

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 2.96/2007

R.A/C/P No. ....

E.P/M.A No. ....

1. Orders Sheet..... O.A..... Pg..... 1..... to..... 2.....
2. Judgment/Order dtd 29.11.2007..... Pg..... ~~.....~~..... to..... <sup>to N.P. Supreme order</sup>..... 290
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 2.96/2007..... Pg..... 1..... to..... 13.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (JUDI.)

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 296/07
2. Miss Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(s)....S.K....Deb.....VS Union of India & Ors

Advocate for the Applicants...Mr. S.N.Tamuli.....

Advocate for the Respondant(s):.....Railways.....

Notes of the Registry	Date	Order of the Tribunal
1. Application filed by the Applicant is filed C.P. for Rs 10/- deposited vide P.C./BD No. 70 EO/6849, 66 F845225 Dated 26.11.07	28.11.2007	Heard Mr.S.N.Tamuli, learned counsel for the Applicant. Dr.J.L.Sarkar, learned Standing counsel for the Railways.
2. Registrar <i>Ran</i>		This Original Application has been filed by the Applicant praying for a direction upon the Respondents to post him in alternative job for medical decategorization. After lung operation the Applicant was found medically unfit in B <sub>1</sub> - B <sub>2</sub> category and fit for C <sub>1</sub> -C <sub>2</sub> category. It is stated that Applicant's case for alternative job is under active consideration of the Respondents. Dr. Sarkar has drawn my attention to Annexure-E letter dated 08.06.2007 in support the fact stated by the Applicant. Applicant has also submitted an representation (Annexure-D) dated 05.06.2007 which has not yet been decided by the Respondents.
<i>Recd Ran 11/11/07 Settly.</i>		
<i>Received a copy of the order dated 28/11/07 for applicant B.S. 11/12/07</i>		

Contd...

OA-296/07

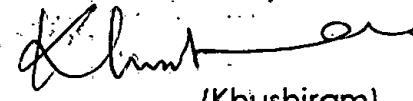
Contd

28.11.2007

In the fitness of things, the Applicant is directed to submit a copy of this Original Application along with all Annexures before the appropriate authority for disposal of his pending representation and the said authority shall dispose of the same within a period of three months from the date of receipt of this order.

This Original Application is disposed of at the admission stage itself with no order as to costs.

Copies of this order shall be supplied to the counsel for the parties.

  
(Khushiram)  
Member (A)

/bb/

27 NOV 2007

गुवाहाटी न्यायपीठ

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

(An application U/S 19 of the Administrative Tribunal Act, 1985)

O.A. No. 296/2007

Shri Sanjib Kumar Deb

Applicant

-Vs-

The Union of India & ORS

Respondents

**SYNOPSIS**

The applicant was working as constable RPSF in Lumding Division of NF Railway under DRM, Lumding. He became victim of serious illness including pulmonary tuber <sup>in</sup> ~~class~~ and left fibrothorax and ultimately was operated <sup>in</sup> ~~Chennai~~ DECORTICATION OF LEFT LUNG operation of Lung. Railway respondent including Railway doctors have been very sympathetic, and after the operation he has been found medically unfit in B<sub>1</sub>-B<sub>2</sub> category and fit in C<sub>1</sub>-C<sub>2</sub> category. His case for alternative job is under consideration of the respondents. He has now been kept in supernumerary post where there is no scope of seniority and promotion. He prays for early appointment in alternative with fitness in C<sub>1</sub>, C<sub>2</sub> category.

Filed by

  
(S.N. Tumuli)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

केन्द्रीय प्रशासनीय अधिकारी  
Central Administrative Tribunal

O.A. No. 296/2007

Shri Sanjib Kumar Deb

27 NOV 2007

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Applicant

-VERSUS-

The Union of India & ORS

Respondents

INDEX

Page No.

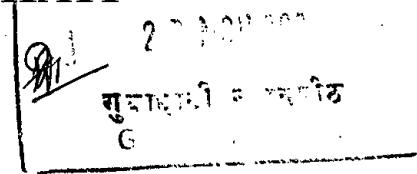
1. Original Application	.....	1 to 5
2. VERIFICATION	.....	6
3. Annexure A	.....	7
4. Annexure B <sub>1</sub>	.....	8
5. Annexure B <sub>2</sub>	.....	9
6. Annexure B <sub>3</sub>	.....	10
7. Annexure C <sub>1</sub>	.....	11
8. Annexure C <sub>2</sub>	.....	x
9. Annexure D	.....	12
10. Annexure E	.....	13
11. Vakalatnama	.....	14

