

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

- (1) MP 108/07 order page - 1 to 2
 (2) MP 108/09 - order page - 1 to 3
 (3) MP 1079/10 - order page - 1 to 2
 (4) MP 89/20010 - order page - 1 to 2

INDEX

O.A./T.A No. 266/200
 R.A./C.P No.
 E.P./M.A No.

1. Orders Sheet.....Pg. 1.....to 15
2. Judgment/Order dtd.....Pg.....to.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg. 1.....to 21
5. E.P/M.P. 108/09.....Pg. 1.....to 10
6. R.A/C.P.....Pg. 1.....to 10
7. W.S.O.A 266/07.....Pg. 1.....to 7
8. Rejoinder 266/07.....Pg. 1.....to 5
9. Reply.....Pg. 1.....to 2
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....Pg. 1 to 3
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

High Court order W.P.(C) NO 2541/2000 page - 1

SECTION OFFICER (Judl.)

[Signature]
 10/10/17

ORDER SHEET

1. Original Application No. 266/07

2. Misc Petition No. 108/07

3. Contempt Petition No. /

4. Review Application No. /

Applicant (S) Tarun Goswami & Ors VS Union of India & Ors

Advocate for the Applicant (S) M. Chanda, S. Nath, K. L. Datta
~~R. Sanyal, B. Chakraborty~~

Advocate for the Respondent (S) Railway advocate
~~M. D. Das, B. Chakraborty~~

Notes of the Registry Date 09.10.07 Order of the Tribunal

Application is in form
of Misc. P. No. 50/-
Deposited vide IPO/DO
No. 326042057
Dated 27.9.07

Registrar

P. D.

Petitioner's G.P.s for
issue notices are
received with envelopes
Copy served.

P. D.

09.10.07.

15, in numbers, Railways employees of Rangiya Railway Division have filed this Original Application seeking for direction to give the benefit of restructuring to them. They have also filed Misc. Petition No. 108 of 2007 seeking permission to prosecute the case jointly. While in course of hearing on the Misc. Petition No. 108 of 2007, the Advocate for the applicant Mr. B. Chakraborty, files Memo confining the O.A No. 266 of 2007 in respect of applicant No. 3, Shri Golak Barman and seeks permission on behalf of Applicant Nos. 1, 2, 4 to 15 to withdraw from this Original Application with liberty to file separate application in each of the said Applicants.

09.10.07.

Prayer is allowed. This O.A No.26 of 2007 is confined in respect of Applicant No.3, Shri Golak Barman.

Applicant Nos.1,2 and 4 to 15 are permitted to withdraw ^{from} this case/ from the O.A. with liberty to file separate Original Applications.

This Misc. Petition 108 of 2007 accordingly stands disposed of.

Issue notice in the O.A No.266 of 2007 (Golak Barman) to the Respondents requiring them to file their reply by 03.12.2007.

Send copies of this order to ^{all} the Applicant; and to the Respondents, Alongwith the notices and free copies of this order be also supplied to counsel for the Applicant and ^{to} Dr.J.L.Sarkar, learned Standing counsel appearing for the Railway; on whom a copy of the O.A has already been served.

Call this matter on 03.12.2007.



(Khushiram)
Member(A)



(Manoranjan Mohanty)
Vice-Chairman

lm

9.10.07.

Pl. issue Notices to Respondents and Pl. send order copies to all the Applicants & Respondents.



On behalf of all respondents
Applicants.

Rashmi Chakravorty
Advocate for applicants
Dt. 12/10/07.

22/10/07

Notice & Order Sent to D/Section for issuing to R- 1 to 5 by

OA. 266/07

3

05.11.2007

The matter is called at the request of Dr.J.L.Sarkar, learned Standing counsel for the Railways. Dr.Sarkar states that the copy of M.P.114/2007 have not been served on the Railway Authority/ Learned Railway counsel and he has in receipt of the copy of the aforesaid M.P. from the Registry only today. He requests that a copy of the order dated 02.11.2007 passed in M.P.114/2007, which should be furnished to him. His request is granted directing the Registry to served a copy of the order dated 2.11.2007.

Notice duly served
on R-2.

12/11/07.

Member (A)

/bb/

DL. 5.11.07.
Pl. comply.

03.12.2007

No written statement has been filed in this case as yet. Dr.J.L.Sarkar, learned Standing counsel for the Railways, prays for four weeks time to file written statement.

Call this matter on 04.01.2008 awaiting written statement from the Respondents.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

03.01.2008

This case was posted on 04.01.2008 and has wrongly been listed today. Learned Standing counsel for the Railways has filed a written statement in this case in the court today. He undertakes to file the index to the written statement by 7th January, 2008.

Contd.....

Service report
awaited.

30/11/07.

Notice duly served
on R-2,5.

12/12/07. Wls not filed.

13.11.07

Copy of the order dated 2.11.07 passed in M.P. No. 114/2007 handed over to the L/R by Standing Counsel Dr. J.L. Sarkar on 8.11.07 as per Court's order dt 5.11.07.

D/No-1204

DI= 13/11/07.

— 4 —
O.A.266/2007

Contd.
03.01.2008

Ms.B.Chakraborty, learned counsel for the Applicant seeks four weeks time to file rejoinder. Prayer is allowed.

Call this matter on 01.02.2008 awaiting rejoinder from the Applicant.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

01.02.2008

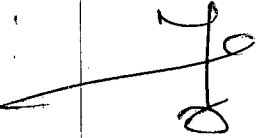
In this case written statement has already been filed by the Railways, after serving a copy thereof on the learned Counsel for the Applicant, on 03.01.2008.

Subject to the legal pleas to be examined at the final hearing, this case is admitted.

Liberty is hereby granted to the Applicant to file rejoinder by 22.02.2008.

Call this matter on 22.02.2008 awaiting rejoinder.


(Khushiram)
Member (A)


(M. R. Mohanty)
Vice-Chairman

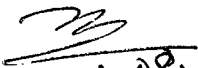
nkm

4.1.08

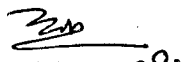
W/s Submitted
by the Respondents.
copy served.



Rejoinder not filed.


31.1.08.

Rejoinder not
filed.


21.2.08.

24.06.08

Ms T. Tasi, learned counsel for the Applicant is present. None appears for the Respondents.

Call this matter on 13.08.2008 before Division Bench.

The case is ready for hearing.

M
12.08.2008.



(M.R. Mohanty)
Vice-Chairman

pg

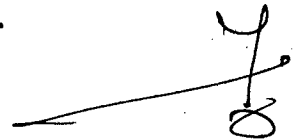
13.08.2008

Mr.K.D.Singh, Advocate is present on behalf of the Applicant. Dr.J.L.Sarkar, learned Standing counsel for the Railway is present.

The case is ready for hearing.

M
22.09.08

Call this matter on 23.09.2008 for hearing before the Division Bench.



(M.R. Mohanty)
Vice-Chairman

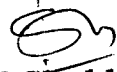
/bb/

23.09.2008

On the prayer of Mr. M. Chan Advocate representing Mr. R. P. Sar learned counsel appearing for the Applicant this case stands adjourned to be taken up 21.11/2008 for hearing.

The case is ready for hearing.

M
20.11.08.


(S.N. Shukla)
Member(A)
(M.R. Moha)
Vice-Chairman

lm

22.02.2008

Mr.R.P.Sarma, learned counsel appearing for the Applicant and Dr.J.L.Sarkar, learned Railway Standing counsel appearing for the Respondents are present.

Counsel for the Applicant has filed the rejoinder after having served the copy on the learned counsel appearing for the Respondents who wants time to get instructions. The case, otherwise ready for hearing.

Call this matter 25.03.2008 for hearing.

(Khushiram
Member (A))

Lm

25.03.2008

Call this matter on 14.05.2008.

(M.R.Mohanty)
Vice-Chairman

Pg

14.05.2008

On the prayer of Ms.T.Tashi, learned counsel appearing for the Applicant this case stands adjourned to be taken up on 24.06.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

26.2.08

Rejoinder Submitted
by the Applicant.
Copy served.

Pp

The case is ready
for hearing.

24.3.08.

The case is ready
for hearing.

13.5.08.

The case is ready
for hearing.

23.6.08.

21.11.2008

Mr. M. Chanda, Advocate, makes a statement that he has got instructions to appear in this case, for the Applicant. He undertakes to file 'Vokatnama' in this case, for the Applicant. None appears for the Respondents. It is stated that Dr. J. L. Sarkar, learned Standing Counsel for the Railways has got some difficulty, for which he has not been able to attend the Court to-day.

In the aforesaid premises, on the prayer of Mr. M. Chanda, learned counsel for the Applicant, call this matter on 9th January, 2009.

(S.N. Shukla)
Member(A)

(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

lm

09.01.2009

Mrs. U. Dutta, learned counsel appearing for the Applicant is present. Dr. J. L. Sarkar, learned Standing Counsel for the Railways is also present.

Call this matter on 18th February, 2009.

(M.R. Mohanty)
Vice-Chairman

lm

The case is ready
for hearing.

17.12.09.

18.02.2009

Call this matter on 03.04.2009.

(M.R. Mohanty)
Vice-Chairman

lm

The case is ready
for hearing.

8.4.09.

O.A. 266/07

09.04.2009

Call this matter on 28.05.2009.

The case is ready
for hearing.

(M.R. Mohanty)
Vice- Chairman

lm

27.5.09.

28.05.2009

On the prayer of learned counsel
for the parties call this matter on
22.07.2009.

Case is ready
for hearing.

(N.D. Dayal)
Member (A)

/bb/

(M.R. Mohanty)
Vice-Chairman

22.07.2009

Mr.M.Chanda, learned counsel for the
Applicant is present. Dr.J.L.Sarkar, learned
Standing counsel for the Railways is also
present.

On the prayer of learned counsel for
the Applicant (and with the consent of the
Standing counsel for the Railways) call this
matter on 31.08.2009 for hearing.

The case is ready
for hearing.

28.8.09

(M.K. Chaturvedi)
Member (A)

/bb/

(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

19.10.09

31.08.2009

Call this matter on 20.10.2009 for
hearing.

(M.K. Chaturvedi)
Member(A)

/lm/

(M.R. Mohanty)
Vice-Chairman

O.A. 266 of 2007

20.10.2009 Mr. M. Chanda, learned counsel appearing for the Applicant states that he has filed Misc. petition seeking amendment of O.A. on the ground that pleadings raised in O.A. by other counsel require modification.

List on 27.10.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

27.10.2009

List on 27.11.2009 along with M.P.No.108 of 2007.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

27.11.2009

List for hearing on 18.12.2009 along with M.P.108/2009.

(Madan Kumar Chaturvedi)
Member (A)

/bb/

18.12.2009

List on 19.1.2010 along with M.P.108/09.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

The case is ready for hearing.

23
26.10.09

The case is ready for hearing.

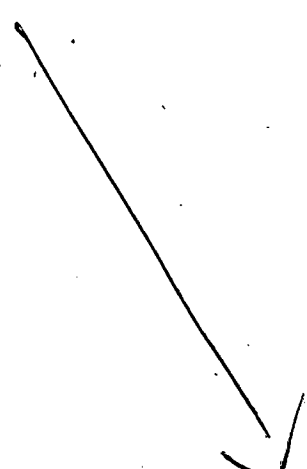
23
26.11.09

The case is ready for hearing.

23
17.12.09

The case is ready for hearing.

24
18.1.2010



19.01.2010

Vide order in M.P.No.108/2009 amendment is allowed. Applicant to file amended O.A. within ten days.

List on 19.02.2010.

The case is ready for hearing.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkra

18.2.2010

19.02.2010

18.2.2010

~~Amendment~~ Petition filed on 29.1.10.

Order dt. 19-2-2010 received for Res. (A.K. Doley) N.F. by 26.2.2010

Copy R

for RM 8P
26/2/10

11.2.2010

W/S filed by the Respondents with undertaking to serve a copy to the L/Adv. for the Applicant.
11/3/2010

~~The case is~~

W/S filed

/pg/

12.3.2010

Amended O.A in terms of order dated 19.1.2010 was filed on 29.1.2010. No additional reply/additional written statement has been filed till date. Though respondents were at liberty to file the same "within 2 weeks thereafter positively." It was made clear in the last order that no further adjournment will be granted to either side. Dr J.L.Sarkar, learned counsel appearing for the respondents seeks further 3 weeks time to file reply as because the amendment was allowed only on the last date of hearing. Ordinarily we would not adjourn^{ed} the matter, particularly keeping in view the earlier order, we impose cost of payment of Rs.5000/- to be deposited with Assam State Legal Aid^{Authority}.

We may note that we ^{have} imposed the cost on two reasons, namely specific time was granted to the respondents to file reply and secondly this is an old matter of 2007 which needs early disposal. In the circumstances we are not in agreement with the learned counsel for the respondents.

List on 15.3.2010.

(Madan K. Chaturvedi)
Member (A)

(Mukesh K. Gupta)
Member (J)

O.A. 266/07

15.03.2010

Vide order dated 19.2.2010

Trinunal imposed cost of Rs.5000/- to be deposited with Assam Legal Aid Authority.

Registry to ascertain the compliance of the aforesaid order. Mrs U.Dutta, learned counsel for the applicant prays for two weeks time to file rejoinder.

List on 1.4.2010.

(Madan Kr. Chaturvedi)
Member (A)

pg

01.04.2010

Ms U.Dutta, learned counsel appearing for the applicant prays for adjournment and listing the matter on 20.4.2010. Since there is no objection from

the other side list the case on 20.4.2010 for final hearing.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

pg

20.04.2010

On the written request of Dr J.L. Sarkar, learned counsel for the respondents, adjourned to 29.04.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kuma Gupta)
Member (J)

nkmi

The case is ready
for hearing.

31.3.2010

Rejoinder filed
31/3/10

19.4.2010

ADD Rejoinder
has been filed
by the Applicant
with undertaking
to serve a copy
to the Adv. Genl.
Ply,
19/4/10

The case is ready
for hearing.

28.4.2010

O.A No. 266 of 2007

29.04.2010 On the request of proxy counsel for Respondents, list the matter on 05.05.2010.



(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)



The case is ready for hearing.

/lm/

*3
5.5.2010*

05.05.2010 By this O.A applicant challenges communication dated 8.8.2007 rejecting his request for consideration under the restructuring scheme with effect from 1.11.2003. It is contended by Mr M.Chanda, learned counsel for the applicant that applicant at no point of time either prior to his transfer or thereafter (i.e. 28.1.2003) on his transfer to newly formed Rangia Division had been considered for the benefit under the restructuring scheme.

It has been disputed that the applicant was a part and parcel of Alipurduar Division prior to 1.11.2003. On our specific query as to which division he was belonging to, it was submitted that he was a part and parcel of N.F.Railway Headquarter, which aspect in turn has been seriously contested by Dr J.L.Sarkar, learned counsel appearing for the respondents.

In the reply it has been pointed out that Alipurduar Division upto 1.11.2003, when the restructuring process had been undertaken, had a strength of 172 posts out of which 61 posts were transferred to Rangia Division in different grades. Applicant had been considered for upgradation under the restructuring process but could not granted the benefit. The posts which were transferred after restructuring at Rangia, & the persons who were considered for aforesaid benefits, could not again be considered as double benefit is prohibited in terms of Railway Board Circular dated 9.10.2003. It has further been urged that applicant according to his own

*4.5.2010
Reply to the
Respondent Ray
been filed by the
Rly. Counsel with
under taking to
serve a copy to the
Advocate for the
applicant.
4/5/2010*

05.05.2010

averment vide para 4.3 of amended O.A.
averred as under :

"That the applicant beg to state that the Rangia unit was earlier under the administrative control of Alipurduar Railway Division of the N.F. Railway."

Two questions basically arises for consideration i.e. whether applicant was a part and parcel of Alipurduar Division as well as whether he had been considered for benefit as projected in the written statement. Respondents should produce the related records to establish that he was considered under the Alipurduar Division for the benefit of restructuring as carried out in terms of Railway Board Circular dated 9.10.2003. We may note that by filing reply the respondents have raised basically three preliminary objections, namely, limitation, the present O.A is premature as no representation has been filed as well as the relief claimed in the present O.A are in the nature of Public Interest Litigation. We are not pronouncing any judgment or recording any finding for the time being on aforesaid aspects, but requiring the respondents to produce records by which the applicant's case had been considered by the Alipurduar Division under restructuring scheme. Respondents shall file an additional affidavit with reference to the serial No. at which his name figured while considering him under the restructuring scheme. This shall be done within two weeks.

List on 26.5.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

25.5.2010
Statements of
Seniority position
of the Applicant
has been filed
by the Respondent.
25/5/2010

O.A.266-07

26.05.2010

List on 08.06.2010 for final hearing along with M.A. 88/2010 besides other M.A. pending in this case.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

08.06.2010

Mr. M.Chanda, learned counsel for Applicant prays for adjournment. List on 16th June 2010 as agreed by both sides.

Since, this is the oldest matter ~~existing~~ ^{pending} in this bench, it is expected that no further request for adjournment will be made.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/PB/

16.06.2010

Due to preoccupation in other part heard matter; matter could not be taken up.

List on 17.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkrr

17.06.2010

Heard Mr M. Chanda, learned counsel for applicant and Dr. J.L. Sarkar, learned counsel for the respondents. Hearing concluded. Order reserved.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkrr

The ordered dated 3.5.2010 passed in WPCe) No. 2541 of 2010 by the Hon'ble Gauhati High Court may kindly be seen at flag A.

AKM
1.6.2010

The case is ready for hearing.

MS
7.6.2010

7.6.2010
Add. Registrar has been filed by the Applicant with under taking to serve a copy to the Rly. Advocate.

MS
9/6/2010.

The case is ready for hearing.

MS
15.6.2010

- 15 -

O.A.266-07.

28.06.2010

Judgment pronounced in open court,
kept in separate sheets. The O.A. is dismissed
in terms of the order.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

Received Dutta
06/07/10

Dr. J.L. Sankar
13/7/10

Received
for resp - No 3
dated
13/7/10
Ld. 2003/LC

Final Order/Judgment
dated 28-6-2010
has been prepared
& sent to S/section
for issuing to the
all respondents by
ordinary post.

Free copy handed over
to Ld. counsel both
party-

M. No. 1507 to 1512
LD. 15-7-2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A.No.266 of 2007

DATE OF DECISION: 28.6.2010.

Shri Golok Barman

.....Applicant(s)

Mr M. Chanda

Advocate(s) for the
Applicant (s)

- Versus -

Union of India and others

Respondent(s)

Dr J.L. Sarkar, Railway Standing Counsel

Advocate(s) for the
Respondent(s)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

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

Member(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.266 of 2007

With

M.P.No.88 of 2010

Date of Order: This the 28th day of June 2010

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Shri Golok Barman
Presently working as Head Clerk (E),
Office of the Divisional Railway Manager (P),
N.F. Railway, Rangiya,
District- Kamrup, Assam.

..... Applicant

By Advocate Mr M. Chanda.

- versus -

1. The Union of India, represented by the
Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. North East Frontier Railway, through the
General Manager,
H.Q. - Maligaon, Guwahati-11.
3. The General Manager (P)
N.F. Railway,
Maligaon, Guwahati-781011.
4. The Divisional Railway Manager (P)
N.F. Railway, Rangiya.
5. The Divisional Railway Manager (P)
N.F. Railway, Alipurduar Junction,
District- Cooch Behar
West Bangal.

..... Respondents

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

.....

ORDER**MUKESH KUMAR GUPTA, JUDICIAL MEMBER**

Golak Barman, Head Clerk (E), N.F. Railway, in this O.A., as amended, seeks following reliefs:

"It is therefore humbly prayed that the Hon'ble Tribunal may be pleased to admit this application, call for the records and upon hearing the parties may be pleased to quash and set aside the impugned communication dated 08.08.2007 (Annexure-XXV) issued by the General Manager (P) HQ Maligaon i.e. Respondent No.3 and further be pleased to issue direction directing the Respondents to carry out restructuring process as per the proposal set by the Respondent No.4, the Divisional Railway Manager (P) Rangiya vide his official correspondence dated 31.03.2005 (Annexure-XII), 22.01.2007 (Annexure-XVII) and dated 23.02.2007 (Annexure-XX) respectively promoting the applicant to next higher posts retrospectively as per modified selection procedure as prescribed under Office Memorandum dated 09.10.2003 (Annexure-V) and pass such order/orders directing the Respondents to fill up the 3 posts of Chief Office Superintendents and the 12 posts in different cadres as shown in Annexure-XXVI through modified selection without resorting to normal selection process and for pass such order/orders giving full and final relief to the applicants to which they are entitled as per law and equity including the costs of the proceeding."



2. Admitted facts are that: On creation of Rangiya Division, applicant alongwith various personnel, was transferred and posted and vide Office Order dated 27/28.11.2003 applicant was spared from the Office of General Manager (P), N.F. Railway, Maligaon on 28.11.2003 (AN) with direction to report to Senior Divisional Personnel Officer, Rangiya for further posting. Said transfer order was on administrative ground and he was entitled to all benefits of transfer. Said order further required that as regard upgradation, his case may be considered in terms of item No.19 of Railway Board's Circular dated 09.10.2003, duly circulated by General Manager (P)/Maligaon's letter dated 30.10.2003. Vide Railway Board's Circular dated 09.10.2003 namely, RBE No.177/2003, with the approval of the President, Group 'C' & 'D' categories were restructured in accordance with revised percentages indicated therein. Detailed instructions were provided vide said RBE. Para 19 thereof deals with reorganization of Zonal Railways/Division and reads as under:

"Due to re-organization of Zonal Railways/Divisions cadres are in a fluid situation. It may, therefore, take some time for the cadres in the headquarters offices of New Zones and New Divisions to stabilize. In the circumstances, new Zonal Railways are required to ensure that the staff transferred to headquarter offices of new Zonal Railways/new Divisions are not extended the double benefit of restructuring. In case an employee has been given the benefit of restructuring on the old (parent) railway in terms of these orders, he will not be allowed the benefit of restructuring again on the headquarter offices of new Zonal Railway/new Divisions. In other words, no railway servant will be considered for double promotion as a result of this restructuring."

(emphasis supplied)

3. His grievance is that his claim under restructuring scheme has not been considered either when he was posted with N.F. Railway Headquarters, Maligaon or when he was transferred to Rangiya Division. Rangiya Division came into force on reorganization of

Railways w.e.f. 01.11.2003. Prior to it Rangiya Division was part of Alipurduar Division. Mr M. Chanda, learned counsel for applicant, contended that impugned communication dated 08.08.2007 (Annexure-XXV), which denied him benefits of restructuring, is misconceived, illegal and unjustified. Our attention was drawn to the DRM (P), Rangiya's communication dated 23.02.2007 addressed to General Manager (P), N.F. Railway, Maligaon, detailing that the cadre strength as on 01.11.2003 of the Personnel Branch including CWM/NBQ was 60, which included Head Clerk (E) - 18 posts. It was pointed out therein that total sanctioned posts of said Division was 121 and, therefore, staff of Rangiya Division could not get restructuring benefits against said total sanctioned posts. It was thus emphasized that if the restructuring was done against 121 sanctioned posts of said Division, the outcome and benefits of restructuring would have been totally different.

4. It was thus emphasized that because of wrong calculation of total strength of Rangiya Division, his further progression in the career had been seriously jeopardized, which included promotion to next higher post.

5. Contesting the claim laid, the respondents filed their reply as well as additional affidavit placing on record the provisional seniority list of Head Clerk (E) in PNO - Guwahati, N.F. Railway as on 01.04.2003 wherein he figures at serial No.50. Said provisional seniority list contained a note and required representation against it within one month from the date of publication. It was further pointed out that consequent on restructuring of Ministerial cadre of Personnel Branch, Maligaon, vide order dated 22.09.2004, in total 19 Head

Clerks were empanelled for the benefit and promotion to next higher grade of OS/Gr-II (E) in the scale of Rs.5500-9000/- w.e.f. 01.11.2003. Dr J.L. Sarker, learned counsel for the respondents pointed out that order dated 22.09.2004 was strictly based on seniority. Except one person namely, Smt Ramila Thakuria, none was his junior. It was further pointed out that Smt Ramila Thakuria belongs to SC community and granted such promotion under restructuring because of reservation rule being applicable to her.

6. We have heard learned counsel for the parties, perused the pleadings and other voluminous documents placed on record.

7. The question which arises for consideration is whether he is entitled to benefits of restructuring under Rangiya Division. It is admitted case of both sides that the cut off date for implementing the benefits of restructuring is 01.11.2003. As per N.F. Railway circular No.E/283/218(HQ)-(C) dated 05.04.2004 restructuring of line staff of Rangiya Division was done as per bifurcated cadre. Perusal of order dated 27/28.11.2003, which has been placed on record by the applicant reveals that he was transferred to Rangiya Division after said cut off date. Furthermore, as per order dated 22.11.2004, N.F. Railway/Maligaon based on aforesaid restructured scheme conferred benefits of officiating promotion to 19 Head Clerks based on seniority and in terms of standard prescribed by said schme. We may observe that he has failed to point out as to which junior, except Smt Ramila Thakuria, is junior to him, who otherwise belongs to SC community and further as to how he was within consideration zone. We may note that as per para 1 of said scheme the benefit of "restructuring will be restricted to the persons who were working in a particular cadre on



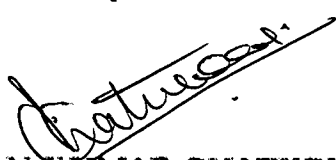
the cut off date". Furthermore, vide para 6 it was pointed out that: "while implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. In other words, residency period prescribed for promotions to various categories should not be relaxed". It is also not in dispute that the restructuring has to be "In accordance with revised percentage distribution of posts" as detailed vide para 11 thereof. Restructuring does not mean that each and every person in the cadre would be entitled to the benefit. Thus, in our considered view he had been considered for the benefits of restructuring by the N.F. Railway/ Maligaon as on 01.11.2003 i.e. cut off date when he was on the strength of said cadre. Para 19 of the said scheme as noticed hereinabove, specifically required that to ensure that "staff transferred to new Zonal Railways/Division were not extended double benefit of restructuring". Once a person has been considered for restructuring in one Zone/Division, merely on account of transfer to a newly created Zone/Division he may not become entitled to concession and benefits under the scheme of restructuring for a second time. He could not be provided benefits in N.F. Railway/Maligaon because of his lower seniority. In total there had been 85 persons shown in the seniority list as on 01.04.2003. Furthermore, he belongs to General category. No person junior to him had been promoted under aforesaid scheme of restructuring vide order dated 22.09.2004. We have perused the provisional seniority as well as promotion order dated 22.09.2004 and find that first 9 persons promoted vide aforesaid order were placed in the seniority list in the same sequence. Last unreserved candidate promoted had been at serial No.17 in said seniority list with the exception of Smt Ramlla

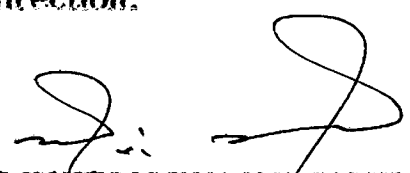


Thakuria who belongs to SC community. His case cannot be compared with Smt Ramila Thakuria because of principles of reservation. Much emphasis laid by him on the number of total sanctioned posts as of 121 instead of 60 who were granted benefit of restructuring is totally misconceived. Mere change in total strength of the Division as a whole will make no difference. What has been emphasized vide para 11 of Railway Board's Circular dated 09.10.2003 is revised percentage distribution of posts in each cadre and not Division. In a Division various categories of posts are available and Head Clerk is only one of them. Moreover the benefits of restructuring would be available in the parent Division/Zonal Railway and not in the newly created Zone/Division. Rangiya Division is a newly carved out of Allpurduar Division. Thus, we find no justification in the claim laid by him. In our considered view the entire claim is misconceived.

8. Thus, finding no merits, O.A. is dismissed. No costs.

9. In view of dismissal of O.A., M.P.No.88/2010, filed by the respondents praying for dismissal of O.A. for making contradictory statement, requires no further order and direction.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

Flag A. is a Communication received from
the Honorable High Court, Guwahati
of the W.P.(C) No. 2541/10 in OA
No. 266/2007 (Union of India and others
-vs- Shri Golak Barman & Anr.)
forwarding a copy of the Registry
for information.
Submitted for favour of Good Person.

SKM
30.9.2010

Registrar.

for 1st personal leave

2
30.9.

Honble Justice Menon

SKM

30.9.
2
30.9.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

VERY
IMP.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

570

28 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

W.P.(C) No.2541 of 2010

BEFORE

THE HON'BLE MR. JUSTICE RANJAN GOGOI
THE HON'BLE MR. JUSTICE B. P. KATAKEY

03.05.2010

Heard Mr. J. L. Sarkar, learned counsel for the petitioners.

Learned counsel for the petitioners, at the outset, has clarified that the subject matter of the writ petition is confined only to the order dated 19.2.2010 passed by the learned Central Administrative Tribunal, Guwahati Bench, in Miscellaneous Petition No.108/2009 in Original Application No.266/2007 imposing cost of Rs.5000/- while allowing a prayer for adjournment for filing written statement against the amended pleadings.

Issue notice returnable in six weeks.

Respondents be served by registered post. Steps immediately.

Issue notice on the prayer for interim relief.

In the meantime and until further orders, payment of the cost awarded by the learned Tribunal by order dated 19.2.2010 is stayed. It is, however, made clear that the proceedings of O.A. No.266/2007 before the learned Tribunal shall continue.

Sd/- B.P.Katakey
Judge

Sd/- Ranjan Gogoi
Judge

Memo No. 6349

/WP(C) Dt. 26-5-10

Copy forwarded for information and necessary action to :

1. Shri Golak Barman,

Head Clerk (F), Divisional Railway Manager(P)'s
Office, N.F.Railway, Rangia,
P.O.Rangia, Kamrup, Assam.

2. Central Administrative Tribunal, Guwahati Bench
Guwahati.

Through the Registrar(J) of the said Hon'ble
Tribunal, Rajgarh Road, Guwahati.

By order-

[Signature] 25.5.10

Deputy Registrar(T),
Gauhati High Court, Guwahati.

[Signature] 25/5/10

IMMEDIATE

[Signature]

[Signature] 24/5/10

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

~~Appeal from~~
~~Civil Rule~~

WPC

No. 2541 of 2010

Appellant
Petitioner

Union of India and 4 ors.

Versus

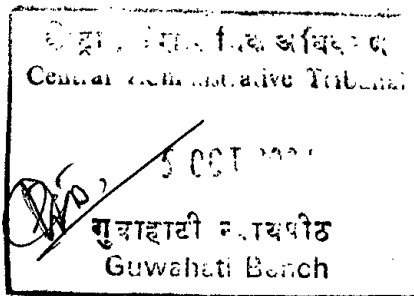
Shri Golak Barman and wife

Respondent
Opposite Party

Appellant Dr. Jahar Lal Sarkar,
For
Petitioner Shri Santanu Nandan Tamuli,

Respondent _____
For _____
Opposite Party _____

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or price with signature
1	2	3	4



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O. A. NO. 266 /2007

(Tarun Goswami & Ors -vs- Union of India & Ors.)

SHORT SYNOPSIS OF THE CASE:

The applicants who were appointed in different years during the period from 1980 to 1997 are working in various capacities, in the cadre of Office Superintendent, Head Clerk, Senior Clerk and Junior Clerk under the N. F. Railway.

That w.e.f. 1.4.03, the Rangiya Railway Division was created carving out from the erstwhile Alipurduar Division and as per the MOU/Joint Procedural Note executed on 6.3.03, the cadre of the erstwhile Alipurduar Division was to be divided into 50: 50 meaning thereby the Rangiya Division were to get about 70 posts in the Personnel Branch.

That vide a notification dated 9.10.03 issued jointly by the Ministry of Railways & the Railway Board, the cadres strength are to be re-structured and the posts arising out of such restructuring are to be filled up by modified selection procedure based on seniority and assessing the service record only without resorting to normal selection procedure of test and interview.

That the Alipurduar did not transfer the required posts in time but resorted to transfer the posts in piecemeal fashion and kept the posts at Alipurduar till the posts were transferred to Rangiya on different dates.

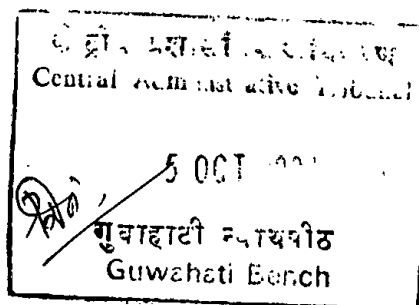
On the other hand keeping the posts at Alipurduar, in respect of Personnel branch only, Alipurduar carried out the restructuring and gave the benefits to the employees of Alipurduar Division for which the staffs of the Rangiya Division including the applicants were deprived of the benefits of restructuring.

The Divisional Railway Manager (P) Rangiya time and again, more specifically, by official memo dated 31.3.05, 11.5.05, 22.1.07 and 23.2.07 sent proposal supporting with facts and figures for restructuring the cadres of Personnel Branch of Rangiya Division, but the General Manager (P), HQ, Maligaon vide communication dated 8.8.07 rejected the plea of restructuring of the cadres of Rangiya on an untenable ground and hence the instant application.

Had the restructuring would have been carried out as per the Railway Ministry Circular dated 9.10.03, the applicants would have reaped the benefits by getting promotion to higher posts and would not have languished by remaining stagnant in same posts for years together.

Filed by:

B. Chakravarty
(B. Chakravarty)
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

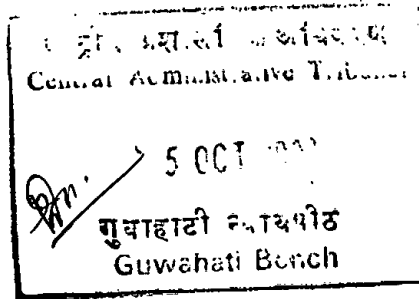
O. A. NO. 266 /2007

(Tarun Goswami & Ors -vs- Union of India & Ors.)

INDEX

Sl. No.	Particulars	Pages.
1.	Application with verification	1-36
2.	Annex-I Copy of Joint Procedural Note dt. 3.2.03 for division of staff	37-38
3.	Annex-II Order dt. 6.3.03 transferring staff to Rangiya from Alipurduar	39
4.	Annex-III ~~Series~~ Book Of Sanction of Rangiya as on 1.4.03	40
5.	Annex-IV Order dt. 21.7.03 transferring staff to Rangiya	41
6.	Annex-V Restructuring O.M. dt. 9.10.03 issued by the Railway Board	42-50
7.	Annex-VI Instructions dt. 5.4.04 for restructuring cadres of Rangiya	51
8.	Annex-VII Order dt. 10.6.04 transferring more posts to Rangiya from APDJ	52
9.	Annex-VIII Message to delete posts from BOS Alipurduar dt. 10.6.04	53
10.	Annex-IX Railway Board's instructions on matching savings dt. 10.11.04	54
11.	Annex-X Order dt. 6.1.05 transferring more posts from Alipurduar to Rangiya	55
12.	Annex-XI Minutes of the meeting dt. 3.2.05 relating to transfer of posts	56-57
13.	Annex-XII Letter dt. 8.2.05 forwarding minutes to concerned circle	58
14.	Annex-XIII OM dt. 31.3.05 showing cadre restructuring at Rangiya	59
15.	Annex-XIV Post wise restructuring of cadres of Rangiya dt. 31.3.05	60
16.	Annex-XVA & XVB BOS of Division HQ at Rangiya dt. 11.5.05	61-63
17.	Annex-XVI Employees Union representation dt. 15.9.05	64-65
18.	Annex-XVII Sanction of transfer of posts from Alipurduar to Rangiya dt. 14.11.05	66
19.	Annex-XVIII Calculating sheet of restructuring dt. 21.01.07	67
20.	Annex- XIX OM dt. 22.2.07 surrendering 1 posts on matching saving at Rangiya	68
21.	Annex-XX Revised restructuring strength of Personnel Branch unit of Rangiya	69-72
22.	Annex-XXI Revised restructured strength of posts of Civil Engg branch dt. 17.5.07	73
23.	Annex-XXII Employees Union representation dt. 11.7.07 demanding restructuring	74
24.	Annex-XXIII DRM(P) Rangiya's letter of request dt. 12.7.07 for restructuring	75
25.	Annex-XXIV DRM(P) Rangiya's reply dt. 16.7.07 to Employees Union	76
26.	Annex-XXV Impugned Communication of the GM(P)HQ dt. 8.8.07	77
27.	Annex-XXVI Notice dt. 29.8.07 to fill up 12 vacancies at Rangiya	78-80
28.	Annex-XXVII Order dt. 6.9.07 to take fresh restructuring for Cabin Man of Rangiya	81
29.	W/S	82-94
30.	Amended original Application. Filed by:	95-173
31.	W/S in amended paragraph.	174-181
32.	Addl. Refinder.	182-188
33.	Reply to the Refinder.	189-190
34.	MP No. 79/2010	191-193
35.	Statements Seniority	194-201
36.	MP. 88/2010	202-204

37 - ADD. Refinder - 205-219
38. Objects in NO: 88/10 220-222.

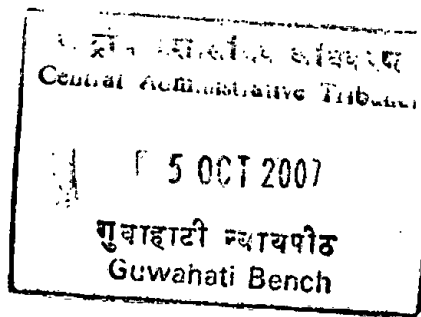


O. A. NO. 266 /2007

(Tarun Goswami & Ors -vs- Union of India & Ors.)

LIST OF DATES

Dates	Particulars
1980-1997	The petitioners were appointed in various capacities in permanent posts in the NF Railway
3.2.03	Joint Procedural Note executed laying modalities for transfer of posts in the ratio 50: 50 from Alipurduar Division to newly created Rangiya Division
1.4.03	Rangiya Railway Division came into effect
6.3.03	By issuing an order various posts were transferred from Alipurduar to Rangiya Book of sanction of Rangiya as on 1.4.03 issued correcting permanent sanctioned posts wherein personnel branch posts was shown as 65
21.7.03	By issuing an order, the DRM(P) Alipurduar transferred few more personnel to Rangiya
9.10.03	The Ministry of Railway & Railway Board jointly issued an OM for RESTRUCTURING certain GROUP-C & D cadres in the Railways
30.10.03	The General Manager(P)HQ Maligaon forwarded the restructuring OM to all concerned circles for implementation
5.4.04	An instructions was issued from the office of the Respondent No.3 to be followed for undertaking restructuring of posts at Rangiya
10.6.04	DRM(P) Alipurduar accorded sanction for transfer of 21 posts in personnel branch at Rangiya
10.6.04	The DRM(P) issued instruction to delete the posts as per procedural requirement
18.8.04	Respondents promoted certain Cabin Man-II to the posts of Cabin Man-I to the vacancies arising out of restructuring
10.11.04	Another OM issued from the office of the Ministry of Railway on restructuring to be exercised following matching savings
6.1.05	Sanctioned accorded for permanent transfer of certain posts from Alipurduar to Rangiya Division
3.2.05	A meeting was held wherein minutes were prepared in order to exercise the process of restructuring of cadres at Rangiya finalizing the sanctioned strength and the transfer of staff as a result of bifurcation of Alipurduar Division
31.3.05	DRM(P) Rangiya issuing a memo declared the cadres strength of personnel Branch at Rangiya to be 76 on restructuring



- 11.5.05 The BOS of Rangiya was sanctioned by the General Manager (P) HQ as 77 and in management department which also falls under personnel department, to be 27 and for security department to be 11
- 1.7.05 Few more Cabin Man I were promoted to posts arising out on restructuring
- 15.9.05 Representation on behalf of the Employees Union raising the issue of restructuring benefits to the staff of Personnel Branch
- 14.11.05 32 more posts in Personnel Branch transferred to Rangiya from Alipurduar
- 29.1.07 A calculation sheet restructuring of posts along with financial involvement prepared by the Rangiya Division and sent to the authority at Maligaon for action
- 22.2.07 DRM(P) Rangiya surrendered one post of Junior Clerk on matching saving due to restructuring of cadre of Personnel Branch
- 23.2.07 Division Railway Manager (P) Rangiya sent the revised restructured ministerial cadre of Personnel Branch showing the strength as 71 and supporting with facts and figures, requested for approval of General manager as per requirement
- 17.5.07 By issuing an order No. E/240/RN (Restructuring)/03 ministerial cadre of Engineering Branch of Rangiya restructured
- 11.7.07 The Employees Union raised the issue of restructuring with the authority
- 12.7.04 Letter from the DRM(P) Rangiya to General manager(P), HQ for restructuring of cadre of Personnel Branch
- 14.7.07 Some of the applicants represented before the authority
- 16.7.07 DRM(P) Rangiya informed the Employees Union that the matter of restructuring is under consideration
- 8.8.07 Respondent No.3, GM(P) by issuing a communication rejected the request of restructuring
- 29.8.07 Notice issued to fill up 12 posts arose out of restructuring by selection test
- 6.9.07 Promotion order of Cabin Man cancelled saying further that the cadre will be restructured again

Filed by:



(B. Chakravarty)

Advocate

District - KAMRUP

In The Central Administrative Tribunal
Guwahati Bench

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

For use in Tribunal's office

Central Administrative Tribunal	
5 OCT 2007	Signature
Guwahati Bench	10.07

O.A. No. 266/2007

Between

X

1. SHRI TARUN GOSWAMI

Presently working as Head Clerk (E)
Office of the Divisional
Railway Manager (P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

X

2. SHRI SUREN KALITA

Presently working as Head Clerk (E)
Office of the Divisional
Railway Manager (P),
N.F. Railway, Rangiya,

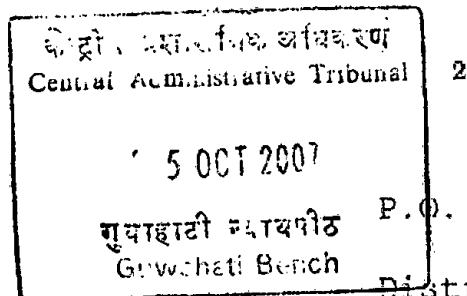
Applicant Nos. 1, 2 and
4 to 15 withdrawn from
in case No. 266/07 till
order dated 9.10.07.

cause title accordingly
changed as follows:
Shri Golak Burman
no 12 003.

2/10/07

Golak Burman

Filed by the applicants
Shri Tarun Goswami & others
through:-
uptal Das, Advocate.
03/10/2007.



Shri Golak Barman

P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

3. SHRI GOLAK BARMAN

Presently working as Head Clerk (E)
Office of the Divisional
Railway Manager (P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

x **4. SHRI LANKESWAR BARMAN**

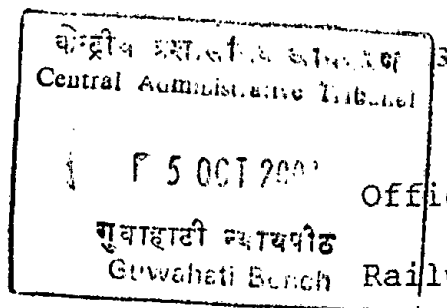
Presently working as Head Clerk (E)
Office of the Divisional
Railway Manager (P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

x **5. SHRI LAUGA CHOUDHURY**

Presently working as Head Clerk (E)
Office of the Divisional
Railway Manager (P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

^ **6. BONU VENKATA RAO**

Presently working as Head Clerk (E)



Art m
Gobak Basman

Office of the Divisional
Railway Manager (P),

N.F. Railway, Rangiya,

P.O. & P.S.- Rangiya,

District- Kamrup, Assam.

X 7. SHRI SUBRATA SEN SHARMA

Presently working as Head Clerk

(E) Office of the Divisional

Railway Manager (P)

N.F. Railway, Region,

P.O. & P.S.- Rangiya,

District- Kamrup, Assam.

X 8. SMTI SUNIA RABHA

Presently working as Senior

Clerk(E) Office of the

Divisional Railway Manager (P),

N.F. Railway, Rangiya,

P.O. & P.S.- Rangiya,

District- Kamrup, Assam.

X 9. SHRI ARUN KUMAR CHETRI

Presently working as Senior

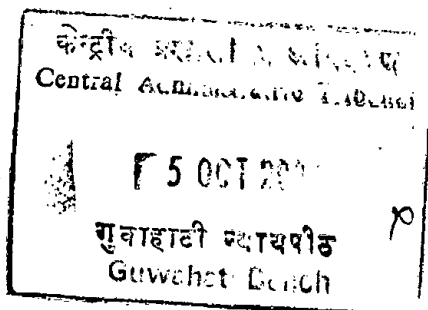
Clerk(E) Office of the

Divisional Railway Manager (P),

N.F. Railway, Rangiya,

P.O. & P.S.- Rangiya,

District- Kamrup, Assam.

*Art**Pradeep Barman*

x 10. SHRI PRASUN AICH

Presently working as Senior Clerk(E) Office of the CWM/NBQ Office, N.F. Railway,
P.O.- New Bongaigaon,
District- Bongaigaon, Assam.

x 11. SHRI DEBASISH GHOSAL

Presently working as Senior Clerk(E) Office of the CWM/NBQ Office, N.F. Railway,
P.O.- New Bongaigaon,
District- Bongaigaon, Assam.

x 12. SHRI SUNANDA KALITA

Presently working as Senior Clerk(E) Office of the CWM/NBQ Office, N.F. Railway,
P.O.- New Bongaigaon,
District- Bongaigaon, Assam.

x 13. SMTI SUMITA SHOME

Presently working as Senior Clerk(E) Office of the CWM/NBQ Office, N.F. Railway,
P.O.- New Bongaigaon,
District- Bongaigaon, Assam.

5 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

14. SYED ANOWAR HUSSIAN

Presently working as Office
Superintendent(II) Office of
the Divisional Railway Manager(P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

15. SHRI DIPAK KUMAR DAS

Presently working as Office
Superintendent(II) Office of
the Divisional Railway Manager(P),
N.F. Railway, Rangiya,
P.O. & P.S.- Rangiya,
District- Kamrup, Assam.

..... APPLICANTS

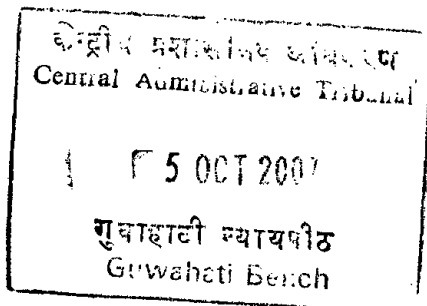
- VERSUS -

1. UNION OF INDIA

Represented by the Secretary,
Ministry of Railway's,
Rail Bhawan, New Delhi-1

2. NORTH EAST FRONTIER RAILWAY

Through the General Manager,
H.Q.- Maligaon, Guwahati-11



*Sub
B. Lakshmanan*

3. THE GENERAL MANAGER(P)

N.F. Railway, Maligaon,
Guwahati- 781011.

4. THE DEVISIONAL RAILWAY MANAGER (P)

N.F. Railway, Rangiya.
P.O. & P.S. Rangiya. DIST. KAMRUP (ASSAM)

5. THE DIVISIONAL RAILWAY MANAGER(P)

N.F. Railway, Alipurduar Junction,
P.O. & P.S. Alipurduar.
District- Cooch-Behar, West Bengal.

..... RESPONDENTS

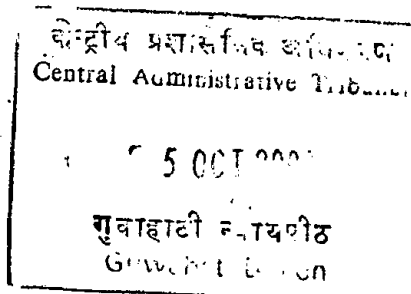
1. Particulars of the order(s) against which application is made:

(i) The applicants assail the official communication dated 08-08-2007 issued from the office of the General Manager(P)/Maligaon addressed to Divisional Personnel Officer, Rangiya, N.F. Railway by which the Divisional Railway Manager's(P) Rangiya proposal to undertake cadre-restructuring was turned down on an untenable ground, virtually rejecting the demand made by the applicants by way of their various application.

(ii) The applicants through the instant application also assail the arbitrary and illegal action of the Respondents in not acting as per the MOU executed in between the Personnel Branch

Chub
Chalk Samman

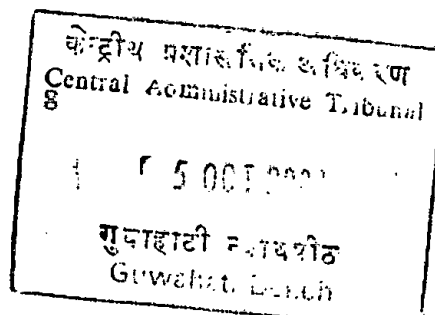
of Alipurduar Division and Rangiya Division as a result of bifurcation of Rangiya Division from Alipurduar Division on the creation of the new Division of Rangiya w.e.f. 01-04-2003 by not transferring the posts in time which could have facilitate early restructuring of the cadres.



- (iii) The applicants through the instant application also assail the arbitrary and illegal action of the Respondents in not carrying out cadre restructuring of the Personnel Branch of Rangiya Division keeping in consonance with the Railway Board's Office Memorandum dated 09-10-2003. As the cadres were not ^{transferred} by the Divisional Railway Manager(P) Alipurduar Junction within the accepted time for which the cadres restructuring was not undertaken at Rangiya as a result of which the applicants have been deprived of promotional avenues and better pay and other service benefits.

2. Jurisdiction of Tribunal :

The applicants declare that the subject matter of the instant applicants is within the jurisdiction of this Hon'ble Tribunal.



3. **Limitation :**

The applicants also declare that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. **Facts of the Case :**

- 1) That the applicants are citizens of India and are permanent residents of various localities of Assam. Being citizens of India, the applicants as such are entitled to the rights and privileges as guaranteed under the Constitution and the relevant rules as applicable in the instant case.
- 2) That after due selection process, the applicants were appointed in various capacities in permanent posts by the competent authorities, of the Railways. Having duly appointed, the applicants performed ~~their duties~~ with nothing-adverse known against them.

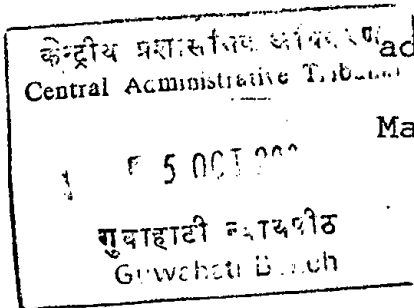
The applicant No.1 to 7 are presently working as Head Clerk(E) in the Personnel Branch under the Divisional Railway Manager(P), Rangiya {hereinafter also referred as Divisional Railway Manager(P)/Rangiya} and posted at Rangiya Division. Similarly, the applicant No.8 to 13 are presently working as Senior Clerk(E) with

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Personnel Branch under Divisional Railway Manager(P)/Rangiya. The applicant No.8 and 9 are posted at Rangiya and the applicant No.10 to 13 are posted at New Bongaigaon unit under some administrative control of Divisional Railway Manager(P)/Rangiya.

Further, the applicant No.14 and 15 are presently working as Office Superintendent(II) and (I) respectively and ~~are~~ posted at the Personnel Branch under Divisional Railway Manager(P) Rangia. The applicants have completed their service in the respective cadres in the range of 10 to 22 years. The latest among the applicants, is applicant No.11 who joined in 27-08-1997 and the oldest among them is applicant No.14 who joined in the year 29-04-1985.

- 3) That the applicants beg to state that the Rangiya unit was earlier under the administrative control of Alipurduar Railway Division of the N.F. Railway. In course of time the authority decided to bifurcate Rangiya unit out of Alipurduar Division and accordingly Rangiya Railway Division was created which is to come into effect from 01-04-2003. In order of give shape, a joint procedural note in connection with bifurcation of actual staff of Personnel Branch of Alipurduar



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Division for the newly created Rangiya Division was reached in a meeting held on 31-01-2003 and accordingly it was decided that the actual staff of Personnel Branch would be divided in the ratio of 50:50. It was further decided that out of the 163 clerical staff working in Personnel Branch of Alipurduar Division including the 22 number of posts which was identified as non-divisible, the rest 141 staff would be divided provided Rangiya with 70 posts. The said joint note was signed by the Divisional Personnel Officer of both Rangiya and Alipurduar Division. The aforesaid note was incorporated in the form of a policy and was circulated vide official communication dated 03-02-2003. Along with the aforesaid policy an annexure was also appended showing the post wise strength of the staff.

