

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A/T.A No. 51/2007  
R.A/C.P No.  
E.P/M.A No.

1. Orders Sheet.....O.A......Pg. 1.....to 2.....
2. Judgment/Order dtd. 8.3.2007.....Pg. 4.....to no separate order  
filed in 32nd H.C. drawer
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg.....to.....
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.)

22/9/17

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:**

**ORDER SHEET**

1. Original Application No. 51/07
2. Miscellaneous Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(S) S. Roy Chandhury VS Union of India & Ors  
*For*

Advocate for the Applicant(S) A.R. Sikdar, J.A. Azad  
K.M. Haloi, S.A. Massabire

Advocate for the Respondent(S) Railway Counsel

Notes of the Registry	Date	Order of the Tribunal
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This application is filed  
is filed/C.F. for Rs. 20.  
deposited vide P.D.  
No. 286/98/3943  
Dated 22.1.07.

*[Signature]*  
Dy. Registrar

*[Signature]*

No. 63-07

*Petitioner's copy for  
issue notices along with  
envelopes are received.*

*[Signature]*

**8.3.2007 Present: The Hon'ble Mr.K.V.Sachidanandan  
Vice-Chairman.**

The Applicants, 204 in number, are Ministerial Staff in the Store Depot at NBQ under the control of Controller of Stores, N.F.Railway, Maligaon. Their grievance is that although the Calendar of Holiday list for Staff, NBQ, N.F.Railway was all along 16+2 as the same as Headquarter and that of the Workshop was separately with 15 Holidays but the authority by impugned modification has made a common Holiday Calendar w.e.f. 2006 with the Workshop i.e. for 15 days. Representations were made but to of no avail. Being aggrieved, the Applicants have filed this O.A. seeking the following reliefs: -

N

OA. 54/2007

-2-

Contd  
8.3.2007

i) That this Hon'ble Tribunal may kindly be pleased to refund the wages deducted from the salary of the members of staff of Store Depot of New Bongaigaon, N.F. Railway who are the applicants and also to allow them to avail the holidays restoring/maintaining the number as 16+2 as they have availed holidays earlier as per Gazette Head Qr. Holiday list in the interest of justice.

Heard Mr. A.R. Sikdar, learned counsel for the Applicants. Mr. Sikdar submitted that since their claim is covered under Industrial Dispute Act, Applicants may be permitted to approach appropriate forum.

Considering the facts and issue involved in this case I am of the view that this Court may not be justified in adjudicating the matter which come under the purview of Industrial Dispute and admittedly, a separate forum has been prescribed by the Act. Accordingly, the O.A. is dismissed as withdrawn. The Applicants are at liberty to approach appropriate forum having jurisdiction to adjudicate the issue.

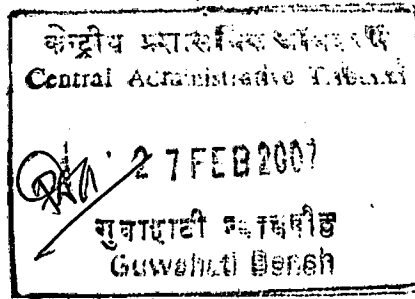
Vice-Chairman

/bb/

R  
(For RV SC)

15.3.07

Copy of the  
order handed  
over to the L/As.  
for the parties.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

Original Application No. 51 /2007

Sudhir Roy Choudhury & Others

... Applicants

-Versus-

The Union of India & Ors.

... Respondents

SYNOPSIS

Applicants are all Ministerial staff (employees) of NBQ Store Depot under the control of Controller of Stores, Maligaon, N.F. Railway, whereas the employees under the Workshop, NBQ are controlled by the Chief Mechanical Engineer, Maligaon. Although the Calendar of Holiday list for Staff, NBQ, N.F. Railway was all along 16+2 as the same as Head Quarter and that of the Workshop was separately with 15 Holidays but the authority by impugned modification has made a common Holiday Calendar w.e.f. 2006 with the Workshop i.e. for 15 Holidays. The applicants grievance is that although holidays are made common but they are not given service benefits like promotion facilities, incentives, increments and retirement facilities etc. the applicants through their Associations/Union represented to

restore earlier calendar for Store Depot but not considered and deducted salaries for those reduced holidays and hence this application.

LIST OF DATES WITH INDEX

Sl. No.	Dates	Particulars of events	Annexure	Page
1.		Original Application with verification.		1 - 32
		General Holidays, 2005	1 -	33 - 36
2.		General Holidays, 2006	2 -	37
3.	13.2.06	Date of Memorandum against deduction of holidays.	3 -	38
4.	23.9.2006	Date of Copy of Resolution	4 -	39
5.	5.10.2006	Date of representation	5 -	40
6.		Common Holiday list, 2007	6 -	41
7.	28.12.2006	Date of Representation	6(A) -	42
8.	15.11.06	Date of Pleaders Notice and Acknowledgement Card.	7,7(A) -	43 - 45
9.		VAKALATNAMA		

Date of Filing :-

Filed by :-

*Bamh*

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

Original Application No. 51 /2007

Sudhir Roy Choudhury & Others

... Applicants

-Versus-

The Union of India & Ors.

... Respondents

Details of the applicant & Address :

1. Name of the applicant

& Address

:(1) Sudhir Roy Choudhury, Hd. Clerk/G

S/o Sankar Roy Choudhury,

(2) Atul Ch. Basumatary, CDMS/Admn.

S/o Late S.R. Basumatary,

(3) Kajal Kanti Dey, CDMS/G,

S/o Late Naresh Ch. Dey

(4) Cheni Ram Basumatary, DMS-I,

S/o Late K. Basumatary

(5) Hitesh Das, DMS-I

S/o Jogen Ch. Das

(6) Sukha Ranjan Acharjee, DMS-I

S/o Late Sushil Ch. Acharjee

(7) Dilip Kr. Basumatary, DMS-I

S/o Sri S.N. Basumatary

Filed by  
Sudhir Roy Choudhury,  
Through  
Jahangir Alam Azad.  
Advocate.

*Sardar Dayachand Nayak*

- (8) Satish Ch. Owary, DMS-I  
S/o Sri Dhaneswar Owary
- (9) Ghanashyam Kalita, DMS-I  
S/o Late Nagendra Kalita
- (10) Jyotish Barman, DMS-II  
S/o Shri T. Barman
- (11) Manik Ch. Bania, DMS-II  
S/o Late Krishna Ram Bania
- (12) Sunil Ch. Ghose, DMS-III  
S/o Late Sushil Chandra Ghose
- (13) Sarju Prasad, DMS-III  
S/o Shri Hari Prajapati
- (14) Narayan Dey, DMS-III  
S/o Sri Kumud Ch. Dey
- (15) Shyma Prasad Banerjee, DMS-III  
S/o Gopal Chandra Banerjee
- (16) Pintu Ranjan Bhowmick, DMS-III  
S/o Rabindra Nath Bhowmick
- (17) Arati Das, Ch.OS/G  
S/o Barada Kr. Chamakar
- (18) Arati Sutradhar, OS-I  
S/o Late Bisnanath Sutradhar
- (19) Anil Ch. Baroi, OS-I  
S/o Late Harakrishna Barua
- (20) Dilip Kr. Choudhury, OS-I