Filed by  
S. N. Tamuli

(S. N. Tamuli)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Central Administrative Tribunal  
GUWAHATI BENCH, GUWAHATI

O.A. No. 296/2007



Shri Sanjib Kumar Deb

Applicant

- VERSUS -

The Union of India & ORS

Respondents

**LIST OF DATES**

Sl. No.	DATE	PARTICULARS
1	5/6/07	Applicant joined RPSF as Constable at Lumding
2	2004	Applicant fall sick.
3	14/6/04	Applicant undergone surgical operation at Sri Ramachandra Hospital Chennai.
4	4/8/04	Applicant was declared medically unfit for B <sub>1</sub> -B <sub>2</sub> category but found fit for C <sub>1</sub> -C <sub>2</sub> .
5	19/8/05	Applicant's case was forward by Chief Security Commissioner to GM (P) MLG/HQ
6	5/6/07	Applicant submitted reminder application to DRM (P) for providing alternative job.
7	8/6/07	Applicant's case was forwarded to GM (P) by the CO/IBN RPSF/Lumding.

Filed by  
 (S.N. Tamuli)  
 Advocate

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH, GUWAHATI** 27 NOV 2010

An application U/S 19 of the Administrative Tribunal Act, 1985

27 NOV 2007

O.A. No...../2007

Shri Sanjib Kumar Deb.

Son of Shri Karunamoy Deb

## Buddha Mandir Lundding

Dist - Nagaon (Assam)

... Applicant

**-VERSUS-**

## 1. The Union of India

Represented by General Manager (P)

## N.F. Railway

Maligaon, Guwahati.- 11

## 2. The General Manager (I)

## NF Railway

Maligaon, D

### 3. The Divisional Railways

NE Railway

### Jum' ding

## 4 The Con

## No. 1 Battalion

PBSE Lumi dir

## 5 Chief Security

## N.E. Railway

Malissaon, S.

Advocate :  
through S. N. Tamuli  
Held by the appellants

Sanjib Kr Deb

27 M<sup>o</sup>गुवाहाटी २०१५  
Guwahati**DETAILS OF THE APPLICATION :****1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is for posting in alternative job being medically decategorized, found fit in C<sub>1</sub>-C<sub>2</sub> category, unfit in B<sub>1</sub>- B<sub>2</sub> category.

**2. JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

**3. LIMITATION:**

The applicant further declare that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act 1985.

**4. FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India.

4.2 That his educational qualification is 10+2 Arts from North East Hill University (NEHU) Shillong, Meghalaya. He is working in Lumding Division of NF Railway as Constable RPSF under Commanding Officer No 1BN/RPSF LUMDING, under the control of Divisional Railway Manager (DRM) Lumding from 1999.

In the year 2004 most unfortunately he fell seriously ill and was treated by the doctors of Lumding with full care but he did not get rid of his and he was constantly suffering. His office including officers were very sympathetic and helped him in all possible ways during his ailments. Doctors of Railway Hospital, Lumding were also very kind and treated him with utmost sympathy. After long treatment it was diagnosed that he was suffering from Pulmonary Tuberculosis chest diseases but unfortunately even after careful treatment he was not cured from his ailment and his health did not permit him to discharge efficient duties. He was physically and mentally deeply suffering.

Sanjib KJ Deb.

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Guwahati

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4.3 That during the period of his serious sickness as explained above he was advised to go to Chennai for medical advise and treatment. He was taken to Chennai and where he contacted and consulted doctors there. Ultimately he got himself admitted in Sri Ramachandra Hospital, Chennai. In that hospital he was diagnosed to have left fibrothorax. Thereafter a major surgical operation of the left lung of the applicant was done in that said hospital medically called DECORTICATION OF LEFT LUNG. After the surgical treatment he was released from the hospital.

Copy of the certificate dated 24/6/2004  
from the Sri Ramachandra Hospital is  
enclosed as *Annexure A*.

4.4. That after his return from the above Hospital after the operation he came back to Lumding and reported to the Railway doctors in the Railway Hospital, Lumding. The Railway medical officers were very sympathetic and careful for his recovery and offered him all medical help and ultimately he was given fit certificate to resume duty but unfortunately he was declared unfit in B<sub>1</sub> and B<sub>2</sub> category, as a result he was not eligible for the post he was holding as being medically unfit.

Copies of the findings of the Medical  
Officers of the N.E. Railway are  
enclosed as *Annexures B<sub>1</sub>, B<sub>2</sub> and B<sub>3</sub>*.