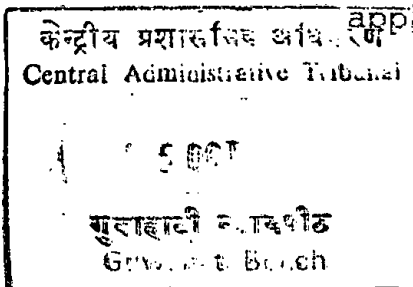
A copy of the aforesaid policy dated 03-02-2003 along with the annexures are annexed herewith as ANNEXURE- 'I'.

- 4) That at the time of creation of Rangiya Railway Division, there existed 10 posts in the Personnel Branch and hereafter 16 more person came from different division to Rangiya. Further as per the joint procedural note, the Divisional Railway

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Manager(P) Alipurduar Division, vide an order dated 06-03-2003 transferred 17 persons to Rangiya Division. The aforesaid order contain name of four persons from the Personnel Branch including the name of the three present applicants.



A copy of the aforesaid order dated 06-03-2003 is annexed herewith as ANNEXURE- 'II'.

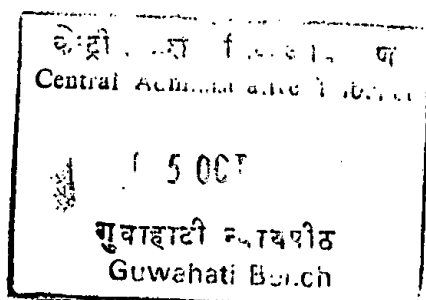
- 5) That thereafter the provisional Book of Sanction (hereinafter referred as BOS in short) as on 01-04-2003 of the Personnel Department as corrected was released wherein the sanction strength of office Superintendent, Head Clerk, Senior/Junior Clerk, mere shown in total to be 60. In similar way, the staff of Personnel Branch working at New Bongaigaon and Bongaigaon was shown to be 28 in the book of sanction.

A copy of the aforesaid Book of Strength as on 01-04-2003 is annexed herewith as ANNEXURE- 'III' Series.

- 6) That, thereafter vide an order dated 21-07-2003 the Divisional Railway Manager(P) Alipurduar

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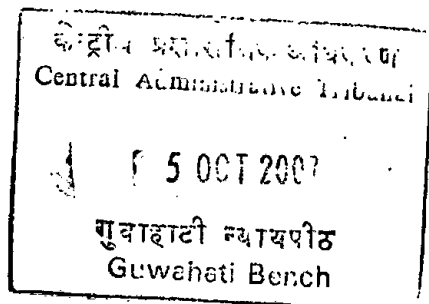
Division transferred 6 staffs to Rangiya Division which include the name of two present applicants.



A copy of the said transfer order dated 21-07-2003 is annexed herewith as ANNEXURE-
'IV'.

- 7) That, the Railway Authority in the year 2003 decided to restructure the cadres in order to create more promotional avenues and better service benefit to the existing staff and accordingly a circular dated 09-10-2003 was issued by the Ministry of Railways intimating the different Railway zones existing in India on the restructuring procedure. As per the said circular the post arising out of restructuring are to be filled by senior staff through modified process of selection procedure. The entire restructuring procedure is to be a self-financing procedure. The financial implication is to be ~~carried~~ out by matching savings done by surrendering of posts, so that the financial burden is bare minimum.

A copy of the aforesaid circular dated 09-10-2003 which was forwarded by letter dated 30-10-2003 of the General



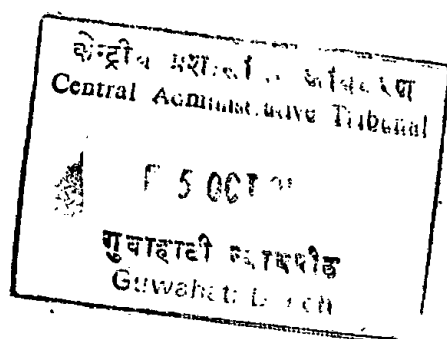
Manager(P) N.F. Railway is annexed herewith as ANNEXURE- 'V'.

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- 8) That, thereafter the General Manager(P) by issuing office communication dated 05-04-2004 issued certain instructions to be followed in matter of restructuring due to creation of New Rangiya Division. As per the said instructions, optees who accepted transfer to Rangiya Division, are also entitle to restructuring benefits even though they may be transferred after 01-11-2003.

A copy of the aforesaid communication dated 05-04-2004 issued by the Respondent No.3 is annexed herewith as ANNEXURE- 'VI'.

- 9) That, following the joint procedural note of bifurcation, the Divisional Railway Manager(P) Alipurduar by issuing a memorandum dated 10-06-2004 accorded sanction, along with others, 21 posts of Personnel Branch to be transferred from Alipurduar and by issuing a separate communication of even dated 10-06-2004 instructed to delete the posts from the BOS of Alipurduar Division which have been subsequently transferred.



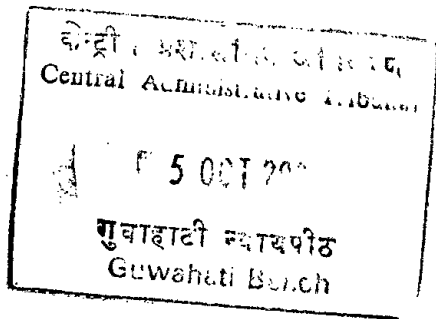
A copy of the memorandum^{& W.T} dated 10-06-2004 ~~and~~ annexed herewith as ANNEXURE- 'VII' & VIII.

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- 10) That, it may be stated here that the Divisional Railway Manager(P) Rangiya following the process of restructuring, issuing an order dated 18-08-2004 promoted certain cabin Man from grade-I to grade-II. The above promotion was given as a result of restructuring of the staff of Rangiya after creation of division and upon transfer of the posts of Alipurduar Division to Rangiya Division.

The applicants crave leave of this Hon'ble Tribunal indulgence to produce and rely on the aforesaid promotion order dated 18-04-2004 whenever so required.

- 11) That, in continuance of the process of restructuring, the Ministry of Railway by issuing a memo dated 10-11-2004 issued instruction to be followed on matching savings while adjusting the cadre from one Department to other at own level restructuring the cadre. It was further instructed in the aforesaid memo that for matching savings and adjustment of cadre by surrendering, approval of GM is to be obtained.



A copy of the aforesaid Office Memorandum dated 10-11-2004 is annexed herewith as **ANNEXURE-IX**.
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- 12) That, in continuance of the process of bifurcation, the Divisional Railway Manager(P) Alipurduar by issuing a memorandum dated 06-01-2005 accorded sanction for permanent transfer of various posts in different department including that of 9 posts of Junior Clerk of Personnel Branch.

A copy of the aforesaid memorandum dated 06-01-2005 is annexed herewith as **ANNEXURE-IX**.
'IX'.

- 13) That, as the process of transfer has been delayed for reasons best known to the authorities, the incumbents who were serving at Rangiya were denied the benefits of restructuring. Therefore, a meeting was held to finalize the sanction strength, transfer of staff and restructuring of cadres at Rangiya Division, the Divisional Railway Manager, Rangiya the Divisional Personnel Officer of both Rangiya and Alipurduar Division along with others were present. In this meeting

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it was decided that the Alipurduar Division will transfer the balance agreed post and the process is the Rangiya Division will issue the Book of sanction accordingly. It was further resolve in the meeting that posts transfer to Rangiya Division after 01-11-2003 will be notionally taken into account for restructuring and after the exercise of restructuring the new BOS as on 01-04-2005 will be issued on Rangiya Division within 15-05-2005. The said minutes of the meeting dated 03-02-2005 was sent to the concerned authorities by the Respondent No.3 vide communication dated 08-02-2005.

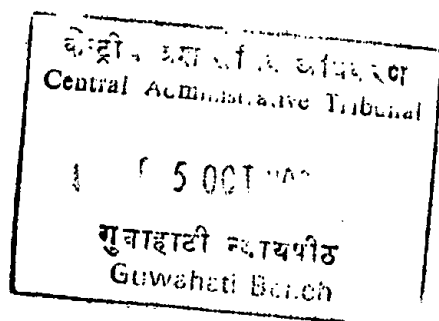
A copy of the aforesaid minutes of the meeting dated 03-02-2005 and the forwarding letter of Respondent No.3 dated 08-02-2005 are annexed herewith as **ANNEXURE-**
'XI' and **'XII'** respectively.

- 14) That, even though it was resolved that the process of restructuring will be completed at the earliest by transferring the required posts from Alipurduar to Rangiya, the concerned authority delayed the matter in case of Personnel Branch posts for which the serving incumbents including

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the applicants were deprived the benefits of restructuring. On the other hand, the Respondent No.3 by issuing a communication dated 17-03-2005 instructed to carry out the restructuring of medical department of Rangiya Division by providing matching savings.

- 15) That, in continuing the process of restructuring after much delay, the office of the Divisional Railway Manager(P) Rangiya issuing a memorandum dated 31-03-2005 restructured certain categories of posts including the post of Chief Office Superintendent both I and II, Head Clerk, Senior Clerk and Junior Clerk. As a result of restructuring the post of Chief Office Superintendent, OS-I, OS-II, Head Clerk, Senior Clerk and Junior Clerk were revised to the strength of 3, 6, 12, 22, 18 and 15 from 2, 4, 8, 24, 22 and 16 respectively. In the aforesaid memorandum it has further been mentioned that to effect the restructuring benefit, required posts will be surrendered and the process has been approved by the Divisional Railway Manager(P) Rangiya. The Divisional Railway Manager(P) Rangiya following the restructuring process has accorded sanction to the restructuring of certain group C & D posts in the Engineering Department as well.



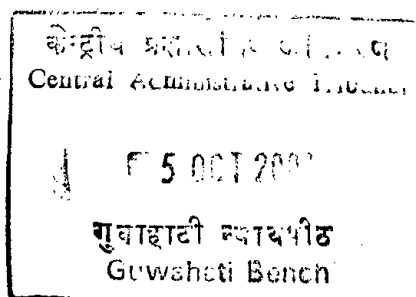
A copy of the said memorandum dated 31-03-2005 is annexed herewith as ANNEXURE- 'XIII. & XIV.

- 16) That in course of time, the General Manager(P) H.Q. Maligaon vide his letter dated 14-03-2005 under memo No. E/283/218(HQ)-(C)Pt-II intimated the BOS for Divisional Headquarter Office at Rangiya Personnel Department has been fixed to the strength of 77. In the said communication dated 11-05-2005 issued from the office of the Divisional Railway Manager(P) Rangiya, it has been clearly mentioned that out of 61 clerical posts, only 39 are available and remaining 22 are yet to be transferred. In similar fashion the Respondent No.4 also issued BOS in respect of Management Department of Security Department which are also part of personnel Branch.

Be it be stated here that the Security falls under the Personnel Branch and here also 6 posts were shown yet to be transferred to Rangiya from Alipurduar Division.

A copy of the aforesaid office correspondence dated 11-05-2005 of the Respondent No.4 are

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annexed herewith as ANNEXURE-
'XIV'A and 'XV'B respectively.

17) That, continuing the process of restructuring of Cabin Man, the Respondent No.4 by issuing an order dated 01-07-2005, promoted 61 Cabin Man-II to Cabin Man-I to the vacancies assining out of restructuring.

18) That, as the Respondents were delaying the whole process of restructuring in respect of Personnel Branch of Rangiya Division, the applicants and other took up the issue with the Employees Union and accordingly, the Union vide its representation dated, 15-03-2005 requested the authority for an early implementation of the restructuring exercise in the Personnel Bench of Rangiya Division. In the said representation, it was also shown how there is large shortfall between the sanctioned strength and the Roll. The short fall was found to be 38 in case of Personnel Branch.

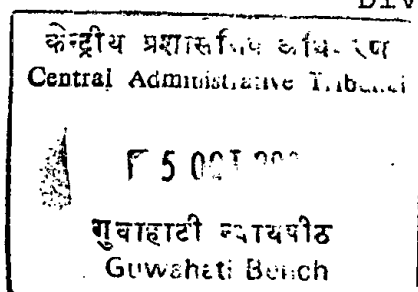
A copy of the aforesaid representation submitted by the Employees Union is annexed herewith as ANNEXURE- 'XVI'.

19) That, as already stated above, the Alipurduar Division who are to expedite the process of

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transferring of the posts caused immennse delay. As a result of which the process of restructuring could not be carried out at Rangiya. The Alipurduar Division, adopting a peace meal fashion, transferred the posts. In this process by issuing an office order dated 14-11-2005, 32 posts in various cadres of Personnel Branch along with other posts of different department were transferred from Alipurduar to Rangiya Division.

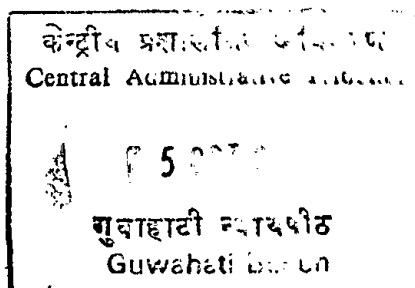


A copy of the aforesaid sanctions of transfer order dated 14-11-2005 is annexed herewith as ANNEXURE- 'XVII'.

- 20) That, as already stated above, the Alipurduar Division who are to expedite the process of transfer of posts did not act promptly and the posts were kept at Alipurduar and after exercising restructuring process at Alipurduar, the posts were transferred to Rangiya for which the incumbents at Rangiya suffered. In order to do justice, the Divisional Railway Manager(P), to effect the process of restructuring following the process of Matching savings, prepared a data at official level and sent the same to the Headquarter with a request to act so that the

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benefit of restructuring can be given to the employees who deserved the same.



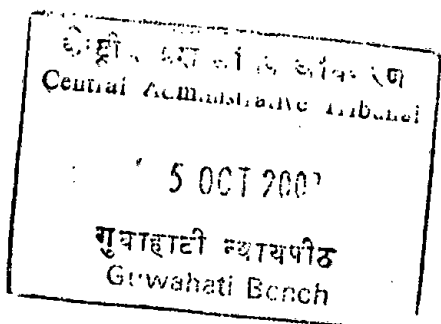
The said calculated sheet of restructuring is annexed herewith as ANNEXURE- 'XVIII'.

- 21) That, acting on the aforesaid proposal, the Divisional Railway Manager(P) Rangiya by issuing an order dated 22-02-2007 deleted one post of Junior Clerk from the BOS by matching savings. The aforesaid exercise was done keeping in consonance with the process of restructuring.

A copy of the aforesaid order dated 22-02-2007 is annexed herewith as ANNEXURE- 'XIX'.

- 22) That, acting correspondingly and keeping pace with the process of restructuring, the Divisional Railway Manager(P) preparing a revised Restructuring of the material cadre of Personnel Branch, sent a proposal to the Respondent No.3, to obtain GM's approval which is necessary to give effect to the process of restructuring. The aforesaid proposal was justified with reasons and data which has been appended to the same.

A copy of the aforesaid official correspondence dated 23-02-2007



alongwith the relevant sheet
are annexed herewith as
ANNEXURE- 'XX' Series.

- 23) That, be stated here that the Respondent No.4 following the process of restructuring after the posts were transferred, reviewed the cadre strength of Engineering Department and restructured the cadre. In this case, the Alipurduar Division did not consider the posts and kept aside the posts while exercising restructuring process at Alipurduar.

A copy of the aforesaid memorandum dated 17-05-2007 reviewing the cadre strength of Civil Engineering Branch of Rangiya Division is annexed herewith as **ANNEXURE- 'XXI'**.

- 24) That, as the incumbents serving at the Personnel Branch has been deprived from the benefits of restructuring process, the recognized Employees, took up the matter with the Respondent No.4 requesting him to extend the restructuring benefits taking into consideration of justified numbers of posts or else the union may be compelled to take course to agitational path. The

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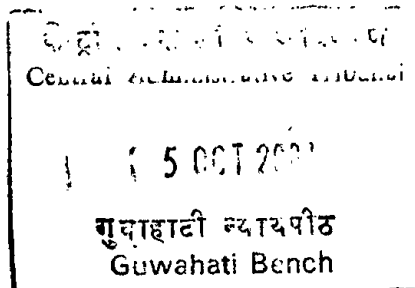
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applicants also, in addition to the ultimatum given by their union, submitted an appeal to the General Manager, on 14-07-2007, demanding restructuring in Rangia Division, as per their entitlement, and the applicants crave to produce whenever required so.

A copy of the aforesaid ultimatum submitted by the Recognized Union dated 11-07-2007 is annexed herewith as **ANNEXURE- 'XXII'**.

- 25) That, by another official communication dated 12-07-2007, the Divisional Railway Manager(P) Rangiya intimated the Respondent No.3 about the cadre strength of Rangiya Division after the posts were transferred to Rangiya from Alipurduar Division. The total cadre strength in Personnel Branch was shown to be 61 alongwith 4 in Management Branch and 6 in Security Department.

A copy of the aforesaid official correspondence of Divisional Railway Manager(P) Rangiya dated 12-07-2007 is annexed herewith as **ANNEXURE- 'XXIII'**.



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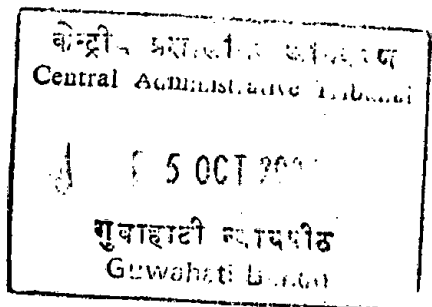
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- 26) That, be further stated that the office of, the Respondent No.4 through a communication dated 16-07-2007 intimated the union that matter of restructuring the cadre of Personnel Department is under process and there is a constant effort to resolve the issue.

A copy of the aforesaid communication dated 16-07-2007 of Divisional Railway Manager(P) is annexed herewith as ANNEXURE-
'XXIV'.

- 27) That, when there are justified reasons to grant the benefits of restructuring to the staffs of the Personnel Branch and when the same has been constantly supported by Respondent No.4 through facts and figures, the Respondent No.3 acting in an arbitrary manner by issuing a communication dated 08-08-2007 and taking a flimsy ground informed that the process of restructuring cannot be counted twice, thereby finally rejecting the applicants' claim.

A copy of the aforesaid communications dated 08-08-2007 issued from the office of the



Respondent No.3 is annexed herewith as ANNEXURE- 'XXV'.

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28) That, the Respondents on the other hand denying the benefits of restructuring to the applicants who are eligible and entitled for the same, resorted now to fill up the 12 posts of Office Superintendent(E)-II in the scale of Rs.5500-9000/- in the Personnel Branch through normal selection procedure and accordingly issued a list of eligible candidates who are to sit in the written test. The schedule date of Examination though was fixed on 22-09-2007 has now been cancelled on the union's pressure, and the next date is yet to be declared.

A copy of the aforesaid notice dated 29-08-2007 for selection of Office Superintendent(E)-II is annexed herewith as ANNEXURE- 'XXVI'.

29) That, the applicants beg to state that, though the Respondents have stated that the process of restructuring cannot be done twice, yet acting contrary to same, by issuing an order dated 06-09-2007 has cancelled the selection of Cabin

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man I and has further stated that the process of restructuring will be carried on again.

A copy of the aforesaid order dated 06-09-2007 is annexed herewith as ANNEXURE- 'XXVII'.

30) That, the applicants beg to state that they are entitled to get the benefit of restructuring which was initiated in pursuant to the scheme/ memorandum dated 09-10-2003 upon restructuring of the cadres, the incumbents were to be promoted and upgraded to the posts arising in superior cadres. This movement to procedure without adhering to normal selection based on the individual service records and on the basis of seniority. If this would be done in time, the applicants by this time would have been getting better pay-packages, but for the arbitrary action of the Respondents, have been denied from the same. The applicants are eligible and entitled to reap the benefits of restructuring in all respects, but were deprived from the same for reason, if any, which is best known to the Respondents.

31) That, applicants beg to state that an understanding having arrived in pursuant to the

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- 32) That the applicant beg to state that they cannot be deprive and denied from the benefit of restructuring which would have resulted in promotion to superior posts and for any delay caused by the Alipurduar Division cannot be a ground to deprived the applicants from the benefits to which they are legally entitled to get.
- 33) That it is evident that the Divisional Railway Manager(P) Rangiya time and again showing the cadre strength in detail alongwith the financial implication that was involved upon matching savings

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sent proposal repeatedly one after another requesting the authority at Maligaon to accord approval and give the benefits to the incumbents who are legally entitled to same. The authority at Maligaon, though had accord approval in other departments, but has refused to do so in respect of Personnel Branch only thereby treating the applicants discriminatorily. If the Respondents can extend the benefits of restructuring to Civil Engineering Branch in May, 2007 (referred Annexure-XXI) and further whereby order dated 06-09-2007 the Respondents could cancel the promotionari order in respect of Cabin Man II saying that the restructuring process will be done afresh, there is therefore no justifiable reason to deny the benefits to Personnel Branch employees including the applicants and hence the grounds cited by the Respondents No.3 vide communication dated 08-08-2007 (Annexure-XXV) is therefore not tenable and cannot sustain.

It is pertinent to state here that 16 posts which were latter notionally ^{transferred} to Rangiya, were considered in cadre restructuring and at the same time Alipurduar Division looking the strength of 61 posts, which too include the 16 post of Rangiya as also carried restructuring process at

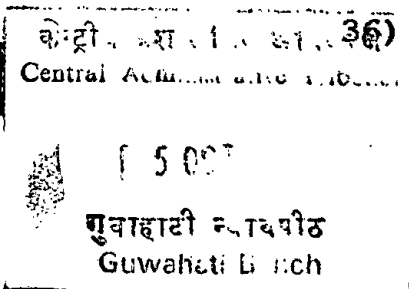
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Alipurduar, thereby having two restructuring. If that can be done so, the same ought to have been done in case of Rangiya personnel Branch.

- 34) That the applicants^{State} that the posts which the Respondents have now proposed to fill up, have arise as a result of restructuring process and hence, in such 3 posts of Chief Officer Superintendent and the 12 posts, it is the applicants and other serving incumbents of Personnel Branch who are entitled to get promoted as per modified selection procedure and hence the applicants cannot be asked to sit in the selection process for getting promotion. Hence, the Respondents are to be permanently restrained from filling of aforesaid 3 and 12 posts in the Personnel Department through proposed selection and it is the applicants who are entitled to get promoted to such posts.
- 35) That, the applicants beg to state that, they are entitled to be absorbed on promotion to the sanctioned 58 posts in Personnel Branch as per the sanctioned strength as acknowledged by the Divisional Railway Manager(P) vide his official letter dated 31-03-2005 (Annexure-XIII) and reiterated through proposal sent through official calculation sheet of restructuring dated

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22-01-2007 and the revised restructuring cadre as done and shown in official correspondence dated 23-02-2007 (Annexure- XX). The Respondent No.3, therefore ought^{to} have sanctioned the same upon getting approved from the authority concerned.



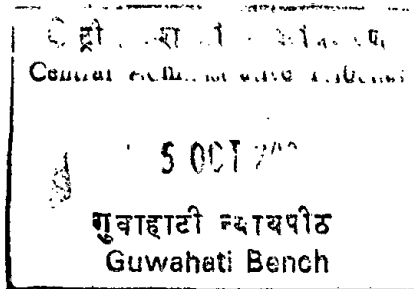
That, this application is filed jointly by the applicants, against the common cause of action, seeking common reliefs, based on the Respondents Policy/Scheme framed in 2003, which has statutory force in view of the provisions of Railway Board Act, 1905.

However, a separate Miscellaneous application has been filed under Rule 4(5)(a) of the Administrative Tribunal (Procedure) Rules, seeking leave of this Hon'ble Tribunal.

5. Grounds for the present applicants :

A. For that, 71 points having required to be transferred from Alipurduar Division to Rangiya and this having agreed to in a joint meeting of both the Division held on 03-02-2005, the Respondents therefore ought to give the benefits of restructuring of the cadre strength to the transferred staff. The Respondents now cannot deny the same on some pretext which is not legally tenable.

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B. For that the Respondents having resolved to restructure the cadre and having executed a MOU to that regard, they cannot rescind from their promise and are legally bound to act on the assurance and give the restructuring benefits to the applicants by virtue of the doctrine of promissory estoppel.

C. For that, the applicants cannot be faulted for the delay caused by Alipurduar in transferring the points when the entire exercise was to be completed in time bound manner. If at all the Alipurduar Division has considered the posts while restructuring before the posts are transferred, the benefits cannot be ~~denied~~ ^{devised} to the applicants who are entitled to response as per the Office Memorandum of restructuring dated 09-10-2003.

D. For that the Respondents have seriously discriminated the applicants, as the Respondents have carried and exercised the process of restructuring in other branch way back upto 2007 also but have denied the same to the applicants and others from Personnel Branch. Hence, the entire action is arbitrary, discriminatory and violative of Article 14, 16, and 19 of the Constitution

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of India as similarly situated persons have been given different treatment.

E. For that if the restructuring process was carried out as per the proposal and recommendation sent by Respondent No.4, the applicants would have now been serving in superior posts with better pay and packages and the denial of the same has amounted to deprivement of better source of life and livelihood and hence the action as thus is also violative of the provisions of Article 21 of the Constitution of India.

F. For that the action of the Respondents are malafide and tainted with colour of discrimination and arbitrariness as the applicants have been given different treatment and were denied the benefit of restructuring and the consequential promotion to next higher posts to which they are legally entitled when other department having given the benefits of restructuring to others.

G. For that the action of the Respondents in not filling the present 12 vacant posts which arose out of restructuring of the cadre through normal selection process

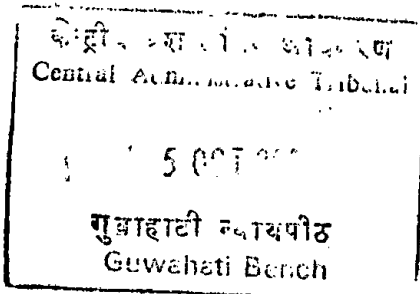
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

5 OCT 2007

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Guwahati Bench

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without following the modified selection by accessing the service records in violative of Respondents own circular acquiring statutory force. The Respondents cannot be permitted to proceed with the proposed selection process to fill up 12 vacant posts which are to be filled by senior staffs as per modified selection.



- H. For that in any new of the matter, the impugned communication dated 08-08-2007 is arbitrary, illegal, discriminatory and being non-speaking one without any justified reasons, cannot hold grounds for denial of restructuring benefits and as such same is liable to be quashed and rejected out rightly.
- I. For that at any rate, the impugned action of the Respondents in denying the benefits of restructuring to the employees of Personnel Branch and the impugned communication dated 08-08-2007 are bad in law as well as on facts and thus liable to be quashed, condemned and set aside.

6. Details of Remedies exhausted :

The applicants declare that they have no other alternative remedy than to approach this Hon'ble

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G. Lakshmanan

Tribunal for getting redressal as repeated plea taken by the union was not acted upon but was turned down, inspite of their repeated approach and appeals.

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal

Whether any appeal or suit is pending in any Court with regard to the subject matter in agitation :

That the applicants further declare that there is no suit, application or writ petition pending before any Court or Tribunal with regards to the subject matter as agitated in this application.

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Guwahati Bench

8. Details of Relief sought for :

Under the facts and circumstances as stated above, it is therefore humbly prayed that the Hon'ble Tribunal may be pleased to admit this application, call for the records and upon hearing the parties may be pleased to quash and set aside the impugned communication dated 08-08-2007 (Annexure- XXV) issued by the General Manager(P) HQ Maligaon i.e. Respondent No.3 and further be pleased to issue direction directing the Respondents to carry out re-structuring process as per the proposal sent by the Respondent No.4, the Divisional Railway Manager(P) Rangiya vide his official correspondence dated 31-03-2005 (Annexure- XII); 22-01-2007 (Annexure- XVII) and

Bea
Gulak Barmann

dated 23-02-2007 (Annexure-XX) respectively promoting the applicants to next higher posts retrospectively as per modified selection procedure as prescribed under Office Memorandum dated 09-10-2003 (Annexure- V) and pass such

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

5-11-2007

सुपरीम कोर्ट
Supreme Court

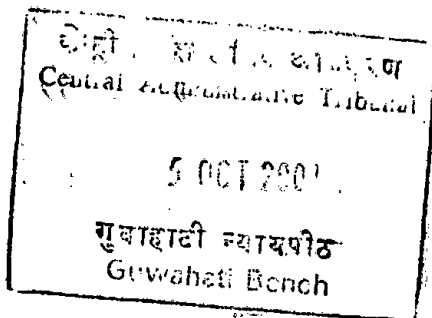
order/orders directing the Respondents to fill up the 3 posts of Chief Office Superintendents and the 12 posts in different cadres as shown in Annexure- XXVI through modified selection without resorting to normal selection process and for pass such order/orders giving full and final relief to the applicants to which they are entitled as per law and equity including the costs of the proceeding.

9. Interim Relief(s) if any :

Under the present facts and circumstances, the applicants humbly pray this Hon'ble Tribunal^U may be pleased to pass an interim order restraining the Respondents from filling up the 12 vacant posts as shown vide Annexure- XXVI and the 3 posts of COS presently lying vacant.

10. Particulars of I.P.O. :

I.P.O. No. 326043057 dated 27-09-2007 for Rs.50.00 (Rupees fifty only) is enclosed herewith.



VERIFICATION

I Sri Golak Barman, s/o late Madhav Barman, aged about years, presently working as Head Clerk(E) at the office of the Divisional Railway Manager (P), Rangiya, P.O. Rangiya, district-Kamrup, Assam and as one of the applicants of the instant application having the authorization and instructions from the co-applicants do hereby verify the statements made in the instant application vide paragraphs 1(1), (11), 2, 3, 4(1)(2), 4, (16)..... are true to my knowledge and belief and those made in paragraphs 4(3), 6(13), 4(15), 4(16), (17), (18) are being matters of information derived from records which I believe to be true and the rest if any are my humble submission before this Hon'ble Tribunal.

I accordingly signed this affidavit on this 3rd day of October, 2007.

Identified by:

utpal Das.
03/10/2007.
Advocate,

Golak Barman

Signature

Date: 03.02.2003.

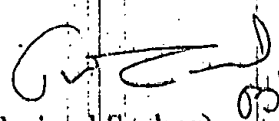
File No: E/227/144/MPP/Policy

Joint procedural note in connection with bifurcation of actual staff of P/Branch APDJ division for providing staff for newly created RNY division.

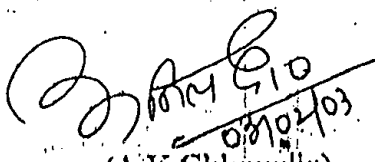
Since been it has been decided in the meeting for bifurcation of P/Branch staff (Actual staff as on 31.01.2003) at the ratio of 50:50 between APDJ and RNY, the following information/position is given for necessary action.

- 1) In the category of Clerk total 163 staff is working in APDJ division. Out of which total 22 numbers post identified as important and non-divisible. With the minus the non-divisible posts, the actual strength comes to only 141 numbers and divided for both the division. Accordingly, 70 posts comes to RNY division. The equal number or bare requirement of mandatory/ non-divisible posts retained for APDJ division may be created for RNY division as per need base policy.
- 2) In the category of PI/LW1 total 14 staff is working in APDJ division. Out of which total 05 numbers post identified as important and non-divisible. With the minus the non-divisible posts, the actual strength comes to only 09 numbers and divided for both the division. Accordingly, 04 posts comes to RNY division. The equal number or bare requirement of mandatory/ non-divisible posts retained for APDJ division may be created for RNY division as per need base policy.
- 3) In the category of Steno total 02 staff is working in APDJ division and both the posts is considered mandatory/non-divisible. Therefore no staff should be sparable from this division. Necessary posts should be created for RNY division as per requirement.
- 4) The division having lone staff of CLA and could not be divisible. Necessary posts should be created for RNY division as per requirement.
- 5) The division having 02 numbers of Motor Vehicle [one school bus and one jeep]. The number of staff attached to the vehicles could not be divisible. If any vehicle is provided for RNY division, necessary posts may be created thereon.
- 6) The category of Typists is redundant category. At present, there are 04 staff is working in the category. No staff is divided for RNY division for being the post is redundant.
- 7) At present, there 14 Gr. 'D' staff attached to P/Branch and all staff is considered most essential and mandatory. Therefore, the staff is not divisible for the basic interest of the department. Necessary Gr. 'D' posts should be created for RNY division as per requirement.

For better understanding the note above a complete picture of P/Branch/APDJ division is annexed (Annexure-1) with bifurcation of staff.


(Parimal Sarkar)
DPO/RNY

(Subimu/030203)


(A.K. Chhapola)
DPO/APDJ

Certified to be true copy
Associate



Annexure

Category of staff	Staff as on 31.01.03	Staff not divisible for functioning of deptt.	No. of Staff divisible	Divisible No. of staff for APDJ RNY		Addl. staff may require d for RNY against column 3	Remarks
1	2	3	4	5	6	7	8
Clerk	163	22	141	71	70	22	Non-divisible figure denotes that staff belongs to section in-charges for important section.
PI/LWI	14	05	09	10	04	05	At present 04 LWI is working within the new divisional jurisdiction. Additional post/staff if required may be created.
Steno	02	02	00	02	00	01	--
C.L.A	01	01	00	01	00	01	--
Motor Driver	02	02	00	02	00	01	--
Typist	04	04	00	04	00	00	No staff provided for RNY since the category is obsolete.
Gr. 'D' staff	14	14	00	14	00	14	--

ALIPURDUAR JUNCTION.

Annexure II

N.F. RAILWAY

COS/EG/Sec
(with 4 copies & counter)

OFFICE ORDER

The following staff working in APDJ Division who have asked for transfer from APDJ Division to RNY Division of the N.F. Railway. are hereby transferred from APDJ Division to RNY Division on their existing pay, scale and capacity along with the posts and directed to report to OSD/RNY for further duty. Their salary will be drawn at APDJ till further advice under the respective Bill Units

The terms and conditions of transfer from APDJ division to RNY Division will remain unchanged in terms of this Office notice No.E/191 (C) RNY Divn/47-A dated 08.01.2003.

They are entitled the benefit which are admissible in case of transfer on administrative ground

DEPT.	NAME / DESIGNATION WORKING UNDER
COMME	1. Tarun Ch. Boro, OS/Ti/Sr.DCM/APDJ
ENGG	1. Tarini Kt. Baisya, SE/DRG/Sr.DEN/C/APDJ

OPTG

MECH

PWR

- 2. Vijoy Kr. Basumatary, -do-
 - 3. Arup Saikia, ADM/SR.DEN/C/APDJ
 - 4. Milan Char, -do-
 - 5. Bipul Ch.Das -do-
 - 6. Ranjit Kt. Boro, -do-
 - 1. Munindra Malakar, DYC/Sr.DOM/APDJ
 - 2. Pradip Kr Dewry, SCP/Sr.DOM/APDJ
 - 3. Dilip Kr.Ramchalary, OS/II/Sr.DOM/APDJ
 - 4. Ananda Sonai, Jr.Clerk/Sr.DOM/APDJ
 - 1. Partho Chakraborty, OS/II/Sr.DME/APDJ - Cancelled
 - 2. Nabin Ch.Deka.Hd.Clerk/Sr.DME/APDJ
 - 1. Syd Anwar Hussain, OS/II/DPO/APDJ
 - 2. Binod Basumatary, -do-
 - 3. Surendra Kt.Hd.Clerk/DPO/APDJ
 - 4. Lakshmi Swarghary, -do-
- Grand Total : 17

This has got the approval of Competent Authority.

(Signature)
A. K. Chhapolia
DPO

For DPO, RNY MANAGER F
ALIPURDUAR JUNCTION

Certified to be true copy.
for.
Advocate

Copy of Form (D) - BOS

Annexure - III - 2

NERAILWAY

Provisional BOS as on 01.04.2003

Controlling Officer : DPO/RNY Department: Personnel

Division : RNY[BOS-I]

Permanent Sanctioned corrected upto 01.04.2003

Sl	Category	Scale	Sanction	Sanctioning authority and memorandum	Date of sanction	Allocation establishment	Remarks
1	COS/E	7450-11500	02				
2	OS/IE	6500-10500	03				
3	OS/IE	5500-9000	01				
4	HD CLERK/E	5000-8000	18				
5	SR CLERK/E	4500-7000	17				
6	JR CLERK/E	3050-4590	13				
	TOTAL		60				
MISC. GR.C P/B RANCH							
1	OS/TYPIST	6500-10500	00				
2	HD TYPIST	5000-8000	00				
3	SR TYPIST	4000-6000	00				
4	CONF. STENO	5000-8000	00				
5	JR STENO	4000-6000	00				
6	LAW ASST.	7540-11500	00				
7	R/LIFTER	2750-4400	00				
	TOTAL		00				
WELFARE BRANCH (P. BRANCH)							
1	MOTOR DRIVER	4500-7000	00				
2	MOTOR DRIVER	4000-6000	00				
3	CLW/CPI/I	7450-11500	00				
4	CLW/CPI/II	6500-10500	02				
5	SLW/SPI	5500-9000	02				
6	WLI/PI	5000-8000	01				
	TOTAL		05				
TOTAL OF GR.C							
			65				
GR.D P/B RANCH							
1	RECORD SORTER	2650-4000					
2	L/DUTRY	2650-4000					
3	JDI/PEON	2610-3340					
4	PEON	2550-3200					
5	E/PEON	2550-3200					
6	BUS HEL.	2550-3200					
	TOTAL						

P/B RANCH TOTAL : GR.C : 65
 GR.D : 00
 Total : 65

*Centre fixed to be done by
 has
 Advertise*

Annexure -



Northeast Frontier Railway
Office of the
Divisional Railway Manager(P)
Alipurduar Junction.

No.E/255/AP[C]TFR/41 Pt.V

TO:
The Sr.Divisional Personnel Officer
NF Railway, Rangiya.

21.07.2003

Sub : Sparring of staff.

Ref : GM(P)MLG's D.O.No.F/283/218(HQI)-(C)
Dated 9/11.7.03.

The following staff who have been ordered for transfer to RNY Division vide this office order No.E/151/AP[C]TFR/41 Pt.V dated 14.7.03 with the post are hereby spared from this office to report for further duty at your end.

Sl	Name	Designation
1	Biren Boro	Sr.Clerk/E/APDJ
2	Lauga Choudhury	do.
3	Smt. Sunia Rabha	Jr.Clerk/E/APDJ
4	Gopal Ch.Das	Tig.Jr.Clerk/E/APDJ
5	Dipen Kr.Das	do.
6	Suren Sargiary	Jr.Clerk/E/APDJ

They are entitled to the benefit which are admissible in case of transfer on administrative ground.

This issued with the approval of Competent Authority.

21.7.03

[A.K. Mukherjee]

APDJ

For Div.LRly. Manager(P)/APDJ

Copy to :

- [1]GM(P)MLG in reference to his D.O.letter quoted above
- [2]DRM/RNY for information please.

[3]DEM/APDJ

[4]DEM/RNY

for information please.

- [5]Section Incharge/APDJ, Please spare them immediately.
- [6]Staff concerned.

- [7]OS/R Pass/APDJ, Please issue duty pass in favour of the above mentioned staff ex APDJ/NOQ to RNY.

21.7.03

[A.K. Mukherjee]

APDJ

For Div.LRly. Manager(P)/APDJ

Certified to be true copy.

Advocate

42-

Annexure V-

20.10.2003 / Rangya

N. E. RAILWAY

OFFICE OF THE
GENERAL MANAGER(P)
MALIGAON::GUWAHATI-11.

No. E/304/O-Restructuring(C)

Dated 30-10-2003.

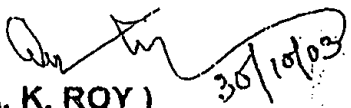
To
All PHODs, All DRMs, ADRMs,
Sr. DPOS/DPOs, DFMs,
CWM/NBQS, DBWS, WAO/NBQS, DBWS, SAO/NJP,
All Area Managers, Sr. DME(D)s, AENs, APOs/GHY, DBWS, NBQS & NJP
DEN/DBRT, WM(EWS)/BNGN, All Non-Divisionalised Units, SPO/Con/MLG,
Dy. CE/Bride Line/MLG, Sr. DEN/MLG, Dy. CAO/Cash & Pay/MLG,
Dy. CSTE(TC)/MLG, Dy. CSTE(MW)/MLG, MD/CH/MLG,
All SPOs & APOs of 'P' Branch/MLG, SEN(FCW)/MLG,
The GSs/NFREU, NFRMU, AISCTREA, NFROBCEA & NFRPFA/MLG.

Sub:- Restructuring of certain Group 'C' & 'D' cadres.

A copy of Railway Board's letter No. PC-III/2003/CRC/6 dated 09-10-2003 (RBE No. 177/2003) on the above subject together with its enclosures is sent herewith for information & guidance and necessary early action for implementation of the orders.

The controlling officers of the Divisions/Units as well as Hd. Qrs. should immediately take up the work of Implementation in respect of the categories involved in these up-gradation orders in accordance with the instructions contained in Board's letter in consultation with the Associated Finance.

DA/As above.


(A. K. ROY)

SPO/MPP
for General Manager(P)

(Copy of Railway Board's letter No. PC-III/2003/CRC/6 dated 09-10-2003.)

certified to be true copy.

Advocate.

भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
रेलवे बोर्ड / (RAILWAY BOARD)

No. PC-III/2003/CRC/6

The General Managers,
All Indian Railways
& Production Units
(As per mailing list)

New Delhi, dated 09-10-2003

RBE No. 177/2003

Sub. : Restructuring of certain Group 'C' & 'D' cadres.

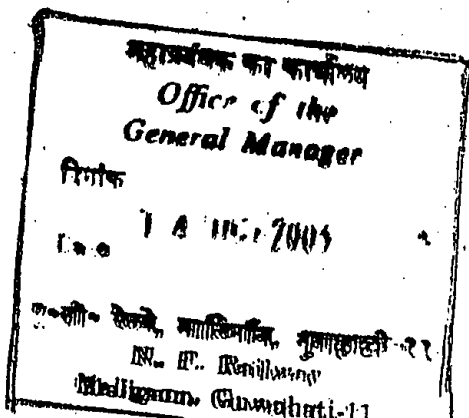
The Ministry of Railways have had under review cadres of certain Group 'C' & 'D' staff in consultation with the staff side with a view to strengthening and rationalising the staffing pattern on Railways. As a result of the review undertaken on the basis of functional, operational and administrative requirements, it has been decided with the approval of the President that the Group 'C' & 'D' categories of staff as indicated in the Annexures to this letter should be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to :

Date of effect
(hereinafter referred to
as cut-off date)

Applicability to
various cadres

1. This restructuring of cadres will be with reference to the sanctioned cadre strength as on the date following the date on which the cadres in the headquarter offices of new Zonal Railways/new Divisions are closed. The restructuring will be restricted to the persons who are working in a particular cadre on the cut-off date.
2. These orders will be applicable on the regular cadres (excluding surplus & supernumerary posts) of the Open Line establishments including Workshops and Production Units. These orders will, however, not be applicable to staff of RDSO for which separate orders will be issued.
- 2.1 These orders will not be applicable to ex-cadre & work-charged posts which will continue to be based on worth of charge.
- 2.2 These instructions will also not be applicable to construction Units and Projects, where posts are generally created on worth of charge basis, though those should broadly be conforming to these percentage distributions.

Shri Pr...



- 48 -

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Pay Fixation (Rule 1313 (FR 22)-RII)

3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1313 (FR-22)(I)(a)(1)-RII on proforma basis w.e.f. the cut-off date with the usual option for pay fixation as per extant rules. Actual payment based on the pay so fixed should be made from the date of taking over the charge of the higher grade post arising out of these restructuring orders. The benefit under this rule will, however, no longer be available in the case of movement from lower grade to higher grade in the non-functional situations where there is no change in duties as in the case of movement from Goods Guards to Sr. Goods Guards and Goods Drivers to Sr. Goods Drivers etc. In the case of such movement, the pay will be fixed under Rule 1313 (FR 22) (I) (a) (2)-RII. However, the benefit of fixation of pay under rule 1313 (FR-22)(I) (a) (1)R-II will now be admissible in the cases of functional promotions such as promotion from Sr. Goods Guards to Passenger Guards and Sr. Goods Drivers to Passenger Drivers etc. though in identical scale of pay.

Existing classification and filling up of the vacancies

4. The existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, remains unchanged. Action should be taken to position the employees on the basis of selection/non-selection/suitability/Trade Test, as the case may be. However, the instructions contained in Para-13.2 should be followed in case of placement of Supervisors (erstwhile Mistries) to grade Rs. 5000-8000.

5. Extant instructions for D&A/Vigilance clearance will be applicable for effecting promotions under these orders with reference to the cut-off date.

Minimum years of service in each grade

- ✓ 6. While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. In other words, residency period prescribed for promotions to various categories should not be relaxed.

Basic functions, duties and responsibilities

7. Since the cadres as detailed in the annexures to this letter are being restructured on functional, operational and administrative considerations, the posts being placed in higher scales of pay as a result of restructuring should include the duties and responsibilities of greater importance.

Adjustment of excess number of posts

8. If prior to issue of these instructions the number of posts existing in any grade in any particular cadre exceeds the number admissible on the revised percentages, the excess may

Shri Prasad

be allowed to continue to be phased out progressively with the vacation of the posts by the existing incumbents.

9. While implementing these orders, specific instructions given in the foot-notes for the relevant categories in the enclosed annexures should be strictly and carefully adhered to.

**Introduction of Multi
skilling - merger of:**

- i) SM/ASM + YM + TI
- (ii) Personnel/ Welfare/
HOER Inspectors
- (iii) ESM & MSM

10. The concept of Multi-skilling is to be introduced by merging the different categories as mentioned hereunder. While the revised percentage distribution of posts as indicated in the annexures to this letter should be implemented in the unified cadres based on the integrated seniority list, the duties, responsibilities and functions being performed by the employees of the respective cadres will be combined in a phased manner. Each member of the cadre will have to be equipped with necessary skills and functions through proper training and development. The categories indicated herein will be merged by integrating the seniority of the employees working in respective grades with reference to length of non-fortuitous service in the relevant grade keeping the inter-se seniority in the respective group intact.

- 10.1 The category of Station Masters/Assistant Station Masters, Yard Masters and Traffic Inspectors should be merged into one unified cadre of SM/ASM. The recruitment and promotion pattern as prescribed for the category of SMs/ASMs should be followed in the merged cadre. In the initial stage of the merger, efforts should be made to post the employees in the categories in which they have been working. Accordingly, while the staff belonging to the erstwhile three categories will be working and enjoying the benefit of the unified cadre of SMs/ASMs, on their posting in the Yard Master they will perform the duties of Yard Master retaining their designation as applicable to the category of Yard Master. Similarly, while performing the inspectorial job they will retain their designation as applicable to Traffic Inspectors. But at a later stage, when they are made fully equipped to discharge all the functions hitherto being discharged by SMs/ASMs, YMs & TIs, administration will have the flexibility to post a person as per the administrative requirement. While redefining the duties and functions, Railways may also review and rationalise the cadre keeping in view the administrative requirements.

- 10.2 The Personnel, Welfare and HOER Inspectors should be merged and a unified cadre of Personnel Inspectors introduced. After merger, 50% of the posts in the entry grade

Shri Praveen

-46- (4) (5) 26
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of the combined cadre viz Rs 5000-8000 should be filled from amongst the optee St Clerks of Personnel Department in grade Rs. 4500-7000 with three years of service in the grade and the remaining 50% of the posts should be filled as per the instructions contained in Board's letter No.E(NG)-1/2002/PM4/1 dated 12-07-02.

✓10.3 The categories of Electric Signal Maintainers (ESM) and Mechanical Signal Maintainers (MSM) should be merged and a unified cadre of Signal Maintainers introduced. The recruitment and promotion pattern as applicable to the Electric Signal Maintainers will be followed in the unified cadre of Signal Maintainers.

Introduction of Direct recruitment

- (i) Ministerial Staff
(excluding Accounts staff)
- (ii) Personnel
Inspectors
- (iii) Depot Material
Superintendents

11. The implementation of restructuring scheme in the categories of Ministerial staff, Personnel Inspectors and Depot Material Superintendents is subject to the introduction of direct recruitment in these categories. After implementation of the restructuring in accordance with the revised percentage distribution of posts indicated in the annexures enclosed, the vacancies arising in these categories on or after the cut-off date should be filled through direct recruitment in the manner indicated hereunder.

11.1 An element of direct recruitment of graduates with not less than 50% marks shall now be introduced at the level of Office Superintendent Gr.II in the pay scale Rs.5500-9000 in the Ministerial categories (Establishment & other than Establishment but excluding Accounts) to the extent of 20% of the posts. The remaining 80% of the posts in grade Rs.5500-9000 shall continue to be filled by promotion of staff from the lower grade Rs.5000-8000 as per the procedure in force.

11.2 20% of the posts in grade Rs.6500-10500 in the category of Personnel Inspectors shall be filled by direct recruitment from amongst the candidates possessing Bachelor degree with Postgraduate Diploma in Personnel Management, labour laws, etc. as mentioned in Board's letter No.E(NG)-1-2002/PM4/1 dated 12-07-2002. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per the procedure in force.

11.3 20% of the posts in grade Rs.6500-10500 in the category of Depot Material Superintendents should be filled by direct recruitment from amongst the candidates possessing

Shri Prasad

(5)

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qualification of degree in Engineering in any discipline. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per procedure in force.

Gatemen (Engg.)

12. As a result of implementation of this restructuring, more number of additional posts will be available in the highest grade of this category. Henceforth, therefore, the posts of Gatemen (Engg.) should be operated in grade Rs.2750-4400. In order to ensure the full availability of Gatemen (Engg.) and rotation of the existing staff specially those who are working as such for a long period, the Trackmen etc. at the time of their promotion to grade Rs.2750-4400 should be posted as Gatemen (Engg.) subject to their fulfilling the requirement of prescribed medical standard and literacy level etc. as per extant instructions.

Upgradation of the posts of Supervisor (erstwhile Mistries)

- 13(a) Subject to provisions of Para-13.2 below, all the posts of Supervisors (erstwhile Mistries) in grade Rs.4500-7000 Rs.100 Special Allowance (excluding Supervisors (P.Way)) should enbloc be upgraded to the posts of Junior Engineer Gr.II in the pay scale of Rs.5000-8000 and merged with the respective cadre of Technical Supervisors with its spread effect in higher grades Rs.5500-9000, 6500-10500 & 7450-11500 as per the revised percentage distribution of posts prescribed for Technical Supervisors in these orders.
- 13(b) In case of Supervisor (P.Way), the posts being held by the erstwhile PWMs supervising more than one gang upto a maximum of 17.26% of the sanctioned cadre of PWMs shall be upgraded to and merged with the posts of Junior Engineer (P.Way) Gr.II in the pay scale of Rs.5000-8000 with its spread effect in higher grades of JE-I, SE & SSE in grades Rs.5500-9000, 6500-10500 & 7450-11500 respectively, as per the revised percentages prescribed for Technical Supervisors in these orders.

- 13.1 The financial implications involved in the upgradation covered by (a) & (b) above should be off set by surrender of posts of Supervisors of equivalent money value.

Procedure for fitment

- 13.2 The placement of the existing incumbents will be regulated as per the procedure given below:-

- (a) The existing regular incumbents of the posts of Supervisors (including Supervisors/P.Way to the extent of upgradation of

Shri Prasad

(15) - 48 - (10)
(CN-25)
6

posts) will be placed in grade Rs.5000-8000 without subjecting them to normal selection procedure. Their suitability shall be adjudged by following modified selection procedure according to which the selection will be based on scrutiny of service records and confidential reports only.

- (b) The Supervisors (other than P.Way) who do not get promoted to grade Rs.5000-8000 shall continue to hold the post in the existing grade Rs.4500-7000 + Rs.100 SA as personal to them. To this extent, the posts upgraded to grade Rs.5000-8000 will be operated in the lower grade Rs.4500-7000 + Rs.100 SA till the existing incumbents vacate the same by way of promotion, retirement etc. On vacation of the posts, the same shall automatically be operated in grade Rs.5000-8000.

Specific provisions for Supervisor (P.Way)

- 13.3 The remaining posts of Supervisors (P.Way), erstwhile PWMs which are not to be upgraded and shall continue to be operated in the existing scale of pay, should be redesignated as 'Track Supervisor'.

