

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 307/2007

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... Pg..... to.....

2. Judgment/Order dtd. 18.12.2007 Pg. 1 to 2.....

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

4. O.A..... Pg..... to 18.....

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. Amendment Reply by Respondents.....

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

16. Counter Reply.....

SECTION OFFICER (Judl.)

Shahid
12.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 307/07

2. M/s Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) Bhuruli Roy VS Union of India & Ors

Advocate for the Applicants. P.K. Roy, Chaudhury
J. Roy, P. A.

Advocate for the Respondent(s): Railway Advocate

Notes of the Registry	Date	Order of the Tribunal
E. application is in form is filed/C. F. for Rs. 20/- deposited vide IPO/BD No. 70E/04/8887, 66F84886/ 66F848862 Dated 14.12.07	18.12.2007	Heard learned counsel for the parties.
		For the reasons recorded separately, this Original Application is disposed of.

By Registrar

Ranjan

/bb/

Petitioner's copies for
issue notices are
received with envelope/
copy served.

Ranjan
17/12/07

M.R. Mohanty
(M.R.Mohanty)
Vice-Chairman

17.1.08

Copies of the order
sent to the D/Secy. or
SACP, the Amo & the
parties alongwith petition
and copy of the Amo to
the d/Adrs for the parties.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.307 of 2007

DATE OF DECISION: 18.12.2007

Sri Bhulu Roy Applicant/s
Mr.P.K.Roy Choudhury Advocate for the
..... Applicant/s.

- Versus -

U.O.I. & Ors Respondent/s
Dr.J.L.Sarkar, Railway Standing counsel Advocate for the
..... Respondents

CORAM

THE HON'BLE MR. M.R. MOHANTY, VICE CHAIRMAN

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 ✓

Judgment delivered by



Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 307 of 2007

Date of Order: This, the 18th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Sri Bhulu Roy
S/O Late Nitu Ranjan Roy
TTE, N.F.Railway
Badarpur, Karimganj
Assam.

..... Applicant.

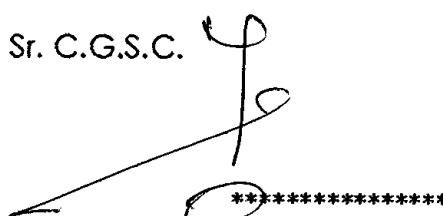
By Advocates Mr.P.K.Roy Choudhury & Mr.J.Das

- Versus -

1. The Union of India
Represented by General Manager
N.F.Railway, Maligaon
Guwahati - 780 011.
2. Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati - 780 011.
3. The Divisional Railway Manager
N.F.Railway, Lumding
Dt.Nagaon, Assam
PIN:-782447.
4. Area Manager
N.F.Railway, Badarpur
PIN:-78806.
5. Divisional Personnel Officer
N.F.Railway, Lumding
PIN:- 782 447.

..... Respondents.

By Dr. J.L.Sarkar, Sr. C.G.S.C.



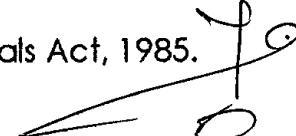
O.A.307/2007
ORDER (ORAL)
18.12.2007

MANORANJAN MOHANTY, (V.C.)

Heard Mr. P.K.Roy Choudhury, learned counsel appearing for the Applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways; on whom a copy of this Original Application has already been served; and perused the materials placed on record.

2. At the outset, Mr.P.K.Roy Choudhury, learned counsel for the Applicant, filed a memorandum not pressing the prayers at 8 (ii) & (iii) of the Original Application pertaining to quarter No. 673 (A) (at Lumding) and the damage rent imposed upon the Applicant for the occupation of the said quarter and relating to refund of the damage rent recovered from the Applicant @ Rs.5,000/- per month from the month of December, 2006. The prayer of the Applicant's counsel not to press the prayers at 8.(ii) and (iii) is allowed, and as a consequence, this case stands confined to the grievance pertaining to transfer of the Applicant from Badarpur to Lumding only.

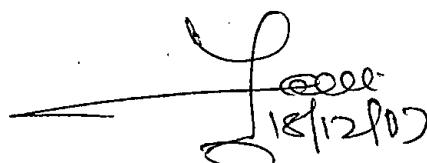
3. The Applicant, a TTE posted at Badarpur, having faced the order of transfer during March, 2007 from Badarpur to Lumding, represented to the authorities for retaining him at Badarpur for the reasons explained in the representation. Alleging non-disposal of that representation (of the Applicant) by the Respondents, the Applicant has approached this Tribunal with this present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.



4. Since the representation of the Applicant (pertaining to his transfer from Badarpur to Lumding) is stated to have been pending with the Respondents, without entering into merits of the matter, this Original Application is, hereby, disposed of with a direction to the Respondents to consider the grievances of the Applicant (as raised in his representation dated 13.08.2007), as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order.

5. With the above observations and directions, this Original Application is disposed of.

Send copies of this order to the Applicant and to all the Respondents in the addresses given in this Original Application. Free copies of this order be also supplied to the learned counsels appearing for both the parties.



18/12/07

(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
O.A. 307/2007 X
Sri Biju Ray — Appellant
vs —
U.O. F. — Respondent

File in Court on 18/12/07
Court Officer:

MEMORANDUM

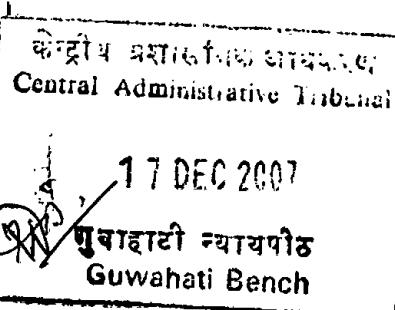
That the prayer sought for regard O.A. 307/07
para 8 (ii) & 8 (iii) is not ~~passing~~ pressed.