S/o Jadhu Gopal Kar

(21) Arun Ch. Chakraborty, OS-I

S/o Late Probodh Ch. Chakraborty

(22) Bhubaneswar Barman,

S/o Late T.C. Barman

(23) Lakhinder Gayari, OS-I

S/o Late B.R. Gayari

(24) Ghanashyam Choudhury, OS-I

S/o Late Chiranjibi Choudhury

(25) Chabi Bhattacharjee, Hd. Clerk/G

S/o Late H.N. Bhattacharjee

(26) Laxmi Dhar, Hd. Clerk/G

S/o Sri Prantosh Dhar

(27) Sankar Malakar, Hd. Clerk/G

S/o Late Abani Kr. Malakar

(28) Bikash Kr. Sharma, Hd. Clerk/G

S/o Late Karuna Kanta Sharma

(29) Bikash Sharma, Hd. Clerk/G

S/o Late Hem Chandra Sharma

(30) Ashok Kr. Dey, Hd. Clerk/G

S/o Late Makhan Lal Dey

(31) Golap Ch. Sharma, Hd. Clerk/G

S/o Bharat Ch. Sharma

(32) Ashim Sharma, Hd. Clerk/G

S/o Khagendra Nath Sharma

*S/o Late Probodh Ch. Chakraborty*



(33) Somendra Basumatary, Hd. Clerk/G

S/o S. Basumatary

(34) Sunil Kr. Roy, Hd. Clerk/G

S/o Surjya Kanta Roy

(35) Dhiren Choudhury, Hd. Clerk/G

S/o Late Hari Charan Choudhury

(36) Subhash Ch. Sarkar, Hd. Clerk/G

S/o Banobashi Sarkar

(37) Jay Karan, Hd. Clerk/G

S/o Pardosi

(38) Tapan Kr. Roy, Hd. Clerk/G

S/o Sri J. Ch. Roy

(39) Subrata Dey, Sr. Clerk/G

S/o Baroda Ch. Dey

(40) Samar Bikram Seth, Sr. Clerk/G

S/o Late Subodh Kr. Seth

(41) Saroj Kr. Jha, Sr. Clerk/G

S/o Bishnu Kant Jha

(42) Suraj Pal Balmiki, Sr. Clerk/G

S/o Gendalal Balmiki

(43) Ranjit Roy, Sr. Clerk/G

S/o Late Ramendra Nath Roy

(44) Babul Ch. Das, Sr. Clerk/G

S/o Sri Bipin Ch. Das

(45) Sandip Sen Sarma, Jr. Clerk/G

*Subrata Dey Choudhury*

*Benches Roy Choudhury*

- S/o Late Nisit Sen Sarma
- (46) Nimai Kalita, Jr. Clerk/G
- S/o Sri Ananda Kalita
- (47) Hari Mohan Roy, Jr. Clerk/G
- S/o Sri Upen Ch. Roy
- (48) Om Prakash Prasad, Jr. Clerk/G
- S/o Shakal Shaw
- (49) Satrughana Prasad, Jr. Clerk/G
- S/o Masih Das
- (50) Suresh Kr. Mahato, M/Driver-III
- S/o Gaya Mahato
- (51) Daljit Singh, M/Driver-III
- S/o Sarita Singh
- (52) Akan Ch. Roy, J/Driver-III
- S/o Prameswar Roy
- (53) Shakti Pada Ganguly, L/Man-II
- S/o Shayma Pada Ganguly
- (54) Karuna Kanta Das, M/Man
- S/o Bisaru Ram Das
- (55) Laben Ch. Brahma, M/Man
- S/o Debo Brahma
- (56) Debendra Ch. Banikya, Packer
- S/o Late Royen Das
- (57) Dwejen Ch. Das, Packer
- S/o Rajen Ch. Das

*Sudhis Choudhury*

- (58) Bireswar Brahma, M/Sorter  
S/o Late Monilal Brahma
- (59) Niranjana Sarkar, Ch. OS/G  
S/o Late Gopal Ch. Sarkar
- (60) M.L. Debnath, OS-I/E  
S/o Late Murarimohan Debnath
- (61) Shima Biswas, Steno, Gr.I  
S/o Ashim Kr. Biswas
- (62) Rabindra Sharma, DMS-1/Comp  
S/o M.L. Sharma
- (63) Anima Bardoloi, Hd. Clerk/G  
S/o Sri B.M. bardoloi
- (64) Manoranjan Choudhury, Hd. Clerk/G  
S/o Sri Hareswar Choudhury
- (65) Ranendra Ch. Wary, Hd. Clerk/G  
S/o Gaya Ram Wary
- (66) Sisir Kr. Das, Hd. Clerk/G  
S/o Sri Jatindra Nath Das
- (67) Sushil Kr. Das, Hd. Clerk/G  
S/o Late M. M. Das
- (68) Prakash Baruah, Hd. Clerk/G  
S/o Dwijendra Ch. Baruah
- (69) Kiranbala Roy, Sr. Clerk/G  
D/o Late Lankeswar Roy
- (70) Vinod Kr. Choudhury, Sr. Clerk/G

S/o Keshar Chand

(71) Tamalika Mallick, Sr. Clerk/E

S/o Late Tarun Kr. Mallick

(72) Ashutosh Kr. Dutta, Jr. Clerk/G

S/o Late Satish Ch. Dutta

(73) Mitali Dutta, Jr. Clerk/G

S/o Late Tapan Dutta

(74) Braja Gopal Bhattacharjee,

DMS-II/BNGN

(75) Pranay Kr. Biswas, OS-II

(76) Tapashi Dey, Jr. Clerk/BNGN

(77) T.S. Mahilary,

S/o Late Mahesh R. Mahilary

(78) Sri Jituram Bardoloi, HL-II,

S/o Sukleswar Bardoloi

(79) Sri Ganesh Paswan, Tindal

S/o Ram Gulam Paswan

(80) Mrs. Bhabani Barman, S/Mazdoor

S/o Sukracherja Burman

(81) Sri Tapan Kr. Dey, S/Mazdoor

S/o Bibhuti Sarkar Dey

(82) Sri Debashish Das, S/Mazdoor

S/o Late Keshab Ch. Das

(83) Smt. Ahini Barman, S/Mazdoor

D/o Lt. Maijhuru Barman

*Smt. Ahini Barman*

- (84) Sri Khired Ch. Roy, S/Mazdoor  
S/o Narendra Ch. Roy
- (85) Sri Ram Awatar, S/Mazdoor  
S/o Shobha Gupta
- (86) Sri Dilip Kr. Das, S/Mazdoor  
S/o Khired Ch. Das
- (87) Sri Jagjit, S/Mazdoor  
S/o Ram Chander
- (88) Smt. Nibashi Basumatary,  
S/Mazdoor  
S/o Ranjit Basumatary
- (89) Sri Dilip Kr. Nath, S/Mazdoor  
S/o Late Dinabandhu Nath
- (90) Sri Digambar Sarkar, S/Mazdoor  
S/o Lt. Mahendra Sarkar
- (91) Smt. Purnimabala Barman,  
S/Mazdoor  
D/o Binod Ch. Barman
- (92) Sri Lal Bahadur, S/Mazdoor  
S/o Late Bishnu Bahadur
- (93) Sri Heman Ch. Roy, S/Mazdoor  
S/o Tara Prasad Roy
- (94) Miss Sangita Kumari Sharma, HL-II  
D/o Shio Kumar Sharma
- (95) Smt. Bidya Roy, S/Mazdoor

*See Mr. Ruff Choudhury.*

*Smt. S. Ram Roy*

- D/o S. Ram Roy
- (96) Sri Kishori Mohan Singha,  
S/Mazdoor  
S/o Shounia Singha
- (97) Sri Lalan Mandal, S/Mazdoor  
S/o R. Mandal
- (98) Smt. Arati Das, S/Mazdoor  
D/o Ram Singhasan
- (99) Sri Purna Bahadur, S/Mazdoor  
S/o Chota Koila
- (100) Miss Manika Dutta, S/Mazdoor  
D/o Late Manindra Dutta
- (101) Smt. Matura Parvati, S/Mazdoor  
D/o M. Appa Rao
- (102) Sri Chandan Mandal, S/Mazdoor  
S/o Sri Shambhu Nath Mandal
- (103) Sri Kankan Boro, HL-II  
S/o Lakshmi Kt. Boro
- (104) Smt. Bacha Mahelu, S/Mazdoor  
D/o B. Arkeya
- (105) Smt. Binu Baruah, S/Mazdoor  
D/o Bipin Ch. Baruah
- (106) Sri Kaushik Das, S/Mazdoor  
S/o Keshab Raj Das
- (107) Md. Maimuddin Ali, S/Mazdoor

- S/o Kalimuddin Ali  
(108) Sri Sujit Kr. Choudhury, S/Mazdoor  
S/o Late K.L. Choudhury  
(109) Sankar Rajbhor, S/Mazdoor  
S/o Muneshwar Rajbhor  
(110) Sri Raju Sah, S/Mazdoor  
S/o Late K. Nath  
(111) Sri Jitendra Mahato, S/Mazdoor  
S/o Late R.J. Mahato  
(112) Sri Pabitra Roy, S/Mazdoor  
S/o Nandeshwar Roy  
(113) Botta Benkata Raman, S/Mazdoor  
S/o B. Appa Rao  
(114) Smt. Baneswari Brahma, S/Mazdoor  
D/o Harendra Brahma  
(115) Sri Dandeswar Barman, S/Mazdoor  
S/o Bhabeshwar Barman  
(116) Sri Shiv Sankar Passi, S/Mazdoor  
S/o Ramharak Pasi  
(117) Smt. Rudabala Sutradhar,  
S/Mazdoor  
D/o Ghana Kanta Sutradhar  
(118) Sri Ranjit Kr. Dey, S/Mazdoor  
S/o Amulya Ch. Dey  
(119) Sri Binod Basfore, S/Mazdoor