- 13.4 While the existing incumbents of the post of Supervisor (P.Way) redesignated as 'Track Supervisor' shall continue to draw the scale of pay Rs.4500-7000 + Rs.100 SA as personal to them, the future incumbents to the post of 'Track Supervisor' will be in the pay scale of Rs.4500-7000 without the Special Allowance of Rs.100/-.

- 13.5 The upgradation of posts of Supervisor (P.Way) as indicated hereinabove should not result in creation of posts of Trolleyman. In other words under no circumstances, additional posts of Trolleyman would be created.

Provision of reservation.

14. The existing instructions with regard to reservation of SC/ST wherever applicable will continue to apply.

Direct recruitment percentages

15. Direct recruitment percentages will not be applicable to the additional posts arising out of these restructuring orders as on the cut-off date. The direct recruitment percentage will apply for normal vacancies arising on or after the date following the cut-off date. Also the direct recruitment quota as on the date preceding the cut-off date will be maintained.

Pin pointing of posts

16. The administration should take steps to pin-point the additional posts arising out of this restructuring as per administrative requirements.

S. M. Prasad

Refusal of promotion

17. Such of the Staff as had refused promotion before issue of these orders and stand debarred for promotion may be considered for promotion, in relaxation of the extant provisions as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on the cut-off date and arising due to restructuring on that date. This relaxation will not be applicable to vacancies arising after the cut-off date.

Matching Savings

18. Entire scheme of restructuring is to be a self-financing and expenditure neutral proposition. Financial implications should be worked out taking into account the mid points of the scales of pay of the respective posts (mean of the minima & maxima of the scale), existing number of posts and revised number of posts in the grade on the basis of the revised percentage distribution of posts. After working out the financial implications, the matching savings should be effected from the category itself. Wherever it is not possible to do so from the category itself, the matching savings should be arranged from the department at the divisional/zonal level. But before restructuring the cadre as per the revised percentage distribution of posts, matching savings will have to be ensured and if the Department/Railways are not able to provide the matching savings, the particular category/department will not be restructured. While effecting surrender of posts of equivalent financial value, the existing vacant posts available in the categories on the cut-off date should be considered for the purpose of off-setting the cost of restructuring/financial effects of restructuring. We desire that the General Managers should ensure that the restructuring is implemented expeditiously with matching savings without any exception and difficulty. There would be no restructuring without matching savings by surrender of posts.

**Re-organisation of
Zonal Railways/
Divisions:**

19. Due to re-organisation of Zonal Railways/Divisions cadres are in a fluid situation. It may, therefore, take some time for the cadres in the headquarter offices of New Zones and New Divisions to stabilise. In the circumstances, new Zonal Railways are required to ensure that the staff transferred to headquarter offices of new Zonal Railways/new Divisions are not extended the double benefit of restructuring. In case an employee has been given the benefit of restructuring on the old (parent) railway in terms of these orders, he will not be allowed the benefit of restructuring again on the headquarter offices of new Zonal Railways/new Divisions. In other words, no railway servant will be considered for double

Shri Pravin

② 59- ⑨
(SN-24) 8

promotion as a result of this restructuring.

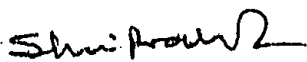
Annual review

20. As per instructions contained in Board's letter No. PC-III/91/FP-2 dt. 08.10.2002, the Annual Reviews for gradewise percentage distribution of posts in force were to be conducted from 01-04-03 taking into account the cadre strength as on 01.04.2003. It has now been decided that the next Annual Review will be undertaken from 01-04-2005 taking into account the cadre strength as on 01-04-2005. The Annual reviews, wherever conducted already as per instructions dated 08-10-02 will not be undone.

Kindly acknowledge receipt.

Hindi version will follow

DA Annexures-A to K with key.
(14 sheets)


(Shriprakash)
Director, Pay Commission - II
Railway Board

No.PC-III/2003/CRC/6

New Delhi, dated 09-10-2003

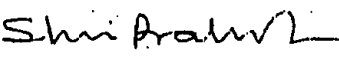
Copy (with 40 spares) forwarded to ADAI, Railways, New Delhi.


(G. Suman)
For Financial Commissioner, Railways.

No.PC-III/2003/CRC/6

New Delhi, dated 09-10-2003

- (1) The FA & CAOs, All Indian Railways, CLW, DLW, DCW, ICF, RCF, RWF, Metro Rail, Kolkata, MTP(R), Delhi, Mumbai, Chennai, CORE/Allahabad, (b) FA & CAOs (Construction), N.F. Railway and Southern Railway, Bangalore
- (2) The Executive Director (Finance), RDSO/Lucknow
- (3) The Pay & Accounts Officer, Ministry of Railways (Railway Board)
- (4) The Commissioner, Railway Safety, Lucknow


(Shriprakash)
Director, Pay Commission - II
Railway Board

100 2006/02/17/52- Annexure-Y1-

N F RAILWAY

OFFICE OF THE
GENERAL MANAGER(P)
MALIGAON, GUWAHATI-11

No.E/283/218(HQ)-(C)

Dated, 05.04.2004

To
All PHODs
All DRMs
All Sr.DPOs/DPOs
All HQrs Cadre Officers

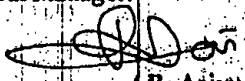
Sub : Instructions regarding closure of cadre of RNY Division.

The following decisions have been taken in consultation with both the recognized unions regarding closure of cadre of RNY division.

1. It has been decided to treat the cadre of RNY division closed w.e.f. 01.11.2003.
2. Restructuring of the line staff of RNY division will be done w.e.f. 01.11.2003 as per bifurcated cadre.
3. Staff who have joined RNY divisional HQ after 01.11.2003 would get the benefit of restructuring at their original place of posting. RNY division will send a list of such staff to the respective division. Their transfer to RNY division will be treated on administrative ground.
4. Staff who have joined RNY divisional HQ before 01.11.2003 will also get the benefit of restructuring at their original place of posting. For the purpose, the posts transferred to RNY divisional Hqrs. office before 01.11.2003 will be counted for restructuring their earlier cadre.
5. One more option to be called for RNY division upto 20.04.2004. Those optees accepted by RNY division will be relieved before 30.04.2004. If due to compelling reason they are not relieved to join RNY division by 30.04.2004 their lien will be transferred and they shall be relieved positively by 31.05.2004. Staff already transferred to (except those who have expressed unwillingness) RNY division but not spared to join on administrative reason, their lien would be maintained in RNY division.

These instructions are to be followed by all Divisions while giving restructuring promotions.

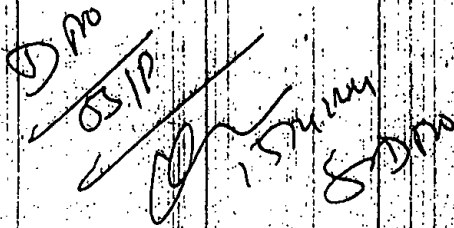
This issues with the approval of General Manager.


(R. Annu)
Dy CPO/HQ
For General Manager(P)

Copy to :- (i) GS/NFRMU/PNO/GHY-12 }
(ii) GS/NFREU/PNO/GHY-12 }

For information.

For General Manager(P)


DPO
GS/P
15/4/04
SDPO

Certified to be true copy.
Advocate.

पूर्वोत्तर सीमा रेलवे
कार्यालय
मंडल रेल प्रबंधक (कार्मिक)
अलीपुरद्वार जं०

Northeast Frontier Railway
OFFICE OF THE
DIVL. RAILWAY MANAGER (P)
ALIPURDUAR JUNCTION.

MEMORANDUM

Dated: June 10th, 2004

DRM/APDJ has accorded sanction to the permanent transfer of the following post of APDJ Division to RNY Divisional Office, from the office of the Divisional Manager of APDJ. The same has the concurrence of the associated manager.

Deptt.	SN	Name of post	Scale	No. of post	Post transfer from Bill unit and station
'P' Branch	1.	OS/I	6500-10500/-	02	Bill Unit- 577 [DRM(P)/APDJ]
	2.	OS/II	5500-9000/-	02	
	3.	Hd. Clerk	5000-8000/-	09	
	4.	Sr. Clerk	4500-7000/-	06	
	5.	Jr. Clerk	3050-4590/-	01	Bill Unit- 579 [DRM(P)/APDJ]
	6.	LWI/PI	5000-8000/-	01	
TOTAL-				21	
Commercial	1.	Hd. Clerk	5000-8000/-	02	B.U.- 177 DRM/APDJ's office
	2.	Sr. Clerk	4500-7000/-	01	
	3.	Jr. Clerk	3050-4590/-	01	
TOTAL-				04	
Engineering	1.	OS/I	6500-10500/-	01	B.U.- 282. DRM(W)/APDJ
	2.	OS/II	5500-9000/-	02	
	3.	Hd. Clerk	5000-8000/-	05	
	4.	Sr. Clerk	4500-7000/-	05	
	5.	Jr. Clerk	3050-4590/-	04	
TOTAL-				17	
Electric	1.	OS/II	5500-9000/-	01	B.U.- 252 Sr. DEE/APDJ's Office
	2.	Hd. Clerk	5000-8000/-	01	
	3.	Sr. Clerk	4500-7000/-	01	
TOTAL-				03	
GRAND TOTAL-				45	

For Divisional Manager (P)
Alipurduar Junction

Contd... P/2...

Certified to be true copy.
Advocate

*****2*****

No E/191/APJ/RNY-DIVN/47/A

Date: 10-06-2004

Copy to: 1. GM(P)/MLG, this is in reference to HQ's letter

No.E/283/218[HQ]-[C] dt 9-12-03/27-01-04

2. CPO/A/MLG
3. DRM/RNY
4. DFM/RNY; 5) DRM(P)/RNY
6. Sr.DEN/C/RNY, Sr.DEE/RNY, Sr.DCM/RNY, DPO/RNY
7. Sr.DEN/C/APDJ, Sr.DEE/APDJ, DCM/APDJ, DPO/APDJ, DFM/APDJ
8. All APOs and COS/CSS of 'P' Branch/APDJ, they will take necessary action to delete the post from BOS of APDJ Division. Memorandum for creation of SN-post is being issued shortly.
9. Convener/NFRMU/APDJ
10. Divisional Secy./NFREU/APDJ, ASCTREA/APDJ, NEROBCEA/APDJ
11. OS to DRM for information of DRM

10/6/04
 For DRM Manager (P)
 [Signature]

[मिति - 10-06-04]

Certified to be true copy.
 Advocate.

GOVERNMENT OF INDIA / भारत सरकार
 MINISTRY OF RAILWAYS / रेल मंत्रालय
 RAILWAY BOARD / रेलवे बोर्ड

No. PC-III/2004/CRC/2

New Delhi, dated 10.11.2004

The General Manager (P)
 Northeast Frontier Railway,
 Maligaon

Sub:- Restructuring of Group 'C' & 'D' cadres - matching savings
 from other Departments.
 Ref:- Your Railway's letter no. PNO/FE/1 Restructuring/2004
 dated 13-10-2004 & 19-10-2004.

Please connect your Railway's letter. In it was advised that
 Railway has three proposals to be sent to Board for seeking Board's approval on
 utilization of matching savings for Medical Department from other departments.

In this context, it is advised that the matter has been examined by
 Board and it has been decided that such proposals may be examined at Railway's
 level and if so required, matching savings from surrenders made in one department
 may be utilised for restructuring of cadre in another department with the approval of
 General Manager in each case. However, it may be ensured that no cadre/category
 is being restructured without providing matching surrenders.

(Urville Khattar)
 for Pay Commission-1

Certified to be true copy.
 Secy.
 Advocate

55 - Annexure - (X) **Northeast Frontier Railway**

OFFICE OF THE
DIVL. RAILWAY MANAGER (P)
ALIPURDUAR JUNCTION.

MEMORANDUM.

Dated: January 6, 2005.

DRM/APDJ has accorded sanction to the permanent transfer of the following vacant posts of APDJ Division to RNY Division from different departments due to bifurcation of APDJ Division. The same has the concurrence of the associated finance.

Department	SN	Name of post	Scale	No. of post	Post transfer from Bill Unit and station
P Branch	1	Jr. Clerk	3050-4590/-	09	577(DRM/P/APDJ)
	2	Record Lifter	2750-4400/-	01	
Mechanical	1	CPRC	Drafted	01	843(DME/P/APDJ)
	2	PRC	Drafted	01	
	3	Sr. BIO	7450-11500/-	01	428(DME/P/APDJ)
Civil Engg.	1	JE/I/Drq.	5500-9000/-	04	282(DRM/W/APDJ)
	2	JE/II/Drq.	5000-8000/-	02	
	3	Sr. Typist	4000-6000/-	01	
	4	Hd. Typist	5000-8000/-	01	
Commercial	1	Comm. Courier	2750-4400/-	04	505 (DCM/APDJ)
TOTAL				25	

The balance 53 manned post will be transferred shortly.

(S. Beliera, DPO/APDJ)
for DIVL. RLY. MANAGER (P)/APDJ

Not E/191/APC/RNY-DIVN/42/A.

Dated: January 6, 2005.

Copy forwarded for information and necessary action to -

1. GM(P)/MLG (for kind attention of Sri R. Aswini, Dy. CPO/HQ/MLG). This is in reference to HQ's letter No. E/283/219(HQ)-(C) dated 28.05.04 & 29.09.04. The post of Sr. Bio of Mech. Department and Sr. Typist & Hd. Typist of Civil Engg. Department are HQ controlled post. HQ may issue final transfer memorandum, if deemed necessary.
2. CPO/AMLG 3. DRM/RNY 4. DRM/APDJ & RNY 5. DRM(P)/APDJ & RNY
6. Sr. DEN/C/APDJ & RNY 7. Sr. DME/RNY 8. DME(P)/APDJ & DME(C&W)/APDJ
9. DCM/APDJ & RNY 10. All APOs/APDJ & all COS/E of P. Br/APDJ. They will take necessary action to delete the posts from the BOS of APDJ Division.
11. Convener/NFRMU/APDJ 12. Div. Secy./NFRMU, AISCTREA & NEROBCEA/APDJ
13. OS to DRM for kind information of DRM/APDJ

(S. Beliera, DPO/APDJ)
for DIVL. RLY. MANAGER (P)/APDJ

Certified to be true copy.
bms.
Advocate.

Minutes of the meeting in regard to cadres of Rangliya Division held on 3.2.05 in FA & CAO's chamber.

PRESENT:

1. Dr. SMN Islam, CPO/MLG
2. Sri R.K.Sinha, FA&CAO/MLG
3. Sri A.K.Sinha, DRM/RNY
4. Sri R.Aalvu, Dy.CPO/HQ/MLG
5. Sri S.Behra, DPO/APDJ
6. Sri A.Narayanan, DPO/RNY
7. Sri D.N.Sarma, DFM/RNY

Thorough discussion was held on the finalization of sanctioned strength, transfer of staff, restructuring, transfer of billing and account work (including establishment of Security Department). The following course of action along with the time table has been decided upon:-

1. APDJ division will transfer the balance agreed upon posts immediately. Rangliya division will submit a consolidated additional requirement of staff, if any, for the divisional office including ministerial staff department wise along with justification and accounts concurrence to Dy.CPO/HQ/MLG latest by 28th Feb.2005.
2. Dy.CPO/HQ will immediately put up the requirement to respective PHODs immediately and a decision on the requirement placed by Rangliya division will be taken latest by 7th March,2005.
3. Action on the actual transfer of posts as agreed upon will be completed by 15th March,2005 by the respective PHODs in association with associate 'P' Branch and Finance.
4. Rangliya division will issue the final Book of Sanction on the basis of above exercise by 20th March,2005. The Book of Sanction will be for all departments and all categories including field staff and DRM office.
5. Restructuring of Rangliya division ministerial staff will be done on posts available as on 1.11.2003. In case the number of incumbents are more as on 1.11.2003, the posts transferred to Rangliya division after 1.11.2003 will be notionally taken into account for restructuring to the extent of number of men available in the concerned unit. For restructuring the technical cadre, where field and office staff have common seniority, the total posts available in the seniority unit will be taken into account for determining adequacy of posts to cover the staff at offices transferred to Rangliya upto 1.11.2003. To that extent the unit/Division from where those posts have come and have earlier been accounted for restructuring in that division will be revised. This exercise should be completed before 20.2.05.

Certified to be true copy.

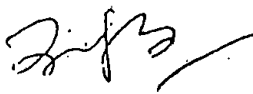
Advocate.

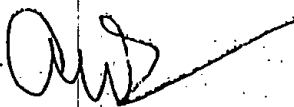
- 57 -

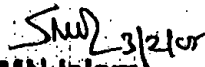
SN-46

SS

6. After the exercise of restructuring, the new BOS as on 1.4.05 along with the annual review of upgradation will be issued by Rangiya division within 15th May, 2005.
7. Additional Personnel Department staff, Accounts staff and balance staff for other departments as required from APDJ division will be released for Rangiya division before 1.4.2005 after completing the exercise of restructuring in Rangiya.
8. The requirement of Manpower and posts in technical categories will be taken care of by Rangiya division either by transfer with the approval of respective PHOD or by creation within divisional resources.


(R.K. Sinha)
FA&CAO/MLG


(A.K. Sinha)
DRM/RNY


(Dr. SMN Islam)
CPO/MLG

- 58 - Annexum - XII -

N.F. Railway.

Office of the
General Manager(P),
Maligaon, Guwahati-11.

dated. 8-02-05.

233/218(HQ)(C) Pt.II

PHODs,
RNY, APDJ,
GM for information of GM,
SK, All DPO's, DFM/RNY,
MU, Pandu, Ghy-12,
BU, Pandu, Ghy-12,
Cadre Officers.

Sub:- Minutes of the meeting regarding cadre of Rangiya
Division held on 03-02-05 in FA&CAO's chamber.

Minutes drawn regarding cadre of RNY Division in sent herewith for
action and necessary action please.

(Signature) 712

(R. Asiyu)
Dy. Chief Personnel Officer/HQ.
for General Manager(P).

Rahman
OS/11/22
8-2-05
APD/E

Certified to be true copy.
Advocate

MEMORANDUM

In terms of Railway Board's letter No.PC-III/2003/CRC/6 dated 09.10.2003 (RBE No. 177/2003) communicated under GM(P)/MLG's letter No.E/304/0-Restructuring (C)/Pt-II Dt.30.10.03 as well as Dy. CPO(H.Q)/MLG's letter No.E/283/218(H.Q)/(C)/Pt-II dt. 10.8.2004 and 08.02.05 respectively, the following posts Ministerial categories have been restructured DFM/RNY at APDJ has vetted the same in the case file No.E/240/Restruct/EQ/RNY at PP- 04.

S N	Category	Scale	Mean pay	Percentage Distribution		San. Strug as on 31.10 .03	Revised san Stren w.e.f 01.11.03	Diffe rence of posts (9-8)	Difference of money value Rs.	Re ma rks
				Existin g	Revised					
01	COS/(P)	7450-11,500/-	9475/-	02%	04%	02	03	01	9475/-	
02	OS/(P)/I	6500-10,500/-	8500/-	05%	08%	04	06	02	17,000/-	
03	OS/(P)/II	5500-9000/-	7250/-	12%	16%	08	12	04	29,000/-	
04	Hd Clerk(E)	5000-8000/-	6500/-	25%	29%	24	22	(-) 2	(-)13,000/-	
05	Sr. Clerk(E)	4500-7000/-	5750/-	35%	23%	22	18	9-) 4	(-)23,000/-	
06	Jr. Clerk(E)	3050-4590/-	3820/-	20%	20%	16	15	(-) 1	(-)3820/-	
Total =				100%	100%	76	76	(+) 7	15,655/-	
07	CLWI/CPI Gr-I	7450-11,500/-	9475/-	05%	10%	-	01	(+) 1	9475 x 1 9475/-	
08	CLWI/CPI Gr.II	6500-10,500/-	8500/-	30%	40%	02	03	(+) 1	8500/-	
09	SLWI/SPI	5500-9000/-	7250/-	40%	30%	03	02	(-) 1	(-) 7250/-	
10	PI/LWI	5000-8000/-	6500/-	25%	20%	02	01	(-) 1	(-) 6500/-	
Total =				100%	100%	07	07	Nil	Rs. 4225/-	

Clerical Rs. (+) 15,655.00

Inspector Rs. (+) 04,225.00

Grand Total =Rs. 19,880.00 (Rupees nineteen thousand eight hundred eighty) only.

An amount of Rs. 10,805/- (Rupees ten thousand and eight hundred five only) has been taken from other department with the approval of the competent authority to utilise the same in the Personnel Department vide this office Memorandum No. E/240/Restruct/EQ/ RNY dated 31.3.05 in order to effect the restructuring benefit of "P" Branch and the remaining amounting to Rs.9075/- for which 03 (three) posts Jr. Clerk (E) in scale Rs. 3050-4590/- (Mean pay Rs. 3820/- per month X 3 = Rs.11,460/- have already been surrendered vide DRM(P)/RNY's Memo. No E/240/Restruct/EQ/RNY dt. 31.3.05.

This issues with the approval of DRM/RNY

No.E/240/Restruct/EQ/RNY

Copy forwarded for information and necessary action please.

1. GM(P)/MLG,
2. DFM/RNY at APDJ,
3. DPO/RNY,
4. CWM/NBQ's
5. APO/CWM/NBQ,
6. WM/EWS/BNGN,
7. WAO/NBQ's,
8. Divl. Secy/NFREU/RNY,
9. Convenor/NFRMU/RNY
10. Convenor/AIRESCTA/RNY Division.

(S. Brahma)
APO/II/RNY
For DRM(P)/RNY
Dated 31.3.2005

(S. Brahma)
APO/II/RNY
For DRM(P)/RNY

Certified to be true copy.
San.
Ad. Manager



181-299-81-711-60-
N.E. Railway

Office of the
DRM(PY/RNY)

^ 1337051
Annexure - XIV

MEMORANDUM

In terms of Railway Board's L/No:PC-III/203/CRC/6 Dt. 09.10.03 DRM/RNY has accorded sanction to the restructuring of certain Group 'C' & Gr. 'D' categories of Engineering department of Rangiya Division & Ministerial cadre as indicated below w.e.f 01.11.03

SN	Category	Scale	Percentage distribution		Sanction stg as on 31.10.03	Revised sanction stg. W.e.f 01.11.03	Additional	
			Existing	Revised			Creation	Abolition
1	COS(G)	7450-11,500/-	2%	4%	Nil	03	(+) 03	-
2	OS/I(G)	6500-10,500	6%	8%	01	06	(+) 05	-
3	OS/II(G)	5500-9000/-	12%	16%	09	12	(+) 03	-
4	Hd.Clerk(G)	5000-8000/-	25%	29%	18	21	(+) 03	-
5	Sr.Clerk(G)	4500-7000/-	35%	23%	35	17	-	(-) 18
6	Jr.Clerk(G)	3050-4590/-	20%	20%	10	14	(+) 04	-

Drawing Cadre

1	SSE/Draw ing	7450-11500/-	4.5%	15%	-	01	(+) 01	-
2	SE(Draw ing)	6500-10500/-	35.5%	30%	02	02	-	-
3	JE/I(Draw ing)	5500-9000/-	20%	25%	-	01	(+) 01	-
4	JE/II(Drawing)	5000-8000/-	30%	30%	01	02	(+) 01	-
5	ADM	4000-6000/-			03	-	-	(-) 03

PEON

1	Peon/Jama dur	2610-3540/-	40%	55%	05	06	(+) 01	-
2	Peon	2550-3200/-	60%	45%	05	04	-	(-) 01

This has got vetting of DRM/RNY vide at PIV/02 and SN/26 of case No.E/240/RN(Restructuring)/03 restructuring of Engg. Department.

No: E/240/RN(Restructuring)/03

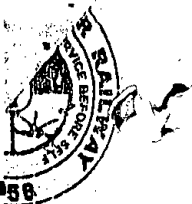
1. GM(PY/MLG)
2. DFM/RNY
3. ADFM/RNY at APDJ
4. OS to DRM/RNY for kind information to DRM/RNY
5. Sr.DEN/C//RNY
6. All DEN's & ADEN/RNY Divn. 7. DIVL. SECY NFREU-MU/RNY8. DR.SECY. NFREU-MU/BNGN/RPAN
9. OS/E-BILL/S&T/RNY

For DRM(PY/RNY)
dt. 03.05.

for DRM (PY/RNY)

Certified to be true copy.

has
Advocate



Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya.

No.E/41/BOS/RN/2.

Dated.11.5.2005

To
DPO/RNY,
N.F. Railway.

Sub: - Fixation of BOS for Divisional HQ Office/Personnel Deptt./RNY.

Ref: - Your requirement No.Nil Dt. 09.02.2005.

GM (P)/MLG vide his letter No.E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Personnel Department/RNY) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks
		Requit placed	BOS fixed	
01	Clerical	61 ✓	61	39 posts available, 22 posts to be transferred by APDJ
02	Welfare Inspector/PI	07	07	Posts available
03	Peon	03	03	Posts available
04	E/Peon	01	01	Created at RNY
05	Steno	02	02	Created at RNY
06	Record Lifter	01	01	Post available
07	Typist	01	01	Posts transferred by HQ Memo. No. not received
08	Chief Law Asstt.	01	01	Post available
Total =		77	77	

S. L.
11/5/05
For DRM (P)/RNY

Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. APO/I, II/RNY
4. OS/P. Branch/RNY,
5. OS/P. Branch/EQ/Bill/RNY,
6. Divisional Secretary NFREU/RNY,
7. Convenor/NFRMU/RNY.

[SG11505]

For DRM (P)/RNY

Certified to be true copy.
Advocate.



- 52 -

SN-40

Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya.

No.E/41/BOS/RN/2.

Dated.11.5.2005

To

OS to DRM/RNY,
N.F. Railway.

Sub:- Fixation of BOS for Divisional HQ Office/Management/RNY.

Ref:- Your requirement No. Nil Dt.21.02.2005.

GM (P)/MLG vide his letter No.E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Managing Department) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks Posts
		Requirement placed	BOS fixed	
01	Clerical	04	04	To be transferred from APDJ
02	E/Peon	02	02	01 created, 01 available
03	Peon	03	03	To be decided by HQ
04	Steno	03	03	03 available
05	P.A	01	01	To be transferred by HQ
06	Motor Driver	02	02	02 posts created
07	Jenitor	01	01	Created
08	Safaiwala	05	05	To be drawn from field (case is put up)
09	Watchman	06	06	06 posts created.
Total =		27	27	

For DRM(P)/RNY

Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. OS/EQ/RNY,
4. Divisional Secretary NFREU/RNY,
5. Convenor/NFRMU/RNY.

11-5-05
For DRM(P)/RNY

[SG11505]

- 63 -

Annexure - XV-B

N.F. Railway



Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya

No.E/41/BOS/RN/2.

Dated.11.5.2005

To
DSC/RNY,
N.F. Railway.

Sub:- Fixation of BOS for Divisional HQ Office/Security Deptt./RNY.

Ref:- Your requirement No. Nil Dt. 21.02.2005.

GM (P)/MLG vide his letter No.E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Security Department/RNY) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks
		Requireme nt placed	BOS fixed	
01	Clerical	06	06	To be transferred from APDJ
02	Steno	01	01	Created at RNY
Total =		07	07	

For DRM(P)/RNY

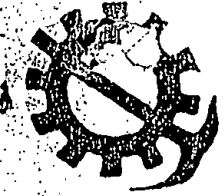
Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. OS/EQ/RNY,
4. OS/Security/RNY
5. Divisional Secretary NFREU/RNY,
6. Convenor/NFRMU/RNY

For DRM(P)/RNY

SG115051

certified to be true copy.
Per.
Advocate



रेल मजदूर युनियन

RAIL MAZDOOR UNION

Regd. No. : By-II 7867

Affiliated to : HIND MAZDOOR KISAN PANCHAYAT

Cell No. : 99540-85244
98641-32913

President : Sri Dulal Baruah
Ex. Cabinet Minister, Assam

Working President : Sri K. N. Shalkya

General Secretary : Sri Mridul Kr. Das

Treasurer : Sri Nirmal Kr. Dey

Office of the
Zonal General Secretary
N.F. Railway
27/B. Rest Camp,
Guwahati - 781012 (Assam)

Ref No.

Date:

NO:- RMLU/N.F. Zone/Clerk(E)/RNY dated 15.09.2005.

The Divisional Railway Manager
N.F. Railway, Rangiya.

Dear Sir,

Sub : Implementation of Restructuring in the Category of
Ministerial Staff (P. Branch) of the Division.

It is a matter of serious concern that during the last one and half year the restructuring order in the Ministerial Cadre (P. Branch) has not been implemented. We are not aware of the reasons for such delay.

For your kind appreciation that the detailed position are furnished as under:-

The B.O.S. of the seniority unit as on 1.11.03.

The Break up of posts in different scales and incumbents available:-

Category	B.O.S.	On Roll	Short fall
Chief OS	5	3	2
OS - I	9	5	4
OS - II	19	12	7
Head Clerk	34	22	12
Senior Clerk	27	24	3
Junior Clerk	24	14	10
TOTAL =	118	80	38

Certified to be true Gg.
[Signature]
Associate.

Page

- 70 - 65 -

ALL THE SELECTIONS / SUITABILITY TEST WILL BE CONDUCTED UNDER
MODIFIED PROCEDURES. (SAB)

The additional posts created along with the resultant vacancies in the below grades will be granted financial benefits from 1.11.03 and the existing vacancies if any will be effective from the date of promotions.

The names put in Annexure - A are due promotions as Chief OS, OS- I, OS - II and Head Clerk respectively.

It may also be mentioned that as on 31.10.03 the cadre of Ministerial staff who were on roll would constitute permanent cadre and any incumbent transferred can be drafted in the lowest scale treating such transfer on his "own Request".

The delay in implementation of the Restructuring award has caused financial loss to the incumbents and as such you may kindly take immediate steps so that the cadre Restructuring is implemented without any further delay.

Thanking you.

DA : One statement in three pages.

Yours faithfully

Sd/-
(Mridul Kr. Das)
General Secretary
Rail Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

Copy to :

- i) AGM/N.F. Rly/Maligaon
- ii) CPO/N.F. Rly/Maligaon

For information and necessary action please.

Sd/-
General Secretary
Rail Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

Copy to :

- i) DRM (P)/RNY

For information and necessary action please.

Sd/-
General Secretary
Rail Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

DPO/RNY

- 66 -
Office of the
Divisional Railway Manager (P)
Alipurduar Junction.

Annexure -

XVII

MEMORANDUM

14.11.05

DRM/APDJ has accorded sanction to the permanent transfer of the following posts of APDJ division to RNY Division from different departments due to bifurcation of APDJ division. The same has the concurrence of the associated finance.

Deptt.	Sn	Name of posts	Scale	No. of posts	Post transfer from Bill unit and station.
MECH.	1	OS/I	6500-10500	01	428 (DME/P/APDJ)
	2	LMI	6500-10500	01	
ENGG	1	R/LIFTER	2750-4400	02	282(DRM[W]/APDJ)
	2	R/SORTER	2850-4000	02	
	3	DUFTORY	2650-4000	02	
	4	JDR PEON	2610-3540	02	
	5	PEON	2550-3200	02	
	6	FARASH	2550-3200	01	
ELECT.	1	HD. CLERK	5000-8000	01	252(DRM[Elect]/APDJ)
	2	JR. CLERK	3050-4590	01	
COML.	1	OS/I	6500-10500	01	177(DRM[C]/APDJ)
	2	OS/II	5500-9000	01	
	3	HD. CLERK	5000-8000	01	
	4	SR. CLERK	4500-7000	03	
P.BR.	1	COS	7450-11500	01	577(DRM[P]/APDJ)
	2	OS/I	6500-10500	03	
	3	OS/II	5500-9000	04	
	4	HD. CLERK	5000-8000	14	
	5	SR. CLERK	4500-7000	10	
TOTAL				53	

(S. Behera)
DPO

For Div. Ry. Manager (P)/APDJ

14.11.05

No. E/191/AP(C)RNY-DIVN/47/A

Copy forwarded for information and necessary action to :-

1. OM(P)MLG (for kind attention of Sri R. Annu, Dy. CPO/HQ/MLG). This is in reference to HQ's letter No. E/283/218(HQ)-(C)Pt. II, dated 22/03/05. LMI is a HQ controlled post. HQ may issue final transfer memo. if deem necessary.
2. CPO/MLG. 3. DPO/RNY. 4. DRM/APDJ & RNY. 5. DRM(P)/APDJ & RNY.
6. DME/P/APDJ & RNY. 7. S. DEN/C/APDJ & RNY. 8. S. DEE/APDJ & RNY.
9. DCM/APDJ & RNY. 10. All APC's/APDJ & all COS/OSs/E of P. Branch/APDJ. They will take necessary action to delete the posts from the BOS of APDJ division and create the required no. of SN posts centrally through OS/EC section.
11. For vnder INFRMU/APDJ 11. Div. Secy. NFREU/APDJ, AISOTREA & NFROBGEA

(S. Behera)
DPO

For Div. Ry. Manager (P)/APDJ

Confirmed to be true copy
Bans
Advocate

672

Annexure XVIII

54/130

(Authority: Rly. Ed's Memo No. 11/1003/100/4 dated 04-10-1994)

1.	2.	3.	4.	Percentage distribution		7.	8.	9.	10.	11.	12.
				Exis	Rev.						
	Scale	Mean pay				Rev. BCS as on 1.4.03	San. Str. length as on 31.10.03	Rev. San. Strength w.e.f. 1.11.03	Difference of posts (9-8)	Difference of money value (4x10)	Remarks
1.	Ch. OS (E)	7450/- 11500/-	9475/-	2%	4%	03	03	05	02	Rs. 18950/-	Real money value Rs. 93,950/-
2.	OS (E)/I	6500/- 10500/-	8500/-	6%	8%	08	08	10	02	Rs. 17,000/-	
3.	OS (E)/II	5500/- 9800/-	7250/-	12%	16%	11	11	19	08	Rs. 58,000/-	
4.	Hd. Clerk (E)	5000/- 8000/-	6500/-	25%	29%	39	39	35	(-)04	Rs. (-)26,000/-	Money saving value -62350/-
5.	Sr. Clerk (E)	4500/- 7000/-	5750/-	35%	23%	31	31	28	(-)03	Rs. (-)17,250/-	
6.	Jr. Clerk (E)	3050/- 4590/-	3820/-	20%	20%	29	29	24	(-)05	Rs. (-)19,100/-	
				100%	100%	121	121	121		Rs. 93,950/- Rs. (-)62,350/- Rs. 31,600/-	Presently required matching value
Total										Rs. 93,950/- (-) 62,350/-	
Difference of money value:										Rs. 31,600/-	

Matching financial value arranged by taking surplus amount from other deptt. of RNY Division after restructuring to effect the restructuring benefit of P.Br./RNY

SN	Deptt.	Required value	Surrendered Value	Balance Savings	Authority No.	Placed at SN side
1.	S&T	Rs. 27,040.00 Rs. 9,905.00	Rs. 30,170.00 Rs. 11,460.00	Rs. 3130.00 Rs. 1555.00	Memo No. E/240/Rest/S&T/RN/19 dtd: 26-07-04 Memo No. E/240/Rest/S&T/RN/19 dtd: 29-03-05	120-121 122-123
		Rs. 36,945.00	Rs. 41,630.00	Rs. 4685.00		
2.	Mech.	Rs. 43,380.00 Rs. 6,595.00	Rs. 70,155.00 Rs. 7,640.00	Rs. 26,775.00 Rs. 1,045.00	Memo No. E/240/Mech/RNY dtd: 20-08-04 Memo No. EM/240/Mech/RNY dtd: 31-03-05	124-125 126-127
		Rs. 49,975.00	Rs. 77,795.00	Rs. 27,820.00		
3.	Opty.			Rs. 1,905.00	Copy enclosed	128
Total savings =				Rs. 34,410.00		

Matching value required for Personnel Branch /RNY

For Ministerial - Rs. 31,600.00
For W.B. Section - Rs. 4,225.00
Total = Rs. 35,825.00

Divisional Finance Manager
M. F. Railway, Rangiya

Rs. 35,825 - 34,410 = Rs. 1415.00

One post of Jr. Clerk (E) in scale Rs. 3050-4590/- Mean Pay Rs. 3820/- is to be surrendered for matching value.

Divisional Railway Manager
M. F. Railway, Rangiya

DPO/RNY
मंडल कार्यालय अधिकारी
Divisional Personnel Officer
पू. सी. रेल. रंगिया
M. F. Railway, Rangiya

APD/RNY
सहायक कार्यालय अधिकारी
Assistant Personnel Officer
पू. सी. रेल. रंगिया
N. F. Rly. Rangiya

CS/Cadre/RNY
पू. सी. रेल. रंगिया (का)
For Divisional Railway Manager (P)
पू. सी. रेल. रंगिया
M. F. Railway, Rangiya

Certified to be true copy.
Advocate

NORTHEAST FRONTIER RAILWAY

Office of the
Divisional Railway Manager (P)
N. F. Railway, Rangiya

MEMORANDUM

DRM / RNY has accorded his approval to the surrender of 1 (one) post of Jr. Clerk (E) in scale Rs. 3050 - 4590/- of Personnel Department. The surrender money value of 1 (one) post of Jr. Clerk (E) amounting to Rs. 3820/- (Rupees three thousand eight hundred and twenty) only per month on mean pay is to be a self financing expenditure on matching saving due to restructuring of Personnel Branch cadre/RNY Division.

The surrendered 01 (one) post of Jr. Clerk (E) has been deleted from the BOS accordingly.

SN	Category	Scale	Station	B.U. No.	No. of post	Cost per month mean pay
1	Jr. Clerk(E)	Rs. 3050-4590/-	CWM/NBQ	428	01 (one)	Rs. 3820/-

(Rupees three thousand eight hundred twenty) only.

(D. P. ROY) 22/2/07
Div. Finance Manager
N. F. Railway, Rangiya

Noted by Labour Court/RNY/Pt. I

Copy forwarded for information and necessary action to:-

1. GM (P)/MLG.
2. DFM/RNY.
3. CWM/NBQ.
4. DPO/RNY.
5. All APO / RNY.
6. Os to DRM/RNY.
7. Div. Secy/NFREU/RNY.
8. Convener/NFRMU/RNY.
9. Div. Secy. AIRESCTA/RNY.

(S. CHAKRABORTY)
Div. Personnel Officer
N. F. Railway, Rangiya
प. सी. ११, रंगिया
N. Date: 22.02.2007

For Divisional Railway Manager (P)
N. F. Railway, Rangiya
प. सी. ११, रंगिया
N. F. Railway, Rangiya

Certified to be true copy.
by
Advocate

NORTHEAST FRONTIER RAILWAY

Office Of The
Divl. Rly. Manager (P)
Rangiya

No. EQ/Labour Court/RNY pt. I

Date: - 23.02.2007

To,

General Manager (P)

N. F. Railway

Maligaon (For personal attention of Shri N.N.Thakur,Dy.CPO/HQ)

**Sub: - Revised Restructuring of Ministerial cadre of Personnel
Branch In RNY Division.**

As per GM (P)/MLG'S L/No. E/283/218 (HQ) (C) dated 5-4-04, the Cadre of RNY Division closed wef. 1-11-2003.

The cadre strength as on 1-11-03 of personnel branch (including CWM/NBQ) was as under :

SN	Category	Scale	Sanction strength (01-04-2003)
1	Ch. OS/E	7450-11500	02
2	OS/E/I	6500-10500	03
3	OS/E/II	5500-9000	07
4	HD. CLERK/E	5000-8000	18
5	SR.CLERK/E	4500-7000	17
6	JR.CLERK/E	3050-4590	13
		TOTAL	=60

DISTRIBUTION

1. DRM(P)/RNY

2. CWM/NBQ

Total

= 10 POSTS

= 50 POSTS

= 60 POSTS

As per joint procedural note with regard to bifurcation of RNY from APDJ division vide No E/ 227/144/MPP/polity dt 3-2-03 staff of erstwhile APDJ division were bifurcated in the ratio of 50:50 between APDJ and the newly created RNY division as under:-

RNY division =71 staff

APDJ division =70 staff

Total =141 staff

Certified to be true copy
Advocate -

In terms of DRM(P)/RNY'S L/NO. E/41/BOS/RN/2 dt 11-5-05, the BOS of P/Branch /RNY fixed at 61 Posts (Except 10 Posts already transferred prior to 1-11-03 from DPO/APDJ). Out of total 71 Posts, the following 10 (Ten) Posts were transferred to RNY division along with Incumbent as on 1-4-03.

SN	Category	Scale	Sanction strength (01-04-2003)
1	OS/E/II	5500-9000	02
2	HD. CLERK/E	5000-8000	02
3	SR. CLERK/E	4500-7000	02
4	JR. CLERK/E	3050-4590	04
		TOTAL	=10

Balance 61 Posts should have been transferred from DPO/APDJ to DPO/RNY before 1-11-03 but, these 61 Posts have been transferred to DPO/RNY subsequently phase wise after 1-11-03, for which staff of RNY Division could not get Restructuring benefit against the total sanctioned Posts of 121(DPO/RNY's office=71+CWM/NBQ=50)

The details of posts phasewise transferred from DRM(P)/APDJ to DRM(P)/RNY is as under :-

(A)

SN	Category	Scale	No of posts	Authority No
1	OS/E/I	6500-10500	02	DRM(P)/APDJ'S Memo No. E/191/AP (C) /RNY divn/47 /A dt.10-6-04
2	OS/E/II	5500-9000	02	
3	HD. CLERK/E	5000-8000	09	
4	SR. CLERK/E	4500-7000	06	
5	JR. CLERK/E	3050-4590	01	
		TOTAL	=20	

(B)

6	JR. CLERK/E	3050-4590	09	DO dt. 6-1-05
---	-------------	-----------	----	---------------

(C)

SN	Category	Scale	No of posts	Authority No
7	Ch. OS/E	7450-11500	01	DRM(P)/APDJ'S Memo No. E/191/AP (C) /RNY divn/47 /A dt.14-11-05
8	OS/E/I	6500-10500	03	
9	OS/E/II	5500-9000	04	
10	HD. CLERK/E	5000-8000	14	
11	SR. CLERK/E	4500-7000	10	
		TOTAL	=32	
		Grand Tot.	=61 Posts	

In this connection, it is stated that the restructuring of the clerical cadre of 'P' Branch was done on the total strength i.e. 76.

The breakup 76 posts are as under:-

CWM-50 posts

DPO- 10 posts transferred from APDJ before 01.11.03.

Another 16 staffs have been transferred from other divisions before 01.11.03 & as per condition at para 5 of the minutes of the meeting held on 03.02.05 in FA & CAO's chamber with FA & CAO/MLG, DRM/RNY and CPO/MLG vide forwarding No. E/283/218(HQ)(C) Pt-II dated 08.02.05 and as such these 16 posts have also been taken into account for the purpose of restructuring of cadre.

The staff joined in RNY Divin after 1-11-03 did not get any Restructuring benefit in their earlier place of posting, i.e in parent division /Unit. Staff of RNY division could not get restructuring benefit wef. 1-11-03 based on 121 Posts. Some staff of P/Branch/RNY Division have got restructuring benefit against restructuring made Vide Office Memo No. E/240/Restruct/ EQ/RNY dt. 31-3-05 and Office Order No E/240/Restruct/ EQ/RNY dt.26-5-05 and 21-6-05 which will automatically be cancelled after Revised Restructuring.

The restructuring of Ministerial cadre of Personnel Deptt/RNY Division was done by taking 76 posts (instead of 121 posts) w. e. f. 01.11.03 (CWM/NBQ=50 & DPO/RNY-26) vide DRM (P)/RNY's office memorandum No. E/240/Restruct/EQ/RNY dtd. 31.03.05.

General Secy./Rail Mazdoor Union, N. F. Zone, Pandu, GHY - 12, has raised the issue for proper implementation of restructuring of Personnel Deptt./RNY Division against 121 posts instead of 76 posts and registered the case at Assistant Labour Commissioner (Central), Rajgarh Road, Chandmari, GHY - 3, vide their Letter. No. 8 (23)/2005-G/A dtd. 20.01.2006.

The matter was examined in detail in consultation with associated finance. DFM/RNY has concurred in the proposal for revised Restructuring of cadre. In doing so, a matching value of Rs. 35,825/- (Thirty Five Thousand Eight Hundred Twenty Five) is required.

There is no money value against the 'P' Branch in the Divisional Staff Bank but the restructuring benefit of P. Branch RNY/ Division against 121 Posts (Ministerial Cadre) is to be given w.e.f. 01.11.03 belonging to RNY Division.

- 77 -

The required matching value has been arranged from other deptt of RNY Division which is detailed below :-

SN	Deptt.	Reqd value Rs.	Surr. Value Rs.	Bal. Saving Rs.	Authority No.
01	S & T/ RNY	27, 040/-	30, 170/-	3, 130/-	M. No. E/240/Res/S & T/RN/19 dtd. 26.07.04
		09, 905/-	11, 460/-	1, 555/-	M. No. E/240/Res/S&T /RN/19 dtd. 29.03.05
Sub Total		36, 945/-	41, 630/-	4, 685/-	
02	Mech/RNY	43, 380/-	70, 155/-	26, 775/-	E/240/Mech/RNY dtd. 20.08.04
		06, 595/-	07, 640/-	01, 045/-	EM/240/Mech/RNY dtd. 20.08.04
Sub Total		49, 975/-	77, 765/-	27, 820/-	
03	Optg./RNY	--	--	01, 905/-	
Grand Total		86, 920/-	1,19,425/-	34, 410/-	

Thus an amount of Rs. 35,825-34,410=Rs. 1415/- is further required for restructuring of cadre.

As such for providing matching value another post of Jr. Clerk/E has been surrendered. The cost of the Jr. Clerk/E in Scale rRs.3050-4590/- is Rs. 3820 (mean pay)

As per Railway Board 's order contained in their letter No. PC-III/2004/CRC/2 dtd.10.11.04, GM's express sanction is required in this case as the money required for above restructuring of cadre has been arranged from other department.

DRM/RNY has approved the proposal on 20.02.07 to forward the case to HQ for sanction of the above Revised Restructuring of 'P' Branch.

In view of the above, you are requested to obtain GM's kind approval to finalise the above revised restructuring of cadre.

28.2.07
 (S. CHAKRABORTY)
 Divl. Personnel Officer
 N. F. Railway, Ranchi
 न. फ. रेलवे, राँची
 N. F. Railway, Ranchi

MEMORANDUM

In terms of Railway Board's Letter No. PC-III/203/ORG/6 dated 09-10-2003 the Ministerial cadre of Civil. Engg. Department of Rangliya Division has been restructuring vide DRM (P)/RNY's Memorandum No. E/240/RN (Restructuring)/03 Dated 03-03-2005

Consequent upon transfer of 17 (Seventeen) posts from APDJ Division to Rangliya Division Vide DRM (P)/APD's Memorandum No. E/191/AP(D)/RNY-DIVN/47/A dated 10-06-2004, the Ministerial cadre of civil Engg. of Rangliya Division has been reviewed in terms of Railway Boards letter No. mentioned above.

As such the cadre position of Ministerial In Engg. Department of Rangliya Division as under -

SN	Category	Scale	Revised Restructuring % age	Sanction Std. before review as on 01-11-03	Sanction Std. after review	Additional	
						Creation	Abolition
01	COS	7450-11500/-	04 %	03	04	01	
02	OS/I	6500-10500/-	08 %	06	07	01	
03	OS/II	5500-9000/-	16 %	12	14	02	
04	Hd. Clerk	5000-8000/-	29 %	21	26	05	
05	Sr. Clerk	4500-7000/-	23 %	17	21	04	
06	Jr. Clerk	3050-4590/-	20 %	14	18	04	
			Total=	73	90	17	

This is got vetting of DFM/RNY and approval of ADRM/RNY Vide PP-08 case No. E/240/RN (Restructuring)/03.

(G. K. DEY)
APO / II / RNY
For DRM (P)/RNY
Dated : 17-05-2007

No E/240/RN (Restructuring)/03

Copy forwarded for information and necessary action to :

1. GM(P)/MLG
2. OS to ADRM/RNY
3. All Sr. DEN/RNY
4. DFM/RNY
5. All ADEN/RNY
6. OS/EE/B/II/RNY
7. Divl Secy. N.F.R.E.U/RNY
8. Divl. Convejer N.F.R.M.U/RNY
9. Divl Secy. AISCTREA/RNY
10. All SSE(P. Way)(Works)/RNY

(G. K. DEY)
APO / II / RNY
For DRM (P)/RNY

Certified to be true copy
bans
Advocate



N. F. RAILWAY EMPLOYEE'S UNION

Registered & Recognised by the Railway Administration
Affiliated to NFIR & INTUC. Divisional Council Rangia Jn.
RLY Ph-38270 (U), PREM- 38274 (Rly) 03621244352 (Dot)
Divl Secy.- 38271 (R) 9854422404(M), 94351-95577 (M)

Divisional Council Rangia Jn. 781354

Ref... EU/Divl-Com/07

Date: 11.07.07.

To,
Divisional Railway Manager
N. F. Railway/ Rangiya Jn.

Sir,

Sub: - Restructuring benefit to the P-Branch staff of RNY division.

You shall appreciate that there are instances that the Railway men working in RNY division are giving relentless efforts, within limited resources, overcoming hurdles, to run the system smoothly and to keep the head high of RNY division.

You shall also appreciate that when the reasonable and a justified privilege is denied to any workman it speaks badly upon his performance and slowly it spoils the spirit of dedication and devotion to duty. And this spreads slowly from one cadre to other.

The similar situation seems to be arisen in the mindset of the workmen working in P- Branch of RNY division for the reason that they have not been extended the restructuring benefit taking the justified nos. of posts of ministerial staff into consideration for the reason best known to DPO/ RNY.

The Restructuring has been extended taking less nos. of Posts into consideration causing deprivation to them.

What this union has noted that despite of repeated representation no outcome of the same could be seen as yet. Finding no alternative, this union has decided to launch for trade union action under "Trade union act" and "Industrial Dispute act"

This letter may be taken as an advance intimation for the same and thus urge upon you to take an early action on settling down the dispute within seven days. After that, if otherwise formal notice shall be served on you.

This is for your kind information and necessary action please.

Thanking you
may pl. discuss with details

Yours Faithfully

Divl. Convener
NFREU/ RNY/ Divn.

Copy to: - 1) Dy CPO/IR/MLG
2) DPO/RNY
3) General Secretary/NFREU/MLG

for information & N/action pl.

Divl. Convener
NFREU/ RNY/ Divn.

Confirmed to be true copy.
Advocate

NORTHEAST FRONTIER RAILWAY

OFFICE OF THE
DIVISIONAL RAILWAY MANAGER (P)
ALIPURDUAR JUNCTION.

Annexure XXIII

Dated : Thursday, 12 Jul, 2007.

No. E/RP-482/205/AP(C)

To,
The General Manager (P)
N.E. Railway/Mallgaon.

(for personal attention of Sri N.N.Thakur, Dy.CPO/HQ/MLG)

Sub : Restructuring of clerical cadre of 'P' Branch/APDJ Division as on 01.11.03.

Ref : Telephonic discussion with Sri N.N.Thakur, Dy.CPO/HQ/MLG on date.

With reference to above, the position as desired is submitted below :-

1. Restructuring of Clerical cadre of 'P' Branch/APDJ Division as on 01.11.03 was done based on a total of 172 posts vide DRM(P)/APDJ's Memorandum of even number dated 13.02.04.
2. After the restructuring of cadre a total of 61 clerical posts in different grades were transferred to RNY Division in different phases as under :-

SN	No. of post t/d. to RNY Divn.	Authority No.
1.	20 posts (OS/Gr.I/E = 02, OS/Gr.II/E = 02, Hd.Clerk/E = 09, Sr.Clerk/E = 06, Jr.Clerk/E = 02)	E/191/AP(C)RNY-Divn/47/A dt.10.06.04
2.	09 posts (Jr.Clerk/E)	E/191/AP(C)RNY-Divn/47/A dt.06.01.05
3.	32 posts (Ch.OS = 01, OS/Gr.I/E = 03, OS/Gr.II/E = 04, Hd.Clerk/E = 14, Sr.Clerk/E = 10,	E/191/AP(C)RNY-Divn/47/A dt.14.11.05

This is for your information please.

(S.Sarmah)
DPO

For DIVL. RLY. MANAGER (P)
ALIPURDUAR JUNCTION.

on case immediate please.