(ii) To stop the deduction of damage amount
of the quarters no. 673(A) of Lumding
which is unauthorisely occupied by a
woman with whom no lawful relation
is having by the Appellant and the
unauthorised occupation and encroachment
of the said quarter is in connivance
with and/or consequent of the involvement
of the Respondents' men.

(iii) To refund the damage amount of the
said quarter which are recovered
from the appellant @ 500/- per month
from the month of December 2006.

Yours faithfully,

Joy Deb
Advocate
D.T: 18/12/07



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI
ORIGINAL APPLICATION NO. 307 OF 2007.

Sri Bhulu Roy

..... Applicant

-VS-

Union of India

..... Respondent.

SYNOPSIS

That the applicant is serving under the N.F. Railway, Lumding since 1994 as TTE and since his joining at Lumding Junction, he is discharging his duties with utmost sincerity and unblamably with full satisfaction of his superior authorities. Thereafter on 28/12/2004 the instant applicant was transfer from Lumding Junction to Badarpur Railway office and in compliance with the transfer order dated 28/12/2004 he joined at Badarpur Railway office on 8/1/2005, discharged his duties as TTE. It is important to mention her that vide a decree of divorce dated 4/8/2004 passed Addl. District Judge's Court of Karimganj. The instant application was living separately with his wife i.e. Smti. Putul Rani Roy at two different places. The applicant is living at Badarpur Railway office with her two minor girl child and his wife is staying at Lumding in her parent's house. That surprisingly on

Received
Chameli
For Dr. J. L. Sankar
S.C. Railway
17/12/07

केन्द्रीय न्यायालय, गुवाहाटी
Central Appellate Court, Guwahati

17 DEC

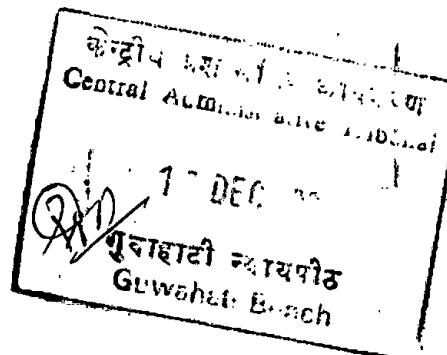
गुवाहाटी न्यायालय
Guwahati Bench

2

27/3/2007 within the span of 2 years one transfer order was issued by the concerned respondent and directed the applicant to join again Lumding Railway office immediately. Thereafter the instant applicant submitted several representations before the concerned respondent to alter, modify or cancel the 27/3/2007, whereby the applicant was re-transfer from Badarpur to Lumding within a span of 2 years. But the concerned respondent has not consider the grievances of the applicant and also not replied the representations of the applicant. Under above circumstances the present applicant is before your lordship.

Filed by


Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI
ORIGINAL APPLICATION NO. 307 OF 2007.

Sri Bhulu Roy

..... Applicant

-VS-

Union of India

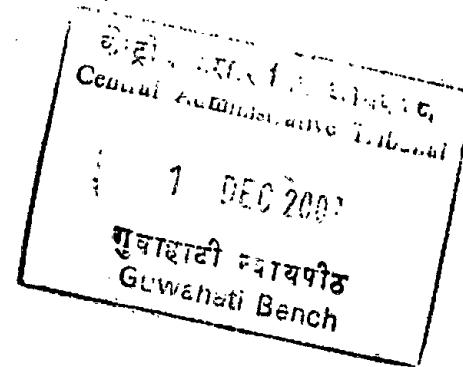
..... Respondent.

INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page</u>
1.		
2.	Affidavit	10
3.	Annexure - 1	11
4.	Annexure - 2	12
5.	Annexure - 3	15
6.	Annexure - 4	16
7.	Annexure - 5	17
8.	Annexure - 6	18

Filed by


Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI
ORIGINAL APPLICATION NO. 307 OF 2007.

Sri Bhulu Roy

..... Applicant

-VS-

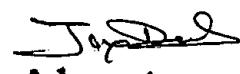
Union of India

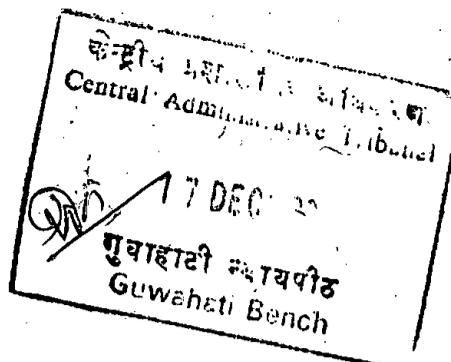
..... Respondent.

LIST OF DATES

<u>Sl. Particulars</u>	<u>Date</u>	<u>Annexure</u>	<u>Page</u>
1. Impugned Order of transfer.	27/3/07	1	11
2. Representation	24/3/07	2	12
3. Representation	13/8/07	3	15
4. Letter	25/8/05	4	16
5. Initial transfer order.	27/12/04	5	17
6. Joining report	8/1/05	6	18

Filed by


Advocate.



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

(An Application u/s 19 of the Administrative Tribunal Act, 1985).

Original Application No. 307 / 2007.

Sri Bhulu Roy,
S/O Late Nitu Ranjan Roy,
TTE, N.F.Railway,
Badarpur, Kenimganj, Assam ... Applicant.

