 Court (U) Guwahati by order
 on 12/6/05.

 This is for favour of
 your kind information and
 necessary action please.

Yours add. of arrestee.

 Sri Siten Ramcharay
 310 (R) Ahim Ramcharay
 at Santipur
 P.O. - Baranah
 Dist - Jalukbari (Assam)
 P.A. - N.F. Rly. Employ

Yours faithfully,

 12/6/05
 In Charge
 Jalukbari P.S.

Attested

 Deputy Chief Accountant
 N.F. Railway, Maligaon