SPC/HQ

Mak
12.7.07
Dy CPO/HQ

Certified to be true copy.

Advocate.

-86-

Annexure -XXIV-



Office Of The
Divisional Railway Manager(Personnel)
Rangiya
No:EQ/Labour Court/RNY Pt.I dated 16.07 07

To:
Divisional Convenor,
N.F.Railway Employees Union
Rangiya.

Dear Sir,

Sub: Restructuring of Cadre-Personnel Department.
Ref: Your letter no.EU/Divl-Conv/07 dated 11.07.07

Apropos your letter under reference, it is informed that the proposal for revision of restructuring of cadre of Personnel department is already under adjudication of Labour Commissioner/Guwahati. However, this subject matter was discussed with Divisional Secretary of the Employees Union across the table & the same was referred to GM(P)/Maligaon vide DRM(P)/Rangiya's letter of even no.dated 23.2.07.

The matter has been constantly followed up at HQ level.

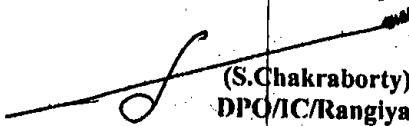
Since the issue relates to the period of bifurcation of APDJ/RNY divisions,this is taking time.

It is pertinent to mention here that DRM has also discussed the subject matter with CPO/Administration on detail when the latter was available on 13.07.07 as an observer during Pension Adalat session. GM(P)/Maligaon has already taken up the matter with DRM(P)/APDJ to obtain information to decide the case. Besides,if required,CPO/Administration has stated that Personnel Officer(s) from Maligaon/Rangiya would be sent to APDJ in due course to sort out the issue.

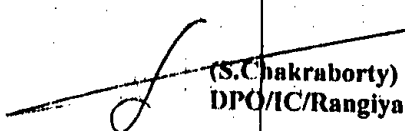
It may,therefore, be appreciated that there is constant effort on the part of the Administration to resolve this matter ,and this shall be continued with actively.

With best wishes,

Yours faithfully,


(S.Chakraborty)
DPO/IC/Rangiya 16.07.07

Copy to:
Divisional Secretary/N.F.Railway,Employees Union/Rangiya.


(S.Chakraborty)
DPO/IC/Rangiya 16.07.07

pc

Continued to be true G.B.
Advocate

- 77 -

Amesure - XXV -

(9)

Northeast Frontier Railway

Office of the
General Manager(P)
Maligaon, Guwahati-11

NO. E/283/1(Rest) (Q)

Dated : 08.08.2007

To,
DPO/RNY
N. F. Railway

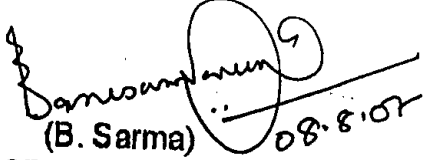
Sub : Revised Restructuring of Ministerial cadre of Personnel Branch
in RNY division.

Ref : Your letter No. EQ/Labour Court/RNY Pt. I dt. 23.2.07.

In reference to your letter stated above regarding benefit of restructuring of cadre w.e.f 1.11.03 in the ministerial staff of 'P' Branch of RNY division, it is to inform you that as per DRM(P)/APDJ's letter No. E/RP-482/205/AP(C) dated 12.7.07, (Copy enclosed) restructuring of 61 posts of clerical cadre of 'P' Branch/APDJ have already been done based on a total of 172 posts. As such, these can not be counted twice for granting restructuring benefit as proposed by DPO/RNY vide his letter EQ/Labour Court/RNY Pt. I dated 23.2.2007.

This is for your information please.

DA: As above


(B. Sarma)
SPO/Rectt & LC
for General Manager(P)/Maligaon

Copy to :-

1. DRM(P)/APDJ -- In reference to his letter NO. E/RP-482/205/AP(C) dated 12.7.07.

For General Manager(P)/MLG

Certified to be true copy
for
Advocate.

N.F. Railway

Office of the
DRM(P)/RNY

NOTIFICATION

It is decided to filled up 12(twelve) vacancies (UR-09, SC-02, ST-01) of OS(E)/II in scale Rs. 5500 -9000/- in Personnel Bran./RNY Divison as Per 3X formula.

- 1) The list of eligible staff is at ANNEXURE - A
- 2) Date of Written Examination :- 22.09.07(Saturday), at 10.00 hrs.
- 3) Venue :- DRM(P)/RNY's office.
- 4) The candidates may be informed to appear in the selection.

The staff who are unwilling to appear in the selection should submit to their unwillingness in written and send the same through respective i/c to this office within seven days. i.e. 10.09.07

No absentee selection will not be held except under the circumstances below :-

- (a) Summons for interview being received too late by the candidates making it difficult for him to reach the place of selection.
- (b) Administration's failure to relieve him in time for selection.
- (c) Sickness of the candidates or other reason over which the employee has no control. Unavoidable absence will not however, include absence(attend a wedding or similar function or absence) over which he has control. Sickness should be covered by a specific certificate from the Railway Medical Officer.
- (5) The Pre-promotional training for the SC/ST candidates for a period of 03(three) weeks will be arranged by DPO/RNY w.e.f 30.08.07 for staff posted at RNY and the staff posted at NBQ. the Pre-promotional training of SC/ST will be arranged by APO/NBQS. w.e.f 30.08.07

Enclosed:-

1. ANNEXURE -A—List of eligible candidate.
2. ANNEXURE -B - Syllabus of the exam.

(G.K. DEY)
APO/II/RNY
For, DRM(P)/RNY
Dt. 29.08.07

NO.E/254/RN/OS-II/Selec./P.Br./RNY/
Copy for information & necessary action to :-

1. GM(P)/ Con / MLG, 2. DRM(P)/RNY, 3. EWS/BNGN
4. DEE/W/NBQ, 5. DSC/RNY, 6. CWM/NBQ
7. Dy. CEE/W/NBQ, 8. CMT/NBQ, 9. PSTC/NBQ
10. APO/WS/NBQ, for information and arranging Pre-selection training for SC/ST candidates posted at NBQ area as advised by DPO/RNY 11. Staff concerned, 12. OS to DPO/RNY 13. Br. Secy./NFREU/RNY 13. Br. Secy. /NFRMU/RNY 14. Div. Secy. /NFREU/RNY 15. Div. Convenor /NFREU/RNY. 16. Staff concerned.

For, DRM(P)/RNY

Certified to be true copy
Advate

ANNEXURE - 'A'

Name of eligible staff (Head Clerk(E)) for appearing in selection of OS(E)/II in scale Rs.5500-9000/- of personnel (Rangiya Division including Workshop Unit) are given as per seniority.

SN	Name	Designation	Working under
		Head Clerk(E)	CMT/NBQ
1.	P. Swargiary (ST)	"	DEE/W/NBQ
2.	S.C. Sen Sarma	"	DRM(P)/RNY
3.	Colak Barman	"	CWM/NBQ
4.	Smt. N.B. Goswami	"	CWM/NBQ
5.	Pradip Das	"	DRM(P)/RNY
6.	Tarun Goswami	"	DRM(P)/RNY
7.	Ashis Kr. Das (SC)	"	CWM/NBQ
8.	Sujit Kr. Bhadury	"	DEE/W/NBQ
9.	H.R. Dey	"	DEE/W/NBQ
10.	Smt. Gita Nath	"	CWM/NBQ
11.	Smt. Anita Devi	"	DRM(P)/RNY
12.	Suren Kalita	"	DRM(P)/RNY
13.	Smt. Mina Sarma	"	DRM(P)/RNY
14.	J.R. Goswami	"	CWM/NBQ
15.	B.K. Saha	"	DRM(P)/RNY
16.	Lankeswar Swargiary (ST)	"	DRM(P)/RNY
17.	Abhay Rajbongshi	"	GM(P)/Con/MLG
18.	Smt. Chandra Ramchiary (ST)	"	DSC/ (DSC/RNY)
19.	Upen Ch. Das (ST)	"	DRM(P)/RNY
20.	Biren Boro (ST)	"	DRM(P)/RNY
21.	Khagen Ch. Boro (ST)	"	CWM/NBQ
22.	Smt. Rita Das (Deka)	"	DRM(P)/RNY
23.	Sanatan Barali (SC)	"	DRM(P)/RNY
24.	Haladhar Boro (ST)	"	CWM/NBQ
25.	B.K. Yadav	"	PSTC/NBQ
26.	Dharmeswar Koen	"	CWM/NBQ
27.	Bhaba Nanda Nath	"	DRM(P)/RNY
28.	Khageswar Kalita	"	DRM(P)/RNY
29.	Lankeswar Kumar	"	DRM(P)/RNY
30.	Miss Gouri Chowdhury (SC)	"	DRM(P)/RNY
31.	Jahmi Ram Kalita	"	DRM(P)/RNY
32.	Lauga Chowdhary (ST)	"	CWM/NBQ
33.	Anukul Basumatary (ST)	"	DRM(P)/RNY
34.	B.V. Rao (SC)	"	EWS/BNGN
35.	Smt. S.P. Kakati (SC)	"	CWM/NBQ.
36.	Nabedip Datta (SC)	"	

20/8/17
 APG

- 80 -

ANNEXURE-'B'

SYLLABUS FOR THE WRITTEN TEST OF SELECTION FOR THE POST OF
OS(E)/II IN SCALE RS.5500-9000/-OF PERSONNEL DEPARTMENT OF
RNY-NBQ SENIORITY UNIT.

All rules, procedures and extant instructions regarding establishment matters with specific reference to:-

- i) Office procedure, record maintenance, importance of systematic working and scope for further improvement.
- ii) Rule of Personnel Department in the Railways.
- iii) Selection posts and non-selection posts- procedure for filling up the vacancies thereof.
- iv) Different types of allowances applicable to Railway employees.
- v) Special provisions for SC/ST/OBCs e.g. reservation in recruitment and promotion, special facilities, relaxation etc.
- vi) Pension Rules.
- vii) Leave Rules.
- viii) Pass Rules.
- ix) Provision and procedure for compensation under workmen's Compensation Act and Lump sum compensation to Railway employees killed by extremist action.
- x) Dealing with Medically decategorised staff.
- xi) Alternation of recorded date of birth-provision and procedure.
- xii) Service Conduct Rules.
- xiii) Penalties under DAR and effecting of penalties.
- xiv) HOER and OTA.
- xv) Seniority and confirmation Rules.
- xvi) Budgeting, imprest, store and procurement procedure.
- xvii) Provision and procedure regarding dealing with DOP, DPG, CA -III and MP/MLA reference.
- xviii) Schedule of Power - Estt & Miscellaneous.
- xix) Adhoc officiation, Acting Allowance & Dual charge Allowance.
- xx) Special C.L. provisions.
- xxi) Policies regarding implementation of Official Language (Rajbhasha).

[Handwritten signature]

MEMORANDUM

Office of the
DRM(P)/RNY
Dt: 06-09-07

Chief Operation Manager/N.F.Rly/Maligaon has approved cancellation of last two selections of CM-I in scale B.4000-6000/- held in connection with re-structuring of C/Man category with effect from 1-11-03 in terms of provision contained in Rule 219(L) of IREM (Vol-I) 1989 Edition. The relevant re-structuring Office orders were issued by DRM(P)/RNY under No. (1) E/283/RN/Prem/Optg/40 dtd: 18-8-04 and (2) E/283/RN/Prem/Optg/40/Pt.II dtd: 1-7-05.

Accordingly fresh re-structuring promotion to the post of C/Man-I in scale B. 4000-6000/- w.e.f. 1-11-03 will be taken on hand on priority.

(A. K. Chatterjee)
APO/III/RNY
for DRM(P)/RNY.

No.E/283/RN/Prem/Optg/40/Pt.II

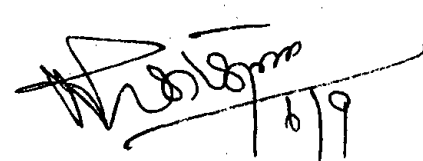
Dt: 06-09-07.

Copy to:-

- 1) Sr.DOM/RNY (2) AM/NBQ, RPAN
- 3) DFM/RNY (4) All SS/TI/CYN as relevant.
- 5) OS/ET-Bill with advise to immediately stop payment of higher pay to the staff promoted against above quoted Office Order and arrange to pay them at pay as was prior to their promotion orders quoted above.
- 6) P/Case of the staff involved.
- 7) Staff concerned through respective incharges.

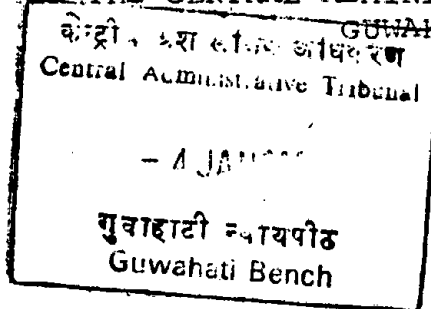
Copy also to:-

- 8) Divl.Secy/NFREU/RNY
- 9) Convener/NFRMU/RNY
- 10) Secy./AIOBCA/RNY
- 11) Secy.AISCTREA/RNY


for DRM(P)/RNY

Certified to be true copy.
Advocate.

82
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH



File in Court on 21/10/08

Court Office

O.A.No.266 of 2007

Shri Golak Barman

-Vs-

Union of India & Ors.

I N D E X (FOR WS)

CONTENTS

PAGE NO.

1. WRITTEN STATEMENT
2. Verification
3. Annexure R-1
(Letter dated 5-4-2004
from G.M.(P), MLG

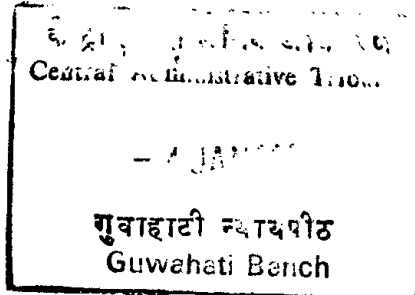
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01/08/08
(Santanu Nandan Tarmul)
FILED BY

for Rly S.C.



83-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

O. A. NO. 266/2007

Shri Golak Barman

Vs.

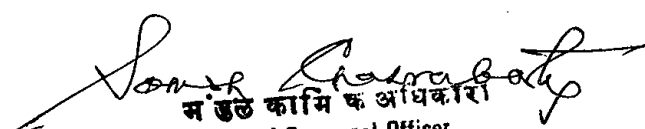
U. O. I & Ors.

Filed by the respondents
through Dr. J.L. Sankar
S.C. Railways. (Advocate)
03/01/08

Written statement filed on behalf of the respondents.

The respondents most respectfully beg to state
as under :-

1. That the respondents have gone through the original application and understood the contents thereof.
2. The O.A. is not maintainable for narrating vague and irrelevant facts. The applicant works in the personnel Branch (Rangia Division), but has sought relief in a camouflaged manner for not only himself but also for all in Rangiya Division, including employees of other cadres i.e. cadres other than Personnel Branch, and also lower cadres of Personnel Branch. The O.A. is in the nature of a public interest litigation/litigation in representative capacity without any locus standi and as such deserves to be dismissed on that ground alone.
3. That the applicant suffers from the vice of plurality of remedies Viz. restructuring of cadre, and selection for



मंडल कार्यालय अधिकारी
Divisional Personnel Officer
प. स. रंगिया
Railway Rangia

Contd.....2/-

promotion. The applicant has not been able to show any nexus between the two or how he has been suffering from the benefit of re-structuring scheme. In the present case the selection is not consequential to re-structuring but usual course for promotion of employees.

4. That the O.A. deserves to be dismissed for non-journer of necessary parties.

5. That in reply to statements made in para-I of the O.A. it is stated that the applicant has made only vague statements without bringing out any violation nor he has submitted any application to the respondents pointing any irregularity in restructuring of cadre.

It is stated that restructuring of clerical strength of Personnel Branch of Rangia Division and other cadres was done on 31.3.05 on the total strength of 76 posts as on 1.11.03. 61 clerical posts in different grades were transferred to Rangia Division after completion of restructuring process at Alipurduar Division based on total strength of 172 posts then existing at Alipurduar. These posts are not therefore, countable for restructuring again at Rangia, i.e. cannot be counted twice for restructuring. Restructuring has therefore, been completed on 31.3.2005 with position as on 1.11.2003.

6. That in reply to statements in paragraphs 2 to 8 it is stated that the statements therein are vague and many

James
महोदय के अतिरिक्त
Divisional Personnel Officer
प. सी. रेलवे, रंगिया
N. F. Railway, Rangiya

Contd....3/-

statements relate to non-applicants and confusing. As regards the 60 posts mentioned in paragraph 5 the break up is, 10(ten) transferred from Alipurduar and 50 posts under Chief Workshop Manager, which includes 6 posts mentioned in paragraph 6 of the O.A. The statements of the applicant are only to confuse and mislead the Hon'ble Tribunal without in any manner explaining the nexus with the reliefs sought for.

By letter dated 5.4.2004 the General Manager(P) N. F. Railway has circulated the mode of restructuring laying down, inter alia, that after formation of Rangia Division, staff who joined the new Division before and also after 1.11.2003 would get the benefit of restructuring at their original place. The restructuring has been completed accordingly.

Copy of the letter dated 5.4.2004 is enclosed as

Annexure-R-1.

7. That in reply to statements in para 13 to 21 it is stated that restructuring in Rangia Division has been done on 31.3.2005 on total strength 76 posts as on 1.11.03,
Break up as under :-

- (a) Posts under Chief Workshop Manager - 50
New Bongaigaon.
- (b) Posts under Divisional Personnel - 10
Officer/Rangia.
- (c) Posts Transferred from other - 16
Divisions.

76

[Signature]

संलग्न कार्यालय अधिकारी
Divisional Personnel Officer
पू. सी. रेलवे, रंगिया
N. F. Railway, Rangia

Contd..4/-

The applicant has tried to confuse and mislead the Hon'ble Tribunal by mixing posts of all cadres. The letter dated 23.2.2007 reflects the position explained to G.M.(F), N.F.Railway. It is denied that the incumbents of Personnel Branch have been denied the benefit of restructuring.

8. That in reply to statements in para 25 it is stated that 61 clerical posts were transferred to Rangia Division after restructuring process at APDJ, from total 172 posts, in different phares.

9. That in reply to statements in paragraph 26 it is stated that the matter of restructuring is under adjudication of Labour Commissioner/Guwahati.

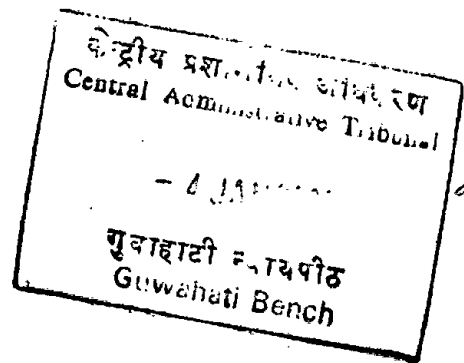
10. That the allegation of arbitrariness in paragraph 27 is denied. The restructuring has been completed in Personnel Branch following laid down norms.

11. That the allegation of denying benefit of restructuring is denied. The selection process has been notified for promotional scope of employees as per rules and procedure.

12. That in reply to statement in paragraph 29 it is stated that the cabin man is defferent cadre, the restructuring done earlier was cancelled for administrative reasons, and process has already been started for restructuring based on posts as on 1.11.03, and this has no

Sanjay Chandra

संलग्न कार्मिक अधिकारी
Divisional Officer, I.C. 1
प. म. रेलवे, रंगिया
N. F. Railway, Rangiya
Contd....5/-



5

relation to the selection of Personnel Branch notified on 29.8.07.

14. That in reply to statements in paragraphs 30 to 35 it is stated that the applicant has made hypothetical statements. As explained in the proceeding paragraphs, restructuring in the Personnel Branch clerical cadre has been done following prescribed norms and there is no denial to the applicant. The selection notified is also under rules and following procedure. The O.A. is misconstrued.

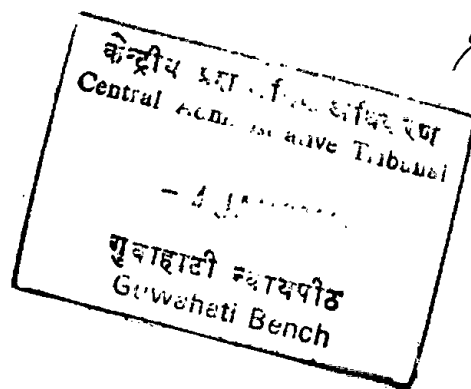
As such the O.A. deserves to be dismissed with cost.

मंडल कार्मिक अधिकारी

Divisional Personnel Officer

पू. सी. रेलवे, राँगिदा

Verification..... P/No.6/-



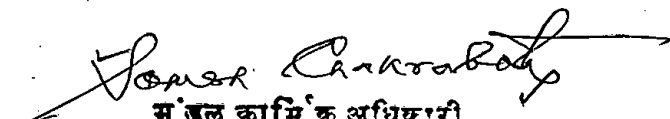
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VERIFICATION.

I, Somesh Chakraborty, son of
Late. Sarada Charan Chakraborty aged about 58 years
..... years, working as Divisional Personal
Officer..... do hereby say that I am conversant
with the facts of the case, and have been authorised by
respondent No. 2, 3, 4 and 5..., to verify and sign
this verification. Accordingly I verify that the state-
ments in paragraphs 1 to 14..... are true to my knowledge
and that I have not suppressed any material facts.

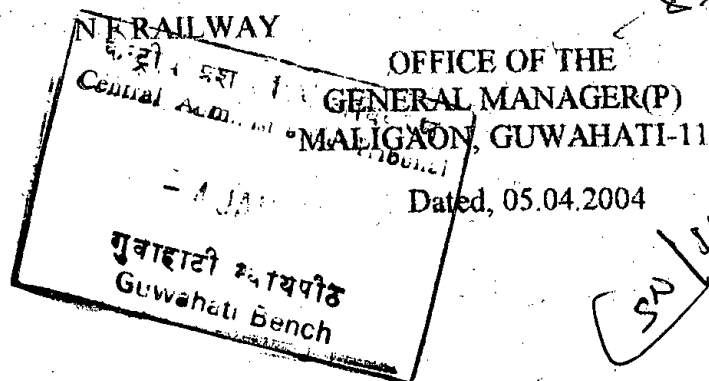
I sign this verification this 26th day of December
, 2007 at Rangia...

Signature.


मंडल कार्मिक अधिकारी
Divisional Personal Officer
पू. सी. रेलवे, रंगिया
N. F. Railway, Rangiya

No.E/283/218(HQ)-(C)

To
All PHODs
All DRMs
All Sr.DPOs/DPOs
All HQrs Cadre Officers



Sub : Instructions regarding closure of cadre of RNY Division.

The following decisions have been taken in consultation with both the recognized unions regarding closure of cadre of RNY division.

1. It has been decided to treat the cadre of RNY division closed w.e.f. 01.11.2003.
2. Restructuring of the line staff of RNY division will be done w.e.f. 01.11.2003 as per bifurcated cadre.
3. Staff who have joined RNY divisional HQ after 01.11.2003 would get the benefit of restructuring at their original place of posting. RNY division will send a list of such staff to the respective division. Their transfer to RNY division will be treated on administrative ground.
4. Staff who have joined RNY divisional HQ before 01.11.2003 will also get the benefit of restructuring at their original place of posting. For the purpose, the posts transferred to RNY divisional Hqrs. office before 01.11.2003 will be counted for restructuring their earlier cadre.
5. One more option to be called for RNY division upto 20.04.2004. Those optees accepted by RNY division will be relieved before 30.04.2004. If due to compelling reason they are not relieved to join RNY division by 30.04.2004 their lien will be transferred and they shall be relieved positively by 31.05.2004. Staff already transferred to (except those who have expressed unwillingness) RNY division but not spared to join on administrative reason, their lien would be maintained in RNY division.

These instructions are to be followed by all Divisions while giving restructuring promotions.

This issues with the approval of General Manager.


(R. Aaivu)
Dy.CPO/HQ
For General Manager(P)

For information.

For General Manager(P)

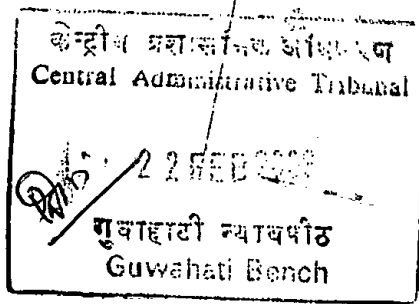
Copy to :- (i) GS/NFRMU/PNO/GHY-12
(ii) GS/NFREU/PNO/GHY-12 }

অসম
সংল কাৰ্য্যিক অধিকাৰী
১ ৭৩৩, ২০০৭
N. F. Railway, Rangiya

DPO

GS/P

Signature



Golak Barman

-90-

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

IN THE MATTER OF:

O.A. No. 266/2007

SHRI GOLAK BARMAN

..... PETITIONER

- Versus -

UNION OF INDIA & ORS.

..... RESPONDENTS

-AND-

IN THE MATTER OF:

Rejoinder to the written
statement filed by the
Respondents.

I, SHRI GOLOK BARMAN, presently working as Head
clerk(E) office of the Divisional Railway Manager(P),
N.F. Railway, Rangiya, P.O. & P.S.- Rangiya, in the
district of Kamrup, Assam, do hereby solemnly affirm
and state as follows:

1. That I am the petitioner in O.A. No. 266/07 I
have been served with the written statement filed

R
on behalf
of Dr J.L. Sonkar
Rysc
22/2/08

by the Respondents in the aforesaid O.A. In the written statement certain averments made in O.A. and the document annexed therein are also relied on for the purpose of the present written statement.

PARAWISE REPLIES

2. That, with regard to the statement made in para 1 of the written statement the deponent has no comment to offer.

3. That, with regard to statement made in paragraph 2 to 4 of the deponent denies the same being incorrect and baseless.

4. That, with regard to the statement made in paragraph 5 the deponent would like to state that the statement made in the written statement are incorrect and hence denied. The deponent reiterates the statement made in para-1, of the O.A. and further begs to state that the fixed 61posts have been transferred to DPO/RNY subsequently phasewise after 01-11-2003 for which the staff of Rangiya Division could not get

restructuring benefits against the total sanctioned posts of 121 (DPO/RNY's Office = 71 plus CWM/NBQ = 50) in terms of the Book of sanction of Rangiya as on 01-11-2003.

केन्द्रीय प्रशासनिक अपिलेशन
Central Administrative Tribunal

22 FEB 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

Gosalk Barmar

92

5. That, with regard to the statement made in paragraph 6 of the written statement, the deponent denies the correctness of the same and reiterates the statement made in para 4.3, 4.5, 4.7, 4.8, 4.9 and 4.12 of the O.A.

6. That, with regard to the statement made in para 7 of the written statement, the deponent denies the correctness of the same and reiterates the statement made in para 4.13, 4.16 and 4.22 of the O.A. and the deponent further begs to state that as per Memorandum of understanding between the DPO/APDJ and RNY Book of sanction (BOS) of Personnel Branch it was to be divided into 50:50 ratio and thereby the Rangiya Division were to get about 70 posts in the Personnel Branch which was required to be transferred with effect from 01-04-2003 i.e., from the date of inception of Rangiya Division. But APDJ, in peace meal basis whereby deprived the staff of Personnel Branch of RNY Division from getting restructuring benefits. This fact is substantiated by the Annexure XX to

Cholok Raman

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

22 FEB 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

the O.A.

Regarding 16 posts being transferred from other divisions to the Rangiya Division as stated by the Respondent is not correct, the deponent further begs to state that the said classified 16

posts had not been transferred from other Divisions rather it was taken notionally from the total share of 70 posts which should have been transferred to RNY Division from APDJ Division as per Book of Sanction of Rangiya, dated 01-04-2003 (Annexure III of the O.A.) The deponent further begs to state as stated in the O.A. the Engineering Department of Rangiya Division have received the benefits of re-structuring of cadre of total sanctioned strength after receiving complete Book of Sanction (BOS) along with the Personnel Branch of Rangiya Division. Moreover, if 16 posts have been taken notionally for why not another 61 post be taken notionally for the purpose of restructuring the cadre of the Personnel Branch.

7. That, with regard to statement made in paragraph 8 to 11 of the written statement the deponent denies the correctness of the same and reiterates the statement made in para 27 of the O.A. and

केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal

29/08/2007

मुद्राहारी न्यायपीठ
मुद्राहारी न्यायपीठ

Further begs to state that the Respondent No.3 by rejecting the applicant's claim in an arbitrary manner and by issuing notice dated 29-08-2007 for filling up 12 vacancies has defied the notification dated 09-10-2003 issued jointly by the Ministry of Railway and the Railway Board regarding the restructuring of the cadre based on modified

Delak Banman

105

selection procedure based on seniority and assuring the service records only without resorting the normal selection procedure of test and interviews.

8. That, with regard to the statement made in paragraph 12 and 13 of the written statement the deponent denies the correctness of the same and reiterates the statement made in para 4.30 to 4.35 of the O.A.
9. That, the statements made in paragraphs 1, 2
& 3 are true to my best of knowledge and those made in paragraphs 4 to 8 being matters of record are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 22nd day of February 2008, at Guwahati.

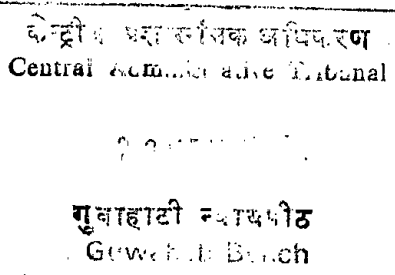
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K. D. Srim

Golak Barman

DEPONENT

Advocate's ~~Clerk~~



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH/GUWAHATI
(AMENDED ORIGINAL APPLICATION)
O.A. NO. 266/2007
(Shri Golak Barman-Vs- Union of India & Ors.)

Filed by: the applicant through U. Dutta
Advocate On 29.01.10.

SHORT SYNOPSIS OF THE CASE

The applicant who was appointed in different years during the period from 1980 to 1997 are working in various capacities, in the cadre of Officer Superintendent, Head Clerk, Senior Clerk and Junior Clerk under the N.F. Railway.

That w.e.f. 1.4.03, the Rangiya Railway Division was created carrying out from the erstwhile Alipurduar Division and as per the MOU/Joint Procedural Note executed on 6.3.03, the cadre of the erstwhile Alipurduar Division was to be divided into 50:50 meaning thereby the Rangiya Division were to get about 70 posts in the Personnel Branch.

That vide a notification dated 9.10.03 issued jointly by the Ministry of Railways & the Railway Board, the cadres strength are to be re-structured and the posts arising out of such restructuring are to be filled up by modified selection procedure based on seniority and assessing the service record only without resorting to normal selection procedure of test and interview.

That the Alipurduar did not transfer the required posts in time but resorted to transfer the posts in piecemeal fashion and kept the posts at Alipurduar till the posts were transferred to Rangiya on different dates.

On the other hand keeping the posts at Alipurduar, in respect of Personnel branch only, Alipurduar carried out the restructuring and gave the benefits to the employees of Alipurduar Division for which the staffs of the Rangiya Division including the applicants were deprived of the benefits of restructuring.

The Divisional Railway Manager (P) Rangiya time and again, more specifically, by official memo dated 31.3.05, 11.5.05, 22.1.07 and 23.2.07 sent proposal supporting with facts and figures for restructuring the cadres of Personnel Branch of Rangiya Division, but the General Manager (P), HQ, Maligaon vide communication dated 8.8.07 rejected the plea of restructuring of the cadres of Rangiya on an untenable ground and hence the instant application.

Had the restructuring been carried out as per the Railway Ministry Circular dated 9.10.03, the applicant would have reaped the benefits by getting promotion to higher posts and would not have languished by remaining stagnant in same posts for years together.

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For Dy. J.L. Sanbani
S.C. Railways
29/01/10

Golak Barman

29 JAN 2010

Guwahati Bench
গুয়াহাটী ন্যায়পীঠLIST OF DATES

- 1980-1997 The petitioners were appointed in various capacities in permanent posts in the NF Railway.
- 3.2.03 Joint Procedural Note executed laying modalities for transfer of posts in the ratio 50:50 from Alipurduar Division to newly created Rangiya Division.
- 1.4.03 Rangiya Railway Division came into effect
- 6.3.03 By issuing an order various posts were transferred from Alipurduar to Rangiya Book of sanction of Rangiya as on 1.4.03 issued correcting permanent sanctioned posts wherein personnel branch posts was shown as 65.
- 21.7.03 By issuing an order, the DRM(P) Alipurduar transferred few more personnel to Rangiya
- 9.10.93 The Ministry of Railway & Railway Board jointly issued an OM for RESSTRUCTURING certain GROUP-C & D cadres in the Railways
- 30.10.03 The General Manager (P) HQ Maligaon forwarded the restructuring OM to all concerned circles for implementation.
- 5.4.04 An instructions was issued from the office of the Respondent No. 3 to be followed for undertaking restructuring of posts at Rangiya.
- 10.6.04 DRM(P) Alipurduar accorded sanction for transfer of 21 posts in personnel branch at Rangiya
- 10.6.04 The DRM(P) issued instruction to delete the posts as per procedural requirement
- 18.8.04 Respondents promoted certain Cabin Man-II to the posts of Cabin Man-I to the vacancies arising out of restructuring
- 10.11.04 Another OM issued from the office of the Ministry of Railway on restructuring to be exercised following matching savings.
- 6.1.05 Sanction accorded for permanent transfer of certain posts from Alipurduar to Rangiya Division.
- 3.2.04 A meeting was held wherein minutes were prepared in order to exercise the process of restructuring of cadres at Rangiya finalizing the sanctioned strength and the transfer of staff as a result of bifurcation of Alipurduar Division.
- 31.3.05 DRM(P) Rangiya issuing a memo declared the cadres strength of personnel Branch at Rangiya to be 76 on restructuring.

Gobak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

- 11.5.05 The BOS of Rangiya was sanctioned by the General Manager (P) HQ as 77 and in management department which also falls under personnel department, to be 27 and for security department to be 11.
- 1.7.05 Few more Cabin Man I were promoted to posts arising out on restructuring
- 15.9.05 Representation on behalf of the Employees Union raising the issue of restructuring benefits to the staff of Personnel Branch.
- 14.11.05 32 more posts in Personnel Branch transferred to Rangiya from Alipurduar
- 22.1.07 A calculation sheet restructuring of posts along with financial involvement prepared by the Rangiya Division and sent to the authority at Maligaon for action.
- 22.2.07 DRM(P) Rangiya surrendered one post of Junior Clerk on matching saving due to restructuring of cadre of Personnel Branch.
- 23.2.07 Division Railway Manager (P) Rangiya sent the revised restructured ministerial cadre of Personnel Branch showing the strength as 71 and supporting with facts and figures, requested for approval of General Manager as per requirement.
- 17.5.07 By issuing an order No. F/240/RN (Restructuring)/03 ministerial cadre of Engineering Branch of Rangiya restructured.
- 11.7.07 The Employees Union raised the issue of restructuring with the authority.
- 12.7.07 Letter from the DRM(P) Rangiya to General Manager (P), HQ for restructuring of cadre of Personnel Branch
- 14.7.07 Some of the applicants represented before the authority
- 16.7.07 DRM(P) Rangiya informed the Employees Union that the matter of restructuring is under consideration
- 8.8.07 Respondent No.3, GM(P) by issuing a communication rejected the request of restructuring
- 29.8.07 Notice issued to fill up 12 posts arose out of restructuring by selection test.
- 6.9.07 Promotion order of Cabin Man cancelled saying further that the cadre will be restructured again

Golok Barman

29 JAN 2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATIGuwahati Bench
গুৱাহাটী ন্যায়পীঠ

(An application under Section 19 of the Administrative Tribunals Act, 1985)

(AMENDED ORIGINAL APPLICATION)

O.A. NO. 266/2007

INDEX

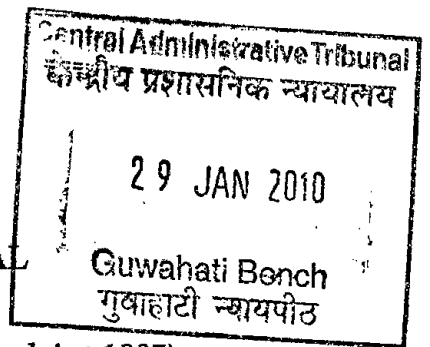
Sl. No.	Annexure	Particulars	Page No.
1.	---	Application	1-25
2.	---	Verification	-26-
3.	I	Copy of Joint Procedural Note dt. 3.2.03 for division of staff	27-28
4.	II	Order dt. 6.3.03 transferring staff to Rangiya from Alipurduar	-29-
5.	III	Services Book of Sanction of Rangiya as on 1.4.03	30-34
6.	IV	Order dt. 21.7.03 transferring staff to Rangiya	-35-
7.	V	Restructuring O.M. dt. 9.10.03 issued by the Railway Board	36-44
8.	VI	Instructions dt. 5.4.04 for restructuring cadres of Rangiya	-45-
7.	VII	Order dt. 10.6.04 transferring more posts to Rangiya from APDJ.	-46-
8.	VIII	Message to delete posts from BOS Alipurduar dt. 10.6.04	-47-
9.	IX	Railway Board's instructions on matching savings dt. 10.11.04	-48-
10.	X	Order dt. 6.1.05 transferring more posts from Alipurduar to Rangiya	-49-
11.	XI	Minutes of the meeting dt. 3.2.05 relating to transfer of posts	50-51
12.	XII	Letter dt. 8.2.05 forwarding minutes to concerned circle	-52-
13.	XIII	O.M. dt. 31.3.05 showing cadre restructuring at Rangiya	-53-
14.	XIV	Posts wise restructuring of cadres of Rangiya dt. 31.3.05	-54-
15.	XVA & XVB	BOS of Division HQ at Rangiya dt. 11.5.05	55-57
16.	XVI	Employees Union representation dt. 15.9.05	58-59
17.	XVII	Sanction of transfer of posts from Alipurduar to Rangiya dt. 14.11.05	-60-
18.	XVIII	Calculating sheet of restructuring dt. 22.01.07.	-61-
19.	XIX	O.M. dt. 22.2.07 surrendering 1 posts on matching saving at Rangiya.	-62-
20.	XX	Revised restructuring strength of Personnel Branch unit of Rangiya.	63-66
21.	XXI	Revised restructured strength of posts of Civil Engg branch dt. 17.5.07.	-67-
22.	XXII	Employees Union representation dt. 11.7.07 demanding restructuring	-68-
23.	XXIII	DRM(P) Rangiya's letter of request dt. 12.7.07 for restructuring	-69-
24.	XXIV	DRM(P) Rangiya's reply dt. 16.7.07 to Employees Union	-70-
25.	XXV	Impugned Communication of the GM(P) HQ dt. 8.8.07.	-71-
26.	XXVI	Notice dt. 29.8.07 to fill up 12 vacancies at Rangiya	72-74
27.	XXVII	Order dt. 6.9.07 to take fresh restructuring for Cabin Man of Rangiya.	-75-

Filed By: ---

Dutta
Advocate

Date:- 29.01.10

Golok Barman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
 (An application under Section 19 of the Administrative Tribunal Act, 1985)

(AMENDED ORIGINAL APPLICATION)

O.A. No. 266/2007

BETWEEN:

Shri Golok Barman
 Presently working as Head Clerk (F)
 Office of the Divisional Railway Manager(P)
 N.F. Railway, Rangiya,
 P.O. & P.S. - Rangiya,
 District- Kamrup, Assam.

— Applicant.

-AND-

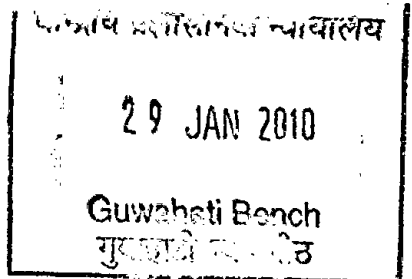
1. The Union of India,
 Represented by the Secretary,
 Ministry of Railway's,
 Rail Bhawan, New Delhi
2. North East Frontier Railway,
 Through the General Manager,
 H.Q. - Maligaon, Guwahati-11.
3. The General Manager (P)
 N.F. Railway, Maligaon,
 Guwahati-781 011.
4. The Divisional Railway Manager(P)
 N.F. Railway, Rangiya
5. The Divisional Railway Manager(P)
 N.F. Railway, Alipurduar Junction,
 District- Cooch-Behar, West Bengal.

..... Respondents.

1. Particulars of the order(s) against which application is made:

- (i) The applicant assails the official communication dated 08.08.2007 issued from the office of the General Manager (P)/Maligaon addressed to Divisional Personnel Officer, Rangiya, N.F. Railway by which the Divisional Railway Manager's (P) Rangiya proposal to undertake cadre-restructuring was turned down on an untenable ground, virtually rejecting the demand made by the applicants by way of their various application.

Golok Barman



- (ii) The application through the instant application also assails the arbitrary and illegal action of the Respondents in not acting as per the MOU executed in between the Personnel Branch of Alipurduar Division and Rangiya Division as a result of bifurcation of Rangiya Division from Alipurduar Division on the creation of the new Division of Rangiya w.e.f. 01.04.2003 by not transferring the posts in time which could have facilitated early restructuring of the cadres.
- (iii) The applicant through the instant application also assails the arbitrary and illegal action of the Respondents in not carrying out cadre restructuring of the Personnel Branch of Rangiya Division keeping in consonance with the Railway Board's Office Memorandum dated 09-10-2003. As the cadres were not transferred by the Divisional Railway Manager (P) Alipurduar Junction within the accepted time for which the cadres restructuring was not undertaken at Rangiya as a result of which the applicant has been deprived of promotional avenues and better pay and other services benefits.

2. Jurisdiction of Tribunal:

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

3. Limitation:

The applicant also declares that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case:

- 1.) That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution and the relevant rules as applicable to the instant case.

Golak Barman

29 JAN 2010

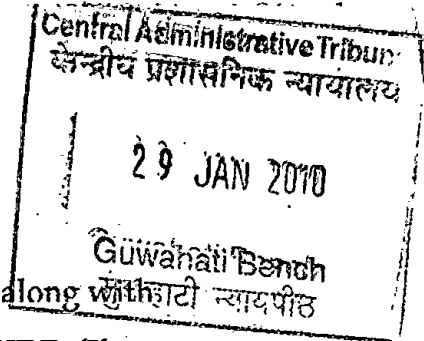
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

- 2.) That after due selection process, the applicant was appointed in various capacities in permanent posts by the competent authorities, of the Railways. Having duly appointed, the applicants performed their duties with nothing – adverse known against him.

The applicant is presently working as Head Clerk(F) in the Personnel Branch under the Divisional Railway Manager(P), Rangiya (thereinafter also referred as Divisional Railway Manager (P)/Rangiya) and posted at Rangiya Division. Similarly, the applicant is presently working as Senior Clerk(F) with Personnel Branch under Divisional Railway Manager(P)/Rangiya. The applicant is posted at Rangiya under some administrative control of Divisional Railway Manager (P)/Rangiya.

- 3.) That the applicant beg to state that the Rangiya unit was earlier under the administrative control of Alipurduar Railway Division of the N.F. Railway. In course of time the authority decided to bifurcate Rangiya unit out of Alipurduar Division and accordingly Rangiya Railway Division was created which is to come into effect from 01.4.2003. In order of give shape, a joint procedural note in connection with bifurcation of actual staff of Personnel Branch of Alipurduar Division for the newly created Rangiya Division was reached in a meeting held on 31.01.2003 and accordingly it was decided that the actual staff of Personnel Branch would be divided in the ratio of 50:50. It was further decided that out of the 163 clerical staff working in Personnel Branch of Alipurduar Division including the 22 number of posts which was identified as non-divisible, the rest 141 staff would be divided providing Rangiya with 70 posts. The said joint note was signed by the Divisional Personnel Officer of both Rangiya ad Alipurduar Division. The aforesaid note was incorporated in the form of a policy and was circulated vide official communication dated 03-02-2003. Along with the aforesaid policy and annexure was also appended showing the post wise strength of the staff.

G. L. Barman



A copy of the aforesaid policy dated 03-02-2003 along with the annexures are annexed herewith as ANNEXURE- 'I'.

- 4.) That at the time of creation of Rangiya Railway Division, there existed 10 posts in the Personnel Branch and hereafter 16 more person came from different division to Rangiya. Further a per the joint procedural note, the Divisional Railway Manager (P) Alipurduar Division, vide a order dated 06-03-2003 transferred 17 persons to Rangiya Division. The aforesaid order contain name of four persons from the Personnel Branch including the name of the three present applicants.

A copy of the aforesaid order dated 06-03-2003 is annexed herewith as ANNEXURE- 'II'.

- 5.) That thereafter the provisional Book of Sanction (hereinafter referred as BOS in short) as on 01-04-2003 of the Personnel Department as corrected was released wherein the sanction strength of office Superintendent, Head Clerk, Senior/Junior Clerk, were shown in total to be 60. In similar way, the staff of Personnel Branch working at New Bongaigaon and Bongaigaon was show to be 28 in the book of sanction.

A copy of the aforesaid Book of Strength as on 01-04-2003 is annexed herewith as ANNEXURE - "III" series.

- 6.) That, thereafter vide an order dated 21-07-2003 the Divisional Railway Manager (P) Alipurduar Division transferred 6 staffs to Rangiya Division which include the name of two present applicants.

A copy of the said transfer order dated 21-07-2003 is annexed herewith as ANNEXURE- 'IV'

- 7.) That, the Railway Authority in the year 2003 decided to restructure the cadres in order to create more promotional avenues and better service benefit to the existing staff and accordingly a circular dated 09-10-2003 was issued by the Ministry of Railways intimating the

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29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

different Railway zones existing in India on the restructuring procedure. As per the said circular the post arising out of restructuring are to be filled by senior staff through modified process of selection procedure. The entire restructuring procedure is to be a self-financing procedure. The financial implication is to be carried out by matching savings done by surrendering of posts, so that the financial burden is bare minimum.

A copy of the aforesaid circular dated 09-10-2003 which was forwarded by letter dated 30-10-2003 of the General Manager (P) .F. Railway is annexed herewith as ANNEXURE-'V'.

- 8.) That, thereafter the General Manager (P) by issuing office communication dated 05-04-2004 issued certain instruction to be followed in matter of restructuring due to creation of New Rangiya Division. As per the said instructions, optees who accepted transfer to Rangiya Division are also entitled to restructuring benefits even though they may be transferred after 01-11-2003.

A copy of the aforesaid communication dated 05-04-2004 issued by the Respondent No. 3 is annexed herewith as ANNEXURE- 'VI'.

- 9.) That, following the joining procedural note of bifurcation, the Divisional Railway Manager (P) Alipurduar by issuing a memorandum dated 10-06-2004 accorded sanction, along with others, 21 posts of Personnel Branch to be transferred from Alipurduar and by issuing a separate communication of even dated 10-06-2004 instructed to delete the posts from the BOS of Alipurduar Division which have been subsequently transferred.

A copy of the memorandum and W.T. dated 10-06-2004 is annexed herewith as ANNEXURE- 'VII' & 'VIII'

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29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

- 10.) That, it may be stated here that the Divisional Railway Manager (P) Rangiya following the process of restructuring, issuing a order dated 18-08-2004 promoted certain cabin Man from grade-I to grade-II. The above promotion was given as a result of restructuring of the staff of Rangiya after creation of division and upon transfer of the posts of Alipurduar Division to Rangiya Division.

The applicant crave leave of this Hon'ble Tribunal indulgence to produce and rely on the aforesaid promotion order dated 18-04-2004 whenever so required.

- 11.) That, is continuance of the process of restructuring, the Ministry of Railway by issuing a memo dated 10-11-2004 issued instruction to be followed on matching savings while adjusting the cadre from one Department to other at own level restructuring the cadre. It was further instructed in the aforesaid memo that for matching savings ad adjustment of cadre by surrendering, approval of GM is to be obtained.

A copy of the aforesaid Office memorandum dated 10-11-2004 is annexed herewith as ANNEXURE - 'IX'.

- 12.) That, in continuance of the process of bifurcation, the Divisional Railway Manager (P) Alipurduar by issuing a memorandum dated 06-01-2005 accorded sanction for permanent transfer of various posts in different department including that of 9 posts of Junior Clerk of personnel Branch.

A copy of the aforesaid memorandum dated 06-01-2005 is annexed herewith as ANNEXURE- 'X'.

- 13.) That, as the process of transfer has been delayed for reasons best known to the authorities, the incumbents who were serving at Rangiya were denied the benefits of restructuring. Therefore, a meeting was held to finalize the sanction strength, transfer of staff and restructuring of cadres at Rangiya Division, the Divisional Railway Manager, Rangiya the Divisional Personnel Officer of both

Golak Barman

Rangiya and Alipurduar Division along with others were preset. In this meeting it was decided that the Alipurduar Division will transfer the balance agreed post and the process is to the Rangiya Division will issue the Book of sanction accordingly. It was further resolved in the meeting that posts transferred to Rangiya Division after 901-11-2003 will be notionally taken into account for restructuring and after the exercise of restructuring the new BOS as on 01-04-2005 will be issued on Ragiya Division within 15-05-2005. The said minutes of the meeting dated 03-02-2005 was set to the concerned authorities by the Respondent No.3 vide communication dated 08-02-2005.

A copy of the aforesaid minutes of the meeting dated 03-02-2005 and the forwarding letter of Respondent No. 3 dated 09-02-2005 are annexed herewith as ANNEXURE- 'XI' & 'XII' respectively.

- 14.) That, even though it was resolved that the process of restructuring will be completed at the earliest by transferring the required posts from Alipurduar to Ragiya, the concerned authority delayed the matter in case of Personnel Branch posts for which the serving incumbents including the applicants are deprived the benefits of restructuring. On the other hand, the Respondent No. 3 by issuing a communication dated 17-03-2005 instructed to carry out the restructuring of medical department of Rangiya Division by providing matching savings.
- 15.) That, in continuing the process of restructuring after much delay, the office of the Divisional Railway Manager (P) Rangiya issuing a memorandum dated 31-03-2005 restructured certain categories of posts including the post of Chief Office Superintendent both I and II, Head Clerk, Senior Clerk and Junior Clerk. As a result of restructuring the post of Chief Office Superintendent, OS-I, OS-II, Head Clerk, Senior Clerk and Junior Clerk were revised to the strength of 3, 6, 12, 22, 18 and 15 from 2, 4, 8, 24, 22 and 16

Golak Barman

respectively. In the aforesaid memorandum it has further been mentioned that to effect the restructuring benefit, required posts will be surrendered and the process has been approved by the Divisional Railway Manager (P) Rangiya. The Divisional Railway Manager (P) Rangiya following the restructuring process has accorded sanction to the restructuring of certain group 'C' & 'D' posts in the Engineering Department as well.

A copy of the said memorandum dated 31-03-2005 is annexed herewith as ANNEXURE- 'XII' and 'XIV' respectively.

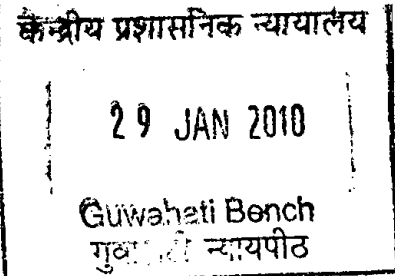
- 16.) That in course of time, the General Manager (P) H.Q. Maligaon vide his letter dated 14-03-2005 under memo No. F/283/218 (HQ) - (C) Pt-II intimated the BOS for Divisional Headquarter Office at Rangiya Personnel Department has been fixed to the strength of 77. In the said communication dated 11-05-2005 issued from the office of the Divisional Railway Manager(P) Rangiya, it has been clearly mentioned that out of 61 clerical posts, only 39 are available and remaining 22 are yet to be transferred. In similar fashion the Respondent No. 4 also issued BOS in respect of Management Department of Security Department which are also part of personnel Branch.

Be it be stated here that the Security falls under the Personnel Branch and here also 6 posts were shown yet to be transferred to Rangiya from Alipurduar Division.

A copy of the aforesaid office correspondence dated 11-05-2005 of the Respondent No.4 are annexed herewith as ANNEXURE- 'XV-A' and 'XCV-B' respectively.

- 17.) That continuing the process of restructuring of Cabin Man, the Respondent No. 4 by issuing an order dated 01-07-2005, promoted 61 Cabin Man-II to Cabin Man-I to the vacancies assigning out of restructuring.