-Vrs-

1. Union of India, represented by,
The General Manager,
N.F.Railway, Maligaon, Guwahati-781011.
2. Chief Personnel Officer,
N.F.Railway, Maligaon, Guwahati-781011.
- 3 The Divisional Railway Manager,
N.F.Railway, Lumding. Dt. Nagaon, Assam. PIN :- 782447
4. Area Manager,
N.F.Railway, Badarpur. PIN :- 78806
5. Divisional Personnel Officer,
N.F.Railway, Lumding Respondents/Opposite Parties.
PIN :- 782447

DETAILS OF APPLICATION:

1. Particulars against which the Application is made :

The Divisional Railway Manager (P), N.F.Railway, Lumding's Office Order No. ES/17-B(T) dated 23.3.07 and Area Manager, N.F.Railway, Badarpur letter No. C/TC/BPB/07 dated 27.03.07 addressed to CTTI/BPB(I/C) (impugned & annexed as ANNEXURES-1).

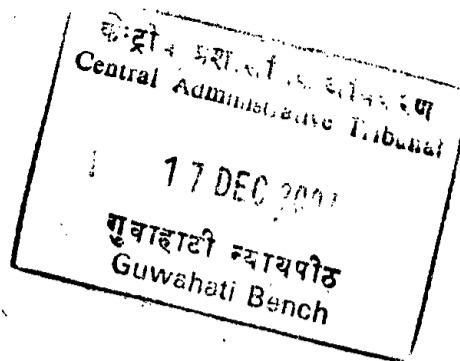
Contd.... P/2. Jurisdiction....

Filed before the applicant

through

Bhulu Roy.

17 Dec 2007
Guwahati Bench



2. Jurisdiction.

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

3. Limitation.

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

4. Facts of the Case.:

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

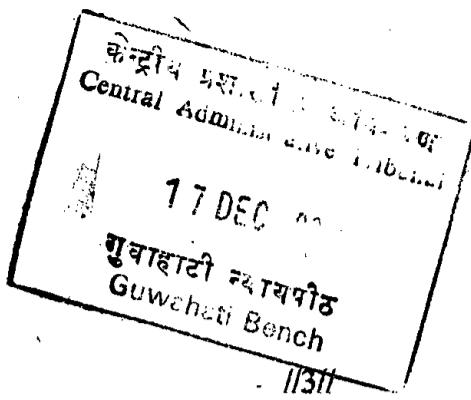
4.2. That right since the inception in the Railway service the Applicant has been discharging his duties with the entire satisfaction of his superiors.

4.3. That on 28.12.04 the Applicant was transferred from Lumding to Badarpur and resumed his duties on 8.1.05 and since then he has been discharging his duties there.

4.4. That the wife of the Applicant Smti Putul Rani Roy is a resident of Lumding prior to his marriage with her and his in-laws also remain there who are very much influential and powerful to get the administrative order moulded according to their suit will and it is because of their high-handedness the Applicant's further transfer was made from Badarpur to Lumding only within the span of 2 years vide the impugned order annexed as followed by the impugned letter of ANNEXURE-I, as the wife of the Applicant has not the least volition of her leaving Lumding and living with her husband and children at Badarpur.

4.5. That because of his family troubles for the adamant and arrogant nature of his wife and his in-laws the Applicant is being mentally and physically tortured by them and for which reasons the pursuit of the little children's studies and other things necessary for their all-round growth are seriously hampered as they have to live with the Applicant

Contd.....P/3..without...



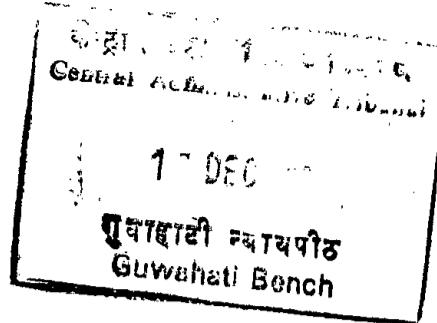
without the care, love and affection of their mother who has no consideration for their well-being. The condition of such pathetic life the Applicant has been enduring right after his marriage when the above named woman Smti Putul Rani Roy can not spare to share the pains and troubles along with the Applicant who is living at Badarpur with his two little children.

4.6. That to put the Applicant into most stringent conditions and make his life totally miserable his wife and the in-laws made the administration for his transfer back to Lumding which, it is apprehend, this time at the risk of his person and property along with his children would inevitably happen in the event of his re-transfer being carried out.

4.7. That against such transfer it would inevitably invite lot of impediments for the Applicant and his little children from Badarpur to Lumding which he had already made known to the administration, more particularly, the Senior Divisional Commercial Manager, N.F.Railway, Lumding, Area Manager, N.F.Railway, Badarpur, Additional Divisional Railway Manager, N.F.Railway, Lumding, several times by both written and personal representations.

A photo copy of such representation addressed to the above named authorities wherein he had detailed everything for stay of the transfer order and allow him to discharge his services at Badarpur as he had been doing, is annexed as ANNEXURE-II.

4.8. That since his wife is a revengeful woman and could come to the extent of making danger in his life the Applicant was compelled to file two suits in the Civil Courts, firstly, praying for restitution of conjugal rights and secondly, when it was found not at all feasible, he had to obtain a decree of divorce from her with effect from 4.8.2007 and as such, lawfully there is no connection with her and for doing her any activity of whatsoever nature does not make him responsible. And for such reasons, the Railway quarter No.673(A) at DTS, Hill Colony, Lumding, which was allotted to him while he was in Lumding is now occupied by the above named woman Smti Putul Rani Roy who is no longer a wife of the Applicant after getting a decree in the Hon'ble Additional District Judge's Court at Karimganj's order with effect from 4.8.2007. And as such, retention of the said quarters or unauthorized occupation of the said quarter by the above named woman shall be dealt with according to the existing law of the land and for which the Applicant shall not be held responsible.