4.5. That on recommendation of the medical officers being unfit in B<sub>1</sub>-B<sub>2</sub> category he has been medically decategorised for alternative job, being fit in C<sub>1</sub>-C<sub>2</sub> category. It is stated that Railway respondents are very sympathetic and kind, and after the medical decategorization he has been kept his posting in alternative job. He was informed that attempt is being made to post him in Rangia Division in alternative post of C<sub>1</sub>-C<sub>2</sub> category in a civil post.

Copy of the letter dated 19/8/2005  
from C.S.C. N.F. Railway to G.M. (P)  
Maligaon (HQ) is enclosed as  
*Annexure C.*

Sanjib Kr Deb

27 NOV 2001

(4)

ग्राम्हाटी न्यायपीठ  
Gramhati Bench

10

4.6 That the applicant is now working in a supernumerary post. He has no scope of seniority and promotion in service. He had added expenditure due to his post operative care. He submitted a reminder representation dated 5/6/07 to the Divisional Railway Manager (P). It is stated that he had already applied for alternative job earlier. The respondents have been sympathetic for his cause. In his representation dated 5/6/2007 for his alternative job he again requested for alternative job. It is stated that the letter reference no. E/2006/2/Pt. V (6) dated 6/6/2006 mentioned in the said representation should be E/2005/2/Pt. V (C) he expresses regret to the respondents and this Hon'ble Tribunal for his clerical mistake.

Copy of the representation dated 5/6/2007 is enclosed as *Annexure D.*

4.7 That by letter dated 8/6/2007 from the commanding officer 1BN, RPSF, Lumbding to the General Manager (I) this case has been referred to stating that he is working against supernumerary post and till now he has not been provided any alternative job. His application dated 5/6/2007 was also sent to the GM (P) N.F. Railway, Maligaon.

Copy of the letter dated 8/6/2007 is enclosed as *Annexure E.*

4.8 That the applicant humbly states that he is grateful to the respondents and the Railway, Medical Officers for whose sympathy and consideration he could overcome the ailment and now serving with scope of alternative job. It is stated that Railway respondents have already given alternative jobs on medical ground to some of his colleagues of RPSF, in civil posts in other departments. In RPSF there is no post in C<sub>1</sub>-C<sub>2</sub> category. Delay in posting in alternative job in the circumstances shall cause loss to the applicant in his service. This application is filed bonafide and for cause of justice.

##### **5. GROUND WITH LEGAL PROVISION:**

(i) For that the applicant is entitled to alternative job on medical decategorization.

Sanjib Kr Deb

(ii) For that persons in similar circumstances have been posted in civil post being fit in C<sub>1</sub>-C<sub>2</sub> category.

(iii) For that the Railway respondents are already considering his case for posting in alternative post as prayed for.

**6. DETAILS OF THE REMEDIES EXHAUSTED:**

The applicant declares that he has exhausted all the remedies available to him and there is no other alternative remedy available to him.

**7. MATTERS NOT PENDING WITH ANY OTHER COURT:**

The applicant declares that there is no case pending any other Court/Tribunal.

**8. RELIEF SOUGHT FOR:**

Under the circumstances, the applicant therefore prays for the following reliefs.

The applicant may be posted in alternative job for medical decategorization.

**9. INTERIM RELIEF SOUGHT FOR:**

There is no interim prayer of the applicant. He prays for expeditious posting in the alternative job.

**10. PARTICULARS OF BANK DRAFT/POSTAL ORDER:**

I.P.O. No. : 70 E 016849 (Rs 10) + 66F 845224 (Rs 20) + 66 F 845225

DATE : 26/11/07

PAYABLE AT : GPO Guwahati

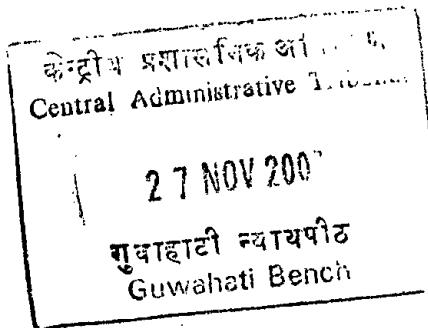
ISSUED FROM : GPO Guwahati

**11. LIST OF ENCLOSERS:**

As stated in the index

Santosh K. Deb

(6)



## VERIFICATION

I Shri Sanjib Kumar Deb, Son of Shri Karunamoy Deb, aged about 31 years working as Constable under Commanding Officer RPSF 1ST BN Lumding under Divisional Railway Manager, Lumding, resident of Buddha Mandir Lumding, do hereby verify that the contents of paras 1, 4, 6 to 11 are true to my personal knowledge and paras 2, 3 and 5 believed to be true on legal advice and that I have not suppressed any material fact.