G. S. Barman



- 18.) That, as the Respondents were delaying the whole process of restructuring in respect of Personnel Branch of Rangiya Division, the applicant and other took up the issue with the Employees Union and accordingly, the Union vide its representation dated 15.03.2005 requested the authority for an early implementation of the restructuring exercise in the Personnel Branch of Rangiya Division. In the said representation, it was also show how there is large shortfall between the sanctioned strength and the Roll. The short fall was found to be 38 in case of Personnel Branch.

A copy of the aforesaid representation submitted by the Employees Union is annexed herewith as ANNEXURE- 'XVI'.

- 19.) That, as already stated above, in the Alipurduar Division who are to expedite the process of transferring of the posts caused immense delay. As a result of which the process of restructuring could not be carried out at Rangiya. The Alipurduar Division, adopting a peace meal fashion, transferred the posts. In this process by issuing an office order dated 14.11.2005 32 posts in various cadres of Personnel Branch along with other posts of different department were transferred from Alipurduar to Ragiya Division.

A copy of the aforesaid sanctions of transfer order dated 14.11.2005 is annexed herewith as ANNEXURE- 'XVII'.

- 20.) That, as already stated above, the Alipurduar Division who are to expedite the process of transfer of posts did not act promptly and the posts were kept at Alipurduar and after exercising restructuring process at Alipurduar, the posts were transferred to Rangiya for which the incumbents at Rangiya suffered. In order to do justice, the Divisional Railway Manager (P), to effect the process of restructuring following the process of Matching savings, prepared a data at official level and sent the same to the Headquarter with a request to act so

Gulab Barman

that the benefit of restructuring can be given to the employees who deserved the same.

The said calculated sheet of restructuring is annexed herewith as ANNEXURE- 'XVIII'.

- 21.) That, acting on the aforesaid proposal, the Divisional Railway Manager (P) Rangiya by issuing an order dated 22-02-2007 deleted one post of Junior Clerk from the BOS by matching savings. The aforesaid exercise was done keeping in consonance with the process of restructuring.

A copy of the aforesaid order dated 22-02-2007 is annexed herewith as ANNEXURE- 'XIX'.

- 22.) That, acting correspondingly and keeping pace with the process of restructuring, the Divisional Railway Manager (P) preparing a revised Restructuring of the material cadre of Personnel Branch, sent a proposal to the Respondent No. 3, to obtain GM's approval which is necessary to give effect to the process of restructuring. The aforesaid proposal was justified with reasons and data which has been appended to the same.

A copy of the aforesaid official correspondence dated 23-02-2007 along with the relevant sheet are annexed herewith as ANNEXURE- 'XX' Series.

- 23.) That, he stated here that the Respondent No. 4 following the process of restructuring after the posts were transferred, reviewed the cadre strength of Engineering Department and restructured the cadre. In this case, the Alipurduar Division did not consider the posts and kept aside the posts while exercising restructuring process at Alipurduar.

A copy of the aforesaid memorandum dated 17-05-2007 reviewing the cadre strength of Civil Engineering Branch of Rangiya Division is annexed herewith as ANNEXURE- 'XXI'.

Golak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

- 24.) That, as the incumbents serving at the Personnel Branch have been deprived from the benefits of restructuring process, the recognized Employees Union, took up the matter with the Respondent No. 4 requesting him to extend the restructuring benefits taking into consideration of justified members of posts or else the union may be compelled to take course to agitational path. The applicant also, in addition to the ultimatum given by their union, submitted an appeal to the General Manager, on 14-07-2007, demanding restructuring in Rangiya Division, as per their entitlement, and the applicant crave to produce whenever required so.

A copy of the aforesaid ultimatum submitted by the Recognized Union dated 11-07-2007 is annexed herewith as ANNEXURE- 'XXII'.

- 25.) That, by another official communication dated 12-07-2007, the Divisional Railway Manager (P) Rangiya intimated the Respondent No. 3 about the cadre strength of Rangiya Division after the posts were transferred to Rangiya from Alipurduar Division. The total cadre strength in Personnel Branch was shown to be 61 along with 4 in Management Branch and 6 in Security Department.

A copy of the aforesaid official correspondence of Divisional Railway Manager (P) Rangiya dated 12-07-2007 is annexed herewith as ANNEXURE- 'XXIII'.

- 26.) That, he further stated that the office of the Respondent No. 4 through a communication dated 16-07-2007 intimated the union that matter of restructuring the cadre of Personnel Department is under process and there is a constant effort to resolve the issue.

A copy of the aforesaid communication dated 16-07-2007 of Divisional Railway Manager (P) is annexed herewith as ANNEXURE- 'XXIV'.

G. Lakshmi Baraman

- 27.) That, when there are justified reasons to grant the benefits of restructuring to the staffs of the Personnel Branch and when the same has been constantly supported by Respondent No. 4 through facts and figures, the Respondent No. 3 acting in an arbitrary manner by issuing a communication dated 08-08-2007 ad taking a flimsy ground informed that the process of restructuring cannot be counted twice, thereby finally rejecting the applicant claim.

A copy of the aforesaid communications dated 08-08-2007 issued from the office of the Respondent No. 3 is annexed herewith as ANNEXURE- 'XXV'.

- 28.) That, the Respondents on the other hand denying the benefits of restructuring to the applicants who are eligible and entitled for the same, resorted now to fill up the 12 posts of Office Superintendent (F)-II in the scale of Rs. 5500-9000/- in the Personnel Branch through normal selection procedure and accordingly issued a list of eligible candidates who are to sit in the written test. The schedule date of Examination though was fixed o 22-09-2007 has not been cancelled on the union's pressure, and the next date is yet to be declared.

A copy of the aforesaid notice dated 29-08-2007 for selection of Officer Superintendent (F)-II is annexed herewith as ANNEXURE- 'XXVI'.

- 29.) That, the applicant beg to state that, though the Respondents have stated that the process of restructuring cannot be done twice, yet acting contrary to same, by issuing an order dated 06-09-2007 has cancelled the selection of Cabin man -I and has further stated that the process of restructuring will be carried on again.

A copy of the aforesaid order dated 06-09-2007 is annexed herewith as ANNEXURE- 'XXVII'.

- 30.) That, the applicant beg to state that they are entitled to get the benefit of restructuring which was initiated in pursuant to the

G. L. Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

scheme/memorandum dated 09-10-2003 upon restructuring of the cadres, the incumbents were to be promoted and upgraded to the posts arising in superior cadres. This movement to procedure without adhering to normal selection based on the individual service records and on the basis of seniority. If this would be done in time, the applicant by this time would have been getting better pay-packages, but for arbitrary action of the Respondents, have been denied from the same. The applicants are eligible and entitled to reap the benefits of restructuring in all respects, but were deprived from the same for reason, if any which is best known to the Respondents.

- 31.) That, applicants beg to state that an understanding having arrived in pursuant to the meeting held on 31-01-2003, the Divisional Railway Manager (P) Alipurduar, instead transferred the posts in place meal fashion for which the posts were not taken into consideration and restructuring could not be done at Rangiya. On the other hand, the Divisional Railway Manager (P) Alipurduar considering the post which were to be transferred to Rangiya, carried out the restructuring illegally at Alipurduar and thereafter only the posts were transferred. This was done in respect of Personnel Branch only, but was not done in other branches as can be evident as not affected from the foregoing paragraph and the annexures annexed to this application.
- 32.) That the applicant beg to state that they cannot be deprived and denied from the benefit of restructuring which would have resulted in promotion to superior posts and for any delay caused by the Alipurduar Division cannot be a ground to deprived the applicant from the benefits to which they are legally entitled to get.
- 33.) That, it is evident that the Divisional Railway Manager (P) Rangiya time and again showing the cadre strength in detail along with the financial implication that was involved upon making sawing, sent proposal repeatedly one after another requesting the authority at

Golak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Maligaon to accord approval and given the benefits to the incumbents who are legally entitled to same. The authority at Maligaon, though had accord approval in other departments, but has refused to do so in respect of Personnel Branch only thereby treating the applicants discriminatorily. If the Respondents can extend the benefits of restructuring to Civil Engineering Branch in May, 2007 (referred Annexure-XXI) and further whereby order dated 06-09-2007 the Respondents could cancel the promotional order in respect of Cabin Man-II saying that the restructuring process will be done afresh, there is therefore no justifiable reason to deny the benefits to Personnel Branch employees including the applicants and hence the grounds cited by the Respondents No. 3 vide communication dated 08-08-2007 (Annexure-XXV) is therefore not tenable and cannot sustain.

It is pertinent to state here that 16 posts which were latter notionally transferred Rangiya, were considered in cadre restructuring and at the same time Alipuduar Division looking the strength of 61 posts, which too include the 16 post of Rangiya as also carried restructuring process at Alipurduar, thereby having two restructuring. If that can be done so, the same ought to have been done in case of Rangiya Personnel Branch.

- 34.) That the applicant state that the posts which the Respondents have now proposed to fill up, have arise as a result of restructuring process and hence, in such 3 posts of Chief Officer Superintendent and the 12 posts, it is the applicant and other serving incumbents of Personnel Branch who are entitled to get promoted as per modified selection procedure and hence the applicant cannot be asked to sit in the selection process for getting promotion. Hence, the Despondent are to be permanently restrained from filling of aforesaid 3 and 12 posts in the personnel Department through proposed selection and it is the applicant who are entitled to get promoted to such posts.
- 35.) That, the applicant beg to state that, they are entitled to be absorbed on promotion to the sanctioned 58 posts in Personnel Branch as per

G. Lak Barman

the sanctioned strength as acknowledged by the Divisional Railway Manger (P) vide his official letter dated 31-03-2005 (Annexure-XIII) and reiterated through proposal sent through official calculation sheet of restructuring dated 22-01-2007 and the revised restructuring cadre as done and shown in official correspondence dated 23-02-2007 (Annexure-XX). The Respondent No. 3, therefore ought to have sanction the same upon getting approved form the authority concerned.

- 36.) That, this application is filed jointly by the applicants, against the common cause of action, seeking common reliefs, based on the Respondents Policy/Scheme framed in 2003, which has statutory force in view of the provisions of Railway Board Act, 1905.

However, a separate miscellaneous application has been filed under Rule 4 (5) (a) of the Administrative Tribunal (Procedure) Rules, seeking leave of this Hon'ble Tribunal.

- 36.A) That it is stated that as a result of agreement/decision arrived at by railway administration through joint procedural note dtd. 03.02.2003 i.e decision of allocation of 50 % posts in different ministerial cadre fall in the share of newly created Rangia Division from the erstwhile Alipurduar Division.

It is pertinent to mention here that the benefit of cadre restructuring has been provided by the Railway Board through O.M dtd. 09.10.2003 w.e.f 01.11.2003, whereas the Rangia Division has been created w.e.f 01.04.2003 and accordingly it was decided in the meeting for bifurcation of personal branch staff as on 31.01.2003 at the ratio of 50:50 between Alipurduar Division and Rangia Division.

It would be evident from para 1 of Joint procedural note dtd. 03.02.2003 (Annexure-1) of the original application, wherein it has been declared that 70 posts at the Rangia Division in the Divisional Head quarter level.

It is pertinent to mention here that from the filed office ministerial staff, another 50 posts fall in the share of Rangia Division i.e. the ministerial staff of Chief workshop Manager, NBQ, New

Golak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Bongaigaon. Therefore total ministerial posts stand in favour of Rangia division is $70+50=120$ posts. It is also relevant to mention here that 1 more post besides 120 posts fall in the share of Rangia Division as a result of bifurcation from the erstwhile Alipurduar Division.

36. B) That it is stated that it would be evident from Annexure-III, where provisional BOS as on 01.04.2003 has been indicated altogether 60 posts for newly created in the personal branch of Rangia Division. The total 60 posts shown against the personal branch infact includes 50 clerical posts of different category of CWM, NBQ and 10 posts of personal branch which were transferred on 2 phases vide order dtd. 06.03.2003 (Annexure-II, page-39) and also vide order dtd. 21.07.2003 (Annexure-IV, page-45). It is pertinent to mention here that the 121 posts which were fall within the share of newly created Rangia Division were transferred on different phases.

The detail particulars of transfer of the posts of personal branch are furnished hereunder for perusal of the Hon'ble Tribunal.

<u>No. of posts</u>		<u>Order of transfer from Alipurduar Division to Rangia Division.</u>	<u>Dep'tt.</u>
1 st phase	4	Order dtd. 06.03.2003 (Ann-II, page 39 of the O.A)	Personnel Branch
2 nd phase	6	Order dtd. 21.07.2003 (Ann-IV, page 44 of the O.A)	-Do-
3 rd phase	20	Letter dtd. 10.06.2004 (Ann-XX, page 70 of the O.A)	-Do-
4 th phase	9	Letter dtd. 06.01.2005 (Ann-XX, page 70 of the O.A)	-Do-
5 th phase	32	Letter dtd. 14.11.2005 (Ann-XX, page 70 of the O.A)	-Do-
Total posts		71 posts.	

(Note:- The above 71 posts transferred from the H.Q office Alipurduar Division to H.Q office, Rangia Division).

G. L. Barman

In addition to the above 71 posts another 50 ministerial posts belongs to CWM, NBQ also falls within the share of Rangia Division. As such newly created Rangia Division got altogether 121 ministerial posts in the personnel branch after creation of the division in different phase in view of the decision of the railway administration arrived through joint procedural note as indicated in Ann-I letter dtd. 03.02.2003 and the actual staff were distributed between Alipurduar and Rangia Division at the ratio of 50:50 as on 31.01.2003.

36. C) That it is stated that the 50% Ministerial posts of Personnel Branch which were allotted to Rangia Division of the personnel branch but those posts were released on different phases after the bifurcation of Alipurduar Division. As a result of delayed transfer/release of the posts of personnel branch from the erstwhile Alipurduar division. The present applicants were adversely effected in the matter of promotion/financial upgradation which was carried out by the Rangia Division vide memo. Dtd. 31.03.2005 (Annexure-XIII, page-59 of O.A) pursuant to the railway boards letter dtd. 09.10.2003 (Annexure-V of O.A). But unfortunately the restructuring was carried out by the DRM (P) taking into consideration only 76 posts of personnel branch instead of 121 posts of personnel branch, which were formally allotted to newly created Rangia Division following letter dtd. 03.02.2003 (Ann-1 of O.A), which would be evident from DRM (P), Rangia's letter dtd. 23.02.2007 (Ann-XX, page-69 of O.A) addressed to GM(P), N.F. Railway, Maligaon since Rangia Division carried out the restructuring taking into consideration only, 76 posts of personnel branch, as a result of the scope of promotion, financial upgradation has been reduced to a great extent and the present applicants have been deprived of their legitimate promotion/financial upgradation benefit on account of restructuring. Hence the present application.

36. D) That it is stated that it would be evident from the DRM(P), Alipurduar letter dtd. 12.07.2007 that the DRM(P), Alipurduar

Golak Barman

specifically admitted in para 1 of the said letter that they have carried out the restructuring of clerical cadre of personnel branch of Alipurduar junction division as on 01.11.2003 based on a total of 172 posts vide letter memo. of even number dtd. 13.02.2004. It is also admitted by the DRM(P), Alipurduar that after restructuring of cadre, a total number of 61 clerical posts in different grades were transferred to Rangia Division. The relevant portion of para 1 and 2 are quoted hereunder:-

1. Restructuring of clerical cadre of 'P' Branch/APDJ Division as on 01.11.2003 was done based on a total of 172 posts vide DRM(P)/APDJ's memorandum of even number dated 13.02.2004.
2. After the restructuring of cadre of a total of 61 clerical posts in different grades were transferred to RNY Division in different phases as under:-

SN	No. of post in the RNY Divn.	Authority No.
1.	20 posts (OS/Gr I/E=02, OS/Gr.II/E=02, Hd. Clerk/F-09, Sr.Clerk/E=06, Jr. Clerk/E=01)	E/191/AP(C) RNY-Divn/47/A dt. 10.06.04
2.	09 posts (Jr. Clerk/E)	E/191/AP(C) RNY-Divn/47/A dt. 06.01.05.
3.	32 posts (Ch.OS=01, OS/Gr I/E=03, OS/Gr.II/E=04, Hd Clerk/E=14, Sr. Clerk/E=10)	E/191/AP(C) RNY-Divn/47/A dt. 14.11.05

It is quite clear from the letter dtd. 12.07.2007 that the restructuring carried out by the Alipurduar division in an arbitrary and irregular/illegal manner in violation of the decision arrived by the railway administration through joint procedural note in connection with bifurcation of actual staff of personnel branch APDJ division for providing staff for newly created Rangia division as on 31.01.2003 at the ratio of 50:50 between Alipurduar junction and

G. Lakshman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Rangia division. The DRM(P) Alipurduar junction is not entitled to carry out restructuring taking into account 172 posts of clerical cadre of personnel branch when only 121 posts fall within the share of APDJ division. The restructuring carried out by the APDJ division is void-ab-initio. As per para 20 of the railway board's letter dtd. 19.10.2003 the DRM(P), APDJ entitled to carry out the restructuring taking into account the cadre strength as on 01.04.2003. But the DRM(P) APDJ made a departure from the statutory instruction contained in para 20 of the Railway Board memo dtd. 09.10.2003, while carrying out the restructuring vide letter dtd. 13.02.2004 and thereby deprived the present applicants of their benefit of promotion due on account of restructuring provided by the railway board through memo dtd. 09.10.2003. Hence the restructuring carried out by DRM(P) APDJ through memo. dtd. 09.10.2003 is void-ab-initio. Since DRM(P) Railway is responsible for non release of posts to Rangia division at the relevant point of time and also responsible for carrying out restructuring taking into account the posts fall in the share of Rangia division, as such the memo. issued by DRM(P) dtd. 13.02.2004 is void-ab-initio. Hence a review is liable to be undertaken both by DRM(P) APDJ division as well as by DRM(P) Rangia Division in order to provide benefit of promotion due and admissible to the present application in terms of memo. dtd. 09.10.2003.

- ✓ 36.F) That it appears from the letter dated 12.07.2007 (Annexure-XXIII of the O.A.) that the DRM (P) APDJ carried out the restructuring in an arbitrary manner taking into account 172 posts of personal branch in total violation of the statutory circular/O.M. dated 09-10-2003 vide memorandum of even number dated 13.02.2004 whereas the DRM (P) APDJ is legally entitled to carry out the restructuring taking into account 121 posts of Personal branch. But in spite of noticing the said irregularity the GM (P) Maligaon did not take any action for correction or review of the memorandum dated 13-02-2004 rather rejected the revised proposal of restructuring benefit of ministerial

G. Lakshman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

cadre of Peroal branch of Rangia Division. As a result a section of employees including the applicants have been deprived of the benefit of promotion/restructuring of cadre w.e.f. 01.11.2003. It is

categorically submitted that the present applicant did not get the benefit of restructuring while serving at APDJ pursuant to the Railway Board's dated 09-10-2003. As such denial of benefit of restructuring hits Article 14 of the Constitution of India and on that score alone the impugned letter dated 08-08-2007 issued by the GM (P) Maligaon is liable to be set aside and quashed.

36. F) That it is stated that it would be evident from memo. dtd. 31.03.2005 that DRM(P), Rangia has carried out restructuring on the basis of sanctioned strength of 76 posts in different clerical cadre of the personnel branch, under DRM(P), Rangia whereas Rangia division has sanctioned strength of 121 posts only in the personnel branch as per decision of allotment of post of clerical cadre of (P) branch of Rangia division as agreed upon on 31.01.2003 at the ratio of 50: 50. As a result of the present applicant have suffered irreparable loss and injury in the matter of their legitimate promotion.

36. G) That it is stated that DRM(P), Rangia after being satisfied that injustice has been caused to the employees of the personnel branch of the Rangia division initiated a detailed proposal for revised restructuring of ministerial cadre of personal branch Rangia division. In the said proposal, the DRM(P), Rangia has shown the detailed particulars of the posts of personnel branch which fall within the share of Rangia division after bifurcation of erstwhile Alipurduar division and categorically admitted that restructuring at Rangia division is carried out vide office memo. dtd. 31.03.2005 taking into account 76 posts of personnel branch, out of which 50 posts belong to CWM/NBQ. 10 posts of DPO which were transferred from APDJ before 01.11.2003 and also taking into account another 16 posts which were transferred from other division from 01.11.2003. It is specifically admitted in the said proposal that restructuring of

Golak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

ministerial cadre of personal branch ought to have been carried out taking into account 121 posts and accordingly a detailed proposal for restructuring was sent to GM(P), N.E. Railway, Maligaon wherein it has been stated that the matter was examined in detail in consultation with associated finance and the proposal also approved by DRM(P), Rangia on 20.02.2007 in order to forward the case to HQ for sanction of the above revised restructuring of (P) branch.

It is relevant to mention here that the DRM(P), Rangia specifically observed that staff joined in Rangia division after 01.11.2003 did not get any restructuring benefit in their earlier place of posting i.e in parent division/unit and staff of Rangia could not get restructuring benefit from 01.11.2003 based on 121 posts. But surprisingly the said proposal was rejected by the GM(P), Maligaon on the alleged ground that restructuring benefit cannot be counted twice as proposed by DPO, Rangia vide letter dtd. 23.02.2007. The impugned letter dtd. 08.08.2007 has been issued in a cryptic manner without assigning any valid or legal ground, more so it is obligatory on the part of the respondents to carry out the proposal of revised restructuring of ministerial cadre of personnel branch of Rangia division as because it has been required to be done or in other words the restructuring has been done at Rangia division taking into account only 76 posts instead of 121 posts, as such administrative error committed by the railway administrator is liable to be rectified. Moreover the applicants cannot be made to suffer for all wrong committed by the administration.

It is settled position of law that due to administrative error if railway employees are not promoted then review must be done to reconsider the promotion of the employees who have been left out from consideration for promotion due to administrative error and accordingly the relevant provision is also made in the railway rule for rectification of administrative error.

36.H) That your applicant have acquired a valuable and legal right for grant of benefit of restructuring issued by the Railway Board under

G. L. Barman

29 JAN 2010

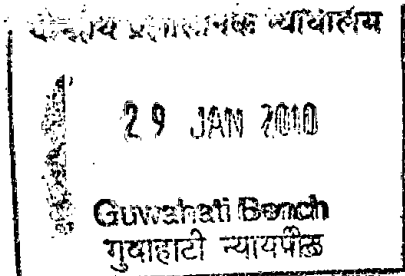
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

statutory O.M. dated 09-10-2003. hence the said benefit cannot be denied to the present applicant and the Original Application deserves to be allowed with cost.

5. Grounds for the present applicants:

- A. For that, 71 points having required to be transferred from Alipurduar Division to Rangiya and this having agreed to in a joint meeting of both the Division held on 03-02-2005, the Respondents therefore ought to give the benefits of restructuring of the cadre strength to the transferred staff. The Respondents now cannot deny the same on some pretext which is not legally tenable.
- B. For that the Respondents having resolved to restructure the cadre and having executed a MOU to that regard, they cannot rescued from their promise and are legally bound to act on the assurance and give the restructuring benefits to the applicants by virtue of the doctrine of provisory estoppel.
- C. For that, the applicants cannot be faulted for the delay caused by Alipurduar in transferring the posts, when the entire exercise was to be completed in time bound manner. If at all the Alipurduar Division has considered the posts while restructuring before the posts are transferred, the benefits cannot be denied to the applicant who one entitled to reap as per the office Memorandum of restructuring dated 09-10-2003.
- D. For that the Respondents have seriously discriminated the applicants, as the Respondents have carried and exercised the process of restructuring in other branch way back up to 2007 also but have denied the same to the applicant and others from Personnel Brach. Hence, the entire action is arbitrary, discriminatory and violative of Article 14, 16 and 19 of the Constitution of India as similarly situated persons have been given different treatment.

Geetika Barman



- E. For that if the restructuring process was carried out as per the proposal and recommendation sent by Respondent No. 4, the applicants would have now been serving in superior posts with better pay and packages and the denial of the same has amounted to deprivation of better source of life and livelihood and hence the action as thus is also violative of the provisions of Article 21 of the Constitution of India.
- F. For that the action of the Respondents are malafide and tainted with color of discrimination and arbitrariness as the applicants have been given different treatment and were denied the benefit of restructuring and the consequential promotion to next higher posts to which they are legally entitled when other department having given the benefits of restructuring to others.
- G. For that the action of the Respondents in not filling the present 12 vacant posts which arose out of restructuring of the cadre through normal selection process without following the modified selection by accessing the service records in violative of Respondents' own circular acquiring statutory force. The Respondents cannot be permitted to proceed with the proposed selection process to fill up 12 vacant posts which are to be filled by senior staffs as per modified selection.
- H. For that in any new of the matter, the impugned communication dated 08-08-2007 is arbitrary, illegal, discriminatory and being non-speaking one without any justified reasons, cannot hold grounds for denial of restructuring benefits and a such same is liable to be quashed and rejected out rightly.
- I. For that at any rate, the impugned action of the Respondents in denying the benefits of restructuring to the employees of Personnel Branch and the impugned communication dated 08-08-2007 are bad in law as well as on facts and thus liable to be quashed, condemned and set aside.

G. Lak Barman

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

J. For that, the present applicants cannot be made to suffer due to administrative error committed by the railway administration, while carrying out the restructuring on 31.03.2005.

K. For that there is specific provision for rectification of administration error in the relevant railway rules as such it is obligatory on the part of the railway administration to carry out the proposal of revised restructuring of personnel branch of Rangia division contained in letter dtd. 23.02.2007.

6. Details of Remedies exhausted:

The applicants declare that they have no other alternative remedy than to approach this Hon'ble Tribunal for getting redressal as repeated plea taken by the union was not acted upon but was turned down, in spite of their repeated approach and appeals.

7. Whether any appeal or suit is pending in any Court with regard to the subject matter in agitation:

That the applicant further declare that there is no suit, application or writ petition pending before any Court or Tribunal with regards to the subject matter as agitated in this application.

8. Details of Relief sought for"

Under the facts and circumstances as stated above ^A it is therefore humbly prayed that the Hon'ble Tribunal may be pleased to admit this application, call for the records and upon hearing the parties may be pleased to quash and set aside the impugned communication dated 08-08-2007 (Annexure-XXV) issued by the General Manager (P) HQ Maligoan i.e. Respondent No. 3 and further be pleased to issue direction directing the Respondents to carry out restructuring process as per the proposal set by the Respondent No. 4, the Divisional Railway Manager (P) Rangiya vide his official correspondence dated 31-03-2005 (Annexure-XII), 22-01-2007 (Annexure-XVII) and dated 23-02-2007

Golak Barman

(Annexure-XX) respectively promoting the applicants to next higher posts retrospectively as per modified selection procedure as prescribed under Office Memorandum dated 09-10-2003 (Annexure- V) and pass such order/orders directing the Respondents to fill up the 3 posts of Chief Office Superintendents and the 12 posts in different cadres as shown in Annexure-XXVI through modified selection without resorting to normal selection process and for pass such order/orders giving full and final relief to the applicants to which they are entitled as per law and equity including the costs of the proceeding.

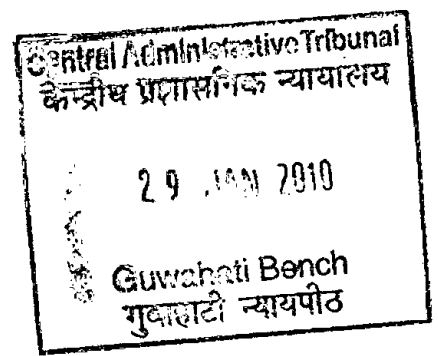
9. Interim Relief(s) if any:

Under the present facts and circumstances, the applicants humbly pray this Hon'ble Tribunal's may be pleased to pass an interim order restraining the Respondents from filling up the 12 vacant posts as shown vide Annexure-XXVI and the 3 posts of COS presently lying vacant.

10. Particulars of I.P.O.:

I.P.O. No. _____ dated _____ for Rs. 50.00 (Rupees fifty only) is enclosed herewith.

G. Lakshman



VERIFICATION

I, SHRI GOLOK BARMAN, presently working as Head Clerk (F) Office of the Divisional Railway Manager (P), N.F. Railway, Rangiya, P.O. & P.S. - Rangiya, in the District of Kamrup, Assam, do hereby verify the statements made in paragraphs Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 28th day of Jan ²⁰¹⁰~~2009~~ at Guwahati.

Golok Barman

Date: 03.02.2003.

No: E/227/144/MPP/Policy

**Joint procedural note in connection with bifurcation of actual staff of P/ Branch
APDJ division for providing staff for newly created RNY division.**

Since been it has been decided in the meeting for bifurcation of P/ Branch staff (Actual staff as on 31.01.2003) at the ratio of 50:50 between APDJ and RNY, the following information/position is given for necessary action.

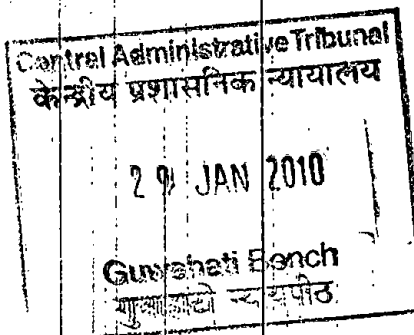
- 1) In the category of Clerk total 163 staff is working in APDJ division. Out of which total 22 numbers post identified as important and non-divisible. With the minus the non-divisible posts, the actual strength comes to only 141 numbers and divided for both the division. Accordingly, 70 posts comes to RNY division. The equal number or bare requirement of mandatory/ non-divisible posts retained for APDJ division may be created for RNY division as per need base policy.
- 2) In the category of P/L/WI total 14 staff is working in APDJ division. Out of which total 05 numbers post identified as important and non-divisible. With the minus the non-divisible posts, the actual strength comes to only 09 numbers and divided for both the division. Accordingly, 04 posts comes to RNY division. The equal number or bare requirement of mandatory/ non-divisible posts retained for APDJ division may be created for RNY division as per need base policy.
- 3) In the category of Steno total 02 staff is working in APDJ division and both the posts is considered mandatory/non-divisible. Therefore no staff should be separable from this division. Necessary posts should be created for RNY division as per requirement.
- 4) The division having lone staff of CLA and could not be divisible. Necessary posts should be created for RNY division as per requirement.
- 5) The division having 02 numbers of Motor Vehicle [one school bus and one jeep]. The number of staff attached to the vehicles could not be divisible. If any vehicle is provided for RNY division, necessary posts may be created thereon.
- 6) The category of Typists is redundant category. At present, there are 04 staff is working in the category. No staff is divided for RNY division for being the post is redundant.
- 7) At present, there 14 Gr. 'D' staff attached to P/ Branch and all staff is considered most essential and mandatory. Therefore, the staff is not divisible for the basic interest of the department. Necessary Gr. 'D' posts should be created for RNY division as per requirement.

For better understanding the note above a complete picture of P/ Branch/APDJ division is annexed (Annexure-1) with bifurcation of staff.

(Parimal Sarkar)
DPO/RNY

(30/Jan/2010/03)

Attested
Dutta
Adh



(A.K. Chhimpolin)
DPO/APDJ



- 28 -

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

JAN 2010

Guwahati Bench
अनखुब न्यायपीठ

Category of staff	Staff as on 31.01.03	Staff not divisible for functioning of deptt.	No. of Staff divisible	Divisible No. of staff for		Addl. staff may require d for RNY against column 3	Remarks
1	2	3	4	APDJ	RNY	7	8
✓ Clerk	163	22	141	71	70	22	Non-divisible figure denotes staff belongs to section in-charges for important section.
P/LWI	14	05	09	10	04	05	At present 04 LWI is working within the new divisional jurisdiction. Additional post staff if required may be created.
Steno	02	02	00	02	00	01	
CIA	01	01	00	01	00	01	
Motor Driver	02	02	00	02	00	01	
Typist	04	04	00	04	00	00	No staff provided for RNY since the category is obsolete.
Gr. 'D' staff	14	14	00	14	00	14	

127-29-

ANNEXURE-24

ALIPURJABAR JUNCTION.

AN RAILWAY

COS/EG/Sr.
(from 4 COS/Sr/Unit)

SN-91

22-21

OFFICE ORDER

The following staff working in APDJ Division who have asked for transfer from APDJ Division to RNY Division of the N.F. Railway. are hereby transferred from APDJ Division to RNY Division on their existing pay, scale and capacity along with the posts and directed to report to OSD/RNY for further duty. Their salary will be drawn at APDJ till further advice under the respective Bill Units.

The terms and conditions of transfer from APDJ division to RNY Division will remain unchanged in terms of this Office notice No.E/191 (C)RNY Divn/47-A dated 08.01.2003.

They are entitled the benefit which are admissible in case of transfer on administrative ground.

DEPT.
COMME
ENGG

NAME DESIGNATION WORKING UNDER

- 1. Farun Ch. Boro, COS/TL/Sr.DCM/APDJ
- 1. Tarini K. Baisya, SE/DRG/Sr.DEN/C/APDJ
- 2. Vijoy Kr. Basumatary, -do-
- 3. Arup Saikia, ADM/Sr.DEN/C/APDJ
- 4. Milan Chak, -do-
- 5. Bipul Ch. Das, -do-
- 6. Ranjit Kr. Boro, -do-
- 1. Munindra Malakar, DYC/Sr.DOM/APDJ
- 2. Pradip Kr Dewry, SCP/Sr.DOM/APDJ
- 3. Dilip Kr. Ramechary, OS-II/Sr.DOM/APDJ
- 4. Ananda Sonar, Jr. Clerk/Sr.DOM/APDJ
- 1. Parth Chakraborty, OS-II/Sr.DME/APDJ - Canceled
- 2. Nabin Ch. Deka, Hd. Clerk/Sr.DME/APDJ
- 1. Syd Anwar Hussain, OS/HDPO/APDJ
- 2. Binod Basumatary, -do-
- 3. Suren Khatia, Hd. Clerk/DPO/APDJ
- 4. Lakshman Swarghuary, -do-

Grand Total : 17

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

OPTG

MECH

PHR

This has got the approval of Competent Authority.

Signature
A K Chhapolia
DPO

For DPO, RLY MANAGER FJ
ALIPURJABAR JUNCTION

-128-
-30-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2004
Guwahati Bench
गुवाहाटी न्यायालय

Done by DPM (P) / ADT.

ANNEXURE II - Series (2)

NERAILWAY

Provisional BOS as on 01.04.2003
Controlling Officer: DPO/RNY Department: Personnel
Permanent Sanctioned corrected upto 01.04.2003

Division: RNY(BOS-I)

Sl	Category	Scale	Sanction	Sanctioning authority and memorandum	Date of sanction	Allocation establishment	Remarks
1	OS/E	7450-11500	02				
2	OS/IE	6500-10500	03				
3	OS/IV	5500-9000	07				
4	HD CLERK/E	5000-8000	18				
5	SR CLERK/E	4500-7000	17				
6	JR CLERK/E	3050-4590	13				
	TOTAL		60				
MISC. GRC P/B RANCH							
1	OS/TYPIST	6500-10500	00				
2	HD TYPIST	5000-8000	00				
3	SR TYPIST	4000-6000	00				
4	CONF STENO	5000-8000	00				
5	JR STENO	4000-6000	00				
6	LAW ASST.	7450-11500	00				
7	R/LIFTER	2750-4400	00				
	TOTAL		00				
WELFARE BRANCH (P/B RANCH)							
1	MOTOR DRIVER	4500-7000	00				
2	MOTOR DRIVER	4000-6000	00				
3	CLW/CPI/I	7450-11500	00				
4	CLW/CPI/II	6500-10500	02				
5	SLW/SPI	5500-9000	02				
6	WL/PI	3000-8000	01				
	TOTAL		05				
TOTAL OF GRC				65			

GRC P/B RANCH							
1	RECORD SORTER	2650-4000					
2	L/DUTTY	2650-4000					
3	JUNIOR PEON	2610-3540					
4	PEON	2550-3200					
5	SENIOR PEON	2550-3200					
6	BUS HELP.	2550-3200					
	TOTAL						

P/B RANCH TOTAL : GRC : 65
GRC : 00
Total : 65

Attended
Dutta
Adv

As on 01.01.2003
 Central Govt. of India
 Division RNT, BSNL, C. I. Terminal Station, Bangalore 560 010, 2003

Sl	Category	Scale	Rank	Qualification	Post	Remarks
1	OS/IT	6500-10500				
2	P/ASST	6500-10500				
3	STENOGRAPHER	8000-8000				
4	RECEPTIONIST	4000-6000				
5	JANITOR	3050-4500				
	TOTAL					
RAJASTHAN ADHICARY (HINDI) DIVISION						
1	WR/UPPY	6500-10500				
2	P/ASST	6000-8000				
3	STENOGRAPHER	4500-7000				
4	HINDI TYPIST	4500-7000				
5	HINDI TYPIST	4050-4500				
6	JR. CLERK	3050-4500				
	TOTAL					
STP SCHOOL RNT DIVISION						
1	AT/Assamese/NBQ	5000-8000	01			
2	AT/Bengali/NBQ	4500-7000	01			
3	AT/Hindi/NBQ	5000-8000	01			
4	AT/Assamese/BNCN	5000-8000	01			
5	AT/Hindi/BNCN	4500-7000	01			
	TOTAL		05			

Total of this page

*AT/Bengali/STP/APDJ in scale Rs. 4500-7000
 *AT/Hindi/STP/APDJ in scale 5000-8000

Submitted vide No. E/41/CRS/AP
 JCT dated 19.09.01

Central Government of India
 केन्द्रीय प्रशासनिक न्यायालय
 29 JAN 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

130

32

Page

Station as well as Bill Unit wise distribution of permanent & temporary Class III & Class IV staff as on 01.01.2003 corrected upto 01.01.2003

Sl	Station	Category	Scale	No. of sanctioned posts	Remarks
			Bill Unit - 575	DRM/RPAN	Subordinate
1	RNY	OS/SE	7450-11500	00	
2		OS/DE	8400-10500	00	
3		OS/JP	5500-9000	02	
4		HD/CLERK/II	5000-8000	02	
5		SR/CLERK/II	4500-7000	02	
6		JR/CLERK/II	3050-4500	04	
7		OS/TYPIST	6500-10500	00	
8		HD/TYPIST	5000-8000	00	
9		SR/TYPIST	4000-6000	00	
10		CONF. STENO	5000-8000	00	
11		STENO	4000-6000	00	
12		LAW/ASST	7450-11500	00	
13		RELIEF	2750-4100	00	
14		USC/RT	2050-4000	00	
15		L'DUTRY	2650-4000	00	
16		JDR/TEON	3610-3540	00	
17		PEON	2350-3500	00	
18		L/PEON	2550-3200	00	
		TOTAL		10	
			Bill Unit - 575	Subordinate	Under RNY
1	RNY	CLW/CPM	7450-11500	00	
2		CLW/CPM/II	6500-10500	02	
3		SLW/SP	5500-9000	02	
4		WLD/II	5000-8000	01	
5		MOTOR DR/II	4500-7000	02	
6		MOTOR DR/II	4000-6000	00	
7		BUS HELPER	2550-3200	02	
		TOTAL		05	
			Bill Unit - 5800	Branch, N/IC-RPAN	
1	RPAN	OS/DE	6500-10500	01	
Total of this page				16	

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 29 JAN 2010
 Guwahati Bench
 गुवाहाटी न्यायालय

-131-

-33-

29 JAN 2010

12h

Page 20

Station as well as Bill wise distribution of permanent & temporary staff as on 01.01.2010
T Branch staff working at NBO, BNGN, DOT, ADD (all in DRAM building).

Sl.	Station	Category	Scale	No. of staffs (on 01.01.2010)	Remarks
Bill Unit = 422 [CW/NBO]					
1	NBO	CC	7450-11500	01	
2		OS	6500-10500	01	1 post permanently varied to AIS/CC/KHAN & 1 post perm. varied to DRAM/ADD side Note/01/1[C] Pt. III, A7/22 (Loss) on 31.12.08
3		OS	5500-9000	03	1 post permanently varied to CW/NBO & 2 in DRAM/ADD as above
4		HE	3000-8000	10	
5		SR	4500-7000	03	
6		JR	3050-4500	06	
		TOTAL		28	
Bill Unit = 252 [DME/W/NBO]					
1	NBO	CC	7450-11500	01	
2		OS	6500-10500	01	
3		HE	3000-8000	04	
4		SR	4500-7000	03	
5		JR	3050-4500	01	
		TOTAL		10	
Bill Unit 754 [DCOS/NBO]					
1	NBO	HE	5000-8000	01	
2		SR	4500-7000	01	
		TOTAL		02	
Bill Unit = 441 [CM/NBO]					
1	NBO	SR	4500-7000	01	
Bill Unit = 426 [STC/NBO]					
1	NBO	OS	5500-9000	01	
2		JR	3050-4500	01	
		TOTAL		02	
Bill Unit = 277 [W/WEWS/BNGN]					
1	BNGN	OS	6500-10500	01	
2		OS	5500-9000	01	
3		HE	3000-8000	01	
4		SR	4500-7000	02	
5		JR	3050-4500	01	
		TOTAL		06	

Certified that no post of category of staff in the personnel and management department have been left out from the above compilation.

Verified/Volled

D. F. M/
23/7/03

For Divl. Rly Manager (P)
Rangrya Junction

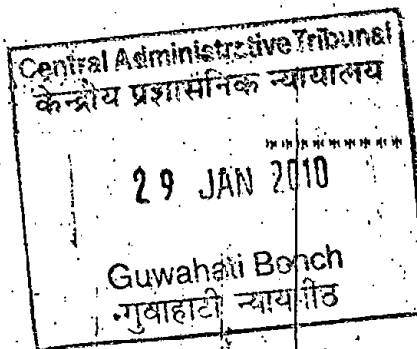
For Divl. Rly Manager (P)
Alipurduar Junction

No. 1741/1(Q)/BOS/71.

dated: 23/7/2003

Copy forwarded for information and necessary action to :-

1. GM(P)/MLG, 2. SRDPO/RNY, 3. DFM/APDJ, 4. DAUO/APDJ
5. OS TO DRM/APDJ, 6. ADFM/RNY, 7. RAAPDJ, 8. PSTC/NBQ
9. CWM/NBQ, 10. DLE/W/NBQ, 11. WM/EWS/BNON, 12. DCOS/NBQ
13. GMT/NBQ, 14. Divl. Secy/NTRU, AISCTREA, NTRORCEA/APDJ
15. Convenor/NTRMU/APDJ, 16. Staff concerned.



[BLT00]

For Divl. Rly Manager (P)
Alipurduar Junction

-35-

ANNEXURE IV

Northeast Frontier Railway
Office of the
Divisional Railway Manager (P)
Alipurduar Junction.

No.E/255/AP[C]TTR/41 Pt.V

TO:
The Sr.Divisional Personnel Officer
NF Railway, Rangiva.

Sub: Sparing of staff.

Ref: GM(P)MLG's D.O.No.F/283/218[HC]-(C)
Dated 9/11.7.03.

21.07.2003
Central Administrative Department
केन्द्रीय प्रशासनिक विभाग
59
14/11/2010
Guwahati Bench
গুৱাহাটী বেঞ্চ

The following staff who have been ordered for transfer to RNY Division vide this office order No.E/255/AP[C]TTR/41 dated 9/11.7.03 with the post are hereby spared from this office to report for further duty at your end.

Sl	Name	Designation
1	Biren Boro	Sr.Clerk/E/APDJ
2	Lauga Choudhury	do.
3	Smt: Sunia Rabha	Jr.Clerk/E/APDJ
4	Gopal Ch.Das	Tig.Jr.Clerk/E/APDJ
5	Dipen Kr.Das	do.
6	Suren Sargiary	Jr.Clerk/E/APDJ

They are entitled to the benefit which are admissible in case of transfer on administrative ground.

This issues with the approval of Competent Authority.

Copy to:

- [1] GM(P)MLG in reference to his D.O.letter quoted above
- [2] DRM/RNY for information please
- [3] DEM/APDJ for information please
- [4] DEM/RNY
- [5] Section Incharge/APDJ. Please hand them immediately
- [6] Staff concerned.
- [7] OS/Pass/APDJ. Please issue duty pass in favour of the above mentioned staff ex. APDJ/NOQ to RNY.

[A.K./Mukherjee]
APDJ
For Div. Rly. Manager (P)/APDJ

[A.K./Mukherjee]
APDJ
For Div. Rly. Manager (P)/APDJ

Affected
Bull
Rd

Sr. DPO / Rang

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2010
Guwahati Bench
गुवाहाटी न्यायालय

N.E. RAILWAY

OFFICE OF THE
GENERAL MANAGER(P)
MALIGAON::GUWAHATI-11.

No. E/304/O-Restructuring(C)

Dated 30-10-2003.

To
All PHODs, All DRMs, ADRMs,
Sr. DPOS/DPOs, DFM's,
CWM/NBQS, DBWS, WAO/NBQS, DBWS, SAO/NJP,
All Area Managers, Sr. DME(D)s, AENs, APOs/GHY, DBWS, NBQS & NJP
DEN/DBRT, WM(EWS)/BNGN, All Non-Divisionalised Units, SPO/Con/MLG,
Dy. CE/Bride Lino/MLG, Sr. DEN/MLG, Dy. CAO/Cash & Pay/MLG,
Dy. CSTE(TC)/MLG, Dy. CSTE(MW)/MLG, MD/CH/MLG,
All SPOs & APOs of 'P' Branch/MLG, SEN(FCW)/MLG,
The GSs/NFREU, NFRMU, AISCTREA, NFROBCEA & NFRPFA/MLG.

Sub:- Restructuring of certain Group 'C' & 'D' cadres.

A copy of Railway Board's letter No. PC-III/2003/CRC/6 dated 09-10-2003 (RBE No. 177/2003) on the above subject together with its enclosures is sent herewith for information & guidance and necessary early action for implementation of the orders.

The controlling officers of the Divisions/Units as well as Hd. Qrs. should immediately take up the work of Implementation in respect of the categories involved in these up-gradation orders in accordance with the instructions contained in Board's letter in consultation with the Associated Finance.

DA/As above.

(A. K. ROY)
SPO/MPP
for General Manager(P)

(Copy of Railway Board's letter No. PC-III/2003/CRC/6 dated 09-10-2003.)

Attested
Dutta
Adv

-37-
Page.
①

K.C. Boro
Sr. Clerk (C)

③

⑬

184
17/10/03
125

भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
रेलवे बोर्ड / (RAILWAY BOARD)

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	
29	JAN 2010
Guwahati Bench गुवाहाटी न्यायालय	
RBE No. 177/2003	

No. PC-III/2003/CRC/6

The General Managers,
All Indian Railways
& Production Units
(As per mailing list)

Ch
C.P. Singh
S.P. Singh
N.F. Railway
Mokigam, Guwahati

New Delhi, dated 09-10-2003

Can file
as to discuss
with CPO

Sub. : Restructuring of certain Group 'C' & 'D' cadres

The Ministry of Railways have had under review cadres of certain Group 'C' & 'D' staff in consultation with the staff side with a view to strengthening and rationalising the staffing pattern on Railways. As a result of the review undertaken on the basis of functional, operational and administrative requirements, it has been decided with the approval of the President that the Group 'C' & 'D' categories of staff as indicated in the Annexures to this letter should be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to :

Date of effect
(hereinafter referred to
as cut-off date)

Applicability to
various cadres

1. This restructuring of cadres will be with reference to sanctioned cadre strength as on the date following the date on which the cadres in the headquarter offices of new Zonal Railways/new Divisions are closed. The restructuring will be restricted to the persons who are working in a particular cadre on the cut-off date.
2. These orders will be applicable on the regular cadres (excluding surplus & supernumerary posts) of the Open Line establishments including Workshops and Production Units. These orders will, however, not be applicable to staff of RDSO for which separate orders will be issued.
- 2.1 These orders will not be applicable to ex-cadre & work charged posts which will continue to be based on worth of charge.
- 2.2 These instructions will also not be applicable to construction Units and Projects, where posts are generally created on worth of charge basis, though those should broadly be conforming to these percentage distributions.

महानिदेशक का कार्यालय
Office of the
General Manager
निर्वाहक
18.10.2003
म.सो. रेलवे, आसिस, गुवाहाटी-२
DR. H. Bhowmik
Mallikarjun, Guwahati-1

Shri Anand

Pay Fixation (Rule
1313 (FR-22)-RII)

Existing classification
and filling up of the
vacancies

Minimum years of
service in each grade

Basic functions, duties
and responsibilities

Adjustment of excess
number of posts

- 136-
- (2)
- 38-
- Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

(12)

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

2
3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1313 (FR-22)(I)(a)(1)-RII on proforma basis w.e.f. 01.01.56 with the usual option for pay fixation as per extant rules. Actual payment based on the pay so fixed should be made from the date of taking over the charge of the higher grade post arising out of these restructuring orders. The benefit under this rule will, however, no longer be available in the case of movement from lower grade to higher grade in the non-functional situations where there is no change in duties as in the case of movement from Goods Guards to Sr. Goods Guards and Goods Drivers to Sr. Goods Drivers etc. In the case of such movement, the pay will be fixed under Rule 1313 (FR-22) (I) (a) (2)-RII. However, the benefit of fixation of pay under rule 1313 (FR-22)(I) (a) (1)R-II will now be admissible in the cases of functional promotions such as promotion from Sr. Goods Guards to Passenger Guards and Sr. Goods Drivers to Passenger Drivers etc. though in identical scale of pay.
4. The existing classification of the posts covered by these orders as 'selection' and 'non-selection', as the case may be, remains unchanged. Action should be taken to position the employees on the basis of selection/non-selection/suitability/Trade Test, as the case may be. However, the instructions contained in Para-13.2 should be followed in case of placement of Supervisors (erstwhile Mistries) to grade Rs.5000-8000.
5. Extant instructions for D&A/Vigilance clearance will be applicable for effecting promotions under these orders with reference to the cut-off date.
- ✓ 6. While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. In other words, residency period prescribed for promotions to various categories should not be relaxed.
7. Since the cadres as detailed in the annexures to this letter are being restructured on functional, operational and administrative considerations, the posts being placed in higher scales of pay as a result of restructuring should include the duties and responsibilities of greater importance.
8. If prior to issue of these instructions the number of posts existing in any grade in any particular cadre exceeds the number admissible on the revised percentages, the excess may

Shri Praveen

29 JAN 2010

39- Guwahati Bench

be allowed to continue to be phased out progressively with the vacation of the posts by the existing incumbents.

Introduction of Multi skilling - merger of:

- i) SM/ASM + YM + TI
- (ii) Personnel/ Welfare/ HOER Inspectors
- (iii) ESM & MSM

9. While implementing these orders, specific instructions given in the foot-notes for the relevant categories in the enclosed annexures should be strictly and carefully adhered to.

10. The concept of Multi-skilling is to be introduced by merging the different categories as mentioned hereunder. While the revised percentage distribution of posts as indicated in the annexures to this letter should be implemented in the unified cadres based on the integrated seniority list, the duties, responsibilities and functions being performed by the employees of the respective cadres will be combined in a phased manner. Each member of the cadre will have to be equipped with necessary skills and functions through proper training and development. The categories indicated herein will be merged by integrating the seniority of the employees working in respective grades with reference to length of non-fortuitous service in the relevant grade keeping the inter-se seniority in the respective group intact.

10.1 The category of Station Masters/Assistant Station Masters, Yard Masters and Traffic Inspectors should be merged into one unified cadre of SM/ASM. The recruitment and promotion pattern as prescribed for the category of SMs/ASMs should be followed in the merged cadre. In the initial stage of the merger, efforts should be made to post the employees in the categories in which they have been working. Accordingly, while the staff belonging to the erstwhile three categories will be working and enjoying the benefit of the unified cadre of SMs/ASMs, on their posting in the Yard they will perform the duties of Yard Master retaining their designation as applicable to the category of Yard Master. Similarly, while performing the inspectorial job they will retain their designation as applicable to Traffic Inspectors. But at a later stage, when they are made fully equipped to discharge all the functions hitherto being discharged by SMs/ASMs, YMs & TIs, administration will have the flexibility to post a person as per the administrative requirement. While redefining the duties and functions, Railways may also review and rationalise the cadre keeping in view the administrative requirements.

10.2 The Personnel, Welfare and HOER Inspectors should be merged and a unified cadre of Personnel Inspectors introduced. After merger, 50% of the posts in the entry grade

Shri Prasad

(4)

(11)

-40- (26)

of the combined cadre viz. Rs.5000-8000 should be filled from amongst the senior St. Clerks of Personnel Department in grade Rs.4500-7000 with three years of service in the grade and the remaining 50% of the posts should be filled as per the instructions contained in Board's letter No.E(NG)-1/2002/PM/1 dated 12-07-02.