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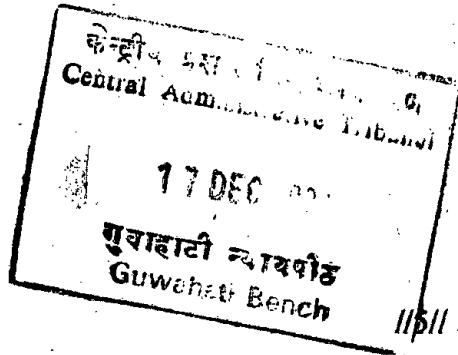
4.9. That the Applicant had earlier made several representations for his stay at Badarpur and finally he had prayed for his transfer and posting at anywhere else other than Lumding, if at all retention of his incumbency at Badarpur could not be made possible by the Respondents, as stated in his representation dated 13.8.2007.

A photo copy of the above representation is annexed as ANNEXURE-I.

4.10. That the Applicant has received no reply or any response from any of the corners of the administration in respect of his cancellation and/or stay of the transfer order made and shown in the impugned letters and/or arrange his posting at anywhere other than Lumding, as prayed for repeatedly to the Respondents considering his miserable condition because of his wife and in-laws' motive & activities at Lumding. It is really surprising as to for what reason the Respondents without attaching any importance to his representation or his prayer for stay of the transfer order or his posting anywhere other than Lumding, in case it does not at all feasible to retain him at Badarpur, are not considering for issuance of formal Office Order.

4.11. That it is humbly submitted that the Respondents also are acting according to the whims, caprices and ill-motive & activities of his former wife and her relations' who are winding of their high hands and the Respondents are not considering the humble submission of a devoted employee who has rendered his sterling services at the cause of the Respondents' administration and for which reason the Applicant can expect the minimum sympathy for considering his prayer for retaining him at Badarpur or anywhere else in case it is not possible for his retention at Badarpur, other than Lumding, as it would save not only his service but also his and his two little kid's lives from the clutches of his former revengeful & vindictive and retaliative wife and her relations.

4.12. That there was not even any other reason for transferring back the Applicant from Badarpur to Lumding only within a span of two years of his transfer from Lumding to Badarpur and, that too, to succumb to the adamant attitude of a woman and her relations who have no role in the sphere of administrative lawful activities and functions. It is not only astonishing, but also profane and blasphemous. In this connection the seniority list



of the TTEs who have been working at Badarpur for the last 10 to 15 years at a stretch is enclosed for the kind perusal of the Hon'ble Tribunal to see on to what type of malafide action the Respondents are taking against the Applicant.

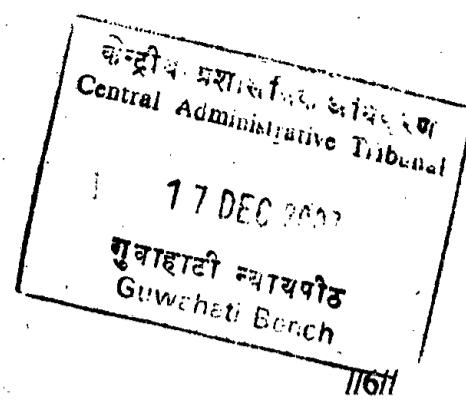
4.13. That the Respondents are now even creating constant pressures upon him for his joining at Lumding in the event of the impugned orders of his transfer mentioned above by imposing me Memorandum of charges for not carrying out the transfer order at Lumding and also deducting damage rent @ Rs.5,000/- per month from his salary for the quarter No.673(A) which has been forcibly occupied by the above named woman Smti Putul Rani Roy with whom he has no lawful and social relation and connection and the fact is very much known to the Respondents, and the Respondents according to the Indian Railway Act and/or Public Premises Eviction Act easily drive out the said woman and take occupation of the same, but instead the Respondents have been forcing for his transfer back to Lumding and compelling him for paying of the damage rent of the aforementioned quarters for Rs.5,000/- per month from his salary for which he is not at all responsible and it is because of the inaction of the Respondents that they did not take occupation of the said quarter from the woman named Smti Putul Rani Roy who has unlawfully and unauthorisedly occupied the said quarters within the very knowledge and nose of the Respondents despite repeatedly informing them by this Applicant. In this connection he has already informed the Respondents vide his letter dated 25.8.05 that he would have no objection in the case of taking the said quarter over by the Respondents. Instead the Respondents have arbitrarily recovering damage rent from his salary for the said quarter.

A photo copy of the said letter is annexed as ANNEXUREIV.

4.14. That it is submitted that the Respondents arbitrarily and with malafide action and without justification deducting the damage rent of the quarters which is not at all under occupation of the Applicant right since his transfer from Lumding to Badarpur made by the Respondents vide order No ES/17-B(T) dated 27.12.2004. and the Applicant joined at Badarpur on 6.1.2005 vide his joining report dated 6.1.05.

A photo copy of which is annexed as ANNEXURE-VI and VI

4.15. That it is stated that perhaps it is a new induction in the svelte of Govt. policy that
Comd....P/6...an..



an alleged delinquent employee has to attend his Head Qr. Office to receive the Chargesheet and to reply it staying there as happened in the case of the Applicant who has been asked to come to Lumding, receive the chargesheet and submit his defence at Lumding. The Applicant did not carry out such unlawful orders, which had been issued at the instigation of third party, herein the Applicant's former wife and his in-laws, apprehending danger in his person & property and requested the Respondents to send all the papers to Badarpur for his doing needful. Afterwhich, of course, the Applicant has not received any other communication on this issue nor he knows, what had happened to his Memorandum of Charges.