AND I sign this verification on this 27th day of November 2007 at Guwahati.

Date : 27/11/07

Place : Guwahati

Sanjib KR Deb.

Signature





पूर्णी-एम/ N.F.M - 54

आर.बी.डी.एस/ R. B. Med. S/ C - 2

अस्पताल के अस्पताल छोड़ने का प्रमाण-पत्र/HOSPITAL DISCHARGE - CERTIFICATE

अधिकारी/Counter foll

अस्पताल/ HOSPITAL C.H. - M.L.C.

तारीख/ Dated.....

अस्तारा नं/ Indoor No. 342/04

क्रम सं/ Sl. No.....

अस्थायी प्रमाण-पत्र सं/ Sick certificate No. ....

नाम/ Name Dangaji. K. De 6 अन्य सम्बद्धी/ Next of kin.....

आयु/Age 24 वर्ष/ Ward M.S.C. राज्य/ भेजन/Surgical/Medical

पदनाम/Designation Const. विभाग/Department R.P.S.F. अनुभाग/Section C.M.C.

अस्थायी/ Provisional

निदान/ Diagnosis .....

अस्थायी जाय/ Provisional Treatment .....

फैक्षियत/ Remarks .....

भर्ती करने की तारीख/ Date admitted 20/04/04 रुक्सत होने की तारीख/ Date of discharge 24/04/04

कार्यालय पुकार/Office Seal..... स्थानिक सर्जन का हस्ताक्षर/Signature of House Surgeon.....

क्षेत्र में इस डिस्चार्ज का प्राप्ति अस्पताल द्वारा भर्या जाय/ To be filled in by District Hospital only. तारीख/ Date 24/04/04

अस्पताल छोड़ने का प्रमाण-पत्र/DISCHARGE - CERTIFICATE

(a) वह हुयी के योग्य है/ (a) He is fit for duty.

(b) इसे डाक्टरी जांच के आधार पर तारीख ..... से ..... तक को छुट्टी लेने के लिए रिफरिंग कि जाती है

(b) Recommended leave on medical grounds from ..... to .....

(c) इसाज के लिए असे..... इवाइना मे उपचार सेवा चाहिये

(c) He should attend at Dr. D.M.A., L.M.C. Dispensary for further treatment

(d) काम पर वापस जाने के पहले ..... का ..... इवाइना मे रिपोर्ट करनी चाहिये

(d) He should report at ..... Dispensary on ..... before return to work

(e) डाक्टरी जांच के आधार पर आगे सेवा के लिए अयोग्य है

(e) Unfit for further service on medical grounds

(f) इसाज की सिफारिस, यदि हो/ Further treatment recommended, if any.....

स्थानिक सर्जन का रुक्सत/Signature of House Surgeon

तारीख/ Date 24/04/04

N. F. Rly. Press - 13/35/00/2/1435 - 2000 - 550 X 100 Lvs.

विक्रिता अधिकारी/Medical Officer

मिला दिनांक/ Date 24/04/04  
मिला घण्टा/ Time 10 AM  
मिला दिन/ Date 24/04/04

काम के लिए इवाइना मे उपचार सेवा चाहिये

रिपोर्ट करनी चाहिये

Certified to be true copy

(S.N. Tumuli)  
Advocate





NORTHEAST FRONTIER RAILWAY

OFFICE OF THE CHIEF SECURITY COMMISSIONER  
MALIGAON, GUWAHATI-781011



No.: P/E/227/SM/Pt.IV/EB

2 : 2676020 FAX: 0361-2570376

Friday, August 19, 2005

To,  
GM (P)/MLG HQ  
N. F. Railway.

Sub: Providing an alternative job to Sri Sanjeeb Kr. Deb,  
Const./MD)10335 'A' Coy 1<sup>st</sup> BN/RPSF/LMG.

Ref: Railway Board's letter No. 2005/S/ABE/R/10 dt. 01.08.05

Under Secretary/ABE/Railway Board has forwarded a letter for providing an alternative job to Sri S. K. Deb, Constable/10335 of 'A' Coy 1<sup>st</sup> BN/RPSF/LMG, who has been declared Medically unfit in category 'B' and B2. But fit 'C' and C2 category vide letter dt. 01.08.05 to provide alternative job in HQ.

Hence the case of Sri Sanjeeb Kr. Deb, Constable alongwith the relevant document as received from Railway Board are sent herewith to provide an alternative job in 'C' or C2 category at your end under intimation to the Railway Board and this office.

DA : As above.