S. Sankar Choudhury

- S/o Late Badri Basfore  
(120) Sri Binoy Krishna Rava, S/Mazdoor  
S/o Debeshwar Rava  
(121) Smt. Manju Mandal, S/Mazdoor  
D/o Pansh Ch. Mandal  
(122) Smt. Putul Das, S/Mazdoor  
D/o Late Nirmal Ch. Das  
(123) Sri Manoj Kr. Basumatary,  
S/Mazdoor  
S/o Chakramoni Basumatary  
(124) Sri Shiv Nath Chakraborty,  
S/Mazdoor  
S/o D.K. Chakraborty  
(125) Md. Eyakub Ali, S/Mazdoor  
S/o Late Khalil Ali  
(126) Sri Swapan Mali, S/Mazdoor  
S/o Late Ranjit Mali  
(127) Smt. Pranita Roy, S/Mazdoor  
D/o Karuna Roy  
(128) Sri Makkar Bahadur Thapa,  
S/Mazdoor  
S/o Bal Bahadur Thapa  
(129) Sri Sanjit Basumatary, S/Mazdoor  
S/o Dayal Singh Basumatary  
(130) Smt. Indrawati Devi, S/Mazdoor

*Smt. Binoy Choudhury.*



- D/o Ram Surat Yadav  
(131) Smt. Mithil-da-N-Sangma,  
S/Mazdoor  
D/o Raliance-R-Marak  
(132) Smt. Chandrakala Devi, S/Mazdoor  
D/o Late Rajendra Singh  
(133) Sri Khagen Ch. Das, S/Mazdoor  
S/o Late Ganesh Ch. Das  
(134) Sri Mahendra Ch. Basumatary,  
S/Mazdoor  
S/o Charan Singh Basumatary  
(135) Sri Jayanta Kr. Roy, S/Mazdoor  
S/o Late Khanin Ch. Roy  
(136) Rabindra Das, S/Mazdoor  
S/o Jogodish Ch. Das  
(137) Girish Ch. Roy, S/Mazdoor  
S/o Rathin Ch. Roy  
(138) Sri Pahato Singha, Tindal  
S/o Kamleswar Singha  
(139) Md. Ahidul Islam, S/Mazdoor  
S/o Arafat Ali  
(140) Sri Gautam Bhattacharjee,  
S/Mazdoor  
S/o Lt Bhabendra Nath Bhattacharjee  
(141) Smt. Manju Dey, S/Mazdoor

*Smt. Sushil Choudhary*

D/o Late Badal Dey

(142) Smt. Ramdana Devi, S/Mazdoor

D/o Shyam Kanti

(143) Sri Ram Jyotish Prasad, S/Mazdoor

S/o Ramakanta Prasad

(144) Bablu Jha, S/Mazdoor

S/o Parmanand Jha

(145) Sadananda Barman, Tindal

S/o B. Barman

(146) Amar Basumatary, S/Mazdoor

S/o Purna Basumatary

(147) Smt. Surjee Basfore,

D/o Jamuna Basfore

(148) Sri Indra Mohan Brahma Patgiri,  
Tindal,

S/o Late Bipin Brahma Patgiri

(149) Smt. Pramila Hazarika,

D/o Phatik Hazarika

(150) Sri Ganesh Basumatary, S/Mazdoor

Dhajendra Basumatary

(151) Sri Bishandee Yadav, S/Mazdoor

S/o Thag Yadav

(152) Sri Raj Kumar Yadav, S/Mazdoor

S/o Ranjit Yadav

(153) Smt. Kunti Basfore, S/Mazdoor

*Smt. Surjee Basfore*

- D/o Baliram Basfore  
(154) Sri Ghanshyam Das, S/Mazdoor  
S/o Banda Ram Das  
(155) Sri Jackson Marak, S/Mazdoor  
S/o Soniram Sangma  
(156) Deo Nath Bharati, S/Mazdoor  
S/o Kailash Bharati  
(157) Dayal Ch. Singha, S/Mazdoor  
S/o Chandicharan Singha  
(158) Sri Phulendra Singha, S/Mazdoor  
S/o Khagendra Singha  
(159) Sri Someswar Roy, S/Mazdoor  
S/o Har Gobinda Roy  
(160) Smt. Maya Rani Dey, S/Mazdoor  
D/o Late Pulin Bihari Dey  
(161) Sri Goutam Prasad, S/Mazdoor  
S/o Late Boghu  
(162) Sri Upen Ch. Rava, S/Mazdoor  
S/o Late Balahu Ram Rava  
(163) Sri Shibu Roy, S/Mazdoor  
S/o Lt. Radha Ch. Sutradhar  
(164) Sri Arun Kr. Baruah, S/Mazdoor  
S/o Daman Singh Baruah  
(165) Sri Nibaran Roy, S/Mazdoor  
S/o Lt. Chandra Kanta Roy

*Sd/- Sri Someswar Roy*

- (166) Sri Bahadur Choudhury, S/Mazdoor  
S/o Lt. Chirendra Choudhury
- (167) Sri Girindra Sarkar, S/Mazdoor  
S/o Late Aswini Kr. Sarkar
- (168) Smt. Panchami Daimary, S/Mazdoor  
D/o Kishore Daimary
- (169) Sri Binod Sharma, S/Mazdoor  
S/o Ayodha Sarma
- (170) Sri Ram Krishna Roy, S/Mazdoor  
S/o Late Bhupen Ch. Roy
- (171) Sri Chinoy Narzary, S/Mazdoor  
S/o Rajen Narzary
- (172) Sri Kartik Seal, S/Mazdoor  
S/o Late Mapi Seal
- (173) Sri Ambrika Roy, S/Mazdoor  
S/o Akhil Roy
- (174) Md. Ajijur Rahman, S/Mazdoor  
S/o Mahir Uddin
- (175) Md. Samsul Alam, S/Mazdoor  
S/o Wajuddi Ahmed
- (176) Karuna Barman, S/Mazdoor  
S/o Tiken Barman
- (177) Suresh Das, S/Mazdoor  
S/o Darmeshwar Das
- (178) Amrika Brahma, S/Mazdoor

*Sardar's Roy Choudhury*

- S/o Khagen Brahma  
(179) Hakim Ch. Brahma Boro, S/Mazdoor  
S/o Late Ananda Brahma Boro  
(180) Gadadhar Barman, S/Mazdoor  
S/o Late Sashi Mohan Barman  
(181) Kishore Kr. Baruah, S/Mazdoor  
S/o Lt. Bhaban Mohan Baruah  
(182) Jogesh Brahma, S/Mazdoor  
S/o Dharmeshwar Brahma  
(183) Satish Ch. Basumatary, S/Mazdoor  
S/o Narendra Basumatary  
(184) Paresh Ch. Sharma, S/Mazdoor  
S/o Lt. Chakraswar Sharma  
(185) Jetendra Ch. Paul, S/Mazdoor  
S/o Late Kanailal Paul  
(186) Madaram Brahma, S/Mazdoor  
S/o Late Tarun Brahma  
(187) Dharmeswar Brahma, S/Mazdoor  
S/o Lt. Bhabeshwar Brahma  
(188) Simbhu Ram Kakati, S/Mazdoor  
S/o Dharnidhar Kakati  
(189) Ram Kr. Teli, S/Mazdoor  
S/o Lt. Ram Bhuj Teli  
(190) Utpal Das, R/Sorter  
S/o Late Biswanath Das

*Sushir Choudhary*

- (191) Purnima Barman, R/Sorter  
D/o Ambika Barman
- (192) Draupadi Sutradhar, R/Sorter  
D/o Late G. Sutradhar
- (193) Kishandee Bin, R/Sorter  
S/o Late Ganlal Bin
- (194) Biju Roy, S/Mazdoor  
S/o Late Animesh Roy
- (195) Amar Nath Prasad, S/Mazdoor  
S/o Late Ramdar
- (196) Biswajit Das, S/Mazdoor  
S/o Late Mani Das
- (197) Kalpana Kujur, S/Mazdoor  
D/o Late Suman Kujur
- (198) Ashok Mandal, S/Mazdoor  
S/o Late Achar Mandal
- (199) Bharat Das, S/Mazdoor  
S/o Late Jogoru Das
- (200) Raj Kumar Prasad, S/Mazdoor  
S/o Late Ram Prasad
- (201) Nandinibala Medhi, S/Mazdoor  
D/o Lt. Dilip Kr. Medhi
- (202) Sabitri Brahma, R/Sorter  
D/o Lt. Daulat Singh Brahma
- (203) Chandana Acharjee, S/Mazdoor

*Sentinel Copy Chaitany*

D/o Lt. Dinesh Ch. Acharjee  
(204) Smt. Hemlata Baruah, S/Mazdoor

D/o Daburu Ram Choudhury

All are employees, Store Depot,

N.F. Railway, NBQ, P.O. New

Bongaigaon, Dist. Bongaigaon.