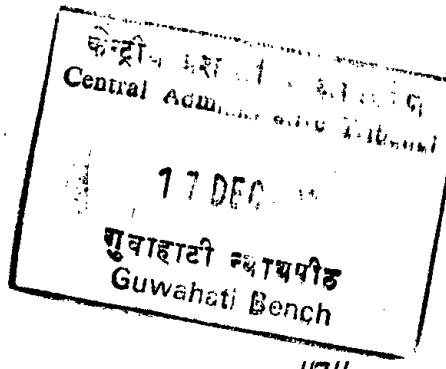
4.16. That it is submitted that on being fully perplexed with the family-troubles narrated above and constant hammering of the Respondents for carrying out the transfer order and taxing by recovering of Damage-rent for the aforementioned Qr. At Lumding the Applicant has become so much physically infirmed with many kinds of ailments and undergoing treatment by the medical experts for quite a long time and for which reasons it has made him compelled to remain in sick-list. The necessary sick-certificates and/or doctor's advice would be exhibited whenever required or at the time of hearing of the case.

4.17. That after having lost all possible attempts and endeavours from the Applicant's side to yield the coveted result of his staying of impugned transfer order and/or making it any where else other than Lumding from the benign hands of the Respondents, the Applicant has been compelled to approach this Hon'ble Tribunal for seeking relief of his life and service by setting aside and quashing the impugned orders of transfer and thereby to save his and his children's lives and prospect.

4.18. That it is submitted that the very action & inaction of the Respondents, more particularly the Respondents Nos.3,4 and 5, prima-facie postulates to be of Malafide, Bias, discriminating, arbitrary, unfair ply and miscarriage of justice in dealing with the case of the Applicant who has culminated sterling services at the cause of the Administration being a sincere & devoted employee.

4.19. That incidentally it is humbly submitted that he has been residing at Badarpur for

Contd.....P/7....a...



Abul Kalam Azad

a pretty long time as his father was a Railway employee and posted at Badarpur and met with his reckoning day of his life at Badarpur and so apart from his attachment to this place where he has been brought up and breathed quite a long span of his life the people in the vicinity he lives are well acquainted and very much hospitable so much so that because of his nature of duty he has to remain outside the station for a pretty long time and the neighbouring people take care of his two little children who had to remain in his quarters during his duty-hours, as ill luck would have it for them, being de-tracked from their mother's affection and company for her remaining at Lumding.

4.20. That the Applicant craves leave of this Hon'ble Tribunal for filing of Additional and/or amended O.A., if necessary, for the ends of justice.

5. Grounds for relief:

Being aggrieved and dissatisfied with the role played by the Respondents in the making of transfer and re-transfer of the Applicant to and from Lumding and Badarpur mentioned above and in-action on the part of the Respondents to consider his repeated representations, both written and oral, the Applicant begs to move this application, before this Hon'ble Tribunal, inter-alia, on the following:

GROUNDS

5.1 For that the Respondents have acted according to the whims and ill-will of a third party, the formal wife of the Applicant, inspite of dissolution of their marriage and got a decree from the Civil Court which are best known to the Respondents.

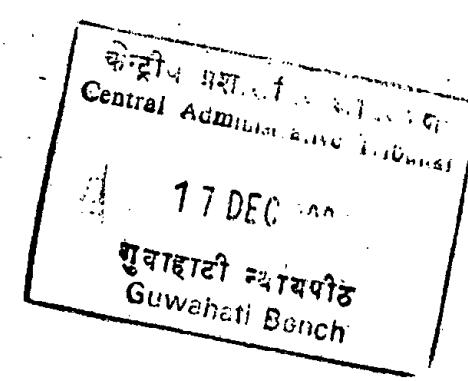
5.2 For that the Respondents' blatant discrimination and malafide attitude and in view of the human consideration, the action of the Respondents are not sustainable in the eye of law as well as facts of the case.

5.3. For that this Application is made bonafide and for the cause of justice and also made with abundant caution in the aforesaid circumstances of the case.

6. Details of remedy exhausted

The Applicant declares that failing to get his redress by the Respondents after

Contd....P/8... submitting.



//8//

submitting the number of representations, and personal approaches to the concerned authorities of the Respondents, he has come to this Hon'ble Tribunal for having justice which seems to him efficacious as per Article 21 of the Constitution of India and there remains no other alternative way to get justice to his grievances availed to him except the invoking of the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

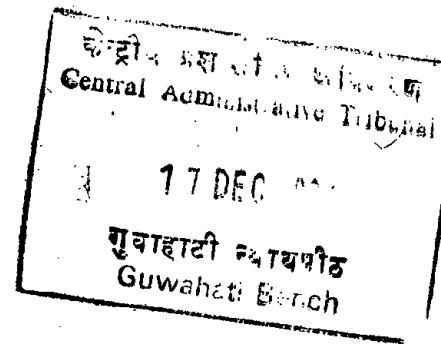
7. Matters not pending with any other Court.

That the Applicant further declares that he has not filed any application, Writ Petition or Suit in respect of the subject matter of the Application before any other Court, authority, nor any such application, Writ Petition or Suit on the subject is pending before any of the Courts.