*SC/CIB/MLG HQ  
for Chief Security Commissioner  
N. F. Railway, Maligaon.*

Copy to :

1. The Under Secretary (ABE), Railway Board, New Delhi.
2. Sri S. K. Deb, Constable/10335 'A' Coy 1<sup>st</sup> BN/RPSF/LMG through IPF/1<sup>st</sup> BN/RPSF/LMG

*SC/CIB/MLG HQ 19.8.05  
for Chief Security Commissioner  
N. F. Railway, Maligaon.*

*Certified to be true copy*

*S. N. Tumuli*  
(S. N. Tumuli)  
Advocate

Date - June - 05 2007

To  
The Divl. Railway Manager(P)  
N. F. Railway,  
Lumding  
(Through proper channel)  
Hon'ble Sir,

Lumding

Sub:- Providing an alternative job at Rangia  
Division over N.F.Railway.

With profound respect and humble submission, it is kind information that I, Constable/MD 10335 Sanjib Kumar Deb of No.1 BN/ RPSF/Lumding, being medically declassified vide CMS/NFR/MLG's letter No.B/219/LM dated 26.05.2005 applied for providing an alternative job at NFR/HQ/MLG, which was forwarded to GM(P)/NFR/Maligaon by Dy.Secy, Railway Board vide letter No.2005/Sec(ABE)/RB/10 dated 01.08.2005, conveyed by CSC/RPF/NFR/MLG letter No.P/E/227/ SM/Pt.IV/EB dated 19.01.2005. But till such time I have no any information regarding any alternative job except receiving letter from CSC/NFR/Maligaon. Ultimately I have come to know from CSC/MLG's office that my case has been forwarded at your office vide CSC/MLG's letter No.E/206/2/Pt-V(6) dated 06.06.2006 wherein I have not submitted any willingness to forward my case in Lumding Division.

It is, therefore, requested to your kind honour that my case for providing an alternative job may please be forwarded to RANGIA DIVISION.

Your kind co-operation is solicited.  
Thanking you in anticipation.

Yours faithfully

(SANJIB KUMAR DEB)  
CT/MD/10335 of  
No.1 BN/ RPSF/MLG.

Copy to:-

The Hon'ble CSC/RPF/NFR/Maligaon for kind information please.  
The Hon'ble GM(P)/NFR/Maligaon for kind information please.

Sanjib K91 Deb  
(SANJIB KUMAR DEB)  
CT/MD/10335 of  
No.1 BN/ RPSF/MLG.

Certified to be true copy

S. N. Tamuli

(S. N. Tamuli)

Advocate



HEADQUARTERS NO.1 BATTALION RAILWAY PROTECTION SPECIAL FORCE DISTRICT  
NAGAON, LUMDING (ASSAM) - 782447

No.1BN/13/5/2007-  
*2107*

Dated June 08, 2007

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

Sub: - Representation of CT (MD)/10335 Sanjib Kumar Deb of No.1BNRPSF/LMG  
for providing an alternative job at Rangiya Division over N.F.Railway.

\*\*\*\*\*

The above named staff of this battalion, working against superannumerary post, was medically decategorised on 26.05.2005 vide CMS/NFR/LMG's L/No. H/219/LM dated 26.05.05. Accordingly, he applied for alternative job at NFR/HQ/MLG, which was forwarded at your good office by Railway Board vide No.2005/Sec (ABE)/RR/10 dated 01.08.05 being conveyed by CSC/NFR/MLG's L/No. P/E/227/SM/Pt.IV/EB dated 19.01.2005. But still now he has not been provided any alternative job.

Further, staff concerned has submitted an application stating therein that his case has now been sent to Lumding Division at the office of DRM (P)/NFR/Lumding for providing alternative job by CSC/NFR/Maligaon vide letter No. E/206/2 Pt-V dated 06.06.06 without his willingness/option and requested to forward his case at Rngiya Division over N. F. Railway for providing an alternative job.

His application in original is sent therewith for kind perusal and necessary action, please.

DA: 01

*[Signature]*  
COMMANDING OFFICER  
NO.1BN/RPSF/LUMDING

Copy to:-

1. CSC/RPF/NFR/Maligaon for kind information and necessary action please.(DA:01)
2. DRM(P)/NFR/Lumding for kind information and necessary action please. (DA:01)

*C Po/mi: on  
E/205/2- P/ v/ (c)  
M/ 5 - 6 - 6*

*[Signature]*  
COMMANDING OFFICER  
NO.1BN/RPSF/LUMDING

*Certified to be true copy*

*[Signature]  
S. N. Tumul  
(Advocate)*