*Dinesh Choudhury*

2. Designation : Employees Store Depot, NBQ

3. Particulars of the Respondents:
- 1) The Union of India,  
through the Secretary,  
Ministry of Railways, Govt. of  
India, New Delhi - 110 001.
  - 2) The General Manager, N.F.  
Railway, Maligaon,  
Guwahati-11.
  - 3) The Chief Workshop Manager  
N.F. Railway, NBQ, P.O. &  
Dist. Bongaigaon (Assam).

Particulars of order against which the application is made :-

1. Against the impugned arbitrary reduction of Holidays in  
Store Depot of NBQ and arbitrary cut in wages.
2. Jurisdiction of the Tribunal  
The applicants declare that the cause of action has arisen  
within the jurisdiction of this Hon'ble Tribunal.
3. Limitation :

Seaton's Rag Chorus.

Seaton's Rag Chorus.

- Seaton's Rag Chorus.

12-24-8  
2006



Photocopies of the holiday list for Assam & West Bengal are annexed as Annexure No.1 in series.

*Santini Ray Choudhury*

- 4.3. That the applicants beg to state that the Holiday list applicable for the ministerial staff, Stores Depot, NBQ has been all along same as Holiday list of Head Quarter Maligaon, i.e. 16+2 till it has been modified by Office letter dated 1.9.2006 issued by the General Manager, NF Railway, Maligaon. By said modification one holiday of Janmastami of 16.8.06 was subsequently declared working day. On the said date all the employees/workmen of the department numbering 204, all went to the office for attending their duties as per Calendar of Store Holidays but they were prevented to attend the office.

A photocopy of the General Holidays List-2006 (Assam) is annexed as Annexure No.2.

- 4.4. That the applicants beg to state that the salary of the workmen who are staff of Store Depot/NBQ has been deducted for availing holiday on 16.8.06 which is a Gazette notified holiday. The Janmastami Tithi is a Gazette notified holiday. The applicants on being aggrieved on such deduction of pay resolved on 23.9.06 to protest for not availing them Gazette holiday and against the pay cut. It is pertinent to

mention here that CWM/NBQ has issued letter no. E/M/122/1/Pt-XI dated 7.1.06 and 7.2.06 regarding holiday to be observed by the Store Depot of NBQ. As per said letters of holidays of store depot at NBQ has been reduced contravening the Railway Board's instruction. The matter of holidays of NBQ was once raised in a meeting of DC/JCM held with the Railway Board vide item No. E(LR)1/93/JCM 2-4 dated 8.9.93. The minutes of the said meeting addressed to the GM(P)/MLG was as follows:

"Under examination in case orders have not been physically implemented in N.F. Railway this implementation would be held in abeyance"

Therefore, the change in holidays is in violation of the Minutes of the said meeting. The applicants through their Unions represented to the General Manager(P) on 13.2.06 immediately after notification dated 7.1.06 and 7.2.06 reducing the no. of holidays as well as after deduction of salary on 16.8.06. The applicants crave the leave of this Hon'ble Tribunal in not annexing the copies of notifications dated 7.1.06 and 7.2.06 which may be called for from respondents.

A copy of the Memorandum dated 13.2.06 against the deduction of holidays is annexed as Annexure No.3.

*Dr. J. S. Raghav*

26

4.5. That the applicants beg to state that some of the applicants represented by N.F. Railway Mazdoor Union have represented the General Manager (P), N.F. Railway, Maligaon, Guwahati-11 with a prayer for refunding the wages deducted for availing holidays on 16.8.2006 and also prayed for restoring the number of holidays as notified by the Gazette and enjoyed by them prior to the reduction of holidays. In making such prayer, the applicants contended that such deduction of salary is in violation of the provisions of payment of Wages Act, 1936. It is further contended that as per provisions of section 9(A) of the Industrial Disputes Act, 1947 read with the Fourth Schedule item No.5 any change in holiday is termed as change in service condition and such change without prior notice under due format is violative of provisions of Industrial Disputes (Central Rules) 1957. In the given case no notice was issued to the applicants. But no action was taken up rather the said authority has further deducted salaries of 12.9.06 and 6.10.06. As per the Calendar of N.F. Railway 16.8.06, 12.9.06 and 6.10.2006 are holidays (vide Annexure No.2) but the same are declared working days for the employees of Store Depot of NBQ. The applicants are also having a copy of the Calendar of N.F.

*Devendra Singh*

Railway, 2006 but crave the leave of this Hon'ble Tribunal in not annexing the same to avoid inconvenience, which may be produced at the time of hearing if so called for.

A copy of the representation dated 5.10.06 is annexed as Annexure No.5.

4.6. That the applicant begs to state that inspite of considering the prayer of the petitioners Association, their pay has been cut for the aforesaid three holidays and holidays list for 2007 has been published reducing the number of holidays from 18 (16+2) to 15 days. This has been notified by Notification No.E/M/122/1/Pt-XI dated 21.12.2006. In the said notification it is noted that it has been allegedly made in consultation with the recognised Unions of NBQ. But in fact no fruitful consultation was held and the applicants has strongly opposed the unilateral reduction of holidays and by submitted representation dated 28.12.06 prayed for allowing them to avail 16+2 holidays.

A copy of the <sup>holiday list, 2007 and</sup> representation dated 28.12.06 is annexed as Annexure No.6 & 6A <sup>respectively.</sup>

4.7. That the applicants beg to state that the applicants are employees of NBQ Store Depot attached with the NBQ Workshop. The applicants are ministerial staff controlled by Controller of Stores, Maligaon, N.F. Railway whereas the employees under the workshop are controlled by the Chief Mechanical Engineer, Maligaon. Since the year 1965 the

*Send this Copy to Mr. H. S. Chaudhary.*

calendar of Holidays for Ministerial staff was 16+2 which is same as that of the Head Quarter. The Calendar of the Workshop employees has all along been prepared separately with 15 Holidays. The authority by the impugned modification of the calendar made common holiday w.e.f. 2006 for both the employees of stores depot and that of the workshop, NBQ. But it is regretted that there has been vast gap in between the service conditions/facilities provided to the applicants and the employees of the Work shop although both are under same establishment. The employees of Work shops are availing facilities like - (i) promotional facilities, incentives; (ii) free from responsibilities of issue, receipt, acknowledgement and etc.; (iii) Increments and better retirement facilities - A Khalasi appointed under workshop promoted in the rank of Foreman/Grade-I/Charge Man/Master Craftsman etc. and retired with Rs.10/9 Lakhs retirement benefits, whereas a grade IV employee of Stores Depot retired in the same rank without any promotion and hardly receives 1.5 to 2.00 Lakh of retirement benefits. Although out turn unit reduces from 84 to 36 units per month even then our holidays has been reduced without any reason and the applicants have not been receiving any incentives whereas the workshop staffs are getting incentives of Rs.2000 to 3000 per month, this is a serious disparity and

*Sudhanshu Chatterjee*

discrimination in the service condition of the applicants. But it is regretted that the applicants/ employees of the Store Depot, NBQ are deprived of and discriminated from such facilities.

- 4.8. That the applicants beg to state that they have requested the respondent authority for refunding the wages deducted by serving a Pleader's Notice dated 15.11.06. By the said notice, they also prayed for restoration of number of holidays as availed earlier by the staff of store Depot NBQ. But no consideration has been paid.

A photocopy of the Pleader's Notice dated 15.11.06 and its acknowledgement card are annexed as Annexure No.7 & 7(A) respectively.