8. Relief sought for.

In the premises aforesaid it is most respectfully prayed that your Lordships may be pleased to call for the records of the case, issue notices to the Respondents as to why the relief (s) sought for by the Applicant may not be granted and after hearing the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following, among others, relieves:

- (i). To set aside and quash the impugned orders of transfer of the Applicant from Badarpur to Lumding.
- (ii) To stop the deduction of damage rent of the quarters No.673(A) at Lumding which is unauthorisedly occupied by a woman with whom no lawful relation is having by the Applicant and the unauthorized occupation and encroachment of the said quarter is in connivance with and/or consequent of the involvement of the Respondents' men.
- (iii) To refund the damage rent of the said quarter which was recovered from the Applicant @ Rs.5,000/- per month from the Month of December,2006.
- (iv). To consider the case of the Applicant any other relief(s) as the Hon'ble Tribunal may deem fit and proper.



9. Interim Relief prayed for:

During pendency of the application the Applicant prays for the following interim relieves :

- (i) That the Hon'ble Tribunal may be pleased to direct the Respondents to allow the Applicant to continue his duties at Badarpur till the outcome of this Original Application.
- (ii). That it would also not be bar in the case the Respondents cancel and/or modify the impugned order for the Applicant as prayed for.
- (iii). That the Respondents shall have to stop the deduction of the damage rent of the aforesaid quarters immediately.

10. Application is filed through Advocate.

11. Particulars of Application fees:

Indian Postal Order No. 70 E 048827, dated 14.12.07
66F848861, 66F848862

Date of Issue 14.12.07

L.P.O. amount. Rs. 10/- + Rs. 20/- + Rs. 20/-

Issue from..... G.P.O.

Payable at..... G.P.O.

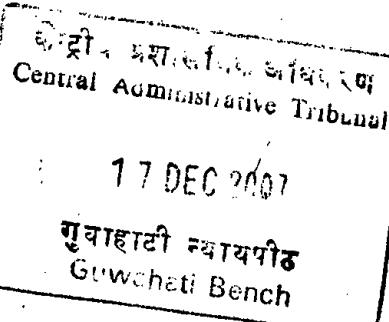
12. Details of Index:

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Annexures:

Annexures : I, II, III, IV, V, VI

Contd..... P/10... Verification....



//10//

-VERIFICATION-

I, Sri Bhulu Roy, son of Late Nitu Ranjan Roy, aged about 37 years, TTE, N.F.Railway, Badarpur, do hereby solemnly affirm and verify that the contents of paras-4.1 to 4.16 are the facts of the case and true to the best of my knowledge, information and belief and I have not suppressed any material facts and the Paras-4.17 to 4.20 are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this 10th day of December, 2007.

Place : Guwahati.

Date: 10/12/07

Bhulu Roy.

SIGNATURE OF THE APPLICANT.

ANNEXURE - 2

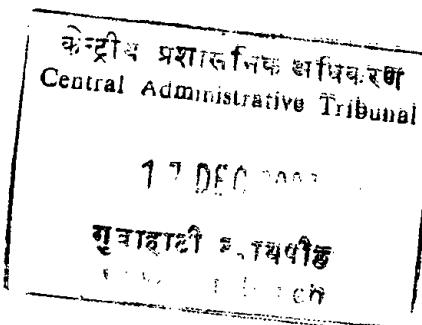
N. F. RLY

NO. C/TC/BPB/07

Office of the
Area Manager/BPB
Dtd. 27-03-07

TO

CTTI/BPB (I/C)



Sub:- Transfer and Posting.

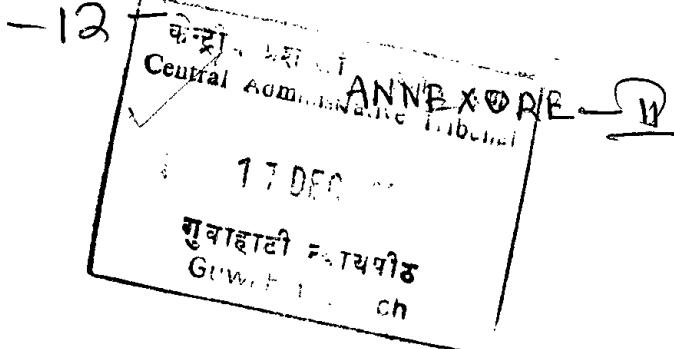
Refer to DRM(P)/LMG's office order NO.ES/17-b(T)
Dtd. 23-3-07 and ensure sparing of Sri Bhulu Roy, TTE/BPB
even without relief to carryout his transfer and posting
order as TTE/LMG immediately.

27/3/07
Area Manager
N. F. Railway/BPB

Copy to :- 1) Sr.DCM/LMG for information please.
2) DRM(P)/LMG

27/3/07
Area Manager
N. F. Railway/BPB

*Conferred 27/3/07
T. C. C. C. T. T. I. B. P. B.*



To

The Divisional Commercial Manager,
 N.F.Railway, Lumding Division,
 Lumding.

Ref :- 1) No C/Con/LM/Misc/263 (BR-TTE BPB)
 dtd.23.11.2006.
 2) No C/Con/LM/Misc/263 (BR-TTE-BPB)
 dtd.22.12.2006.
 3) No.C/Con/LM/Misc/263 (BR-TTE-BPB)
 dtd.08.01.2007.
 4) No C/CON/LM/MISC/263 (BR-TTE-BPB) dtd21/02/07
 5) No.SBD/COM/TTE/07(.)dtd.05-03-07.

Respected Sir,

I have the honour to submit another additional explanation of the letter under reference of your Office wherein your honour have levelled charges against me.

That sir, I am serving under the N.F.Railway, Lumding since 1994 and after my joining at Lumding Junction I discharged my duties with utmost sincerity and unblamishly with full satisfaction of my superior authority.

That sir, I strongly and stoutly deny the allegation of misconduct what so ever levelled against me.