✓ 10.3 The categories of Electric Signal Maintainers (ESM) and Mechanical Signal Maintainers (MSM) should be merged and a unified cadre of Signal Maintainers introduced. The recruitment and promotion pattern as applicable to the Electric Signal Maintainers will be followed in the unified cadre of Signal Maintainers.

Introduction of Direct recruitment

- (i) Ministerial Staff (excluding Accounts staff)
- (ii) Personnel Inspectors
- (iii) Depot Material Superintendents

11. The implementation of restructuring scheme in the categories of Ministerial staff, Personnel Inspectors and Depot Material Superintendents is subject to the introduction of direct recruitment in these categories. After implementation of the restructuring in accordance with the revised percentage distribution of posts indicated in the annexures enclosed, the vacancies arising in these categories on or after the cut-off date should be filled through direct recruitment in the manner indicated hereunder.

✓ 11.1 An element of direct recruitment of graduates with not less than 50% marks shall now be introduced at the level of Office Superintendent Gr. II in the pay scale Rs.5500-9000 in the Ministerial categories (Establishment & other than Establishment but excluding Accounts) to the extent of 20% of the posts. The remaining 80% of the posts in grade Rs.5500-9000 shall continue to be filled by promotion of staff from the lower grade Rs.5000-8000 as per the procedure in force.

11.2 20% of the posts in grade Rs.6500-10500 in the category of Personnel Inspectors shall be filled by direct recruitment from amongst the candidates possessing Bachelor degree with Postgraduate Diploma in Personnel Management, labour laws, etc. as mentioned in Board's letter No.E(NG)-1/2002/PM/1 dated 12-07-2002. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per the procedure in force.

11.3 20% of the posts in grade Rs.6500-10500 in the category of Depot Material Superintendents should be filled by direct recruitment from amongst the candidates possessing

Shri [Signature]

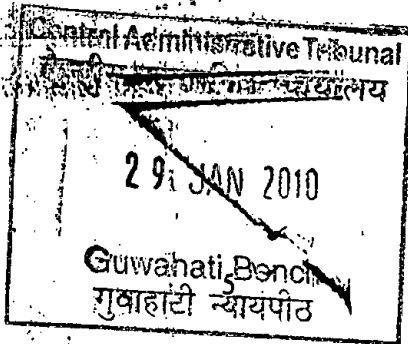
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

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- 41 -



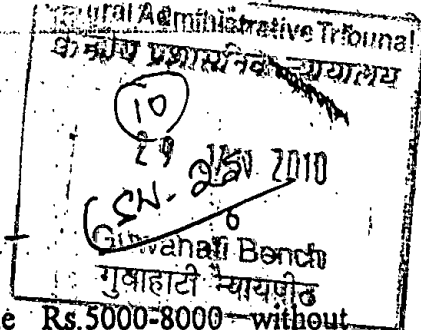
Gatemen (Engg.)

Upgradation of the posts of Supervisor (erstwhile Mistries)

Procedure for fitment

- qualification of degree in Engineering in any discipline. The remaining 80% of the posts shall continue to be filled by promotion of staff from the lower grade of Rs.5500-9000 as per procedure in force.
12. As a result of implementation of this restructuring, more number of additional posts will be available in the highest grade of this category. Henceforth, therefore, the posts of Gatemen (Engg.) should be operated in grade Rs.2750-4400. In order to ensure the full availability of Gatemen (Engg.) and rotation of the existing staff specially those who are working as such for a long period, the Trackmen etc. at the time of their promotion to grade Rs.2750-4400 should be posted as Gatemen (Engg.) subject to their fulfilling the requirement of prescribed medical standard and literacy level etc. as per extant instructions.
- 13(a) Subject to provisions of Para-13.2 below, all the posts of Supervisors (erstwhile Mistries) in grade Rs.4500-7000 Rs.100 Special Allowance (excluding Supervisors (P.Way)) should en bloc be upgraded to the posts of Junior Engineer Gr.II in the pay scale of Rs.5000-8000 and merged with the respective cadre of Technical Supervisors with its spread effect in higher grades Rs.5500-9000, 6500-10500 & 7450-11500 as per the revised percentage distribution of posts prescribed for Technical Supervisors in these orders.
- 13(b) In case of Supervisor (P.Way), the posts being held by the erstwhile PWMs supervising more than one gang upto a maximum of 17.26% of the sanctioned cadre of PWMs shall be upgraded to and merged with the posts of Junior Engineer (P.Way) Gr.II in the pay scale of Rs.5000-8000 with its spread effect in higher grades of JE-I, SE & SSE in grades Rs.5500-9000, 6500-10500 & 7450-11500 respectively, as per the revised percentages prescribed for Technical Supervisors in these orders.
- 13.1 The financial implications involved in the upgradation covered by (a) & (b) above should be off set by surrender of posts of Supervisors of equivalent money value.
- 13.2 The placement of the existing incumbents will be regulated as per the procedure given below:-
- (a) The existing regular incumbents of the posts of Supervisors (including Supervisors/P.Way to the extent of upgradation of

Shri. Prm



posts) will be placed in grade Rs.5000-8000 without subjecting them to normal selection procedure. Their suitability shall be adjudged by following modified selection procedure according to which the selection will be based on scrutiny of service records and confidential reports only.

- (b) The Supervisors (other than P. Way) who do not get promoted to grade Rs.5000-8000 shall continue to hold the post in the existing grade Rs.4500-7000 + Rs.100 SA as personal to them. To this extent, the posts upgraded to grade Rs.5000-8000 will be operated in the lower grade Rs.4500-7000 + Rs.100 SA till the existing incumbents vacate the same by way of promotion, retirement etc. On vacation of the posts, the same shall automatically be operated in grade Rs.5000-8000.

Specific provisions for Supervisor (P.Way)

- 13.3 The remaining posts of Supervisors (P.Way), erstwhile PWMs which are not to be upgraded and shall continue to be operated in the existing scale of pay, should be redesignated as 'Track Supervisor'.

- 13.4 While the existing incumbents of the post of Supervisor (P.Way) redesignated as 'Track Supervisor' shall continue to draw the scale of pay Rs.4500-7000 + Rs.100 SA as personal to them, the future incumbents to the post of 'Track Supervisor' will be in the pay scale of Rs.4500-7000 without the Special Allowance of Rs.100/-.

- 13.5 The upgradation of posts of Supervisor (P.Way) as indicated hereinabove should not result in creation of posts of Trolleyman. In other words under no circumstances, additional posts of Trolleyman would be created.

Provision of reservation.

14. The existing instructions with regard to reservation of SC/ST wherever applicable will continue to apply.

Direct recruitment percentages

15. Direct recruitment percentages will not be applicable to the additional posts arising out of these restructuring orders as on the cut-off date. The direct recruitment percentage will apply for normal vacancies arising on or after the date following the cut-off date. Also the direct recruitment quota as on the date preceding the cut-off date will be maintained.

Pin pointing of posts

16. The administration should take steps to pin-point the additional posts arising out of this restructuring as per administrative requirements.
- Sd/-*

7

29 JAN 2010

-43- Guwahati Bench
গুৱাহাটী ন্যায়পীঠ 7

Refusal of promotion

17. Such of the Staff as had refused promotion before issue of these orders and stand debarred for promotion may be considered for promotion in relaxation of the extant provisions as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on the cut-off date and arising due to restructuring on that date. This relaxation will not be applicable to vacancies arising after the cut-off date.

Matching Savings

18. Entire scheme of restructuring is to be a self-financing and expenditure neutral proposition. Financial implications should be worked out taking into account the mid points of the scales of pay of the respective posts (mean of the minimum & maxima of the scale), existing number of posts and revised number of posts in the grade on the basis of the revised percentage distribution of posts. After working out the financial implications, the matching savings should be effected from the category itself. Wherever it is not possible to do so from the category itself, the matching savings should be arranged from the department at the divisional/zonal level. But before restructuring the cadre as per the revised percentage distribution of posts, matching savings will have to be ensured and if the Department/Railways are not able to provide the matching savings, the particular category/department will not be restructured. While effecting surrender of posts of equivalent financial value, the existing vacant posts available in the categories on the cut-off date should be considered for the purpose of off-setting the cost of restructuring/financial effects of restructuring. It is desired that the General Managers should ensure that the restructuring is implemented expeditiously with matching savings without any exception and difficulty. There would be no restructuring without matching savings by surrender of posts.

Re-organisation of Zonal Railways/ Divisions:

19. Due to re-organisation of Zonal Railways/Divisions cadres are in a fluid situation. It may, therefore, take some time for the cadres in the headquarter offices of New Zones and New Divisions to stabilise. In the circumstances, new Zonal Railways are required to ensure that the staff transferred to headquarter offices of new Zonal Railways/new Divisions are not extended the double benefit of restructuring. In case an employee has been given the benefit of restructuring on the old (parent) railway in terms of these orders, he will not be allowed the benefit of restructuring again on the headquarter offices of new Zonal Railways/new Divisions. In other words, no railway servant will be considered for double

Ch. Pr. M.

- 142 -

- 44 -

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ
JAN 2010
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promotion as a result of this restructuring.

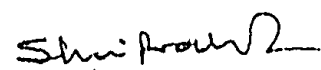
Annual review

20. As per instructions contained in Board's letter No. PC-III/91/FP-2 dt. 08.10.2002, the Annual Reviews for gradewise percentage distribution of posts in force were to be conducted from 01-04-03 taking into account the cadre strength as on 01.04.2003. It has now been decided that the next Annual Review will be undertaken from 01-04-2005 taking into account the cadre strength as on 01-04-2005. The Annual reviews, wherever conducted already as per instructions dated 08-10-02 will not be undone.

Kindly acknowledge receipt.

Hindi version will follow.

DA: Annexures-A to K with key.
(14 sheets)


(Shriprakash)
Director, Pay Commission - II
Railway Board

No. PC-III/2003/CRC/6

New Delhi, dated 09-10-2003

Copy (with 40 spares) forwarded to ADAI, Railways, New Delhi.


(G. Suman)
For Financial Commissioner, Railways.

No. PC-III/2003/CRC/6

New Delhi, dated 09-10-2003

- (1) The FA & CAOs, All Indian Railways, CLW, DLW, DCW, ICF, RCF, RWF, Metro Rail, Kolkata, MTP(R), Delhi, Mumbai, Chennai, COE/Allahabad, (b) FA & CAOs (Construction), N.F. Railway and Southern Railway, Bangalore
- (2) The Executive Director (Finance) I.D.S.O./Lucknow
- (3) The Pay & Accounts Officer, Ministry of Railways (Railway Board)
- (4) The Commissioner, Railway Safety, Lucknow


(Shriprakash)
Director, Pay Commission - II
Railway Board

83/9/4

N F RAILWAY

OFFICE OF THE
GENERAL MANAGER(P)
MALIGAON, GUWAHATI-11

ANNEXURE YI-

4

-45-

No E/283/218(HQ)-(C)

Dated, 05.04.2004

To
All PHODs
All DRMs
All Sr.DPOs/DPOs
All HQrs Cadre Officers

জাতীয় প্রশাসনিক ন্যায়ালয়

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

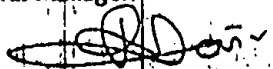
Sub : Instructions regarding closure of cadre of RNY Division.

The following decisions have been taken in consultation with both the recognized unions regarding closure of cadre of RNY division.

1. It has been decided to treat the cadre of RNY division closed w.e.f. 01.11.2003.
2. Restructuring of the line staff of RNY division will be done w.e.f. 01.11.2003 as per bifurcated cadre.
3. Staff who have joined RNY divisional HQ after 01.11.2003 would get the benefit of restructuring at their original place of posting. RNY division will send a list of such staff to the respective division. Their transfer to RNY division will be treated on administrative ground.
4. Staff who have joined RNY divisional HQ before 01.11.2003 will also get the benefit of restructuring at their original place of posting. For the purpose, the posts transferred to RNY divisional Hqrs office before 01.11.2003 will be counted for restructuring their earlier cadre.
5. One more option to be called for RNY division upto 20.04.2004. Those optees accepted by RNY division will be relieved before 30.04.2004. If due to compelling reason they are not relieved to join RNY division by 30.04.2004 their lien will be transferred and they shall be relieved positively by 31.05.2004. Staff already transferred to (except those who have expressed unwillingness) RNY division but not spared to join on administrative reason, their lien would be maintained in RNY division.

These instructions are to be followed by all Divisions while giving restructuring promotions.

This issues with the approval of General Manager.

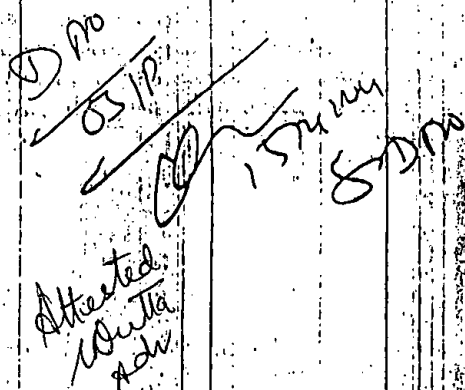

(R. Ailva)
By CPO/HQ

For General Manager(P)

Copy to : (i) GS/NFRMU/PNO/GHY-12
(ii) GS/NFREU/PNO/GHY-12 }

For information.

For General Manager(P)


D No
851P
Attended
Willa
Adv

पूर्वोत्तर सीमा रेलवे

कार्यालय

मंडल रेल प्रबंधक (कार्मिक)

अलीपुरद्वार जं०

Northeast Frontier Railway

OFFICE OF THE
DIVL. RAILWAY MANAGER (P)
ALIBUDHAR JUNCTION.MEMORANDUMDate: July 10th, 2009 9 JAN 2010

DRM/APDJ has accorded sanction to the following post of APDJ Division to RNY Divisional Office, Alibudhar Junction, Alibudhar Branch APDJ. The same has the concurrence of the undersigned final.

Deptt.	SN	Name of post	Salary	No. of post	Post transfer from Bill unit and station
P Branch	1.	OSI	6500-10500/-	02	Bill Unit- 577 [DRM(P)/APDJ]
	2.	OS/II	5500-9000/-	03	
	3.	Hd. Clerk	5000-8000/-	09	
	4.	Sr. Clerk	4500-7000/-	06	
	5.	Jr. Clerk	3050-4590/-	01	
	6.	LW/PI	5000-8000/-	01	
TOTAL-				21	Bill Unit- 579 [DRM(P)/APDJ]
Commercial	1.	Hd. Clerk	5000-8000/-	02	B.U. 177 [DRM/APDJ's office]
	2.	Sr. Clerk	4500-7000/-	01	
	3.	Jr. Clerk	3050-4590/-	01	
TOTAL-				04	
Engineering	1.	OSI	6500-10500/-	01	B.U. 282 [DRM(W)/APDJ]
	2.	OS/II	5500-9000/-	02	
	3.	Hd. Clerk	5000-8000/-	03	
	4.	Sr. Clerk	4500-7000/-	03	
	5.	Jr. Clerk	3050-4590/-	04	
TOTAL-				13	
Electric	1.	OS/II	5500-9000/-	01	B.U. 252 [S. DEE/APDJ's office]
	2.	Hd. Clerk	5000-8000/-	01	
	3.	Sr. Clerk	4500-7000/-	01	
TOTAL-				03	
GRAND TOTAL-				41	

Attested
Date
Fati

10/10/09
S. DEE/APDJ
Alibudhar Junction

Contd... P/2...

-47-

ANNEXURE - VIII

*****2*****

No E/191/APD/RNY-DIVN/47/A

Date: 10/06/2004

Copy to: 1. GM(P)/MLG, this is in reference to HQ's letter

No.E/263/218[HQ]-[C] dt 9.12.03/27.01.04

2. CPO/A/MLG

3. DRM/RNY

4. DFM/RNY

5. DRM(P)/RNY

6. Sr.DEN/C/RNY, Sr.DEE/RNY, Sr.DCM/RNY, DPO/RNY

7. Sr.DEN/C/APDJ, Sr.DEE/APDJ, DCM/APDJ, DPO/APDJ, DFM/APDJ

8. All APOs and COS/CSS of 'P' Branch/APDJ, they will take necessary action to delete the post from BOS of APDJ Division. Memorandum for creation of SN-post is being issued shortly.

9. Convener/NFRMU/APDJ

10. Divisional Secy./NFREU/APDJ, ASCTREA/APDJ, NFROBCEA/APDJ

11. OS to DRM for information of DRM

*Leftsted
Butta
A.S.*

16/6/04
Sr. Divisional Manager (P)
Administrative Section

[मिल - 10-06-04]

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

10 JAN 2010

Guwahati Bazar
মহাশায়ে। ন্যাশনাল

GOVERNMENT OF INDIA / भारत सरकार
MINISTRY OF RAILWAYS / रेल मंत्रालय
RAILWAY BOARD / रेलवे बोर्ड

No. PC-III/2004/CRC/2

New Delhi, dated 0.11.2004

The General Manager (P),
Northeast Frontier Railway
Malgaon

Subj: Restructuring of Group 'C' & 'D' cadres - matching savings
from other Departments.
Ref: Your Railway's letter no. PNO/FE/1 Restructuring/2004
dated 13-10-2004 & 19-10-2004.

Please connect your Railway's letter, in which it was advised that Railway has three proposals to be sent to Board for seeking Board's approval on various matching savings for Medical Department from other departments. In this context it is advised that the matter has been examined by the Board and it has been decided that such proposals may be examined, if Railway's surplus is required, matching savings from surrenders made in one department may be utilised for restructuring of cadre in another department with the approval of General Manager in each case. However, it may be ensured that no cadre/category is being restructured without providing matching surrender.

(X Unwilling Khatt) for pay Commission

Effect of
R. H. H. H.

Northeast Frontier Railway

OFFICE OF THE
DIVL. RAILWAY MANAGER (P)
ALIPURDUAR JUNCTION.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

MEMORANDUM

Dated: January 6, 2005.

29 JAN 2010

DRM/APDJ has accorded sanction to the permanent transfer of the following vacant posts of APDJ Division to RNY Division from different departments due to bifurcation of APDJ Division. The same has the concurrence of the associated finance. Guwahati Branch गुवाहाटी न्यायपीठ

Department	S/N	Name of post	Scale	No. of post	Post transfer from Bill Unit and station
P Branch	1	Jr. Clerk	3050-4500/-	09	577(DRM/P/APDJ)
	2	Record Lifter	2750-4400/-	01	
Mechanical	1	CPRC	Drafted	01	843(DME/P/APDJ)
	2	PRC	Drafted	01	
	3	Sr.BIO	7450-11500/-	01	428(DME/P/APDJ)
Civil Engg.	1	JE/I/Drg.	5500-9000/-	04	282(DRM/W/APDJ)
	2	JE/II/Drg.	6000-8000/-	02	
	3	Sr. Typist	4000-6000/-	01	
	4	Hd. Typist	5000-8000/-	01	
Commercial	1	Comm. Courter	2750-4400/-	04	505 (DCM/APDJ)
TOTAL				25	

The balance 53 manned post will be transferred shortly.

(S. Behara, DPO/APDJ)
for DIVL. RLY. MANAGER (P)/APDJ

No. E/191/AP(P)/RNY-DIVN/17/A

Dated: January 6, 2005.

Copy forwarded for information and necessary action to:-

1. GM(P)/MLG (for kind attention of Sr. R. Anil, Dy. CRO/HQ/MLG). This is in reference to HQ's letter No.E/283/212(HQ)-(C) dated 28.05.04 & 29.09.04. The post of Sr.Bio of Mech. Department and Sr. Typist & Hd. Typist of Civil Engg. Department are HQ controlled post. HQ may issue final transfer memorandum, if deemed necessary.
2. GPO/AMLG 3. DRM/RNY 4. DRM/APDJ & RNY 5. DRM(P)/APDJ & RNY 6. Sr.DEN/C/APDJ & RNY 7. Sr.DME/RNY 8. DME(P)/APDJ & DME(C&W)/APDJ 9. DCM/APDJ & RNY 10. All APOs/APDJ & all COS/E of P BR/APDJ. They will take necessary action to delete the posts from the BOS of APDJ Division.
11. Convener/NFRMU/APDJ 12. Divl. Secy./NFRU, AISCTREA & NPROBCEA/APDJ 13. OS to DRM for kind information of DRM/APDJ.

(S. Behara, DPO/APDJ)
for DIVL. RLY. MANAGER (P)/APDJ

Attached
for
Auth
Adv

Minutes of the meeting in regard to cadres of Rangliya Division held on 3.2.05 in FA & CAO's chamber.

PRESENT:

1. Dr. SMN Is'am, CPO/MLG
2. Sri R.K.Sinha, FA&CAO/MLG
3. Sri A.K.Sinha, DRM/RNY
4. Sri R.Aalvu, Dy.CPO/HQ/MLG
5. Sri S.Behra, DPO/APDJ
6. Sri A.Narayanan, DPO/RNY
7. Sri D.N.Sarma, DFM/RNY

Thorough discussion was held on the finalization of sanctioned strength, transfer of staff, restructuring, transfer of billing and account work (including establishment of Security Department). The following course of action along with the time table has been decided upon:-

1. APDJ division will transfer the balance agreed upon posts immediately. Rangliya division will submit a consolidated additional requirement of staff, if any, for the divisional office including ministerial staff department wise along with justification and accounts concurrence to Dy.CPO/HQ/MLG latest by 28th Feb.2005.
2. Dy.CPO/HQ will immediately put up the requirement to respective PHODs immediately and a decision on the requirement placed by Rangliya division will be taken latest by 7th March,2005.
3. Action on the actual transfer of posts as agreed upon will be completed by 15th March,2005 by the respective PHODs in association with associate P^r Branch and Finance.
4. Rangliya division will issue the final Book of Sanction on the basis of above exercise by 20th March,2005. The Book of Sanction will be for all departments and all categories including field staff and DRM office.
5. Restructuring of Rangliya division ministerial staff will be done on posts available as on 1.11.2003. In case the number of incumbents are more as on 1.11.2003, the posts transferred to Rangliya division after 1.11.2003 will be notional taken into account for restructuring to the extent of number of men available in the concerned unit. For restructuring the technical cadre where field and office staff have common seniority, the total posts available in the seniority unit will be taken into account for determining adequacy of posts to cover the staff at offices transferred to Rangliya upto 1.11.2003. To that extent the unit/division from where those posts have come and have earlier been accounted for restructuring in that division will be revised. This exercise should be completed before 20.2.05.

Ministerial Tribunal
केन्द्रीय न्यायालय

29 JAN 2010

Gwahati Bench
गुवाहाटी न्यायापीठ

Shw
Sinha

Ans

Attended
with the
file

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-51-
SN-46

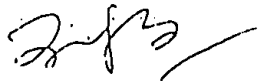
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Central Administrative
केन्द्रीय प्रशासनिक मन्त्रालय

29 JAN 2005

Guwahati Bench
गुवाहाटी न्यायपीठ

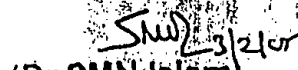
6. After the exercise of restructuring, the new BOS as on 1.4.05 along with the annual review of upgradation will be issued by Rangiya division within 15th May, 2005.
7. Additional Personnel Department staff, Accounts staff and balance staff for other departments as required from APDJ division will be released for Rangiya division before 1.4.2005 after completing the exercise of restructuring in Rangiya.
8. The requirement of Manpower and posts in technical categories will be taken care of by Rangiya division either by transfer with the approval of respective PHOD or by creation within divisional resources.



(R.K. Sinha)
FA&CAO/MLG



(A.K. Sinha)
DRM/RNY


(Dr. SMN Islam)
CPO/MLG

-150-
-52- APO/Engg. ANNEXURE-XII-
3

N.F.Railway.

Office of the
General Manager(P),
Malignon, Guwahati-11.

dated. 8-02-05.

29 JAN 2010

Guwahati Bench

Guwahati Bench

23/218(HQ)(C) Pt.II

HODs,
RNY, APDJ,
GM for information of GM,
FSK, All DPO's, DFM/RNY,
MU, Pandu, Ghy-12,
EU, Pandu, Ghy-12,
Cadre Officers.

Sub:- Minutes of the meeting regarding cadre of Rangiya
Division held on 03-02-05 in FA&CAO's chamber.

Minutes drawn regarding cadre of RNY Division in sent herewith for
information and necessary action please.

[Signature]

712

(R.Aaiyu)
Dy.Chief Personnel Officer/HQ.
for General Manager(P).

*Attested
Dutta
Adv*

*Rahman
OSM/BB
8-2-05
APO/E*

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya.
Dated 31.3.2005

MEMORANDUM

In terms of Railway Board's letter No.PC-III/2003/CRC/6 dated 09.10.2003 (RBE No 177/2003) communicated under GM(P)/MLG's letter No.E/304/0-Restructuring (C)/Pt-II Dt.30.10.03 as well as Dy. CPO(H.Q)/MLG's letter No.E/283/218(H.Q)/(C)/Pt-II dt. 10.8.2004 and 08.02.05 respectively, the following posts Ministerial categories have been restructured DFM/RNY at APDJ has vetted the same in the case file No.E/240/Restruct/EQ/RNY at PP- 04.

S N	Category	Scale	Mean pay	Percentage Distribution		San. Strug as on 31.10 .03	Revised san Strug w.e.f 01.11.03	Diffe rence of posts (9-8)	Difference of money value Rs.	Re ma rks
				Existin g	Revised					
01	COS(P)	7450-11,500/-	9475/-	02%	04%	02	03 ✓	01	9475/-	
02	OS(P)/I	6500-10,500/-	8500/-	06%	08%	04 ✓	06 ✓	02	17,000/-	
03	OS(P)/II	5500-9000/-	7250/-	12%	16%	08 ✓	12 ✓	04	29,000/-	
04	Hd. Clerk(E)	5000-8000/-	6500/-	25%	29%	(24)	22	(-) 2	(-)13,000/-	
05	Sr. Clerk(E)	4500-7000/-	5750/-	35%	23%	22	18	9-4	(-)23,000/-	
06	Jr. Clerk(E)	3050-4590/-	3820/-	20%	20%	16	15	(-) 1	(-)3820/-	
Total =				100%	100%	76	76	(+) 7	15,655/-	
07	CLWI/CPI Gr-I	7450-11,500/-	9475/-	05%	10%	-	01	(+) 1	9475 x 1 9475/-	
08	CLWI/CPI Gr. II	6500-10,500/-	8500/-	30%	40%	02	03	(+) 1	8500/-	
09	SLWI/SPI	5500-9000/-	7250/-	40%	30%	03	02	(-) 1	(-) 7250/-	
10	PI/LWI	5000-8000/-	6500/-	25%	20%	02	01	(-) 1	(-) 6500/-	
Total =				100%	100%	07	07	Nil	Rs. 4225/-	

Clerical Rs. (+) 15,655.00

Inspector Rs. (+) 04,225.00

Grand Total =Rs. 19,880.00 (Rupees nineteen thousand eight hundred eighty) only.

An amount of Rs. 10,805/- (Rupees ten thousand and eight hundred five only) has been taken from other department with the approval of the competent authority to utilise the same in the Personnel Department vide this office Memorandum No. E/240/Restruct/EQ/RNY dated 31.3.05 in order to effect the restructuring benefit of "P" Branch and the remaining amounting to Rs.9075/- for which 03 (three) posts Jr. Clerk (E) in scale Rs. 3050-4590/- (Mean pay Rs. 3820/- per month X 3 = Rs.11,460/- have already been surrendered vide DRM(P)/RNY's Memo. No E/240/Restruct/EQ/RNY dt. 31.3.05.

This issues with the approval of DRM/RNY

(S. Brahma)
APO/II/RNY
For DRM(P)/RNY
Dated 31.3.2005

No.E/240/Restruct/EQ/RNY.

Copy forwarded for information and necessary action please.

1. GM(P)/MLG, 2. DFM/RNY at APDJ, 3. DPO/RNY, 4. CWM/NBQ's
5. APO/CWM/NBQ, 6. WML/ELWS/BNGN, 7. WAO/NBQ's
8. Divl. Secy/NFRIU/RNY, 9. Convener/NFRMU/RNY
10. Convener/AIRESCTA/RNY Division.

(S. Brahma)
APO/II/RNY
For DRM(P)/RNY

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench



481

N.F. Railway

-152- ANNEXURE XIV

-54-

Office of the
DRM(PYRNY)

MEMORANDUM

In terms of Railway Board's L.No:PC-III/203/CRC/6 Dt. 09.10.03 DRM/RNY has accorded sanction to the restructuring of certain Group 'C' & Gr. 'D' categories of Engineering department of Rangiya Division Ministerial cadre as indicated below w.e.f 01.11.03

SN	Category	Scale	Percentage distribution		Sanction stg as on 31.10.03	Revised sanction stg. W.e.f. 01.11.03	Additional	
			Existing	Revised			Creation	Abolition
1	COS(G)	7450-11,500/-	9%	4%	Nil	03	(+) 03	-
2	OS(G)	6500-10,500/-	10%	8%	01	00	(+) 03	-
3	OS(H/G)	5500-9000/-	12%	16%	09	12	(+) 03	-
4	Hd. Clerk (G)	5000-8000/-	25%	29%	18	21	(+) 03	-
5	Sr. Clerk (G)	4500-7000/-	35%	23%	35	17	-	(-) 18
6	Jr. Clerk (G)	3050-4500/-	20%	20%	10	14	(+) 04	-

Drawing Cadre

1	SSE/Draw ing	7450-11500/-	45%	15%	-	01	(+) 01	-
2	SE(Draw ing)	6500-10500/-	35.5%	30%	02	02	-	-
3	JE/Draw ing	5500-9000/-	20%	25%	-	01	(+) 01	-
4	JE/Draw ing	5000-8000/-	30%	30%	01	02	(+) 01	-
5	ADMI	4000-6000/-	-	-	01	-	-	(-) 01

PEON

1	Peon/Jamdar	2610-3540/-	40%	55%	05	06	(+) 01	-
2	Peon	2550-3200/-	60%	45%	05	04	-	(-) 01

This has got vetting of DRM/RNY vide at PP/02 and SN/26 of case No.E/240/RN Restructuring/03 restructuring of Engg. Department.

No. E/240/RN(Restructuring)/03

1. GM/PYMLG - 2. DRM/RNY

3. ADM/RNY & APD

4. OS to DRM/RNY for kind information to DRM/RNY

5. Sr. DEN/C/RNY

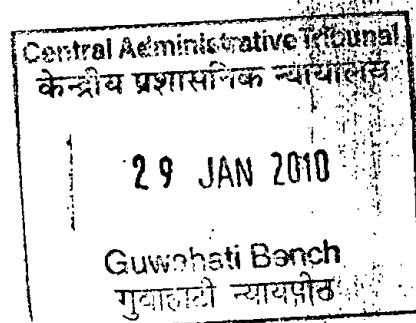
6. All DEN's & ADEN/RNY Dm. 7. DIVL. SECY NFREU-MU/RNY8.

DR. SECY. NFREU-MU/BNGN/RPAN 9. OS/E-BILL/S&T/RNY

For DRM(PYRNY)
dt. 03.05

[Signature]
for DRM (PYRNY)

*Attested
With
Ad*





Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiyā

Dated. 11.5.2005

No. E/41/BOS/RN/2.

To
DPO/RNY,
N.F. Railway.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub: - Fixation of BOS for Divisional HQ Office/Personnel Deptt./RNY.

Ref: - Your requirement No. Nil Dt. 09.02.2005.

GM (P)/MLG vide his letter No. E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Personnel Department/RNY) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks
		Requit placed	BOS fixed	
01	Clerical	61	61	39 posts available (22 posts to be transferred by APDJ)
02	Welfare Inspector/PI	07	07	Posts available
03	Peon	03	03	Posts available
04	E/Peon	01	01	Created at RNY
05	Steno	02	02	Created at RNY
06	Record Lister	01	01	Post available
07	Typist	01	01	Posts transferred by HQ Memo. No. not received
08	Chief Law Asstt.	01	01	Post available
Total =		77	77	

For DRM (P)/RNY

Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. APO/L, H/RNY
4. OS/P. Branch/RNY,
5. OS/P. Branch/EQ/Bill/RNY,
6. Divisional Secretary NFREU/RNY,
7. Convenor/NFRMU/RNY.

[SG11505]

*Attended
Banta
#04*

For DRM (P)/RNY



-154-
-56-
Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangpo

Dated. 11.5.2005

No.E/41/BOS/RN/2.

To

OS to DRM/RNY,
N.F. Railway.

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Subj:- Fixation of BOS for Divisional HQ Office/Management/RNY.

Ref:- Your requirement No. Nil Dt. 21.02.2005.

GM (P)/MLG vide his letter No.E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Managing Department) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks Posts
		Requirement placed	BOS fixed	
01	Clerical	04	04	To be transferred from APDJ
02	F/Peon	02	02	01 created, 01 available
03	Peon	03	03	To be decided by HQ
04	Steno	03	03	03 available
05	P.A	01	01	To be transferred by HQ
06	Motor Driver	02	02	02 posts created
07	Jenitor	01	01	Created
08	Safaiwala	05	05	To be drawn from field (case is put up)
09	Watchman	06	06	06 posts created.
Total =		27	27	

For DRM(P)/RNY

Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. OS/EO/RNY,
4. Divisional Secretary NFRMU/RNY,
5. Convenor/NFRMU/RNY.

[SG11505]

*Attended
Butler
A.W.*

*Sub
11-5105*
For DRM(P)/RNY

-155-

-57-

ANNEXURE XV-B

N.F. Railway



North Eastern Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya

No.E/41/BOS/RN/2.

Dated.11.5.2005

To
DSC/RNY.
N.F. Railway.

Sub:- Fixation of BOS for Divisional HQ Office/Security Deptt/RNY.

Ref:- Your requirement No. Nil Dt. 21.02.2005.

GM (P)/MLG vide his letter No.E/283/218(HQ)-(C)Pt-II dated 14.3.2005 has intimated that PHOD has fixed the BOS for Divisional HQ office/RNY (Security Department/RNY) as per requirement as under:-

SN	Category of posts	Number of posts		Remarks
		Requirement placed	BOS fixed	
01	Clerical	06	06	To be transferred from APDJ
02	Steno	01	01	Created at RNY
Total =		07	07	

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়

29 JAN 2010

Guwahati Bench
গুয়াহাটী ন্যায়পীঠ

For DRM(P)/RNY

Copy forwarded for information and necessary action to:-

1. OS to DRM for kind information of DRM.
2. DFM/RNY,
3. OS/EQ/RNY,
4. OS/Security/RNY
5. Divisional Secretary NFREU/RNY,
6. Convenor/NFRMU/RNY,

Attested
Date
11/5/05

For DRM(P)/RNY

SG115051

- 58 - 156 - ANNEXURE XVI -

Call No. : 98540-85244
98641-32913

रेल मजदूर युनियन

RAIL MAZDOOR UNION

Regd. No. : By-II 7867

Affiliated to : HIND MAZDOOR KISAN PANCHAYAT

President : Sri Dulal Baruah
Ex. Cabinet Minister, Assam

Working President : Sri K. N. Shalkya

General Secretary : Sri Mridul Kr. Das

Treasurer : Sri Nirmal Kr. Dey

Office of the
Zonal General Secretary
N.F. Railway
27/B. Rest Camp,
Guwahati - 781012 (Assam)

Date:

Ref No:

NO. - RMU/N F Zone/Clerk(F)/RNY dated 15.09.2005.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायालय

The Divisional Railway Manager
N.F. Railway, Rangiya

Dear Sir,

Sub. Implementation of Restructuring in the Category of
Ministerial Staff (P Branch) of the Division.

It is a matter of serious concern that during the last one and half year the restructuring order in the Ministerial Cadre (P Branch) has not been implemented. We are not aware of the reasons for such delay

For your kind appreciation that the detailed position are furnished as under:-

The B.O.S. of the seniority unit as on 1.11.03

The Break up of posts in different scales and incumbents available:-

Category	B.O.S.	On Roll	Short fall
Chief OS	5	3	2
OS - I	9	5	4
OS - II	19	12	7
Head Clerk	34	22	12
Senior Clerk	27	24	3
Junior Clerk	24	14	10
TOTAL	118	80	38

Attended
Dutta
Adw

-59- -157-

ALL THE SELECTIONS / SUITABILITY TEST WILL BE CONDUCTED UNDER MODIFIED PROCEDURES

34/68

The additional posts created along with the resultant vacancies in the below grades will be granted financial benefits from 1.11.03 and the existing vacancies if any will be effective from the date of promotions.

The names put in Annexure - A are due promotions as Chief OS, OS - I, OS - II and Head Clerk respectively

It may also be mentioned that as on 31.10.03 the cadre of Ministerial staff who were on roll would constitute permanent cadre and any incumbent transferred can be drafted in the lowest scale creating such transfer on his "own Request"

The delay in implementation of the Restructuring award has caused financial loss to the incumbents and as such you may kindly take immediate steps so that the cadre Restructuring is implemented without any further delay.

Thanking you

DA : One statement in three pages

Yours faithfully

Sd/-
(Mridul Kr. Das)
General Secretary

Rail Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Copy to :

- i) AGM/N.F. Rly/Maligaon
- ii) CPO/N.F. Rly/Maligaon

For information and necessary action please

Sd/-
General Secretary
Rail Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

Copy to :

- i) DRM (P)/RNY

For information and necessary action please:

Sd/-
General Secretary
Rail-Mazdoor Union N.F. Zone/ Pandu
Guwahati - 12.

DPO/RNY

Office of the
Divisional Railway Manager (P)
Alipurduar Junction.

ANNEXURE

XVII

14.11.05

MEMORANDUM

DRM/APDJ has accorded sanction to the permanent transfer of the following posts of APDJ division to RNY Division from different departments due to bifurcation of APDJ division. The same has the concurrence of the associated finance.

Deptt.	Sn	Name of posts	Scale	No. of posts	Post transfer from Bill unit and station.
MECH.	1	OS/I	6500-10500	01	428 (DME/P/APDJ)
	2	LMI	6500-10500	01	
ENGG	1	R/LIFTER	2750-4400	02	282(DRM[W]/APDJ)
	2	R/SORTER	2650-4000	02	
	3	DUFTORY	2050-4000	02	
	4	JDR PEON	2610-3540	02	
	5	PEON	2550-3200	02	
	6	FARASH	2550-3200	01	
ELECT.	1	HD. CLERK	5000-8000	01	252(DRM[Elect]/APDJ)
	2	JR. CLERK	3050-4590	01	
COML.	1	OS/I	6500-10500	01	177(DRM[C]/APDJ)
	2	OS/II	5500-9000	01	
	3	HD. CLERK	5000-8000	01	
	4	SR. CLERK	4500-7000	03	
P. BR.	1	COS	7450-11500	01	577(DRM[P]/APDJ)
	2	OS/I	6500-10500	03	
	3	OS/II	5500-9000	04	
	4	HD. CLERK	5000-8000	14	
	5	SR. CLERK	4500-7000	18	
TOTAL				53	31 Post

282 shifted to 53 posts

(S. Behera)
DPO

For Div. Ry. Manager(P)/APDJ
14.11.05

Central Admin. केन्द्रीय प्रशासन
29
Guwahati गुवाहाटी

No. E/191/AP(C)/RNY-DIVN/47/A

Copy forwarded for information and necessary action to :

1. DM(P)MLG for kind attention of Sri R. Asmu, Dy. CPO/HQ/MLG. This is in reference to HQ's letter No. E/283/218(HQ)-(C)Pt. II, dated 22.03.05. LMI is a HQ controlled post. HQ may issue final transfer memo. If deem necessary.
2. CPO/MLG.
3. DPO/RNY.
4. DFM/APDJ & RNY.
5. DRM(P)/APDJ & RNY.
6. DME/P/APDJ & RNY.
7. S. DENIC/APDJ & RNY.
8. S. DEE/APDJ & RNY.
9. DCI/APDJ & RNY.
10. All APC's/APDJ & all COS/OSs/E of P. Branch/APDJ. They will take necessary action to delete the posts from the BOS of APDJ division and create the required no. of SN posts centrally through OS/EC section.
11. For vnder, NFRMU/APDJ.
11. Div. Secy, NFRMU/APDJ, A/SOTREA & NPROBCEA

Noted
Dated
Adv

(S. Behera)
DPO

For Div. Ry. Manager(P)/APDJ

Authority: Rly. Bd. No. 100/1993-94 dated 04-10-93

Category	Scale	Mean pay	Percentage distribution		Rev. E.C.S. as on 1.4.03	San. Str. length as on 31.10.03	Rev. San. Strength w.e.f. 1.11.03	Difference of posts (9-8)	Difference of money value (4x10)	Remarks
			Exis	Rev.						
2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Ch. OS(E)	7450-11500/-	9475/-	2%	4%	03	03	05	02	Rs. 18950/-	Real money value Rs. 93,950/-
2. OS(E)/I	6500-10500/-	8500/-	6%	8%	08	08	10	02	Rs. 17,000/-	
3. OS(E)/II	5500-9500/-	7250/-	12%	16%	11	11	19	08	Rs. 58,000/-	
4. Hd. Clerk(S)	5000-8000/-	6500/-	25%	29%	39	39	35	(-)04	Rs. (-)26,000/-	Money saving value -62350/-
5. Sr. Clerk(S)	4500-7000/-	5750/-	35%	23%	31	31	28	(-)03	Rs. (-)17,250/-	
6. Jr. Clerk(S)	3050-4590/-	3820/-	20%	20%	29	29	24	(-)05	Rs. (-)19,100/-	
									Rs. 93,950/-	Presently required matching value
									Rs. (-)62,350/-	
									Rs. 31,600/-	
Total=Rs. 93,950/- (-) 62,350/-										
Difference of money value: Rs. 31,600/-										

Matching financial value arranged by taking surplus amount from other deptt. of RNY Division after restructuring to effect the restructuring benefit of P.Br./RNY

SN	Deptt.	Required Value	Surrendered Value	Balance Savings	Authority No.	Placed at SN Side
1.	S&T	Rs. 27,040.00	Rs. 30,170.00	Rs. 3130.00	Memo No.E/240/Rest/S&T/RN/19 dtd:26-07-04	120-121
		Rs. 9,905.00	Rs. 11,460.00	Rs. 1555.00	Memo No.E/240/Rest/S&T/RN/19 dtd:29-03-05	122-123
		Rs. 36,945.00	Rs. 41,630.00	Rs. 4685.00		
2.	Mech.	Rs. 43,380.00	Rs. 70,155.00	Rs. 26,775.00	Memo No.E/240/Mech/RNY dtd: 20-08-04	124-125
		Rs. 6,595.00	Rs. 7,640.00	Rs. 1,045.00	Memo No.EN/240/Mech/RNY dtd: 31-03-05	126-127
		Rs. 49,975.00	Rs. 77,795.00	Rs. 27,820.00		
3.	Optg.			Rs. 1,905.00	Copy enclosed	128
Total savings =				Rs. 34,410.00		

Matching value required for Personnel Branch /RNY

For Ministerial - Rs. 31,600.00
 For W.B. Section - Rs. 4,225.00
Total= Rs. 35,825.00

Divisional Finance Manager
 M. F. Railway, Rangiya

Rs. 35,825 - 34,410 = Rs. 1415.00

One post of Jr. Clerk(E) in scale Rs. 3050-4590/- Mean Pay Rs. 3820/- is to be surrendered for matching value.

Divisional Personnel Officer
 M. F. Railway, Rangiya

DPO/RNY
 ब्रह्म कानिक बिपिकारी
 Divisional Personnel Officer
 पृ. लो. रेल. रंगिया
 M. F. Railway, Rangiya

APD/RNY
 सहायक कार्यालय प्रभार
 Assistant Personnel Officer
 पृ. लो. रेल. रंगिया
 N. F. Rly. Rangiya

CS, CAG, RNY
 सचिव प्रमुख रंगिया (का)
 For Divisional Railway Manager (P)
 पृ. लो. रेल. रंगिया
 M. F. Railway, Rangiya

*Accepted
 Panta
 Adh*

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

- 160 -
- 62 -

ANNEXURE to the Tribunal
केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

NORTHEAST FRONTIER RAILWAY

Office of the
Divisional Railway Manager (P)
N. F. Railway, Rangiya

MEMORANDUM

DRM / RNY has accorded his approval to the surrender of 1 (one) post of Jr. Clerk (E) in scale Rs. 3050 - 4590/- of Personnel Department. The surrender money value of 1 (one) post of Jr. Clerk (E) amounting to Rs. 3820/- (Rupees three thousand eight hundred and twenty) only per month on mean pay is to be a self financing expenditure on matching saving due to restructuring of Personnel Branch cadre/RNY Division.

The surrendered 01 (one) post of Jr. Clerk (E) has been deleted from the BOS accordingly.

SN	Category	Scale	Station	B.U. No.	No. of post	Cost per month mean pay
1	Jr. Clerk(E)	Rs. 3050-4590/-	CWM/NBQ	428	01 (one)	Rs. 3820/-

(Rupees three thousand eight hundred twenty) only.

(D. P. ROY) 22/2/07
Div. Finance Manager
N. F. Railway, Rangiya

(S. CHAKRABORTY) 22.2.07
Div. Personnel Officer
N. F. Railway, Rangiya
पू. सं. २३ रंगिया
N. Date: 22.02.2007

No. EQ/Labour Court/RNY/Pt. I

Copy forwarded for information and necessary action to:-

1. GM (P)/MLG.
2. DFM/RNY.
3. CWM/NBQ.
4. DPO/RNY.
5. All APO / RNY.
6. Os to DRM/RNY.
7. Div. Secy./NFREU/RNY.
8. Convener/NFRMU/RNY.
9. Div. Secy. AIRESCTA/RNY.

Attached
Dita
Hw

For Divisional Railway Manager (P)
N. F. Railway, Rangiya
पू. सं. १५ रंगिया
N. F. Railway, Rangiya

-161-

ANNEXURE - XX -

-63-

7

NORTHEAST FRONTIER RAILWAY

Office Of The
Divl. Rly. Manager (P)
Rangiya
Date: - 23.02.2007

Central Administrative
केन्द्रीय प्रशासनिक

No. EQ/Labour Court/RNY pt. I

29-JAN 2010

To,
General Manager (P)
N. F. Railway
Maligaon (For personal attention of Shri N.N.Thakur,Dy.CPO/HQ)

Guwahati Bench
गुवाहाटी न्यायपीठ

Sub: - Revised Restructuring of Ministerial cadre of Personnel
Branch In RNY Division.

As per GM (P)/MLG'S L/No. E/283/218 (HQ) (C) dated 5-4-04, the Cadre of
RNY Division closed wef. 1-11-2003.

The cadre strength as on 1-11-03 of personnel branch (including CWM/NBQ)
was as under :

SN	Category	Scale	Sanction strength (01-04-2003)
1	Ch. OS/E	7450-11500	02
2	OS/E/I	6500-10500	03
3	OS/E/II	5500-9000	07
4	HD. CLERK/E	5000-8000	18
5	SR. CLERK/E	4500-7000	17
6	JR. CLERK/E	3050-4590	13
		TOTAL	=60

DISTRIBUTION

- 1. DRM(P)/RNY = 10 POSTS
- 2. CWM/NBQ = 50 POSTS
- Total = 60 POSTS

As per joint procedural note with regard to bifurcation of RNY from APDJ
division vide No E/ 227/144/MPP/policy dt/3-2-03 staff of erstwhile APDJ division were
bifurcated in the ratio of 50:50 between APDJ and the newly created RNY division as
under:-

RNY division = 71 staff
APDJ division = 70 staff
Total = 141 staff

Attended
Wanta
Adv

-162-
-64-

In terms of DRM(P)/RNY'S L/NO. E/41/BOS/RN/2 dt 11-5-05, the BOS of P/Branch /RNY fixed at 61 Posts (Except 10 Posts already transferred prior to 1-11-03 from DPO/APDJ). Out of total 71 Posts, the following 10 (Ten) Posts were transferred to RNY division along with Incumbent as on 1-4-03.

SN	Category	Scale	Sanction strength (01-04-2003)	
1	OS/E/II	5500-9000	02	1
2	HD. CLERK/E	5000-8000	02	29 JAN
3	SR. CLERK/E	4500-7000	02	
4	JR. CLERK/E	3050-4590	04	Guwahati Branch
	TOTAL		=10	गुवाहाटी ब्रांच

Balance 61 Posts should have been transferred from DPO/APDJ to DPO/RNY before 1-11-03 but, these 61 Posts have been transferred to DPO/RNY subsequently phase wise after 1-11-03, for which staff of RNY Division could not get Restructuring benefit against the total sanctioned Posts of 121(DPO/RNY's office=71+CWM/NBQ=50)

The details of posts phasewise transferred from DRM(P)/APDJ to DRM(P)/RNY is as under :-

(A)

SN	Category	Scale	No of posts	Authority No
1	OS/E/I	6500-10500	02	DRM(P)/APDJ'S
2	OS/E/II	5500-9000	02	Memo No.
3	HD. CLERK/E	5000-8000	09	E/191/AP (C)
4	SR. CLERK/E	4500-7000	06	/RNY divn/47 /A
5	JR. CLERK/E	3050-4590	01	dt.10-6-04
	TOTAL		=20	

(B)

6	JR. CLERK/E	3050-4590	09	DO dt. 6-1-05
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(C)

SN	Category	Scale	No of posts	Authority No
7	Ch. OS/E	7450-11500	01	DRM(P)/APDJ'S
8	OS/E/I	6500-10500	03	Memo No.
9	OS/E/II	5500-9000	04	E/191/AP (C)
10	HD. CLERK/E	5000-8000	14	/RNY divn/47 /A
11	SR. CLERK/E	4500-7000	10	dt.14-11-05
	TOTAL		=32	
	Grand Tot.		=61 Posts	

In this connection, it is stated that the restructuring of the clerical cadre of 'P' Branch was done on the total strength i.e. 76.

-163-

-65-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

The breakup 76 posts are as under:-

CWM-50 posts

DPO- 10 posts transferred from APDJ before 01.11.03.

Another 16 staffs have been transferred from other divisions before 01.11.03 & as per condition at para 5 of the minutes of the meeting held on 03.02.05 in FA & CAO's chamber with FA & CAO/MLG, DRM/RNY and CPO/MLG vide forwarding No. E/283/218(HQ)(C) Pt-II dated 08.02.05 and as such these 16 posts have also been taken into account for the purpose of restructuring of cadre.

The staff joined in RNY Divin after 1-11-03 did not get any Restructuring benefit in their earlier place of posting, i.e. in parent division /Unit. Staff of RNY division could not get restructuring benefit w.e.f. 1-11-03 based on 121 Posts. Some staff of P/Branch/RNY Division have got restructuring benefit against restructuring made Vide Office Memo No. E/240/Restruct/ EQ/RNY dt. 31-3-05 and Office Order No E/240/Restruct/ EQ/RNY dt. 26-5-05 and 21-6-05 which will automatically be cancelled after Revised Restructuring.

The restructuring of Ministerial cadre of Personnel Deptt/RNY Division was done by taking 76 posts (instead of 121 posts) w. e. f. 01.11.03 (CWM/NBQ=50 & DPO/RNY-26) vide DRM (P)/RNY's office memorandum No. E/240/Restruct/EQ/RNY dtd. 31.03.05.

General Secy./Rail Mazdoor Union, N. F. Zone, Pandu, GHY - 12, has raised the issue for proper implementation of restructuring of Personnel Deptt./RNY Division against 121 posts instead of 76 posts and registered the case at Assistant Labour Commissioner (Central), Rajgarh Road, Chandanai, GHY - 3, vide their Letter. No. 8 (23)/2005-G/A dtd. 20.01.2006.

The matter was examined in detail in consultation with associated finance. DFM/RNY has concurred in the proposal for revised Restructuring of cadre. In doing so, a matching value of Rs. 35,825/- (Thirty Five Thousand Eight Hundred Twenty Five) is required.

There is no money value against the P' Branch in the Divisional Staff Bank but the restructuring benefit of P. Branch RNY/ Division against 121 Posts (Ministerial Cadre) is to be given w.e.f. 01.11.03 belonging to RNY Division.