- 4.9. That the applicants beg to state that since all of them are employees of Store Depot, NBQ, N.F. Railway and having been aggrieved similarly by the deduction of their wages and not availing them to enjoy holidays as per Head Quarter Gazette notified Holidays and the change of Calendar only in respect of Store Depot employees affected similarly, hence this joint petition. Although they represented the authority through various Unions, yet their grievances are same. This joint application is maintainable u/s-4 of sub.s 5(a) of Central Administrative Tribunal (Procedure) Rules, 1987.
- 4.10. That the applicants beg to state that their 4 days salaries have already been deducted and there is likelihood of

Sandhya Choudhary

deducting for 16.2.2007. The applicants require an urgent interim protection for restoring the earlier calendar of holidays i.e. for 16+2 days instead of 15 days.

5. Grounds for Relief with Legal Provisions:

- I) For that the learned authority has committed grave error of law and facts in deducting the salaries of the holidays availed by the members of the staff of Store Depot, NBQ, which are holidays notified in the Head Quarter Calendar.
- II) For that the learned authority has committed discrimination, violation of principles of natural justice, illegality and arbitrariness in reducing the number of holidays to be availed by the applicants under NBQ Store Depot.
- III) For that the impugned reduction of holidays is against the minutes of the meeting of DC/JCM held with the Railway Board as addressed to the GM(P) MLG by a communication No.E(IR)/1/93JCM 2-4 dated 8.9.93.
- IV) For that the applicants submit that deducting salary of the staff of Stores Depot/NBQ for availing Gazette notified Holidays on 16.8.06, 12.9.06 and 6.10.06 for Janmastami, Tithi of Sri Madhab Dev and Lakshmi Puja respectively are illegal, arbitrary and violations of provisions of payment of Wage Act, 1936. Section 9-A of the Industrial Disputes Act, 1947 read with item 5 of the Fourth Schedule and also

read with Rule 34 of the Industrial Disputes (Central) Rules, 1957 provides that any change in holidays is termed as change in service condition for which due notice is to be given to the staff under due format as per provisions of Industrial Dispute (Central Rules), 1957. But no such notice was issued. As such change in Holidays made in the case is violative of aforesaid statutory provisions of Rules and Act in force. Hence the deduction of wages is illegal and arbitrary and liable to be interfered by this Hon'ble Tribunal giving appropriate direction.

- V) For that the applicants beg to submit that although the applicants are serving as Store Depot Staff, NBQ alongwith the employees of Workshop, NBQ under the same establishment but the respondents authority maintaining two sets of policy for staff of Store Depot, NBQ and staff of Workshop, NBQ. The grievance of the members of staff of Store Depot, NBQ is that they are not getting any promotional facilities, incentives, increments and betterment facilities which the employees of the Workshop NBQ are availing. Even the employees of Workshops are exempted from the responsibilities of issue and receipt. This is absolutely a discriminatory policy towards the members of the staff of store depot against which the applicants are raising claims time to time but no heed is paid to redress their grievances. The respondent



*Sent this copy to Mr. Anthony*

authorities are bound to give equal facilities like incentives, promotional benefits, retirement and etc. in the event of making common holidays with the workshop employees, NBQ. The respondent authorities discriminating the applicants by not providing the aforesaid service benefits but curtailing the earlier holidays calendar making a common holiday calendars with the workshop employees, NBQ.

- VI) For that the action of the respondents has hit hard to the service rights of the applicants.
- VII) For that, non-consideration and non-disposal of the claim of the applicants has amounted violation of principles of Natural justice.
- VIII) For that the authority acted beyond jurisdiction.

6. Details of Remedies Exhausted

✓ The humble applicants submitted representation dated 13.2.06, 5.10.06, 28.12.06 and Pleader's Notice dated 15.11.06 which are all pending for consideration and no order has been passed as yet on the said representations.

7. Matters not previously filed or pending with any other Court/Tribunal:-

The applicants declare that no application/case has been filed in any other court regarding the present matter.

8. Relief Prayed for :

*Sentini Beg Choudhury*

Under the circumstances stated above the humble applicants most respectfully prays for following relief :

- i) That this Hon'ble Tribunal may kindly be pleased to pass an order directing the authority to refund the wages deducted from the salary of the members of staff of Store Depot of New Bongaigaon, N.F. Railway who are the applicants and also to allow them to avail the holidays restoring/maintaining the number as 16+2 as they have availed holidays earlier as per Gazette Head Qr. Holiday list in the interest of justice.
- ii) To pass any other order or orders as deemed fit and proper by the Hon'ble Tribunal in the interest of justice.

9. Interim Relief Prayed for:-

In the interim the applicant prayed for -

a direction for allowing the applicants to avail holidays as per Gazette Head Qr. Holiday List restoring the number of holidays 16+2 days and no further deduction of salary shall be made for availing the said holidays in the interest of justice.

10. Details of Postal order:-

Postal Order No. : 983943  
 Date of Issue : 22-1-07  
 Issued from : Guwahati  
 Payable at : Guwahati

11. List of Particulars :-

As per Index

VERIFICATION

I, Sudhir Roy Choudhury, S/o Sankar Roy Choudhury, aged about 48 years, resident of Central Colony, P.O. New Bongaigaon, Dist. Bongaigaon, Assam do hereby verify that the contents in paragraphs 1, 2, 3 ..... and 4.1 to 4.10 are true to my knowledge and paragraphs 50 to 51 and ..... are believed to be true as legal advice and I have not suppressed any material fact.

And I sign this verification on this 27/11 day of Feb, 2007 at Guwahati.

*Sudhir Roy Choudhury*

Date :

Place : Guwahati

Signature of Applicant

# General Holidays - 2005

## ASSAM

Sn.	Occasions	Date	Days
1	Magh Bihu.	14 - 01 - 2005	Friday.
2	Id-Uz-Zoha.	21 - 01 - 2005	Friday.
3	Republic. Day.	26 - 01 - 2005	Wednesday.
4	Dol/Good Friday	25 - 03 - 2005	Friday.
5	Bohag Bihu	14 - 04 - 2005	Thursday.
6	Assamese New Years Day	15 - 04 - 2005	Friday.
7	Buddha Purnima	23 - 05 - 2005	Monday
8	Independence Day.	15 - 08 - 2005	Monday
9	Shankardev Tithi	05 - 09 - 2005	Monday
10	Mahatma Gandhi's/Birthday	02 - 10 - 2005	Sunday
11	Durga Puja (Maha Astami).	11 - 10 - 2005	Tuesday
12	Durga Puja (Maha Navami).	12 - 10 - 2005	Wednesday
13	Durga Puja (Maha Dashami).	13 - 10 - 2005	Thursday.
14	Kalipuja/Deepawali	01 - 11 - 2005	Tuesday
15	Id-ul-Fitre.	04 - 11 - 2005	Friday.
16	Guru Nanak's Birthday	15 - 11 - 2005	Tuesday

## Restricted Holidays - 2005

Sn.	Occasions	Date	Days
1	Magh Bihu.	13 - 01 - 2005	Thursday.
2	Shilpi Divas	17 - 01 - 2005	Monday.
3	Shiva Ratri	08 - 03 - 2005	Tuesday
4	Prophet Mohammed's Birthday/ Mahavir jayanti	22 - 04 - 2005	Friday
5	Madhabdev Tithi.	24 - 08 - 2005	Wednesday.
6	Sabe Barat	20 - 09 - 2005	Tuesday
7	Durga Puja (Maha Saptami).	10 - 10 - 2005	Monday.
8	Kati Bihu	18 - 10 - 2005	Tuesday
9	Chhat Puja	07 - 11 - 2005	Monday.
10	Lachit Divas.	24 - 11 - 2005	Thursday.
11	Su-Ka-Pha Divas	02 - 12 - 2005	Friday

### Occasions fall on Saturday.

1.	Janmastami	27-08-2005
2.	Viswakarma Puja	03-2005

### Occasions fall on Sunday.

1.	Sree Panchami	13-02-2005
2.	Muharram	20-02-2005
3.	Ram Navami	17-04-2005
4.	Laxmi Puja	16-10-2005
5.	Christmas Day.	25-12-2005

Checked by  
Samin  
Adv.