That sir, I married in the year 1993 with Smt. Putul Roy and entered into marital life and out of this marriage two daughter were born. Accordingly we were living peaceful family life. But after my transfer from Lumding to Badarpur Railway Office, on 28.12.2004, and I joined in my duties on 8.1.2005 at Badarpur Office. And after that joining when I returned to Lumding to take my family from Lumding then my wife refused to come at Badarpur for living with me at my service place. Accordingly I came back to Badarpur on 20.01.2005 but after few days later she accompanied with my two minor daughter came at Badarpur and I also managed all family here at Badarpur and she started living with me then I admitted my daughters at Local English Medium School. But few days later of her stay at Badarpur she complained to my authority that I have not maintaining her properly. Then with the knowledge of my higher authority I handed over my Rs.4000.00 (Rupees four thousand) only from my salary and this matter I informed to C.T.T.I. of Badarpur, taking advantage of simple nature, she left my rented house for Lumding without any information or permission from my side and when I was on duty.

Certified
True Copy
5/9

Contd..P/2.

17 DEC 2007

गुवाहाटी न्यायालय
Guwahati Bench

P/2

That sir, since her return back to Lumding I contacted her again and again to come back to my house at Badarpur but she always rather threatened me with dire consequences & to teach lesson.

That sir, when I alongwith my all friends and relatives are failed to take back her in my home, then started sending money through money order for maintaining my wife and my two minor girls, thereafter being failed to take back my wife to my house I filed one petition before the District and Session Judge Court at Karimganj on 23-08-2005. for restitution of Conjugal rights vide No. T.S. 29 of 2005 and later on the Honourable Court, being satisfied passed order for restitution of Conjugal rights expartly and I also submitted the copy of the same to your Honour for your kind perusal and a copy of the said Decree and Judgement also sent to my wife Smt. Putul Roy for her information and requested her to come back and live with me.

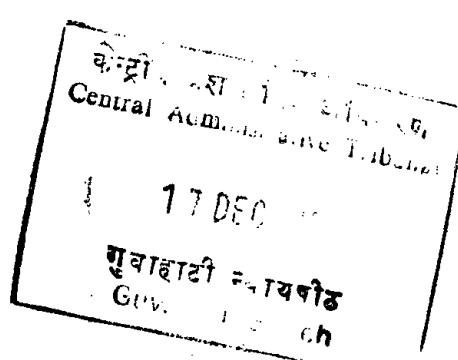
That sir, I tried my level best to live with my wife & family but the character of my wife compelled to live me in desertion and which is tantamount to cruelty towards me and my minor girls' are living there at Lumding without my help and their education is affected without getting my care, love and affection.

That sir, under the above circumstances it is well established that my wife had big gang of Muscle power as she threatened me of dire consequences if I came to Lumding junction any time and she will arrange to call back me at Lumding and any day if she find me there at Lumding she will kill me any time at Lumding, so that she will be benefitted after my death. Her attitude is so bad which I cannot express in this letter. She came last months ago at Badarpur station and when I was busy to go for duty at Badarpur station suddenly she appeared in a angry manner and caught hold of my shirt and later she took me in Railway Office and stated /asked me to sign in a blank paper. Later on when I refused to sign and with the help of the other staff escaped and I want for my duties.

*Cash Fund
23/12/07*

Contd.. P/3

P/3



In view of the above it is therefore most earnestly
prayed to your goodself, please arrange and depute any
Officer of our department to take necessary statement of
mine regarding the enquiry which your honour want to conduct
in the matter of my family and my wife here at Badarpur/Junct-
ion at any time and I shall abide by your orders accordingly
and exonerate me the charges which levelled against me.

And for this act of your kindness I shall remain
ever grateful to you.

Dated, The 24 - 3 - 2007

Yours faithfully.

Bhulu Roy.

(Bhulu Roy)
T.T.E. BPB

Copy to :-

1) The General Manager, Maligoan, N.F.Rly. Maligoan, for kind information and taking necessary action please.

2) The Divisional Rly. Manager, Lumding, for kind information and taking necessary action please.

3) The Area Manager, Badarpur, for kind information and necessary action.

4) The Secretary, Mazdoor Union, Maligoan, for information

5) The ACM/Lumding, N.F.Rly, for information.

6) The ^{Secretary} Employees Union, Maligoan, for information.

7) The ^{Secretary} Mazdoor Union, Lumding, for information.

8) The ^{Secretary} Employees Union, Lumding for information.

9) The ^{Secretary} Employees /Mazdoor Union LMG/BPB for information

10) The CTTI/Badarpur, for information.

Yours faithfully,

Bhulu Roy

(Bhulu Roy)
T.T.E. BPB

*24/3/07
Bhulu Roy
CTTI
17/3/07
Certified
True Copy
Bhulu Roy*

To

The Divisional Railway Manager

Lumding, N.F. Railway

Through Proper Channel

Ref : Letter No. C/TC/BPB/07 dated 27/03/07 of the Area Manager/BPB addressed to CTTI/BPB (I/c) on the subject transfer and posting.

Sir,

On reliable source I have come to know that I have been directed to join at Lumding and a copy of the said letter is furnished to your good self by the Area Manager N.F. Railway/BPB. In this context I beg humbly to submit that I have obtained a decree of divorcing Smt Putul Rani Roy in T.S. (D) No. 1/07. Smt Putul Rani Roy appeared in this suit and thereafter she did not take any step to contest the suit and as such the suit was decreed on 4/8/07 and the marriage between the petitioner Bhulu Roy and the OP Putul Rani Roy was dissolved by the Ld District Judge Karimganj in the aforesaid suit.