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायालय

The required matching value has been arranged from other deptt of RNY Division which is detailed below :-

SN	Deptt.	Reqd value Rs.	Surr. Value Rs.	Bal. Saving Rs.	Authority No.
01	S & T/ RNY	27,040/-	30,170/-	3,130/-	M. No. E/240/Res/S & T/RN/19 dtd. 26.07.04
		09,905/-	11,460/-	1,555/-	M. No. E/240/Res/S&T /RN/19 dtd. 29.03.05
	Sub Total	36,945/-	41,630/-	4,685/-	
02	Mech/RNY	43,380/-	70,155/-	26,775/-	E/240/Mech/RNY dtd. 20.08.04
		06,595/-	07,640/-	01,045/-	EM/240/Mech/RNY dtd. 20.08.04
	Sub Total	49,975/-	77,795/-	27,820/-	
03	Optg./RNY	--	--	01,905/-	
	Grand Total	86,920/-	1,19,425/-	34,410/-	

Thus an amount of Rs. 35,825-34,410=Rs. 1415/- is further required for restructuring of cadre.

As such for providing matching value another post of Jr. Clerk/E has been surrendered. The cost of the Jr. Clerk/E in Scale (Rs.3050-4590/-) is Rs. 3820 (main pay)

As per Railway Board's order contained in their letter No. PC-III/2004/CRC/2 dtd.10.11.04, GM's express sanction is required in this case as the money required for above restructuring of cadre has been arranged from other department.

DRM/RNY has approved the proposal on 20.02.07 to forward the case to HQ for sanction of the above Revised Restructuring of 'P' Branch.

In view of the above, you are requested to obtain GM's kind approval to finalise the above revised restructuring of cadre.

(S. CHAKRABORTY)
Divl. ~~Personnel Officer~~
N. F. Railway, Rangpo
प. व. र. नि. रंगपो
N. F. Railway, Rangpo

(10)

MEMORANDUM

In terms of Railway Board's Letter No. PC-III/203/ORG/8 dated 09-10-2003 the Ministerial cadre of Civil Engg. Department of Rangliya Division has been restructuring vide DRM (P)/RNY's Memorandum No. E/240/RN (Restructuring)/03 Dated 03-03-2005

Consequent upon transfer of 17 (Seventeen) posts from APDJ Division to Rangliya Division Vide DRM (P)/APDJ's Memorandum No. E/191/AP(D)/RNY-DIVN/47/A dated 10-06-2004, the Ministerial cadre of civil Engg. of Rangliya Division has been reviewed in terms of Railway Boards letter No. mentioned above.

As such the cadre position of Ministerial In Engg. Department of Rangliya Division as under -

SN	Category	Scale	Revised Restructuring % age	Sanction Std. before review as on 01-11-03	Sanction Std. after review	Additional	
						Creation	Abolition
01	COS	7450-11500/-	04 %	03	04	01	
02	OS/I	6500-10500/-	08 %	06	07	01	
03	OS/II	5500-9000/-	16 %	12	14	02	
04	Hd. Clerk	5000-8000/-	29 %	21	26	05	
05	Sr. Clerk	4500-7000/-	23 %	17	21	04	
06	Jr. Clerk	3050-4590/-	20 %	14	18	04	
Total=				73	90	17	3

This is got vetting of DFM/RNY and approval of ADRM/RNY Vide PP-08 case No. E/240/RN (Restructuring)/03

(G. K. DEY)
APO / II / RNY
For DRM (P)/RNY
Dated : 17-05-2007

No E/240/RN (Restructuring)/03

Copy forwarded for information and necessary action to :

1. GM(P)/MLG
2. OS to ADRM/RNY
3. All Sr. DEN/RNY
4. DFM/RNY
5. All ADEN/RNY
6. OS/EE/B/III/RNY
7. Divl Secy. N.F.R.E.U/RNY
8. Divl. Convener N.F.R.M.U/RNY
9. Divl Secy. AISCTREAR/RNY
10. All SSE(P. Way)/(Works)/RNY

(G. K. DEY)
APO / II / RNY
For DRM (P)/RNY

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

*Attached
Data
& etc*



- 68- ¹⁶⁶ ~~BK~~ -

ANNEXURE - XX
(8)

N. F. RAILWAY EMPLOYEE'S UNION

Registered & Recognised by the Railway Administration
Affiliated to NFIR & INTUC. Divisional Council Rangia Jn.
RLY Ph-38270 (U), PREM- 38274 (Rly) 03621244352 (Dot)
Divl Secy.- 38271 (R) 9854422404(M), 94351-95577 (M)

Divisional Council Rangia Jn. 781354

Ref. EU/Divl Com/07

To,
Divisional Railway Manager
N. F. Railway/ Rangia Jn.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
Date: 29 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

Sir,

Sub: - Restructuring benefit to the P-Branch staff of RNY division.

You shall appreciate that there are instances that the Railway men working in RNY division are giving relentless efforts, within limited resources, overcoming hurdles, to run the system smoothly and to keep the head high of RNY division.

You shall also appreciate that when the reasonable and a justified privilege is denied to any workman it speaks badly upon his performance and slowly it spoils the spirit of dedication and devotion to duty. And this spreads slowly from one cadre to other.

The similar situation seems to be arisen in the mindset of the workmen working in P- Branch of RNY division for the reason that they have not been extended the restructuring benefit taking the justified nos. of posts of ministerial staff into consideration for the reason best known to DPO/ RNY.

The Restructuring has been extended taking less nos. of Posts into consideration causing deprivation to them.

What this union has noted that despite of repeated representation no outcome of the same could be seen as yet. Finding no alternative, this union has decided to launch for trade union action under "Trade union act" and "Industrial Dispute act"

This letter may be taken as an advance intimation for the same and thus urge upon you to take an early action on settling down the dispute within seven days. After that, if otherwise formal notice shall be served on you.

This is for your kind information and necessary action please.

Very pl. ^{Thanking you} ~~discuss~~ with details

DPO
11/7/07

Attested
Date
Adv

Yours Faithfully

Divl. Convener
NFREU/ RNY/ Divl.

for information & N/action pl.

Divl: Convener
NFREU/ RNY/ Divl.

- Copy to: -1) Dy CPO/IR/MLG
2) DPO/RNY
3) General Secretary/NFREU/MLG

69-167

JUL 12 2007 04:11 PM

NORTHEAST FRONTIER RAILWAY

ANNEXURE

OFFICE OF THE
DIVISIONAL RAILWAY MANAGER (P)
ALIPURDUAR JUNCTION.

Dated : Thursday, 12 Jul, 2007

No. E/RP-482/205/AP(C)

To
The General Manager (P)
N.F. Railway/Malgaon.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायालय

(for personal attention of Sri N.N.Thakur, Dy.CPO/HQ/MLG)

Sub : Restructuring of clerical cadre of Y Branch/APDJ Division as on 01.11.03.

Ref : Telephonic discussion with Sri N.N.Thakur, Dy.CPO/HQ/MLG on date.

With reference to above, the position as desired is submitted below :-

1. Restructuring of Clerical cadre of Y Branch/APDJ Division as on 01.11.03 was done based on a total of 172 posts vide DRM(P)/APDJ's Memorandum of even number dated 13.02.04.
2. After the restructuring of cadre a total of (61) clerical posts in different grades were transferred to RNY Division in different phases as under :-

SN	No. of post. Hd. to RNY Divn.	Authority No.
1.	20 posts (OS/Gr.I/E = 02, OS/Gr.II/E = 02, Hd.Clerk/E = 09, Sr.Clerk/E = 06, Jr.Clerk/E = 02)	E/191/AP(C)RNY-Divn/47/A dt.10.06.04
2.	09 posts (Jr.Clerk/E)	E/191/AP(C)RNY-Divn/47/A dt.06.01.05
3.	32 posts (Ch.OS = 01, OS/Gr.I/E = 03, OS/Gr.II/E = 04, Hd.Clerk/E = 14, Sr.Clerk/E = 10)	E/191/AP(C)RNY-Divn/47/A dt.14.11.05

This is for your information please.

(S.Sarmah)
DPO

For DIVL RLY. MANAGER (P)
ALIPURDUAR JUNCTION.

(7) case immediate release

Affected
Putta
Adv.

12.7.07
Dy CPO/HQ



Office Of The
Divisional Railway Manager(Personnel)
Rangliya
No:EQ/Labour Court/RNY Pt.I dated 16.07 07

ANNEXURE - XXIV-

Central Administrative
कन्द्रीय प्रशासनिक न्यायालय

29 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

To:
Divisional Convenor,
N.F.Railway Employees Union
Rangliya.

Dear Sir,

Sub: Restructuring of Cadre-Personnel Department.
Ref: Your letter no.EU/Divl-Conv/07 dated 11.07.07

Apropos your letter under reference, it is informed that the proposal for revision of restructuring of cadre of Personnel department is already under adjudication of Labour Commissioner/Guwahati. However, this subject matter was discussed with Divisional Secretary of the Employees Union across the table & the same was referred to GM(P)/Maligaon vide DRM(P)/Rangliya's letter of even no.dated 23.2.07.

The matter has been constantly followed up at HQ level.

Since the issue relates to the period of bifurcation of APDJ/RNY divisions,this is taking time.

It is pertinent to mention here that DRM has also discussed the subject matter with CPO/Administration on detail when the latter was available on 13.07.07 as an observer during Pension Adalat session. GM(P)/Maligaon has already taken up the matter with DRM(P)/APDJ to obtain information to decide the case. Besides,if required,CPO/Administration has stated that Personnel Officer(s) from Maligaon/Rangliya would be sent to APDJ in due course to sort out the issue.

It may,therefore, be appreciated that there is constant effort on the part of the Administration to resolve this matter ,and this shall be continued with actively.

With best wishes,

Yours faithfully,

(S.Chakraborty)
DPO/IC/Rangliya

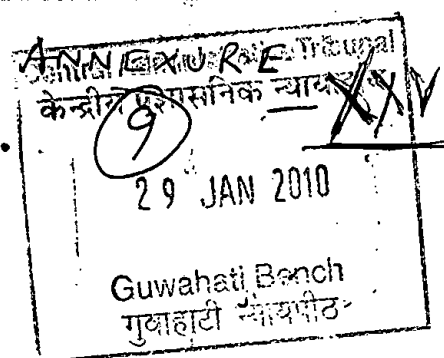
Copy to:
Divisional Secretary/N.F.Railway,Employees Union/Rangliya.

(S.Chakraborty)
DPO/IC/Rangliya

Attested
DPO/IC
Rangliya

g/c

-169-
-71-
Northeast Frontier Railway



Office of the
General Manager(P)
Maligaon, Guwahati-11

NO. E/283/1(Rest) (Q)

Dated : 08.08.2007

To,
DPO/RNY
N. F. Railway

Sub : Revised Restructuring of Ministerial cadre of Personnel Branch
in RNY division.

Ref : Your letter No. EQ/Labour Court/RNY Pt. I dt. 23.2.07.

In reference to your letter stated above regarding benefit of restructuring of cadre w.e.f 1.11.03 in the ministerial staff of 'P' Branch of RNY division, it is to inform you that as per DRM(P)/APDJ's letter No. E/RP-482/205/AP(C) dated 12.7.07, (Copy enclosed) restructuring of 61 posts of clerical cadre of 'P' Branch/APDJ have already been done based on a total of 172 posts. As such, there can not be counted twice for granting restructuring benefit as proposed by DPO/RNY vide his letter EQ/Labour Court/RNY Pt. I dated 23.2.2007.

This is for your information please.

DA: As above


(B. Sarma)
SPO/Recell & LC
for General Manager(P)/Maligaon

Copy to

1. DRM(P)/APDJ - In reference to his letter NO. E/RP-482/205/AP(C) dated 12.7.07.

*Affected
Bulla
Adv*
For General Manager(P)/MLG

- 170 -
- 72 -

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
ANNEXURE - XXV
29 JAN 2010
Guwahati Bench
Office of the
DRM(P)/RNY

N.F. Railway

NOTIFICATION

It is decided to filled up 12(twelve) vacancies (UR-09, SC-02, ST-01) of OS(E)/II in scale Rs. 5500 -9000/- in Personnel Bran./RNY Divison as Per 3X formula.

- 1) The list of eligible staff is at ANNEXURE - A
- 2) Date of Written Examination :- 22.09.07(Saturday), at 10.00 hrs.
- 3) Venue :- DRM(P)/RNY's office.
- 4) The candidates may be informed to appear in the selection.

The staff who are unwilling to appear in the selection should submit to their unwillingness in written and send the same through respective i/c to this office within seven days. i.e. 10.09.07

No absentee selection will not be held except under the circumstances below :-

- (a) Summons for interview being received too late by the candidates making it difficult for him to reach the place of selection.
- (b) Administration's failure to relieve him in time for selection.
- (c) Sickness of the candidates or other reason over which the employee has no control. Unavoidable absence will not however, include absence(attend a wedding or similar function or absence) over which he has control. Sickness should be covered by a specific certificate from the Railway Medical Officer.
- (5) The Pro-promotional training for the SC/ST candidates for a period of 03(three) weeks will be arranged by DPO/RNY w.e.f 30.08.07 for staff posted at RNY and the staff posted at NBQ. the Pre-promotional training of SC/ST will be arranged by APO/NBQS. w.e.f 30.08.07

Enclosed:-

1. ANNEXURE -A—List of eligible candidate.
2. ANNEXURE -B - Syllabus of the exam.

NO.E/254/RN/OS-II/Selec./P.Br./RNY/

Copy for information & necessary action to :-

1. GM(P)/ Con / MLG, 2. DRM(P)/RNY, 3. EWS/BNGN
4. DEE/W/NBQ, 5. DSC/RNY, 6. CWM/NBQ
7. Dy. CEE/W/NBQ, 8. CMT/NBQ, 9. PSTC/NBQ
10. APO/WS/NBQ, for information and arranging Pre-selection training for SC/ST candidates posted at NBQ area as advised by DPO/RNY 11. Staff concerned, 12. OS to DPO/RNY 13. Br. Secy./NFREU/RNY 13. Br. Secy. /NFRMU/RNY 14. Div. Secy. /NFREU/RNY 15. Div. Convenor /NFREU/RNY. 16. Staff concerned.

19/2/2007
(G.K. DEY)
APO/II/RNY
For, DRM(P)/RNY
Dt. 29.08.07

Attested
Dutta
Adv

19/2/2007
For, DRM(P)/RNY

29 JAN 2010

ANNEXURE-'A' Guwahati Bench
गुवाहाटी न्यायपीठ

Name of eligible staff (Head Clerk(E)) for appearing in selection of OS(E)/II in scale Rs.5500-9000/- of Personnel (Rangiya Division including Workshop Unit) are given as per seniority.

SN	Name	Designation	Working under
		Head Clerk(E)	CMT/NBQ
1.	P. Swargiary (ST)	"	DEE/W/NBQ
2.	S. C. Sen Sarma	"	DRM(P)/RNY
3.	Golak Barman	"	CWM/NBQ
4.	Smt. N. B. Goswami	"	CWM/NBQ
5.	Pradip Das	"	DRM(P)/RNY
6.	Tarun Goswami	"	DRM(P)/RNY
7.	Ashis Kr. Das (SC)	"	CWM/NBQ
8.	Sujit Kr. Bhadury	"	DEE/W/NBQ
9.	H. F. Dey	"	DEE/W/NBQ
10.	Smt. Gita Nath	"	CWM/NBQ
11.	Smt. Anita Devi	"	DRM(P)/RNY
12.	Suren Kalita	"	DRM(P)/RNY
13.	Smt. Mina Sarma	"	DRM(P)/RNY
14.	J. T. Goswami	"	CWM/NBQ
15.	B. K. Saha	"	DRM(P)/RNY
16.	Lankeswar Swargiary (ST)	"	DRM(P)/RNY
17.	Abhay Rajbongshi	"	GM(P)/Con/MLG
18.	Smt. Chandra Ramchary (ST)	"	DSC/Con (DSC/RNY)
19.	Upen Ch. Das (ST)	"	DRM(P)/RNY
20.	Biren Boro (ST)	"	DRM(P)/RNY
21.	Khagen Ch. Boro (ST)	"	CWM/NBQ
22.	Smt. Rita Das (Deka)	"	DRM(P)/RNY
23.	Sanatan B. Barali (SC)	"	DRM(P)/RNY
24.	Paladhar Boro (ST)	"	CWM/NBQ
25.	B. K. Yadav	"	PSTC/NBQ
26.	Dharmeswar Koon	"	CWM/NBQ
27.	Bhaba Nanda Nath	"	DRM(P)/RNY
28.	Khageswar Kalita	"	DRM(P)/RNY
29.	Lankeswar Kumar	"	DRM(P)/RNY
30.	Miss Gourin Chowdhury (SC)	"	DRM(P)/RNY
31.	Janmi Ram Kalita	"	DRM(P)/RNY
32.	Lauga Chowdhury (ST)	"	CWM/NBQ
33.	Anukul Basumatary (ST)	"	DRM(P)/RNY
34.	B. V. Rao (SC)	"	EWS/BNGN
35.	Smt. S. P. Kakati (SC)	"	CWM/NBQ
36.	Nabodip Patra (SC)	"	

Attested
Dutta
Adv

-172-

-74-

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
29 JAN 2010
Guwahati Bench गुवाहाटी न्यायपीठ

ANNEXURE-3B

SYLLABUS FOR THE WRITTEN TEST OF SELECTION FOR THE POST OF
OS(E)/II IN SCALE RS.5500-9000/-OF PERSONNEL DEPARTMENT OF
RNY-NBQ SENIORITY UNIT.

All rules, procedures and extant instructions regarding establishment matters with specific reference to:-

- i) Office procedure, record maintenance, importance of systematic working and scope for further improvement.
- ii) Rule of personnel Department in the Railways.
- iii) Selection posts and non-selection posts- procedure for filling up the vacancies thereof.
- iv) Different types of allowances applicable to Railway employees.
- v) Special provisions for SC/ST/OBCs e.g. reservation in recruitment and promotion, special facilities, relaxation etc.
- vi) Pension Rules.
- vii) Leave Rules.
- viii) Pass Rules.
- ix) Provision and procedure for compensation under workmen's Compensation Act and Lump sum compensation to Railway employees killed by extremist action.
- x) Dealing with Medically decategorised staff.
- xi) Alternation of recorded date of birth-provision and procedure.
- xii) Service Conduct Rules.
- xiii) Penalties under DAR and effecting of penalties.
- xiv) HOER and OTA.
- xv) Seniority and confirmation Rules.
- xvi) Budgeting, imprest, store and procurement procedure.
- xvii) provision and procedure regarding dealing with DOP, DPG, CA -III and MP/MLA reference.
- xviii) Schedule of Power -- Estt & Miscellaneous.
- xix) Adhoc officiation, Acting Allowance & Dual charge Allowance.
- xx) Special C.L. provisions.
- xxi) Policies regarding implementation of Official Language (Rajbhasha).

[Handwritten signature]

MEMORANDUMOffice of the
DRM(P)/RNY
Dt: 06-09-07

Chief Operation Manager/N.P.Rly/Maligaon has approved cancellation of last two selections of CM-I in scale Rs. 4000-6000/- held in connection with re-structuring of C/Man category with effect from 1-11-03 in terms of provision contained in Rule 219(L) of IREM (Vol-I) 1989 Edition. The relevant re-structuring Office Orders were issued by DRM(P)/RNY under No. (1) E/283/RN/Prem/Optg/40 dtd: 18-8-04 and (2) E/283/RN/Prem/Optg/40/Pt. II dtd: 1-7-05.

Accordingly fresh re-structuring promotion to the post of C/Man-I in scale Rs. 4000-6000/- w.e.f. 1-11-03 will be taken on hand on priority.

(A. K. Chatterjee)
APO/III/RNY
for DRM(P)/RNY.

No. E/283/RN/Prem/Optg/40/Pt. II

Dt: 06-09-07.

Copy to:-

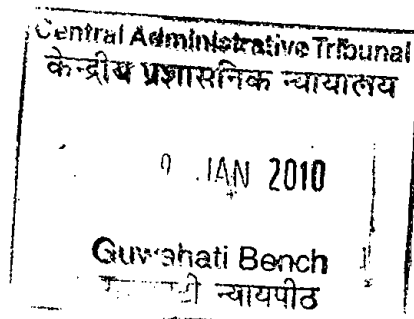
- 1) Sr.DOM/RNY (2) AM/NBQ, RPAN
- 3) DFM/RNY (4) All SS/TI/CYM as relevant.
- 5) OS/ET-Bill with advise to immediately stop payment of higher pay to the staff promoted against above quoted Office Order and arrange to pay them at pay as was prior to their promotion orders quoted above.
- 6) P/Case of the staff involved.
- 7) Staff concerned through respective incharges.

Copy also to:-

- 8) Divl. Secy/NFREU/RNY
- 9) Convener/NFRMU/RNY
- 10) Secy./AIOBCA/RNY
- 11) Secy. AISCTREA/RNY

[Signature]
for DRM(P)/RNY

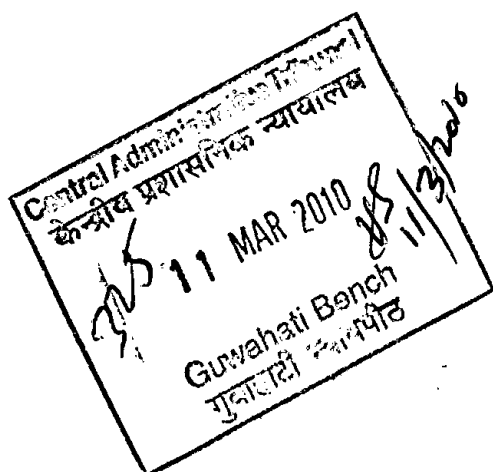
*Attended
10/09/07
Adv*



174

File by respondent
 Through D.S. (C.J. Jaiswal)
 Secy/Phys 11.3.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
 GUWAHATI.



O. A. No. 266/2007

Shri Golak Barman

- Vs -

Union of India & Ors.

Sonal Kumar
 मंडल कार्यालय का अधिकारी
 Divisional Personnel Officer
 पु. सी. रेलवे, रंगिया
 N. F. Railway Rangiya

Written statement of the respondents to the
 added paragraphs by amendment.

The respondents beg to state as under :

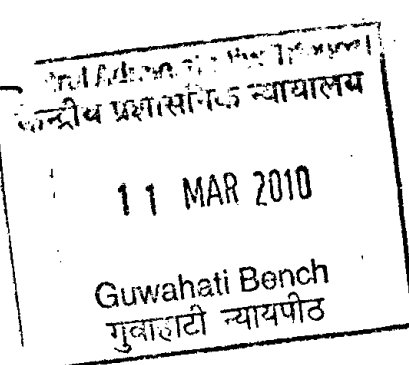
1. That the respondents have gone through the statement in the paragraphs added by amendment and has understood the contents thereof.

The respondents reiterate that the statement added are barred by limitation under Section 21 of the A. T. Act, 1985.

The applicant has not stated as to how his right has been violated. He has made vague and abstract statements. The statements are of general in nature, which are in the nature of public interest litigation and as such the O.A. is not maintainable.

The applicant has also not submitted any representation to any superior authority explaining his

Contd....2



कर्मिक अधिकारी
Divisional Personnel Officer
पु. सी. रेलेवे, रंगिया
पु. सी. रेलेवे, रंगिया
पु. सी. रेलेवे, रंगिया

grievances and how he has been adversely affected, and as such the O.A. is not maintainable for not exhausting remedies. The O.A. also suffers from the vice of plurality of remedies. In reply to statements in para 36A and 36B it is stated that it is decided in the joint procedural note dated 03.02.2003, that staff as on 31.01.2003 would be divided at the ratio 50:50 between Alipurduar Junction Division and Rangia Division. Accordingly 70 (seventy) posts comes under Rangia Division. All these 70 (seventy) posts were not transferred at a time by APDJ Division and in fact, staff were transferred in a phased manner as under.

Sl. No.	Category	Scale	No. of posts	Authority No.
1.	OS/E/I	6500-10500/-	02	DRM(P)/APDJ's
2.	OS/E/II	5500-9000/-	02	Memo No. E/191
3.	HD. CLERK/E	5000-8000/-	09	/AP(C)/RNY
4.	SR. CLERK/E	4500-7000/-	06	divn/47/A dt.
5.	JR. CLERK/E	3050-4590/-	01	10.06.04.
6.	JR. CLERK/E	3050-4590/-	09	DRM(F)/APDJ'S
7.	Ch. OS/E	7450-11500/-	01	Memo No. E/191/
8.	OS/E/I	6500-10500/-	03	AP(C)/RNY divn/
9.	OS/E/II	5500-9000/-	04	47/A dt.14.11.05
10.	HD. CLERK/E	5000-8000/-	14	
11.	SR. CLERK/E	4500-7000/-	10	
Total			61	

In term para-1 of Railway Board's letter No. PC-III/2003/CRG/6 dated 09.10.2003, restructuring of cadres would be with reference to the sanctioned cadre strength as on the date following the date on which the cadre in the headquarter offices of new Zonal Railways/New Divisions re-closed. The benefit of restructuring would be restricted to the persons who were working in a particular cadre on the cut-off date and in terms of para-3.1 of Railway Board's letter No.

-176-

11 MAR 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

-: 3 :-

पु. सी. रेलवे, रंगिया
Railway, Rangia
Divisional Personnel Officer
Rangia
Sonal Chakrabarti

PC/III/2003/CRC/6 dated 06.01.2004, the restructuring of cadres would be with reference to sanctioned cadre strength as on 01.11.2003. Cadre of Rangiya Division was treated as closed w.e.f. 1.11.2003. Regarding cadre of RHY Division, a meeting was held on 03.02.2005 in the FA & CAO's chamber, wherein it was decided that restructuring of RHY Division (Ministerial staff) will be done on post available as on 01.11.2003, in case the number of incumbents are more as on 01.11.2003 the post transferred to RHY after 01.11.2003 will be notionally taken into account for restructuring to the extent of number of men available in the concerned unit. Considering the above, the restructuring of Clerical cadre of "P" Branch of RHY Division was done on 31.03.2005 on total strength of 76 posts prevailing as on 01.11.2003. Break up is as under

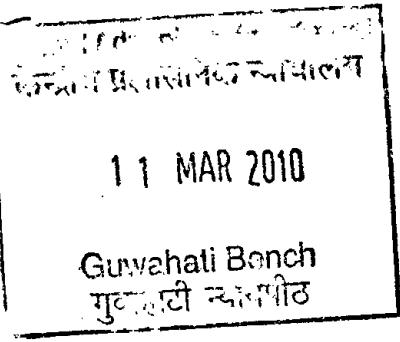
- a) Posts under CWM/NBQ : 50
 - b) Posts under DPO/RHY : 10
 - c) Transferred from : 16
- other Division.

2. That in reply to statement in para 36C, 36D, 36E, 36G it is stated as under :

In terms of para-1 of Railway Board's letter No. PC-III/2003/CRC/6 dated 09.10.2003, restructuring of cadres will be with reference to the sanctioned cadre strength as on the date following the date on which the

Contd....4

-177-



-: 4 :-

স্বাক্ষরিত
পার্সোনাল অফিসার
গুৱাহাটী বেন্চ
১১ মার্চ ২০১০
N. F. Railway, Rangpur

cadre in the headquarter offices of new Zonal Railways/
New Divisions re-closed. The benefit of restructuring
will be restricted to the persons who are working in a
particular cadre on the cut-off date and in terms of
para-3.1 of Railway Board's letter No. PC-III/2003/GRC/6
dated 06.01.2004, the restructuring of cadres will be with a
reference to sanctioned cadre strength as on 01.11.2003.
Further, In terms of GM(P)/MLG's L/No. E/285/218(HQ)(C)
dated 05.04.2004, staff who have joined RNY Division/HQ
after and before 01.11.2003 would get the benefit of
restructuring at their original place of posting and in
terms of the minutes of the meeting in the chamber of
FA & CAO/MLG held on 03.02.2005, the restructuring of
RNY Division was done accordingly. In terms of DRM(P)/
APDJ's L/No. E/RP-482/205/AP(C) dated 12.07.2007, staff
were released after res-tracturing of Clerical cadre,
wherein sanctioned strength a total of 172 posts as on
1.11.2003 were taken into consideration for the restruct-
uring benefit. Para-20 is about annual review. Annual
review is conducted yearly on the date fixed by the Railway
Board to assess the manpower requirements as per yardstick
fixed on all Indian Railways and it has no linkage with
the cut-off date meant for restructuring (cadre) as on
1.11.2003. APDJ Division carried out the restructuring
based on the instructions issued by GM(P)/MLG vide their
L/No. E/285/218(HQ)-(C) dated 05.04.2004. Para-20 of
Railway Board's L/No. PC/III/2003/GRC/6 dated 09.10.2003
is about annual review of cadre and this is not related to
restructuring APDJ Division carried out the restructuring

Contd.....5

478

11 MAR 2010

केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

-: 5 :-

based on the instructions issued by GM(P)/MLG vide their L/No. E/283/218(HQ)-(C) dated 05.04.2004. Since it was represented by the recognized unions pertaining to policy decision, the matter was forwarded to HQ/MLG with details for consideration. GM(P)/MLG after careful examination concluded that posts which had already been restructured at the original place can not be counted twice for granting restructuring.

In reply to s-statement in para 36GF the statement in para 1 are reiterated.

3. That in reply to statement in para 36 H it is stated that in terms of para 4.4 of Railway Board's L/No. PG-III/2003/GRC/6 dt. 06.01.2004 all vacancies arising out of the restructuring should be filled up by senior employees who should be given benefit of the promotion w.e.f. 01.11.2003 whereas for the normal vacancies existing on 01.11.2003 junior employees should be posted by modified selection procedure but they will get promotion and higher pay from the date of taking over the posts as per normal rules. In terms of para-4.5, in cases where percentages have been reduced in the lower grade and no new posts becomes available as result of restructuring the existing vacancies on 1.11.2003 should be filled up by normal selection procedure. Restructuring benefit was granted in terms of Railway Board's L/No. PG-III/2003/GRC/6 dated 09.10.2003 based on the revised percentage distribution as per Annexure-"I" of Railway Board's letter. It is

Contd....6

प्रमुख कार्यालय अधिकारी
Divisional Personnel Officer
पु. सी. रेलवे, रंगीपा
N. F. Railway, Rangipara

-179-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

11 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

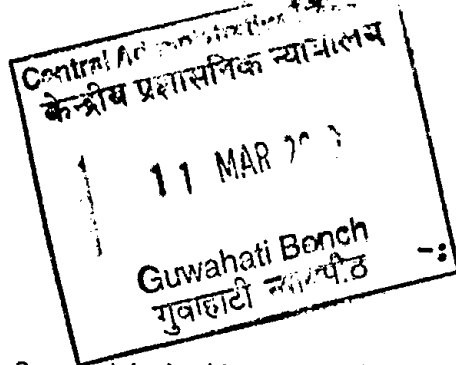
-: 6 :-

व्यक्तिगत कार्यालय अधिकारी
Division : Personnel Officer
N. F. Highway, Rangiva

pertinent to mention here that at para 19 of Railway Board's letter, it is stipulated that staff will not be allowed benefit of restructuring again on the HQ's office of New-Zonal/New-Divisions. Further, it is mentioned that all the staff in a particular cadre/particular seniority unit were not promoted by virtue of restructuring. Staff who were senior in the particular seniority unit (Cadre) were promoted against the additional higher post/resultant vacancies only. In this connection, it is to mention here that Shri Golok Barman (applicant) joined on 01.12.03 in RNY Division i.e. after 01.11.2003 and accordingly restructuring was carried out by GM(P)/MLG, based on the instructions circulated to all concerned vide GM(P)/MLG's L/No. E/283/218 (HQ)(C) dated 05.04.2004. GM(P)/MLG published the promotion order vide Office Order No. E/255/6 Pt.XII (Q) dated 22.09.2004 wherein a total (13+6) = 19 staff were promoted as per PFR and seniority. In the seniority list of Hd. Clerk, it may be seen that name of Shri Golok Barman appears at Serial No. 50, so only 19 additional posts could be filled up by senior most persons. In RNY Division, against OS/II Grade only 4(four) additional posts were created due to revised percentage. Total 4(four) creation and another 3(three) chain/resultant vacancies of higher grade, i.e. total 7(seven) posts of OS/II Grade were filled up. These posts were filled up based on seniority cum suitability. The applicant did not come under the purview of the promotion against restructuring of cadre, on seniority and suitability basis.

4. That in reply to Grounds 5A, 5B, 5C, 5E, 5J is stated that APDJ Division spared the staff phase by phase

Contd....7



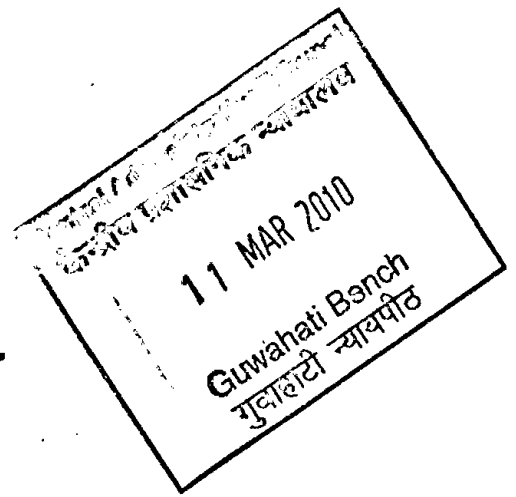
-180-

-: 7 :-

for which the sanction strength of the cadre as on 01.04.2003 was counted for benefit of restructuring. Restructuring was done in terms of para-19 of Railway Board's L/No. PC-III/2003/CRC/6 dated 09.10.2003 and as per decision taken in the meeting held on 03.02.2005 as mentioned at Item No. 36A above. It is pertinent to mention here that as per Para 19 of Railway Board's letter, staff will not be allowed benefit of restructuring again on the HQ's office of New-Zonal/New-Divisions. Further, it is mentioned that all the staff in a particular cadre/Particular seniority unit were not promoted by virtue of restructuring. Staff who were senior in the particular seniority list were promoted against the additional higher post and resultant vacancies only. The Grounds in para 5D, 5E, 5H, 5I and 5K are not correct and not good-grounds, and hence denied.

5. That in the circumstances the O.A. deserves to be dismissed with cost.

संयुक्त कार्यालय अधिकारी
Personnel Officer
पु. रेलवे, रंगिया
N. F. Railway, Rangia

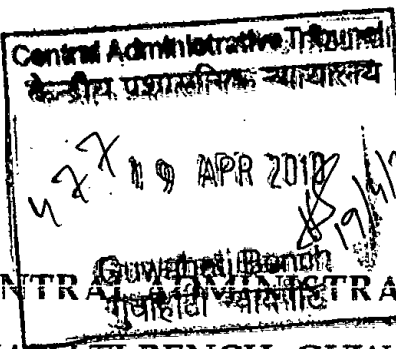


V E R I F I C A T I O N .

I, Shri Somen Chakraborty aged about
 59 years, son of late. Prada Charan Chakraborty
 working as SP of R. N.Y., say that I
 am conversant with facts and circumstances of the case,
 and that I have been authorised by the other respondents
 to verify and sign this verification which I do accordingly,
 and I verify that the statements in para 1 to 5 above are
 true to my knowledge and that I have not suppressed any
 material facts.

I sign this verification this 9.4. day of March,
 2010 at Rangia, Assam.

Somen Chakraborty
 Signature সমন চক্রবর্তী
 Divisional Personnel Officer
 ডি. এফ. রেলওয়ে, রংগিয়া
 N. F. Railway, Rangia



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH: GUWAHATI

Filed by the applicant
through U. Dutta, Advocate.
on 19.04.2010

In the matter of: -

O.A. No. 266 of 2007

Shri Golak Barman

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Additional rejoinder submitted by the applicant
in reply to the written statements submitted by
the Respondents, against the Amended
Application.

The humble applicant above named most humbly and respectfully state as
under: -

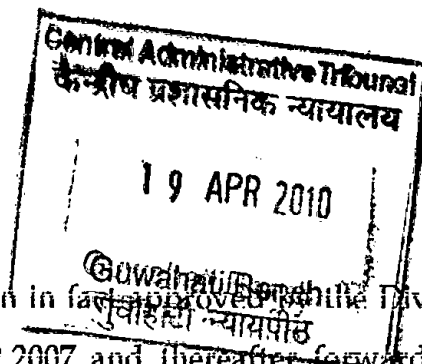
1. That your applicant carefully gone through the written statements of the respondents filed against the amended original application and understood the contents thereof. duly received of the written statement and understood the contents thereof.

The applicant categorically denies all the averments made in the
aforesaid written statement, save and except which are born on record.

2. That your applicant categorically denies the contentions raised by the respondents in the written statement against the amended O.A. It is relevant to mention here that the revised restructuring of Ministerial cadre

I undertake to
serve a copy to
Dr. J. I. Barman, P.S.C.
Dutta, Advocate.

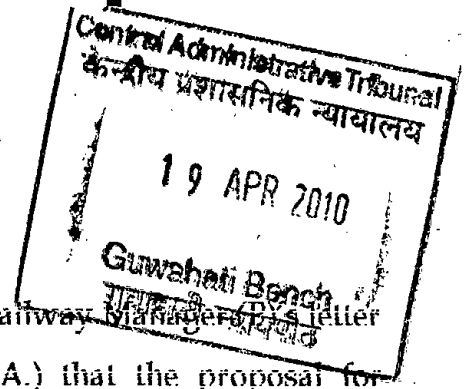
Golak Barman



of Personnel Branch of Rangia Division in fact approved by the Divisional Railway Manager of Rangia on 20.02.2007 and thereafter forwarded the case to Headquarter for sanction of revised restructuring of Personnel Branch pursuant to the Railway Board direction contained in the letter dated 09.10.2003. Be it stated that Divisional Railway Manager, Rangia vide his letter dated 23.02.2007 (Annexure-20, Page-63 of O.A. 266/2007) was forwarded to General Manager, N.F. Railway for his approval to finalize restructuring of cadre but the said proposal of revised restructuring has been rejected only on 08-08-2007, thereafter, the applicant immediately approached the learned CAT within the prescribed time limit as per Section 21 of the Administrative Tribunal Act, 1985 as such allegation that the statement added are barred by limitation is not sustainable in the eye of law, more so when the applicant by his amended application made certain pleadings only.

That it is relevant to mention here that vide office order bearing letter No. F. 322/205(W) Pt. I dated 27/28.11.2003 whereby applicant has been spared from the office of the Chief Personnel Officer, Maligaon on 28.11.2003 (afternoon) with a direction to report to Senior Divisional Personnel Officer, Rangia for further posting therefore admittedly applicant joined in Rangia Division after 01.11.03 as a result he did not get any restructuring benefit in his earlier place of posting i.e. in Parent Division i.e. in the of the CPO, Maligaon, therefore it was specifically directed in the said office order dated 27/28.11.2003 that up gradation may please be done in terms of item No. 19 of Railway Board Circular dated 09.10.2003, but surprisingly since the restructuring has been carried out taking into consideration only 76 posts instead of 121 posts with effect from 01.11.03 vide memorandum dated 31.03.2005 as such applicant has been denied benefit of restructuring which was carried out by the memorandum dated 31.03.2005 and as a result the right of the applicant for up-gradation acquired from the order of the Railway Board dated 09.10.2003 as well as from the office order dated 27/28.11.2003 issued by the General Manager (P), Maligaon has been adversely effected.

Geolok Barman

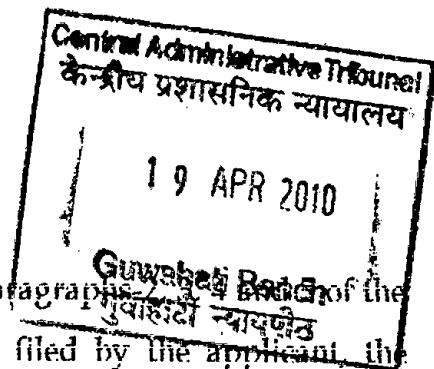


It would be evident from the Divisional Railway Manager's letter dated 23.02.2007 (Annexure-20, Page-63 of O.A.) that the proposal for revised restructuring of ministerial cadre of Personnel Branch in Rangia Division where in it is fairly admitted that the staff joined in Rangia Division after 01.11.2003 did not get any restructuring benefit in the earlier place of posting i.e., in Parent Division/unit as such the revised proposal was sent to the General Manager for carrying out the revised restructuring against 121 posts instead of 76 posts. Since the revised proposal for restructuring has been rejected by General Manager (P), Maligaon on 08-08-2007 as such the right of the applicant has been adversely effected due to denial of up-gradation benefit.

So far contention raised by the respondents regarding allegation of plurality of remedies the said allegation is specifically denied. Further, contention of the respondents that the restructuring has been carried out at Rangia Division taking into consideration only 76 posts of personnel branch whereas as per their own admission in Page -2 of the aforesaid written statement the restructuring is liable to be carried out on the basis of 50:50 ratio taking into consideration the staff strength of the cadre as on 01.11.2003 as such Railway's contentions are contradictory. Moreover Respondent cannot deny the benefit of up-gradation to the applicant as barred by law of promissory estoppel in view of the Railway Board order dated 09.10.2003 as well as General Manager (P)'s office order dated 27/28.11.2003, it is categorically stated that as on 01.11.2003 altogether 121 posts (71+50) fall within the share of Rangia Division on the basis of 50:50 ratio as on 01.11.2003, pursuant to the direction contained in Railway Board letter dated 09.10.2003 as such restructuring ought to have been carried out on the basis of 121 post of Personnel Branch, whereas due to delayed transfer of staff from Aliporeduar and other division the benefit of up-gradation has been denied to the applicant arbitrarily in violation of the direction contained in the Railway Board letter dated 09-10-2003.

A copy of the office order dated 27/28.11.2003 is enclosed as Annexure - "A"

Geok Barman

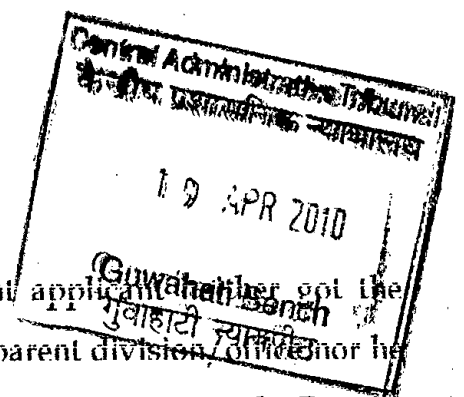


3. That, with regard to the statements made in paragraphs of the written statement against the amended O.A. filed by the applicant, the contentions of those Paragraphs are specifically denied save and accept which are born on record and further beg to say that there is no dispute regarding the conditions and restrictions imposed by the Railway Board in his letter dated 09.10.2003, specifying the manner and method of restructuring but in the instant case the present applicant is highly aggrieved due to non-consideration of his case for up-gradation in terms of Railway Board Circular dated 09.10.2003, as assured by the General Manager (P), Maligaon on 27/28.11.2003, the applicant also aggrieved due to carrying out restructuring at Rangia Division taking into consideration only 76 posts of Personnel Branch instead of 121 posts by the order dated 31.3.2005. As on 01.11.2003 the total number of post fall in the share of newly created Rangia Division 121 posts i.e. (71 + 50) as such it is obligatory on the part of the Rangia Division to carry out restructuring on the basis of 50% post fall in the share of Rangia Division as on 01.11.2003.

It is pertinent to mention here that even in the Rangia Division a revised restructuring has been carried out on 17.5.2007 following increase of staff in the Ministerial cadre of Civil Engineering of Rangia Division, which is evident from Annexure-20, Page-67 letter dated 17.05.2007 as such objection of the General Manager (P) raised in impugned letter dated 08.08.2007 is not sustainable in the eye of law, when similarly situated employees have been extended the benefit, the applicant cannot be denied similar benefits by further cadre restructuring, taking into consideration total 121 posts of Personnel Branch instead of 76 posts. Otherwise action of respondents would be violative of Article 14 of the Constitution of India. There is no infirmity or illegality in the amendment of the original application as such objection raised in the instant written statement is not sustainable in the eye of law. It is categorically submitted that all the 121 staffs of Personnel Branch have been shifted to Rangia Division as such revised restructuring is required to be carried out as done in the case of Civil Engineering Employees of Rangia Division.

G. L. Barman

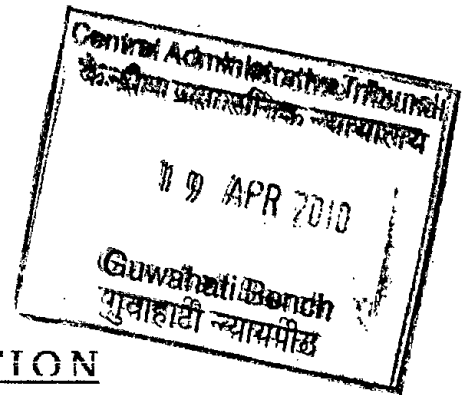
-186-5



It is specifically stated that the present applicant got the benefit of up-gradation or restructuring in his parent division, Officer he has got the benefit of restructuring in the Rangia Division i.e. in the Present Division..

In the facts and circumstances mentioned above, the O.A. deserves to be allowed with cost.

G. L. B. Bannan



VERIFICATION

I, **Golak Barman**, presently working as Head Clerk (F) Office of the Divisional Railway Manager (P), N.E. Railway, Rangiya, P.O. & P.S.- Rangiya, in the District of Kamrup, Assam, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 11th day of April, 2010.

Golak Barman

Office order

In terms of OM(P)/MLG's office order No.21/03 (Ministerial) circulated under No.W/283/27/pt.IX(Q) dated 09.07.03 Shri G. Lakshmi Ch. Berman, Head clerk (P) in scale Rs. 5000-8000/- working under CPO's office/MLG is spared from this office on 28.11.03 (AN) and directed to report to Sr.DPO/RNY for further posting.

Since the transfer of the above staff is an administrative ground he is entitled to get the transfer benefits as per rule.

As regards present upgradation may please be done at your end in terms of item No.19 of Bd's circular No.PC/III/2003/CRC/6 dated 9.10.03 (RDF No.177/2003) duly circulated by GM(P)/MLG's letter No.W/304/O-Restructuring (C) dated 30.10.03.

- This is in partial modification of item No.1 vide this office order No.W/322/203(W)pt.I dated 8.10.03.

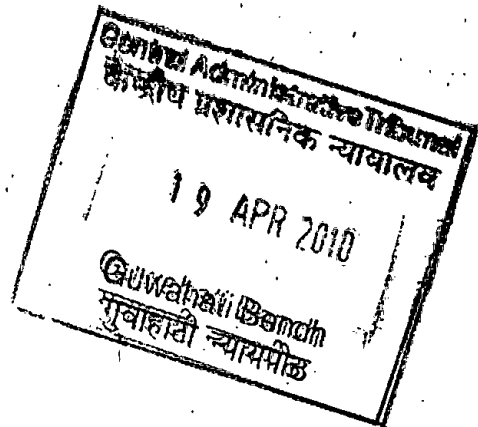
(J. RAHUL DAS)
SPO/Welfare
for General Manager(P)/MLG

No.W/322/205(W)pt.I

Maligaon, dt. 27.11.2003

Copy forwarded for information and necessary action to :-

- 1) FA & CAO/MLG.
- 2) DY.CPO/HQ.
- 3) SPO(IP)/MLG.
- 4) Sr.DPO/RNY.
- 5) PS TM to CPO.
- 6) OS/Bill pt.I
- 7) Staff concerned.

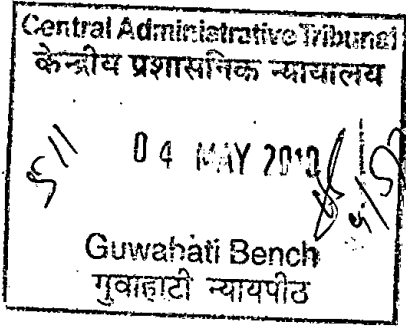


G. Lakshmi Ch. Berman
27/11/03
for General Manager(P)/MLG

*Attested
Berman*

*Attested
White
Adv*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI



O.A. NO 266/07

Sri Golok Barman

-v-

U.O.I. & Ors.

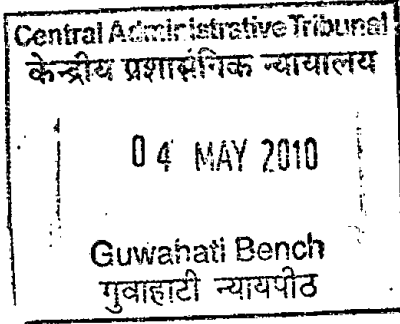
Dr. J. L. Barman.
S. C. Rys.
S. C. Rys.

Reply to the rejoinder (in amended statement)

The respondent respectfully state as under:

- (i) The respondent reiterated the statements made in the original W.S. and in the amended (Added) statements.
- (ii) That the applicant has not shown how his rights have been violated after the bifurcation of the erstwhile Alipurduar Division and forming another division i.e. Rangiya Division in the year 2006.
- (iii) That the cause of action is grossly barred by limitation and for non exhaustion of the remedy. It is stated that the applicant has not submitted any representation praying for any relief against any alleged grievances.
- (iv) That this statement is filed bonafide and in the interest of justice.
- (v) That in the circumstances the O.A deserves to be dismissed with cost.

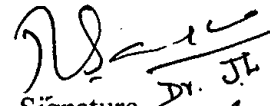
I understand &
serve on the Court
for Application.
S. C. Rys.
4/4/10

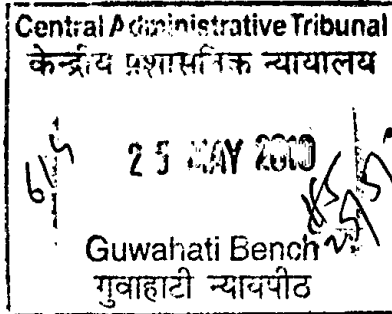


VERIFICATION

I, Jaharlal Sarkar, son of Late Nalini Chandra Sarkar, added about 70 years standing counsel, N.F.Railway do hereby verify that the statements made in para I to v of this reply to rejoinder are true as per the instructions of the respondents. And I have not suppressed any material facts.

And I sign this verification on this 4th day of May 2010 at Guwahati.


Signature Dr. J.L. Sarkar
S.C. / Ryl. CAT



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
:GUWAHATI.

O. A. NO. 266/2007

Shri Golok Barman

.Vs.

Union of India & Ors.

✓ Statements showing seniority position of the applicant under General Manager(P), Maligaon (Pandu-Guwahati Unit).

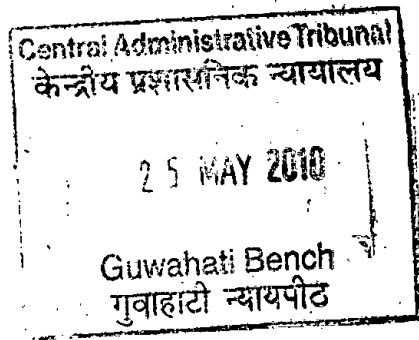
The Respondents respectfully begs to state as under :

(1) That the Respondents have been stating that the applicant was proceeding the case mainly on promotion on bifurcation from APDJ and Rangia and as such the case is in representative capacity on the nature of PIL. Now at this belated stage the applicant has come out with a statement that he was transferred to Rangia from GM(P), Maligaon office. He had no nexus with promotion etc. of staff of Alipurduar Division including persons transferred from Alipurduar after bifurcation to Rangia. The O.A. is liable to be dismissed on such grounds. ✓

(2) That as on 1.4.2003 in the PNO Guwahati Unit, there were 75 Head Clerk (E) (Rs. 5000-8000/-) seniority list circulated by GM, Maligaon, by Memorandum dated G/5/2003 the position of the applicant is against Sl. No. 50(UR). It was written that representation against the same should be made within one month. ✓

Contd..... 2

Under the circumstances the O.A. is liable to be dismissed.



VERIFICATION:

I, Shri Somesh Chandra Chakrabarty, aged about 59
Years, son of Mr. Sarada Ch. Chakrabarty, now working as Sr. DPO/Rwy
....., do hereby verify that the statements
made in para 1 to 5 above are true to my knowledge and that I have not
suppressed any material facts.

I sign this verification this 21st ^{May} ~~th~~ day of ~~April~~, 2010 at Guwahati.