-34-  
General Holidays - 2005

West Bengal

Sn.	Occasions	Date	Day
1.	Makar Sankranti	14 - 01 - 2005	Friday.
2.	Id-Uz-Zoha.	21 - 01 - 2005	Friday.
3.	Republic Day.	26 - 01 - 2005	Wednesday.
4.	Shiva Ratri	08 - 03 - 2005	Tuesday
5.	Dol/Good Friday	25 - 03 - 2005	Friday.
6.	Bengali's New Years Day	15 - 04 - 2005	Friday.
7.	Buddha Purnima	23 - 05 - 2005	Monday
8.	Independence Day.	15 - 08 - 2005	Monday
9.	Mahatma Gandhi's/Birthday	02 - 10 - 2005	Sunday
10.	Durga Puja (Maha Astami).	11 - 10 - 2005	Tuesday
11.	Durga Puja (Maha Navami).	12 - 10 - 2005	Wednesday
12.	Durga Puja (Maha Dashami).	13 - 10 - 2005	Thursday.
13.	Kalipuja/Deepawali	01 - 11 - 2005	Tuesday
14.	Id-ul-Fitre.	04 - 11 - 2005	Friday.
15.	Chhat Puja	07 - 11 - 2005	Monday.
16.	Guru Nanak's Birthday	15 - 11 - 2005	Tuesday

**Restricted Holidays - 2005**

Sn.	Occasions	Date	Days
1.	Chaitra Sankranti	14 - 04 - 2005	Thursday.
2.	Prophet Mohammed's Birthday/ Mahavir jayanti	22 - 04 - 2005	Friday
3.	Birthday of R.N. Thakur	09 - 05 - 2005	Monday.
4.	Rath Yatha	08 - 07 - 2005	Friday
5.	Raksha Bandhan	19 - 08 - 2005	Friday
6.	Ganesh Chaturthi	07 - 09 - 2005	Wednesday
7.	Sabe Barat	20 - 09 - 2005	Tuesday
8.	Mahalaya	03 - 10 - 2005	Monday.
9.	Durga Puja (Maha Saptami).	10 - 10 - 2005	Monday.
10.	Kati Bihu	18 - 10 - 2005	Tuesday
11.	Bhatri Dwitia.	03 - 11 - 2005	Monday.

**Occasions fall on Saturday.**

1.	Janmastami	27-08-2005
2.	Viswakarma Puja	17-09-2005

**Occaslons fall on Sunday.**

1.	Netaji's Birthday	23-01-2005
2.	Sree Panchami	13-02-2005
3.	Muharram	20-02-2005
4.	Ram Navami	17-04-2005
5.	Laxmi Puja	16-10-2005
6.	Christmas Day.	25-12-2005

## General Holidays - 2005

Bihar

157 38

Sn.	Occasions	Date	Day
1	Id-Uz-Zoha.	21 - 01 - 2005	Friday.
2	Republic Day.	26 - 01 - 2005	Wednesday
3	Shiva Ratri	08 - 03 - 2005	Tuesday
4	Holi	24 - 03 - 2005	Thursday
5	Good Friday	25 - 03 - 2005	Friday.
6	Prophet Mohammed's Birthday/ Mahavir Jayanti	22 - 04 - 2005	Friday
7	Buddha Purnima	23 - 05 - 2005	Monday
8	Independence Day.	15 - 08 - 2005	Monday
9	Ganesh Chaturthi	07 - 09 - 2005	Wednesday
10	Mahatma Gandhi's Birthday	02 - 10 - 2005	Sunday
11	Durga Puja (Maha Navami).	12 - 10 - 2005	Wednesday
12	Durga Puja (Maha Dashami).	13 - 10 - 2005	Thursday.
13	Kalpuga/Deepawali	01 - 11 - 2005	Tuesday
14	Id-ul-Fitre.	04 - 11 - 2005	Friday.
15	Chhat Puja	07 - 11 - 2005	Monday.
16	Guru Nanak's Birthday	15 - 11 - 2005	Tuesday

### Restricted Holidays - 2005

Sn.	Occasions	Date	Days
1	Makar Sankranti	14 - 01 - 2005	Friday.
2	Guru Rabidas Birthday's	24 - 02 - 2005	Thursday.
3	Chaitra Sankranti	14 - 04 - 2005	Thursday.
4	Rath Yatha	08 - 07 - 2005	Friday
5	Raksha Bandhan	19 - 08 - 2005	Friday
6	Sabe Barat	20 - 09 - 2005	Tuesday
7	Mahalaya	03 - 10 - 2005	Monday.
8	Durga Puja (Maha Astami).	11 - 10 - 2005	Tuesday
9	Kati Bihu	18 - 10 - 2005	Tuesday
10	Bhatri Dwitia ( Bhalduj)	03 - 11 - 2005	Monday.
11	Birthday's of Guru Tag Bahadur	24 - 11 - 2005	Thursday

#### Occasions fall on Saturday.

1.	Janmastami	27-08-2005
2.	Viswakarma Puja	17-09-2005

#### Occasions fall on Sunday.

1.	Netaji's Birthday	23-01-2005
2.	Sree Panchami	13-02-2005
3.	Muharram	20-02-2005
4.	Ram Navami	17-04-2005
5.	Laxmi Puja	16-10-2005
6.	Christmas Day.	25-12-2005

## General Holidays - 2005

### Tripura

39

Sn.	Occasions	Date	Day
1	Id-Uz-Zoha.	21 - 01 - 2005	Friday.
2	Republic Day.	26 - 01 - 2005	Wednesday.
3	Shiva Ratri	08 - 03 - 2005	Tuesday
4	Holi	24 - 03 - 2005	Thursday
5	Good Friday	25 - 03 - 2005	Friday.
6	Biju Festival	14 - 04 - 2005	Thursday.
7	Bengali's New Years Day	15 - 04 - 2005	Friday.
8	Buddha Purnima	23 - 05 - 2005	Monday
9	Independence Day.	15 - 08 - 2005	Monday
10	Mahatma Gandhi's Birthday	02 - 10 - 2005	Sunday
11	Durga Puja (Maha Astami).	11 - 10 - 2005	Tuesday
12	Durga Puja (Maha Navami).	12 - 10 - 2005	Wednesday
13	Durga Puja (Maha Dashami).	13 - 10 - 2005	Thursday.
14	Kalipuja/Deepawali	01 - 11 - 2005	Tuesday
15	Id-ul-Fitre.	04 - 11 - 2005	Friday.
16	Guru Nanak's Birthday	15 - 11 - 2005	Tuesday

### Restricted Holidays - 2005

Sn.	Occasions	Date	Days
1	Makar Sankranti	14 - 01 - 2005	Friday.
2	Chaitra Sankranti	14 - 04 - 2005	Thursday.
3	Prophet Mohammed's Birthday/ Mahavir jayanti	22 - 04 - 2005	Friday
4	Rath Yatra	08 - 07 - 2005	Friday
5	Karchi Puja	14 - 07 - 2005	Thursday
6	Kar Puja	02 - 08 - 2005	Tuesday
7	Sabe Barat	20 - 09 - 2005	Tuesday
8	Mahalaya	03 - 10 - 2005	Monday.
9	Durga Puja (Maha Saptami).	10 - 10 - 2005	Monday.
10	Kati Bihu	18 - 10 - 2005	Tuesday
11	Chhat Puja	07 - 11 - 2005	Monday.