That, the divorce wife Smt Putul Rani Roy has forcibly occupied the quarter No. 673 (A). DTS hill Coloney, LMG which was allotted to me and the Rly. authority is deducting house rent etc from my salary as penalty house rent including electricity charges as Rs. 5000/- (Five thousand) and above.

That on an from 4/8/07 Smt Putul Rani Roy lost the status of wife and due to dissolution of the marriage by a competent Court and as such she has no authority whatsoever to occupy the Rly quarter aforesaid and thus, she is an intruder in the said quarter with her brothers and relations and she is a trespasser in the said quarter and liable for payment of rent etc of the said quarter. I have no liability what so-ever in respect of his payment of the rent and other charges of the said quarter on an from 4/8/07 as she is occupying illegally. The Rly. authority deserves the right to oust Smt Putul Rani Roy from the quarter and an attested copy of the divorce order in T.S. (D) No. 1/07 is appended for favour of your immediate necessary action.

Further I also inform the Railway authority that the belongings which are owned by me in that quarter. I have no claim what-soever.

In view of the above order of my transfer from BPB to LMG is required to be stayed as I am staying at BPB only for last two years. There is also serious risk of my life if I go to LMG as the father's house of Putul Rani Roy is situated in LMG and in the past she also attacked me with her relations a few times. I undertake to assure the RLY authority for my transfer to any zone excepting the Lumding Zone if the authority pleases to transfer me.

In view of the above I meet fervently pray your honour to stay the transfer order from BPB to LMG for the sake of the security of my life as I am ready to work in any other Zone excepting LMG and for this I shall ever pray.

Yours faithfully

Bhulu Roy 13/08/2007
(Bhulu Roy)
TTE/BPB

Enclosure :

Xerox copy of the final order in T.S. (D) No. 1/07 (Dissolution of Marriage)

Copy to :

- 1) Senior DCM/Lumding, for information
- 2) Area Manager/Badarpur, for information
- 3) CTTI/BPB, for information

Bhulu Roy 13/08/2007
Yours faithfully

(Bhulu Roy)
TTE/BPB

Confidential
True Copy
A.R.

-16-

ANNEXURE - B

Central Administrative Tribunal
Gauhati Bench

17 DEC 2021

গুৱাহাটী প্রয়োগ
Gauhati Bench

To

The D. C. of Dungding/Hill Colony

Through proper channel.

Subj: Surrender of Rly. Quarters No. 673(A) at Dungding,
D.T.S. Hill Colony.

Ref: Your Letter No. CG/n/COMAL/2004/Pt.-III dated
12.07.05.

Dear Sir,

I have the honour to inform you that my
marital relation with my wife are not maintaining
fully and started some disputes and differences between
us. I was posted at Gaderpur on 22.12.03 and joined at
Gaderpur on 08.01.04 in my service. Since the date of
transfer my wife illegally occupied my Quarters No. 673(A)
at D.T.S. Hill Colony, Dungding.

So, sir, if the authority take any step regarding
vacate the said Qrs. No. 673(A) then I have no objection.

Thanking you.

Yours faithfully,

Dated: 25.09.2005.
The 25.09.2005.

N.C. D.

(SHEKHARUL HUSSAIN)
SHEKHARUL HUSSAIN

Confidential to B
Date 25.09.2005
A.D.

OFFICE ORDER

N. F. Railway

Central Administrative Tribunal
ANNA BHARATI

17 DEC 2007

गुवाहाटी न्यायपाल
Gauhati Bench

Office of the
Divl. Rly. Manager (P)
Lumding
Dated : 27/12/2004.

The following transfer and posting orders are issued to take immediate effect.

✓ (1) Sri Bhulu Roy, TTE/LMG under CTTI/I/LMG in scale Rs. 4000-6000 is hereby transferred and posted at BPB under CTTI/I/BPB on his same pay & scale at his own request.

(2) Sri Raju Das, LR.TTE/BPB under CTTI/I/BPB in scale Rs. 4000-6000 is hereby transferred and posted at LMG under CTTI/I/LMG on his same pay & scale at his own request.

Since the above transfer orders have been issued ~~at~~ their own request, no CTG, T/Pass/Joining time are admissible in this case.

This has the approval of DCM/LMG.

(N. Mukherjee)
APO/I/LMG.
For Divl. Rly. Manager (P),
Lumding.

No. ES/17-B(T)

Dt. 27-12-2004.

Copy forwarded for information and necessary action to :-

(1) CTTI/I/LMG, BPB.
(2) DCM/LMG.
(3) AM/BPB.
(4) DFM/LMG.
✓ (5) Staff concerned through proper channel.
(6) OS/ET/Bill at office.

For Divl. Rly. Manager (P),
Lumding.

Certified to be
true copy
S. M. R.

17 DEC 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

29

To

The Divisional Railway Manager (P) / Lumding.
B. F. Railway.

Sub :- Joining report (Ref. No. ES/17-B(T)
dated 27.12.2004.

Sir,

In reference to the above mentioned office order,
I do hereby join on 06-01-2005 as TTE/BP B under CTTI/
BP B.

This is for your kind information and necessary

action please.

Date : 06/01/2005

Yours faithfully,

Bhulu Roy

(Bhulu Roy)
TTE/BP B.

Copy to :-

- 1) DRM(C) / LMG
- 2) DRM(P) / LMG
- 3) DFM/LMG
- 4) OS/ET, Bill / LMG
- 5) AM/BP B
- 6) CTTI/BP B
- 7) Office copy.

For their kind information
and necessary action please.

Yours faithfully,

(Bhulu Roy)
TTE/BP B.

Confidential
The Copy
to be given.