Somesh Chakrabarty
प्रमंडल कार्मिक अधिकारी
Sr. Divisional Personnel Officer
Signature
पु. सी. रेल. रंगिया
N. P. Railway, Rangiya

PROVISIONAL SENIORITY LIST OF HD. CLERK(E) IN SCALE Rs. 5000-8000/- IN PNO - GHY UNIT AS ON 01/04/03
(AUTHORITYGM(P)/MLG's LETTER NO- RESV - 27 E/210/RESV/COU/DATED 21/03/02)

CADRE STRENGTH : Perm = 81, Temp = Nil
CLASSIFICATION : NON - SELECTION

SN	NAME	ST/SC/UR	WORKING UNDER	DATE OF BIRTH	DATE OF APPT.	DATE OF PROMOTION	CONF/OFFG	REMARKS
1	Smt. Labanya Bania	SC	CPO/MLG	01/10/1951	27/04/1977	01/01/1984	Conf.	
2	Oriental Sherm	ST	CPO/MLG	13/04/1945	21/04/1976	29/06/1987	Conf.	
3	Smt Mukti Paul Choudhury	UR	MTP/Cal	01/01/1947	03/10/1970	08/12/1988	Conf.	
4	Smt Mamata Choudury	UR	Dy. CE/Br./Line/MLG	03/02/1966	17/01/1975	18/09/1990	Conf.	
5	Shri Pradip Boro	ST	CPO/MLG	01/08/1953	05/07/1976	10/09/1990	Conf.	
6	Smt Subarna Laskar	ST	CPO/MLG	01/01/1956	12/12/1977	15/11/1990	Conf.	
7	Shri Hareswar Das	SC	Dy. CE/Br./Line/MLG	03/03/1950	26/01/1984	15/11/1990	Conf.	
8	Smt. Swapna Chatterjee	UR	CPO/MLG	18/09/1953	05/07/1977	04/06/1991	Conf.	
9	Shri Murali Mohan Sarma	UR	Rty. H. S. School/MLG	27/10/1948	24/09/1977	21/05/1991	Conf.	
10	Smt. Basanti Saikia	ST	CPO/MLG	31/03/1947	11/04/1978	04/06/1991	Conf.	
11	Shri Rajib Das	SC	MD/CH/MLG	01/03/1968	05/06/1988	04/06/1991	Conf.	
12	Shri R. K. Goswami	UR	Sr. DEN/MLG	01/01/1946	19/01/1966	04/05/1992	Conf.	
13	Shri M. R. Brooks	UR	RCT/CHY	06/09/1956	07/08/1976	04/05/1992	Conf.	
14	Shri Hari Rajkumar	UR	MD/CH/MLG	24/02/1951	22/11/1976	09/06/1992	Conf.	
15	Shri S. N. Boro	ST	CPO/MLG	01/03/1951	31/03/1980	09/06/1992	Conf.	
16	Smt. Purnima Mazumder	SC	CPO/MLG	01/07/1955	11/03/1987	04/05/1992	Conf.	
17	Shri Asmit Kr. Das	UR	CPO/MLG	16/11/1958	09/02/1979	21/09/1992	Conf.	
18	Shri Pramod Baishya	SC	CPO/MLG	04/01/1962	01/07/1985	18/01/1993	Conf.	
19	Shri Akshay Kr. Das	UR	CPO/MLG	01/12/1959	09/02/1979	04/05/1993	Conf.	
20	Shri Gaufer Paul	UR	CPO/MLG	22/07/1959	07/05/1979	04/05/1993	Conf.	
21	Shri Kamakhya Talukdar	UR	CPO/MLG	15/09/1959	26/05/1979	11/08/1993	Conf.	
22	Smt. Arati Chakraborty	UR	CPO/MLG	23/12/1950	27/05/1972	07/01/1994	Conf.	
23	Shri P. P. Sarma	UR	Sr. DME/D/NGC	15/03/1953	09/03/1981	07/04/1994	Conf.	
24	Shri Ashish Bhattacharjee	UR	CPO/MLG	08/01/1956	07/03/1983	07/04/1994	Conf.	
25	Smt. Manju Deka	UR	CPO/MLG	08/05/1959	22/07/1980	10/11/1994	Conf.	
26	Shri Kandarpa Thakuria	UR	CPO/MLG	01/06/1958	05/11/1979	21/12/1994	Conf.	
27	Shri B. K. Dutta	UR	CPO/MLG	30/10/1958	01/07/1985	09/05/1995	Conf.	
28	Shri Sanjay Bhattacharjee	UR	DSTE/MW/MLG	07/01/1961	23/07/1985	09/05/1995	Conf.	
29	Smt. Jharna Das	UR	Sr. DEN/MLG	01/09/1959	21/07/1979	09/05/1995	Conf.	



30	Smt. Sibnarayan Goswami	UR	BY COS/PNO	11/11/1954	27/01/1979	30/06/1995	Contd.
31	Smt. Dipen Ch. Chakraborty	UR	CPO/MLG	01/01/1955	19/10/1979	30/06/1995	Contd.
32	Smt. Vivekananda Choudhury	UR	MD/CH/MLG	11/05/1955	06/11/1979	01/06/1995	Contd.
33	Smt. Sekhar Das	UR	CPO/MLG	01/01/1962	23/03/1981	01/11/1995	Contd.
34	Smt. Ramesh Kant Boro	ST	CPO/MLG	01/01/1958	21/12/1981	01/01/1996	Contd.
35	Smt. Ramesh Lakkar	ST	APG/CH	01/01/1958	28/12/1981	01/01/1996	Contd.
36	Smt. Polima Deka	ST	CPO/MLG	01/05/1954	31/05/1982	01/01/1996	Contd.
37	Smt. Gita Bala Marak	ST	MD/CH/MLG	06/12/1959	30/07/1982	01/01/1996	Contd.
38	Smt. Sakri Pd. Biswas	UR	CPO/MLG	13/02/1957	09/08/1982	01/01/1996	Contd.
39	Smt. A.K. Mukhopadhyay	UR	CPO/MLG	30/04/1961	16/10/1982	01/01/1996	Contd.
40	Smt. Uma Das	UR	CPO/MLG	14/06/1960	12/12/1985	01/01/1996	Contd.
41	Smt. Prasanna Thakura	UR	CPO/MLG	19/08/1959	27/03/1985	01/01/1996	Contd.
42	Smt. Jadav Ch. Kalita	UR	CPO/MLG	28/02/1955	27/12/1980	01/01/1996	Contd.
43	Smt. Sanjit Kr. Bavan	UR	CPO/MLG	01/09/1959	09/07/1982	01/01/1996	Contd.
44	Smt. R.K. Saha	UR	CPO/MLG	15/01/1960	29/04/1985	01/01/1996	Contd.
45	Smt. Dinesh Kr. Kalita	UR	CPO/MLG	01/03/1958	09/07/1979	22/03/1996	Contd.
46	Smt. G. R. Das	UR	DCOS/PNO	01/01/1958	31/07/1979	22/03/1996	Contd.
47	Smt. Biplobit Bhowmick	UR	CPO/MLG	02/02/1960	06/06/1981	06/06/1996	Contd.
48	Smt. Jyoti Ranti Roy	SC	APG/CH	01/11/1953	10/07/1989	22/08/1996	Contd.
49	Smt. Amalendu Das	UR	RY N.V.S./MLG	10/01/1957	17/04/1982	19/09/1996	Contd.
50	Smt. Gopak Ch. Barman	UR	CPO/MLG	01/03/1959	28/05/1985	19/09/1996	Contd.
51	Smt. S.P. Barah	UR	SRDMED/NGC	29/10/1959	25/07/1979	28/11/1996	Contd.
52	Smt. Sandhya Chakraborty	UR	CPO/MLG	01/05/1955	17/08/1982	18/08/1997	Contd.
53	Smt. D. Bhowmick	UR	CPO/MLG	30/03/1963	16/09/1988	18/08/1997	Contd.
54	Smt. P. Nath	UR	RCT/CH	05/03/1961	03/10/1988	18/08/1997	Contd.
55	Smt. D. Chakraborty	UR	CPO/MLG	01/01/1961	26/04/1988	18/08/1997	Contd.
56	Smt. M. Singha Roy	UR	CPO/MLG	01/08/1956	17/08/1988	18/08/1997	Contd.
57	Smt. D.K. Das	UR	ST DEN/MLG	01/10/1957	25/08/1982	27/08/1997	Contd.
58	Smt. Ramila Thakura	SC	MD/CH/MLG	01/07/1957	21/01/1988	27/08/1997	Contd.
59	Smt. Subash Dey	UR	SA DEN/MLG	22/12/1958	20/09/1982	08/09/1997	Contd.
60	Smt. Tapati Borah	UR	CPO/MLG	01/09/1953	16/06/1983	06/10/1997	Contd.
61	Smt. Mitul Choudhury	UR	CPO/MLG	01/12/1959	22/11/1982	12/11/1997	Contd.
62	Smt. N. Devi	SC	CSC/MLG	09/10/1959	10/12/1986	06/11/1998	Contd.
63	Smt. K. Das	SC	CPO/MLG	13/02/1964	25/05/1989	09/11/1998	Contd.
64	Smt. Hiten Ch. Pathak	UR	CPO/MLG	01/01/1955	19/12/1980	26/11/1999	Contd.
65	Smt. Arabinda Nath	UR	BY COS/PNO	25/05/1955	28/12/1982	26/11/1999	Contd.
66	Smt. Sushil Kr. Das	UR	XEN/FCW/MLG	30/12/1960	07/03/1983	26/11/1999	Contd.
67	Smt. Aniruddha Kar	UR	CPO/MLG	04/12/1956	24/03/1983	26/11/1999	Contd.

95	Confid.	Smt. Sova Majumdar	UR	CPO/MLG	10/03/1945	27/06/1983	26/11/1999	Confid.
95	Confid.	Shri Ramen Das	UR	DSTE/MW/MLG	01/03/1957	24/01/1984	26/11/1999	Confid.
95	Confid.	Shri Babul Rn. Das	UR	CPO/MLG	05/10/1953	26/01/1984	26/11/1999	Confid.
95	Confid.	Shri Tapan Kanti Choudhuury	UR	CPO/MLG	18/01/1957	22/02/1984	24/05/2001	Confid.
95	Confid.	Smt. Anima Das	UR	CSC/MLG	11/07/1963	31/03/1984	20/07/2001	Confid.
95	Confid.	Shri H.K. Boro	ST	DY. CE/CON/MLG	01/06/1955	25/03/1985	26/11/1999	Confid.
95	Confid.	Shri A.C. Kaiborta	SC	CPO/MLG	03/10/1960	03/10/1989	26/11/1999	Confid.
95	Confid.	Shri Haren Nath	UR	CSC/MLG	30/12/1963	02/04/1989	26/11/1999	Confid.
95	Confid.	Shri Kajal Chatterjee	UR	Riy. LP School	05/10/1959	10/05/1984	20/07/2001	Confid.
95	Confid.	Shri Montu Kumar Das	UR	CPO/MLG	29/07/1954	20/02/1985	20/07/2001	Confid.
95	Confid.	Smt. Tanuja Medhi	UR	CPO/MLG	01/02/1961	25/02/1985	03/04/2002	Confid.
95	Confid.	Smt. Puspa Basu	SC	CPO/MLG	04/10/1946	21/05/1987	03/04/2002	Confid.
95	Confid.	Shri P.K. Bhowmick	UR	MD/CH/MLG	21/02/1964	17/06/1985	28/06/2002	Confid.
95	Confid.	Smt. Dipika Das	UR	CPO/MLG	01/03/1962	20/03/1985	28/06/2002	Confid.
95	Confid.	Smt. Lily Gogoi	UR	CPO/MLG	01/02/1957	01/03/1984	08/08/2002	Confid.
95	Confid.	Miss Himadri Choudhury	UR	CPO/MLG	30/06/1961	15/11/1990	27/11/2002	Confid.
95	Confid.	Anil Ch. Das	UR	CPO/MLG	08/08/1963	30/10/1986	24/01/2003	Confid.
95	Confid.	Smt. Bhanu Das	UR	CPO/MLG	01/01/1962	16/02/1987	14/02/2003	Confid.

Lakra 06.05.03
(Mrs. P. Lakra)
SPO/RP

for GENERAL MANAGER(PV/MLG)
Dated: 10/5/2003

No. E/255/18 Pt. II (Q)

Copy forwarded for information and necessary action to :-

- 1) GM/CON/MLG 2) CSC/MLG 3) MD/CH/MLG 4) XEN/FCW/MLG 5) Dy. CE/Br./Line/MLG
6) SR.DME/D/NGC 7) DSTE/MW/MLG 8) APO/GHY 9) Sr.DEN/MLG 10) C/O N.V.Riy., HS School/MLG
11) DCOS/PNO 12) General Secretary/NFREU, NFRMU/PNO, OBCEA/MLG, AISCTREA/MLG with 10 spare copies each.

NB : The staff should note that any representation against the seniority list should be reach to this office within one month from the date of publication.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY

Guwahati Bench
गुवाहाटी न्यायपीठ

Lakra 06.05.03
for GENERAL MANAGER(PV/MLG)

06/5/03
Asstt. Personnel Officer (Lec.)
श्री: रत्न, मालिनी, गुवाहाटी
10 Bellary Mallah, Guwahati

06/5/03
5/3/10

ANNEXURE

R-13

Annexure - H

N. F. RAILWAY

OFFICE ORDER NO. 30/04 (Ministerial)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायापीठ

Consequent on restructuring of Ministerial cadre of 'P' branch Maligaon, the following Hd. Clerk(E) in scale Rs. 5000-8000/- who have been empanelled for the post of OS/Gr-II(E) in scale Rs. 5500-9000/- vide this office Memorandum of even number dated 13-09-2004 are hereby appointed to officiate as OS/Gr-II(E) (Rs. 5500-9000/-) effective from 01-11-03 and posted on "as is where is basis" for a period of 6 months as under, subject to free from SPE/Vig/DAR cases in respect of SL Nos 3, 6, 8 & 10 :-

SN	Name	Working under	Posted as OS/II(E) (Rs. 5500-9000/-)
1	Smt. Labanya Bania (SC)	SPO/NG, EQ Section	SPO/NG, EQ Section
2	Smt. Oriental Shiem (ST)	APO/Engg. EE Sect.	APO/Engg. EE Sect.
3	Smt. Mukti Paul Choudhury (UR)	GM(P) Metro Rly/Kolka	GM(P) Metro Rly/Kolka
4	Sri Pradip Boro (ST)	SPO/T, ET Section	SPO/T, ET Section
5	Smt. Subarna Laskar (ST)	APO/W Bill Section	APO/W Bill Section
6	Shri Hareswar Das (SC)	Dy.CE/Br. Line/MLG	Dy.CE/Br. Line/MLG
7	Smt. Swapna Chatterjee (UR)	SPO/W, EW Section	SPO/W, EW Section
8	Sri Murari Mohan Sarma (UR)	Rly. H.S.School/MLG	Rly. H.S.School/MLG
9	Smt. Basanti Saikia (ST)	APO/Engg. EE Sec.	APO/Engg. EE Sec.
10	Sri M. R. Brooks (UR)	RTC/GHY	RTC/GHY
11	Sri S. N. Boro (ST)	SPO/R, EC Section	SPO/R, EC Section
12	Smt. Purnima Mazumder (UR) (SC)	SPO/MPP, MPP Cell	SPO/MPP, MPP Cell
13	Sri Ashit Das (UR)	APO/Engg, EE sec.	APO/Engg, EE sec.

Contd....P/2

आ: कानून अधिकारी (विधि) उ.क.
Asstt. Personnel Officer (Legal Cell)
श्री: रमेश, मालिगान, गुवाहाटी-781001
Forwarding to: Railway Maligaon, Guwahati-781001



25 MAY 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

- 2 -

The following Hdt. Clerk/E (Rs. 5000-8000/-) who have been empanelled for promotion to the post of OS/II/E in scale Rs. 5500-9000/- vide this office memorandum of even number dated 13-09-2004 are hereby appointed to officiate as OS/II/E in scale Rs. 5500-9000/- with immediate effect and posted in the office as indicated below and subject to free from SPE/Vig/DAR cases in respect of SL Nos. 4, 5 & 6.

1	Sri. Promode Baishya (SC)	SPO/Rectt. Rectt. Sec	SPO/Rectt. Rectt. Sec
2	Sri Rama Kanta Boro (ST)	Dy. CPO/RP, Resv. Section	Dy. CPO/RP, Resv. Section
3	Smt. Pratima Deka (ST)	SPO/NG, E/Store Sect.	SPO/NG, E/Store Sec.
4	Smt. Gita Bala Marak (ST)	MD/CH/MLG	MD/CH/MLG
5	Smt. Jova Rani Roy (SC)	APO/GHY	APO/GHY
6	Smt. Ramila Thakuria (SC)	MD/CH/MLG	MD/CH/MLG

The staff concerned may exercise their option for fixation of pay from the date of next increment in their substantive grade within one month from the date of issue of this order. Option received after stipulated period will not be entertained.

This issues with the approval of competent authority.

(R. Narzary)
SPO/NG

for General Manager(P)

Dated 22-09-2004

No. E/255/6 Pt-XII (Q)

Copy forwarded for information and necessary action to :-

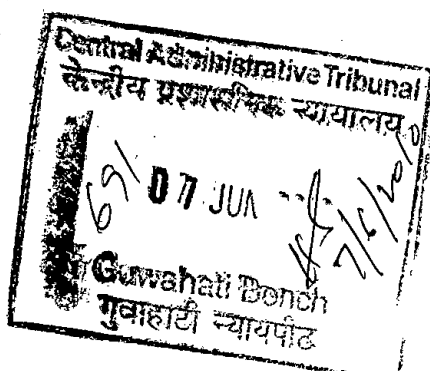
- 1) FA&CAO/MLG
- 2) MD/CH/MLG
- 3) Dy. CPO/G, Dy. CPO/HQ, Dy. CPO/RP, Dy. CE/Br. Line/MLG.
- 4) GM(P)/Metro Rly./Kolkata.
- 5) RCT/GHY, SPO/T, SPO/R, SPO/W, SPO/Rectt., SPO/MRP.
- 6) APO/W, APO/Engg., Principal/Rly. H. S. School/MLG.
- 7) Staff concerned. @ APO/GHY.

for General Manager(P)

Compared

- 205 -

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



In the matter of: -

O.A. No. 266 of 2007

Shri Golak Barman

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Additional rejoinder submitted by the applicant
in reply to the written statements submitted by
the Respondents, against the Amended
Application.

The humble applicant above named most humbly and respectfully state as
under; -

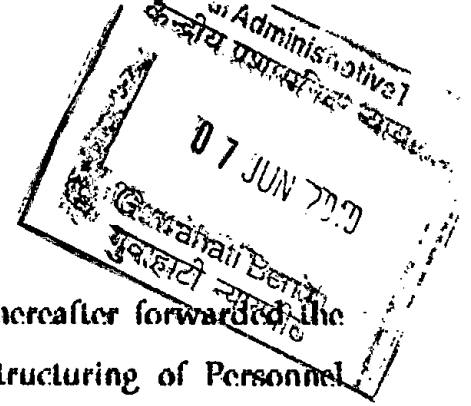
1. That your applicant carefully gone through the written statements of the respondents filed against the amended original application and understood the contents thereof.

The applicant categorically denies all the averments made in the
aforesaid written statement, save and except which are born on record.

2. That your applicant categorically denies the contentions raised by the respondents in the written statement against the amended O.A. It is relevant to mention here that the revised restructuring of Ministerial cadre of Personnel Branch of Rangia Division in fact approved by the Divisional

Golak Barman

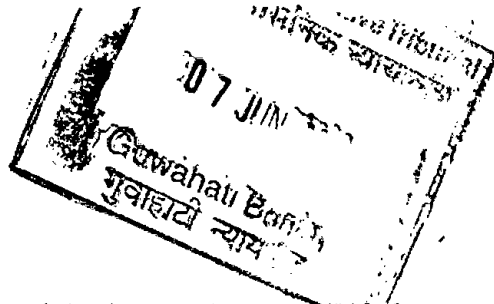
Filed by the applicant
through U. Dutta, advocate
on 07.08.10



Railway Manager of Rangia on 20.02.2007 and thereafter forwarded the case to Headquarter for sanction of revised restructuring of Personnel Branch pursuant to the Railway Board direction contained in the letter dated 09.10.2003. Be it stated that Divisional Railway Manager, Rangia vide his letter dated 23.02.2007 (Annexure-20, Page-63 of O.A. 266/2007) was forwarded to General Manager, N.F. Railway for his approval to finalize restructuring of cadre but the said proposal of revised restructuring has been rejected only on 08-08-2007, thereafter, the applicant immediately approached the learned CAT within the prescribed time limit as per Section 21 of the Administrative Tribunal Act, 1985 as such allegation that the statement added are barred by law of limitation is not sustainable in the eye of law, more so when the applicant by his amended application made certain pleadings only.

✓ That it is relevant to mention here that vide office order bearing letter No. F. 322/205(W) PL I dated 27/28.11.2003 whereby applicant has been spared from the office of the Chief Personnel Officer, Maligaon on 28.11.2003 (afternoon) with a direction to report to Senior Divisional Personnel Officer, Rangia for further posting, therefore admittedly applicant joined in Rangia Division after 01.11.03 as a result he did not get any restructuring benefit in his earlier place of posting i.e. in Parent Division i.e. in the office of the CPO, Maligaon, therefore it was specifically directed in the said office order dated 27/28.11.2003 that up gradation may please be done in terms of item No. 19 of Railway Board Circular dated 09.10.2003, but surprisingly since the restructuring has been carried out taking into consideration only 76 posts instead of 121 posts with effect from 01.11.03 vide memorandum dated 31.03.2005 as such applicant has been denied benefit of restructuring which was carried out by the memorandum dated 31.03.2005 and as a result the right of the applicant for up-gradation from the order of the Railway Board letter dated 09.10.2003 as well as from the office order dated 27/28.11.2003 issued by the General Manager (P), Maligaon has been adversely effected.

Gobind Barman

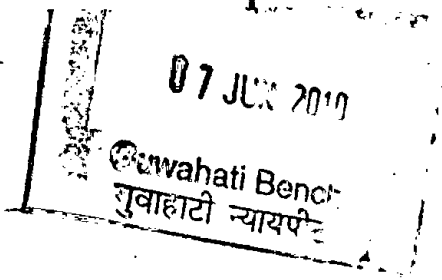


It would be evident from the Divisional Railway Manager (P)'s letter dated 23.02.2007 (Annexure-20, Page-63 of O.A.) that the proposal for revised restructuring of ministerial cadre of Personnel Branch in Rangia Division wherein it is fairly admitted that the staff joined in Rangia Division after 01.11.2003 did not get any restructuring benefit in the earlier place of posting i.e., in Parent Division/unit as such the revised proposal was sent to the General Manager for carrying out the revised restructuring against 121 posts instead of 76 posts. Since the revised proposal for restructuring has been rejected by General Manager (P), Maligaon on 08-08-2007 as such the right of the applicant has been adversely effected due to denial of up-gradation benefit.

So far contention raised by the respondents regarding allegation of plurality of remedies the said allegation is specifically denied. Further, contention of the respondents that the restructuring has been carried out at Rangia Division taking into consideration only 76 posts of personnel branch whereas as per their own admission in Page -2 of the aforesaid written statement the restructuring is liable to be carried out on the basis of 50:50 ratio taking into consideration the staff strength of the cadre as on 01.11.2003 as such Railway's contentions are contradictory. Moreover Respondent cannot deny the benefit of up-gradation to the applicant as barred by law of promissory estoppel in view of the Railway Board order dated 09.10.2003 as well as General Manager (P)'s office order dated 27/28.11.2003, it is categorically stated that as on 01.11.2003 altogether 121 posts (71+50) fall within the share of Rangia Division on the basis of 50:50 ratio as on 01.11.2003, pursuant to the direction contained in Railway Board letter dated 09.10.2003 as such restructuring ought to have been carried out on the basis of 121 post of Personnel Branch, whereas due to delayed transfer of staff from Aliporeduar and other division the benefit of up-gradation has been denied to the applicant arbitrarily in violation of the direction contained in the Railway Board letter dated 09-10-2003.

3. That, with regard to the statements made in paragraphs-2, 3, 4 and 5 of the written statement against the amended O.A. filed by the applicant, the

Colonel Barman



contentions of those Paragraphs are specifically denied save and accept which are born on record and further beg to say that there is no dispute regarding the conditions and restrictions imposed by the Railway Board in his letter dated 09.10.2003, specifying the manner and method of restructuring but in the instant case the present applicant is highly aggrieved due to non-consideration of his case for up-gradation in terms of Railway Board Circular dated 09.10.2003, as assured by the General Manager (P), Maligaon on 27/28.11.2003, the applicant also aggrieved due to carrying out restructuring at Rangia Division taking into consideration only 76 posts of Personnel Branch instead of 121 posts by the order dated 31.3.2005. As on 01.11.2003 the total number of post fall in the share of newly created Rangia Division 121 posts i.e. (71 + 50) as such it is obligatory on the part of the Rangia Division to carry out restructuring on the basis of 50% post fall in the share of Rangia Division as on 01.11.2003.

It is pertinent to mention here that even in the Rangia Division a revised restructuring has been carried out on 17.5.2007 following increase of staff in the Ministerial cadre of Civil Engineering of Rangia Division, which is evident from Annexure-20, Page-67 letter dated 17.05.2007 as such objection of the General Manager (P) raised in impugned letter dated 08.08.2007 is not sustainable in the eye of law, when similarly situated employees have been extended the benefit, the applicant cannot be denied similar benefits by further cadre restructuring, taking into consideration total 121 posts of Personnel Branch instead of 76 posts. Otherwise action of respondents would be violative of Article 14 of the Constitution of India. There is no infirmity or illegality in the amendment of the original application as such objection raised in the instant written statement is not sustainable in the eye of law. It is categorically submitted that all the 121 staffs of Personnel Branch have been shifted to Rangia Division as such revised restructuring is required to be carried out as done in the case of Civil Engineering Employees of Rangia Division.

It is specifically stated that the present applicant neither got the benefit of up-gradation or restructuring in his parent division/office nor he

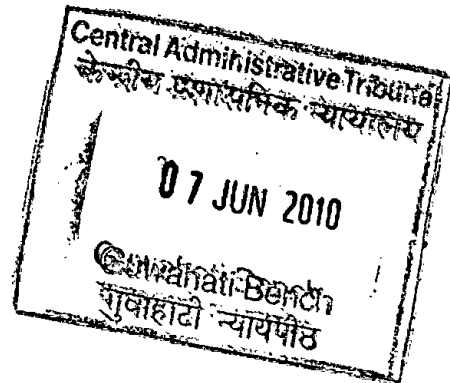
Gulab Barmann

has got the benefit of restructuring in the Rangia Division i.e. in the Present Division.

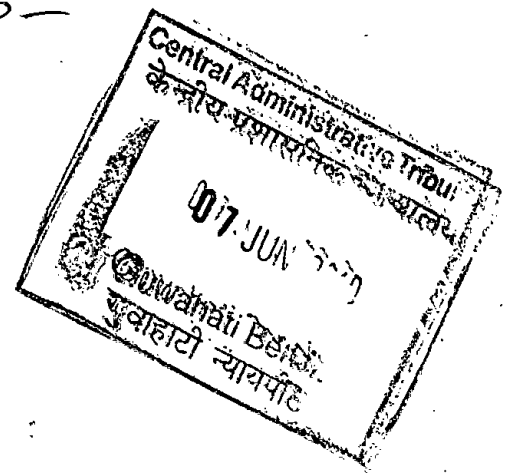
It is further submitted that as per provisional seniority list published, in Rangia Division during 2003, assigning seniority position of the applicant at Serial No. 10. Moreover, as per seniority list published in 2005, the seniority position of the applicant has been assigned, at Serial No. 3, in the cadre of Head Clerk. Therefore, if the revise, restructuring, is carried out, as per proposal dated 23-02-2007, in that event applicant shall be eligible for promotion/up-gradation.

Copy of seniority list of 2003, as well as seniority list of 2005 are enclosed as Annexure-A & B.

In the facts and circumstances mentioned above, the O.A. deserves to be allowed with cost.



Golak Barman



VERIFICATION

I, Golak Barman, presently working as Head Clerk (F) Office of the Divisional Railway Manager (P), N.E. Railway, Rangiya, P.O. & P.S. Rangiya, in the District of Kamrup, Assam, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 6th day of June, 2010.

Golak Barman

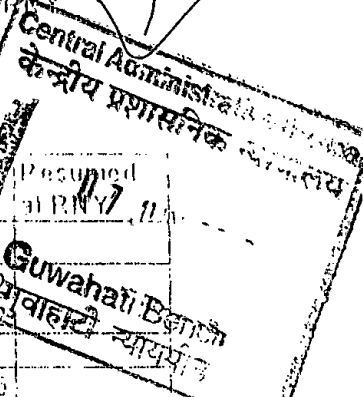


N.E. RAILWAY

Provisional Inter Se-seniority List of Ministerial Staff of Personnel Deptt. (Clerical)

Already joined in RNY who opted before 01.11.03.

Criteria: Length of Service and entry to the grade

Office of the
DRM(P)/RNY

SN	Name S/Shri.	Caste	Desg.	DOB	DOA	DOI	Resigned at RNY
COS/E Rs.7450-11,500/-							
1	Sambhu Charan Brahma	ST	COS/E, CVM/NBO	01.11.50	01.09.72	01.04.02	24.04.03
OS/II/E Rs.6500-10,500/-							
1	M.C. Brahma	ST	OS/II/E, DEE/WNBO	01.02.47	01.09.72	02.01.95	
2	Smt. J. Lahary	ST	OS/II/E, EWS/BNGN	01.05.50	28.10.72	01.04.96	
3	R.K. Goyal	ST	OS/II/E, MS/RPAN	01.03.47	03.02.73	01.05.98	23.10.98
4	P.K. Nath	UR	OS/II/E	01.04.45	05.01.66	05.03.02	06.03.03
OS/II/E Rs.5900-9000/-							
1	M.L. Debnath	UR	OS/II/E, DCOS/NBO	01.03.51	25.05.72	07.03.97	
2	Naren Baro	ST	CVM/NBO	01.06.50	03.07.73	21.11.97	
3	Dinesh Baishya	SC	DRM(P)/RNY	01.09.59	14.07.88	23.07.97	05.12.03
4	Dipak Das	SC	DRM(P)/RNY	01.04.67	09.01.91	01.03.90	29.03.04
5	R.K. Kundu	UR	EWS/BNGN	01.07.54	20.02.78	24.02.00	
6	N.R. Paul	UR	CVM/NBO	20.12.55	15.03.84	01.08.01	
7	S.A. Hussain	UR	DRM(P)/RNY	01.07.60	29.04.85	28.06.01	01.04.03
8	P.C. Borg	ST	CVM/MLG	30.12.60	23.04.85	24.06.00	28.03.03
9	Binod Basumatary	ST	DRM(P)/RNY	20.06.56	14.07.77	05.02.02	28.03.03
10	Ashok Hazarika	UR	DRM(P)/RNY	01.03.53	25.09.73	27.03.02	31.05.04

HC/E Rs. 5000-8000/-

1	S.N. Brahma	ST	CVM/NBO	01.11.47	02.09.72	01.01.84	
2	Sarat Barman	ST	DRM(P)/RNY	01.03.60	05.08.87	16.09.91	12.09.03
3	Smt. Krishna Ghosal	UR	EWS/BNGN	01.07.57	12.05.78	01.03.93	
4	U. Chakrabarty	UR	CVM/NBO	25.01.59	15.11.78	01.03.93	
5	Ashish Kr. Das	SC	DRM(P)/RNY	30.11.65	15.09.89	17.02.94	05.12.03
6	Sisir Chakrabarty	UR	DEE/WNBO	01.01.58	06.07.79	27.03.96	
7	Ranjil Kr. Sarkar	UR	CVM/NBO	17.02.57	09.06.80	30.03.96	
8	P. Swargiyari	ST	CMT/NBO	01.01.62	09.03.84	30.03.96	
9	S.C. Sensama	UR	DEE/WNBO	04.07.62	01.08.80	13.09.96	
10	Golok Barman	UR	DRM(P)/RNY	01.03.59	28.05.85	01.09.97	01.12.03
11	Smt. N.B. Goswami	UR	HC/E, CVM/NBO	01.03.53	22.12.80	21.11.97	
12	Pradip Das	UR	HC/E, CVM/NBO	01.01.55	01.01.81	21.11.97	
13	Tarun Goswami	UR	HC/E, EDP/MAF	01.04.62	04.04.88	22.11.97	
14	Putal Das	SC	HC/E, DRM(P)/RNY	24.03.61	11.02.82	03.12.99	16.12.01
15	Sujit Kr. Bhadury	UR	HC/E, CVM/NBO	01.01.64	27.01.84	31.08.00	
16	Hridaya Rn Dey	UR	HC/E, DEE/WNBO	17.02.64	27.01.84	31.08.00	
17	Smt. Gita Nath	UR	HC/E, DEE/WNBO	12.02.59	13.03.84	31.08.00	
18	Anita Devi	UR	HC/E, CVM/NBO	03.09.55	12.04.84	31.08.00	
19	Suren Kalita	UR	HC/E, DRM(P)/RNY	01.04.65	10.12.90	31.08.00	28.03.03
20	Smt. Mina Kumari Sharma	UR	HC/E, CVM/NBO	17.04.65	17.10.84	31.08.00	
21	Jitendra Kr. Goswami	UR	HC/E, DRM(P)/RNY	08.12.55	29.01.81	05.09.91	15.01.03
22	B.K. Saha	UR	HC/E, CVM/NBO	01.05.54	02.07.83	27.02.02	07.01.84
23	Lankeswar Swargiyari	ST	HC/E, DRM(P)/RNY	01.06.61	03.08.89	18.01.02	30.03.03
24	Abhay Rajbanshi	UR	HC/E, DRM(P)/RNY	01.01.58	01.04.81	01.03.02	09.02.04
25	Chandra Ramchary	ST	CI/Con-MLG	30.01.67	28.09.89	01.03.03	

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Mulla
18/12/05

01.4.05

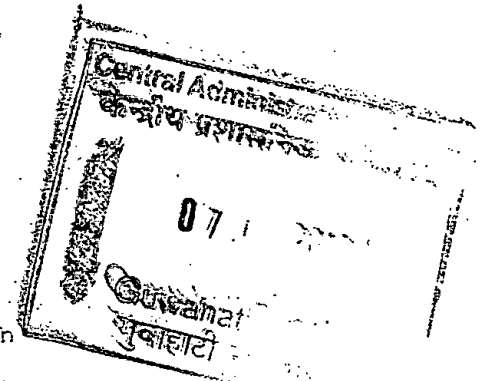
After Re-structuring

- 2/2 -

- 8 -

N.F. Railway.

Office of the
DAM(P)/RNY
Dt: -11-05



(P. B. 111)

Provisional Seniority list of Ministerial cadre (staff) of Clerical category of P/Branch RNY Division (including Workshop unit) as on 01-4-2005.

Category:- Ch. OS(E) Rs. 7450-11.500/-, San:-05, AOR:-03, Vac:02, Criteria: Length of service to the grade / entry to the grade.

SN	Name	Design. & Station	Comm. unit	Working under	D.O.B.	D.O.A.	D.O.P.	Remarks if any
1.	S/Shri	3.	4.	5.	6.	7.	8.	9.
1.	Sambhu Charan Brahma	Ch. OS(E) NBO	ST	CWM/NBO	01-11-50	01-9-72	01-4-02 24-4-02	Promoted against Restructuring w.e.f. 01-11-03 as Ch. OS(E).
2.	M.C. Brahma	Ch. OS(E) NBO	ST	DEE/W/NBO	01-2-47	01-9-72	01-11-03	-do-
3.	J. Lahari	Ch. OS(E) / BNGN	ST	EWS/BNGN	01-5-50	26-10-72	01-11-03	-do-

Category:- OS(E)/I Rs. 6500-10,500/-, Sanction:-10, AOR:-05, Vacancy:- 05

SN	Name	Design. & Station	Comm. unit	Working under	D.O.B.	D.O.A.	D.O.P.	Remarks if any
1.	S/Shri	3.	4.	5.	6.	7.	8.	9.
1.	R.K. Gayari	OS(E) I/EPAN	ST	MS/RPAN	01-3-47	03-2-73	01-5-98 23.10.96	Promoted against Restructuring w.e.f. 01-11-03.
2.	M.L. Debnath	OS(E) I-EBQ	UR	DMM/NBO	01-3-51	25-5-72	01-11-03	-do-
3.	Naren Boro	OS(E) I-EBQ	ST	CWM/NBO	01-4-50	03-7-73	01-11-03	-do-
4.	Dinesh Baishya	OS(E) I-RNY	SC	DPO/RNY	01-9-59	14-7-88	01-11-03	-do-
5.	Dipak Kr. Das	-OO-	SC	-do-	01-4-67	09-1-91	26-5-05	Promoted against chain vacancy of Restructuring.

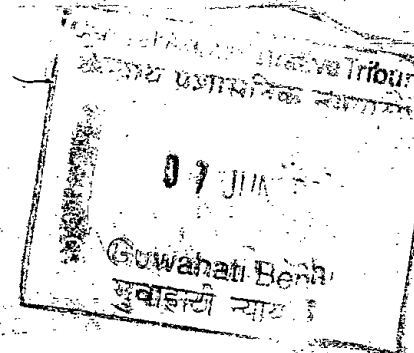
(Contd....P/2)

Attended
Dutta
Adv

24/11/05

Category:- CS(E)/II
Scale :- Rs.5500-9000/-
Sanction:- 19
AOR :- 12
Vacancy :- 07

- 2 -



SN	Name	Designation & Station.	Community	Working under	D.O.B.	D.O.A.	D.O.P.	Remarks if any
1.	2.	3.	4.	5.	6.	7.	8.	9.
	<u>S/Shri</u>							
1.	R.K.Kundu	CS(E) II-BNGN	UR	EWS/BNGN	01-7-54	20-2-78	24-8-00	
2.	N.R.Paul	CS(E) II-NBQ	UR	CWM/NBQ	20-12-55	15-3-84	01-8-01	
3.	S.A. Hussain	CS(E) II-RNY	UR	DPO/RNY	01-7-60	29-4-85	28-6-01	
4.	P.C.Boro	CS(E) II-MLG	ST	CVI/MLG	31-12-60	23-4-85	24-6-00	Now working under CVO/MLG.
5.	Binod Basumatary	CS(E) II-RNY	ST	DPO/RNY	20-6-56	14-7-77	05-3-02	
6.	Ashok Hazarika	CS(E) II/RNY	UR	DPO/RNY	01-3-53	25-9-73	27-3-02	
7.	S.N.Brahma	CS(E) II-NBQ	ST	CWM/NBQ	01-11-47	02-9-72	01-11-03	Promoted against the restructuring benefit.
8.	Sarat Ch.Sarma	CS(E) II/RNY	ST	DPO/RNY	01-3-60	05-8-87	01-11-03	-do-
9.	Smt.Krishna Ghosh	CS(E) II-BNGN	UR	EWS/BNGN	01-7-57	12-5-78	01-11-03	-do-
10.	U.Chakraborty	CS(E) II-NBQ	UR	CWM/NBQ	25-01-59	15-11-78	01-11-03	-do-
11.	Sisir Chakraborty	CS(E) II-NBQ	UR	DEE/W/NBQ	01-01-58	06-7-79	01-11-03	-do-
12.	Ranjit Kr.Sarkar	CS(E) II-NBQ	UR	CWM/NBQ	17-2-57	09-6-80	01-11-03	-do-
13.	Putul Ch.Das	CS(E) II-RNY	SC	DPO/RNY	24-8-61	11-8-89	26-5-05	Promoted against the chain vacancy of Restructuring.

(Contd....P/3)

- 10 -

- 214 -

- 3 -

Category :- Head Clerk(E)
Scale :- Rs. 5000-8000/-
Sanction :- 35
AOR :- 23
Vacancy :- 12

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
07 JUN 2000
Guwahati Bench
गुवाहाटी न्यायपीठ

Sl. No.	Name	Designation & Station	Community	Working under	D.O.B.	D.O.A.	D.O.P.	Remarks if any
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	P. Swargiary	Hd. Clerk (E) NBQ	ST	CMT/NBQ	01-01-62	09-3-84	30-3-96	
2.	S. C. Sen Sarma	-do-	UR	DEE/W/NBQ	04-7-62	01-8-80	13-9-96	
3.	Golak Barman	-do- /RNY	UR	DPO/RNY	01-3-59	28-5-85 03-02-90	01-9-97	
4.	Smt. N. B. Goswami	-do- /NBQ	UR	CWM/NBQ	01-3-53	22-12-80	21-11-97	
5.	Pradip Das	-do- /NBQ	UR	CWM/NBQ	01-01-55	01-01-81	21-11-97	
6.	Tarun Goswami	Hd. Clerk (E) APDJ	UR	EDPM/APDJ	01-4-62	04-4-82	21-11-97	Now working under EDPM/APDJ.
7.	Ashis Kumar Das	Hd. Clerk (E) RNY	SC	DPO/RNY	30-11-65	15-9-89	24-2-00	
8.	Sujit Kr. Bhadury	-do- /NBQ	UR	CWM/NBQ	01-01-64	27-01-84	31-8-70	
9.	H. R. Dey	-do- /NBQ	UR	DEE/W/NBQ	17-02-64	27-01-84	31-8-00	
10.	Smt. Gita Nath	-do- /NBQ	UR	-do-	12-02-59	13-3-84	31-8-00	
11.	Smt. Anita Devi	-do- /NBQ	UR	CWM/NBQ	03-9-55	12-4-84	31-8-00	
12.	Suren Kalita	-do- /RNY	UR	DPO/RNY	01-4-65	10-12-90	31-8-00	
13.	Smt. Mina Sarma	-do- /RNY	UR	DPO/RNY	17-4-65	17-10-84	31-8-00	
14.	J. K. Goswami	-do- /RNY	UR	DPO/RNY	08-12-55	29-01-81	06-8-01	

(Contd.... P/4)

1. 2. 3. 4. 5. 6. 7. 8. 9.

15. B.K.Saha	Hd.Clerk(E)/NBQ	UR	CWM/NBQ	01-5-54	02-7-83	27-02-02
16. Lankeswar Swargiary	Hd.Clerk(E)/RNY	ST	DPO/RNY	01-6-61	03-8-89	18-01-02
17. Abhay Rajbanshi	-do-	UR	-do-	01-01-58	01-4-81	01-3-02
18. Smt.Chandra Ramchi-ary	Hd.Clerk(E)/MLG	ST	GM(P)/Con Maligaon.	30-01-57	28-9-89	31-3-03
19. Upen Ch.Das	-do- / NBQ	ST	CWM/NBQ	17-7-62	14-9-88	01-11-03
20. Biren Boro	-do- /RNY	ST	DPO/RNY	23-4-63	05-10-89	01-11-03
21. Khagen Boro	-do- /RNY	ST	DPO/RNY	01-7-68	29-9-89	01-11-03
22. Smt.Rita Das (Deka)	-do- /NBQ	UR	CWM/NBQ	26-4-65	15-11-88	01-11-03
23. Raj Kumar Rath	-do- /RNY	SC	DPO/RNY	25-10-69	04-7-89	18.1.02
24. Sanatan Bherali	-do- /RNY	SC	DPO/RNY	01-4-60	26-4-94	25-1-05

Promoted against the Restructuring benefit w.e.f. 01-11-03

Central Administrative Tribunal

07 JUN 2003

Guwahati Bench

Joined at DRM(P)/RNY on 28-2-05. Td. from LRM(P) APDJ. Seniority counted from the date of his joining at RNY vide GM(P)/MLG's O.O.No.E/293/17/Pt. IX(Q) dt:18-2-05

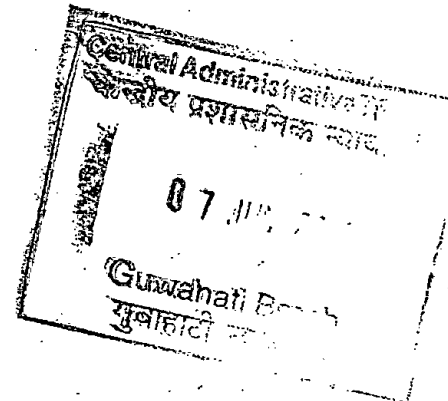
Promoted against the chain vacancy of Restructuring benefit.

Alun

1.	2.	3.	4.	5.	6.	7.	8.	9.
S/Shri								
16. Basanta Boro	Sr.Clerk(E) RNY	ST	LPO/RNY	19-02-75	08-02-96	20-05-01		
17. Giren Das	-do- /NBQ	UR	CWM/NBQ	02-10-74	28-10-94	08-10-01		
18. Anil Kungen Brahma	-do- / NBQ	ST	PSTC/NEQ	01-03-70	12-09-95	08-10-01		
19. Smt.Sasni Prave Kakati	Sr.Clerk(E) BNGN	SC	EWS/BNGN	09-4-55	10-12-96	08-10-01		
20. Nabadwip Pathak	-do- /NBQ	SC	CWM/NBQ	01-01-75	26-12-96	08-10-01		
21. Abhimanyu Prasad	-do- /NBQ	SC	-do-	11-7-77	26-12-96	08-10-01		
22. Avijit Nath	-do- /RNY	UR	DPO/RNY	21-3-72	12-5-97	01-4-03		
23. Smt.Ruma Nath	-do- /RNY	UR	DPO/RNY	09-12-74	13-5-97	01-4-03		
24. Smt.Bina Das	-do- /RNY	ST	DPO/RNY	01-01-72	01-9-97	01-8-03		

Category :- Jr.Clerk(E)
Scale :- 3050-4590/-
Sanction :- 24
AOR :- 14
Vacancy :- 10

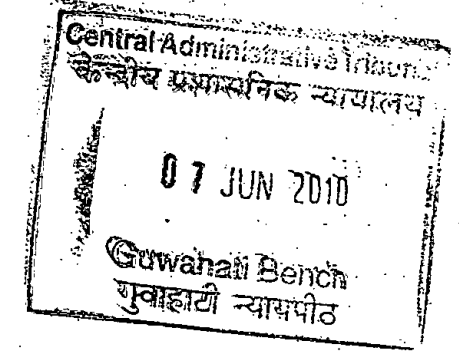
SN	Name	Designation & Station	Comm-unity	Working under	D.O.B.	D.O.A.	E.O.P.	Remarks if any
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Prasun Aich	Jr.Clerk(E) NBQ	UR	CWM/NBQ	22-02-76	02-02-97	02-02-97	
2.	Smt.Sumita Shome	-do- /NBQ	UR	DEE/W/NEQ	01-01-73	07-5-97	07-5-97	
3.	Sunanda Kalita	-do- /NBQ	UR	CWM/NEQ	01-5-70	13-5-97	13-5-97	
4.	Debashish Ghosal	-do- /NBQ	UR	-do-	16-11-76	27-8-97	27-8-97	
5.	Miss Sunia Rabha	Jr.Clerk(E) RNY	ST	EPO/RNY	02-3-70	07-10-97	07-10-97	



(Contd....p/7)

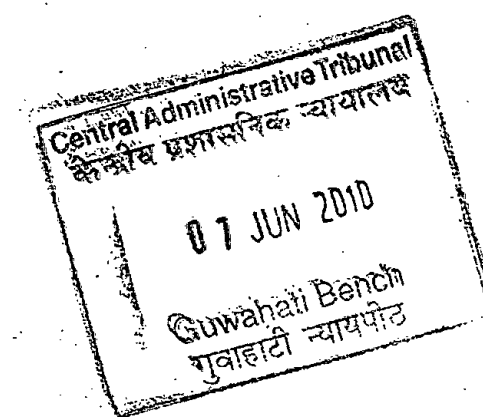
Category: Sr. Clerk

Sl. No.	Name	Station	Community	Under	DOJ	DOA	D.O.P.
1.	Naladhar Boro	Sr. Clerk (D) / NLO	ST	DRE/W/NBQ	22-9-65	05-10-88	05-9-96
2.	A.K. Yadav	-do-	UR	CWM/NBQ	08-3-54	03-01-90	05-9-96
3.	Dharmeswar Koch	-do-	UR	DRE/A/NE	23-3-61	15-10-80	05-5-96
4.	Bhubai Nanda Nath	-do-	UR	CWM/NBQ	31-8-61	16-10-80	05-9-96
5.	Khargeswar Kalita	Sr. Clerk (E) / NMI	UR	DTC/NE	05-3-55	20-7-81 24-7-86	06-10-91
6.	Lokeswar Kumar	-do-	UR	DPO/NT	01-3-61	03-8-90	04-3-98
7.	S. Gouri Chowdhary	-do-	SC	DPO/NMI	01-02-61	25-4-91 02-11-92	04-3-98
8.	Janmi Ram Kapta	-do-	UR	DPO/NMI	09-10-51	21-01-81	11-3-98
9.	Marina Akwa	Sr. Clerk (P) / NLO	ST	CWM/NLO	25-3-51	27-09-79	17-01-00
10.	Lal Chandra	Sr. Clerk (P) / NMI	UR	DPO/NT	01-12-63	05-10-83	17-01-00
11.	Anuradha B. Choudhary	Sr. Clerk (P) / NMI	ST	CWM/NE	12-7-71	08-9-94	17-01-00
12.	B. N. Das	-do-	UR	DTC/NMI	01-9-72	22-10-94	30-8-97 17-01-00
13.	P. N. Choudhary	Sr. Clerk (P) / NMI	UR	DTC/NT	01-1-84	19-10-94	12-4-90
14.	Tapasa Choudhary	-do-	UR	DTC/NT	01-1-84	17-01-95	01-4-92
15.	Shyama Choudhary	-do-	UR	DPO/NE	30-11-71	16-01-95	20-01-90



1.	2.	3.	4.	5.	6.	7.	8.	9.
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1. S/Shri								
6. Suren Swargiary	Jr.Clerk(E)/RNY	ST	DPO/RNY	03-5-74	25-9-97	25-9-97		
7. Arun Kr.Chetri.	-do-	UR	-do-	16-7-56	22-5-84	11-12-97		
8. Akhil Ch.Kalita	-do-	UR	-do-	31-5-74	30-6-98	30-6-98		
9. Smt.Tamalika Mallick	Jr.Clerk(E)NEQ	UR	DMM/NBQ	04-5-78	10-9-98	10-9-98		
10.Kushal Kalita	Jr.Clerk(E)RNY	UR	DPO/RNY	01-3-69	30-6-99	30-6-99		
11.Anjan Kr.Barmen Roy.	-do-	UR	DPO/RNY	21-7-63	29-6-00	29-6-00		
12.Gopal Das	-do-	UR	DPO/RNY	22-12-57	01-01-82 30-4-97	08-10-02 09		
13.Pranab Bora	-do-	SC	LPO/RNY	01-4-71	22-6-96 29-10-02	22-6-98 29-10-02		
14)Pashupati Joshi	-do-	UR	DPO/RNY	19-12-63	08-5-91	06-12-04		



As Jr.Clerk(E) w.e.f. 09-10-02 promoted from Gr.'D' to Gr.'C' post.

Seniority assigned as per mutual transfer with Dipendra Das, Jr.Clerk(E) who posted as Jr.Clerk(E) w.e.f. 29-10-02.

His seniority will be counted as Jr.Clerk(E) in scale Rs.3050-4590/-after completion of his punishment vide GM(P)/MLG's L/No. E/74/13/Pt.IV(Q) dt:13.10.04 (for five years with cumulative effect).

(S. Brahma)
APO/II/RNY
for DRM(P)/RNY

2/10/05

- 15 -

- 2191

- 8 -

No.E/255/Seniority(P.Er.)/RN/98

Dt: 21-11-05

Copy forwarded for information to :-

- 1) GM(P)/MLG (2) CWM/NBQ (3) DEE/W/NBQ (4) DMM/NBQ (5) WM/EWS/BNGN, (6) PSTC/NBQ, CMT/NBQ
- 7) GM(P)/Con/MLG (8) CVO/MLG (9) EDPM/APDJ
- 9) Branch Secretary/NFREU/RNY, NBQ, BNGN, RPAN Branch.
- 10) MS/RPAN (11) Staff concerned
- 12) Convenor/NFRMU/RNY Divn., RPAN, BNGN (Br.Secy.)
- 13) Divisional Secretary, AISCTREA/RNY

NB:- Any appeal or representation in respect of the above Seniority list must be submitted within 1 (One) month from the date of publication of this list, after which no appeal or representation will be entertained and will be treated as final.

Sl. No. 1 to 13
Sent through
Despatch section
DMM(RN)

4/11/05

(S. Brahma)
APO/II/RNY
for DRM(P)/RNY

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21/11/05