#### Occasions fall on Saturday.

1.	Janmastami	27-08-2005
2.	Viswakarma Puja	17-09-2005

#### Occasions fall on Sunday.

1.	Netaji's Birthday	23-01-2005
2.	Sree Panchami	13-02-2005
3.	Muharram	20-02-2005
4.	Ram Navami	17-04-2005
5.	Laxmi Puja	16-10-2005
6.	Christmas Day.	25-12-2005

*Checked by  
B. M. S.  
A. V.*

*N.F.R.L.Y / New Bongaigaon Stores Depot.*

**GENERAL HOLIDAYS - 2006 (ASSAM)**

SERIAL NO	OCCASIONS	DATE	DAYS
1	Id-Uz-Zoha	11/01/06	Wednesday
2	Republic Day	26/01/06	Thursday
3	Sree Saraswati Puja	03/02/06	Friday
4	Muharram	04/03/06	Thursday
5	Holi	15/03/06	Wednesday
6	Mahabir Jyanti	11/04/06	Tuesday
7	Bohag Bihu	14/04/06	Friday
8	Independence Day	15/08/06	Tuesday
9	Janmastami	16/08/06	Wednesday
10	Tithi of Sri Srimanta Sankardev	25/08/06	Friday
11	Tithi of Sri Madhab Dev	12/09/06	Tuesday
12	Durga Puja (Saptami)	29/09/06	Friday
13	Birthday of Mahatma Gandhi/Dashami	02/10/06	Monday
14	Lakshmi puja	06/10/06	Friday
15	Id-Ul- Fitre	25/10/06	Wednesday
16	Christmas Day	25/12/06	Monday

*5 days 40 week*

**RESTRICTED HOLIDAYS**

1.	Silpi divas	17/01/06	Tuesday
2.	Netaji's Birthday	23/01/06	Monday
3.	Bir Chilarai Divas	13/02/06	Monday
4.	Holi	14/03/06	Tuesday
5.	Tithi of Damodar Dev	28/04/06	Friday
6.	Janmasava of Sri Madhab Dev	12/06/06	Monday
7.	Rakhsa Bandhan	09/08/06	Wednesday
8.	Mahalaya	22/09/06	Friday
9.	Kati Bihu	18/10/06	Wednesday
10.	Bhai Duj	24/10/06	Tuesday
11.	Lachit Divas	24/11/06	Friday

**Occasions Falls on Saturday**

- Makar Sankranti (Magh Bihu) 14/01/06
- Bohag Bihu 15/04/06
- Budha Purnima 13/05/06
- Durga Puja (Maha Astami) 30/09/06
- Diwali/Deepawali 21/10/06
- Chhat Puja 28/10/06

**Occasions Falls on Sunday**

- ❖ Makar Sankranti (Magh Bihu) 15/01/06
- ❖ Maha Sivaratri 15/04/06
- ❖ Durga Puja (Maha Navami) 13/05/06
- ❖ Guru Nanak's Birthday 30/09/06

*Attested by  
Gamin  
Adv.*



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

(Thro: Chief Workshop Manager N. F/Rly/NBQ)

Respected Sir,

Sub: - MEMORANDUM

With due veneration, We the undersigned on behalf of all Unions representing the Railway men workshop in the NBQ Store depot and workshop beg to solicit the privilege to represent the following to your highness to deal with at an appropriate level for justice.

CWM/NBQ has issued a letter No.E/M/122/1/Pl.XI dt.07/01/06 and 07/02/06 regarding holidays to be observed by the store depot of NBQ. It appears from the letters that Hd. Quarters has issued instructions to CWM/NBQ for reduction in the holidays of store staff of NBQ vide your L.No. E/136/16/49-INSP dt. 19/20-05-05. This instruction contradicts Rly. Board's instruction issued in respect of holidays of store depot at NBQ.

The matter of holidays of NBQ was raised in a meeting of DC/JCM held with the Rly. Board vide item No. E(LR) 1/93/JCM 2-4 dt. 08/09/93 addressed to GM(P)/MLG has sent the extract of the minutes drawn which reads as follows.

"Under examination. In case orders have not been physically implemented in N.F Rly. this implementation would be held in abeyance."

Since this was not implemented in NBQ store depot the order has been held in abeyance and NBQ store depot has continued to follow 16 holidays + 2 days Restricted holidays.

This change in holidays is totally arbitrary and in violation of the decision taken in the DC/JCM after 12 years. This is a reduction in number of holidays from 18 days to 15 days.

This arbitrary reduction has created a wide spread resentment and discontentment amongst the Railway men of the NBQ store depot.

As such, we would like to record our strong protest against this anti-labour step.

We therefore urge your active intervention for immediate withdrawal of CWM/NBQ's order and allow continuance of 18 days holidays for the interest of better Industrial relation.

- Copy to: - 1) CPO/MLG  
2) CME/MLG  
3) CWE/MLG  
4) COS/MLG  
5) CWM/NBQ  
6) Dy.CMM/D/NBQ  
7) General Secy. NFREU & NFRMU/NBQ  
8) SC & ST Association  
9) General Secy. PRKP/NBQ  
10) General Secy. OBC/NBQ

for information &  
necessary action please.

Secy./President  
NFRMU/NBQ(WS)

Secy./President  
NFREU/NBQ(WS)

Secy./President  
PRKP/NBQ(WS)

Secy./President  
OBCEA/NBQ

Yours faithfully  
Secy./President  
AISCTEA/NBQ

Accepted by  
Adv.

A general meeting was held on 23.09.06 at 11.15 hrs. under the Presidentship of Shri S. R. Acharjee, DMS-I/NBQ depot by the stores staff of NBQ/BNGN depot at Time Sec/NBQ depot to constituent suit case agst. administration in connection with observation of common holidays with workshop which is not agreeable by the staff despite several warning and pay cut by the administration.

It has been unanimously decided by the staff to constitute a committee for representation of legal activities time to time in connection with case.

The following staff are nominated to run the case accordingly.

1. Shri Atul Ch. Dasumatary, DMS/Admn./NBQ.
2. " Kajal Kanti Dey, DMS/G/NBQ.
3. " G. R. Dasumatary, DMS-I/NBQ. (Chani Ram)
4. " Rabindra Sharma, DMS-II/NBQ.
5. " Braja Gopal Bhattacharjee, DMS-II/BNGN.
6. " Ghanashyam Kalita, DMS-II/NBQ.
7. " Narayan Dey, DMS-III/NBQ.
8. " Ghanashyam Choudhury, OS-II/G/NBQ.
9. " Ranjit Ray, Sr.Clerk/G/NBQ.

Attested by  
[Signature]  
Adv.



# N. F. Railway Mazdoor Union

(Regd. No. : 425)

All India Railwaymen's Federation  
and Hind Mazdoor Sabha

(Recognised by N. F. Railway Administration)

Office of the General Secretary  
P.O. : Guwahati-781012

☎ : 23610/13/16/29 (Rly.), 2571371 (BSNL)  
CEG : 23614, 23426 (Rly.), 2570356 (BSNL)  
FAX : 23426 (Rly.), e-mail : nfrmu@sancharnet.in

Ref. No. : MU/CNRQ.....

Dated : 05.10.06 200

To  
The General Manager (P)  
N. F. Railway, Maligaon  
Guwahati - 11

Dear Sir,

(for attention of Sri M. Dharmalingam, CPO)

Sub: Arbitrary reduction of Holidays in Store Depot of NBQ --- Arbitrary cut in wages.

Ref: This office letter of even number dated 01.09.06.

Your attention is drawn to this office letter cited above. It is noted with dismay that one day wages has been deducted from the salary of the staff of Store Depot NBQ for availing notified Gazetted Holiday on 16.08.06. The Gazetted Holiday for the day was sanctioned for Janmastmi Tithi.

This deduction is in violation of the provisions of Payment of Wages Act, 1936.

Besides as per provisions of Section 9 (A) of Industrial Disputes Act, 1947 read with The Fourth Schedule Item No. 5 any change in holiday is termed as change in service condition, for which due notice is to be given to the staff under due format as per provisions of Industrial Disputes (Central rules) 1957. But no such notice was issued. As such change in number of Holidays made in this case is violative of the provisions of Industrial Disputes Act, 1947 and Rules made there under.

Hence, you are requested to refund the wages deducted illegally already made from the staff and also to restore the number of Holidays being availed by the staff of Store Depot, NBQ all along for better Industrial relation

Yours faithfully

(Rakhal Das Gupta)  
General Secretary.

Copy to:

1. CME/N. F. Railway/MLG (for attention of Sri A. K. Uppadhaya)
2. COS/N. F. Railway/MLG (for attention of Sri P. K. Banerjee)

They are also requested to take steps for refund of the money deducted illegally from the staff of Store Depot, NBQ and also to restore the number of Holidays availed by the staff of Store Depot, NBQ so long.

Yours faithfully

(Rakhal Das Gupta)  
General Secretary.

Copy to:

- ✓ 3. Secretary/NFRMUNBQ

Alleged by  
D. M. N.  
Adv

General Secretary.

- 41 -

(62)

ANNEXURE 6

N. F. Railway

No. E/W/122/1/Pt. XI.

Office of the  
Chief Workshop Manager,  
New Bongaigaon.  
Dt. 21/12/06.

To,  
BY.CME/NBQS, BY.CEE/W/NBQ, BY.CMM/B/NBQ, PSTC/NBQ, CMT/NBQ, WM(C)/NBQ,  
AWM(C)/NBQ, AFE/NBQ, AEE-I/W/NBQ, AEE-II/W/NBQ, AAW/B/NBQ, WAO/NBQ,  
AAJQ/W/NBQ, All SSE's of Mech.&Elec. deptt./NBQ, SSE/Brg./NBQ, Ch.CS/E/  
Mech.&Elec./NBQ, Ch.CS/G/Mech., Elec.&Stores/NBQ, CS-I/E/Stores/NBQ, CS-  
Time office/NBQ, RBA-II/NBQ, CBMS/Adm.&G/NBQ, Canteen Manager/NBQ.

Sub:- Holidays for the calendar year 2007 for all the sta  
working in workshop, offices, departments & includ  
stores depots attached to the NBQ workshop.

Ref:- GM(P)/MLG's I/No. MISC-1748  
E/122/6/Pt. XXI(C), dt. 06/12/2006.

In reference to above with consultation of both the recognized unions  
(NBQ workshop branch) the following 15(fifteen) days are decided to  
observe as common holidays in the calendar year 2007 for all the staff  
working in workshop, offices, departments & stores depot attached to NBQ  
workshop.

SN	Holiday	Date	Days	No. of Day
01.	Id-Ul-Zuha	01.01.2007	Monday	1
02.	Mach Bihu	15.01.2007	Monday	1
03.	Republic Day	26.01.2007	Friday	1
04.	Bohag Bihu	13.04.2007	Friday	2
		14.04.2007	Saturday	
05.	May Day	01.05.2007	Tuesday	1
06.	Buddha Purnima	02.06.2007	wednesday	1
07.	Independence Day	15.08.2007	Wednesday	1
08.	Sankar Dev Tithi	18.09.2007	Thursday	1
09.	Birthday of Mahat- ma Gandhi	02.10.2007	Tuesday	1
10.	Durga Puja (Astami- & Navami)	19.10.2007	Friday	2
		20.10.2007	Saturday	
11.	Diwali	10.11.2007	Saturday	1
12.	Id-Ul-Zuha	21.12.2007	Friday	1
13.	Christmas Day	25.12.2007	Tuesday	1

Total = 15 days.

There is no provision for any unpaid or restricted(optional)  
holidays.

*[Signature]*

*Witnessed by*  
*[Signature]*

Sd/dt. 21.12.06.  
( R. Roy )  
APC/W/NBQ.  
For, CMM/NBQS.

## N. F. RAILWAY MAZDOOR UNION

REGD No: 425 (ASSAM)

Recognised by the N. F. Railway Administration

Affiliated to All India Railwaymen's Federation &amp; Hind Mazdoor Sabha

HEAD OFFICE :- PANDU

BRANCH OFFICE :- NEW BONGAIGAON

Phone :- 23610 (Central Office)

Phone :- 2544 (Rly)

L/NO MU/NBQ/1/18

DATE 28.12.06

To  
Chief Workshop Manager  
N.F. Railway,  
NBQ

Sub:- Holiday for 2007 for workshop including store staff.

Ref:- Your L/No.E/M/122/Pt-XI, dt.21.12.2006.

D/Sir,

This union constrained to bring your notice that the statement made in first line of the letter under reference " with consultation of both the recognized unions( NBQ workshop branch )" is not correct. This union has not agreed to follow 15 days holidays in store deptt. of NBQS in the tripartite meeting held on 20.12.06. Hence this may be corrected accordingly.

This union further record its strong protest against the unilateral decision taken by the administration curtailing the store holidays from 18 days(16 days + 2 days restricted holidays ) to 15 days as circulated vide letter under reference.

This is illegal and violation of Industrial Dispute Act.

As the issue is under active consideration of Railway Board, the store staff may be allowed to avail 16+2 days holidays. as per the holidays list of Administration offices for 2007 circulated vide GM(P)/MLG's L/No.MISC-1748 No. E / 122 / O/ Pt.XXI( C ), dt.5.12.2006 to maintain better Industrial relation.

Yours faithfully

( T.S.Raha )

Br. Secretary

NFRMU / NBQ Workshop Branch

Copy to

1. Dy.CMM/D/NBQS ... for information and necessary action please.
2. GS/NFRMU/PNO ..... for information and necessary action please.

Yours faithfully

( T.S.Raha )

Br. Secretary

NFRMU / NBQ Workshop Branch

Accepted by  
B. Saha  
Adv.



A.R. Sikdar  
B.E. (Civil) LL.B  
Advocate  
Gauhati High Court

- 43 -

**ANNEXURE-7**  
Chamber cum Residence  
New Sarania, Guwahati  
Phone No. - 2666775  
94350 - 14993 (M)

Ref: .....

Date : 15.11.06

PLEADER'S NOTICE

To,

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

Sub :- Prayer for refunding the wages deducted illegally and for restoration of number of holidays availed by the Staff of Store Depot NBQ.

Sir,

Under the instruction of my clients in various groups of Railway men workshop in the NBQ Store Depot and workshop who are represented by the Unions namely NFRMU / NBQ (WS), PRKP / NBQ (WS), OBCEA / NBQ and AISCTEA / NBQ give you this pleader's notice as follows :

1. That my clients beg to state that CWM / NBQ has issued a letter NO.- E / M / 122 / 1 / Pt.-XI dtd 07/01/06 and 07/02/06 Regarding holidays to be enjoyed by the store depot of NBQ. It appears from the letters that Head Quarters has issued instruction to CWM / NBQ for reduction in the holidays of Store staff of NBQ vide your letter No. E / 136 / 16 / 49 - INSP dt 19 / 20 - 05 - 05. This instruction contradicts Railway Board's instruction issued in respect of holidays of store depot at NBQ.
2. That my clients (Unions) beg to state that matter of holidays of NBQ was raised in a meeting of DC / JCM held with the Rly Board vide item No. E (LR) / 1 / 93 JCM 2-4 dtd. 08 / 09 / 93 addressed to the GM (P) MLG : The extract of the minutes reads as follows :

"Under examination. In case order have not been physically implemented in NF Rly. This implementation would be held in abeyance."

Since this was not implemented in NBQ Store depot the order has been held in abeyance and NBQ store depot has continued to follow 16 holidays + 2 restricted holidays.

3. That my clients beg to state that the change in holidays is totally arbitrary and in violation of the decision taken in the DC / JCM after

Accepted by  
[Signature]  
Adv.

12 years. This reduction is from 18 days to 15 days. It is an anti labour step and my clients represented your honour praying for withdrawal of CWM / NBQ's order and allow to enjoy 18 days holidays, but the same is not considered.

4. That my clients further state that one day wages has been deducted from the salary of the staff of store Depot / NBQ for availing notified Gazetted Holidays on 16/08/06 sanctioned for Janmashami Tithi. This deduction is in violation of the provisions of payment of wages Act, 1936. Moreover, Section 9 (A) of Industrial disputes Act, 1947 read with the Fourth Scheduled in item No. 5 provides that any change in holidays is termed as change in service condition for which due notice is to be given to the staff under due format as per provisions of Industrial Dispute (Central Rules) 1957. But no such notice was issued. As such change in number of Holidays made in the case is violative of the provisions of Industrial Dispute Act, 1947, other relevant rules and Act in force. Hence, the deduction of wages is illegal and arbitrary. My clients have prayed for refunding the same by submitting representation dtd. 5/10/06, but no consideration has been paid.

Therefore, you honour has been requested once again to refund the wages deducted from the member of staff represented by my client unions and also to restore the number of holidays as availed earlier by the Staff of Store Depot NBQ by speaking order within a period of 15 days from the date of receipt of this notice, failing which appropriate legal action will be taken for redressal of their grievances for which you will be solely and wholly responsible.

I hope and trust that you will do the needful to avoid litigation.

Yours sincerely,

  
(A.R. Sikdar) 15/11/06

N.B. A copy of this notice is kept in my chamber for future reference.

Copy to :

The Chief Workshop Manager

NF Rly., / NBQ for favour of information.



ADDRESSED TO... The General Manager (C)  
NAME... N. P. Railway  
ADDRESS... Malgaon, Guwahati  
SIGN. OF THE ADDRESSEE... DATE OF DELV...



SENDER'S NAME AND ADDRESS

From: A R Sikdar, Advocate  
Near Masjid,  
Need Sarania, Gandhibasti  
Guwahati -



Delivered by  
Sikdar